



NMUN • NY

ECONOMIC AND SOCIAL COUNCIL PLENARY

BACKGROUND GUIDE 2011

WRITTEN BY: Rachel Johnson, Stefanie Jachimiak, Rubai Aurora and Martina Klicnarova



NATIONAL MODEL UNITED NATIONS
nmun.org

CONTACT THE NMUN

Please consult the FAQ section of 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 2011 Important Dates

IMPORTANT NOTICE: To make hotel reservations, you must use the forms at 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!**

SHERATON	MARRIOTT	DESCRIPTION
31 January 2011	31 January 2011	<ul style="list-style-type: none"> • Confirm Attendance & Delegate Count. (Count may be changed up to 1 March) • Make Transportation Arrangements - DON'T FORGET! (We recommend confirming hotel accommodations prior to booking flights.)
15 February 2011	15 February 2011	<ul style="list-style-type: none"> • Committee Updates Posted to www.nmun.org
1 March 2011	1 March 2011	<ul style="list-style-type: none"> • 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. • Any Changes to Delegate Numbers Must be Confirmed to: outreach@nmun.org • Preferred deadline for submission of Chair / Rapp applications to Committee Chairs • 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.
15 March 2011	15 March 2011	<ul style="list-style-type: none"> • Two Copies of Each Position Paper Due via E-mail (See Delegate Preparation Guide for instructions).
NATIONAL MODEL UNITED NATIONS		The 2011 National Model UN Conference <ul style="list-style-type: none"> • 17 - 21 April – Sheraton New York • 19 - 23 April – New York Marriott Marquis The 2012 National Model UN Conference <ul style="list-style-type: none"> • 1 - 5 April – Sheraton New York • 3 - 7 April – New York Marriott Marquis

POSITION PAPER INSTRUCTIONS

Two copies of each position paper should be sent via e-mail by 15 MARCH 2011

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 15 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
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ECOSOC Plenary	ecosoc.sheraton@nmun.org
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Commission on the Status of Women	csw.sheraton@nmun.org
Economic and Social Commission for Asia and the Pacific	escap.sheraton@nmun.org
Economic and Social Commission for Western Asia	escwa.sheraton@nmun.org
United Nations Environment Programme	unep.sheraton@nmun.org
United Nations Population Fund	unfpa.sheraton@nmun.org
United Nations Children's Fund.....	unicef.sheraton@nmun.org
World Intellectual Property Organization	wipo.sheraton@nmun.org
African Development Bank	afdb.sheraton@nmun.org
Group of 20.....	g20.sheraton@nmun.org
Organization of American States	oas.sheraton@nmun.org
Organization for Security and Co-operation in Europe.....	osce.sheraton@nmun.org
Security Council.....	sc.sheraton@nmun.org
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International Court of Justice.....	icj.sheraton@nmun.org
Non-Proliferation Treaty Review Conference	npt.sheraton@nmun.org

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ECOSOC Plenary	ecosoc.marriott@nmun.org
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Commission on the Status of Women	csw.marriott@nmun.org
Economic and Social Commission for Asia and the Pacific	escap.marriott@nmun.org
Economic and Social Commission for Western Asia	escwa.marriott@nmun.org
United Nations Environment Programme	unep.marriott@nmun.org
United Nations Population Fund	unfpa.marriott@nmun.org
United Nations Children's Fund.....	unicef.marriott@nmun.org
World Intellectual Property Organization	wipo.marriott@nmun.org
African Development Bank	afdb.marriott@nmun.org
Group of 20.....	g20.marriott@nmun.org
Organization of American States	oas.marriott@nmun.org
Organization for Security and Co-operation in Europe.....	osce.marriott@nmun.org
Security Council.....	sc.marriott@nmun.org
Security Council 2.....	sc2.marriott@nmun.org
International Court of Justice.....	icj.marriott@nmun.org
Non-Proliferation Treaty Review Conference	npt.marriott@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
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Dear Delegates,

Welcome to the 2011 National Model United Nations (NMUN)! We are very pleased to be serving as your Directors and Assistant Directors for the Economic and Social Council (ECOSOC) Plenary at the Sheraton and Marriott Venues this spring. We would like to introduce ourselves, as we will be your first contacts for any questions or suggestions you may have in the months leading up to as well as during the conference.

Rachel Johnson, Director at the Sheraton venue, graduated from Sonoma State University with a BA in Global Studies. She is currently living and working in California as a Campaign Communications Associate with the California Labor Federation. This is her sixth NMUN conference and fifth time as a member of staff. Her Assistant Director, Rubai Aurora graduated from the University of Washington, Seattle with a BA in Political Science in 2009 and most recently worked as a research assistant with the PeaceWomen Project at UN Headquarters in New York City. This is her fifth consecutive year doing MUN and fourth year serving on a collegiate level conference staff.

Stefanie Jachimiak, Director at the Marriott venue, graduated from The George Washington University with a Master of Arts in International Affairs with a focus on Latin America. This is her sixth NMUN conference, and fourth time as a member of staff. Her Assistant Director, Martina Klicnarova is currently studying towards a Master's degree in International Relations at the University of Cambridge, UK and specializes in the issues of peacebuilding and development.

This year's topics are:

1. Providing economic and social services for victims of conflict, for internally displaced persons and refugees
2. Addressing the humanitarian needs of Haiti's displaced
3. Sexual orientation, gender identity and international human rights

The ECOSOC Plenary constitutes the platform for the discussion of international economic and social issues and Member States are dedicated to finding solutions for occurring or anticipated problems. Delegates have the responsibility to apply available resources wisely and with respect to internationally diverse needs. These tasks require profound knowledge of the role of the council, economic coherences, and their social consequences.

Given the long period of time until the conference starts, the topics of your committee are likely to be affected by current events. This guide was written to give delegates a basic understanding of the topics and provide a springboard for future research. We strongly advise delegates to take initiative and periodically review publications such as BBC, Reuters, The Economist and others to stay updated on the most current events affecting Member States as well as the topics to be discussed at NMUN 2011.

Every delegation is required to submit a position paper prior to attending the conference. NMUN will accept position papers via e-mail March 15, 2011 Eastern Standard Time (GMT-5). 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 ECOSOC Plenary will be a combination of both challenging and rewarding experiences. We understand the demanding nature of preparing for your committee at NMUN. Please do not hesitate to ask your Director any questions you may have. With a high-level of effort and excitement, we are confident that the NMUN 2011 Economic and Social Council Plenary session will be a success. Good luck in the coming months as you prepare for the conference. We look forward to meeting all of you and working with you in New York!

Sincerely yours,

Sheraton Venue
Rachel Johnson, Director
Rubai Aurora, Assistant Director
ecosoc.sheraton@nmun.org

Marriott Venue
Stefanie Jachimiak, Director
Martina Klicnarova, Assistant Director
ecosoc.marriott@nmun.org

Message from the Directors-General Regarding Position Papers for the 2011 NMUN Conference

At the 2011 NMUN New York Conference, each delegation submits one position paper for each committee it is assigned to. Delegates should be aware that their role in each committee impacts 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 fine 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 establish precise policies and recommendations in regard to 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 material that is entirely original. ***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 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 1 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) **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, 2010. 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 or 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 15, 2010 (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 Holger Baer, Director-General, Sheraton venue, or Brianna Johnston-Hanks, Director-General, Marriott venue at 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 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
Holger Baer
Director-General
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Marriott Venue
Brianna Johnston-Hanks
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briannaj@nmun.org

Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. While delegates are encouraged to use the front and back of a single page in order to fully address all topics before the committee, please remember that only a *maximum* of one double-sided page (or two pages total in an electronic file) will be accepted. Only the first double-sided page of any submissions (or two pages of an electronic file) will be considered for awards.

Delegation from
Canada

Represented by
(Name of College)

Position Paper for General Assembly Plenary

The topics before the General Assembly Plenary are: Breaking the link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

I. Breaking the link between Diamonds and Armed Conflict

Canada endorses the Kimberly Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. We believe the Kimberly Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourage all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberley Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. We call upon participating States to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberley Process and ensure full transparency and self-examination of domestic diamond industries. We draw attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urge Member States to consider these programs in developing the type of domestic regulatory frameworks called for in A/RES/55/56. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberly Process and encourages States to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in A/RES/58/290. We urge Member States to act in accordance with A/RES/60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberly Process of Artisanal Alluvial Producers. Canada calls upon States and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing States.

II. The Promotion of Alternative Sources of Energy

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as exemplified through our Turning Corners Report and Project Green climate strategies. We view the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Control (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations to Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. We emphasize the need for Member States to follow the recommendations of the 2005 Beijing International Renewable Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views

dissemination of technology information called for in the 2007 Group of Eight Growth and Responsibility in the World Economy Declaration as a vital step in energy diversification from conventional energy generation. We call upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to our \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages States to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies. We call upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada urges States to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into State specific strategies called for in A/62/419/Add.9 will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African States to achieve Target 8 of Goal 6 of the MDGs by 2015. We recommend Member States cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement A/RES/61/228, Canada believes developed States must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. We urge Member States to support compulsory licensing for essential generic medicines by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the Malaria Vaccine Initiative. We emphasize the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits.

Committee History for the Economic and Social Council Plenary

Introduction

The Economic and Social Council (ECOSOC) is one of the six principal organs of the United Nations (UN) and as such it was established with the Chapter X of the Charter of the UN in 1945.¹ Its task was to oversee and coordinate the activities of the UN in the economic and social sphere.² With a rather weak mandate for such a demanding task, it could only issue recommendations to the vast number of specialized agencies and funds that it was supposed to coordinate.³ As a response to the critics, the ECOSOC was strengthened and the parameters of its mandate broadened over time, to now include issuing policy recommendations, tackling humanitarian emergencies and peacebuilding.⁴

History of the ECOSOC

The economic and social sphere of the UN was set up decentralized on purpose, as the founders of the UN wanted to make sure that the work of specialized agencies could continue, even if the whole UN System collapsed, as did the League of Nations, its predecessor.⁵ The decentralization however had some serious shortcomings.⁶ The agencies had overlapping mandates, which led to waste of resources and sometimes even difference in position of the same state on the same issue in a different agency.⁷ This problem became more visible with the increase of needs and scope of international economic and social activities after the World War II.⁸ The ECOSOC faced another challenge. The ECOSOC and the Second and Third committees of the UN General Assembly (UN GA) shared a responsibility to issue policy recommendations in the economic and social field and their conflicting recommendations often lead to confusion.⁹

As a result, the ECOSOC strives to find more effective ways in coordinating the social and economic activities of the UN.¹⁰ There were numerous reports, initiatives and UN GA resolutions that aimed to tackle those issues.¹¹ The UN GA resolution 32/197 of 1977 “Restructuring of economic and social sectors of the United Nations System”, was the first attempt to make the ECOSOC more effective and called for better coordination between the ECOSOC and its subsidiary bodies.¹² The UN GA resolution 50/227 of 1995 tried to solve the problems arising from the shared responsibility of the UN GA and the ECOSOC by “expressly assigning the policy-guidance role to the General Assembly and putting emphasis on the coordination role of the ECOSOC,” this interpretation was confirmed by the UN GA resolution 57/270B of 2002.¹³

The most significant changes to the ECOSOC came at the 2005 World Summit, where two new mechanisms for better coordination of economic and social field of the UN were set up: the Annual Ministerial Review (AMR) and the Development Cooperation Forum (DCF).¹⁴ Also, the scope of the ECOSOC’s work broadened to include humanitarian emergencies and close cooperation with the Peacebuilding Commission in addressing peacebuilding.¹⁵ These changes were later adopted by the UN GA resolution 61/16 of 2006 on “Strengthening of the Economic and

¹ United Nations, *Charter of the United Nations*, 1945, Chapter X.

² United Nations, *Charter of the United Nations*, 1945, Chapter X.

³ Taylor, 2000, *Managing the Economic and Social Activities of the United Nations System*, p.101.

⁴ United Nations General Assembly, 2006, *Resolution 61/16*, p.4-5.

⁵ Taylor, 2000, *Managing the Economic and Social Activities of the United Nations System*, p.102.

⁶ Taylor, 2000, *Managing the Economic and Social Activities of the United Nations System*, p.107.

⁷ Taylor, 2000, *Managing the Economic and Social Activities of the United Nations System*, p.107.

⁸ Taylor, 2000, *Managing the Economic and Social Activities of the United Nations System*, p.109.

⁹ Rosenthal, 2005, *The Economic and Social Council of the United Nations*, p.14.

¹⁰ Rosenthal, 2005, *The Economic and Social Council of the United Nations*, p.16.

¹¹ For a table that summarizes all reports, resolutions and other initiative that are related to the reform of ECOSOC, please see Rosenthal, 2005, *The Economic and Social Council of the United Nations*, p.17.

¹² Rosenthal, 2005, *The Economic and Social Council of the United Nations*, p.19.

¹³ Rosenthal, 2005, *The Economic and Social Council of the United Nations*, p.20.

¹⁴ United Nations General Assembly, 2006, *Resolution 61/16*, p.4-5.

¹⁵ United Nations General Assembly, 2006, *Resolution 61/16*, p.4-5.

Social Council".¹⁶ The AMR's objective is to assess progress in achieving the internationally agreed development goals.¹⁷ The AMR session, which takes place during the ECOSOC annual session, consists of review of development goals and series of national voluntary presentations.¹⁸ Participants include Member States, UN System Organizations and other major institutional stakeholders, as well as non-governmental organizations (NGOs), private sector representatives and academics.¹⁹ The DCF, which works on a similar basis as the AMR, provides a platform for Member States to exchange expertise and provides policy guidance and recommendations to improve the quality and impact of development cooperation.²⁰ The AMR and DCF have agenda on its own. For example, the AMR 2010 was on the issue of gender equality.²¹ The establishment of AMR and DCF re-affirmed the role of the ECOSOC as a body that issues policy recommendations.

The ECOSOC Today

The number of the ECOSOC's members increased over time, to match the increase in the number of UN Member States. Originally, the ECOSOC had 18 Members, but in 1963 the number was increased to 28 by the UN GA resolution 1991/XVIII of 1963 and again in 1971 to the current number. Members of 54 by the UN GA resolution 2847/XXVI 'Enlargement of the Economic and Social Council'.²² Every year one third of the ECOSOC's Members are elected by the GA for a three year term and are distributed in accordance with the geographical position of the applicants in order to achieve equal representation from all continents: fourteen are allocated to African States, eleven to Asian States, six to Eastern European States, ten to Latin American and Caribbean States, and thirteen to Western European and other States.²³ All States are eligible for re-election again immediately after their term expires.²⁴

Currently, the ECOSOC coordinates the work of 14 specialized agencies and has eleven funds and programs report to it.²⁵ It also oversees the work of its subsidiary bodies, cooperates with the Peacebuilding Commission, and provides access point of NGOs to the UN System.²⁶ The ECOSOC has nine functional commissions: the Statistical Commission, the Commission on Population and Development, the Commission for Social Development, the Commission on the Status of Women, the Commission on Narcotic Drugs, the Commission on Crime Prevention and Criminal Justice, the Commission on Science and Technology for Development, the Commission on Sustainable Development, and the United Nations Forum on Forests, and five regional commissions: the Economic Commission for Africa (ECA), the Economic and Social Commission for Asia and the Pacific (ESCAP), the Economic Commission for Europe (ECE), the Economic Commission for Latin America and the Caribbean (ECLAC), and the Economic and Social Commission for Western Asia (ESCWA).²⁷

In addition there are other subsidiary bodies, some focus on procedural issues and others are composed of governmental experts or composed of members serving in their personal capacity.²⁸ Through its functional commissions, the ECOSOC is addressing a wide range of issues: development, gender, drugs, development and technology as well as prevention of crime, and through its regional commissions it deals with regional issues.²⁹ The ECOSOC substantive session is once a year in July and the year-round work of the Council is carried out by its

¹⁶ United Nations General Assembly, 2006, *Resolution 61/16*.

¹⁷ *New Functions of ECOSOC*, United Nations Economic and Social Council website, 2010.

¹⁸ *Annual Ministerial Review*, United Nations Economic and Social Council website, 2010.

¹⁹ *Annual Ministerial Review*, United Nations Economic and Social Council website, 2010.

²⁰ *New Functions of ECOSOC*, United Nations Economic and Social Council website, 2010.

²¹ *AMR 2010*, United Nations Economic and Social Council website, 2010.

²² Rosenthal, 2005, *The Economic and Social Council of the United Nations*, p.10.

²³ United Nations, *Charter of the United Nations*, 1945, Chapter X, Article 61.1-2; *ECOSOC Members*, United Nations Economic and Social Council website, 2010.

²⁴ United Nations, *Charter of the United Nations*, 1945, Chapter X, Article 61.2.

²⁵ *Background information*, United Nations Economic and Social Council website, 2010.

²⁶ *Background information*, United Nations Economic and Social Council website, 2010, n/a; United Nations General Assembly, 2006, *Resolution 61/16*, p. 5; NGO Branch website, 2010.

²⁷ *Subsidiary Bodies of ECOSOC*, United Nations Economic and Social Council website, 2010.

²⁸ For a detailed overview of all ECOSOC's subsidiary bodies, please see *Subsidiary Bodies of ECOSOC*, United Nations Economic and Social Council website, 2010.

²⁹ *Subsidiary Bodies of ECOSOC*, United Nations Economic and Social Council website, 2010.

subsidiary and related bodies.³⁰ The ECOSOC's subsidiary bodies hold their own sessions and produce recommendations, and their work is assessed by the ECOSOC during the substantive session.³¹

The ECOSOC has another important role in the current UN system. It facilitates the participation of various NGOs in the UN system, a role which is outlined in the Article 71 of the UN Charter.³² The first time a NGO took a role in formal UN deliberations was already in 1946.³³ The relationship between the ECOSOC and the NGOs was strengthened in 1996 by the ECOSOC resolution 1996/31 of 1996 "Consultative relationship between the UN and non-governmental organizations".³⁴ Overall, around 3,200 NGOs have the consultative status with the ECOSOC.³⁵ They provide an important alternative and unheard voice and became an important part of the UN System.³⁶

Conclusion: Achievements and Challenges

The work of the ECOSOC is very challenging as its mandate is not always sufficient to fulfill its task to coordinate the work of the UN in the economic and social field and to issue policy recommendation. The changes agreed upon at the 2005 World Summit were a step in the right direction, as they enable the ECOSOC to provide a forum to discuss international development goals and development cooperation more effectively.³⁷ Despite the difficulties, the ECOSOC has had some significant achievements. As was shown above, it managed to reform itself and prepared itself to better face the challenges of the new millennium. It is also very successful in providing entry point for NGOs. "It also must be said that the Council has demonstrated enough strengths over its lifetime to continue functioning, and to even have experienced a moderate reactivation since the mid-1990s. In fact, compelling arguments have been made over the years, and even quite recently, in defense of the ECOSOC, its subsidiary bodies, and the usefulness of their work."³⁸ Moreover, with non-military security threats gaining increased importance, the ECOSOC might have an important role to play in the maintenance peace and security in the future.³⁹

I. Providing economic and social services for victims of conflict, for internally displaced persons and refugees

Introduction

The year 2009 saw the highest number of internally displaced persons (IDPs) and refugees due to violent political conflict since the mid-1990s.⁴⁰ The conflicts that are producing 90% of the world's displacement and population crises are not limited to one region or continent. For example, in Pakistan's north-western regions over three million individuals are displaced as a result of violent clashes between Taliban militants and government forces. Additionally, a civil war in Sri Lanka produced over 280,000 internally displaced persons between 2008 and 2009 alone.⁴¹ In Central Africa, years of attacks by various militia groups and government forces in the Darfur region of Sudan have not only displaced hundreds and thousands of people internally but lead to a mass exodus of its people to neighboring nations such as Tanzania.⁴² In many cases, it has become the responsibility of the host nation to incorporate the socio-economic needs of refugees within its borders when they are unable to return to their home country.⁴³ For example, Afghanistan has very limited socio-economic resources to reintegrate its displaced populations, and therefore discourages people from attempting to return back to their homes.⁴⁴ Countries that

³⁰ ECOSOC FAQs, United Nations Economic and Social Council website, 2010.

³¹ Background information, ECOSOC, United Nations Economic and Social Council website, 2010.

³² United Nations, *Charter of the United Nations, 1945*, Chapter X, Article 71.

³³ United Nations Department of Economic and Social Affairs, NGO Branch website, 2010

³⁴ United Nations Department of Economic and Social Affairs, NGO Branch website, 2010

³⁵ United Nations Department of Economic and Social Affairs, NGO Branch website, 2010

³⁶ Stephenson, 2000, *NGOs and the Principal Organs of the United Nations*, p.292.

³⁷ Fasulo, 2009, *An Insider's Guide to the UN*, p.75.

³⁸ Rosenthal, 2005, *The Economic and Social Council of the United Nations*, p.29.

³⁹ Breen, 2007, *The Necessity of a Role for the ECOSOC in the Maintenance of International Peace and Security*, p.261.

⁴⁰ Albuja, *Internal Displacement; Global Overview of Trends and Developments in 2009*, 2010, p. 11.

⁴¹ Albuja, *Internal Displacement; Global Overview of Trends and Developments in 2009*, 2010, p. 11.

⁴² Albuja, *Internal Displacement; Global Overview of Trends and Developments in 2009*, 2010, p. 11.

⁴³ Long, *Home alone? A review of the relationship between repatriation, mobility and durable solutions for refugees*, 2010, p. 12.

⁴⁴ Long, *Home alone? A review of the relationship between repatriation, mobility and durable solutions for refugees*, 2010, p. 12.

provide resettlement need to address the specialized needs of refugees.⁴⁵ For example, refugee resettlement needs include services for integration such as family reunification.⁴⁶ Another area that is in need of attention is the provision of basic needs that are often overlooked as a necessity, such as the availability of cash and methods of transportation.⁴⁷ In both situations, whether the refugee is to return to its home country or resettle, there is a significant need for adequate resources to support a livelihood.⁴⁸ The term “victims of conflict” can span over many groups, however for the purpose of this discussion, the term ‘victims of conflict’ will refer to those groups of people who fall under the classification of a “refugee” or “internally displaced person”.⁴⁹

International Framework

The Universal Declaration of Human Rights (1948) specifically defines and outlines the rights under which a refugees or IDPs are governed under. The call for the right to education and the right to participate in the culture of a community are examples of rights that can be protected through the provision of economic and social services.⁵⁰ The document also states that countries party to the International Covenant on Economic, Social and Cultural Rights are required to protect those rights of persons under their jurisdiction, including IDPs and refugees.⁵¹

The modern definition of a refugee is rooted in the foundational document, the 1951 Convention Relating to the Status of Refugees:

As a result of events occurring before 1 January 1951 and owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is out- side the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.⁵²

The terms “events occurring before January 1951” reference specific events that occurred in Europe, and prompted the expansion of the definition of the term ‘refugee’ in two documents, the Protocol Relating to the Status of Refugees (1967) and General Assembly Resolution 2198 (1966). Both documents acknowledge the variation of groups politically persecuted since 1951 and include refugee status to victims of conflict beyond residents of the continent of Europe and included conflicts after 1951.⁵³ In addition, the United Nations High Commissioner for Refugees’ International Protection Mandate extends the definition to those persons who are residing outside or unable to return to their country of nationality due to severe threats to their life or physical wellbeing.⁵⁴ Article 18 of the 1951 Convention relating to the Status of Refugees outlines the importance of the right to “self-employment.” In addition, Article 22 states the host nation’s responsibility in providing an elementary level of education for refugees, and Article 24 states a responsibility to provide social security services.⁵⁵

On a regional level, the 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa contains a clause in its preamble that acknowledges the relevance of the human rights outlined in the United Nations Charter (1945) and the Universal Declaration of Human rights (1948).⁵⁶ Additionally, the Cartagena Declaration (1984), which focuses on the refugee situations in Latin America, includes a reference to the necessity of the development of initiatives that are aimed at increasing the “self-sufficiency” of refugees.⁵⁷

⁴⁵ Long, *Home alone? A review of the relationship between repatriation, mobility and durable solutions for refugees*, 2010, p. 12.

⁴⁶ UNHCR, *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, 2002, p. 13.

⁴⁷ UNHCR, *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, 2002, p. 103.

⁴⁸ Long, *Home alone? A review of the relationship between repatriation, mobility and durable solutions for refugees*, 2010, p. 12.

⁴⁹ UNHCR, *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, 2002, p. 103.

⁵⁰ UNHCR, *Refugee Status Determination Identifying who is a refugee*, 2005, p. 18.

⁵¹ UNHCR, *Refugee Status Determination Identifying who is a refugee*, 2005, p. 18.

⁵² UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 2007, p. 13.

⁵³ UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 2007, p. 13.

⁵⁴ UNHCR, *Refugee Status Determination Identifying who is a refugee*, 2005, p. 12.

⁵⁵ UNHCR, *Convention and Protocol Relating to the Status of Refugees*, 2007, p. 24.

⁵⁶ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 1969, p. 2.

⁵⁷ Colloquium, *Cartagena Declaration on Refugees*, 1984, p. 1.

Although many early international legal texts, such as the 1948 Geneva Conventions, protect the rights of IDPs, the official definition of the term “Internally Displaced Persons” was not formalized until 1998, under the Guiding Principles on Internal Displacement.⁵⁸ The document defines IDPs as:

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.⁵⁹

The 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also known as the Kampala Convention) stipulates that states party to the Convention are responsible for the protection of the rights of IDPs within their borders.⁶⁰ The Kampala Convention addresses many aspects regarding the issue of IDPs, from the root causes of internal displacement to the provision of services for IDPs. Article 9 titled “Obligations of States Parties Relating to Protection and Assistance During Internal Displacement” draws attention to the importance of the provision of social services to displaced populations beyond the basics of food and water.⁶¹ Although it does not detail the suggested provisions, Article 9 does accentuate the necessity for psychosocial support to victims of sexual violence and places an increased awareness on gender sensitive policy.⁶²

ECOSOC substantive sessions have emphasized the importance of socio-economic support of refugees and internally displaced persons through the adoption of various resolutions over the years. Clauses and specific recommendations regarding refugees are often integrated in encompassing documents addressing specific regions such as Central Africa, or focus on the thematic issues such as the advancement of women in conflict affected areas. For example, adopted in 2006, Resolution 2006/13 on the “Assessment of the ad hoc advisory groups of the Economic and Social Council on African countries emerging from conflict” emphasizes the importance of economic and social development in the projects of “relief, rehabilitation, reconstruction and development.”⁶³ More recently, the 2009 Resolution on the “Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory,” not only recalls the importance of adhering to the International Covenant on Economic, Social and Cultural Rights and but also specifically addresses the importance of socio-economic stability and support for the wellbeing of the displaced Palestinian people.⁶⁴ In addition, the 2006 Resolution on Strengthening of the coordination of emergency humanitarian assistance of the United Nations outlines the relationship between immediate response mechanisms and long-term rehabilitation.⁶⁵ The resolution also stated the necessity for Member states to develop mechanisms within government agencies and relief organizations such as the International Red Cross to provide support towards “long-term development”.⁶⁶

United Nations System Involvement

The United Nations, through its agencies, has been involved in providing services to refugees since its establishment. The first agency, the UN Relief and Works Agency (UNRWA) was established in response to the Arab-Israeli war of 1948.⁶⁷ UNRWA continues to provide aid and services, including education and other social services, to Palestinian refugees living in the West Bank, Gaza Strip and in neighboring nations.⁶⁸

The Office of the UN High Commissioner for Refugees was established in 1951 to assist the large individuals

⁵⁸ Bushra and Fish, *Refugees and Internally Displaced Persons*, 2005, p. 5.

⁵⁹ Office for the Coordination of Humanitarian Affairs, *Guiding Principles on Internal Displacement*, 2004, p. 5.

⁶⁰ Office for the Coordination of Humanitarian Affairs, *Guiding Principles on Internal Displacement*, 2004, p. 5.

⁶¹ Office for the Coordination of Humanitarian Affairs, *Guiding Principles on Internal Displacement*, 2004, p. 5.

⁶² African Union, *Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, 2009, p. 13.

⁶³ ECOSOC, *Assessment of the ad hoc advisory groups of the Economic and Social Council on African countries emerging from conflict (2006/13)*, 2006, p. 1.

⁶⁴ ECOSOC, *Strengthening of the coordination of emergency humanitarian assistance of the United Nations (2009/3)*, 2009, p. 1.

⁶⁵ ECOSOC, *Strengthening of the coordination of emergency humanitarian assistance of the United Nations (2009/3)*, 2009, p. 2.

⁶⁶ ECOSOC, *Strengthening of the coordination of emergency humanitarian assistance of the United Nations (2009/3)*, 2009, p. 2.

⁶⁷ Bushra and Fish, *Refugees and Internally Displaced Persons*, 2005, p. 6.

⁶⁸ Bushra and Fish, *Refugees and Internally Displaced Persons*, 2005, p. 6.

displaced as a result of World War II.⁶⁹ The UNHCR mandate has expanded to cover the needs of all refugees across the globe, as well as the needs of internally displaced persons at the special request of the UN Secretary General.⁷⁰ However, the primary responsibility in the UN system on issues regarding IDPs goes to the Office for the Coordination of Humanitarian Affairs (OCHA), including policy development and coordination relief efforts.⁷¹ The United Nations agencies are increasingly restricted when issuing response systems for conflicts involving IDPs because of the territorial boundaries. The challenge is that IDPs fall predominately under the jurisdiction of their own nations, therefore creating a conflict of authority due the importance of state sovereignty regarding internal conflicts.⁷²

Social and Economic Services in Refugee and Internally Displaced Persons Camps

The UNHCR has defined its shift in focus towards economic and social services for refugees and IDPs as a shift towards “community services.”⁷³ A key aspect of these services is to increase the ability of self-reliance and development by the displaced community themselves, as well as ensure long-term sustainability while also considering the importance of gender sensitivity.

In collaboration with the UNHCR, a number of partnering UN agencies have developed projects and strategies geared towards combating the variety of social and economic needs of those in refugee and IDP situations. The World Food Programme (WFP), also in collaboration with the Fuel and Firewood Program of the Women’s Refugee Commission implemented an initiative to address the specific needs of women’s security in IDP camps when they are collecting firewood and using cooking fuel.⁷⁴ Many women in camps rely on the ability to collect firewood as a source of livelihood. The initiative identifies protection measures for women vulnerable to attacks during their attempts to collect firewood. In addition, developing alternative fuel sources diversified the sources and methods for cooking food. The initiative also promoted the use of liquid petroleum gas (LPG) or ethanol by distributing stoves burners for those internally displaced in Haiti.⁷⁵

The World Health Organization (WHO) and the UNHCR have developed an extensive strategy guide to addressing the mental health concerns surrounding the resettlement of refugees and the psychosocial support of IDPs and refugees in camp settings. These projects go beyond providing basic food and shelter and work towards providing tools and methods to deal with emotional complications such as post-traumatic stress disorder. The guidelines and initiatives being implemented by the WHO and its partner organizations address the different needs of individual groups, including a specific response to the mental health of women victims of conflict.⁷⁶

Re-integration and resettlement of refugees and IDPs beyond basic needs

The UNHCR has developed a handbook on refugee resettlement. This document not only outlines the necessities of providing basic needs such as housing and food, but the development of self-sustainability and economic prosperity programs.⁷⁷ Examples of promoted initiatives include the development of social support services. This includes “family reunion” programs, where agencies provide logistical support in reuniting family members who may have been separated. Local “social connection” services are also promoted by the UNHCR in resettlement nations. These efforts include aiding new refugee communities by making connections with established refugee communities and families. The economic self-sufficiency efforts are routed in providing educational services that can increase refugee population’s chances of entering the workforce of their host nations.⁷⁸

Civil society organizations (CSOs), non-governmental organizations (NGOs) and other aid agencies outside the UN system provide a variety of services for refugee and IDP populations including resettlement and rehabilitation

⁶⁹ Bushra and Fish, *Refugees and Internally Displaced Persons*, 2005, p. 6.

⁷⁰ Bushra and Fish, *Refugees and Internally Displaced Persons*, 2005, p. 6.

⁷¹ Bushra and Fish, *Refugees and Internally Displaced Persons*, 2005, p. 6.

⁷² Bushra and Fish, *Refugees and Internally Displaced Persons*, 2005, p. 6.

⁷³ UNHCR, *Community Services in UNHCR an Introduction*, 1996, p. 1.

⁷⁴ World Food Programme, *Cooking Fuel Needs in Haiti: A Rapid Assessment*, 2010, p. 8.

⁷⁵ World Food Programme, *Cooking Fuel Needs in Haiti: A Rapid Assessment*, 2010, p. 8.

⁷⁶ World Health Organization, *Mental Health of Refugees* 1996, p. 76.

⁷⁷ UNHCR, *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, 2002, p.12.

⁷⁸ UNHCR, *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, 2002 p. 12.

efforts. Organizations such as the International Committee of the Red Cross (ICRC) and Save the Children work to provide basic and immediate needs such as medical services and shelter. Organizations such as Refugees International and the Women's Refugee Commission conduct valuable and agenda setting research, in addition to advocating for policy change at an international and national level. These organizations play an important role in developing support for and awareness of situations faced by the victims of conflict.⁷⁹ Local organizations in resettlement nations including the United States provide social services for newly immigrated refugees. Organizations such as World Relief work in urban settings to provide specific support in securing adequate housing, education and legal services.⁸⁰

In 2008, ECOSOC produced a resolution entitled "Strengthening of the Non-Governmental Organizations Section of the Department of Economic and Social Affairs of the United Nations Secretariat"⁸¹. This resolution focused on the importance of durable relationships between the Council and its advisory NGOs and emphasized the necessity of providing support to civil society in order to properly carry out its mandate.⁸² The 2008 resolution is a continuation of the effort to increase civil society participation in the UN Secretariat and agency mandates established by Economic and Social Council resolution 1996/31.⁸³

Case Study: Burundi

In 2006 the Economic and Social Council Ad Hoc Advisory Group on Burundi issued a report (E/2004/11) on the status of development efforts on the post-conflict reconstruction of Burundi in order to assess the socio-economic needs of the country.⁸⁴ Burundi's displaced population is the result of over a decade of political and ethnic conflict. These conflicts have produced the highest number of displaced persons in Africa, and also resulted in extreme poverty and slow development.⁸⁵ Burundi is classified as a Least Developed Country (LDC) and is not expected to reach its Millennium Development Goals (MDG) without significant international aid.⁸⁶

Since the signing of the peace agreement "Protocols on political, defense and security power-sharing" in 2003, the level of instability and political violence has drastically decreased. This has allowed the issue of resettlement and reintegration to become a top priority on the agenda for post-conflict and peace building.⁸⁷ According to the report the economic and social stability is in desperate need of revitalization. ECOSOC reported, "over 70 percent of the internally displaced persons living in camps have no access to the minimum daily requirement of drinking water and food."⁸⁸ The consequences of years of violent armed conflict left many communities without the ability to provide for themselves. In addition, a high percentage of women have become the sole providers for their families resulting in a clear need to not only address general issues of IDPs, but to do so in a way that supports gender specific issues.⁸⁹

The 2006 report outlined that Burundi has over 281,000 IDPs in addition to hosting 30,000 refugees from the Democratic Republic of Congo, while over 700,000 Burundians live as refugees in foreign countries.⁹⁰ Based on the finding that Burundi's population's overwhelming occupation is in rural development, ECOSOC identified the resettlement of these displaced persons as an important aspect of the revitalization of Burundi's agricultural sector, specifically its production of coffee as essential to addressing the socio-economic needs of Burundi's internally displaced population.⁹¹

The Ad Hoc Advisory Group on Burundi reported that over 70 per cent of the habitants of UN agency supported

⁷⁹ UNHCR, *Refugee Resettlement: An International Handbook to Guide Reception and Integration*, 2002, p. 13.

⁸⁰ World Relief, *Immigration Services*.

⁸¹ ECOSOC, *Strengthening of the NGO Section of DESA of the UN Secretariat (2008/5)*, 2008, p. 1.

⁸² ECOSOC, *Strengthening of the NGO Section of DESA of the UN Secretariat (2008/5)*, 2008, p. 1.

⁸³ ECOSOC, *Strengthening of the NGO Section of DESA of the UN Secretariat (2008/5)*, 2008, p. 1.

⁸⁴ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 101.

⁸⁵ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 101.

⁸⁶ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 102.

⁸⁷ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 108.

⁸⁸ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 110.

⁸⁹ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 111.

⁹⁰ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 111.

⁹¹ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 112.

camps had little to no access to basic needs such as safe drinking water. The WFP was barely able to provide enough food for 1.2 million people in 2003.⁹² The report also presented examples of United Nations agencies attempting to address the gaps between the provision of immediate assistance and the provision of sustainable economic relief. For example, the “joint FAO/WFP emergency agricultural operations programme” provided immediate edible food in conjunction with the distribution of seeds in order to ensure the seeds were used for agricultural development instead of immediate consumption.⁹³ A key recommendation in regards to the development of stability in Burundi outlined in the Committee’s report is adequately addressing the economic needs of returning refugees and IDPs, emphasizing the importance of sustainable relief programs.⁹⁴

Conclusion

For decades, the international community has emphasized the importance of protecting economic and social rights. However, despite repeated attention by United Nations reports and resolutions, the economic and social rights of populations in the midst of crisis or conflict, particularly refugees and IDPs, are overwhelmed in the provision of immediate relief. Many situations involving a high level of migration and displacement require durable and innovative solutions. Refugees and IDPs require food; however they also require the tools to farm. Newly resettled refugees require immediate monetary support; however they also require language and cultural integration skills to enter new job markets. Within borders LDCs and conflict affected countries are responsible for addressing the needs of a high population of IDPs as a part of sustainable development and peace processes. Developed nations where refugees are resettled are responsible for providing social services in order to support their successful integration. Together the international community is responsible for upholding the Universal Declaration of Human Rights and developing methods for victims of conflict to holistically recover from devastation and take advantage of their guaranteed rights. This plenary session should look carefully at the gaps in policy implementation and outline the comprehensive guideline to the provision of social and economic services to these victims of conflict. Some questions to consider for delegates include, what strategies at a local level could be scaled up and applied at a global or regional level? How can the United Nations improve its coordination with NGOs and regional organizations in providing social and economic services to refugees and IDPs? How can gender be better mainstreamed in the process of resettlement and service provision?

II. Addressing the humanitarian needs of Haiti’s displaced

Introduction

On January 12, 2010 a devastating 7.0 magnitude earthquake struck Haiti, leaving almost two million people displaced.⁹⁵ This humanitarian disaster prompted immediate international assistance by Non-Governmental Organizations (NGOs), Member States, and International Organizations. Haiti’s plight is not the first to come before the United Nations (UN), nor will it be the last. The Economic and Social Council (ECOSOC) has been dealing with the after affects of natural disasters since its inception.

UN Assistance in Haiti

The UN has a long history of assistance in Haiti, beginning in 1993 with the creation of the United Nations Mission in Haiti (UNMIH).⁹⁶ UNMIH was established by the Security Council (SC) in September 1993 “to help implement provisions of the Governors Island Agreement of 3 July 1993.”⁹⁷ UNMIH ended its mission in June 1996, due to non-cooperation by the government and an inability to complete its mandate.⁹⁸ The most relevant accomplishment

⁹² ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 102.

⁹³ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 106.

⁹⁴ ECOSOC, *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*, 2006, p. 112.

⁹⁵ Bell, *‘We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 28.

⁹⁶ United Nations, MINUSTAH Background, *United Nations Stabilization Mission in Haiti*, 2010.

⁹⁷ United Nations, United Nations Mission in Haiti (UNMIH), 2010.

⁹⁸ United Nations, United Nations Mission in Haiti (UNMIH), 2010.

of UNMIH was its effectiveness in restoring infrastructure and its work “with Haitians to rehabilitate water, sanitation, electricity supply and roads.”⁹⁹ UNMIH was followed by UNSMIH which was created in July 1996.¹⁰⁰

UNSMIH was then followed by UNTMIH, which was created in August 1997 by *SC Resolution 1123*¹⁰¹. UNTMIH was “established to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police (HNP).”¹⁰² MIPONUH was the next UN mission to Haiti and began in December 1997 and was in force until March 2000.¹⁰³ All of these missions produced some level of success, especially seen in the successful transfer of power between democratically elected presidents in 2001, but they also failed to stabilize the political crisis in the country.¹⁰⁴

In 2004 the United Nations Stabilization Mission in Haiti (MINUSTAH) was created by *SC Resolution 1542*; this is the mission that is currently active in Haiti.¹⁰⁵ On January 19, 2010, the UN SC adopted resolution 1908 which increased the force of MINUSTAH to “8,940 troops of all ranks and of a police component of up to 3,711 police.”¹⁰⁶ After this initial increase, the UN SC adopted Resolution 1927 on June 4, 2010 which increased troop levels to 8,940 and police levels to 4,391.¹⁰⁷

Haiti and the earthquake of January 2010

On January 12, 2010 a 7.0 magnitude earthquake struck Haiti causing large amounts of damage to infrastructure and leaving almost two million people displaced.¹⁰⁸ According to unofficial numbers anywhere from 250,000 to 350,000 people were killed by the earthquake, leaving many mourning for those lost.¹⁰⁹ Since the earthquake, funding from many Member States, the UN, Non-Governmental Organizations (NGOs), and the International Financial Institutions (IFI’s) has been pledged to help rebuild the struggling Member State including: The World Bank, the Inter-American Development Bank, Oxfam International, and World Vision among others. An astonishing \$9.9 billion has been given or pledged to the efforts in Haiti since the earthquake.¹¹⁰

There are currently over 1,000 NGOs working in Haiti.¹¹¹ And, although it is one of the poorest Member States, and the poorest in the Western hemisphere, Haiti has a number of grassroots organizations who have helped lead the effort to rebuild after the earthquake.¹¹² These grassroots organizations are “composed of women, peasants, street vendors, human rights advocates, clergy and laity, workers, and others.”¹¹³ One of these grassroots organizations is Tet Kole Ti Peyizan Ayisyen, which is located in the rural region of Piatte.¹¹⁴ This organization “employs a three-part strategy: taking people into their homes; bringing food to other homes that are housing internally displaced people; and bringing the fruits of their fields...to camps in Port-au-Prince.”¹¹⁵ This is just one example of the many grassroots organizations that are in operation on the ground and making a difference in the daily lives of the displaced.

The culmination of the work of all these NGOs, the UN and the Haitian government was in the government’s post-earthquake recovery plan called the Action Plan for the Reconstruction and National Development of Haiti. It called for the creation of the Interim Haiti Recovery Commission (IHRC) and was successfully ratified by the Haitian

⁹⁹ United Nations, United Nations Mission in Haiti (UNMIH), 2010.

¹⁰⁰ United Nations, United Nations Support Mission in Haiti (UNSMIH), 2010.

¹⁰¹ United Nations, United Nations Transition Mission in Haiti (UNTMIH), 2010.

¹⁰² United Nations, United Nations Transition Mission in Haiti (UNTMIH), 2010.

¹⁰³ United Nations, United Nations Civilian Police Mission in Haiti (MIPONUH), 2010.

¹⁰⁴ United Nations, MINUSTAH Background, *United Nations Stabilization Mission in Haiti*, 2010.

¹⁰⁵ United Nations, MINUSTAH Background, *United Nations Stabilization Mission in Haiti*, 2010.

¹⁰⁶ United Nations Security Council, *Resolution 1908*, 2010

¹⁰⁷ United Nations Security Council, *Resolution 1927*, 2010,

¹⁰⁸ Bell, *We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 28.

¹⁰⁹ Bell, *We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 28.

¹¹⁰ Bell, *We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 29.

¹¹¹ Patriquin, *We are Living in Hell*, 2010.

¹¹² Bell, *We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 28.

¹¹³ Bell, *We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 28.

¹¹⁴ Bell, *We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 29.

¹¹⁵ Bell, *We Bend, but We Don’t Break’: Fighting for a Just Reconstruction in Haiti*, 2010, p. 29.

Parliament and will remain in control of the rebuilding process for 18 months.¹¹⁶ The IHRC “is made up of 17 voting members. Ten of these members are from the international community...” and seven are from Haiti.¹¹⁷ According to Dupuy, the makeup of the IHRC places the dilemma Haiti is facing in the forefront: “whether to respond primarily to the interests of foreign capital and the Haitian business class, or to prioritize the interests of the impoverished majority...”¹¹⁸

Haiti has not been equipped to deal with natural disasters, and in fact, one can argue that it has been set up to fail during such disasters.¹¹⁹ Looking at the historical making of the current disaster in Haiti is imperative. As a French colony with a population composed almost entirely of slaves, Haiti was responsible for providing a large percentage of the coffee and sugar consumed in Europe and as such set Haiti up as an export dominated economy.¹²⁰ This economic structure would remain in place to the present day.¹²¹ After Haiti revolted from France, it was saddled with threats of invasion from France and “a crippling embargo maintained by France, Britain and the United States until it agreed in 1825” to repay France 90 million gold francs for its loss of slaves and land.¹²² This debt was not repaid until 1947.¹²³

Haiti was further punished by economic and political isolation enforced by European and U.S. leaders in the 19th century.¹²⁴ While Europe and the U.S. were doing everything in their power to keep Haiti from emerging as a strong viable state, the Haitian elites were “impoverishing the population with brutality, militarism, mismanagement and corruption... [Which] did little to construct a viable infrastructure or functional institutional framework in the country.”¹²⁵ This corruption continued into the 20th century and was compounded by the dictatorship of the Duvaliers during the second half of the century.¹²⁶ As Haiti has not had a strong, viable government for the past couple of centuries up until modern day, it will be very difficult for the current government of Haiti to contribute to the reconstruction of the state. This historical view of Haiti is important to understand, as history affects how a nation can move forward. Many of the articles written about Haiti since the earthquake focus on how it is not only the earthquake itself that caused the situation that the almost two million displaced people find themselves in, but history itself has played a large role, and to rebuild, Haiti’s history must be understood.¹²⁷

As a comparison to how Haiti was dealt a blow by history as well as a natural disaster, Oliver-Smith provides the clear example of the 500 times more powerful earthquake that struck Chile not five weeks later.¹²⁸ Chile was much more capable of dealing with the after-effects of the earthquake due to lower levels of poverty and a stronger government presence which had mandated building codes be followed in the earthquake prone country.¹²⁹

History, although a main factor in the decimation of Haiti after the earthquake, is not the only factor. The current economic situation in Haiti has also played a dynamic role in how the earthquake affected the people; as well as, how the government and the Haitian people have been able to respond to it.

Haiti is a country of great inequalities, as evidenced by statistics from as late as 2007: “the richest 10% appropriated 47% of national income, and 2% controlled 28% of the nation’s wealth. By contrast, the poorest 20% received 1.1% of national income; 78% of the population lived on less than \$2 a day, and more than half lived on less than \$1 a day.”¹³⁰ These statistics are evidence of the large number of people affected by the earthquake who have little to no resources to utilize to rebuild after the earthquake. This lack of resources can be seen in the massive amounts of

¹¹⁶ Dupuy, *Disaster Capitalism to the Rescue: The International Community and Haiti After the Earthquake*, 2010.

¹¹⁷ Dupuy, *Disaster Capitalism to the Rescue: The International Community and Haiti After the Earthquake*, 2010.

¹¹⁸ Dupuy, *Disaster Capitalism to the Rescue: The International Community and Haiti After the Earthquake*, 2010.

¹¹⁹ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²⁰ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²¹ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²² Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²³ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²⁴ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²⁵ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²⁶ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²⁷ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²⁸ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹²⁹ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹³⁰ Dupuy, *Disaster Capitalism to the Rescue: The International Community and Haiti After the Earthquake*, 2010.

displaced peoples, almost 2 million, who are now dependent on the work of international NGOs and other organizations.

The current situation in Haiti is still quite devastating and has not changed much since the earthquake struck in January 2010. Many camps are lacking basic facilities, including latrines, forcing residents to walk over 10 minutes to wait in a long line for a latrine at another camp.¹³¹ Another issue that many camp residents are facing is lack of education and lack of clean drinking water.¹³² Those who bear the brunt of this lack of resources, are the women of the camps, as women are the traditional caregivers and heads of household in Port-au-Prince for almost 60% of families.¹³³ Women specific needs have also been ignored by the camp organizers, as none of the camps visited by Schuller provided tampons or sanitary napkins for women for more than three months after the earthquake.¹³⁴ This lack of general and basic necessities must be addressed as the UN and NGOs move forward and continue to work to improve the situation of the displaced in Haiti.

Another issue that has yet to be addressed by the organizers of the camps is how to educate the children who are living there. While education is an important topic to be addressed by the NGOs and the Haitian government, the focus until now has been on basic necessities. “According to the Haitian Ministry of Education, 80 percent of those schools in the quake-affected areas were damaged or destroyed. In the six months following the quake, the majority of those schools have now been re-opened and up to 40 percent of schools damaged in the earthquake have been cleared of debris.”¹³⁵ That being said, attendance rates are still extremely low. It is important that as Haiti moves forward from a state of emergency to one of normalcy attendance at schools increase so that the state can develop.¹³⁶

Humanitarian groups in Haiti continue to focus on shelter, food, and health care. This can be seen in the work of a number of NGOs, including World Vision and Oxfam. World Vision has been focusing on providing shelter, restoring health, and preventing illness for the children of Haiti.¹³⁷ World Vision has focused on providing temporary and safe shelter for families throughout hurricane season and is dedicated to addressing the permanent needs of the Haitian people as it continues its work in the future.¹³⁸ With regards to restoring health, World Vision has provided mobile clinics and healthcare professionals who “provide prenatal and postnatal care, along with emotional and social support for pregnant women and new mothers.”¹³⁹ Finally with regards to preventing illness World Vision, and other NGOs like it, are “continuing to work to improve the sanitary conditions in displacement camps throughout Port-au-Prince, partnering with displaced communities to clear the camps of waste, dig garbage pits, lay proper drainage systems, and more.”¹⁴⁰

Case Study: 2004 Tsunami in Sri Lanka

On December 26, 2004 a massive Tsunami struck Sri Lanka, and many other Asian Member States, leaving 35,322 Sri Lankans dead and 516,150 displaced.¹⁴¹ The tsunami left almost 100,000 houses destroyed, and another 44,000 damaged.¹⁴² “In terms of infrastructure, the overall damage is estimated at 1 billion US dollars, which represents 4.5% of the country’s gross domestic product (GDP).”¹⁴³ In comparison far more US dollars have been pledged to assist Haiti in the aftermath of the earthquake, but most of this has gone not to infrastructure, but to the daily necessities of the Haitian displaced.¹⁴⁴ As a country with poverty levels and government infrastructure similar to

¹³¹ Schuller, *Shattered and Scattered: Haiti’s Quake Through the Lens of Human Rights*, 2010.

¹³² Schuller, *Shattered and Scattered: Haiti’s Quake Through the Lens of Human Rights*, 2010.

¹³³ Schuller, *Shattered and Scattered: Haiti’s Quake Through the Lens of Human Rights*, 2010.

¹³⁴ Schuller, *Shattered and Scattered: Haiti’s Quake Through the Lens of Human Rights*, 2010.

¹³⁵ Clifford, *Education in Haiti Six Months After the Earthquake*, 2010.

¹³⁶ Clifford, *Education in Haiti Six Months After the Earthquake*, 2010.

¹³⁷ World Vision, *Haiti Earthquake Update*, 2010.

¹³⁸ World Vision, *Haiti Earthquake Update*, 2010.

¹³⁹ World Vision, *Haiti Earthquake Update*, 2010.

¹⁴⁰ World Vision, *Haiti Earthquake Update*, 2010.

¹⁴¹ Mercer, *‘Building Back Better’? Sri Lanka After the 2004 Tsunami*, 2010.

¹⁴² Mercer, *‘Building Back Better’? Sri Lanka After the 2004 Tsunami*, 2010.

¹⁴³ Khasalamwa, *Is ‘build back better’ a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009, p 77.

¹⁴⁴ CBS News, *Haiti Recovery Bugged Down 6 Months After Quake*, 2010.

Haiti's, this disaster, although obviously different from the earthquake in Haiti, is a good case study to help understand how to deal with the aftermath of the earthquake in Haiti.

Sri Lanka is a relatively poor Member State with 23% of people living below the poverty line in 2008, compared to Haiti's 80% in 2003.¹⁴⁵ From the 2004 tsunami came the new response from the international community to "build back better."¹⁴⁶ According to this theory, post-crisis recovery is seen "as an opportunity to vitalize or revitalize the development process through regeneration of the local economy, upgrading livelihoods and living conditions for the affected people."¹⁴⁷ This theory can be seen in the work that has been done in Sri Lanka since the tsunami of 2004.

The government of Sri Lanka, international donors and civil society agreed to a set of eight principles that would guide their efforts in the recovery after the tsunami. These principles included: resource allocation, decentralization of the recovery process, consulting with the local communities affected, transparency, reduction of future vulnerabilities, "prudent management of debt relief," and coordination between actors.¹⁴⁸ These principles were implemented relatively successfully due to the "build back better policy" promoted by former U.S. President Bill Clinton.¹⁴⁹ The tsunami relief efforts have been considered one of the most successful efforts in the history of disaster recovery and raised over \$13.6 billion US Dollars, and in Sri Lanka approximately 2.2 billion US dollars were used in the recovery efforts.¹⁵⁰ According to Khasalamwa, one of the most challenging aspects of the recovery effort in Sri Lanka was the number of NGOs and their lack of coordination and the competition for clients.¹⁵¹ This can be seen happening yet again in Haiti, as there are over 1,000 NGOs currently working within the country.¹⁵²

According to Khasalamwa, there are four stages of activities in disaster recovery:

- 1) emergency responses involving debris removal, provision of temporary housing and search and rescue;
- 2) restoration of public services...;
- 3) replacement or reconstruction of capital stocks to pre-disaster levels; and
- 4) initiation of betterment and reconstruction involving economic growth and development of the locals."¹⁵³

Since the earthquake occurred in January 2010, Haiti has been stuck in stage one of disaster recovery and the challenge moving forward is to focus on how to transition into the other stages as smoothly as possible. This can be seen by the number of NGOs who are focusing on basic needs of the people, such as World Vision, who has been focusing on providing shelter, restoring health and preventing illness.¹⁵⁴

Another thing that both the tsunami recovery and the Haitian earthquake recovery have in common is that former U.S. President Bill Clinton is one of the key actors in the rebuilding process.¹⁵⁵ This will hopefully bode well for Haiti, as one would hope President Clinton has learned from the successes and missteps of the tsunami recovery.

¹⁴⁵ CIA World Factbook

¹⁴⁶ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009.

¹⁴⁷ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009, p.73.

¹⁴⁸ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009, p.77.

¹⁴⁹ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009.

¹⁵⁰ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009, p.79.

¹⁵¹ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009, p.84.

¹⁵² Patriquin, *We are Living in Hell*, 2010.

¹⁵³ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009, p.75-76.

¹⁵⁴ World Vision, *Haiti Earthquake Update*, 2010.

¹⁵⁵ Khasalamwa, *Is 'build back better' a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*, 2009, p.73.

Conclusion

In conclusion, the earthquake that struck Haiti on January 12, 2010 has left an already impoverished Member State even more devastated than before. There are many questions that must be answered in order to effectively aid Haiti's recovery: What has been done in the past that can be applied to the future? What programs work best at addressing this problem? What can ECOSOC do to assist Member States in addressing these issues? What programs currently exist that can be strengthened or better implemented towards assisting the most vulnerable? Where will funding come from for these programs? A fundamental issue that must be asked is "how reconstruction can address the complex of environmental, economic, political and social variables that produced the Haitian disaster in such a way that will be sustainable, reduce vulnerability and enable people at the household and community level to survive."¹⁵⁶

III. Sexual Orientation, Gender Identity and International Human Rights

*"Sexual orientation and gender identity are integral to every person's dignity and humanity and must not be the basis for discrimination or abuse."*¹⁵⁷

Introduction

In many countries around the world, people face violence, hatred, discrimination and exclusion on the basis of their sexual orientation or gender identity.¹⁵⁸ Violations of the human rights of lesbian, gay, bisexual and transgender (LGBT) people include extrajudicial killings, torture, arbitrary arrest or detention and discrimination in accessing economic, social and cultural rights.¹⁵⁹ Campaigners for the LGBT community also identify widespread suppression of sexual identity, interferences with personal dignity, and unequal recognition of personal relationships as issues faced due to their gender identity.¹⁶⁰ Consensual same-sex male relationships are illegal within the domestic jurisdictions of seventy-four Member States, and these relationships are punishable by death in seven countries.¹⁶¹

The question of sexual orientation, gender identity and the rights of the LGBT community is one of the most controversial on the United Nation's (UN) agenda. Some Member States believe that the issue deserves greater attention by the international body, and that discrimination on the basis of sexual orientation or gender identity deserves similar attention to rights violations on the basis of race, color or gender.¹⁶² Other States disagree, claiming that these violations are not a human rights issue, but a social and cultural one best left for States to deal with themselves.¹⁶³ They contend that international discussion of sexual orientation and gender identity is culturally divisive and interferes in matters within the domestic jurisdiction of States.¹⁶⁴ These Member States also argue that prioritizing the rights of one group of people over others contradicts the principles of non-discrimination and equality.¹⁶⁵

Defining "Sexual Orientation" and "Gender Identity"

Universally recognized definitions of the terms "sexual orientation" and "gender identity" have yet to be formally decided and international debate continues on the subject.¹⁶⁶ One definition is forwarded by the Yogyakarta Principles, a set of recommendations by a group of human rights experts on the application of international law in relation to sexual orientation and gender identity:

¹⁵⁶ Oliver-Smith, *Haiti and the Historical Construction of Disasters*, 2010.

¹⁵⁷ *The Yogyakarta Principles*, 2008.

¹⁵⁸ O'Flaherty and Fisher, *Contextualising the Yogyakarta Principles*, 2008, p. 208.

¹⁵⁹ O'Flaherty and Fisher, *Contextualising the Yogyakarta Principles*, 2008, p. 208.

¹⁶⁰ O'Flaherty and Fisher, *Contextualising the Yogyakarta Principles*, 2008, p. 208.

¹⁶¹ Ottosson, *A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, 2010, p. 45.

¹⁶² Verhagen, *High Level Meeting on Human Rights, Sexual Orientation and Gender Identity*, 2008.

¹⁶³ Saiz, *Human Rights and Sexual Orientation—A Decade of Development and Denial at the UN*, 2005, p. 12.

¹⁶⁴ *Response to SOGI Human Rights Statement, Read by Syria – 18 Dec 2008*, 2008.

¹⁶⁵ *Response to SOGI Human Rights Statement, Read by Syria – 18 Dec 2008*, 2008.

¹⁶⁶ Waites, *Critique of 'Sexual Orientation' and 'Gender Identity' in Human Rights Discourse*, 2010, p. 143.

[1] Sexual orientation is understood to refer to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

[2] Gender identity is understood to refer to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.¹⁶⁷

Yet many States have criticized the use of the terms "sexual orientation" and "gender identity." In 2008, fifty-nine Member States made a joint statement to the UN General Assembly arguing that: "The notion of orientation spans a wide range of personal choices that expand way beyond the individual's sexual interest in copulatory behavior with normal consenting adult human beings, thereby ushering in the social normalization and possibly the legitimization of many deplorable acts including pedophilia."¹⁶⁸

The Holy See has also suggested that the use of the terms "gives rise to uncertainty in the law and challenges existing human rights norms."¹⁶⁹ In a statement by its Permanent Mission, the Holy See contended:

The categories "sexual orientation" and "gender identity"... find no recognition or clear and agreed definition in international law. If they had to be taken into consideration in the proclaiming and implementing of fundamental rights, these would create serious uncertainty in the law as well as undermine the ability of States to enter into and enforce new and existing human rights conventions and standards.¹⁷⁰

Violations Against the Person

In many countries around the world, LGBT people are vulnerable to a number of violent violations of their human rights. In extreme cases, these include denial of the right to life.¹⁷¹ Consensual sexual practices between same-sex couples are punishable by death in Iran, Mauritania, Saudi Arabia, Sudan and Yemen, and in parts of Nigeria and Somalia.¹⁷² Estimates by campaigners suggest over 4,000 gay men and lesbians have been executed in Iran since 1979.¹⁷³

In addition to such State-sanctioned killings, LGBT people are subject to targeted intimidation, violence, torture and murder. Research by the non-governmental organization (NGO) Human Rights Watch suggests that militias in Iraq are deliberately targeting homosexuals, and that many have been tortured and killed.¹⁷⁴ According to the Brazilian NGO Grupo Gay Da Bahia, 198 gay people were murdered in Brazil in 2009, although not all were deliberately targeted because of their sexual orientation.¹⁷⁵ The American campaign group International Transgender Day of Remembrance estimates over one person a month is killed in the United States (US) due to transgender-based hate or prejudice.¹⁷⁶ Young gay people can also be particularly vulnerable to violent domestic abuse and sexual assault by family members. A survey of lesbian, bisexual women and transgender men in Kyrgyzstan by local campaign group Labrys found 23% had experienced sexual assault during their lives.¹⁷⁷ A report by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment suggested that LGBT

¹⁶⁷ *The Yogyakarta Principles*, 2008.

¹⁶⁸ *Response to SOGI Human Rights Statement, Read by Syria – 18 Dec 2008*, 2008.

¹⁶⁹ Holy See, *Statement on the Declaration on Human Rights, Sexual Orientation and Gender Identity*, 2008.

¹⁷⁰ Holy See, *Statement on the Declaration on Human Rights, Sexual Orientation and Gender Identity*, 2008.

¹⁷¹ O'Flaherty and Fisher, *Contextualising the Yogyakarta Principles*, 2008, p.208.

¹⁷² Ottosson, *A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, 2010, p.45.

¹⁷³ BBC News, *Gay Iranian Deportation Reviewed*, 2008.

¹⁷⁴ Human Rights Watch, *"They Want Us Exterminated": Murder, Torture, Sexual Orientation and Gender in Iraq*, 2009.

¹⁷⁵ Grupo Gay Da Bahia, *Relatório Anual Divulga Números de Homossexuais Assassinados no Brasil em 2009*, 2010.

¹⁷⁶ International Transgender Day of Remembrance, *About TDOR*, 2007.

¹⁷⁷ Human Rights Watch, *Violence Against Lesbians, Bisexual Women and Transgender men in Kyrgyzstan*, 2008, p.4.

people are sometimes subjected to violence of a sexual nature to “punish” them for disregarding gender barriers.¹⁷⁸ Particularly if their families have abandoned them, LGBT children are also at a higher risk of being trafficked and sexually exploited.¹⁷⁹

In some cases, murders and acts of violence against LGBT people are not only poorly investigated or prosecuted by the authorities, but security forces participate in the abuse.¹⁸⁰ A report by Human Rights Watch on abuses against transgender people in Honduras, found that police officers had participated in sexual and physical assaults, as well as extorting money from victims.¹⁸¹ In many States, those that openly display or practice their sexual orientation or gender identity face arrest and detention. Seventy-four Member States prohibit homosexual relationships by law, while same-sex female relationships are banned in 45 States.¹⁸² In 2010, two homosexual men in Malawi were convicted of “gross indecency” and “unnatural acts”, and sentenced to 14 years hard labor.¹⁸³ In 2001, fifty-two men were arrested at the Queen Boat gay nightclub in Cairo, Egypt and tried for “habitual debauchery” and “contempt for religion.”¹⁸⁴ After an initial mistrial, twenty-one were eventually sentenced to three-year prison sentences.¹⁸⁵

LGBT people arrested or sentenced for crimes connected to their sexual orientation or gender identity are also vulnerable to abuse when in detention.¹⁸⁶ Reporting in 2001, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment found:

“When detained, members of sexual minorities are often considered as a sub-category of prisoners and detained in worse conditions of detention than the larger prison population. The Special Rapporteur has received information according to which members of sexual minorities in detention have been subjected to considerable violence, especially sexual assault and rape, by fellow inmates and, at times, by prison guards. Prison guards are also said to fail to take reasonable measures to abate the risk of violence by fellow inmates or even to have encouraged sexual violence, by identifying members of sexual minorities to fellow inmates for that express purpose.”¹⁸⁷

Denial of Political, Social and Economic Rights

There is also evidence that political, social and economic rights are denied on the basis of sexual orientation and gender identity. There have been numerous cases of LGBT groups facing restriction to their rights to freedom of speech and assembly. Authorities in a number of countries have banned marches, demonstrations and LGBT “pride” events.¹⁸⁸ For example, in April 2010, a march by LGBT rights activists in Moldova was banned due to “security and public morality concerns.”¹⁸⁹ In May 2010, a decision to ban the Baltic Pride march in Lithuania was overturned in the Courts.¹⁹⁰ In other cases, LGBT events have faced violent counter-demonstrations or treatment by security forces. In 2007, six activists were wounded when a Molotov cocktail exploded during a LGBT march in La Paz City, Bolivia.¹⁹¹ The local prosecutor and police authorities reportedly did not investigate the incident.¹⁹²

¹⁷⁸ United Nations, General Assembly, *Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/56/156)*, 2001, p.6.

¹⁷⁹ United Nations, Commission on Human Rights, *Report Submitted by Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography (E/EN.4/2004/9)*, 2004, p.21.

¹⁸⁰ O’Flaherty and Fisher, *Contextualising the Yogyakarta Principles*, 2008, p.208-209.

¹⁸¹ Human Rights Watch, *Human Rights Abuses Against Transgender People in Honduras*, 2009, p.18.

¹⁸² Ottosson, *A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, 2010, p.45.

¹⁸³ BBC News, *Malawi Gay Couple Get Maximum Sentence of 14 Years*, 2010.

¹⁸⁴ BBC News, *“Extremist” Gay Trial Opens in Egypt*, 2001.

¹⁸⁵ BBC News, *“Extremist” Gay Trial Opens in Egypt*, 2001.

¹⁸⁶ United Nations, General Assembly, *Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/56/156)*, 2001, p.7.

¹⁸⁷ United Nations, General Assembly, *Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/56/156)*, 2001, p.7.

¹⁸⁸ O’Flaherty and Fisher, *Contextualising the Yogyakarta Principles*, 2008, p.211.

¹⁸⁹ Amnesty International, *LGBT Rights in Moldova Must be Respected After Pro-Equality March is Banned*, 2010.

¹⁹⁰ Amnesty International, *Lithuania’s Baltic Pride March Gets Green Light*, 2010.

¹⁹¹ International Gay and Lesbian Human Rights Commission, *Violations of the Rights to Freedom of Expression, Assembly and Association Related to Sexual Orientation, Gender Identity and Gender Expression*, 2007, p.5.

Human rights defenders working on the issues of sexual orientation and gender identity have also been subject to intimidation and interference from the authorities. For example, in May 2010, police in Harare raided the offices of the Gays and Lesbians of Zimbabwe NGO.¹⁹³ Two people were arrested, and allegedly maltreated in custody.¹⁹⁴ Margaret Sekaggya, UN Special Rapporteur on the Situation of Human Rights Defenders reported to the Human Rights Council (HRC) in 2009:

“The Special Rapporteur is deeply concerned about the continuing denigration campaigns and the violent threats against defenders of lesbian, gay, bisexual and transgender rights. The right to peaceful assembly is also often denied to defenders working on lesbian, gay, bisexual and transgender issues or, alternatively, the police does not provide adequate protection for such demonstrations. Complaints related to violence and attacks are often not taken seriously by the police and are not always investigated properly.”¹⁹⁵

The work of such human rights defenders is particularly important for LGBT communities in countries where they cannot openly access legal representation or seek justice in response to abuses endured.¹⁹⁶

LGBT people can face discrimination in exercising their right to healthcare. For example, according to Human Rights Watch, LGBT patients in Jamaica have been treated by health workers in a degrading manner, provided with inadequate care or denied treatment.¹⁹⁷ Jamaican health professionals also reportedly routinely release confidential information about the HIV status and sexual orientation of LGBT people.¹⁹⁸ Anand Grover, the UN Special Rapporteur on the Right to Health, reported to the Human Rights Council in 2010 that:

“The criminalization of private, consensual same-sex conduct creates an environment that is not conducive to affected individuals achieving full realization of their right to health. Health services must be accessible for all, without discrimination, especially for the most vulnerable or marginalized sections of the population. The repeal of laws criminalizing consensual same-sex conduct between adults helps to ensure compliance with this State obligation.”¹⁹⁹

The Special Rapporteur suggested that criminalization of same-sex relationships reduced the likelihood of LGBT people seeking the help of health professionals, and contributed to their avoidance of HIV/AIDS testing and treatment.²⁰⁰ In some cases, LGBT people have allegedly been involuntarily confined in medical institutions and subjected to forced treatment in relation to their sexual orientation or gender identity, including electric shock therapy and other “aversion therapy.”²⁰¹ There are also reports of gay people undergoing “compulsory, intrusive and degrading medical examinations of anus and penis in order to determine whether penetration had taken place.”²⁰²

Accessing economic rights can be another area where LGBT people face discrimination. Individuals have been denied employment, employment-related benefits or faced dismissal because of their sexual orientation or gender identity.²⁰³ Often, compelled to leave home after their sexual orientation or gender identity has become known or

¹⁹² International Gay and Lesbian Human Rights Commission, *Violations of the Rights to Freedom of Expression, Assembly and Association Related to Sexual Orientation, Gender Identity and Gender Expression*, 2007, p.5.

¹⁹³ International Gay and Lesbian Human Rights Commission, *Zimbabwe: Drop Charges Against Rights Defenders*, 2010.

¹⁹⁴ International Gay and Lesbian Human Rights Commission, *Zimbabwe: Drop Charges Against Rights Defenders*, 2010.

¹⁹⁵ United Nations, General Assembly, *Report on the Situation of Human Rights Defenders (A/HRC/13/22)*, 2009, p.10

¹⁹⁶ United Nations, General Assembly, *Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/56/156)*, 2001, p.6.

¹⁹⁷ Human Rights Watch, *Hated to Death: Homophobia, Violence and Jamaica's HIV/AIDS Epidemic*, 2004, p.46.

¹⁹⁸ Human Rights Watch, *Hated to Death: Homophobia, Violence and Jamaica's HIV/AIDS Epidemic*, 2004, p.46.

¹⁹⁹ United Nations, General Assembly, *Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Anand Grover (A/HRC/14/20)*, 2010, p.9.

²⁰⁰ United Nations, General Assembly, *Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Anand Grover (A/HRC/14/20)*, 2010, p.8.

²⁰¹ United Nations, General Assembly, *Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/56/156)*, 2001, p.7.

²⁰² United Nations, General Assembly, *Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/56/156)*, 2001, p.7.

²⁰³ O'Flaherty and Fisher, *Contextualising the Yogyakarta Principles*, 2008, p.211.

discriminated against in their search for rented accommodation, LGBT people are also particularly vulnerable to homelessness.²⁰⁴ Up to half of all homeless children in Los Angeles, California identify themselves as lesbian, gay or bisexual.²⁰⁵

Young LGBT people can also face disruption to their right to education due to intimidation or violence. A survey of LGBT students in American schools by the campaign group the Gay, Lesbian and Straight Education Network (GLSEN) found 86% experienced harassment at school, 61% felt unsafe at school and 33% had skipped a day of school in the month before the survey due to feeling unsafe.²⁰⁶ The UN Secretary-General's 2006 World Report on Violence against Children found:

“Teachers and other children commonly put pressure on children to make them conform to cultural values and social attitudes that define what it means to be ‘masculine’ or ‘feminine’. A widespread method is to use words suggesting that a boy is acting like a girl or may be gay, and that a girl is acting like a boy or may be lesbian. Such words may be used jokingly, but nevertheless convey the message that it would be very bad or wrong if it were true.”²⁰⁷

A report by the UN Special Rapporteur on the Right to Education drew attention to cases where girls were discriminated against or excluded by schools for demonstrating affection for other female students.²⁰⁸ In some countries, such as Lithuania and Poland, law prohibits teaching in schools that promotes homosexuality.²⁰⁹

The relationships that LGBT people hold with their partners and families often do not enjoy the same recognition as those held by heterosexual couples and families. Fifteen countries maintain different ages of consent for homosexual and heterosexual acts.²¹⁰ Only seven Member States allow same-sex couples to marry and enjoy similar rights to married heterosexual couples, while a further eleven States allow civil partnerships or unions with same-sex unions offered most, but not all the rights of marriage.²¹¹ Only ten countries allow same-sex couples to legally adopt children.²¹²

The Debate at the UN

The UN has made slow progress in addressing human rights violations against LGBT people, and the terms “sexual orientation” and “gender identity” have yet to appear in many UN binding human rights treaty.²¹³ Until 1990, “homosexuality” was classified as a mental illness in the World Health Organization’s International Classification of Diseases.²¹⁴

The issue of “sexual orientation” made its debut on the agenda of a major UN forum in 1995 at the UN World Conference on Women in Beijing. However, the terms ‘sexual orientation’ and ‘sexual rights’ were deleted from the outcome document during the final evening of negotiations.²¹⁵ The final Beijing Platform for Action stated: “The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence”.²¹⁶ Subsequent attempts to include such language in the decisions of major UN summits and conferences similarly

²⁰⁴ United Nations, Commission on Human Rights, *Report Submitted by Juan Miguel Petit, Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography (E/EN.4/2004/9)*, 2004, p.22.

²⁰⁵ United Nations, Commission on Human Rights, *Report Submitted by Juan Miguel Petit, Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography (E/EN.4/2004/9)*, 2004, p.22.

²⁰⁶ Gay, Lesbian and Straight Education Network, *Nearly 9 Out of 10 LGBT Students Harassed*, 2008.

²⁰⁷ Pinheiro, *World Report on Violence Against Children*, 2006, p.121-122.

²⁰⁸ United Nations, Commission on Human Rights, *Report Submitted by the Special Rapporteur on the Right to Education, (E/CN.4/2006/45)*, 2006, p.18.

²⁰⁹ Reuters, *Lithuania Passes Ban on Information on Homosexuality*, 2009.

²¹⁰ Ottosson, *A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, 2010, p.45-50.

²¹¹ Ottosson, *A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, 2010, p.45-50.

²¹² Ottosson, *A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, 2010, p.45-50.

²¹³ Saiz, *Rights and Sexual Orientation – A Decade of Development and Denial at the UN*, 2005, p.17.

²¹⁴ International Day Against Homophobia, *About the International Day*, 2010.

²¹⁵ Swiebel, *Lesbian, Gay, Bisexual and Transgender Human Rights: The Search for an International Charter*, 2009, p.25-26.

²¹⁶ United Nations, *Fourth World Conference on Women: Platform for Action*, 1995.

failed. In 2001, at the General Assembly's Special Session on HIV/AIDS reference to the vulnerability to infection of "men who have sex with men" was removed, as were references to sexual orientation as a related form of discrimination at the UN World Conference Against Racism in Durban in the same year.²¹⁷

The Human Rights Council and its predecessor the Commission on Human Rights have similarly neglected the issue. Brazil has led repeated attempts to pass a resolution on the subject of "Human Rights and Sexual Orientation", but without success.²¹⁸ Draft resolutions presented on the subject in 2003, 2004 and 2005 were defeated in the face of strong opposition from the Holy See, Zimbabwe and Organization of Islamic Conference countries led by Pakistan.

Nevertheless, a number of UN Special Rapporteurs, treaty bodies and working groups reporting to the Human Rights Council and its predecessor began to consider human rights violations related to sexual orientation and gender identity.²¹⁹ Civil society efforts such as the International Day Against Homophobia also raised the issue's profile.²²⁰ In 2006, a group of civil society human rights experts met in Yogyakarta, Indonesia to create a list of international human rights standards and how they should be applied to sexual orientation and gender identity.²²¹ The resulting Yogyakarta Principles list twenty-nine human rights standards and action required by States to achieve each for LGBT people.²²² As LGBT NGOs began to become involved in UN debate, with some of them gaining ECOSOC consultative status, and an increasing number of Member States advocating for rights in relation to sexual orientation, the momentum for UN action on the issue grew.²²³

In 2008, the issue finally made it to the floor of the UN General Assembly. In an initiative led by France and the Netherlands, a statement endorsed by sixty-six Member States was read by Argentina to the Assembly (the United States added its support for the statement the following year).²²⁴ The coalition of States condemned human rights violations based on sexual orientation or gender identity and called upon States to ensure that "sexual orientation or gender identity may under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention."²²⁵ The statement called upon States to ensure "that human rights violations based on sexual orientation or gender identity are investigated and perpetrators held accountable and brought to justice."²²⁶ In addition, the statement urged States "to ensure adequate protection of human rights defenders, and remove obstacles which prevent them from carrying out their work on issues of human rights and sexual orientation and gender identity."²²⁷ In a speech to the Assembly, Dutch Foreign Minister Maxime Verhagen argued that rights violations on the grounds of sexual orientation should be condemned as forcefully as discrimination on the basis of race, color or gender.²²⁸ He said the "statement should be the beginning of a longer process."²²⁹

Attempts to consider sexual orientation and gender identity on the UN agenda have attracted considerable opposition from other Member States. Many countries do not view the matter as a human rights issue, but a "social and cultural one, best left to each State to address with their own legal and social systems."²³⁰ Some States, such as the Holy See and members of the Organization of Islamic Conference, have religious and moral grounds for opposing discussion of the issue. They highlight the right of States to enact laws that meet "just requirements of morality, public order, and the general welfare in a democratic society" contained within Article 29 of the Universal Declaration of Human Rights (1948).²³¹ Others view homosexuality as not part of their traditional culture. Some African leaders view LGBT lifestyles as "un-African" and "Western practices".²³²

²¹⁷ Saiz, *Human Rights and Sexual Orientation – A Decade of Development and Denial at the UN*, 2005, p.13-14.

²¹⁸ Intl Lesbian, Gay, Bisexual, Trans and Intersex Association, *Brazilian Resolution*, 2003.

²¹⁹ International Commission of Jurists, *Sexual Orientation and Gender Identity in Human Rights Law: References to Jurisprudence and Doctrine of the United Nations Human Rights System*, 2010.

²²⁰ International Day Against Homophobia, *About the International Day*, 2010.

²²¹ *The Yogyakarta Principles*, 2008.

²²² *The Yogyakarta Principles*, 2008.

²²³ Waites, *Critique of 'Sexual Orientation' and 'Gender Identity' in Human Rights Discourse*, 2010, p.142.

²²⁴ Intl Lesbian, Gay, Bisexual, Trans and Intersex Association, *UN Gen. Assembly Statement Affirms Rights for All*, 2008.

²²⁵ Intl Lesbian, Gay, Bisexual, Trans and Intersex Association, *UN Gen. Assembly Statement Affirms Rights for All*, 2008.

²²⁶ Intl Lesbian, Gay, Bisexual, Trans and Intersex Association, *UN Gen. Assembly Statement Affirms Rights for All*, 2008.

²²⁷ Intl Lesbian, Gay, Bisexual, Trans and Intersex Association, *UN Gen. Assembly Statement Affirms Rights for All*, 2008.

²²⁸ Verhagen, *Human Rights: the High Level Meeting on Human Rights, Sexual Orientation and Gender Identity*, 2008.

²²⁹ Verhagen, *Human Rights: the High Level Meeting on Human Rights, Sexual Orientation and Gender Identity*, 2008.

²³⁰ Syrian Arab Republic, *Response to SOGI Human Rights Statement, Read by Syria – 18 December 2008*, 2008.

²³¹ United Nations, *The Universal Declaration of Human Rights*, 1948.

²³² Human Rights Watch, *This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism*, 2008, p.9.

In response to the Dutch and French statement, fifty-nine Member States supported a counter-statement, which was read to the General Assembly by Syria. The statement “reiterated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing.”²³³ However, the statement warned against giving “priority to the rights of certain individuals”, and so undermining the “principles of non-discrimination and equality.”²³⁴ The Syrian statement also criticized the Dutch and French initiative for delving “into matters which fall essentially within the domestic jurisdiction of States counter to the commitment in the United Nations Charter to respect the sovereignty of States and the principle of non-intervention.”²³⁵

Conclusion

LGBT people endure serious discrimination and violations of their basic human rights. They are often denied access to economic, educational and health benefits, the right to demonstrate and, in some cases, they face violent reactions to their sexual orientation and gender identity. An appropriate response to these human rights violations has been the subject of contentious debate in several bodies and organizations within the U.N. Just recently, ECOSOC approved a US-led resolution to grant consultative status to the International Gay and Lesbian Human Rights Commission (IGLHRC).²³⁶ The IGLHRC’s application for consultative status was approved three years after submission and will allow the NGO to formally collaborate with the UN, attend meetings and submit statements to ECOSOC.²³⁷ Responding to the application’s approval, Cary Alan Johnson, the Executive Director of the IGLHRC stated,

“Today’s decision is an affirmation that the voices of lesbian, gay, bisexual, and transgender people have a place at the United Nations as part of a vital civil society community. The clear message here is that these voices should not be silenced and that human rights cannot be denied on the basis of sexual orientation or gender identity.”²³⁸

International human rights experts have called upon ECOSOC to recognize and accredit NGOs if their purpose is to promote and protect the rights of people within the LGBT community.²³⁹ When researching this topic, delegates should attempt to address ECOSOC’s role in promoting international human rights. Is granting consultative status to NGOs that champion international human rights an adequate response to the violation of these rights, or should more be done to address this issue? Delegates should also highly consider the matter of national sovereignty when determining an appropriate, if any, international response to the issue of sexual orientation, gender identity and international human rights.

²³³ Syrian Arab Republic, *Response to SOGI Human Rights Statement, Read by Syria – 18 December 2008*, 2008.

²³⁴ Syrian Arab Republic, *Response to SOGI Human Rights Statement, Read by Syria – 18 December 2008*, 2008.

²³⁵ Syrian Arab Republic, *Response to SOGI Human Rights Statement, Read by Syria – 18 December 2008*, 2008.

²³⁶ International Gay and Lesbian Human Rights Commission, *United Nations Grants Official Status to U.S.-based International LGBT Rights Group; a victory against homophobic silencing of civil society*, 2010.

²³⁷ International Gay and Lesbian Human Rights Commission, *United Nations Grants Official Status to U.S.-based International LGBT Rights Group; a victory against homophobic silencing of civil society*, 2010.

²³⁸ International Gay and Lesbian Human Rights Commission, *United Nations Grants Official Status to U.S.-based International LGBT Rights Group; a victory against homophobic silencing of civil society*, 2010

²³⁹ *The Yogyakarta Principles*, 2008.

Annotated Bibliography

Committee History of the Economic and Social Council Plenary

Breen, Claire. (2007). The Necessity of a Role for the ECOSOC in the Maintenance of International Peace and Security. *Journal of Conflict and Security Law*, 12(2), 261-294. Retrieved on August, 16, 2001, from <http://jcsf.oxfordjournals.org/content/12/2/261.short>.

Breen's article provides an alternative perspective to the role of the ECOSOC in the international system. It focuses on the interaction between the ECOSOC and the UN Security Council in the field of international peace and security, with a particular attention to the growing role of the human rights in this field. It also deals with the role of the ECOSOC in conflict prevention and resolution.

United Nations Economic and Social Council. (2010). *Website*. Retrieved on August, 16, 2010, from <http://www.un.org/en/ecosoc/>

ECOSOC website is an invaluable source of information about the history of the Council, the Council's reports and resolutions, its mechanism and subsidiary bodies. For documents from the current session of the Council, please see the United Nations Bibliographic Information System (<http://unbisnet.un.org/>) as they are not available at the website. For a great summary of the Council's latest substantive session, see the President's closing remarks available from http://www.un.org/en/ecosoc/president/statement_2010/ecosoc%20president%20closing%20substantive%20sessioni_22%20July.pdf. A very interesting feature of the website is the ECOSOC newsletters, which provides a great overview of Council's work, the newsletters are available on the website since 2003.

Fasulo, L. (2009). *An Insider's Guide to the UN*. Second edition. New Haven, London: Yale University Press.

Fasulo's book provides a lively account of the UN with a particular focus UN's response to current issues. Linda Fasulo also voices a sharp criticism of the ECOSOC prior to the reforms agreed at the 2005 World Summit. Overall, it is an interesting and easily readable account of the ECOSOC and the whole of the UN.

United Nations Department of Economic and Social Affairs. (n.d.). *NGO Branch website*. Retrieved on August, 16, 2010. From <http://www.un.org/esa/coordination/ngo/>.

The website of the NGO branch of the UN Social and Economic department summarizes the role of NGOs in the UN System and explains how a NGO can gain the consultative status with ECOSOC. Also it provides so called Civil Society Database that list all the NGOs with the consultative status.

Rosenthal, G. (2005). The Economic and Social Council of the United Nations: An Issue Paper. *Dialogue on Globalization*, 15. Friedrich Ebert Stiftung. Retrieved on August, 16, 2010. From http://www.fes-globalization.org/publications/050122_01_New.pdf.

Gerth Rosenthal is a Guatemalan diplomat and was the President of the ECOSOC for 2003. His account of the history, reform and problems of the ECOSOC's provide a great insight to the functioning of this UN body. The account of ECOSOC reform is particularly comprehensive. He also provides own valuable recommendations to make the ECOSOC more relevant. This paper was written in 2005 and does not therefore include evaluation of changes that were agreed at the 2005 World Summit.

Taylor P. & Groom, A. J. R. (Eds.) (2000). *The United Nations at the Millennium: The Principle Organs*. London, New York: Continuum.

The United Nations at the Millennium is an edited volume that provides a great insight into the UN system and the challenges it is facing at the beginning of the 21st century. Two of its chapters are of particular importance to the ECOSOC Plenary Committee. Paul Taylor's chapter on the Economic and Social activities in the UN System is great in describing the evolution of ECOSOC since 1945. Carolyn M. Stephenson's chapter on NGO participation provides a valuable insight into this very important element of the ECOSOC's work.

United Nations. (1945). *The Charter of the United Nations*.

The Charter of the United Nations is the starting point of study of any principal organ of the UN. The ECOSOC was established by the Chapter X of the Charter. The focus and structure of the ECOSOC changed since the 1945, for the most important reform to date, see the following UN GA resolution.

United Nations General Assembly. (2006). *Strengthening of the Economic and Social Council (A/RES/61/16)*. New York.

In 2006 the UN GA adopted the conclusions of the 2005 World Summit, which recommended the establishment of the AMR and DCF and broadened ECOSOC's focus. Thus, the UN GA resolution 61/16 provides a great overview of the 2005 reform of the ECOSOC. It is therefore a great starting point for anyone interested in the procedural side of the ECOSOC.

I. Providing Economic and Social Services for Victims of Conflict, for Internally Displaced Persons and Refugees

African Union. (2009). *Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*. Retrieved September 8th 2010 from: www.unhcr.org/4ae9bede9.htm.

This is a significant document on the protection of social and economic rights of Internally Displaced Persons. It addresses sensitive and controversial issues surrounding state sovereignty and makes a case for the protection of human rights over the political boundaries. It is a legally binding document for those nations that choose to ratify and is therefore a tool to hold countries accountable to developing further guidelines for implementing the responsibilities listed in this treaty.

Albuja, S. et al. (2010). *Internal Displacement; Global Overview of Trends and Developments in 2009*. Retrieved August 18, 2010 from the Internal Displacement Monitoring Centre (IDMC): <http://www.internal-displacement.org/idmc/website/resources.nsf/%28httpPublications%29/54C1580B097E58BAC12577250071030F?OpenDocument>

This publication provides compressive overview of the status of IDP situations around the world, displaying the major issues for each region and exemplifying the complexity of providing services to very diverse situations. It provides a detailed analysis of 50 countries for regional and country specific information, understanding each regions specific needs can increase the quality of policy development. It also presents recommendations for relief efforts in different nation settings, providing a good starting point for the development of policy.

Betts A. (2009). *Development Assistance and Refugees; Towards a North-South grand bargain?* Retrieved from: repository.forcedmigration.org/pdf/?pid=fmo:4961

This report is an analysis of the the dynamics of refugee aid across regions. It specifically focuses on the differences in aid provisions and policy between countries catagorized in the "Global North and South". The author presents a detailed solution called 'targeted development assistance', focusing on the method in which donor countries support host communities.

Bushra J., Fish K. (2006). *Refugees and Internally Displaced Persons*. Hunt Alternatives. Retrieved August 18th 2010 from: www.huntalternatives.org/download/40_refugees.pdf

This document is a good resource for an overview of the history of the development of refugee services and its current status today. It provides insight into the actions of both UN entities and International NGOs, outlining the gaps and overlooked areas especially useful when determining which agencies need program development. In addition, it has a special focus on gender related services for refugees and IDPs which is of special importance in development of policy according to the gender mainstreaming efforts among the United Nations agencies.

Colloquium. (1984). *Cartagena Declaration on Refugees*. Retrieved on August 18th, 2010 from: www.asylumlaw.org/docs/international/CentralAmerica.PDF

This declaration is another essential document in the definition and establishment of right protection of refugees and asylum seekers. This document was signed in response to the high number of refugees in Latin America. It also makes a reference to importance of the protection of rights of self-sufficiency.

Economic and Social Council. (2006). *Ad Hoc Advisory Groups, On African Countries Emerging from Conflict: The Silent Avant-Garde*. Retrieved on September 8th 2010 from:

http://www.un.org/en/ecosoc/docs/pdfs/final_ahag_book_of_ecosoc.pdf

This is a report by a committee formed by the Council to address human security issues developed in consequence to the many and long-term conflicts in Africa. The committee conducted intensive case studies in Guinea Bissau and Burundi. Both case studies are detailed in analysis of situations, in addition they provide recommendations for improvements. The report on Burundi is particularly relevant to the topic because it presents a case with a high level of internally displaced persons with economic and social needs and provides examples of innovative effort by UN agencies.

Economic and Social Council. (2006). *Resolution 2006/13 on Assessment of the ad hoc advisory groups of the Economic and Social Council on African countries emerging from conflict*. Retrieved on September 8th 2010 from:

<http://www.un.org/en/ecosoc/docs/res2006.asp>

This document is an example of an official resolution of the Economic and Social Council. It reflects on the outcome reports of the ad hoc advisory groups that reported on conflict situations in Burundi and Guinea. The Resolution emphasises the importance of reporting on economic and social conditions of populations who have been affected by conflict. The resolution goes further by underlining the importance of devoting funding to long term peacbuilding and rehabilitation.

Economic and Social Council. (2009). *Resolution 2009/34 Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan*. Retrieved on September 8th 2010 from:

<http://www.un.org/en/ecosoc/docs/res2009.asp>

This document is an example of an official resolution of the Economic and Social Council. The International Covenant on Economic, Social and Cultural Rights is cited as a defining document in the preamble of this resolution. In addition, the resolution addresses a key concern of the status of the Palestinian people living under Israeli occupation as the lack of social and economic support and development. Each one of the operative clauses points out the need for economic development for the Palestinian refugees.

Economic and Social Council. (2009). *Resolution 2009/3 Strengthening of the coordination of emergency humanitarian assistance of the United Nations*. Retrieved on September 8th 2010 from:

<http://www.un.org/en/ecosoc/docs/res2009.asp>

This document is another example of an official resolution of the Economic and Social Council. It emphasises the provision of social services to victims of conflict. The preamble puts emphasis on the ability to address long term rehabilitation as a key aspect of disaster response. It also encourages Member States and organizations to provide services such as education in order to improve the transition between relief and rehabilitation.

Jastram K. Achiron M. (2001). *Refugee Protection: A Guide to International Refugee Law*. Retrieved on September 8, 2010 From: <http://www.unhcr.org/3d4aba564.html>.

This report is intended to be used by parliamentarians and policy makers in response to refugee crises. It outlines a detailed legal framework for the development of such policies. It is especially useful for comparing the different legal documents established on refugee rights. The format of the analysis provides an accessible understanding for the legal frameworks in place.

Long, K. (2010). *Home alone? A review of the relationship between repatriation, mobility and durable solutions for refugees*. Retrieved on September 18th 2010 from: <http://www.unhcr.org/4b97afc49.html>

This report, written by a consultant of the UNHCR provides an in depth look into the provision of social services. It outlines the areas which are lacking and need improvement. Provides a critical look at the progress and development of United Nations and Member State aid provisions.

Office for the Coordination of Humanitarian Affairs. (2010). *OCHA Annual Report 2009*. Retrieved on September 8, 2010 from: <http://www.reliefweb.int/rw/lib.nsf/db900SID/OCHA-85FM3C?OpenDocument>

This annual report is especially informative about the internal process of OCHA policy implementation and development. It provides a useful in-depth understanding of the specific details involved in OCHA's mandate. The report focuses on the detailed critique and analysis of the work done by OCHA in 2009.

Office for the Coordination of Humanitarian Affairs. (2004). *Guiding Principles on Internal Displacement*. Retrieved on August 18th, 2010 from: <http://www.idpguidingprinciples.org/>

This publication is the authority on the official definition of Internally Displaced Persons. It outlines the international laws under which IDPs are protected. It also examines the types of services that IDPs are in need of and how different sectors such as governments, civil society and United Nations aid agencies can develop policy.

Organization of African Unity. (1969). *Convention Governing the Specific Aspects of Refugee Problems in Africa*. Retrieved on August 18th, 2010 from: http://www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convention.pdf

This document is the defining agreement by the Organization for African Unity to the growth of refugees and IDPs on the African continent. It outlines some of the main issues faced because of major conflicts in the area by both governments and civilians. It also commits the signatories towards a dedication of protecting refugee and IDPs human rights.

Refugees International. (2010). *Annual Report 2009*. Retrieved on September 8, 2010 from: www.refintl.org/who-we-are/annual-reports/2009-annual-report

This report provides an overview of the refugee and displacement situations in different regions by providing detailed examples of country situations such as Pakistan. The report goes on to analyze issues specific developments such as climate change and education. Although, the report is limited to a brief overview it is useful for understanding the overall picture of the issues faced in conflict and disaster situations.

Rimmer S. (2010). *New Issues in Refugee Research; reconceiving refugees and internally displaced persons at transitional justice actors*. Retrieved September 8, 2010 from:

http://www.reliefweb.int/rw/lib.nsf/db900sid/.../unhcr_Rimmer_apr2010.pdf?...

This is a research paper conducted by a staff member of the UNHCR and is intended for internal evaluation of practices. The author provides a critical look at the level of information and research that is available in regards to refugee and IDP situations. The author argues for specific methods of research and programming that will improve the United Nations collective response.

United Nations General Assembly. (1966). *International Covenant on Economic, Social and Cultural Rights*. Retrieved on September 8, 2010 from: <http://www2.ohchr.org/english/law/cescr.htm>.

This is a defining document in the acknowledgment of the significance of economic and social rights. The Covenant provides a detailed list of specific rights that are guaranteed to all persons. Economic rights include the right to employment and social include education. The Covenant is list of responsibility that nations have to the persons in their territories.

United Nations High Commissioner for Refugees. (2010). *2009 Global Trends refugee, asylum-seekers, returnees, internally displaced and stateless persons*. Retrieved September 8, 2010 from: <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4c11f0be9&query=great+lakes+refugees>

This annual report is a review of the refugee and IDP populations that fall under the mandate of the UNHCR, or "persons of concern". The report presents a detailed summary of the displacement and refugee situations in all areas. It importantly examines the progress of Member

States and the United Nation in the development and implemenation of aid policies. The report also provides many UNHCR suggested 'durable solutions'.

United Nations High Commissioner for Refugees and World Health Organization. (1996). *Mental Health of Refugees*. Retrieved on September 8th 2010 from: <http://www.unhcr.org/publ/PUBL/3bc6eac74.pdf>

This document is a United Nations publication, outlining an effort to provide social support from UN agencies. It plays specific attention to an area that is in need of further development.

It provides a detailed outline directed at a variety of aid organizations and is an example of an established acknowledgment of these needs and the lack of development in the area.

United Nations High Commissioner for Refugees. (2007). *Convention and Protocol Relating to the Status of Refugees*. Retrieved August 18, 2010 from: <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>.

This publication is a comprehensive text of three international law documents that were established on refugees. It also provides in analysis by the United Nations High Commissioner on Refugees and outlines the issues that lead to the formation of these documents. The format is useful in comparing language of the three documents and its important to understand what the international community identified as key concerns in comparison to today's human security situations.

United Nations High Commissioner for Refugees. (2005). *Refugee Status Determination Identifying who is a refugee*. Retrieved August 18th, 2010 from: <http://www.unhcr.org/43144dc52.html>

This publication provides a detailed explanation of the method of defining a refugee. It is additionally beneficial because it is used as an internal document within the agency. This publication is also used as a reference outside the UN System for the current defining of a refugee. Its useful in correlating legal responsibilities to those who are protected under international laws such as the Geneva Conventions.

United Nations High Commissioner for Refugees. (1996). *Community Services in UNHCR an Introduction*. Retrieved August 18th 2010 from: http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:2462

This report discusses the concept of 'community services' programs implemented by the UNHCR. It focuses on non-traditional methods of refugee and IDP aid. The report also gives an outline accomplishments and of areas that are in need of improvement in regards to economic and social empowerment. It also provides a critique on the pace of the implementation of established programs.

United Nations High Commissioner for Refugees. (2002). *Refugee Resettlement: An International Handbook to Guide Reception and Integration*. Retrieved August 18th 2010 from: <http://www.unhcr.org/4a2cfe336.html>

This document is an extensive handbook focused on refugee resettlement in foreign countries. Aspects of the Handbook focus on concepts such as social support groups and vocational training. This Handbook is directed towards governments and aid agencies the develop resettlement programs and can be of particular aid to policy development on a national level.

United Nations High Commissioner for Refugees. (2010). *UNHCR Projected Global Resettlement Needs 2011*. Retrieved September 8, 2010 from: <http://www.unhcr.org/4c31e3716.html>

This publication is a program report and detailed projection document on needs of refugee resettlement. The document provides a detailed review of the "10 of 100" project, an important examination of the current process of refugee resettlement. It is a good policy development resource for countries engaging in providing resettlement services.

United Nations High Commissioner for Refugees. (2009). *UNHCR policy on refugee protection and solutions in urban areas*. Retrieved September 8, 2010 from: <http://www.unhcr.org/refworld/docid/4ab8e7f72.html>

This document is a follow up report to the "UNHCR policy on refugee protection and solutions in urban areas" published in 1997. The report provides useful statistical data on the refugee living and resettlement issues in different urban areas. This paper is the foundation for UNHCR policy formation in refugee services development.

World Food Program and Women's Refugee Commission. (2010). *Cooking Fuel Needs in Haiti: A Rapid Assessment by Women's Refugee Commission & World Food Programme March 2010*. Retrieved September 8th 2010 from: womensrefugeecommission.org/.../612-cooking-fuel-needs-in-haiti-a-rapid-assessment

This document is detailed outline on humanitarian aid response to the disaster in Haiti. It addresses a social and economic need faced by the IDPs. It also points out a programme that is conducted in collaboration by a United Nations Agency and a Non-governmental organization, giving a good example of the importance of UN and civil society partnership.

World Relief. (2010). *Immigration Services*. Retrieved on September 8, 2010 from: <http://worldrelief.org/immigrantservices>

The webpage provides an example of the available social services provided to refugees in the United States. The page emphasizes the important role the NGOs have in the provision of social services. It also outlines the roles that developed nations play in refugee resettlement and the responsibility that host nations has to the refugees as far as the provision social and mental health services .

II. Addressing the Humanitarian Needs of Haiti's Displaced

Bednar, J. (2010). *Picking up the Pieces*. Business West, 27(7), 37-38.

Bednar discusses the obscene amount of poverty and unbelievable living conditions found in Haiti after the earthquake. He also covers the overwhelming number of patients that medical personnel are dealing with, and their lack of supplies. In addition, Bednar discusses how the task of healing Haiti is going to take a long time.

Bell, B. (2010). *'We Bend, but We Don't Break': Fighting for a Just Reconstruction in Haiti*. NACLA Report on the Americas, 43(4), 28 - 31.

Bell tells the story of the grassroots organizations in Haiti and the work they've done since the January 2010 earthquake. She discusses how the efforts of ordinary Haitian citizens are not enough to reconstruct the country after the disaster and how international aid is necessary. This article is important because it focuses on the necessity of involving the Haitian people and grassroots organizations in the reconstruction process.

CBS News. (2010). *Haiti Recovery Bogged Down 6 Months After the Quake*. Retrieved on October 10, 2010 from <http://www.cbsnews.com/stories/2010/07/12/world/main6670281.shtml>

CBS news provides a good overview of how Haiti is doing six months after the earthquake. The focus on relief efforts and how they are progressing is quite good and the article covers a broad spectrum of issues relating to relief efforts. The article provides a good look at where the relief money is being spent, crime, and infrastructure rebuilding.

Chiarella, T. (2010). *The Country That Never Was*. Esquire, 154(1), 76-83.

Chiarella provides a first person account of a meeting with Bill Clinton. He also discusses how he found Haiti and what he thinks of the current situation. Chiarella discusses the dismal situation of the nation's healthcare system.

Clifford, C. (2010). *Education in Haiti Six Months After the Earthquake*. Foreign Policy Association. Retrieved on October 9, 2010 from <http://children.foreignpolicyblogs.com/2010/07/13/education-in-haiti-six-months-after-the-earthquake/>

Clifford provides one of the few glimpses into how the education system is doing in Haiti since the earthquake. Although a brief article, it is very important to understanding what the current situation is in Haiti with regards to education. Delegates should use this article as a stepping stone towards other research regarding education.

Conan, N. (2010). *Haiti, Six Months Since the Earthquake* [Radio series episode]. In Talk of the Nation.

Washington, DC: National Public Radio.

Conan interviews a number of officials involved in the cleanup of Haiti after the earthquake. One such official is the coordinator of the Haiti Task Team for USAID, and while interviewing him Conan focuses on the issue of tent cities (displaced persons camps) turning into permanent shanty towns. Another official that Conan interviews is a reporter from the New York Times who provides an optimistic look at Haiti six months after the earthquake.

Dupuy, A. (2010). *Disaster Capitalism to the Rescue: The International Community and Haiti After the Earthquake*. NACLA Report on the Americas, 43(4), 14 - 19.

This article discusses how UN special envoy to Haiti Bill Clinton, admitted that trade liberalization in the 1990s had been damaging to Haiti, as well as the creation of the Interim Haiti Recovery Commission. Dupuy discusses how the IHRC was created, as well as its construction. He also discusses the history of outside intervention in Haiti. Dupuy's introduction of the IHRC and explanation of its makeup is important because it introduces the dilemma that Haiti faces as it moves forward in the rebuilding process. It will be interesting to see how the IHRC is seen as the one-year anniversary of the earthquake approaches.

G.A.U. (2010). *Unfinished Business, a Proverb, and an Uprooting*. NACLA Report on the Americas, 43(4), 38-39.

The author discusses a statement by Bill Clinton that the economic development of Haiti was a failure and was further exacerbated by the earthquake. The author also discusses the inequality of service between the rich and the poor. He also discusses how the survival of the victims of the earthquake was dependent on volunteers due to a lack of assistance from the government.

Khasalamwa, S. (2009). *Is "build back better" a response to vulnerability? Analysis of the post-tsunami humanitarian interventions in Sri Lanka*. Norwegian Journal of Geography, 63, 73-88.

Khasalamwa argues that after a natural disaster, there should be an attempt to create a new status quo instead of returning to the old status quo. She discusses U.S. President Clinton's "build back better" theory and how it has been perceived by the different actors in the situation in Sri Lanka. The article provides an in depth look at the "build back better" theory and the principles that it was founded on, serving as a valuable resource for delegates in their preparation for the conference. Khasalamwa further argues that the recovery of Sri Lanka has not lived up to expectations.

Mercer, D. (2010). *"Building Back Better"? Sri Lanka After the 2004 Tsunami*. GeoDate, 23(1), 2 - 5.

Mercer discusses the "build back better" policy that was implemented after the 2004 tsunami in Sri Lanka. This policy, according to Mercer has not been as successful as hoped. The article also provides a good description of the statistics of the 2004 tsunami.

Oliver-Smith, A. (2010). *Haiti and the Historical Construction of Disasters*. NACLA Report on the Americas, 43(4), 32-36.

This article describes the historical earthquake of May 31, 1970 on the northern coast of Peru, and how the historical construction of Peru played a role in the damage and reconstruction of the area. Oliver-Smith goes on to discuss how Haiti's historical construction has had an impact on the resulting damage of the 2010 earthquake. It is important for delegates to understand the history of Haiti in order to address the current issues facing the earthquake stricken country.

Patriquin, M. (2010). *We Are Living in Hell*. Maclean's, 123(28), 26-29.

Patriquin discusses Haiti six months after the earthquake. He focuses on homelessness and hunger. Patriquin also talks about the lack of coordination between the over 1,000 Non-Governmental Organizations.

Rosen, D. (2010). *Haiti, four months after the earthquake*. Canadian Medical Association Journal Supplement, 182(10), E447 - E448.

Rosen gives a description of Haiti four months after the earthquake through the eyes of a medical care giver. He gives details of what the medical care givers are dealing with in the field; as well as, what they are lacking. Rosen makes a plea for more medical personnel.

Schuller, M. (2010). *Shattered and Scattered: Haiti's Quake Through the Lens of Human Rights*. NACLA Report on the Americas, 43(4), 20-27.

Schuller argues that the lack of coordination between Non-governmental organizations and other aid organizations made the distribution of aid difficult immediately following the January 2010 earthquake. The article also provides a good description of the living conditions of most of the displaced following the earthquake. There is also a good description of the mode of distribution the NGOs and other aid organizations used.

Silva, K. T. (2009). 'Tsunami third wave' and the politics of disaster management in Sri Lanka. *Norwegian Journal of Geography*, 63, 61-72.

Silva compares the 1930s malaria epidemic in Sri Lanka to the 2004 tsunami and how the government of Sri Lanka was able to handle one because of its experience with the other. There is also a discussion of the problems with humanitarian aid in the modern world. Silva compares two different disasters that struck Sri Lanka and by comparing the two she deduces that the national response to the malaria epidemic provided better results than the international response to the tsunami due to the focus on quality of life.

United Nations. (N.D.). *United Nations Support Mission in Haiti (UNSMIH)*. United Nations Support Mission in Haiti (UNSMIH). Retrieved on September 25, 2010, from <http://www.un.org/en/peacekeeping/missions/past/unsmih.htm>

UNSMIH was active in Haiti from July 1996 to July 1997 and provides an example of how the UN is able to assist Member States restore order to society. UNSMIH was responsible for training the country's police force and providing stability for a country wracked with instability. This lesson is important for the UN and Haiti after the earthquake because most infrastructure and stability has been lost due to the devastation inflicted on the country.

United Nations. (N.D.). *United Nations Mission in Haiti (UNMIH)*. United Nations Mission in Haiti (UNMIH). Retrieved on September 25, 2010, from <http://www.un.org/en/peacekeeping/missions/past/unmih.htm>

UNMIH was the first of a number of peacekeeping missions in Haiti. UNMIH taught the UN how to handle a mission that has failed and what to bring to the table in the following mission. UNMIH also taught the UN and Member States how important the cooperation of the government in power is when deploying a peacekeeping mission.

United Nations. (N.D.). *MINUSTAH Background*. United Nations Stabilization Mission in Haiti. Retrieved on September 25, 2010, from <http://www.un.org/en/peacekeeping/missions/minustah/background.shtml>

MINUSTAH is the current UN mission in Haiti, and as such will play a significant role in what the Economic and Social Council decides on recommending to address the needs of the displaced. MINUSTAH's forces were increased a number of times in 2010 after the earthquake to address the needs of the Haitian government and people. Focusing on what the troop and civilian police levels have been and are now will provide the committee with a good idea of what the mission is capable of accomplishing.

United Nations. (N.D.). *United Nations Transition Mission in Haiti (UNTMIH)*. United Nations Transition Mission in Haiti (UNTMIH). Retrieved on September 25, 2010, from <http://www.un.org/en/peacekeeping/missions/past/untmih.htm>

UNTMIH was the mission in Haiti from August 1997 until November 1997. This short mission was meant to strengthen the Haitian National Police and provide the basis for the infrastructure to strengthen democratic institutions and to generate economic growth and jobs. The mission was successful in as much as it did assist in the strengthening of the Haitian National Police, and this focus of the mission is relevant to the current situation because without a strong and viable national police force there is no security for the people of the country.

United Nations. (N.D.) United Nations Civilian Police Mission in Haiti (MIPONUH). *United Nations Civilian Police Mission in Haiti (MIPONUH)*. Retrieved on September 25, 2010, from <http://www.un.org/en/peacekeeping/missions/past/miponuh.htm>

MIPONUH was the mission that followed UNTMIH, and focused on specialized training of the Haitian National Police. This mission's lessons are less relevant to the current situation in Haiti as the other missions due to the fact that specialized police units will need to be developed after the standard police force has been rebuilt and is effective once again. MIPONUH does provide an important lesson for the current situation though, specifically the focus on promoting human rights within the police force and towards the Haitian people.

United Nations Security Council. (2010) *Resolution 1908*. (SC/RES/1908).

This resolution was adopted almost immediately following the earthquake in Haiti. The resolution not only sites the pertinent resolutions related to Haiti, but also shows the solidarity in which the Security Council is attempting to assist Haiti after the earthquake. This resolution increased troop levels for MINUSTAH.

United Nations Security Council. (2010) *Resolution 1927*. (SC/RES/1927).

This resolution was adopted approximately six months after the earthquake and increased troop levels yet again for MINUSTAH. The resolution should serve as a template for how resolutions should be written in committee, though delegates are advised to be mindful of the fact that it was written by the Security Council and not ECOSOC. It is important to note how key the issue of sovereignty is in this resolution and how necessary it is to respect and recognize the sovereignty of the Haitian people and government.

World Vision. (2010). *Haiti Earthquake Update*. Retrieved on October 1, 2010 from

http://www.worldvision.org/content.nsf/learn/haiti-update-more-work?Open&lpos=left_txt_More-Work

World Vision is one of the many NGOs working in Haiti since the earthquake. This website provides delegates with a brief glimpse into the workings of one such NGO. There are a number of other NGOs working in Haiti at this time (over 1,000) and it is recommended that delegates familiarize themselves with at least a few of these and their work in the country.

III. Sexual Orientation, Gender Identity and International Human Rights

Amnesty International. (2010). *LGBT Rights in Moldova Must be Respected After Pro-Equality March is Banned*. Retrieved August 15, 2010 from <http://www.amnesty.org/en/news-and-updates/lgbt-rights-moldova-must-be-respected-after-pro-equality-march-banned-2010-04-28>

The human rights campaign group Amnesty International reports on a ban placed on a LGBT march in Moldova which was intended to call for improved anti-discrimination legislation in Moldova. The Court of Appeal has refused to allow demonstrators to assemble in the main square in the country's capital due to "security and public morality concerns." This article provides an overview of the on-going discrimination faced by the LGBT community in Moldova, and the barriers that prevent any individual who supports equal rights from expressing themselves freely.

Amnesty International. (2010). *Lithuania's Baltic Pride March Gets Green Light*. Retrieved August 15, 2010 from <http://www.amnesty.org/en/news-and-updates/lithuanias-baltic-pride-march-gets-green-light-2010-05-07>

Amnesty International reports on a court decision to allow the 2010 Baltic Pride to go ahead in Lithuania, following an earlier court decision to ban the event, and in contrast to the ban placed on a similar march in Moldova. The LGBT march is the Lithuania's first in support of LGBT people, with that specific population facing "strong opposition." Of particular interest for delegates is the difference in state response to the LGBT movement, comparing Moldova and Lithuania, and the ways in which the rights of these specific populations are denied.

BBC News. (2001). "Extremist" Gay Trial Opens in Egypt. Retrieved August 15, 2010 from http://news.bbc.co.uk/1/hi/world/middle_east/1444831.stm

This BBC article discusses the arrest of 52 Egyptian men at the Queen Boat gay nightclub in Cairo who were tried for “habitual debauchery” and “contempt for religion”, twenty-one were eventually sentenced to three-year prison sentences. The case is an example of a State enforcing laws against LGBT practices, and furthermore doing so within a judicial system which is in a state of “emergency,” thus there is no possibility of appeal. The charges, which range from “exploiting the Islamic religion” to “sparking civil strife,” have been widely criticized by human rights groups since 1981, when the emergency laws went into effect.

BBC News. (2008). *Gay Iranian Deportation Reviewed*. Retrieved August 15, 2010 from <http://news.bbc.co.uk/1/hi/world/europe/7294908.stm>

The BBC reports on an asylum case by Iranian homosexuals set to be deported from the United Kingdom back to Iran who claims if he is to return, he will be executed. The article includes the claim by campaign groups that 4,000 homosexuals and lesbians have been executed in Iran since 1979. Iran is one of seven States to maintain the death penalty for consensual same-sex relationships.

BBC News. (2010). *Malawi Gay Couple Get Maximum Sentence of 14 Years*. Retrieved August 15, 2010 from <http://www.bbc.co.uk/news/10130240>

In 2010, two Malawian men were sentenced to 14 years in prison with hard labour for “gross indecency” and “unnatural acts. The case has attracted international media attention to the small country, which is one of seventy-four States to prohibit homosexual relationship under national legislation. Of particular importance for delegates is to note the legal framework preventing the men from realizing their full human rights, and the international community’s reaction to the situation, in terms of humanitarian aid.

Gay, Lesbian and Straight Education Network. (2008). *2007 National School Climate Survey: Nearly 9 Out of 10 LGBT Students Harassed*. Retrieved August 15, 2010 from <http://www.glsen.org/cgi-bin/iowa/all/research/index.html>

The Gay, Lesbian and Straight Education Network, an LGBT campaign group details the results of a survey of American LGBT school children. It found that 86.2% of those surveyed had experienced harassment at school in the past year, while 60.8% felt unsafe at school. The results suggest that LGBT young people are having their right to education disrupted by harassment and intimidation.

Grupo Gay Da Bahia. (2010). *Relatório Anual Divulga Números de Homossexuais Assassinados no Brasil em 2009*. Retrieved August 15, 2010 from <http://www.ggb.org.br/dossier%20de%20assassinatos%20de%20homossexuais%20em%202009.html>

The Brazilian LGBT advocacy group Grupo Gay Da Bahia, is the oldest organization promoting the rights of LGBT people in Brazil. Founded in 1980, the group is an umbrella entity for many other organizations, many of which focus on similar issues. Grupo Gay Da Bahia estimates that 198 LGBT people were murdered in Brazil in 2009, but the research does not indicate how many of these victims were targeted as a result of their sexual orientation or gender identity. Regardless, the article should provide an overview of the situation for this community within Brazil. This source is in Portuguese,

Holy See. (2008). *Statement of the Holy See Delegation at the 63rd Session of the General Assembly of the United Nations on the Declaration on Human Rights, Sexual Orientation and Gender Identity (18 December 2008)*. Retrieved August 15, 2010 from http://www.vatican.va/roman_curia/secretariat_state/2008/documents/rc_seg-st_20081218_statement-sexual-orientation_en.html

The Holy See issued a statement following the General Assembly debate on human rights, sexual orientation and gender identity in 2008. The State, which has observer status within the United Nations, argued that the terms “sexual orientation” and “gender identity” have no basis in current international law, and so use of such language potentially confuses implementation of existing human rights standards. The Holy See has been consistently opposed to discussion of LGBT rights within the United Nations system.

Human Rights Watch. (2004). *Hated to Death: Homophobia, Violence and Jamaica's HIV/AIDS Epidemic*. Retrieved August 15, 2010 from <http://www.hrw.org/en/reports/2004/11/15/hated-death-0>

The international advocacy NGO Human Rights Watch presents research on discrimination against homosexuals in Jamaica. It found evidence of violent attacks on homosexuals, police abuse, abuses in the healthcare system, denial of access to transportation and other abuses. Many in Jamaica believe that HIV/AIDS is a disease of homosexuals, and many with HIV/AIDS in the country are similarly facing discrimination.

Human Rights Watch. (2008). *These Everyday Humiliations: Violence Against Lesbians, Bisexual Women and Transgender men in Kyrgyzstan*. New York: Human Rights Watch. Retrieved August 15, 2010 from <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>

Human Rights Watch considers the status of LGBT people in Kyrgyzstan. The report details the domestic violence, rape and harassment faced by lesbians, bisexual women and transgender men in the country. It includes details of survey research by local NGO Labrys, which found that 23% of LGBT people in Kyrgyzstan had experienced sexual assault.

Human Rights Watch. (2008). *This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism*. New York: Human Rights Watch. Retrieved August 15, 2010 from <http://www.hrw.org/en/reports/2008/12/17/alien-legacy-0>

Campaign NGO Human Rights Watch describes how laws in many States derive from a single law on homosexual conduct that the British authorities enacted in India in the 19th century. The report includes discussion on attitudes towards homosexuality in Commonwealth countries and those formally part of the British Empire. In 2009, an Indian court ruled that consensual homosexual intercourse was not a criminal act.

Human Rights Watch. (2009). *"Not Worth a Penny": Human Rights Abuses Against Transgender People in Honduras*. New York: Human Rights Watch. Retrieved August 15, 2010 from <http://www.hrw.org/en/reports/2009/05/29/not-worth-penny-0>

A report by Human Rights watch describes human rights abuses against transgender people in Honduras. These include claims of police abuse and violence, including rape, beatings, arbitrary arrests and extortion. There is also evidence of police failing to investigate crimes against transgender people in the country.

Human Rights Watch. (2009). *"They Want Us Exterminated": Murder, Torture, Sexual Orientation and Gender in Iraq*. New York: Human Rights Watch. Retrieved August 15, 2010 from <http://www.hrw.org/en/reports/2009/08/17/they-want-us-exterminated-0>

Research by Human Rights Watch in Iraq in 2009 suggests that militias are deliberately targeting homosexuals. It claims many have been tortured and killed. The report also discusses the situation of refugees who have been displaced from their homes.

International Commission of Jurists. (2010). *Sexual Orientation and Gender Identity in Human Rights Law: References to Jurisprudence and Doctrine of the United Nations Human Rights System*. Retrieved August 15, 2010 from <http://www.unhcr.org/refworld/docid/4c627bd82.html>

The global network of judges and lawyers, the International Commission of Jurists report is a comprehensive collection of jurisprudence, general comments, and reports from human rights treaty bodies and independent experts within the UN System. It notes that references to sexual orientation and gender identity are increasingly common in UN documents. The report also offers a clear picture of the range of human rights violations faced by LGBT people.

International Day Against Homophobia. (2010). *About the International Day*. Retrieved August 15, 2010 from <http://www.homophobiaday.org/default.aspx?scheme=1207>

The International Day Against Homophobia was established as a civil society initiative in 2006. It is celebrated annually on 17 May, the day in 1990 when the World Health Organisation removed homosexuality from its list of mental illnesses. The day aims not focus on "victimisation", but hopes to highlight positive aspects of homosexuality and celebrate the contribution of lesbians and gays to society.

International Gay and Lesbian Human Rights Commission. (2007). *Violations of the Rights to Freedom of Expression, Assembly and Association Related to Sexual Orientation, Gender Identity and Gender Expression*. Retrieved August 15, 2010 from <http://www.iglhrc.org/cgi-bin/iowa/article/publications/reportsandpublications/480.html>

The International Gay and Lesbian Human Rights Commission reports on violations of the rights to freedom of expression, assembly and association experienced by LGBT people. The report was drafted as a submission to the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and the UN Special Representative of the Secretary-General for Human Rights Defenders in 2007. It includes evidence of alleged government suppression of LGBT demonstrations, conferences and meetings; government unwillingness to curb violence at LGBT marches; government suppression of the freedom of expression of the media; government denials of registration for LGBT NGOs; and government censorship.

International Gay and Lesbian Human Rights Commission. (2010). *Zimbabwe: Drop Charges Against Rights Defenders*. Retrieved August 15, 2010 from <http://www.iglhrc.org/cgi-bin/iowa/article/pressroom/pressrelease/1136.html>

In May 2010, police raided the offices of the NGO Gays and Lesbians in Zimbabwe. Two people were arrested, who were allegedly mistreated in detention. The incident is an example of alleged government suppression of human rights defenders and NGOs working with LGBT people.

International Lesbian, Gay, Bisexual, Trans and Intersex Association. (2008). *UN Gen. Assembly Statement Affirms Rights for All*. Retrieved August 15, 2010 from <http://ilga.org/ilga/en/article/1211>

The International Lesbian, Gay, Bisexual, Trans and Intersex Association website provides the wording of a statement in 2008 by sixty-six Member States on violations of human rights on the grounds of sexual orientation and gender identity. The statement was made to the UN General Assembly by Argentina. An opposing statement was made at the same meeting by Syria on behalf of a number of other Member States.

International Lesbian, Gay, Bisexual, Trans and Intersex Association. (2003). *Brazilian Resolution*. Retrieved August 15, 2010 from <http://ilga.org/ilga/en/article/406>

Brazil has made repeated steps to pass a resolution on the subject of sexual orientation in the UN Human Rights Council. The International Lesbian, Gay, Bisexual, Trans and Intersex Association provides the text of the failed draft resolution on its website. The text failed to pass the UN's human rights body on three separate occasions.

International Transgender Day of Remembrance. (2007). *About TDOR*. Retrieved August 15, 2010 from http://www.transgenderdor.org/?page_id=4

The International Transgender Day of Remembrance is an initiative by an American campaign group to remember those transgender people killed due to hate or prejudice. They estimate that over one transgender person is killed each month in the United States. The statistic provides an example of the kind of violence faced by LGBT people, including denial of the right to life.

O'Flaherty, Michael & Fisher, John. (2008). Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles. *Human Rights Law Review*, 8 (2): 207-248.

O'Flaherty and Fisher's article catalogues various human rights violations committed against LGBT people around the world. It also discusses how current human rights standards and treaty law should be applied to protect LGBT people. The article was produced to coincide with the production of the Yogyakarta Principles.

Ottoson, Daniel. (2010). *State-Sponsored Homophobia: A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*. Rio Janeiro: The International Lesbian, Gay, Bisexual, Trans and Intersex Association.

Daniel Ottoson's annual survey examines how LGBT people are treated in the national laws of each State. It concludes that seventy-four countries prohibit homosexuality under law, while seven countries punish the offence with the death penalty. The report also considers how same-sex relationships are treated under national marriage and adoption laws.

Pinheiro, Paulo Sergio. (2006). *World Report on Violence Against Children*. Retrieved August 15, 2010 from <http://www.unicef.org/violencestudy/reports.html>

Published in 2006, the World Report on Violence Against Children was commissioned by the UN Secretary-General. It briefly considers the treatment of LGBT young people in education. It reports on violence experienced by both heterosexual and LGBT children in the home and family, schools and education, care and justice institutions and in places of work.

Reuters. (2009). *Lithuania Passes Ban on Information on Homosexuality*. Retrieved August 15, 2010 from <http://af.reuters.com/article/oddlyEnoughNews/idAFTRE55F5MC20090616>

In 2009, the Lithuanian Parliament passed legislation prohibiting the teaching of information in schools that "agitates for homosexual, bisexual relations or polygamy". A similar law exists in Poland. The law provides an example of alleged discrimination against LGBT young people in education.

Saiz, Ignacio. (2005). *Bracketing Sexuality: Human Rights and Sexual Orientation – A Decade of Development and Denial at the UN*. Rio Janeiro: Sexuality Policy Watch.

Ignacio Saiz provides an account of progress made by the UN in addressing the issue of human rights violations on the basis of sexual orientation and gender identity. The article provides a useful summary of the opinions forwarded by States on both sides of the argument. It also considers the potential for further movement at the UN on the issue.

Swiebel, Joke. (2009). *Lesbian, Gay, Bisexual and Transgender Human Rights: The Search for an International Charity*. *Contemporary Politics*: 15 (1): 19-35.

Former Member of the European Parliament Joke Swiebel contrasts how efforts to address violations of the human rights of LGBT people have been dealt with by the European Union and the UN. The article provides a detailed summary of UN progress in considering human rights violations on the grounds of sexual orientation and gender identity. It also discusses how the EU had addressed the issue of the rights of LGBT people.

Syrian Arab Republic. (2008). *Response to SOGI Human Rights Statement, Read by Syria – 18 Dec 2008*. Retrieved August 15, 2010 from <http://ilga.org/ilga/en/article/mkjJMT21ax>

In response to a Dutch and French inspired statement on the subject of human rights violations on the grounds of sexual orientation and gender identity, fifty-nine Member States drafted an opposing statement. The text was read by Syria to the UN General Assembly. It summarizes the arguments of a number of Member States that consider the treatment of LGBT people a moral and cultural issue that lies within the domestic jurisdiction of States.

The Yogyakarta Principles. (2008). Retrieved August 15, 2010 from http://www.yogyakartaprinciples.org/principles_en.htm

In 2008, civil society human rights experts met in Yogyakarta to consider the application of international human rights law in relation to sexual orientation and gender equality. The resulting Yogyakarta Principles include recommendations for States under twenty-eight human rights standards. The Principles catalogue how States can ensure that current human rights standards are applied to LGBT people.

United Nations Commission on Human Rights. 60th Session. (2004). *Report Submitted by Juan Miguel Petit, Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography (E/EN.4/2004/9)*. Retrieved August 15, 2010 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/2004/9>.

In his 2004 report, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography made a number of references to the increased vulnerability of LGBT children. The Special Rapporteur makes an annual report to the Human Rights Council and UN General Assembly. The report in 2004 focused on the issue of prevention of child sexual exploitation.

United Nations Commission on Human Rights. 62nd Session. (2006). *Girls' Right to Education: Report Submitted by the Special Rapporteur on the Right to Education, Mr. V. Munoz Villalobos (E/CN.4/2006/45)*. Retrieved August 15, 2010 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/2006/45>

The 2006 report of the Special Rapporteur on the Right to Education focused on a girl's right to education. It suggested that some girls had faced discrimination or expulsion at school for showing affection to other students of the same gender. The report focused on equality of access to education.

United Nations General Assembly. (1948). *The Universal Declaration of Human Rights (A/Res/810)*. Retrieved August 15, 2010 from <http://www.un.org/en/documents/udhr/index.shtml>

The Universal Declaration of Human Rights was the first international document to codify the rights to which all persons are entitled. The Declaration was adopted by the UN General Assembly in 1948. Together with the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, it forms the informally named International Bill of Human Rights.

United Nations General Assembly. 13th Session. (2009). *Report of the Special Rapporteur on the Situation of Human Rights Defenders (A/HRC/13/22)*. Retrieved August 15, 2010 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/13/22>

The UN Special Rapporteur on the Situation of Human Rights Defenders reports to the UN General Assembly and Human Rights Council each year. The Special Rapporteur's 2009 report drew attention to the suppression of the rights of human rights defenders working on issues related to sexual orientation and gender identity. The report also considered means of increasing the security and protection of human rights defenders.

United Nations General Assembly. 14th Session. (2010). *Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Anand Grover (A/HRC/14/20)*. Retrieved August 30, 2010 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/14/20>

The Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health reports annually to the Human Rights Council and General Assembly. His 2010 report paid particular attention to the access to healthcare of LGBT people. It also considered the healthcare access of sex workers.

United Nations General Assembly. 56th Session. (2001). *Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/56/156)*. Retrieved August 15, 2010 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/56/156>

The Special Rapporteur on the Question of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment presents annual reports to the Human Rights Council and General Assembly. The 2001 report included discussion of torture and violence against "sexual minorities". Amongst other issues, it also discussed intimidation as a form of torture, and enforced and involuntary disappearances.

United Nations. (1995). *Fourth World Conference on Women: Platform for Action*. Retrieved August 15, 2010 from <http://www.un.org/womenwatch/daw/beijing/platform/>

The Fourth World Conference on Women was held in Beijing in 1995. Although early drafts of the conference's outcome document included mention of "sexual orientation", the language was removed from the final Platform for Action. However, the platform does contain clauses acknowledging women's right to exercise "control over and decide freely and responsibly on matters related to their sexuality."

Verhagen, Maxime. (2008). *Human Rights: H.E. Maxime Verhagen, Minister for Foreign Affairs addresses the High Level Meeting on Human Rights, Sexual Orientation and Gender Identity*. Retrieved August 15, 2010 from <http://www.netherlandsmission.org/article.asp?articleref=AR00000529EN&categoryvalue=statements&subcategoryvalue=2008>

The UN General Assembly held its first debate on the issue of sexual orientation and gender identity in 2008. Dutch Foreign Minister Maxime Verhagen addressed the forum, calling for

discrimination against LGBT people to be condemned. He spoke in favour of a Dutch and French statement calling upon States to address the issue. The statement attracted support from sixty-six Member States.

Waites, Matthew. (2010). Critique of 'Sexual Orientation' and 'Gender Identity' in Human Rights Discourse: Global Queer Politics Beyond The Yogyakarta Principles. *Contemporary Politics*: 15 (1): 137-156.

Waite's article considers how the terms "sexual orientation" and "gender identity" have come to be used in international discussions of LGBT rights. The article provides a useful summary of UN and international efforts to address human rights violations against LGBT people. This article also analyzes key concepts shaping human rights debates within the UN as well as the impact of certain terminology when it is used during these debates.

Rules of Procedure Economic and Social Council Plenary

Introduction

1. These rules shall be the only rules which apply to the Economic and Social Council Plenary (hereinafter referred to as “the Council”) and shall be considered adopted by the Council 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 Council.

I. SESSIONS

Rule 1 - Dates of convening and adjournment

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

Rule 2 - Place of sessions

The Council 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 Council 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 Council 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 Council 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 Council so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Council 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 Council to be placed on the agenda. It will, however, not be considered by the Council 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 Council.
2. The Secretary-General shall provide and direct the staff required by the Council 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 Council, and shall distribute documents of the Council to the Members, and generally perform all other work which the Council 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 Council 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 Council 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 Council.

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 Council are present. The presence of representatives of a majority of the members of the Council shall be required for any decision to be taken.

For purposes of this rule, —members of the Council 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 Council, 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 Council 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 Council 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 Council 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 Council.

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 Council 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 Council, and the President may call a speaker to order if her/his remarks are not relevant to the subject under discussion.
3. The Council 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 Council 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 Council, 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 Council.

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 Council. A motion to close the speakers list is within the purview of the Council 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 Council 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 Council shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Council'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 Council.

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 Council favors the closure of debate, the Council 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 Council who would like the Council 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 Council 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 Council 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 Council 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 Council. These draft resolutions are the collective property of the Council 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 Council, 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 Council 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 Council for decision shall be voted upon if any member so requests. Where no member requests a vote, the Council 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 Council 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 Council 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 Council 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 Council 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 Council 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 COUNCIL

Rule 43 - Participation of non-Member States

1. The Council shall invite any Member of the United Nations that is not a member of the Council 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 Council 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 Council 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 Council 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 Council is no longer required.

Rule 45 - Participation of national liberation movements

The Council 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 Council 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 Council 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 Council 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 Council on questions within the scope of the activities of the organizations.