



THE 2004 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

It is with great pleasure to welcome you to the Committee on Economic, Social and Cultural Rights (CESCR) for the 2004 National Model United Nations (NMUN) conference! My name is Marian Adly and I will be serving as your Director. I have participated at NMUN for three years as a delegate and two years as staff. I have a BA in international studies, political science and philosophy and a BS in chemistry. I currently live in Maryland where I am conducting cancer research. At this time, I would like to introduce my Assistant Director, Josh Curry, who has been instrumental in preparing the background guide as well as assisting in the coordination of our committee's work.

Human development, be it economic and/or social, is closely related to the political stability of a society. In fact, economic and social stability go hand-in-hand with political stability. The key goal for lesser-developed States is to achieve sustainable development where those respective governments are capable of providing and meeting the social and economic interests of their societies, thus enabling them to stabilize politically and prosper economically. However, one of the obstacles in this is numerous conflicting interests between lesser-developed and developed States as well as the lack in upholding crucial human rights. The Millennium Development Goals along with the International Covenant on Economic, Social and Cultural Rights provided for a framework to strengthen institutional capabilities to acknowledge these concerns, to recognize and provide basic social needs, and to protect the rights of all global citizens regardless of socioeconomic status. With all this in mind, our topics are:

1. The Rights of Workers
2. Realizing the Right to Education
3. Articles 11 & 12: The Right to a Decent Standard of Living

Please be advised that this guide is your preliminary introduction to the topics. Significant research with journals, books, periodicals, as well as UN depositories is necessary to ensure that you are fully informed, aware of all aspects of our three topics, and therefore able to fulfill the committee's work. Please take note of the provided bibliography to facilitate further research. The work of our committee will be in the format of a report rather than resolutions, and it will be imperative to not only be aware of all State's contributions to these issues, but also the efforts of NGOs participating in our committee. Additional information will be provided in the Delegate Preparation Manual on the proper format of report writing.

Each delegation is required to submit a position paper. For the first time, the NMUN is accepting papers via e-mail. All papers are due by **March 1, 2004**. An important message from the Director General regarding where papers should be submitted, expectations for their content and format, and inquiring about alternatives to e-mail submission is included on **page nine** of this guide. It is vital that all delegates adhere closely to these instructions.

I look forward to working with each and every one of you in your efforts over the course of the next couple of months and at the conference. Please do not hesitate to contact myself or Josh if you have any questions or concerns. Good luck in your preparation and see you in New York.

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What to Expect at the Simulation

Opening session: After a brief introduction of the dais and some announcements, delegates will discuss the order in which the committee will address agenda topics while in formal and caucus sessions. The committee will then vote on a motion from the floor to set the agenda in a proposed order, and will continue to vote on such motions until one passes by a majority vote. If the committee fails to reach agreement on the agenda order by the conclusion of the first evening, the director and assistant director reserve the right to set the agenda. After the agenda has been set, the chair will entertain motions for the opening of the speakers' list to address the first agenda topic.

Rules of procedure: The simulation is conducted through the use of the committee rules of procedure, which are included in this background guide. It is extremely important to develop a thorough working knowledge of the Rules, including when they should be introduced, and in what capacity. The rules of procedure are enforced to facilitate the efficient workings of the committee, not to hinder them. Therefore, the director, assistant director and chair (with the approval of the director), reserve the right to rule motions out of order which may be considered dilatory or disruptive to the committee. In this respect, one of the quickest ways for a delegate to alienate him/herself within a committee is to be labeled a "rules hound," or someone who attempts to disrupt committee proceedings with the introduction of redundant, inappropriate or time-consuming motions.

Decorum: Decorum is a *de facto* rule throughout the week of the simulation. In both large and small committees, the ability to conduct normal business while in formal session is an arduous task when decorum is not maintained; delegates will be asked for their assistance in this endeavor.

Caucusing: Caucusing is an important and logistically difficult component of the United Nations simulation. These informal meetings between voting blocs, as well as between States with positions that are diametrically opposed, often produce compromises acceptable to all parties. However, delegates are required to address issues within a week's time which, in many cases, the international community has failed resolve after years of debate and negotiation. Further, delegates to the NMUN do not have individual offices in which to convene informal meetings. As a result, the bulk of informal negotiation and the construction of working papers will occur within, or in the close proximity of, the committee chambers. In consideration for the other 2,900 Conference participants, delegates are asked to respect the formal proceedings occurring both within and between all committees participating at the Conference. Finally, given the importance of decorum within committee chambers, all caucusing should occur outside of the committee chambers while committee is in session.

Chairs and Rapporteurs: Delegates should also take note that the director and assistant director (with the approval of the Director-General) will select a committee chair and rapporteur (committee administrative assistant) following the conclusion of interviews on the first evening of the Conference. For those interested in the opportunity to serve the committee as a chairperson or rapporteur, an application is available online at www.nmun.org. The application should be completed and submitted to the director no later than the opening night of the Conference. The successful candidate for chair will demonstrate an excellent working-knowledge of the rules of procedure through a series of situations presented to her or him and exhibit qualities of leadership, patience and humility. The rapporteur will assist the chair, the director and the assistant director with the abundance of paperwork and record keeping required in the efficient workings of the committee, as well as provide logistical support for the chair while in voting procedures.

Delegates selected to serve in these positions must forfeit their rights to participate in substantive debate within the committee. Although the chair and rapporteur continue to serve as representatives of their assigned State, their primary duty is to assist the director and assistant director in facilitating the professional operation of the committee. Additionally, delegates selected as committee chairs and rapporteurs do retain an equal eligibility for awards consideration. All delegates are encouraged to apply for these challenging and rewarding positions.

Attire: In keeping with the spirit of the simulation, delegates are *required* to wear professional business attire. Further, national symbols of any kind are forbidden in committee chambers, in accordance with practices of the UN.

Your Role as a Technical Expert

Your participation in this committee means that instead of representing an assigned State you, and your fellow delegates, are acting in the capacity of an independent technical expert. This brief explanation is designed to assist you in preparing for the unique role of a technical expert within the United Nations. The UN is essentially a political organization; however, there is also a significant role within the system for technical experts in many areas. Because the UN, its subsidiary bodies, related programs, and affiliated organizations speak to such a broad range of issues, experts are often needed to properly address complex problems and make informed recommendations to the General Assembly and Member States. Some ECOSOC committees and some specialized agencies consist of technical experts in the field, as opposed to political representatives. It is critical that delegates representing technical experts understand the complex nature of the expert role.

The most important distinction between technical experts and political representatives is the relevance of global objectives, as opposed to national priorities. While the political needs and limitations of your individual countries and regions are important, and must be considered in the appropriate context, you are charged with serving as experts in the fields addressed by your respective committees. In other words, the top priority of a technical expert is to assess challenges and propose solutions to relevant issue areas, not to present or promote the political agenda of one particular country. This should be realized, however, in the context that as an expert from a certain country, and one that has been nominated by that country, you may follow a policy similar to that country. That does not mean your policies must mirror the country from which the technical expert you are representing hails from, but part of your research should include finding the degree of this similarity.

As you prepare your position papers, please keep in mind your status as technical experts. Instead of traditional, country-specific policy statements, position papers should reflect your expert opinions and recommendations on your committee's topics. Finally, it is imperative for all experts to possess a great deal of knowledge about the topics and body they serve on, perhaps more so than in a regular committee. The NMUN encourages all of you to use this unique opportunity to truly study the issues and suggest concrete solutions that may not be possible to agree on in the context of a regular committee of political representatives. Questions regarding your role as an expert should be directed to your committee director or assistant director. Their contact information is in the cover letter of this guide.

The Preparation and Introduction of Resolutions and Reports

Resolutions and reports adopted within respective committees represent Member States' decisions and recommended courses of action with respect to the topics under discussion. Clauses within the preamble of resolutions should provide a brief outline of historical and current perspectives and endeavors regarding the issues to be addressed within the operative clauses of the document. The operative clauses of resolutions provide the objectives and potential actions that Members designed to address the issues outlined within the preamble. More simply, the preamble states the problems before the committee in relation to the topic under deliberation and operative clauses outline the decisions of the committee for the solution of these problems.

Although delegates are encouraged to develop resolution and report writing skills, both in classroom scenarios and at regional MUN simulations, the NMUN will not accept any pre-written resolutions or reports, and which have not been developed by a plurality of the committee. This determination is at the sole discretion of the Secretariat. In addition, *any delegates found to be submitting plagiarized material within resolutions will be subject to dismissal from further participation within the Conference.* Although UN documents are within the public domain, the verbatim exploitation of these documents will not be permitted at the Conference.

Resolutions and reports are developed in three stages. In the initial stage, a resolution or report is referred to as a working paper and is generally developed by States or experts that share common perspectives on the issues to be addressed. The working paper is shared with other delegates in the committee for their input and support. Once the working paper gathers the required signatories, it is to be submitted to the committee director for approval. On the approval of the director, the working paper will be copied by Delegate Resources and introduced by the chair to the committee as a draft resolution or report.

Once the working paper has been introduced as a draft resolution or report, it becomes the property of the committee and all references to sponsorship, with the exception of identifying the status of amendments while in voting procedure, are formally removed. The central contributors to the contents of the draft resolution or report will continue to enlist the advice and support of as many States or experts as possible to expand upon the substance of the draft and, thereby, gain as much input and support as possible prior to the closure of debate. Once the committee moves to closure, all draft resolutions and reports will be voted upon and when adopted will thereafter be recognized as formal resolutions or reports.

Adopted resolutions and reports represent recommendations for States and the international community. The legal status of each document depends on which committee the resolution or report is coming from. For instance, the General Assembly's resolutions are not legally binding political treaties, but the decisions of the Security Council are binding on all Member States. Most countries avoid the embarrassing political position of failing to promote and implement the recommendations they publicly endorsed within the UN.

It is highly recommended that delegates introduce their ideas to the committee in the form of working papers as soon as possible in order to contribute to the potential development and adoption of resolutions and reports which characterize the united representative strength and will of regional blocs or, ultimately, the committee as a whole. Typically, a number of working papers before any committee will overlap in content, style, and substance. In this event, the director will request delegates to integrate their individual endeavors into a single and, thus, more comprehensive and internationally representative document.

The Executive Bureau, the General Committee and Saturday Plenary Sessions

By the conclusion of Tuesday night sessions, the Economic and Social Council Plenary will select four vice-presidents to assist the president (chair) as members of the Council Executive Bureau. Likewise the General Assembly will select 21 of its Members to the General Committee by Tuesday evening. The members of the Bureau and the General Committee are to be selected with regard for equitable geographic representation from: African States, Asian and Pacific States, Eastern European States, Latin American States and Western European and other States. The Bureau will meet on Friday evening, following the conclusion of regular sessions. The General Committee will be composed somewhat differently than the Bureau. It will be comprised of each committee chair from the General Assembly department. They will also meet at the end of regular sessions on Friday evening.

On Friday the Bureau and General Committee will be briefed by a representative from each relevant committee regarding the work accomplished by their body throughout the week. After reviewing the reports and resolutions submitted by the committee representatives, the Bureau and General Committee will set the agenda for Saturday sessions to deliberate upon each committee's recommendations to the Plenary.

ECOSOC Executive Bureau: The Saturday ECOSOC Plenary Session will deliberate upon the work of all the committees within the ECOSOC Department, as well as other relevant bodies, including most of the specialized agencies. During the Friday evening meeting, the Bureau will set an agenda order for the review of these reports for deliberation and potential adoption during Saturday sessions. Additionally, the Saturday session of ECOSOC Plenary will be deliberating upon a fourth topic to be prepared and introduced by the director and assistant director. This topic will be made available to delegates on Friday afternoon and will encompass a broad theme that relates, as much as is possible, to issues discussed by each of the committees within ECOSOC and the specialized agencies.

GA General Committee: On Saturday the General Assembly Plenary will deliberate upon the work submitted by each of the committees in the GA and Security Council department, as well as relevant inter-governmental organizations and other bodies. Following the conclusion of regular sessions on Friday, the General Committee will set the agenda order for the review of these reports and resolutions and for their potential adoption during Saturday sessions.

Saturday Sessions: On Saturday, the final day of the Conference, the ECOSOC Plenary, General Assembly Plenary, and Security Council will convene at United Nations Headquarters. Plenary deliberations will encompass the work of all Conference committees; and all delegates are advised to participate in the Saturday sessions in order to assist Plenary representatives with their broad scope of work. Minimally, Member State representatives to the Plenary should be briefed in regard to the work of the committees that report to their respective departments.

Ideally, the representatives of the committee whose work is being considered will sit with Plenary representatives as expert advisors to the State. The agenda for Saturday sessions will be made available outside Delegate Resources by 9:00 p.m. on Friday.

The Role of Non-Governmental Organizations in the Simulation

Non-governmental organizations (NGOs) are recognized in Article 71 of the *UN Charter* as consultative bodies in relationship to ECOSOC. These organizations also maintain a close working relationship with almost all ECOSOC funds and programs, specialized agencies, General Assembly committees, and regional organizations. In this role, NGOs are an invaluable resource to the UN system because they provide information on political, economic, social, humanitarian, and cultural developments in all parts of the world. Their recommendations may address potential solutions to global problems, speak to specific country or regional needs, or call attention to an emerging crisis.

NGOs are a crucial link between policy-makers and the individuals directly affected by those policies. They represent civil society and its impact on the UN system. There are two primary advantages NGOs have over the UN in terms of information gathering and program implementation. First, NGOs are often locally based and have better knowledge of regional conditions, needs, and constraints. Second, NGOs may find it easier to gain the acceptance, trust and cooperation of the communities in which they work because they are more aware of the indigenous cultural climate than many intergovernmental organizations. If the UN attempted to gather independently all of the information available to NGOs, it would consume vast amounts of time and scarce financial resources that are better applied to actual programs.

The global summit process that characterizes much of the UN's work in the 1990s has brought new attention to NGOs. At the Earth Summit in Rio de Janeiro in 1992, participation in the NGO forum surpassed all previous records. Although they were not invited to formally participate in negotiations, the massive NGO presence indicated recognition of their importance by conference organizers. In 1993, at the World Conference on Human Rights in Vienna, the NGO forum took place in the same building as the official meetings. This increased access to the proceedings brought NGOs to a new level of integration in global summits. At later conferences, such as the Cairo Conference on Population and Development, the Copenhagen World Summit on Social Development, the Fourth World Conference on Women in Beijing, and Habitat II in Istanbul, NGO forums grew in numbers as well as in their abilities to contribute substantively. As the international community continues to review Conferences of the past ten years, it is apparent that the influence of NGOs will set a new precedent for the incorporation of civil society into UN activity at the global level.

NGOs at the National Model United Nations Conference

Over the past several years, the NMUN has integrated the presence of NGOs into committees at the conference. It is an ongoing project that improves the educational quality of the simulation and mirrors developments in the UN itself, where NGOs are gaining both visibility and respect as a resource for program design and implementation. A large number of delegates will take on the challenging task of representing NGO delegations this year.

NGO delegations maintain all of the privileges accorded to traditional country delegations, and are required to exhibit the same level of preparedness. NGO delegations are eligible for awards, based on the same criteria as country delegations, and may select head delegates to attend the Head Delegate Meetings each night. NGO representatives are also required to submit position papers reflecting the perspectives and priorities of their assigned NGO on the agenda topics at hand.

All delegates should take the role of NGOs very seriously. NGO representatives must be prepared to fully participate in all committee activities, including formal debate, caucusing and drafting working papers. In turn, Member State delegates must be prepared to engage NGO delegates in these activities. Mutual recognition and respect between NGO and country delegates is necessary to a successful conference experience.

NGO delegates maintain the following privileges in each committee to which they are assigned:

1. the right to make any procedural motion;

2. the right to vote on all procedural motions;
3. the right to speak before all assigned committees; and
4. the right to act as a signatory on working papers.

Please note that NGO delegates *do not* have substantive voting rights, and *may not* sponsor working papers. In order to ensure a positive educational experience for all delegates, these rights and privileges may not exactly reflect those granted by ECOSOC. Any alterations made by the Director General gave due consideration to existing realities and the need to provide a learning environment that encourages active participation.

Country delegates are fully expected to work with NGO delegates in the spirit of collaboration upon which the UN was founded. The exclusion of NGOs from committee work simply because they do not have substantive voting rights is both unrealistic and unprofessional. In almost all cases, actions denigrating the participation of NGOs will be considered extraordinarily out of character and be noted in awards consideration. NGOs are expert organizations in their respective fields that possess specialized knowledge of the subject matter at hand. The recommendations of NGO delegates maintain the same validity as those of Member States, and it is incumbent upon country delegates to ensure that those perspectives are recognized.

How to Prepare as an NGO Delegation

As an NGO delegation, your preparation should be structured in the same way as a typical country delegation. The most basic pieces of this process include fundamental knowledge of the organization and of the agenda topics. Based on your research, you will decide how your assigned NGO will approach each topic, and the recommendations you will make for potential solutions. This includes identifying blocs of countries and other NGOs that may share the same perspectives and priorities and collaborate with you in committee sessions.

NMUN Resources: In this background guide, each agenda topic contains a section specific to NGO action. This will provide you with basic information on the general role of NGOs in that topic area. These sections may not specifically address your assigned NGO, but will provide a broad discussion of relevant NGO activities. You should not hesitate to contact the main office of your assigned NGO during the course of your preparations. In addition, you should arrange a mission briefing with the UN Liaison Office in New York City of the NGO you are representing. If you need assistance in arranging this briefing, visit the NMUN Web site at www.nmun.org or contact David Koller, Assistant Secretary-General for Internal Affairs at asg.internal@nmun.org.

Doing Research: Much of your research will likely rely on Internet resources. Because most NGOs do not have expansive budgets that allow for the widespread reproduction and dissemination of their written materials and reports, they choose to publish such documents on their Web sites. If you have difficulty obtaining materials from these electronic sources, please contact your director, assistant director, departmental USG, or the Director General for assistance. The UN Web site, as well as the sites for many of the specialized agencies, also contain valuable information about NGO activity. Finally, do not exclude traditional resources from your preparations. Newspapers, scholarly journals, and books will provide differing perspectives on your agenda topics, and may give interesting insight into the evolving role of NGOs.

Position Papers: NGO position papers should be constructed in the same fashion as traditional position papers. 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.

The most critical part of a successful NGO delegate experience at the NMUN Conference is active participation in committee sessions. This includes utilizing the rules of procedure, speaking in formal debate and contributing during caucus sessions. Although you may not sponsor working papers or vote on draft resolutions, you have both the right and the obligation to participate in their composition and refinement. You may act as a signatory to any working paper on the floor of your committee if you wish to illustrate your support for continued development of the document. Getting involved in the simulation is the best way to enhance your own educational experience and that of your fellow delegates.

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. Visit the downloads section at www.nmun.org to find an example of an award-winning position paper. This paper was also included in the 2003-2004 National Collegiate Conference Association's Annual Report, which was sent to each school along with this background guide. When using these sources, please be mindful of the NMUN's policy against plagiarism.

***Delegation from
The State of Tranquility***

***Represented by the
University of Bohemia***

Position Paper for the General Assembly Plenary

The issues before the General Assembly Plenary are: The Situation in Sub-Saharan Africa; Racism and Racial Discrimination, and A Comprehensive Review of United Nations Peacekeeping Operations. The State of Tranquility a proud member of the Regional Alliance of Peaceful Countries and a fully supports other regional groups in their efforts to coordinated a regional plan for sustained and sustainable development. In that regard, the State of Tranquility recognizes the necessity of ensuring the full realization of the Right to Development as declared in the Declaration on the Right to Development and the Final Report of the Working Group on the Right to Development. Tranquility fully supports the implementation of national development plans with the cooperation of regional organizations, the United Nations, and the international community. Tranquility is firmly committed to addressing the underlying factors

I. The Situation in Sub-Saharan Africa

The State of Tranquility believes that the principles of sovereignty, territorial integrity and economic security lend themselves to the pacific settlement of disputes in Sub-Saharan Africa, the most ethnically diverse region in the world. The lack of development in the region constitutes the root cause of political instability and conflict. The report of the Secretary-General, *An Agenda for Peace: Recommendations*, if implemented, could enhance the work of the Organization in its efforts to bring about sustainable development in Africa. Tranquility also believes that the use of preventive development in Africa could ensure that conflicts such as those in Liberia, Rwanda, Angola, Somalia and the Democratic Republic of the Congo can be avoided before they erupt. While obstacles to be overcome are many, international support for effective national programs to ensure the relief to rehabilitation to development continuum through post-conflict peace-building, can enable Sub-Saharan Africa and the entire developing world to achieve the sustainable development which alone will guarantee regional peace and stability. The State of Tranquility fully supports the increased cooperation between the United Nations and regional organizations in all aspects of dispute settlement and peace-keeping. Increased support for such regional efforts, when combined with measures to eliminate the root causes of regional conflict, serves to further enhance the prospects for lasting peace, security and development in Sub-Saharan Africa and throughout the entire international community.

II. Racism and Racial Discrimination

The State of Tranquility believes that the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance offers the global community an opportunity to establish an updated plan of action to completely eradicate racism and racial discrimination throughout the world. The necessity for all Member States to sign, accede to and ratify the International Convention on the Elimination of All Forms of Racial Discrimination is an integral part of this plan, as policies and practices based on racism and racial discrimination remain devastating to regional social, economic and infrastructure development. Tranquility encourage all States, international organizations and non-governmental organizations to increase their efforts to combat racism, racial discrimination

and xenophobia and to provide assistance to those affected by such practices. The lack of financial resources that prevented the international community from realizing its objectives in the three previous United Nations Decades to Combat Racism and Racial Discrimination must not continue to hinder the international community in guaranteeing the fundamental human rights of all peoples.

III. A Comprehensive Review of United Nations Peacekeeping Operations

The State of Tranquility remains firmly committed in support of the continued role of the United Nations Security Council as the primary agent for the maintenance of international peace and security, as mandated under Chapters IV and V of the UN Charter. We strongly recommend the authorization, determination, composition and financing of peacekeeping operations should be determined by the Council, as authorized by Articles 24, 25 and 26 of the Charter and in conjunction with the recommendations of the Special Committee on Peacekeeping Operations. Additionally, the State of Tranquility endorses the current role of the Secretary-General as administrator of the Operations established by the Council. The State of Tranquility remains a central contributor for both financial and logistical support of the United Nations Peacekeeping forces and will continue to contribute to the United Nations Peacekeeping Budget throughout the duration of the current year.

The State of Tranquility is firmly committed to addressing all threats to international peace and security through regional arrangements and multilateral forums. The international community must address the underlying causes of these conflicts and the destabilizing effects of such conflicts on entire regions. Tranquility is convinced that increased utilization of regional and sub-regional peacekeeping mechanisms can enhance the ability of peacekeeping missions to take into account historical, social, and cultural values and traditions within areas of conflict.

As operation costs continue to escalate, however, our nation strongly urges all Member States and the Secretary-General to devote greater attention to the monetary and management aspects of peacekeeping operations and provide serious consideration for the establishment of operation termination dates. The State of Tranquility further supports the proposal endorsed within A/Res/44/49, calling for Member States to develop and maintain an inventory of supplies and equipment to be made available for Operations on short-notice. In addition, the State of Tranquility calls upon Member States to recognize the need to maintain voluntary contributions for United Nations Peacekeeping Operations to reduce the continuing problems incurred by funding deficits.

Message from the Director General Regarding Position Papers

Position papers are submitted for each committee in which a State/NGO participates at the NMUN Conference. Position papers should provide a concise review of each delegation's foreign 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/NGO should be identified and addressed. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference.

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 recreation 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.

An important component of the awards consideration process is the format of the position papers. Please refer to the sample paper on the previous 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 (following the specifications below will ensure this)
- If printed, length must **not** exceed one double-sided page (two single-sided pages is **not** acceptable)
- Font **must** be Times New Roman sized between 10 pt. and 12 pt.
- Country/NGO name, School name and committee name clearly labeled on the first page
- Agenda topics clearly labeled in separate sections
- No binding, staples, paper clips, or cover sheets should be used on any of the papers

To be considered timely for awards one copy of the position paper must be e-mailed directly to the committee address, cescr@nmun.org, also provided in the cover letter of this guide, no later than **March 1, 2004**. *E-mailed files should be in Microsoft Word (.doc), Rich Text (.rtf), or Adobe (.pdf) formats.*

PLEASE TITLE EACH E-MAIL/DOCUMENT WITH THE NAME OF THE COUNTRY & COMMITTEE

A matrix of received papers will be posted online for delegations to check by March 15, 2004. If you need to make other arrangements for submission, please contact Renee Tillery, Director General, at dirgen@nmun.org or at 703-521-4343.

Additionally, each delegation should submit a copy of their position paper to the permanent mission of the country you are representing 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 preparing your mission briefing in New York.

Finally, please consider that over 1,000 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. Questions about the substantive nature of the position paper, research, or the committee should be directed to your director or assistant director. 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,

*Renee L. Tillery
Director General*

History of the Committee on Economic, Social and Cultural Rights

The establishment of the *Universal Declaration of Human Rights* (UDHR) in December of 1948 by the United Nations General Assembly (UNGA) initiated a new trend in foreign affairs, “the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.”¹ As a result, the birth of international human rights law obligated the international community to a greater duty to “promote, protect and monitor” basic inalienable rights of all global citizens.² Following the atrocities and fateful experiences of World Wars I and II, States acknowledged their responsibilities to protect the interests of their citizens while preventing the repetition of past harms, thus leading to the universal consensus and adoption of UDHR.

Despite the formation of UDHR, it was legally unenforceable in so far as it was exclusively a declaration. In other words, UDHR was soft law. The lack of legal teeth provoked many to doubt its effectiveness into the future. As a result, the international community responded in 1966 through the creation of hard law or enforceable covenants such as the *International Covenant on Civil and Political Rights* (ICCPR) and especially the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). And by 1976 these Covenants entered into force.³ It is through the United Nations’ task of “cataloguing and then codifying human rights [that a greater momentum towards moving fundamental rights] beyond the realm of morality [and] into the that of binding law.”⁴ These Covenants along with UDHR comprised and “enshrined global human rights standards” and customary law, and consequently, came to be known as the *International Bill of Human Rights*.⁵

Despite the creation of multilateral covenants with legal backing arising from legally unenforceable declarations, the international community called for the creation of treaty-reporting systems in order to monitor their progress, effectiveness, and implementation. Several of the supervisory bodies of international treaties were established; the Committee on Economic, Social and Cultural Rights (CESCR) is charged with supervising the ICESCR.⁶ However, it is important to recognize that these review committees are strictly limited in their enforcement schemes.

CESCR offers an effective means of “provid[ing] incentives for States to improve their human rights practices ... [instead of] forc[ing] recalcitrant States to alter their practices. [By CESCR’s efforts in reviewing and preparing reports,] it can uncover areas where improvement may be needed or possible. This may be particularly valuable in liberalizing newly democratic countries.”⁷ This further highlights the “obvious limitations of such a process ... the basic problem of international action on behalf of human rights in a world of sovereign States, [where] [e]ach State has almost exclusive responsibility for implementing human rights in its own territory.”⁸ The dualistic nature of foreign affairs, State sovereignty versus human autonomy and accountability, introduces numerous conflicts of interests that remain unresolved in this delicate balance. Consequently, CESCR’s role is essential in building an international consensus towards bridging the gap between State sovereignty and accountability. CESCR oversees and monitors the implementation of the ICESCR by States Parties to the treaty, and was created and authorized by

¹ United Nations. (Opened for signature 1948, December 10). *Universal Declaration of Human Rights*. New York, NY: Author

² Office of the High Commissioner for Human Rights. (July 1991). *Fact Sheet No. 16 (Rev. 1), The Committee on Economic, Social and Cultural Rights*. Retrieved July 2, 2003, from <http://www.unhchr.ch/html/menu6/2/fs16.htm#1>.

³ United Nations Committee on Economic, Social and Cultural Rights Press Release. (2003 May 1). *Committee on Economic, Social and Cultural Rights to Hold Thirtieth Session from 5 to 23 May 2003*. Retrieved July 2, 2003 from <http://www.unog.ch/news2/documents/newsen/esc0301e.htm>.

⁴ United Nations Office of the High Commissioner for Human Rights. *Introduction to the Treaty Monitoring Bodies*. Retrieved July 2, 2003, from <http://193.194.138.190/html/menu2/6/intro.htm>.

⁵ Office of the High Commissioner for Human Rights. (1991, July). *Fact Sheet No. 16 (Rev. 1), The Committee on Economic, Social and Cultural Rights*. Retrieved July 2, 2003, from <http://www.unhchr.ch/html/menu6/2/fs16.htm#1>.

⁶ Donnelly, Jack. (1998). *International Human Rights*. (2nd ed.). Boulder, Colorado: Westview Press, p. 58. The other important treaties are supervised by the following committees: *the Human Rights Committee supervising ICCPR*; *the Committee on the Elimination of All Forms of Racial Discrimination supervising the Convention on the Elimination of All Forms of Racial Discrimination*; *the Committee on the Elimination of All Forms of Discrimination Against Women supervising the Convention on the Elimination of All Forms of Discrimination Against Women*; *the Committee Against Torture supervising the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*; *the Committee on the Rights of the Child supervising the Convention on the Rights of the Child*;

⁷ *Ibid.*, p. 61.

⁸ *Ibid.*

the Economic and Social Council (ECOSOC in resolution 1978/10 of May 3, 1978).⁹ The creation of CESCR has facilitated the Council's efforts in the consideration of biennial reports submitted by States Parties to ICESCR, as well as "accepting NGO submissions, and issue specific recommendations regarding implementation of the Covenant."¹⁰ This "treaty monitoring body" is "composed of independent experts of recognized competence in the field of human rights who are elected by States Parties ... [and is] serviced by the Office of the High Commissioner for Human Rights in Geneva, Switzerland" to monitor compliance with the Covenant.¹¹ The Committee meets twice a year in Geneva for two three-week sessions in May and November or December where it collects its information from other sources such as NGOs and other UN specialized agencies.

According to rule 68 of CESCR, "representatives of specialized agencies concerned may make statements on matters falling within the scope of the activities of their respective organization and that representatives of the States Parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies."¹² Furthermore, rule 68 also allows the Secretary-General to invite representatives from the following specialized agencies, UN organs and financial institutions to attend the meetings of the Committee: International Labour Organization (ILO); Food & Agricultural Organization (FAO); UN Educational, Scientific & Cultural Organization (UNESCO); World Bank (WB); World Health Organization (WHO); World Intellectual Property Organization (WIPO); Office of the UN High Commissioner for Refugees (UNHCR); World Trade Organization (WTO); UN Children's Fund (UNICEF); UN Development Programme (UNDP); UN Conference on Trade & Development (UNCTAD); UN Population Fund (UNFPA); Joint UN Programme on HIV/AIDS (UNAIDS); and International Monetary Fund (IMF).¹³

Moreover, States Parties to ICESCR are required to submit periodic comprehensive reports "on how they give effect to the provisions [of ICESCR," and in response, the Committee] "panel evaluates the reports and makes observations and recommendations on improving the promotion and protection of the rights enshrined in the Covenant."¹⁴ Reports begin within two years of the State's entry into the Covenant and thereafter at five-year intervals.¹⁵ Though the Committee is confronted with serious organizational problems, it continues to progress through its backlog of reports.¹⁶ Thus, the creation of sub-committees within CESCR has, in some instances, helped alleviate this backlog as well as allow for greater attention to certain regions or States of heightened concern. The work of the Committee predominately involves substantive matters regarding the implementation of ICESCR into national legal structures as well as involves representatives of relevant State Parties to the Covenant, though NGOs may present their concerns to the Members during the pre-session working group of States whose reports are to be considered at the forthcoming session.¹⁷ NGOs in consultative status with ECOSOC are also encouraged to submit written information or reports that might contribute to the full and universal recognition and realization of the rights set forth in ICESCR.¹⁸ Furthermore, in order to intensify the work with NGOs, they are invited to attend the second meeting of working groups.¹⁹

⁹ United Nations Office of the High Commissioner for Human Rights. *Introduction to the Treaty Monitoring Bodies*. Retrieved July 2, 2003, from <http://193.194.138.190/html/menu2/6/intro.htm>. *States Parties* is a term referring to the formal and voluntarily acceptance of a binding treaty by a sovereign State. States may sign a treaty, thus revealing an intention to be bound by the treaty; however this obligation would only become effective after the treaty has been ratified or acceded. Only States that have ratified or acceded to a treaty are said to be *parties* to the treaty. From Donnelly, *supra*, note 6, p. 5.

¹⁰ Donnelly, *supra*, note 6.

¹¹ United Nations Office of the High Commissioner for Human Rights, *supra*, note 9.

¹² UN Economic and Social Council. (January 8, 2003). *Provisional Agenda and Annotations*. (E/C/12/2003/1). New York, NY: Author.

¹³ *Ibid.*

¹⁴ United Nations Committee on Economic, Social and Cultural Rights Press Release. (May 1, 2003). *Committee on Economic, Social and Cultural Rights to Hold Thirtieth Session from 5 to 23 May 2003*. Retrieved July 1, 2003, from <http://www.unog.ch/news2/documents/newsen/esc0301e.htm>

¹⁵ Hüfner, Klaus. (1998). How to File Complaints on Human Rights Violations? A Manual for Individuals and NGOs. Edited by the German United Nations Association and the German Commission for UNESCO in association with the UNAs of the European Union. Chapter III. Part II. *The Committee on Economic, Social and Cultural Rights*. Retrieved July 2, 2003 from http://www.unesco.de/c_huefner/chap3_2.htm. DGVN-TEXTE 49.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

ICESCR upholds the principle of the indivisibility, interdependence and interrelatedness between civil and political (CP) rights, and economic, social, and cultural (ESC) rights, and provides a means to ensure and redress the imbalance that currently exists amongst these areas.²⁰ Despite all this, there continues to be recommendations as to how to enhance and facilitate the monitoring procedure in order to present an alternative and “optimal way . . . in the strengthening of the international mechanisms needed to contribute to the universal realization of [ESC] rights.”²¹ For instance, an example of a proposal to enhance monitoring and implementation is to change the individual complaint procedure, however, there may be numerous alternatives for CESCR to consider.²²

Experts represented at our simulation will be from

Algeria	Belarus	Cameroon	Colombia
Costa Rica	Ecuador	France	Germany
Jamaica	Jordan	Mauritius	Philippines
Portugal	Romania	Russian Federation	Switzerland
Tunisia ²³			

NGOs that will be represented are

Franciscans International	Human Rights Watch	ICFTU
Int'l Bar Association	IULA/UCLG	Socialist International
World Council of Churches		

I. The Rights of Workers

*Rereading the Millennium Declaration, and assessing it in the aftermath of 11 September, I am struck by the fact that we have no need for new pledges and commitments. They are all there in solemn language. We need something more prosaic: - implementation, implementation, implementation! One of the attributes of the human rights system is that it is refining its capacity to measure progress through monitoring steps taken by States to implement their commitments. Here, too, the rigour of a legal regime can help to underpin the values of ethical globalization. The next phase must be less aspirational, less theoretical and abstract, and more about keeping solemn promises made.*²⁴

Globalization has transformed and enhanced the livelihood of billions of global citizens. However, increasing market competitiveness has also caused a decline in quality of life as well as compromised the role of labor unions and global workers collectively. Thus, as “globalization undoubtedly will continue, deliberate efforts to universalize human rights, especially workers’ rights, must be pursued as a corrective measure to avoid [harmful] consequences. The human rights of women, children, and most marginalized groups, including indigenous peoples, migrants, non-dominant ethnic groups and minorities, should be given the highest place on the human rights agenda.”²⁵ More

²⁰ *Ibid.*

²¹ Hüfner, *supra*, note 15.

²² *Ibid.*

²³ United Nations Committee on Economic, Social and Cultural Rights Press Release. (2003, May 1). *Committee on Economic, Social and Cultural Rights to Hold Thirtieth Session from 5 to 23 May 2003*. Retrieved July 2, 2003, from <http://www.unog.ch/news2/documents/newsen/esc0301e.htm>. The names of the experts represented are: Clement Atangana (Cameroon), Rocio Barahona Riera (Costa Rica), Virginia Bonoan-Dandan (Philippines), Maria Virginia Bras Gomes (Portugal), Dumitru Ceausu (Romania), Abdessatar Grissa (Tunisia), Azzouz Kerdoun (Algeria), Yuri Kolosov (the Russian Federation), Giorgio Malinverni (Switzerland), Jaime Marchán Romero (Ecuador), Sergei Martynov (Belarus), Ariranga Govindasamy Pillay (Mauritius), Kenneth Osborne Rattray (Jamaica), Eibe Riedel (Germany), Walid M. Sa'di (Jordan), Philippe Texier (France), and Alvaro Tirado Mejia (Colombia).

²⁴ Office of the UN High Commissioner for Human Rights. (2002, January 21). *Ethics, Human Rights and Globalization* from the Second Global Ethic Lecture. The Global Ethic Foundation. University of Tübingen, Germany: Mary Robinson.

²⁵ Eide, Asbjorn. *Observations on Recent Developments in the Field of Economic Social and Cultural Rights*. Retrieved July 8, 2003, from www.nutrition.uio.no/iprfd/Encounterdocuments/Doc01-G2.html

fundamentally, “forced labor, child labor, unemployment, gender discrimination, HIV/AIDS discrimination, and below-subsistence wages are commonplace in many areas [especially underdeveloped regions].”²⁶ Economic globalization with its powerful momentum will continue to introduce additional contentious labor issues into the future.

The objective of ensuring a decent standard of work is generally agreed upon; however, the means to ensure, implement, and enforce this principle is where the area becomes contentious and complicated. The idea of decent work “takes on board the overwhelming fact of economic globalization ... [it is a] capacity to identify both the components of a tolerable and sustainable working life and the means of securing it.”²⁷ The Director-General of the ILO elucidates upon six main dimensions to ensuring a decent standard of work opportunities for all to find any kind of work; freedom of choice of employment, i.e. excluding forced, bonded and slave labor and unacceptable forms of child labor; productive work, providing adequate incomes and ensuring competitiveness; equity in work, including absence of discrimination in access to and at work; security at work, as far as health, pensions and livelihoods are concerned; and dignity at work, not only in the respect that is extended to workers, but also in their freedom to join organizations which represent their interests, to voice concerns, and participate in decision-making about working conditions.²⁸ Unfortunately, these six dimensions may not be “mutually compatible,” thus revealing that the “practicalities of decent work policy essentially comes down to possible trade-offs and complementarities between its dimensions.”²⁹

In responding to these concerns and issues, the international community is upholding international labor standards through the creation of international labor law. The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) recognizes the right to work, including the right to the opportunity to gain a living by work that is freely chosen or accepted in Articles six, seven, and eight.³⁰ Article seven of ICESCR obligates States Parties to “recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: [fair and equal] remuneration; safe and healthy working conditions; equal opportunity for everyone to be promoted; and rest, leisure, and reasonable limitation of working hours.”³¹ Article eight assigns States Parties to ensure the right of everyone to form trade unions of their choice; the right of trade unions to establish national federations or confederations; and the right of trade unions to function freely subject to no limitations other than those prescribed by law; the right to strike.³² Moreover, ILO has issued numerous labor conventions and agreements that have delineated the concerns and their respective needs for various sectors of labor. However, standard setting is not enough. The issue warrants significantly greater efforts for monitoring and enforcing these standards.

ICESCR has participated in ensuring that economic, social, and cultural rights (ESC rights), inclusive of labor rights, have not been overlooked in an increasingly globalizing era. In fact, the Committee issued *Globalization and Economic, Social and Cultural Rights* which emphasized that the “realms of trade, finance and investment are in no way exempt from human rights principles and that the international organizations with specific responsibilities in those areas should play a positive and constructive role in relation to human rights.”³³ Moreover, the Committee has become more cognizant of the concern of the affect of international economic policies and their impact on the “ability of States to fulfill their treaty obligations,” and has reaffirmed resolution 1999/30 of August 26, 1999 endorsing that “human rights principles and obligations are fully integrated in future negotiations in the World Trade Organization (WTO), and for proper study to be undertaken of the human rights and social impacts of economic

²⁶ Pease, Kelly-Kate S. (2000). *International Organizations: Perspectives on Governance in the Twenty-First Century*. Upper Saddle River: Prentice Hall, p. 212.

²⁷ World Bank. (2000). *International Labour Standards: The Challenges for the 21st Century*. Retrieved September 11, 2003, from <http://www.worldbank.org/wbi/labormarkets/courses/dc2003/proceedings/pdfpaper/module8ilo.pdf>

²⁸ International Labour Organization (International Institute for Labour Studies). (August 2003). *Employment Dimensions of Decent Work: Trade-Offs and Complementarities*. (DP/148/2003). Geneva, Switzerland: Godfrey, Martin.

²⁹ *Ibid.*

³⁰ Office of High Commissioner for Human Rights. (Opened for signature 1966, December 16). *International Covenant on Economic, Social and Cultural Rights*. Part III, Article 6. Retrieved July 2, 2002, from http://www.unhcr.ch/html/menu3/b/a_cescr.htm

³¹ *Ibid.* Part III, Article 7.

³² *Ibid.* Part III, Article 8.

³³ United Nations Economic and Social Council. (1999, November 26). *Statement of the UN Committee on Economic, Social and Cultural Rights to the Third Ministerial Conference of the World Trade Organization (Seattle, 30 November to 3 December 1999)*. (E/C.12/1999/9). Geneva, Switzerland: Author. Switzerland.

liberalization programmes, policies, and laws.”³⁴ However, the Committee, to date, has not issued such a scheme for Articles six, seven, and eight and the decent standard of working.

UN Secretary-General Kofi Annan developed an initiative that would bring together various sectors of society affected by globalization, including transnational corporations (TNCs), States, as well as other international and regional organizations in an effort to maintain a forum to enhance awareness; ensure a greater understanding; and to build a consensus over human rights, globalization, labor standards, and the environment. This initiative came to be known as the *UN Global Compact* where its nine core principles will establish the foundation towards an improved global ethic towards the rights of workers.³⁵

Responsibilities and Roles: Establishing Global Ethics for International Labor

It is instrumental that there is a clear understanding of the roles and responsibilities of various international stakeholders in upholding the principles and values of human rights, especially workers’ rights. “While attention to States’ obligations for human rights has increased, the capacity of States to implement those obligations appear to have decreased as a consequence of globalization.”³⁶ In other words, “Globalization is weakening State structures, especially in relation to their capacity to promote global public goods, their traditional function of enhancing the quality of life within the boundaries of the State, and their most recent role of assisting and protecting the vulnerable within their borders.”³⁷ As a result, globalizing corporate forces need to be included in ongoing and future dialogue to contribute towards enhancing workers’ rights as a means to raise their awareness and obligations to protect just as much as they are driven to profit. Already, 171 Member States joined forces at the 1993 World Conference on Human Rights in Vienna to declare, “promoting and protecting human rights is their first responsibility [as] Governments.”³⁸ Without timely, coordinated, and constructive efforts towards implementation, these declarations will lose international credibility and urgency.

Many of the obligations are already set forth in ICESCR including that States Parties need to “take full account of all principles recognized therein ... [as well as] live up to the responsibilities under human rights law.”³⁹ These obligations do not only delineate State responsibilities but equally international and transnational duties. These “transnational obligations of States [are inclusive of avoiding] harm in other states, and ... prevent[ing] [their] own nationals from doing harm in other States. [Also] States have positive obligations to aid and assist other States in their implementation of human rights;” [moreover] “... it is governments in those countries that are accountable for all policies, both to global markets and to their own people.”⁴⁰ Despite this ideal set of expectations, in reality States frequently fail to submit timely and accurate reports to CESCR, with regards to State implementation of ICESCR, as well as to other treaty-monitoring bodies for their respective treaties. Disregard for deadlines and correct reporting can signify that “governments may be impervious to forms of external pressure such as political and economic isolation and prepared to defy sanctions and military intervention.”⁴¹ This reveals the difficulties and challenges with regards to enforcement of international labor law. Moreover, CESCR along with other standard-setting and monitoring institutions need to clarify “what kind of breach should trigger an enforcement action.”⁴²

³⁴ *Ibid.*

³⁵ United Nations Global Compact. *The Nine Principles*. Retrieved August 15, 2003, from <http://www.unglobalcompact.org/portal>. The principles are: 1) Businesses should support and respect the protection of internationally proclaimed human rights within their sphere of influence; 2) To make sure that TNCs are not complicit in human rights abuses; 3) Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining; 4) To eliminate of all forms of forced and compulsory labor; 5) Effectively abolish child labor; 6) To eliminate discrimination in respect of employment and occupation; 7) Businesses should support a precautionary approach to environmental challenges; 8) To undertake initiatives to promote greater environmental responsibility; and 9) To encourage the development and diffusion of environmentally friendly technologies.

³⁶ Eide, *supra*, note 25.

³⁷ Falk, Richard. (1999). The Challenge of Genocide and Genocidal Politics in an Era of Globalisation. In Tim Dunne & Nicholas J. Wheeler (Eds.), *Human Rights in Global Politics*. Cambridge, United Kingdom: Cambridge University Press, p. 177-194.

³⁸ United Nations Economic and Social Council., *supra*, note 11.

³⁹ Eide, *supra*, note 25.

⁴⁰ *Ibid.*; Woods, Ngaire. (2003). Order, Justice, the IMF, and the World Bank. In Rosemary Foot, John Lewis Gaddis, and Andrew Hurrell (Eds.), *Order and Justice in International Relations*. New York: Oxford University Press, Inc., p. 91.

⁴¹ *Ibid.*

⁴² Woods, *supra*, note 40, p. 94.

On the other hand, the business ethic of TNCs is especially critical. TNCs have an increasing global responsibility to uphold the international standards, and the dynamic economic, social, and political relations between States and TNCs are critical factors in the magnitude of the globalization equation. Clearly, the primary responsibility rests with the host State to ensure that all corporations, including TNCs, operating on their territory, behave in accordance with human labor rights; but host governments are often unwilling to do so. In fact, there is debate regarding TNCs and whether they are beyond the effective control of governments due to their enormous economic and political power.⁴³

In addition to States and TNCs, “it is also debatable whether alternative or supplementary duty-holders exist or are emerging that are able properly to shoulder the obligations for human rights, including [and especially] economic and social [rights].”⁴⁴ The additional stakeholders include the World Bank (WB), the International Monetary Fund (IMF), and WTO. “To a large extent [globalization] is driven by TNCs, the role of WB, IMF, and WTO are of the greatest significance ... [where] WB and IMF do [certainly] have obligations under international human rights law, but mainly an obligation to respect the rights; it is still left to the States only to protect and to fulfill the rights.

It is crucial to recognize that “achieving order in a globalizing economy is becoming ever more complex. International flows of capital, investment, goods, services, information, and corporate organization are increasing in quantity and speed. Managing the global economy was never an easy task, and in the twenty-first century, it is one fraught with more fragilities and instabilities than ever before.”⁴⁵ “Equally difficult and complex are the requirements of justice in a globalizing world economy. State borders now provide even less of a buffer than they did previously to justice claims in international affairs ... Certain States have become ever more subject to the imposition of economic conditionality and external intervention in matters of domestic governance. All of these considerations throw into sharp focus the issue of who should be accountable to whom and for what in the international system.”⁴⁶

The International Labour Organization

ILO has played an instrumental role in defining and upholding international labor standards by “monitoring State behavior in the area of labor rights.”⁴⁷ The organization has primary responsibility of raising “the common standard of the conditions of life, so that those States which lead the world on social reform may not be placed at an undue disadvantage by those which compete with them by the exploitation of their labor.”⁴⁸ Nonetheless, ILO has regulated labor standards despite rapid globalization; however, more is still required to protect billions of global citizens from exploitation. ILO has further reaffirmed that the promotion of human rights is at the heart of its efforts and work.⁴⁹

The standards set forth in ILO’s *Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy* and ILO’s *Declaration on Fundamental Principles and Rights at Work* has provided for a solid cornerstone to furthering labor rights in the realm of international human rights law. ILO has long emphasized the importance of fair labor standards in protecting human dignity and its “contribution to a lasting peace, mitigat[ing] potentially adverse effects of international market competition, as well as [establishing sustainable] development.”⁵⁰ ILO established the *World Commission on the Social Dimension of Globalization* in February 2002 in order to

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Woods, *supra*, note 40, p. 80.

⁴⁶ *Ibid.*, p. 81.

⁴⁷ Forsythe, David P. (2000). *Human Rights in International Relations*. Cambridge, United Kingdom: Cambridge University Press, p. 71.

⁴⁸ Toye, John. Order and Justice in the International Trade System. In Rosemary Foot, John Lewis Gaddis, and Andrew Hurrell (Eds.), *Order and Justice in International Relations*. New York: Oxford University Press, Inc., p. 109. James T. Shotwell. Introduction. (1934). *The Origins of the International Labour Organization*. New York, NY: Columbia University Press, p. xix.

⁴⁹ *Ibid.*

⁵⁰ United Nations International Labour Organization. *International Labour Standards*. Retrieved August 2, 2003, from <http://www.ilo.org/public/english/standards/norm/whyneed/index.htm>

examine the effects of globalization.⁵¹ Part of ILO's success is due primarily to the involvement of the three primary stakeholders involved in the global market system: governments, employers, and employees. By this triple involvement, an emphasis is placed upon the combination of "good governance, the rule of law, judicial reform, corruption, and corporate governance."⁵² Moreover, ILO's *Declaration of Fundamental Principles and Rights at Work* elaborates upon the importance of further establishing a comprehensive worldwide development strategy that views "economic and social policies [as] mutually reinforcing components in order to create broad-based sustainable development."⁵³

ILO has actively engaged in standard setting, monitoring, and enforcement for international labor law. Moreover, its

supervisory procedures amount to one of the best guarantees international labor standards will be applied ... [where] government reports containing [labor information or the legal and other measures taken to meet the requirements of [ratified] Conventions] are examined by the Committee of Experts on the Application of Conventions and Recommendations, which functions on principles of independence, impartiality and objectivity and, wherever there are problems of implementation, addresses comments to the governments concerned. The main part of this objective analysis is subsequently examined by the tripartite Conference Committee on the Application of Standards, at which government representatives in the most serious cases are invited to answer the criticisms made ... The regular supervisory procedure is [also] supplemented by special complaints procedures.⁵⁴

In addition, further monitoring is required through the use of procedures for "follow-up which forms an integral part of the Declaration: regular reporting under Article 19(5)(e) of ILO Constitution on unratified fundamental Conventions leads to examination by a specially created group of experts and then the Governing Body, and a global report by the Director-General each year on one of the four categories of fundamental principles and rights leads to a discussion at the Conference."⁵⁵ However, enforcement has always been an area of concern considering that there are limited provisions available for NGOs, UN organizations, or CSOs working independent of each other. There is great potential for enforcement efforts if coordinated collectively.

Women and Children

Exploitative labor with regards to women and children is especially concerning. Compounded with illegal drugs and human trafficking, the issues have become even more critical, especially in conflict or post-conflict regions. With regards to women's rights, gender equality and discrimination play critical factors. ILO's "Capacity-building Programme on Gender Equality, Employment Promotion and Poverty Eradication (GPE) argues that poverty can be traced to certain types and patterns of work, and to exclusion from rights and opportunities for decent work ... [where] gender is one major determinant of rights, access and patterns of productive work."⁵⁶ "Poverty and a decent work agenda must address gender discrimination and exclusion in all spheres as they interact to limit women's opportunities."⁵⁷

Child labor is undoubtedly one of the most challenging of the issues on the international labor rights agenda. ILO estimates that approximately 250 million children, between the ages of five and 14 years of age, are working.⁵⁸ Moreover, ILO approximates that "out of every 100 children in the world today, 16 are child laborers, 12 are in its

⁵¹ International Labour Organization. (2003, August). *World Commission on the Social Dimension of Globalization*. Retrieved September 11, 2003, from <http://www.ilo.org/public/english/wcsdg/index.htm>

⁵² Woods, *supra*, note 19.

⁵³ United Nations International Labour Organization. *Declaration on Fundamental and Rights at Work*. Retrieved July 29, 2003, from <http://www.ilo.org/public/english/standards/decl/declaration/text/tindex.htm>

⁵⁴ World Bank. (2000). *International Labour Standards: The Challenges for the 21st Century*. Retrieved September 11, 2003, from <http://www.worldbank.org/wbi/labormarkets/courses/dc2003/proceedings/pdfpaper/module8ilo.pdf>

⁵⁵ *Ibid.*

⁵⁶ International Labour Organization. *Gender Promotion*. Retrieved September 12, 2003, from <http://www.ilo.org/public/english/employment/gems/>

⁵⁷ *Ibid.*

⁵⁸ Foley, Conor. Amnesty International. (2000, January). *Global Trade, Labour and Human Rights*. Centurion Press: London.

worse forms, and many will never go to school.”⁵⁹ Unfortunately, “child labor is a complex problem, rooted in poverty and lack of educational opportunities. It is often dangerous and can also involve denial of other rights, such as the right of education, health and physical integrity.”⁶⁰

Multicultural preferences complicate the issue further. There are societies that justify child labor arguing, “Children should be allowed to contribute to their families economically.”⁶¹ Others “argue that prohibiting child labor completely would increase the economic deprivation of extremely poor families who often depend on money brought in by children for their basic needs. Others say that removing children from some industries will only force them on to the streets or into more dangerous and exploitative forms of work.”⁶² Moreover, there has been much negotiation as to whether to include child soldiering in the context of the *Convention on the Worst Forms of Child Labor* (CWFCL). ILO developed the *International Program on the Elimination of Child Labor* (IPEC), which operates within countries of concern “with children’s rights organizations advising government on their laws and policies.”⁶³

Case Study: Thailand

Child labor is all-inclusive, including alternate areas of work such as illicit drug activities or prostitution. The international community has consistently reaffirmed its commitment towards eliminating this practice. The concern is not indigenous to several areas; rather it is an international concern regardless of the socio-economic conditions of a State; though the instances are more evident in developing regions with weak governmental enforcement mechanisms. Northern Thailand has consistently revisited the issues of child prostitution, especially with regards to the girl child. A three-year initiative was implemented in 1992 between IPEC and the NGO, Development and Education Programme for Daughters and Communities Center (DEPDC), which “aims to prevent child prostitution and child labor by providing alternative education to girls at high risk of exploitation.”⁶⁴ The work of this coordinated efforts included “raising awareness among parents and the community regarding the sexual exploitation of children, child labor, and potential options that parents and children can have.”⁶⁵ As a result, the *Provincial Plan of Action Against Child Labor* has dramatically reduced the incidences and harms of child prostitution by organizing key actors through community-based outreach programs, through the educational facilities, as well as other NGOs and active State-based organizations, such as the Thai Women of Tomorrow project. As a result, the incidences of child prostitution decreased from 49 cases in 1994 to 15 in 1998.⁶⁶ However, incidences also go unreported, thus “at least, another 5,000-10,000 children will benefit from ongoing action programmes.”⁶⁷

Migrant Workers

The causes of worker migration also raise numerous concerns with regards to labor standards. Migrant workers (MWs) represent a vulnerable and often exploited group because they are non-documented citizens and/or victims of irregular situations. Terrorist attacks in States around the world prompted, “fears of terrorism and economic insecurity [thus] prompting a backlash against migrants and other foreigners in many countries. MWs are vulnerable at the best of times, but they now need protection more than ever.”⁶⁸

⁵⁹ International Labour Organization. (2003). *Child Labour*. Retrieved September 12, 2003, from http://www.ilo.org/public/english/standards/decl/intro/ilo_movie/index.htm

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ International Labour Organization. International Programme on the Elimination of Child Labour. (1998). *15 Examples of Selected Successful Action Programmes. Community Action and the Provincial Plan Fighting Against the Prostitution of Children and other forms of Child Labour*. Retrieved September 12, 2003, from <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/expls-98/exempl6.htm#start>

⁶⁵ *Ibid.*

⁶⁶ International Labour Organization. International Programme on the Elimination of Child Labour. (April 2002). *Thailand Child Domestic Workers: A Rapid Assessment*. Geneva, Switzerland: Phlanoi, Nawarat.

⁶⁷ *Ibid.*

⁶⁸ Human Rights Watch. Global Advocacy Director of Human Rights Watch Rory Mungoven. (July 1, 2003). *Migrant Workers Need Protection UN Treaty Comes Into Force*. Retrieved September 11, 2003, from <http://www.hrw.org/press/2003/06/mwc063003.htm>

As a result, the UN Commission on Human Rights (CHR) appointed a Special Rapporteur on the Human Rights of Migrants to follow the issue in detail.

The *Migrant Workers Convention* defines the term “migrant worker” in Article 2, Paragraph 1, as “a person who is to be engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”⁶⁹ States have come to recognize the importance of “promot[ing] effective migration management . . . of an increasingly mobile population, [and protecting them from arbitrary expulsion, discrimination, xenophobia, and the] “feminsation of international labor migration in unregulated sectors, such as domestic work and the sex industry.”⁷⁰ The concern has become critical considering that the statistics reveal greater urgency for action and the need for the international community to adopt appropriate measures to protect these forgotten people, especially as the influence of globalization increases, so does the demand for migrant labor.

International Migration Organization

The International Migration Organization (IOM) is committed to upholding the human dignity of migrants; “encouraging social and economic development through migration; assisting in meeting operational challenges of migration; and advancing understanding of migration issues.”⁷¹ Furthermore, the IOM “is dedicated to working with governments to help them formulate policies and programmes to manage migration in a comprehensive manner and for the benefit of all.”⁷² In an effort to reveal the severity of the cause of MWS, the IOM submitted the *World Migration Report* estimating that approximately 3% of the world’s population or roughly 175 million people are considered to be migrants.⁷³ Many migrate “in search for better economic opportunities, in search of education, to find safety from violence or natural disasters.”⁷⁴

One of the main concerns about MWS is that many, along with their families, have consistently “fallen through the cracks of the international legal system,” due to their “separation from the traditional protection provided by their countries of origin.”⁷⁵ The first discussions on exploitation of migrants were held in the 1970s, and since then the “international community, including international governmental organizations, NGOs, human and labor rights advocates, lobbied for the creation of an international convention.”⁷⁶ In response, the UN General Assembly adopted MWC in 1990, and following 21 ratifications, the *International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families* (MWC) entered into force on July 1, 2003.⁷⁷ The Convention defines and recognizes the rights of MWS and will play an integrative role in “preventing and eliminating the exploitation of all [MWS] and member of their families throughout the . . . migration process, [and] put an end to the illegal or clandestine recruitment and trafficking of [MWS] and to discourage the employment of [MWS] in an irregular or undocumented situation.”⁷⁸ The primary objective of the Convention is to “put an end to the illegal or clandestine recruitment and trafficking of [MWS] and to discourage their employment in an irregular

⁶⁹ Office of the High Commissioner for Human Rights. (Opened for signature 1990, December 18). *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. (GA/45/158). Geneva, Switzerland: Author. Article 2, Paragraph 1.

⁷⁰ International Organization for Migration. Director-General Brunson McKinley. (2003, July 1). *IOM Welcomes the Entry into Force of the UN Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families*. (News Release No. 863). Retrieved September 11, 2003, from http://www.iom.int/en/news/pr863_en.shtml, International Migration Programme. International Labour Office. *Perspectives on Labour Migration. Globalization, Labour and Migration: Protection is Paramount*. Geneva, Switzerland: Patrick A. Turan and Eduardo Geronimi.

⁷¹ *Ibid.*

⁷² United Nations High Commissioner for Human Rights. (2003, July 1). *Panel to celebrate the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families. Statement by the Acting High Commissioner for Human Rights Bertrand Ramcharan*. Retrieved September 11, 2003, from <http://www.december18.net/UNConvention010703StatementUNHCHR.pdf>

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, Human Rights Watch, *supra*, note 68.

⁷⁸ *Ibid.*, United Nations Office of the High Commissioner for Human Rights. (2003). (CHR/NONE/2003/154). Retrieved August 22, 2003, from http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm

or undocumented situation, [while assisting] in securing a protective international mechanism of the human rights of migrants, including those in irregular situations.”⁷⁹ Crucial aspects of the Convention include recognizing

MWS not just as economic units, but human beings with families... entitled to basic human rights. It also clearly recognizes the reality of exploitation and abuse that many MWS experience on a daily basis, and extends protection to them. Finally, the Convention calls upon States to come together to address migration issues and outline the responsibilities that countries of origin, transit and destination have in protecting migrants and developing sound labor migration policies. This includes States’ efforts to bring relevant national legislation into harmony with international human rights standards.⁸⁰

Despite this progress, to date, not one industrialized country has ratified MWC.⁸¹ MWC’s entry into force contributes and reinforces existing international human rights law with regards to MWS such as *ILO Migration for Employment Convention* of 1949 and *ILO Migrant Workers Convention* of 1975. The roots of alleviating the harms upon migrant workers involves State initiatives in implementing “comprehensive approaches to the management of migration that will ensure the safety and dignity of migrants as they meet national employment, growth, development and security needs ... The key is not to prevent mobility but to manage it better.”⁸²

Conclusion

Upholding the decent standard of working is integral and directly related to protecting the economic, social, and cultural rights of all humans. Though, “globalization of production is weakening state-centric schemes for implementing economic, social and cultural rights,” thus only reaffirming the importance and need for action.⁸³ With globalization, a greater economic interdependence exists.

What is the situation in your State? How are workers’ rights protected and secured? What should the role of the non-state actors be? How can the existing documents pertaining to workers’ rights be strengthened? What should the role of CESCR be? As indicated workers rights includes many aspects such as child labor and migrant workers. How can the rights of migrant workers be safeguarded? What is the situation with respect to child labor in your country? What should the international community do in order strengthen all aspects of workers’ rights? If you are representing an NGO, how can you contribute to strengthening workers’ rights? What aspect of workers rights does your NGO focus on? Are there any best practices that you can share? “Indeed the incidences of violations of civil and political rights increase where economic and social rights are least available or are not guaranteed.”⁸⁴

II. Realizing the Right to Education

Education is itself proclaimed as a human right in the Universal Declaration. The preamble called on every individual and every organ of society, and again I quote, ‘Keeping this declaration constantly in mind to strive by teaching and education to promote respect for these rights and freedoms,’ and this message was reinforced in Article 26 of the Declaration, when it identifies the objectives of education as being, and again I quote, ‘Directed to the full development of the human personality and to the strengthening and respect for human rights and fundamental freedom.’⁸⁵

⁷⁹ Human Rights Watch, *supra*, 68.

⁸⁰ *Ibid.*

⁸¹ Human Rights Watch. Global Advocacy Director of Human Rights Watch Rory Mungoven. (2003, July 1). *Migrant Workers Need Protection UN Treaty Comes Into Force*. Retrieved September 11, 2003, from <http://www.hrw.org/press/2003/06/mwc063003.htm>

⁸² Human Rights Watch, *supra*, note 68.

⁸³ Donnelly, Jack. (1999). *The Social Construction of International Human Rights*. In Tim Dunne & Nicholas J. Wheeler (Eds.), *Human Rights in Global Politics*. Cambridge, United Kingdom: Cambridge University Press, p. 71-102.

⁸⁴ *Ibid.*

⁸⁵ Mary Robinson (1997, July). *Opening address, 3rd ICP Convention*. Retrieved July 2, 2003 from, <http://www.aspa.asn.au/conopen.htm>.

How to provide a universal primary education is one of the single greatest problems facing the world today. Though countless treaties and agreements extend the right of education to the developed and lesser-developed world, many States have yet to successfully implement a plan, which will make the concept of universal education a reality. States' inaction stems from many different sources, some structural and institutional, and some traditional and cultural. "Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labor and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth."⁸⁶

In its *General Comment 13* the United Nations Committee for Economic, Social and Cultural Rights (CESCR) clearly states that, "education is both a human right in itself and an indispensable means of realizing other human rights."⁸⁷ The Committee believes education is an empowerment right and a vehicle that all peoples can use to lift themselves from the depths of poverty and become full participants in their communities.⁸⁸ Education plays a very important role in all societies by fighting discrimination, "safeguarding children...promoting human rights and democracy, protecting the environment, controlling population growth," and fulfilling our desire to understand the world.⁸⁹ Education is one of the best financial investments that any State or community can make in its own future. The right, is however, not universal as many adults and children are disadvantaged due to a lack of education. Poor or less than average education has left many millions of adults and children disadvantaged, improvised, and vulnerable.⁹⁰ With the passing of each year illiteracy and ignorance claim countless new victims, most of them children, who, plagued by this exclusion from opportunities, will never enjoy the benefits that an education brings.⁹¹

Recognizing the Fundamental Right to Education

Much work has yet to be done in expressing the need for education reform in many States. The first step in the long road to creating a better education system and bringing the joy of thought to all peoples is recognizing a problem in the current method status of education systems throughout the world. The following quote from the *Public Report on Basic Education in India* clearly illustrates the need for reforming the general view of basic education

The notion that elementary education is a fundamental right is not accepted by all, at least not wholeheartedly. Some even perceive the universalization of education as a threat to the opportunities of their own children. In their view, the role of the schooling system is to act as a 'filtering process', which picks the best and the brightest and helps them to realize their potential. If too many children get on board, the prospects of those who currently enjoy the privilege of good schooling facilities will be threatened.⁹²

Instead, the tendency is to rationalize the inequities of the schooling system in various ways.⁹³ It is not uncommon to blame the victims, for example, poor parents are held responsible for not sending their children to school, overlooking all the difficulties they face.⁹⁴ The perception of schooling as a filtering process has a strong influence on educational planning. It helps to explain, for instance, why enormous resources have been spent on developing world-class institutions of higher learning, such as institutes of management or technology, while thousands of primary schools went without blackboards or drinking water. Teaching methods and the school curriculum also bear the stamp of this view of education as a "rat-race."⁹⁵

⁸⁶ Committee on Economic, Social, and Cultural Rights. (1999). *General Comment 13 of 8 December 1999*. (E/C.12/1999/10). New York, NY: Author, Paragraph 1.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ Morka, Felix. (2000). *Circle of Rights: Economic, Social, & Cultural Rights Activism: A Training Resource*. International Human Rights Internship Program. The University of Minnesota, Human Rights Resource Center: Author. The Circle of Rights series discusses education in the context of human rights and activism. This mini-lesson details some aspects of implementing education reform in various states.

⁹¹ *Ibid.*

⁹² Anuradha De, Jean Dreze. (1999). *Public Report on Basic Education in India*. New Delhi, India: Oxford University Press, p. 3.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

In *General Comment 13*, CESCR recognizes that “for millions of people throughout the world, the enjoyment of the right to education remains a remote and distant goal.”⁹⁶ This problem is further agitated by the fact that in many cases the goal of realizing universal education is becoming “increasingly remote,” being blocked by formidable structural, social, and economic obstacles.⁹⁷ Some even believe the expansion of current systems of education to be a threat to their own wellbeing or even worse an option that should not be provided to most citizens.⁹⁸

Education as a Fundamental Right

International law recognizes education as an inalienable human right. The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) devotes two articles to the right to education. Articles 13 and 14 are the longest provisions in the Covenant, and as stated in *General Comment 13*, provide “the most wide-ranging and comprehensive article on the right to education in the international human rights law.”⁹⁹ The Covenant stipulates that “primary education shall be compulsory and available free to all; secondary education... shall be made generally available and accessible to all by every appropriate means...; higher education shall be made equally accessible to everyone on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; and fundamental education shall be intensified for those persons who have not received or completed their whole primary education.”¹⁰⁰ It also stipulates that “systems of schools shall be established and their material condition shall be continually improved.”¹⁰¹ This particular document is of great importance to this committee, though it is not the only source of international law recognizing the right to education.

The *Universal Declaration of Human Rights* (UDHR) states that “everyone has the right to education.”¹⁰² It further recognizes that education must be free, at least in the elementary stages, and that it shall be compulsory.¹⁰³ Article 26 of the UDHR spells out these rights and speaks to the delivery and acceptability of education, noting that education must be directed towards the full development of the human personality and the strengthening of respect for human rights and personal dignity.¹⁰⁴ Furthermore, the *Convention on the Rights of the Child* (CRC) recognizes similar rights. States Parties to the CRC recognize the right of the child to education and view primary education as being both compulsory and free. Articles 28 and 29 of the CRC deal directly with the rights of the child to education and outline similar views as demonstrated in the UDHR and the ICESCR.¹⁰⁵

The United Nations Educational, Scientific and Cultural Organization’s (UNESCO) *Convention Against Discrimination in Education* requires States Parties to formulate, develop, and apply policies that will promote equality of opportunity and treatment for the purpose of making primary education both free and compulsory for all.¹⁰⁶ “It recognizes parents’ right to freely choose their children’s schools and to ensure the religious and moral education of their children in conformity with their own convictions.”¹⁰⁷ As with the UDHR, parties to the Convention agree that education shall promote human freedom; “it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.”¹⁰⁸

⁹⁶ Committee on Economic, Social, and Cultural Rights, *supra*, note 86, paragraph 2.

⁹⁷ *Ibid.*

⁹⁸ Anuradha De, Jean Dreze, *supra*, note 92.

⁹⁹ Committee on Economic, Social, and Cultural Rights, *supra*, note 86; *General Comment 13 of 8 December 1999*. Economic and Social Council. Paragraph 2.

¹⁰⁰ Office of High Commissioner for Human Rights, *supra*, note 30.

¹⁰¹ *Ibid.*, See Article 13(2)e.

¹⁰² United Nations, *supra*, note 1.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.* Article 26(2).

¹⁰⁵ United Nations General Assembly. (Opened for signature 1989, November 20). *Convention on the Rights of the Child*. (A/RES/44/25), Articles 28 and 29.

¹⁰⁶ United Nations Educational, Scientific, and Cultural Organization. (Opened for signature 1960, December 14). *Convention against Discrimination in Education*. (429 U.N.T.S. 93), Article 4(a).

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.* Article 5(1)d.

The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) in Article 10 states that Parties agree to eliminate discrimination that prevents women from pursuing educational goals that are granted to other citizens of a State, particularly men.¹⁰⁹ CEDAW attempts to accomplish this goal by setting guidelines that guarantee women equal access to education in general, career, and vocational guidance, the same curricula, and the same opportunities to benefit from academic scholarships and grants. The above-mentioned sources of international law clearly ground education as both a fundamental right, and an obligation of each State to improve the level of education. The documents have built a foundation for improving the level of education globally, though the task is far from complete.

Components of Education Delivery

Though Articles 13 and 14 of the ICESCR recognize the fundamental right to universal education *General Comment 13* spells out some of the finer details of its implementation. Specifically with regard to the right to receive an education, *General Comment 13* identifies four key components of education delivery: availability, accessibility, acceptability, and adaptability.¹¹⁰

Availability means that “functioning educational institutions and programs have to be established in sufficient quantity within the jurisdiction of the State Party.”¹¹¹ “The duty to provide compulsory and free primary education is undoubtedly a prerequisite for the realization of the right to education. The CESCR in its *General Comment 11* on Article 14 of the ICESCR considers that States Parties have a clear and unequivocal obligation to draw up a plan of action for ensuring compulsory and free primary education.”¹¹² *General Comment 11*, paragraph eight, states that it is “required to adopt a plan of action within two years of the Covenant’s entry into force of the State concerned, or within two years of a subsequent change in circumstances which has led to the non-observance of the relevant obligation.”¹¹³ However, the Committee does not relieve a State of this obligation if it does not have the necessary resources required, and instead requires that the international community provide assistance.¹¹⁴ This assistance can take the form of cooperation, financial resources, expertise, or other elements that are essential for implementing a State’s detailed plan of action for providing universal and fundamental education.

Accessibility means that “educational institutions and access to progression have to be generally accessible to everyone without discrimination within the jurisdiction of the State Party.”¹¹⁵ The term Accessibility has been further determined to have three overlapping dimensions: non-discrimination – education must be accessible to all in both law and fact; physical accessibility – education facilities have to be within safe physical reach; economic accessibility – education has to be affordable to all.¹¹⁶

Acceptability refers to the form and substance of education, which includes curricular and teaching methods. Generally the education delivered has to be acceptable, e.g. relevant, culturally appropriate, and of good quality to students, and in appropriate cases parents, subject to the objectives required by Article 13(1) and minimum standards set by the State Party.¹¹⁷ State adopted standards should be acceptable to both parents and children.¹¹⁸ Acceptability also provides for the right of the learner to choose the type of education received, which includes the right of private institutions to be established under a set of minimum guidelines set forward by the State.¹¹⁹ Students

¹⁰⁹ United Nations. (1981, September 3). *Convention on the Elimination of All Forms of Discrimination against Women*. (A/34/46). New York, NY: Author. See article 10.

¹¹⁰ Office of the High Commissioner for Human Rights, *supra*, note 30.

¹¹¹ Committee on Economic, Social, and Cultural Rights, *supra*, note 86.

¹¹² Morka, Felix. (2000). Circle of Rights: Economic, Social, & Cultural Rights Activism: A Training Resource. International Human Rights Internship Program. The University of Minnesota, Human Rights Resource Center.

¹¹³ Committee on Economic, Social and Cultural Rights. (1999, 26 April-14 May). *Plans of action for primary education, General Comment 11*. (E/C.12/1999/4). New York, NY: Author.

¹¹⁴ Committee on Economic, Social, and Cultural Rights, *supra*, note 86.

¹¹⁵ *Ibid.*, paragraph 6.

¹¹⁶ *Ibid.* Also see more details in paragraphs 31-37 of General Comment 13. Keep in mind the secondary expenses that are incurred with education, such as books, uniforms, transportation, and others.

¹¹⁷ Committee on Economic, Social, and Cultural Rights, *supra*, note 86.

¹¹⁸ *Ibid.*, paragraph 29.

¹¹⁹ *Ibid.*

and parents alike have a right to remain free from indoctrination and the mandatory study of materials that are not congruent with the students' religious, social, or cultural rights as protected by law.¹²⁰

Adaptability means that the education provided has to be flexible so it can adapt to the needs of both changing societies and communities, respond to the needs of the students, and be adapted to diverse social and cultural settings.¹²¹ The education system should remain adaptable, taking into account the best interests of the students and attempting to prepare them for a future that is fraught with change and the need for quick and learned adaptability.¹²²

Combined, these components: availability, accessibility, acceptability, and adaptability provide guidelines for establishing a measure of a State's performance with regard to the implementation of the right to education. However, to date, no standard method of evaluation has been established, and there is no uniformly accepted method of judging a State's progress in implementing a program aimed at realizing the right to education.¹²³

Levels and Standards of Education

ICESCR outlines three basic levels of education. Each level presents different legal requirements and is framed slightly differently. *General Comment 13* does the most to explain these levels in good detail and to provide a level of background that is very helpful in gaining an understanding.

Primary education is the most important aspect of a student's basic education. The ICESCR recognizes education as having two distinctive features: it is compulsory and available free to all.¹²⁴ Compulsory has been taken to mean "that neither parents, nor guardians, nor the State are entitled to treat as optional the decision as to where the child should have access to primary education" within the guidelines presented by availability, accessibility, acceptability, and adaptability elements of the ICESCR.¹²⁵ Free of charge means simply that – primary education should be provided without charge to the child, parents, or guardians.¹²⁶

According to *General Comment 13* secondary education should be a "completion of basic education and a consolidation of the foundations for life-long learning and human development."¹²⁷ Secondary education should prepare students for forms of higher education such as vocational or opportunities at colleges or universities.¹²⁸ This level of education should be provided to all students equally, appropriately, and once again within the guidelines outlined by the availability, accessibility, acceptability, and adaptability elements of the ICESCR.¹²⁹

Higher Education is treated in a similar way as secondary and primary education with one very important distinction. Students should be presented with higher educational opportunities on the basis of capacity.¹³⁰ The same elements of availability, accessibility, acceptability, and adaptability are applied to this area of education.¹³¹ The Committee's comments in this area go into great detail about academic freedom, institutional control, and democratic notions of thought and expression.¹³² The key point to take from the treatment of higher education is that students are to be presented with opportunities based on capacity.

¹²⁰ *Ibid.*, paragraph 29 and 30.

¹²¹ *Ibid.*, paragraph 6.

¹²² *Ibid.*, paragraph 6(d).

¹²³ *Ibid.*, paragraph 52.

¹²⁴ *Ibid.*, paragraph 10.

¹²⁵ Committee on Economic, Social and Cultural Rights, *supra*, note 113.

¹²⁶ *Ibid.*, paragraph 7.

¹²⁷ Committee on Economic, Social, and Cultural Rights, *supra*, note 86.

¹²⁸ *Ibid.*, paragraph 11.

¹²⁹ *Ibid.*, paragraph 12 and 13.

¹³⁰ *Ibid.*, Article 13, para. 18 and 19.

¹³¹ *Ibid.*, paragraph 17.

¹³² Review paragraphs 38, 39, and 41 of General Comment 13 for more detailed information.

Improving the Quality of Education

Many different international bodies have set out with the goal of enhancing education. The *Dakar Framework for Action*, adopted in April of 2000 by the World Education Forum outlines six goals for bettering education worldwide. They are

- i) expanding and improving comprehensive early childhood care and education;
- ii) ensuring that by 2015 all children have access to complete, free, and compulsory primary education;
- iii) ensuring that the learning needs of young people and adults are met through life-skills programs;
- iv) achieving a 50 per cent improvement in levels of adult literacy by 2015;
- v) achieving gender equality by 2015 (focusing specifically on girls); and
- vi) improving all aspects of the quality of education and ensuring excellence of all so that ‘recognized and measurable learning outcomes are achieved in literacy, numeracy, and essential life skills.’¹³³

To accomplish these goals, and the goals outlined by the comments of the CESC, the international community is working towards developing strong plans, mobilize solid political support, and implement programs and policies at the most basic level. This requires the coordination of many government agencies, NGOs, and global bodies working to achieve these goals. The *Dakar Framework* suggests some methods for achieving the goal of universal education. These include strong national and international political commitment; poverty-targeted education plans; development of better systems of education that are more responsive, participatory, and accountable; guided education that promotes understanding, peace and tolerance; programs aimed at creating gender equality; efforts to enhance the teaching profession; and more international communication, and dialogue.¹³⁴

Best Practices in Education

Education throughout the world should provide its pupils with the tools necessary for success later in life. To accomplish this mission certain best practices as they relate to providing basic education should be followed. Though these practices will vary depending on the State and the situation, they generally should be “transparent and accountable in how they are governed, managed and financed.”¹³⁵ Education typically does not garner the largest budget, so it is extremely important for the money that educational institutions receive to be effectively used and directed to the benefit of the students.¹³⁶ Corruption and inefficiency will always present sizable problems, however, good governance and proper management should, with the assistance of international monitoring bodies and other assistance agencies, be able to reduce corruption and inefficiency to acceptable levels.

Over time governments have accumulated and documented many concerns about the governance of educational systems. “The experience of the past decade has underscored the need for better governance of education systems in terms of efficiency, accountability, transparency and flexibility so that they can respond more effectively to the diverse and continuously changing needs of learners.”¹³⁷ To this end the *Dakar Framework* has outlined seven *Education for All (EFA) 2000* assessment recommendations. They are

- 1) establish better regulatory frameworks and administrative mechanisms for managing not only formal and non-formal primary education, but also early childhood, youth and adult education programmes;
- 2) more sharply delineated responsibilities among different levels of government;
- 3) ensure that decentralization does not lead to inequitable distribution of resources;
- 4) make more efficient use of existing human and financial resources;
- 5) improve capacities for managing diversity, disparity and change;
- 6) integrate programmes within education and strengthen their

¹³³ United Nations Educational, Scientific, and Cultural Organization. (2000). *The Dakar Framework for Action – Education for All: Meeting our Collective Commitments*. (ED-2000/WS/27). Retrieved July 2, 2003 from http://www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml; see para. 7.

¹³⁴ *Ibid.*, paragraphs 8-15.

¹³⁵ *Ibid.*, paragraphs 9.

¹³⁶ *Ibid.*, paragraphs 19.

¹³⁷ *Ibid.*, paragraphs 55.

convergence with those of other sectors, especially health, labor and social welfare; and 7) provide training for school leaders and other education personnel.¹³⁸

The quality of educational facilities should also be considered when discussing best practices in education. The *Dakar Framework* outlines elements of creating a positive learning environment that should be considered. “Learning environment should also be healthy, safe and protective. This should include: 1) adequate water and sanitation facilities; 2) access to or linkages with health and nutrition services; 3) policies and codes of conduct that enhance the physical, psycho-social and emotional health of teachers and learners; and 4) education content and practices leading to knowledge, attitudes, values, and life skills needed for self-esteem, good health, and personal safety.”¹³⁹ Finally, “no education reform is likely to succeed without active participation and ownership of teachers.”¹⁴⁰ To this end, teachers at all levels of education should be treated with the professional respect that they deserve, paid an adequate wage, and have access “to training and ongoing professional development and support.”¹⁴¹

Conclusion

Education is an issue the effects everyone, from the youngest of children to the retiree attempting to better understand the world. Local and State plans of action have been developed and implemented in some areas; however, more global thought and more local focus could be applied in rendering plans that are more comprehensive in their solutions and more complete in their methods. Education remains one of the most critical problems facing the international community today and it is only by the efforts of the CESCR committee and similar bodies that the world can take the steps and resolve the policies necessary to make universal education a reality. Some questions that the committee might want to consider in developing their opinions on this topic are as follows: What are the standards of education used in your State? How well are they implemented? What could/has/is your government do to improve education in your State? Have there been pitfalls/success/problems that you could assist other governments in solving? How do NGOs work with educational systems in your country? How could NGOs work with educational systems in your country? How could the international community help your country build better educational systems? How can your State/NGO help other countries build better educational systems?

III. ICESCR Articles 11 & 12: The Right to a Decent Standard of Living

*The Charter protects the sovereignty of peoples. It was never meant as a license for governments to trample on human rights and human dignity. Sovereignty implies responsibility, not just power.*¹⁴²

The international community has consistently revisited the issues of hunger, health, and shelter over the decades. Despite past international efforts, current statistics only reveal that significantly greater work is required to ameliorate current conditions. For example, more than 840 million people are chronically hungry, particularly women and children; millions suffer from famine as the result of natural disasters; food is increasingly being used as a political and economic weapon; nearly 1.3 billion people do not have access to clean water; and 1.3 billion people live on an income of less than \$1 a day.¹⁴³

The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) elaborates in Part III, Articles 11 and 12 that “States Parties to the ... Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food ... and housing, and to continuous improvement of living conditions ... [and] the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”¹⁴⁴

¹³⁸ *Ibid.*, paragraph 56.

¹³⁹ *Ibid.*, paragraph 66.

¹⁴⁰ *Ibid.* Paragraph 67.

¹⁴¹ *Ibid.*

¹⁴² Annan, Kofi A. (1999). *The Question of Intervention*. New York, NY: United Nations Department of Public Information. p. 6.

¹⁴³ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights. (1999). *The Right to Adequate Food*. (E/C.12/1999/5), Chapter 1.

¹⁴⁴ Office of High Commissioner for Human Rights, *supra*, note 30.

In fact, many of the principles of ICESCR conform to the *United Nations Millennium Development Goals* (MDGs), as well as numerous other international documents because of world conferences.¹⁴⁵ In response, the Committee on Economic, Social and Cultural Rights (CESCR) along with the international community have reaffirmed their commitment to ensuring a decent standard of living and upholding basic human rights through its efforts. However, these past and current efforts have proven to fall short of human rights goals as indicated in CESCR's reports and *Human Development Reports*, thus constructive action has yet to be implemented to ensure greater human security.

By upholding economic, social, and cultural rights (ESC rights), the international community also protects human dignity and complies with international law especially since there has been a "growing body of jurisprudence on ESC rights, which have been developed by legal scholars; courts at the local, national, and regional levels; and international legal bodies such as CESCR."¹⁴⁶ The Committee's role has been limited as a treaty-monitoring body which issues a series of general comments elaborating the legal content of specific rights, reviews State reports, as well as acts as an expert body to provide feedback and recommendations. However, the body plays an instrumental role in clarifying definitions, building international coalitions with other States, NGOs, and other UN agencies, as well as keeping the issues of food, health, and shelter securities high on the international agenda.¹⁴⁷ The UN Commission on Human Rights (CHR) also appointed special rapporteurs for food, health, shelter, and ESC rights in order to monitor, evaluate, and provide recommendations for improvement and legal implementation in these areas.

State Parties to ICESCR legally bind themselves to uphold, protect, and preserve human rights standards.¹⁴⁸ However, "even States that have not ratified international treaties on ESC rights are bound to respect human rights principles that are part of customary [international] law."¹⁴⁹ Nevertheless, States are not the only duty-bearers involved in upholding ESC rights. Non-State actors such as NGOs, TNCs, civil society organizations (CSOs), and other international organizations (IOs) also are obligated to uphold human rights law even though they are not signatories to treaties. The emphasis should be placed upon the reality that it is in the interest of all these international stakeholders to build cooperative alliances, in the private and public sectors, towards protecting the ESC rights of global citizens. In particular, when the rights to food, health, and shelter are interrelated, a greater need for full participation and coordinated efforts of all stakeholders is warranted.

ICESCR; Part III, Article 11: The Right to Food

Fulfillment of the human right to adequate food is of crucial importance for the enjoyment of all human rights.¹⁵⁰ The main concern is not only hunger, but also more particularly malnutrition and to the most vulnerable populations such as women and children. In fact, the "majority of deaths among children less than five years old in all developing countries continue to be preventable, with malnutrition as the underlying cause."¹⁵¹ Part III, Article 11 of ICESCR specifies, "States Parties ... recognize the right [to] ... adequate food ... [and] the right of everyone to be free from hunger."¹⁵² CESCR efforts in establishing food security and combating the war against hunger have routinely faced challenges because of infrastructural weaknesses in food allocation and trade mechanisms, the introduction of controversial biotechnologies, and other social injustices and malpractices.

The 1996 World Food Summit's *Plan of Action* associated an "operational meaning to the human right to adequate food" through acknowledging "contemporary international human rights law" along with the responsibilities of the

¹⁴⁵ Examples of such conferences include the World Summit on Sustainable Development, the World Summit on Social Development, and the Rome Conference on Food Security.

¹⁴⁶ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, *supra*, note 143.

¹⁴⁷ *Ibid.*

¹⁴⁸ State Party refers to the acceptance to a series of legal obligations ... and a solemn responsibility to apply each of the obligations to ensure the compatibility of national laws with international duties in a spirit of good faith. Through ratification ... States become accountable to the international community, to other States, and to their own citizens and others resident in their territories. From United Nations Office of the High Commissioner for Human Rights. (1991, July). *Fact Sheet No. 16 (Rev. 1), The Committee on Economic, Social and Cultural Rights*. Geneva, Switzerland: Author.

¹⁴⁹ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights. *supra*, note 145.

¹⁵⁰ *Ibid.*

¹⁵¹ World Health Organization. The Advisory Committee on Health Research. (2002). *Genomics and World Health*. Geneva, Switzerland: Author, p. 124.

¹⁵² Office of the High Commissioner for Human Rights, *supra*, note 30, Part III, Article 11, Sections 1 and 2.

“international community at large ... to give particular attention to implementation, and full and progressive realization of this right as a means of achieving food security for all.¹⁵³ By acknowledging this, the international community along with the aforementioned stakeholders, have readily acknowledged their respective obligations, capabilities, and capacities in achieving “reliable food production, conservation and distribution.¹⁵⁴ Several underlying themes towards strategic action include: making full use of technical and scientific knowledge; disseminating knowledge of the principles of nutrition; developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; and taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.”¹⁵⁵

The roots of hunger and malnutrition are not due to the lack of food rather the lack of access to available food as a result of endemic poverty and weak distribution infrastructure.¹⁵⁶ The conditions of unsustainable development have successfully stifled developing societies from escaping conditions of extreme hunger to such an extent that the circumstance explodes into a security and national crisis. CESCR mentions that “developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources” may be necessary and cannot be overlooked along with the “problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.”¹⁵⁷ Availability and accessibility are key to ameliorating hunger and must be inclusive of physical and economic dimensions where States have a core obligation to take the necessary action to mitigate and alleviate hunger.¹⁵⁸ Accessibility is inclusive of economic and physical dimensions.¹⁵⁹ Constraints to economic and physical accessibility may include unfair national and international land, trade, and economic policies. Moreover, it may also include conflict. For instance, Iraq’s food situation is critical considering years of oppression combined with the recent military intervention. As a result, “since May, the [WFP] has shipped the equivalent of a 25-tonne truck of wheat every minute of every day.”¹⁶⁰ CESCR has continually reaffirmed the urgency of enhancing concerted efforts towards eliminating hunger due to the compounded effect by the ever-rapid population growth. As a result, “Food requirements in the developing world are expected to double by 2025.”¹⁶¹ Moreover, plant productivity in the world has been compromised as a result of viral, fungal, and bacterial pathogens as well as insect invasions and infestations, thus requiring scientific advancements in ameliorating these concerns. However, even potentially advantageous strategies require CESCR and the international community to carefully and comprehensively assess these attractive alternatives due to unforeseen consequences.

Natural Versus Scientific Resources

Solutions to hunger can also be contentious. An example of this is the long-standing debate on using genetically modified plants (GMPs), organisms (GMOs), and foods (GMFs) to feed the hungry and in integrating biotechnologies into agricultural practices. Both offer great potential for alleviating hunger, ameliorating malnutrition, and empowering farmers of lesser-developed States to produce more plentiful and pathogen-resistant crops, thus making them more competitive in global markets. Difficulties arise over different opinions on the possibility of unforeseen consequences from using these agro-technologies and introducing genetically altered organisms into the natural environment. Additionally, technical concerns have been raised regarding issues of intellectual property protection, Trade-Related Aspects of Intellectual Property Rights (TRIPS), and the appropriate usage of these technologies for sound and peaceful farming purposes as opposed to biological, chemical, and agricultural warfare.

¹⁵³ Kracht, Uwe. *World Food Summit Commitment 7.4: The Right to Adequate Food*. Retrieved July 2, 2003, from <http://www.nutrition.uio.no/iprfd/Encounterdocuments/Doc 07-G4.html>

¹⁵⁴ Office of High Commissioner for Human Rights, *supra*, note 30, Part III, Article 11, Section 2.

¹⁵⁵ *Ibid.*

¹⁵⁶ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, *supra*, note 143.

¹⁵⁷ Office of High Commissioner for Human Rights, *supra*, note 30, Part III, Article 11, Section 2a.

¹⁵⁸ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, *supra*, note 145.

¹⁵⁹ Economic accessibility refers to any personal or household financial costs associated with the acquisition of food for an adequate diet. See United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, *supra*, note 3.

¹⁶⁰ Who’ll help us? We ourselves, mostly. *The Economist*, (2003, September 13-19), Volume 368, 21.

¹⁶¹ World Health Organization, *supra*, note 151, p. 66.

Indeed, there are numerous advantages and disadvantages toward the usage of such agro-technologies. Benefits vary from enhancing the world's food supplies, reducing the use of herbicides, pesticides, and other chemicals, thus enhancing the environment, to enhancing the nutritional potential of food. Harms may include a genetically homogenous plant diversity, which may be vulnerable to new plant pathogens, potential long-term health consequences of ingesting GMFs, the difficulty in identifying between GMFs from non-GMFs, and intellectual property rights complications. Surely, a comprehensive cost-benefit analysis, mediated by CESCR, is essential to empowering the international community in assessing the effectiveness or ineffectiveness of the integration of such biotechnologies with regards to fighting the war on hunger.

Agricultural Trade and the World Trade Organization

Agricultural trade practices also play an integral role in the global hunger crisis. The meeting of WTO in Cancun, Mexico attempted to resolve the international concerns regarding farm subsidies and the interests between the developed and developing regions of the world. Brazil, China, and India, along with other developing States, formed the unprecedented Group of 21 and “shifted the balance of power in WTO” to leverage their concerns with regards to the \$300 billion per year farm subsidies Europe and the United States provide to their farmers.¹⁶² “Unfair trade in agriculture is a matter of life and death.”¹⁶³ The Group claims that farm subsidies of developed States “impoverishes farmers in developing countries . . . increases production and decreases cost, [thus] making it hard for farmers in developing regions to compete.”¹⁶⁴ Though the Group calls for “rich nations to stop subsidizing their farmers,” they also want poor nations to keep their “steep tariffs on agricultural goods” to allow them to compete in the global agricultural market; the rich States want a more fair compromise.¹⁶⁵

The right to be free from hunger is essentially “inseparable from social justice, requiring the adoption of appropriate economic, environmental, and social policies, at both the State and international levels.”¹⁶⁶ The full implementation of ICESCR includes proactive action including implementing various plans of actions, international and State aid programs, and reform by States Parties and other international actors. The full and progressive realization of the right to food should be utilized as a means to achieving food security for all.¹⁶⁷

Case Study: Zimbabwe

The case of Zimbabwe clearly illustrates how a State once known as the breadbasket of Africa could suffer widespread hunger and devastation due to politically enforced agricultural policies by President Robert Mugabe and his land reform programs, drought, as well as the compounded effects of HIV/AIDS and poverty.¹⁶⁸ With 5.5 million Zimbabweans in desperate need of food due to a 50% reduced food production rate, Zimbabwe declared a state of disaster and the need “to import almost 1.3 million tons of food, either commercially or through food aid.”¹⁶⁹ Moreover, the situation in Zimbabwe also illustrates common difficulties in other African States as well as other regions of the developing world. However, despite Zimbabwe's wealth in “natural resources, the incidence of hunger and poverty is greater compared to other developing regions, while the population rate is higher and the number of poor is increasing at an alarming rate.”¹⁷⁰

¹⁶² National Public Radio (NPR). Morning Edition. (2003, September 12). *WTO Cancun*. Retrieved September 14, 2003, from <http://www.npr.org/features/feature.php?wfid=1428879>

¹⁶³ *Ibid.*

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, *supra*, note 143.

¹⁶⁷ Kracht, *supra*, note 155.

¹⁶⁸ Fisher-Thompson, Jim. U.S. Department of State. (February 5, 2003). *Kansteiner, Mubako Agree Zimbabwe Suffer. But Differ on Degree*. Retrieved September 10, 2003, from <http://usinfo.state.gov/regional/af/security/a3013104.htm>

¹⁶⁹ World Food Programme. (2003). *Hunger Crisis in Southern Africa*. Retrieved September 10, 2003, from http://www.wfp.org/newsroom/in_depth/Africa/southern_africa/0306southernafira.html

¹⁷⁰ Food and Agricultural Organization. *Farming Systems and Poverty: Chapter 2 Sub-Saharan Africa*. Retrieved September 10, 2003, from <http://www.fao.org/DOCREP/004/ac349e/ac349e04.htm#TopOfPage>

Certainly, “efforts must be directed to support the intensification of productivity on the farms of poor households, as well as the diversification of production towards high return activities.”¹⁷¹ As a result, the World Food Programme along with the Food and Agricultural Organization sent in an emergency food supply assessment team to determine the degree of the crisis along with investigating production, the overall food situation, and “the food import requirement, including food assistance needs.”¹⁷² Moreover, other African States have provided assistance, such as Kwara, a state in Nigeria, in extending support and “offering unlimited free land to Zimbabwean farmers prepared to invest there,” in an effort to provide opportunities for otherwise unemployed farmers; a situation the region can no longer afford.¹⁷³ Zimbabwe’s prognosis depends upon implementing a strategy combining food aid along with capacity-building measures. That way the short-term goal of feeding people can be achieved with immediate aid; and long-term goals to reform agriculture and land policies, sustain future agricultural productivity, and to “establish and strengthen targeted safety nets” are implemented as an investment for Zimbabwe’s people.¹⁷⁴

ICESCR; Part III, Article 12: Right to Health

States Parties to ICESCR are to “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” where the “recognition of the right to health ... does not mean that beneficiaries of this right have a right to be healthy. Rather, the Covenant stresses the obligation of States Parties to ... [provide and allow for] equal access to health care and minimum guarantees of health care in the event of sickness.”¹⁷⁵ Moreover, “poor and marginalized groups,” especially in lesser-developed States (LDS), “bear disproportionately heavier burdens of disease, ill-health and mortalities.”¹⁷⁶

Combined with globalization, health quality will continue to be compromised, particularly in LDS, as the inequities between developed and LDS continue to intensify.¹⁷⁷ As a result of this health gap, sustainable development will be further delayed and complicated, as witnessed in Africa and its atrocious experiences with the pandemic of HIV/AIDS and underdevelopment. As seen in the African experience, human rights are directly correlated to health equity, especially combined with the issues of poverty and development.¹⁷⁸ The *Millennium Africa Recovery Plan*, also known as the *New African Initiative*, was initiated to “break the cycle of poverty and underdevelopment ... [thus, lending towards the enhanced] development of health care systems.”¹⁷⁹

With regards to the health provisions in ICESCR, controversial and critical aspects include the effects of HIV/AIDS and other epidemics; accessibility to pharmaceuticals and health care; the gap between developed and lesser developed States’ quality of health care, especially with the introduction of new biotechnologies; and health for vulnerable populations, including women, children, and HIV/AIDS patients. ICESCR’s recommendations with regards to health also include the following concerns: providing for the reduction of the stillbirth-rate, infant mortality, and for the healthy development of the child; improving of all aspects of environmental and industrial hygiene; enhancing the treatment of mental health ailments; preventing, treating, and controlling epidemic, endemic, occupational and other diseases; and creating conditions assuring medical service and medical attention in the event of sickness.¹⁸⁰

Critically important is the realization that the lack of appropriate health care is not restricted to only LDS; it is also a concern for developed regions. However, consider the African HIV/AIDS crisis which has proven to be both detrimental and costly in terms of human suffering; unsustainable development; health, economic, political, and

¹⁷¹ *Ibid.*

¹⁷² Food and Agricultural Organization and the World Food Programme. (2003, June 19). *Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Zimbabwe*. Retrieved September 10, 2003, from http://www.wfp.org/newsroom/in_depth/Africa/southern_africa/0306southernafrica.html

¹⁷³ The World this Week: Politics. (2003) *The Economist*, 368, 6.

¹⁷⁴ National Public Radio (NPR), *supra*, note 162.

¹⁷⁵ Office of High Commissioner for Human Rights, *supra*, note 4; *ICESCR Article 12*, *supra*, note 6.

¹⁷⁶ World Health Organization, *supra*, note 151, p. 124.

¹⁷⁷ *Ibid.*, p. 126.

¹⁷⁸ Braveman, P. & Gruskin, S. (July 2003). Poverty, Equity, Human Rights and Health. *Bulletin of the World Health Organization*. p. 439-445. Retrieved from August 15, 2003, from <http://www.who.int/bulletin/volumes/81/7/en/braveman0703pdf>

¹⁷⁹ World Health Organization, *supra*, note 151, p. 126.

¹⁸⁰ Office of High Commissioner for Human Rights, *supra*, note 30.

social insecurities; and the weakening of the trust between their societies and respective governments. This further demonstrates the problems lack of appropriate health care can cause. As per recommendations for improvement, “health institutions can deal with poverty and health within a framework encompassing equity and human rights concerns,” where several examples may include enhanced implementation of equitable health care financing, strengthening and extending public health functions, as well as ensuring a systematic application of equity in the distribution and provision of health care.¹⁸¹

The provision of affordable pharmaceuticals is also one of the most contentious of the global health crisis today. The NGO Médecins Sans Frontières (MSF) is internationally advocating this cause through their program Access to Essential Medicines.¹⁸² MSF has also criticized and denounced the G8’s Action Plan on Health, referring to it as an “inaction plan” due to its support of political and commercial interests with regards to medicines; therefore “betraying the Doha promise to deliver affordable drugs to meet public health needs and patients will continue to pay the price.”¹⁸³ In particular, access to affordable medicines or authorization to produce generics in developing regions without infringing on intellectual property rights of the major pharmaceuticals headquartered in developed countries. Taking into account the various concerns regarding TRIPS and the Doha Roundtable, the relevant issues relating to authorizing companies in LDS to produce generic pharmaceuticals, is certainly ridden with controversy considering that it would infringe the intellectual property rights and interests of companies based in developed nations. In fact, just recently, a victory for LDS came in a compromise from the WTO talks in Cancun allowing for poorer States “to import cheap copies of patented HIV/AIDS as well as other drugs,” which has also been prioritized in the MDGs: “In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries.”¹⁸⁴

CHR appointed a special rapporteur for the right to health in 2002 in order to “collect and exchange right-to-health information; develop a dialogue with all relevant actors; report on the status throughout the world of the right to health, including law, policies, good practices and obstacles; and make recommendations.”¹⁸⁵ As a result, the rapporteur reported a “general approach [along with] three primary objectives for the mandate: to promote the right to health as a fundamental human right; to clarify the contours and content of the right to health; and to identify good practices for the operationalization of the right to health at the community, national, and international levels ... [and] 2 interrelated themes will guide the work: poverty and the right to health and discrimination and stigma in the context of the right to health.”¹⁸⁶

Case Study: Myanmar

“Myanmar stands on the brink of what may be one of the most serious [HIV/AIDS] epidemics in Asia.”¹⁸⁷ Myanmar’s infected rate continues to rise, particularly in the younger generation. The statistics reveal that out of a population of 48 million, approximately 687,000 live infected, and 65,000 die annually.¹⁸⁸ Unfortunately, these are conservative figures considering the difficulty in documentation. Moreover, the current crisis is exacerbated by Myanmar’s illegal drugs and deteriorating health system, which was ranked 190th out of 191 Member States by the World Health Organization (WHO).¹⁸⁹ In fact, there are currently only 2 hospitals that have AIDS wards in

¹⁸¹ *Ibid.*

¹⁸² Médecins Sans Frontières (MSF). (2003). *Campaign for Access to Essential Medicines*. Retrieved September 10, 2003, from <http://www.accessmed-msf.org/prod/viewcategorydocs.asp?catid=3&subcatid=525>

¹⁸³ Médecins Sans Frontières (MSF). (June 3, 2003). *G8 Offers the World an “Inaction Plan” on Health*. Retrieved September 10, 2003, from <http://www.accessmed-msf.org/prod/publications.asp?scntid=3620031159124&contenttype=PARA&>

¹⁸⁴ United Nations. *United Nations Millennium Development Goals. Goal 8: Develop a Global Partnership for Development*. Retrieved August 2, 2003, from <http://www.un.org/millenniumgoals/>

¹⁸⁵ National Public Radio (NPR). *supra*, note 162.

¹⁸⁶ World Food Programme, *supra*, note 47.

¹⁸⁷ The Joint United Nations Programme on HIV/AIDS. *Myanmar (Country Profile)*. Retrieved September 10, 2003, from <http://www.unaids.org/en/geographical+area/by+country/myanmar.asp>

¹⁸⁸ Frankel, Rafael D. (April 3, 2003). Burma’s Leaders Slowly Moving to Combat HIV: Poor Nation’s Junta Ignored Danger for Years. *San Francisco Chronicle*. Retrieved September 10, 2003, from <http://www.aegis.com/news/sc/2003/SC030402.html>

¹⁸⁹ *Ibid.*

Myanmar and the overall cost of treating HIV/AIDS at \$300 per month is unaffordable to the majority of the population.¹⁹⁰

In response, Myanmar has teamed up with the “UN Theme Group on AIDS, a comprehensive Joint Plan of Action that fosters the involvement of NGOs as well as the utilization of established local government structures.”¹⁹¹ Moreover, the State hosted the 2003-2005 Joint Programme on HIV/AIDS (JPA) along with its *Monitoring and Evaluation Framework*, which “fosters partnership while complementing the existing *National Strategic Plan on AIDS* and the *National Health Plan*” to combat the devastating pandemic.¹⁹² A Fund for HIV/AIDS in Myanmar (FHAM) has also been created to receive funding for the JPA. Unfortunately, only \$21 million of the much-needed \$51 million has been mobilized for fully implementing the JPA in the following priority action areas: sexual HIV transmission; injecting drug use; awareness-raising for the general population with a focus on the youth; care, treatment, and support; enabling environment.¹⁹³ However, Myanmar will continue to endure decades of challenges before HIV/AIDS is contained and conditions are improved.

ICESCR, Part III, Article 11: Right to Adequate Housing

The *Habitat* makes it clear that providing “adequate shelter for all” is and should remain high amongst international priorities, especially considering that ESC rights cannot be fully enjoyed without adequate shelter.¹⁹⁴ Adequate shelter means “adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structure stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure, such as water-supply, sanitation and waste-management facilities; suitable environmental quality and health-related factors; and adequate and accessible location with regard to work and basic facilities: all of which should be available at an affordable cost.”¹⁹⁵ The *Agenda* further addresses the need to realize this right according to all existing international agreements that encompass housing and human rights. These address a range of contentious housing issues including protection from forced evictions, gender equality, financing shelter and human settlements, shelter policies and delivery systems, urban vs. rural housing and balancing development, capacity-building measures, and institutional development.

The special rapporteur on adequate housing was appointed by the Commission on Human Rights to oversee the implementation of various articles in the UDHR, ICESCR, and CRD, regarding adequate housing.¹⁹⁶ Moreover, the special rapporteur reviews the status of compliance by States Parties to ICESCR in the provision of shelter “as exemplified by their creation of ministries of housing or agencies, by their allocation of funds for the housing sector and by their policies, programmes and projects... the provision of adequate housing for everyone requires action not only by Governments, but by all sectors of society, including the private sector, communities and local authorities, as well as by partner organizations and entities of the international community.”¹⁹⁷

Forced Evictions

Forced evictions are defined by the Office of the UN High Commissioner for Human Rights as “the removal of individuals, families or communities from their homes, land or neighbourhoods, against their will, directly or indirectly attributable to the State.”¹⁹⁸ The uprooting of the livelihoods of millions of global citizens only exacerbates all other economic, social, cultural, political, and developmental problems, thus only fueling the roots of increased terrorism and unsustainable development. This is particularly disturbing considering that the malpractice of forced evictions or of de-housing only exacerbates the current “ongoing global housing crisis,” also referred to as

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² World Health Organization, *supra*, note 151.

¹⁹³ The Joint United Nations Programme on HIV/AIDS, *supra*, note 187.

¹⁹⁴ United Nations. *The Habitat Agenda: The Istanbul Declaration on Human Settlements*. Retrieved August 2, 2003, from <http://www.unhabitat.org/unchs/english/hagenda/ch-2a.htm>

¹⁹⁵ *Ibid.*

¹⁹⁶ United Nations Office of the High Commissioner for Human Rights. *Special Rapporteur on Adequate Housing, Introduction*. Retrieved July 20, 2003, from <http://www.unhcr.ch/html/menu2/7/b/mhousintro.htm>

¹⁹⁷ United Nations Economic and Social Council, *supra*, note 33.

¹⁹⁸ United Nations. Office of the High Commissioner for Human Rights. *Fact Sheet No. 25, Forced Eviction and Human Rights*. Retrieved July 20, 2003, from <http://www.unhcr.ch/html/menu6/2/fs25.htm>

the “century of displacement.”¹⁹⁹ Considering that this century has seen perhaps the greatest number of ethnic and intra-State conflicts, millions of people are being forcibly expelled from their homes due to “internal displacement, population transfers, ethnic cleansings, armed conflicts, mass exoduses, refugee flows or other manifestations of coerced population movements.”²⁰⁰

However, other causes of forced evictions may also include “development and infrastructure projects, in particular dams and other energy projects, land acquisition or expropriation, housing or land reclamation measures, prestigious international events, unrestrained land or housing speculation, housing renovation, urban development or city beautification initiatives, and mass relocation or resettlement programmes.”²⁰¹ Additionally, other aggravating factors include “the rapid growth of cities, globalizing economic forces, measures of structural adjustment, withdrawal of State interventions for securing the rights of disadvantaged groups, ongoing and often systematic discrimination to name just a few.”²⁰² Vulnerable groups should also be given special consideration in any efforts to alleviate this problem, as they are often the victims of unjustified evictions.²⁰³

Case Study: Iraq

The case of Iraq after Saddam Hussein’s government illustrates the urgency and need for shelter in post-conflict situations. UN-Habitat estimated that the “shelter needs of the internally displaced will require \$25 million [just] for the first three to six months,” and a significantly greater amount for rehabilitation and reconstruction efforts.²⁰⁴ Moreover, UN-Habitat has launched the *Settlements Rehabilitation Programme* in Iraq, designed to “improve the humanitarian situation [for] vulnerable groups” and is facilitating organization of a “threefold, immediate emergency assistance approach: the identification of public buildings where people can be accommodated... rehabilitation of key elements of socio-economic infrastructure; and establishing foundations for long-term rehabilitation of the shelter sector ... entail[ing] emergency assessment and planning, assistance in rebuilding and/or strengthening the institutions, resolving land and property disputes, and establishing a legal framework for secure and land tenure and a system of property rights.”²⁰⁵

The situation is desperate considering the conflict effects compounded with the “years of neglect ... and mismanagement.”²⁰⁶ UN-Habitat will continue its efforts in Iraq on two dimensions: immediate humanitarian and shelter relief, and long-term capacity building initiatives. The substantive work will be in concert with other UN agencies and NGOs in providing internally displaced Iraqis shelter with basic provisions. However, the long-term goals will be through its ongoing efforts with the UN Development Group and the World Bank (WB) by preparing for a donor conference in October 2003 for “facilitating assessment missions [to accurately determine the needs for establishing an Iraqi] housing and urban management sector.”²⁰⁷

Conclusion

Established international human rights law will be meaningless without appropriate monitoring and enforcement measures. Since the rights to food, health, and shelter rights reinforce economic, social, and cultural rights, it is essential that CESCR coordinate efforts with other international actors, as illustrated in the examples above, to continue to uphold the importance of ICESCR, other international rights based instruments, and human security. Any lack of the basic provisions that protect human dignity is unjustified regardless of the economic development of

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*

²⁰¹ *Ibid.*

²⁰² *Ibid.*

²⁰³ *Ibid.*

²⁰⁴ UN HABITAT. (March 27, 2003). Press Release HAB/185 IK/337. *UN-HABITAT Calls for Funds for Shelter Needs and Urban Reconstruction in Iraq*. Retrieved September 10, 2003, from <http://www.un.org/News/Press/docs/2003/hab185.doc.htm>

²⁰⁵ *Ibid.* Socio-economic rehabilitation includes building access and internal roads, rebuilding solid waste management and clinics.

²⁰⁶ United Nations Chronicle Online Edition. (n.d.). *Iraq: The United Nations Presence United Nations Human Settlements Programme (UN-Habitat)*. Retrieved September 10, 2003, from http://www.un.org/Pubs/chronicle/section/080103_un-habitat.asp

²⁰⁷ *Ibid.*

a State. Through this, the Committee's efforts to continue to enhance its work within itself as well as inter-organizationally would give life to the notion of ESC rights, especially during the present time where national and international security interests tend to overshadow basic human rights and where "Human rights [should] not be compromised to give [S]tates a free hand in fighting terrorism."²⁰⁸ Ensuring a decent standard of living will alleviate the world's food, health, and shelter insecurities, thus lending towards enhanced international security.

Annotated Bibliography

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Donnelly, Jack. (1998). *International Human Rights*, 2nd Edition. Boulder, Colorado: Westview Press.

A useful source to understanding the fundamental issues regarding human rights. This book presents the basics along with the international mechanisms in dealing with and monitoring these rights on a theoretical and practical level.

Hüfner, Klaus. (1998). *How to File Complaints on Human Rights Violations? A Manual for Individuals and NGOs*. Edited by the German United Nations Association and the German Commission for UNESCO in association with the UNAs of the European Union. Chapter III, Part II. *The Committee on Economic, Social and Cultural Rights*. Retrieved July 2, 2003 from

http://www.unesco.de/c_huefner/chap3_2.htm.

A thorough source regarding the role of the United Nations and its treaty-monitoring bodies, commissions, committees, and organizations along with NGOs in upholding, monitoring, and enforcing international human rights law. Provides a concise description of the various procedures for complaints as well as enforcement mechanisms.

United Nations Office of the High Commissioner for Human Rights. *Introduction to the Treaty Monitoring Bodies*. Retrieved July 2, 2003 from <http://www.unhchr.ch/html/menu2/6/intro.htm>.

A comprehensive introduction to the obligations and responsibilities of treaty monitoring bodies and their subsequent conventions/covenants and legal documents. Provides background information along with history of human rights law.

Office of High Commissioner for Human Rights. (Opened for signature 1966, December 16). *International Covenant on Economic, Social and Cultural Rights*. Retrieved July 2, 2002 from,

http://www.unhchr.ch/html/menu3/b/a_ceschr.htm

A legally binding agreement adopted by the UN General Assembly upholding the economic, social, and cultural rights of humans. The enforcement of this covenant is only upon the Member States who have ratified the agreement and agreed to internationally promote and integrate nationally the rights and principles set forth in the ICESCR.

United Nations Cyberschoolbus. (1966). *Human Rights, International Convention on Economic, Social and Cultural Rights*. Retrieved July 2, 2003 from <http://www0.un.org/cyberschoolbus/treaties/economic.asp>.

A short introductory overview of the objectives, provisions, and affiliated UN sources, agencies, and organs in dealing with the Committee on Economic, Social and Cultural Rights and the International Covenant on Economic, Social and Cultural Rights.

United Nations Office of the High Commissioner for Human Rights. (1991, July). *Fact Sheet No. 16 (Rev. 1), The Committee on Economic, Social and Cultural Rights*. Retrieved July 2, 2003 from

<http://www.unhchr.ch/html/menu6/2/fs16.htm>.

Provides a complete history of the development of human rights standards, principles, and eventually laws between the international community and UN. Highlights important provisions in the International Covenant on Economic, Social and Cultural Rights as well as the importance of integrating these international standards into national legal and governmental structures.

²⁰⁸ Office of the High Commissioner for Human Rights. Regional Representative for Asia-Pacific. *The UN and Human Rights in Asia-Pacific*. Retrieved September 10, 2003, from <http://www.un.or.th/ohchr/bulletin/se02.pdf>

United Nations Committee on Economic, Social and Cultural Rights. Press Release. (May 1, 2003). *Committee on Economic, Social and Cultural Rights to Hold Thirtieth Session From 5 to 23 May 2003*. Retrieved July 2, 2003 from, <http://www.unog.ch/news2/documents/newsen/esc0301e.htm>.

Update on the workings of the Committee on Economic, Social and Cultural Rights (CESCR) and current contentious issues to be discussed for the 2003 sessions.

United Nations Economic and Social Council. (2003, January 8). *Provisional Agenda and Annotations*. (E/C.12/2003/1). New York, NY: Author.

Agenda of the 30th session of the Committee on Economic, Social and Cultural Rights including officer election, issues to be discussed, organization of work, substantive issues regarding the implementation of the International Covenant on Economic, Social and Cultural Rights, evaluation of country reports, relations with UN organs and other treaty bodies, and other miscellaneous matters.

United Nations. *Universal Declaration of Human Rights*. (Opened for signature December 10, 1948). Retrieved July 2, 2003 from <http://www.un.org/Overview/rights.html>.

The Declaration adopted by the General Assembly in resolution 217 A (III) acknowledging inalienable rights of all humans.

Vienna Declaration and Programme of Action. (1993). *United Nations General Assembly World Conference on Human Rights*. (A/CONF/157/23). Vienna, Austria: Author.

Provides a comprehensive framework for the promotion, implementation, and protection of human rights. Monitoring and review structures are recommended along with co-operative efforts with other affiliated UN agencies, organs, and Members as well as NGOs.

I. The Rights of Workers

Donnelly, Jack. (1999). The Social Construction of International Human Rights. In Tim Dunne & Nicholas J. Wheeler (Eds.), *Human Rights in Global Politics*. Cambridge, United Kingdom: Cambridge University Press.

This article effectively presents the issues relating to establishing universal human rights and how the role of the government may enhance or compromise international standardization.

Eide, Asbjorn. *Observations on Recent Developments in the Field of Economic Social and Cultural Rights*. Retrieved July 8, 2003, from <http://www.nutrition.uio.no/iprfd/Encounterdocuments/DocO1-G2.html>

This report prepared by Eide is for the International Encounter on the Right to Food and Nutrition in Oslo of June 2000. Presenting several key observations, Eide emphasizes the increasing role of human rights in relation to food and nutrition. A few of his observations include: increased attention to human rights; the equalization of ESC rights and CP rights; that there is no international obligation to complain for ESC rights; the positive attitude of international stakeholders is not matched in positive action; and that CESCR is becoming "more audacious and explicit."

Falk, Richard. (1999). The Challenge of Genocide and Genocidal Politics in an Era of Globalisation. In Tim Dunne & Nicholas J. Wheeler (Eds.), *Human Rights in Global Politics*. Cambridge, United Kingdom: Cambridge University Press.

This article reveals how globalization may pose a threat to certain vulnerable populations and how competing markets may blind many international actors to upholding human rights standards and activities.

- Foley, Conor. (2000, January). *Global Trade, Labour and Human Rights*. Centurion Press: London: Amnesty International.
This book provides a solid basis to the inter-workings and relations between global trade, labor and human rights. Also provides with several current examples of competing interests and possible strategies to reconcile differences.
- Forsythe, David P. (2000). *Human Rights in International Relations*. Cambridge, United Kingdom: Cambridge University Press.
This is a complete source providing a strong introduction to international human rights standards, implementation strategies through the means of international criminal courts, regional applications, TNCs, and NGOs.
- Pease, Kelly-Kate S. (2000). *International Organizations: Perspectives on Governance in the Twenty-First Century*. Upper Saddle River: Prentice Hall.
This book provides for basic theoretical understanding of foreign relations and the various actors involved.
- Roncesvalles, Carina I. (2003, February 7). Globalization: Good News, Bad News for the Labor Sector. *BusinessWorld*, 27.
This article briefly outlines the positive and negative consequences of globalization on labor in developed and developing States.
- Toye, John. Order and Justice in the International Trade System. In Rosemary Foot, John Lewis Gaddis, and Andrew Hurrell (Eds.), *Order and Justice in International Relations*. New York: Oxford University Press, Inc. [from footnote: James T. Shotwell, 'Introduction' to *The Origins of the International Labour Organization*, I (New York: Columbia University Press, 1934), xix.]
This article lays out the potential conflicts of interests that hinder justice due to competitive markets, international trade, and globalization.
- Woods, Ngaire. (2003). Order, Justice, IMF, and the World Bank. In Rosemary Foot, John Lewis Gaddis, and Andrew Hurrell (Eds.), *Order and Justice in International Relations*. New York: Oxford University Press, Inc.
This article is an excellent source to understanding the interdependence and inter-obligational roles of international financial institutions in upholding social justice and human rights principles.
- Economic and Social Council (2003). *Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights*. (E/CN.4/Sub.2/2003/12). Retrieved August 10, 2003, from <http://www1.umn.edu/humanrts/links/NormsApril2003.html>
The Working Group on the Working Methods and Activities prepared this resolution delineating the role of TNCs. Issues discussed include: definitions; general obligations; right to equal opportunity and nondiscriminatory treatment; right to security; rights of workers; respect for national sovereignty and human rights; obligations with regards to consumer protection and environmental protection; and implementation provisions.
- Human Rights Watch. (2003, July 1). Global Advocacy Director of Human Rights Watch Rory Mungoven. *Migrant Workers Need Protection UN Treaty Comes Into Force*. Retrieved September 11, 2003, from <http://www.hrw.org/press/2003/06/mwc063003.htm>
This article by Human Rights Watch announces the legal effect of the Convention on Migrant Workers which came into effect July of 2003. The article continues to emphasize the importance of such a Convention but not without concerted and sustained efforts in upholding the provisions and in encouraging industrialized countries to commit to its principles legally.
- International Labour Organization (International Institute for Labour Studies). (2003, August). *Employment Dimensions of Decent Work: Trade-Offs and Complementarities*. (DP/148/2003). Geneva, Switzerland:

- Godfrey, Martin. Retrieved August 25, 2003, from <http://www.ilo.org/public/english/bureau/inst/download/dp14803.pdf>
This discussion paper prepared by an independent researchers addresses the various dimensions of decent work; the formation of a single index; a framework for policy formulation and policy options; and prospects for industrialized, transition, and developing countries.
- International Labour Organization. (2003, August). *World Commission on the Social Dimension of Globalization*. Retrieved September 11, 2003, from <http://www.ilo.org/public/english/wcsdg/index.htm>
This Web site describes the purpose of the creation of the World Commission on the Social Dimension of Globalization by the International Labour Organization (ILO). The Commission's purpose, work, and responsibilities are described.
- International Labour Organization. *International Labour Standards*. Retrieved August 2, 2003, from <http://www.ilo.org/public/english/standards/norm/whyneed/index.htm>
This Web site for the International Labour Organization give a brief and complete description of the importance of international labor standards.
- International Labour Organization. *Declaration on Fundamental and Rights at Work*. Retrieved July 29, 2003, from <http://www.ilo.org/public/english/standards/decl/declaration/text/index.htm>
This is the text of ILO's Declaration on Fundamental Principles and Rights at Work.
- International Labour Organization. *Gender Promotion*. Retrieved September 12, 2003, from <http://www.ilo.org/public/english/employment/gems/>
This is ILO's Web site for promoting nondiscriminatory gender practices for hiring, working, and other labor benefits. This Web site also provides current and future partnerships for action; action plans; and strategies for enhancing the capacity for gender equality and decent work, especially with globalization.
- International Labour Organization. (2003). *Child Labour*. Retrieved September 12, 2003, from http://www.ilo.org/public/english/standards/decl/intro/ilo_movie/index.htm
This is ILO's video illustrating the importance, urgency, and consequences of child labor in all its forms. Areas of deepest concern include armed conflict, prostitution, forced labor, bonded labor, serfdom, and slavery. ILO recommends increasing education and awareness of child labor and strengthening the political will of States and other international stakeholders.
- International Labour Organization. International Programme on the Elimination of Child Labour. (1998). *15 Examples of Selected Successful Action Programmes. Community Action and the Provincial Plan Fighting Against the Prostitution of Children and other forms of Child Labour*. Retrieved September 12, 2003, from <http://www.ilo.org/public/english/standards/ipecc/about/factsheet/expls-98/exempl6.htm#start>
This Web site by ILO's International Programme on the Elimination of Child Labour highlights one of the fifteen examples of successful action programs. This case study highlights a successful plan of action for Thailand and its efforts at eliminating the effects of forced prostitution of the girl child.
- International Labour Organization. International Programme on the Elimination of Child Labour. (2002, April). *Thailand Child Domestic Workers: A Rapid Assessment*. Geneva, Switzerland: Phlainoi, Nawarat. Retrieved September 6, 2003, from <http://www.ilo.org/public/english/standards/ipecc/simpoc/thailand/ra/domestic.pdf>
This ILO Background Guide was prepared in conjunction with the International Programme on the Elimination of Child Labour and analyzes 38 rapid assessments of the worst forms of child labor in 19 developing countries due to the urgency and severity of these continuing, exploitative activities. The rapid assessment methodology on child labor is discussed, but this report and program is ironically funded by the U.S. Department of Labor, which has not ratified the Convention on the Rights of the Child.

- International Migration Programme. International Labour Office. *Perspectives on Labour Migration. Globalization, Labour and Migration: Protection is Paramount*. Geneva, Switzerland: Patrick A. Turan and Eduardo Geronimi.
This report prepared for ILO's International Migration Programme studies how globalization has exacerbated the cause of migrant workers due to increasing international mobility; how discrimination and xenophobia also effect the rights of migrant workers; fundamental policy dilemmas; the importance of working standards; and policy responses in achieving adequate migrant rights.
- International Organization for Migration. Director-General Brunson McKinley. (2003 July 1). *IOM Welcomes the Entry into Force of the UN Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families*. (News Release No. 863). Retrieved September 11, 2003, from http://www.iom.int/en/news/pr863_en.shtml
This News Release released by the International Organization for Migration (IOM) highlights the entry of the UN Convention for Migrant Workers along with a few of its essential principles. Moreover, a short background of the goals of the IOM is provided.
- United Nations Economic and Social Council. (1999, November 26). *Statement of the UN Committee on Economic, Social and Cultural Rights to the Third Ministerial Conference of the World Trade Organization (Seattle, 30 November to 3 December 1999)*. (E/C.12/1999/9). Committee on Economic, Social and Cultural Rights, 21st Session, Geneva, Switzerland.
This statement issues by CESCR emphasized critical issues with regards to economic, social and cultural rights and how WTO's objectives can parallel international standards during its meeting in Seattle.
- United Nations Global Compact. *The Nine Principles*. Retrieved August 15, 2003, from <http://www.unglobalcompact.org/portal>
This Web site provides essential updates and information with regards to the UN Secretary-General's initiative of bringing together human rights, labor, and the environment in an effort to increase awareness and partnerships in upholding international human rights. This Web site describes the nine core principles of the program along with news, upcoming events, participating TNCs, and networks.
- United Nations Office of the High Commissioner for Human Rights. (January 21, 2002). *Ethics, Human Rights and Globalization* from the Second Global Ethic Lecture. The Global Ethic Foundation. University of Tübingen, Germany: Mary Robinson.
Statement by the former UN High Commissioner for Human Rights Mary Robinson with regards to the effects of globalization on international human rights standards, law, and responsibilities.
- United Nations Office of the High Commissioner for Human Rights. (2003, July 1). *Panel to celebrate the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families. Statement by the Acting High Commissioner for Human Rights Bertrand Ramcharan*. Retrieved September 11, 2003, from <http://www.december18.net/UNConvention010703StatementUNHCHR.pdf>
Statement by the Acting High Commissioner for Human Rights Bertrand Ramcharan regarding the Migrant Workers Convention's entry into force.
- United Nations Office of the High Commissioner for Human Rights. (2003). *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*. (CHR/NONE/2003/154). Retrieved August 22, 2003, from http://www.unhchr.ch/html/menu3/b/m_mwctoc.htm
The UN Office of the High Commissioner for Human Rights provides the full-text version (all nine parts) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families along with the status of ratifications, declarations, and reservations.

World Bank. (2000). *International Labour Standards: The Challenges for the 21st Century*. Retrieved September 11, 2003, from <http://www.worldbank.org/wbi/labormarkets/courses/dc2003/proceedings/pdfpaper/module8ilo.pdf>
This report prepared by the World Bank examines international labor standards, the existing and future social dialogue, current and future (new kinds of) international labor standards, the importance of existing labor conventions, and their provisions.

II. The Right to Education

Anuradha De, Jean Dreze. (1999). *Public Report on Basic Education in India*. New Delhi, India: Oxford University Press.
This Public Report includes fascinating information about real world applications of education initiatives conducted in India. This particular report was published by the Oxford University Press.

Center for Reproductive Rights. (2001). *The Power of Law for Every Woman: Economic, Social, and Cultural Rights Covenant (CESCR)*. Retrieved July 2, 2003, from http://www.crlp.org/pub_art_tmb_5.html
This document explores the 'women's rights' area of the education topic in context of the Covenant. It details various areas and specifics of the education area that exclusively affect women.

Commission on Human Rights. (2000). *Report of the Secretary-General – Economic, Social, and Cultural Rights*. *Every year the Secretary General issues a report about the status of human rights issues around the world. Delegates should be familiar with recent reports.*

Committee on Economic and Social Rights. (2000). *Report of the Secretary-General submitted pursuant to Commission on Human Rights resolution 1999/25*. (E/EN4/2000/47). Geneva, Switzerland: Office of the High Commissioner for Human Rights.
Every year the Secretary General issues a report about the status of human rights issues around the world. Delegates should be familiar with recent reports.

Committee on Economic, Social, and Cultural Rights. (1999). *General Comment 13 of 8 December 1999*. (E/C.12/1999/10). Geneva: Switzerland: Author.
Committee on Economic, Social, and Social, and Cultural Rights discusses in more details the specifics of education sections of the International Covenant on Economic, Social, and Cultural Rights. The Committee explores many areas of the education topic and discusses implementation of the Covenant.

Morka, Felix. (2000). *Circle of Rights: Economic, Social, & Cultural Rights Activism: A Training Resource*. International Human Rights Internship Program. The University of Minnesota, Human Rights Resource Center: Author.
The Circle of Rights series discusses education in the context of human rights and activism. This mini-lesson details some aspects of implementing education reform in various states.

United Nations Educational, Scientific and Cultural Organization. (Opened for signature 1960, December 14). *Convention against Discrimination in Education*. Paris, France: Author.
Conventions that protect peoples access to education are especially important to the committee. Delegates should be familiar with appropriate conventions.

United Nations Educational, Scientific and Cultural Organization. (1990, March). *World Declaration on Education For All*. Jomtien, Thailand: Author.
Conventions that protect peoples access to education are especially important to the committee. The World Declaration on Education for All is another important document. This document also provides good regional and country based research. Delegates should be familiar with appropriate conventions and reports.

United Nations Educational, Scientific and Cultural Organization. (2000). *The Dakar Framework for Action – Education for All: Meeting our Collective Commitments*. (ED-2000/WS/27). Retrieved July 2, 2003, from <http://www.unesco.org>.

The Dakar framework is one of the most comprehensive documents that discusses international education. The Dakar framework breaks down the education topic and puts each part into perspective. The framework and the states that support it are considered to be at the forefront of education reform.

United Nations General Assembly. (1989). *Convention on the Rights of the Child*. (A/RES/44/25). New York, NY: Author.

Conventions that protect people's access to education are especially important to the committee. Delegates should be familiar with appropriate conventions.

United Nations. (Opened for signature 1948, December 10). *Universal Declaration of Human Rights*. New York, NY: Author

Conventions that protect people's access to education are especially important to the committee. The UDH is an especially important document. Delegates should be familiar with appropriate conventions.

III. Articles 11 & 12: The Right to a Decent Standard of Living

Annan, Kofi A. (1999). *The Question of Intervention*. New York: United Nations Department of Public Information.

A report by the UN Secretary-General on circumstances that justify intervention despite the protection of State sovereignty by the UN Charter.

Author unknown. (2003). The World this Week: Politics. *The Economist*, 368, 6.

Short description describes how Nigeria has helped Zimbabwean farmers to acquire land to employ their skills in light of the food crisis in Sub-Saharan Africa.

Author unknown. (2003, September 13-19). Who'll help us? We ourselves, mostly. *The Economist*, 368, 21.

This article describes the aftermath Iraqis had to face following military intervention early 2003. One of the consequences include the humanitarian crisis with regards to food.

Braveman, P. & Gruskin, S. (2003, July). Poverty, Equity, Human Rights and Health. *Bulletin of the World Health Organization*. p. 439-445. Retrieved from August 15, 2003, from <http://www.who.int/bulletin/volumes/81/7/en/braveman0703.pdf>

This article analyzes the correlation between health and poverty with regards to international human rights. Recommendations are provided as to how health institutions can deal with the deadly combination.

Center for Economic and Social Rights. (January 2000). *Economic, Social and Cultural Rights A Guide to the Legal Framework*. Resource Series 1. New York.

A comprehensive guide to the historical background and legal aspects with regards to economic, social, and cultural rights. Provides basic content, outlines the obligations of human rights, legal duties, consequences of violations, discrimination, and social justice.

Fisher-Thompson, Jim. U.S. Department of State. (2003, February 5). *Kansteiner, Mubako Agree Zimbabwe Suffer. But Differ on Degree*. Retrieved September 10, 2003, from <http://usinfo.state.gov/regional/af/security/a3013104.htm>

Article from the U.S. Department of State International Information Program regarding the crisis in Zimbabwe.

- Food and Agricultural Organization. *Farming Systems and Poverty: Chapter 2 Sub-Saharan Africa*. From *Summary Farming Systems and Poverty Improving Farmers' Livelihoods in a Changing World*. Rome, Italy: John Dixon, Aidan Gulliver, David Gibbon, and Principal ed. Malcolm Hall. Retrieved September 10, 2003, from <http://www.fao.org/DOCREP/004/ac349e/ac349e04.htm#TopOfPage>
This comprehensive report prepared by the collaboration between the World Bank and the Food and Agricultural Organization provides an introduction to poverty, hunger, and agriculture; current and evolving farming systems; challenges; potential and priorities at both the household and global dimensions; future recommendations for the areas of Sub-Saharan Africa, Middle East and Northern Africa, Eastern Europe and Central Asia, South Asia, Eastern Asia and Pacific, and Latin America and Caribbean. Farming system maps are also provided.
- Food and Agricultural Organization and the World Food Programme. (2003, June 19). *Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Zimbabwe*. Retrieved September 10, 2003, from http://www.wfp.org/newsroom/in_depth/Africa/southern_africa/0306southernafrica.html
Concise summaries regarding the food crisis in Sub-Saharan Africa with particular emphasis on Lesotho, Malawi, Mozambique, Swaziland, Zambia, and Zimbabwe.
- Frankel, Rafael D. (2003, April 3). Burma's Leaders Slowly Moving to Combat HIV: Poor Nation's Junta Ignored Danger for Years. *San Francisco Chronicle*. Retrieved September 10, 2003, from <http://www.aegis.com/news/sc/2003/SC030402.html>
Article from the San Francisco Chronicle warning of the impending health crisis in Myanmar (formerly known as Burma) with regards to the spread of HIV/AIDS.
- Human Development Report. (1999). Chapter 1. *International Covenant on Economic, Social and Cultural Rights*. Part III, Article 11, Sections 1 and 2. *United Nations Millennium Development Goals. Goal 8: Develop a Global Partnership for Development*. Retrieved August 2, 2003, from <http://www.un.org/millenniumgoals/>
A Web site providing for concise summaries on each of the eight development goals as well as links to graphs, fact sheets, assessment and progress reports, and statistics.
- Joint United Nations Programme on HIV/AIDS. *Myanmar (Country Profile)*. Retrieved September 10, 2003, from <http://www.unaids.org/en/geographical+area/by+country/myanmar.asp>
A summary by UNAIDS on the impending crisis in Myanmar regarding HIV/AIDS. Links to Myanmar's response as well as the 2003-2005 Joint Programme on HIV/AIDS.
- Joint United Nations Programme on HIV/AIDS. (n.d.). *Myanmar (Country Profile)*. Retrieved September 10, 2003, from <http://www.unaids.org/nationalresponse/result.asp>
This Web site of UNAIDS provides links to national strategic frameworks, implementation plans, and political commitments towards combating the proliferation of HIV/AIDS.
- Kracht, Uwe. *World Food Summit Commitment 7.4: The Right to Adequate Food*. Retrieved July 2, 2003, from <http://www.nutrition.uio.no/iprfd/Encounterdocuments/DocO7-G4.html>
A comprehensive background guide presenting an updated study on the right to adequate food; CESC's General Comment on the right to food; and the Special Rapporteur's progress and findings. The report also provides for policy responses and recommendations from the UN food development community; the UN human rights community, including the Common Country Assessment analytical method; and NGOs and CSOs.
- Médecins Sans Frontières (MSF). (2003). *Campaign for Access to Essential Medicines*. Retrieved September 10, 2003, from <http://www.accessmed-msf.org/prod/viewcategorydocs.asp?catid=3&subcatid=525>
This Web site for MSF provides for additional Press Releases, events, reports and publications, target diseases, and the campaign's mission of enhancing access, affordability, and distribution of essential medicines.
- Médecins Sans Frontières (MSF). (2003, June 3). *G8 Offers the World an "Inaction Plan" on Health*. Retrieved September 10, 2003, from <http://www.accessmedmsf.org/prod/publications.asp?scntid=3620031159124&contenttype=PARA&>

This Press Release from MSF describes the NGO's denouncement of the G8's Action Plan on Health describing it as only benefiting and protecting the industrialized States' commercial interests in pharmaceuticals and intellectual property rights at the expense of most of the developing world's ill.

National Public Radio (NPR). Morning Edition. (2003, September 12). *WTO Cancun*. Retrieved September 14, 2003, from <http://www.npr.org/features/feature.php?wflid=1428879>

Summary of National Public Radio's reporting on Morning Edition on the World Trade talks in Cancun. (Audio)

National Public Radio (NPR). Morning Edition. (2003, September 15). *World Trade Talks Collapse*. Retrieved September 15, 2003, from <http://www.npr.org/rundowns/rundown.php?prgId=3&prgDate=current>
Reporting from NPR's Morning Edition on the next day's World Trade talks collapse over a dispute over corruption and sovereignty issues, despite the close deal over agricultural subsidies between the Group of 22 and industrialized States. The failure may be revived in the Doha Round talks.

Pinstrup-Andersen, Per. (2003, February). *To Benefit Developing Countries, the Doha Round Agriculture Agreement Must be Ambitious*. International Food & Agricultural Trade Policy Council. Retrieved September 15, 2003, from <http://www.agritrade.org/Activities.html>

This Web site of the International Food and Agricultural Trade Policy Council provides publications and news updates regarding international agricultural meetings and trade policies.

United Nations Chronicle Online Edition. *Iraq: The United Nations Presence United Nations Human Settlements Programme (UN-Habitat)*. Retrieved September 10, 2003, from http://www.un.org/Pubs/chronicle/section/080103_un-habitat.asp

This article provides a brief summary of the housing crisis in Iraq following military intervention and the efforts of UN Human Settlement Program (UN-Habitat) to ameliorate the humanitarian housing situation for displaced Iraqis.

United Nations Commission on Human Rights, 56th Meeting. (April 22, 2003). *The Right to Food*. (2003/25). New York, NY: Author.

Resolution upholding the right to food and referring to various ongoing actions, programs, and activities.

United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights. (1999). *The Right to Adequate Food General Comment 12*. (E/C.12/1999/5). New York, NY: Author.

Provides a general introduction as well as a complete overview of the adequacy, sustainability, availability, and obligations associated with implementing the right to food at the national and international dimensions.

United Nations Economic and Social Council. (June 25, 2002). *Social and Human Rights Questions, Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council*. (E/2003/73). Geneva, Switzerland: Author.

Provides detailed analysis into the Millennium Development Goals, poverty reduction, health, HIV/AIDS, education, food, housing, disability, human trafficking, and globalization and trade issues. Provides details with regards to education, training, as well as current activities in the aforementioned areas.

United Nations. *The Habitat Agenda: The Istanbul Declaration on Human Settlements*. Retrieved August 2, 2003, from <http://www.unhabitat.org/unchs/english/hagenda/ch-2a.htm>

This is the UN Human Settlement Program's (UN-Habitat) declaration also known as the Istanbul Declaration on Human Settlements. Chapter II focuses on the goals and principles of the UN Program.

UN HABITAT. (2003, March 27). Press Release HAB/185 IK/337. *UN-HABITAT Calls for Funds for Shelter Needs and Urban Reconstruction in Iraq*. Retrieved September 10, 2003, from <http://www.un.org/News/Press/docs/2003/hab185.doc.htm>
Press Release by UN-Habitat calling for additional funding and resources for the Iraqi housing crisis.

United Nations Office of the High Commissioner for Human Rights. (1991, July). *Fact Sheet No. 16 (Rev. 1), The Committee on Economic, Social and Cultural Rights*. Geneva, Switzerland: Author.
Provides a general overview of the essential aspects of the International Covenant on Economic, Social and Cultural Rights. Also provides information regarding NGO engagement as well as States Parties.

United Nations Office of the High Commissioner for Human Rights. *Special Rapporteur on Adequate Housing, Introduction*. Retrieved July 20, 2003, from <http://www.unhchr.ch/html/menu2/7/b/mhousintro.htm>
The Special Rapporteur on Adequate Housing presented a statement on the importance and urgency of his efforts and the need for increased future concerted efforts.

United Nations Office of the High Commissioner for Human Rights. Regional Representative for Asia-Pacific. The Bangkok Bulletin. *The UN and Human Rights in Asia-Pacific*. Retrieved September 10, 2003, from <http://www.un.or.th/ohchr/bulletin/se02.pdf>
A bulletin update regarding human rights activities and concerns in Asia-Pacific as well as responses from UN agencies, and Asia-Pacific countries. Lists and links of country and agency reports are also available.

United Nations Office of the High Commissioner for Human Rights. *Fact Sheet No. 25, Forced Eviction and Human Rights*. Retrieved July 20, 2003, from <http://www.unhchr.ch/html/menu6/2/fs25.htm>
This is an excellent fact sheet that summarizes the important aspects regarding forced evictions and human rights.

World Health Organization. The Advisory Committee on Health Research. (2002). *Genomics and World Health*. Geneva, Switzerland: Author.
A comprehensive report on the long and short term consequences of the use of biotechnologies and genomics in the global community, in particular in developing regions. Provides the benefits and harms of the application of these scientific advancements, particularly for health.

Suggestions for Further Research

This background guide has been developed to provide an introduction to the topics this committee will address at the NMUN. The guide is not intended to provide delegates with the history of their individual foreign policies. In order to successfully represent your assigned State or NGO, considerable additional research is required.

In seeking additional information regarding the topic areas themselves, carefully review the footnotes and bibliography within the guide. The footnotes and bibliography serve as a reference list and provide research resources of primary importance in the preparation of the background guide. These sources are annotated for your convenience. However, particular attention should be given to the conventions and declarations contained within, as these documents provide the historical mandates and goals of the United Nations and other international organizations. All delegates should acquire copies of the *Charter of the United Nations and Statute of the International Court of Justice*, as well as the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights and Optional Protocols*, and the *International Covenant on Economic, Social and Cultural Rights*.

To assist in the understanding of your individual State's foreign policy, begin by researching the history and culture of your assigned State or NGO. Understanding the cultural basis for particular policies will assist you in the development of creative solutions for which there may be no policy precedent. The general debate at the opening session of the United Nations General Assembly provides an excellent overview of each Member State's policy on a broad range of issues. The opening ceremonies are generally attended by leading State representatives who use this opportunity to express their country's aspirations and goals for the work of the organization in the upcoming year. These records provide an immensely valuable resource for delegates in search of State-specific policy citations. The verbatim records of Member States, as well as their voting records, can be located at UN Depositories at many university libraries or through the UN Web site www.un.org. You can also look at the National Model United Nations Web site at www.nmun.org for additional research material. Consult with your advisor and/or school librarian regarding a depository nearest to you.

Delegations may also wish to contact the mission of the assigned Member State; however, due to the limited time and resources available to most missions this contact should be made through one delegate on behalf of the delegation and not by individual delegates. This contact can be initiated in the process of setting up your delegation's mission briefing. Ideally, delegations will prepare a list of committee topics and specific questions relating to the issues encompassed therein. This list should be introduced by a formal letter explaining your ambitions to accurately represent the mission of your assigned State at the NMUN Conference. The letter should additionally express your recognition of the honor bestowed on you in the opportunity to represent the assigned State. In addition, you should express your gratitude for any assistance they may be able to render. Please be aware that in many cases, the limited fiscal budgets of your missions do not allow for the resources necessary to distribute State information to private individuals; however many are more than capable and willing to assist these efforts.

In addition to contacting your State's mission, delegates should utilize the United Nations Information Service, which has offices in New York and Washington D.C. You should also consider contacting relevant international agencies, such as the World Health Organization (WHO), the Commission on Human Rights, the World Trade Organization (WTO), the UN Development Programme (UNDP), and/or regional and alliance related organizations, such as the European Union, NATO, the Organization of African Unity (OAU), or the Inter-American Development Bank (IADB), that conduct work related to the committee topics.

The UN Department of Public Information has released a number of volumes that comprise *The United Nations Blue Book Series*. Within the *Blue Book Series*, you will find a comprehensive review of the historical work and operations of the United Nations regarding: the Advancement of Women; Apartheid; Cambodia; El Salvador; Human Rights; Mozambique; and Nuclear Non-Proliferation, among other topics. These resources contain countless illustrations of international declarations, conventions and treaties, as well as numerous statements from the United Nations Secretary-General, the Security Council, the General Assembly, ECOSOC and related agencies, regarding the responsibility of Member States for the promotion and advancement of the principles and standards adopted by the organization.

Current events are continually changing. As a delegate, you should track the events that affect the issues before your Committee. Periodicals which will assist in this task include the *UN Chronicle*, *World Press Review*, the *New York Times*, *The Christian Science Monitor*, *The International Herald Tribune*, *Foreign Affairs*, *Foreign Policy*, *Human Rights Quarterly*, *The American Journal of International Law*, *International Legal Materials*, *Far Eastern Economic Review*, and the *Journal of Modern African Studies*. Further, tune into National Public Radio (NPR) for *The Morning Edition*, *All Things Considered*, *Monitor Radio*, and *Pacifica Radio*; each of these NPR programs provide comprehensive coverage of global events.

Computerized research resources are also available. The Internet provides access to a wealth of information, but please remain aware that not all sources on the Internet are equally credible. Official government and intergovernmental sites like the UN Web site are good starting points. In addition, universities and well-established NGOs like the Red Cross may also provide valuable and credible information. Lexis/Nexis is also an excellent source for daily news from around the world and operates using search terms and the Boolean style of computerized library searches. Finally, the NMUN Web site at www.nmun.org has been designed to assist you in your research through the provision of these guides online, topic updates, and continuously updated committee pages with links to many topic specific sites.

Should you have any questions or experience any particular difficulties in your research endeavors, please do not hesitate to contact your committee director or assistant director, departmental Under-Secretary-General, or the Director General. Contact information for those individuals is listed at the bottom of the introductory letter which is on the first page of this guide.

Committee on Economic, Social and Cultural Rights Rules of Procedure

INTRODUCTION

1. These rules shall be the only rules which apply to the Committee on Economic, Social and Cultural Rights (hereinafter “the body”) and shall be considered adopted by the body prior to its first meeting.
2. For purposes of these rules, the Committee Director, the Assistant Director, the Under-Secretaries General, the Assistant-Secretaries General, and the Director-General are designates and agents of the Secretary General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Director General or his or her 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 body.

I. SESSIONS

Dates of convening and adjournment

Rule 1

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

Place of sessions

Rule 2

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

II. AGENDA

Provisional agenda

Rule 3

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

Adoption of the agenda

Rule 4

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 in the body.

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 in the body” means those delegates, including observers, in attendance at the session during which this motion comes to vote

III. SECRETARIAT

Duties of the Secretary-General

Rule 5

- a) The Secretary-General or his/her designate shall act in this capacity in all meetings of the body.

b) The Secretary-General shall provide and direct the staff required by the body and be responsible for all the arrangements that may be necessary for its meetings.

Duties of the Secretariat

Rule 6

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the body, and shall distribute documents of the body to the members of the United Nations, and generally perform all other work which the body may require.

Statements by the Secretariat

Rule 7

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

Selection of the President

Rule 8

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

Replacement of the President

Rule 9

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

IV. LANGUAGES

Official and working language

Rule 10

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

Interpretation

Rule 11

Any representative wishing to address any United Nations body or submit a document in a language other than English shall provide 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 translation must be within the set time limit.

Quorum

Rule 12

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

For purposes of this rule, "members of the body" and "members of the body" are based on the number of total members (not including observers) in attendance for the Tuesday Night session

General powers of the President

Rule 13

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the body, 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 body and over the maintenance of order at its meetings. She or he shall rule on points of order. She or he may propose to the body 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 his or her 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 body" entails his or her power to "entertain" motions, and not to move the body on his or her own motion.

Rule 14

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

Points of order

Rule 15

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" means those members (not including observers) in attendance at the session during which this motion comes to vote.

Rule 16

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

Speeches

Rule 17

a) No one may address the body 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.

b) Debate shall be confined to the question before the body, and the President may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

The body may limit the time allowed to speakers and all representatives. When debate is limited and a speaker exceeds the allotted time, the President shall call him or her 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 body 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 his or her 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.

Closing of list of speakers

Rule 18

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 consent of the body, 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 body.

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 body. A motion to close the speaker's list is within the purview of the body and the President should not on his own motion move the body.

Right of reply

Rule 19

If a remark impugns the integrity of a representative's state, the President may permit a 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 rights of reply shall be made in writing addressed to the Secretariat and shall not be raised as a point or motion. The Reply shall be read to the body 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.

Suspension of the meeting

Rule 20

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.

Adjournment of the meeting

Rule 21

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 body shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the body's next regularly scheduled meeting 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 session of the body.

Adjournment of debate

Rule 22

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 only to two representatives favoring and two opposing the 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.

Closure of debate

Rule 23

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified his or her 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 body favors the closure of debate, the body shall immediately move to vote on all proposals introduced under that agenda item.

Order of motions

Rule 24

Subject to rule 21, 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.

Proposals and amendments

Rule 25

Proposals and substantive amendments shall normally be submitted in writing to the Secretariat, with the names of twenty percent of the representatives present who would like the body 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 body 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 body for all purposes, including subsequent amendments.

For purposes of this rule, "representatives present" is based on the number of total representatives (including observers) in attendance for the Tuesday Night session. 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 body by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of that working paper. 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/report. After approval of a working paper, the proposal becomes a draft resolution/report and will be copied by the Secretariat for distribution to the body. These draft resolutions/reports are the collective property of the body, 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.

Withdrawal of motions

Rule 26

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.

Reconsideration of a topic

Rule 27

When a topic has been adjourned, it may not be reconsidered at the same session unless the body, 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 session during which this motion comes to vote.

V. VOTING

Voting rights

Rule 28

Each member of the body shall have one vote.

This section 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.

Request for a vote

Rule 29

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

For purposes of this rule, "proposal" means any draft resolution/report, an amendment thereto, or a portion of a draft resolution/report 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 vote.

Majority required

Rule 30

- a) Unless specified otherwise in these rules, decisions of the body shall be made by a majority of the members present and voting.
- b) 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 roll call for the session during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.

Method of voting

Rule 31

- a) The body 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

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

Explanation of vote

Rule 32

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 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 immediately after voting on the topic has come to an end.

Conduct during voting

Rule 33

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

Division of proposals and amendments

Rule 34

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.

Amendments

Rule 35

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 preambulatory clauses.

Order of voting on amendments

Rule 36

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 therefrom, 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.

Order of voting on proposals

Rule 37

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

The President shall not vote

Rule 38

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

Invitation to silent prayer or meditation

Rule 39

Immediately after the opening of the first meeting of the body, representatives may request to observe one minute of silence dedicated to prayer or meditation. This is the only time this motion will be entertained and its approval is at the discretion of the Secretariat.