

**SOCIAL, HUMANITARIAN,
AND CULTURAL COMMITTEE**
BACKGROUND GUIDE

A world map in shades of blue and white, centered on the Atlantic Ocean. Overlaid on the map is the NHSMUN 2010 logo, which consists of the text 'NHSMUN' and '2010' flanking a circular graphic of white squares arranged in concentric, slightly offset rings.

NHSMUN 2010

NATIONAL HIGH SCHOOL MODEL UNITED NATIONS • MARCH 17-20, 2010

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NATIONAL HIGH SCHOOL MODEL UNITED NATIONS

The 36th Annual Conference • March 17-20, 2010

October 2009

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University of Pennsylvania

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Chris Talamo
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Dear Delegates,

Let me be the first to welcome you to the 2010 National High School Model United Nations Conference! My name is Max Ross, and I serve as the Under-Secretary-General (USG) of the General Assembly Mains Committees (GA Mains). As far as my duties as USG are concerned, I stay heavily involved with your Directors, Assistant Directors, and Chairs during both the preparation and simulation parts of the conference. Essentially, my job is to ensure that all aspects of the GA Mains committees run smoothly, from the time that topics were selected last spring to the time that actual debate takes place in committee this winter. You will soon see for yourselves that your dais is both exceptionally talented and extremely dedicated, and there is no doubt that this will be reflected in your experience at the conference. My advice to you: come well prepared, have an open mind, and get as much out of the experience as you possibly can! The conference will only be as great as its delegates are, and I have no doubt that all of you will help make NHSMUN 2010 productive and enjoyable for all.

Now, a little bit about myself: I was born and raised in New Jersey, and despite the bad rap that out-of-state residents frequently give it, I would never want to grow up anywhere else! I'm currently a junior at Dartmouth College in Hanover, New Hampshire, where I'm studying Romance Languages and International Studies. I have a number of hobbies and passions, but none is quite as thrilling as the airing of a new episode of *LOST*. That's right—if you would ever like to discuss theories, characters, or your favorite scenes of what I consider to be one of the finest shows in the history of television (or if you are not a *LOST* fan and need someone to explain why it is a valuable time investment), please contact me!

Including my years as both a delegate and staff member, this year's conference will be my seventh consecutive NHSMUN, six of which I have spent on GA Mains. Needless to say, I am very fond of these larger committees. I greatly enjoy the diverse perspectives that surface during debate, and I'm sure that this year will be no exception. Although I will not be sitting on the dais, I will be floating around the different GA Mains committees and ensuring that everything is going smoothly. I will be highly accessible throughout the conference, and if you see me walking by, please stop me and introduce yourself!

Your esteemed Directors and Assistant Directors have been hard at work for the past year working with the rest of staff to ensure that you will have the best experience possible at the conference. I'd like to ask all of you to put effort into these topics and to respect the mission of our conference and the integrity of our staff.

I'm very excited to meet all of you in March! Until then, please feel free to contact me at the email address or telephone number below with any questions or concerns that you may have.

Sincerely,

Max Ross
Under-Secretary-General, GA Mains
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NHSMUN is a project of the International Model United Nations Association, Incorporated (IMUNA). IMUNA, a not-for-profit, all volunteer organization, is dedicated to furthering global issues education at the secondary school level.



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Dear Delegates,

First of all, I cannot begin to describe just how excited I am to have y'all on this committee. Welcome to the Social, Humanitarian and Cultural Committee and to NHSMUN 2010! I am looking forward to some excellent debate on the two topics: Humanitarian Implications of Foreign Direct Investment and Foreign Debt; and Implementing the Convention on the Rights of Disabled Persons. I can't wait to hear your ideas and proposed solutions on the issues!

To tell y'all a little about me—I hail from Columbia, South Carolina, which should explain the “y’alls” that are a regular part of my speech. Currently, I am a sophomore at the College of William and Mary, in Williamsburg, Virginia, where I am planning on majoring in International Relations with a concentration in East Asian Studies. I absolutely love William and Mary and would be more than happy to talk to any of you about it or college life in general. In addition to working with NHSMUN, I am also a director at the Southern Model United Nations Conference (SUSMUN), the new conference sponsored by IMUNA.

I encourage you to read all of the information in the background guide, because it will provide a great starting point for your research. It will also identify key subtopics and bloc positions that will increase your understanding of the issues presented in each topic. If you have any questions about information in the background guide or anything you come across in your own research, please do not hesitate to ask me. I am most available by email, but you can also reach me on my cell phone Tuesday evenings between 6 pm and 8pm EST. I cannot wait to meet all of y'all in March! Good luck!

Sincerely,

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A NOTE ON RESEARCH AND PREPARATION

Delegate preparation is paramount to a successful and exciting National High School Model United Nations 2010 Conference. We have provided this Background Guide to introduce the topics that will be discussed in your committee; these papers are designed to give you a description of the topics and the committee. They will not give you a complete description of the topic areas and they will not contain the most up-to-date information, particularly in regards to rapidly evolving issues. We encourage and expect each delegate to fully explore the topics and be able to identify and analyze the intricacies of the issues. Delegates must be prepared to intelligently utilize their newly acquired knowledge and apply it to their own countries' policy. You will find that your state has a unique position on the topics that cannot be substituted for or with the opinions of another state.

The task of preparing and researching for the conference is challenging, but it can be interesting and rewarding. We have provided each school with a copy of the **Delegation Preparation Guide**. The Guide contains detailed instructions on how to write a position paper and how to effectively participate in committee sessions. (**Note:** some position papers have unique guidelines that are detailed within respective committees' Background Guides.) The Guide also gives a synopsis of the types of research materials and resources available to you and where they can be found. A brief history of the United Nations and the NHSMUN conference are also included. The annotated rules of procedure complete the Delegate Preparation Guide.

An essential part of representing a nation in an international body is the ability to articulate that state's views in writing. Accordingly, it is the policy of NHSMUN to require each delegate (or double-delegation team) to write position papers. The position papers should clearly outline the country's policies on the topic areas to be discussed and what factors contribute to these policies. In addition, each paper *must* address the Research and Preparation questions at the end of the committee Background Guide. Most importantly, **the paper must be written from the point of view of the country you are representing at NHSMUN 2010** and should articulate the policies you will espouse at the conference. All papers should be typed and double-spaced. The papers will be read by the Director of each committee and returned at the start of the conference with brief comments and constructive advice.

You are responsible for sending a copy of your paper to the Director of your committee. Additionally, your delegation is responsible for bringing a bound copy of all of the position papers—one for each committee to which your school has been assigned—to **the conference** (to be submitted during registration). Specific requirements of the bound copy have been sent to the faculty advisor/club president. In addition to position papers, each delegation must prepare one brief summary statement on the basic economic, political, and social structures of its country, as well as on its foreign policy. Please mail country summary statements to the Director-General of NHSMUN 2010 at the address below. All copies should be **postmarked** no later than **February 16th** and mailed to:

Jerry Guo, Director-General
Hinman Box 658
Dartmouth College
Hanover, NH 03755

(Country Summaries)

Leacy Burke, Director
CSU 4308
PO 8793
Williamsburg, VA 23186

(Individual papers)

Delegations are required to mail **hard copies** of papers to the Director-General and Directors.
NHSMUN Staff will not consider e-mail submissions as an adequate substitution.

Delegations that do not submit position papers to Directors or Summary Statements to the Director-General will be ineligible for awards.

COMMITTEE HISTORY

The General Assembly Mains Committees, or GA Mains, are the heart and soul of the United Nations. It is the primary organ, the decision-maker, and the representative body. The universal representation provides a unique forum for debate that is not present elsewhere. The UN Charter holds the General Assembly responsible for international cooperation in every aspect of society, from security and disarmament to social affairs. Even though the GA only has the power to issue a non-binding resolution, it still has the power to promote positive change. It is often at the recommendation of the GA that a committee with more authority, like the Security Council, addresses an issue (“Functions”). Since the GA tackles such a wide range of topics, they allocate them to one of six committees: Disarmament and International Security; Economic and Finance; Social, Humanitarian and Cultural; Special, Political and Decolonization; Administrative and Budget; and Legal (“Mains”). Thus, SOCHUM is often known as the “Third Committee.”

The Social, Humanitarian and Cultural Committee, or SOCHUM, deals with, as per its name, social and humanitarian concerns, including a wide range of human rights issues (“Third”). SOCHUM is unique because it is primarily concerned with the well being of all citizens of the world, and could address any topic that deals with such. From the General Assembly, the Third Committee is delegated issues like social development, human rights, problems relating to women, racism/xenophobia, other forms of intolerance, ageing, education, rights and special concerns of the disabled, children, refugees, indigenous people, drug control, crime prevention, and criminal justice. The mandate is broad, but must be so in order to help the citizens of the world.

The Third Committee, also addresses country-specific human rights violations and is the largest body within the United Nations to do so (“Third”). It is important to realize that because SOCHUM’s priority is to help the people of these nations, it is likely that it will address the same topic for years at a time. However, no two resolutions proposed to the General Assembly from the Third Committee are ever the same, because classic problems are always inventing new ways to manifest themselves.

Because SOCHUM is involved with such a wide spectrum of issues, the committee works with a number of other humanitarian committees in the UN. Some of these bodies include the United Nations High Commissioner for Human Rights (UNCHR), United Nations Children’s Fund (UNICEF), United Nations Development Program (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations High Commissioner for Refugees (UNHCR), and the Human Rights Council (HRC), as well as numerous subcommittees and Special Rapporteurs of these bodies. These groups give input on the discussed issues and help guide the Committee in its formulation of draft resolutions and reports on agenda items (“Third”). The Third Committee has a special role with the HRC, because it is responsible for responding to its reports, and interacting with its special committees and experts.

During the last session of the United Nations, SOCHUM presented sixty-seven draft resolutions for consideration by the General Assembly. At least half of these resolutions addressed a human rights issue or initiative. Within the human rights resolutions, a significant amount discussed country specific cases, like the situations in North Korea, Iran, and the Sudan. Other topics discussed were issues related to displaced refugees in Africa, violence against women, and racial discrimination. SOCHUM’s universal nature also makes it the primary forum for discussing progress on the Millennium Development Goals (MDGs), and with the target date of year 2015 nearing, many agenda items relate to the different components of the MDGs (“UN”). The Third Committee serves a vital role in the UN framework; it ensures that every person’s rights are protected through its direct involvement, its attention to individual Member States, and its oversight and coordination of other committees.

SIMULATION

The goal of the Social, Cultural and Humanitarian Committee at NHSMUN 2010 will be to simulate the real Third Committee as closely as possible. To do this, delegates will discuss each topic using parliamentary procedure and formulate solutions based upon the ideas that they present to the Committee. These solutions will be formatted into UN resolutions and voted upon by the body as such. The quality of debate will greatly depend upon delegates' research, preparation, and creativity behind the ideas brought to every session. It is very important that delegates read the entire Background Guide and come to a full understanding of both topics and their respective country's position by researching other sources.

The UN is based upon the tenets of diplomacy and consensus, and therefore these principles will play a key role in the debate. Because a large portion of debate will be focused on formulating resolutions that the committee will vote upon, it is important for Member States to focus efforts upon creating solutions that can gain widespread support and acceptance. Furthermore, in this simulation, as in the real UN, the Third Committee will not have power to enforce any of its resolutions. This committee will only be able to make recommendations and observations in the hopes of influencing attitudes and encouraging the UN, national governments, and other relevant groups to act. For this reason, any work done by the committee should focus upon gaining widespread support and backing from many states. It is only through this that resolutions will have any power in the international community. Although diplomacy and consensus is important, it is necessary for nations to balance the need for compromise with the need to maintain country policy.

The Third Committee of the GA, like all other UN bodies, operates using parliamentary procedure, a set of rules and practices used to facilitate debate. In this committee, there will be two main forums of communication: formal debate and caucusing. Much of the time will be spent in formal debate, where a speaker's list will be followed and countries will be given a set amount of time to speak on the set topic. Formal debate is an excellent way for countries to discuss their own national policies and delve deeper into specific solutions they are proposing to the committee. The other methods of debate used include moderated and unmoderated caucusing. During a caucus, the rules are suspended for a short period of time. Moving into an unmoderated caucus provides time for countries to discuss ideas and solutions, formulate working papers and resolutions, and talk with many states at one time. The committee will also utilize moderated caucusing, in which the speaker's list is suspended and the Chair recognizes states one at a time to give short speeches on a designated aspect of the topic. Because this committee is so large, moderated caucusing will be an important way for states to engage in more rapid debate than the speaker's list allows. This entire process of parliamentary debate is based upon the ideas of decorum and mutual respect. Strict decorum will be maintained at all times, and respectful behavior will be expected of all the delegates present in the committee.

The ultimate goal of this committee is to formulate comprehensive resolutions that encompass the ideas of many nations and can be implemented in the international community. Therefore, pre-written resolutions will not be allowed. States will work together during committee to formulate working papers, which will be submitted and revised by the committee. Once these working papers are circulated to the entire committee and formally presented, they become resolutions, which the committee will debate and revise further. While multiple working papers and resolutions will be allowed, it is important that nations keep the main goals of compromise and consensus in mind throughout the process of resolution-writing and debate.

As the director of the Third Committee, I am here to address any questions or concerns you may have. The formal process of parliamentary procedure can be confusing, but the assistant director and I will be glad to explain the processes of the committee and help you in any way possible. Furthermore, there will be a Chair present in our committee to oversee the operation of parliamentary procedure and moderate debate. This will allow the assistant director and myself to devote more time to helping with substantive matters, such as the writing of working papers or the revision of resolutions. If so please, do not hesitate to approach me with any questions or confusions you may have, either during the conference or beforehand.

Something that will aid in delegate preparation is a new program NHSMUN is starting this year: blogs. Each Director and Assistant Director will maintain a committee blog covering new developments and critical analysis of issues related to the topic. Delegates are encouraged to comment on the staff's posts and ask questions; starting a dialogue before the conference will lead to more comprehensive and effective solutions. View the committee blog at:

<http://nhsmun2010sochum.wordpress.com>

The staff will update the blog at least three times a month. **Delegates are highly encouraged to stay updated on new posts and whatever information the dais provides.**

HUMAN RIGHTS IMPLICATIONS OF FOREIGN DIRECT INVESTMENT AND OTHER FOREIGN DEBT

TOPIC A

INTRODUCTION

The Latin American Debt Crisis of the 1980s was unlike any financial crisis before it. It completely changed the way the international community would handle debt crises forever. In 1982, the Financial Minister of Mexico, Jesus Silva-Herzog, announced that Mexico would be unable to repay any of its outstanding debt from the past decade (Theberge). This announcement caused a great deal of concern in the international community, as Mexico had more loans from commercial banks than any other developing country at the time (Cohn 157). Before the announcement, many other countries with developing economies (as classified by the United Nations) had requested debt rescheduling. Debt rescheduling occurs when states request alternate payment terms from the original loan agreement. These new terms usually involve lower payments and reduced interest. Unfortunately, debt rescheduling is a double-edged sword; lenders want to ensure that debt is repaid in full, thus they are more willing to accommodate debt rescheduling. However, the borrower is still losing money through the interest, which makes many lenders only more concerned that leeway with rescheduling causes the borrower to default on their debt when the interest becomes too great to repay. Because of these issues, many banks refused negotiations with Mexico, causing billions of dollars from short-term loans to be due immediately (Theberge). Economists considered it impossible for the nation to repay all of the loans within the period demanded. The majority of states centered in Latin America with similar debt issues were unable to even pay the annual interest, let alone work on the principle.

One of the more realistic theories, according to Warren Cohn, about the reason for the massive debt crisis was developing countries' continued dependency on developed states for assistance. Developed countries continued the crisis by issuing short-term high interest loans to debtor countries in the attempt to solve the debt crisis quickly (Cohn 170). Rather than helping, this merely increased the dependency and perpetuated the debt cycle. Once the Latin American countries were caught in debt, it would be almost twenty years before they were self-sufficient again (Theberge).

Much like the situation in the 1980s, the world is currently facing a massive economic downturn, the results of which have yet to be seen. Eastern European countries, as well as a great deal of African countries hold massive amounts of external debt. Many sub-Saharan African states are unable to provide any public services. In a matter of months, the governments may no longer be able to purchase required external goods or provide poverty alleviation to their citizens ("Foreign"). The economic climate will make it more difficult for debtor states to make their debt payments, and will make the creditor states far less likely to agree to reschedule the debt. Furthermore, the countries that have begun to rely on foreign direct investment for economic sustainability are facing plant closure and lack of new sources of investment.

Foreign direct investment and foreign debt are both relevant problems to the international community. Foreign direct investment (FDI) refers to money invested by one country into another. Foreign debt is a loan from an entity (government or corporation) from one country to another. They should be jointly discussed because any collapse in the systems harms both the investor/lender country and the host/debtor country in similar ways. Currently, the world is facing dwindling opportunities for each since the current financial crisis has resulted in nations reducing their investment in foreign nations and being far more cautious with loans. Furthermore, both FDI and foreign debt can have severe humanitarian implications that are not often considered by the international community.

The international community has yet to address the humanitarian and human rights violations that can occur with foreign direct investment and with foreign debt. However, if the world is on the verge of another debt crisis, the humanitarian implications will be severe. Countries are facing a struggle between economic

incentives and protecting the human rights of their citizens. It is necessary to take preemptive action immediately to prevent massive humanitarian implications.

HISTORY AND DESCRIPTION OF THE ISSUE

In order to more efficiently and realistically discuss the humanitarian problems with foreign direct investment and foreign debt, it is important to have an understanding of the economic principles involved with the problem. Although foreign debt has been addressed before in the international community, there has been nothing done about FDI. Furthermore, neither issue has been discussed with a humanitarian consideration.

Foreign Direct Investment (FDI)

Foreign Direct Investment, or FDI, takes place when one company provides capital in another country (Jones 7). This can take two forms: greenfield investment or mergers and acquisitions. Greenfield investment occurs when the outside company invests by opening new facilities and establishing assets in the other country. Mergers and acquisitions integrate an existing business into an international corporation after a foreign company purchases enough stock in the local company to participate in management (Cohn 281). Mergers and acquisitions is the more common form of FDI in the world today (Cohn 282).

Although FDI is considered to have expanded after World War II, it actually began as long ago as the fifteenth century, where Italian, British, Dutch, and French businessmen established trading companies based in territories that would later become colonies for the companies' parent countries. These trading countries would eventually grow to become the multinational corporations (MNCs) acting in the market today. MNCs and FDI have continued to grow throughout the years, but new advances in technology, as well as economic expansions have caused rapid expansions in the amount of investment. Additionally, economic depressions or major international conflicts have been known to reduce FDI (Cohn 284). Traditionally, emerging economies make the best receiving countries of FDI, and China and India continue to dominate the investor market. However, it is important to remember that although the majority of humanitarian concerns about FDI occur in developing nations, developed countries are also a destination source for FDI, and these countries are not immune from human rights abuses as well.

Before World War II, less developed countries (LDCs) received over 60% of all FDI ("OECD Benchmark Definition"). While they still continued to receive significant investments in the post-war period, their demand to control more of their resources and the instability following the 1980s debt crisis caused investors to shift to investing in developed countries. Thus, while a significant percentage of FDI is still concentrated in LDCs, the majority, primarily for manufacturing needs, has been moved to developed countries. Because LDCs lack the manufacturing capacity often needed for FDI, they must rely on using natural resources to attract potential investors. Unfortunately, the shift to investing in developed countries caused the LDCs, especially those without a great deal of natural resources, to be marginalized (Cohn 288).

While there is a wide range of countries receiving FDI, the home countries, or countries that provide the investment, are very small. According to Theodore Cohn, the United States, the European Union, and Japan accounted for eighty percent of the world's outgoing FDI from 1985-2002. Additionally, these three states also received over fifty percent of the incoming FDI in that same time, although Japan was not very involved in inward FDI (Cohn 288). Although the US is no longer the leader in FDI after a small economic decline in 2004, this "triad" still remains heavily involved in FDI and related activities.

After the 2002-2003 worldwide economic decline in FDI, the number of countries hosting MNCs that participated in FDI increased dramatically. LDCs began outward FDI, and similarly received more inward investment in 2004. However, as some countries become more involved in international investment, many countries still struggling to develop, particularly in Africa, are being rejected for investments and are becoming increasingly marginalized in the process (Cohn 290-91). This marginalization continuously prevents these nations from participating in FDI.

Initially, FDI was seen as a benefit to the international community and emerging economies. Both investor and destination countries benefited from the investment, and it was seen as a more stable form of infrastructure investment. The infusion of capital often provided jobs and raised the standard of living in the host country. Less expensive labor and other costs allowed the investing companies to turn a greater profit, benefiting the home country. It is important to realize that all of these results of FDI are accurate. FDI does have the capacity help both the economy of the host country as well as the home country. Unfortunately, the international community often looks only at the positive aspects of FDI, and has failed to acknowledge some of the problems. Even as some organizations realize the drawbacks of FDI, there is an utter lack of any international resolution to protect the rights of all parties or to take responsibility for humanitarian issues. While the humanitarian violations are primarily against the host countries, the uniqueness of FDI is that there is a risk on both sides of the investment for human rights to be ignored.

For countries on the receiving end of foreign direct investment, the economic implications often lead to internal human rights problems as well. The human rights that are often violated through foreign direct investment are a person's innate right to fair labor practices and a right to development, as there are few international agreements defining international labor rights. These violations are widespread, and often, many MNCs select countries to invest in based on how lenient their laws are with regard to labor rights. Profit is a major concern, so MNCs often invest in countries with a low or non-existent minimum wage laws, minimal environmental standards, and limited governmental oversight into the private sector. Countries receiving FDI often find that MNCs involve themselves in governmental affairs, diminishing the influence of voters over the legislature. For example, MNCs become a major influence in the government and lobby for their own interests, which are often not the best interests of humanitarian affairs.

Fair Labor Practices

FDI experiences widespread expansion whenever stricter business and policy restrictions are placed within source countries, so it should come as no surprise that a great deal of FDI is a result of MNCs taking evasive actions against protections placed within the home country (Cohn 284). Often, MNCs will choose where to place their investment based on the standards within a country in order to evade the expensive fair labor practices that they would be required to follow within their home country.

Within some FDI industries, the conditions where the employees work are dismal. Employees are often denied their right to healthcare and social security. They can be forced into sweatshop conditions, and forced to work excessive hours. Additionally MNCs often have a reputation for using child labor, which also denies the child his/her right to an education. Even if the host government has minimum wage or fair labor laws, they are often ignored (Moran 11). In addition, the rights of women are particularly neglected. Women in sweatshop conditions are far more vulnerable to both physical and sexual abuse. Women are typically hired at lower wages in worse conditions and are less likely to be considered for upper level positions (Moran 12).

Although it is easy to vilify both the MNC and the host government for allowing the humanitarian implications to go unchecked and ignoring fair labor laws, it is equally important to understand why it happens. The economic benefits from attracting FDI are very positive. The investment can promote infrastructure, create an increase in technology, and provide jobs to low-level workers (Cohn 292). Thus, in order to make them more likely to receive FDI, countries will provide incentives to the foreign countries, usually at the expense of their workers.

The humanitarian implications of FDI are not just a problem for the host country. The home country and the MNC can also suffer from violations. Their problems are not as well defined, nor are they universally accepted as something they should be protected from, as many critics link the actions of MNCs as being parallel to those of their host government, but they are humanitarian concerns nonetheless.

Hostage Syndrome is a common problem most MNCs face after a period of initial investment. It occurs after the company has become financially invested in the host country, and is dependent on its resources. Whereas in the initial negotiations for the FDI, the MNC has the advantage, the power ultimately shifts to the host

country, invoking the hostage syndrome. Since the MNC is fully committed to the investment, the host country often exploits them. It is necessary for the international community to take steps to protect the corporations investing (Cohn 306). Some of these protections could ensure a status quo period for legislation that impacts the corporation. Furthermore, MNCs are less likely to invest in countries with a history or reputation of engaging in hostage syndrome. The countries that are more likely to engage in such behavior are often the poorest countries, which are simply trying to use the investment as a means to improve their society. As FDI becomes less available to them because of their practices, these desperate states become increasingly marginalized.

Bilateral investment treaties, or BITs, are agreements on how international investment should be regulated only between two nations (Cohn 305). They began around 1960, and the number negotiated increased after the instability of the 1980s debt crisis. They tend to favor the MNCs over the host state, and try to guarantee rights for the MNC and prevent hostage syndrome. Countries are willing to sign these agreements in order to provide leverage to acquire the investment, although there is no evidence that they increase FDI inflows. As of 2002, over 2,000 BITs had been signed (Cohn 306).

In an attempt to develop a more universal international investment standard, the Organization for Economic Cooperation and Development (OECD), a group of countries committed to democracy and the market economy, began negotiations on the Multilateral Agreement on Investment in 1995. The main ideas were to develop an international standard, rather than have countries negotiate multiple BITs, by setting a high level of trade liberalization, and transparency. It was designed for the MNCs, but offered more protections to the LDCs than the majority of BITs. Still, the negotiations ended in 1998 because many LDCs protested the unfair treatment. The MAI was reaching too far (“Multilateral”).

Within the United Nations, the main concern with MNCs began in the 1970s, when an MNC was accused of interfering with an election in Chile because one of the candidates was planning to nationalize the MNC. By nationalizing the MNC, the investors would have lost all of their money, as well as any future profits. In addition, they would not have been compensated for the nationalization in any way. The MNC was accused of violating election laws with illegal campaign contributions and pressuring the candidate it opposed. The UN developed a task force to investigate the impact of MNCs within states and on national sovereignty. The task force was ultimately charged with developing a code of conduct for MNCs, but the negotiations broke down in 1982, because the question of whether or not the code of conduct would be voluntary or legally binding was never decided. Finally, in 1993, the UN just focused on voluntary guidelines (Cohn 307).

Foreign Debt

In simple terms, foreign debt occurs when one country loans money to another country; however, foreign debt is often anything but simple. There are two types of foreign debt problems: liquidity problems and solvency problems. A liquidity problem occurs when there is a temporary debt problem or when a country finds difficulty repaying short-term loans. It is usually solved when the creditor agrees to defer some payments or allow the debtor state to repay at a later time. Additionally, some nations solve a liquidity problem by taking out a new loan in order to make the payments on the original loan. The second problem, a solvency problem, occurs when a country has excessive outstanding debt and little hope of repayment. The only steps that can help dissuade a solvency problem are for the creditors to reduce the principle or interest on the loan. Unfortunately, once a country experiences a liquidity problem it often leads to a solvency problem (Cohn 156).

It seems difficult for countries to consider accepting foreign aid to be a problem. However, when faced with the problems of the debt cycle, countries begin to realize the trap the debt causes. In addition, the buildup of foreign aid cause severe dependency problems, and once the aid evaporates during an economic crisis the debtor state may be faced with abject poverty. Furthermore, conditionality requirements often limit where money can be used, hindering development and restricting the debtor government’s right to manage its state as it sees fit. In addition, states must also be wary of the humanitarian implications of the solutions.

The debt cycle occurs when foreign debt becomes unsustainable. Countries experiencing a problem with repaying their debt accept additional foreign aid to pay off their old debt, and must continue to take more loans to pay off the previous loans. The difficulty with the debt cycle is that it is very difficult to escape, since it is impossible to pay off the debt and the interest at once. The continuation of the debt cycle keeps the same countries, usually the Heavily Indebted Poor Countries (HIPC). The continuation of the debt cycle keeps countries in debt, preventing development. By preventing development, the debt cycle consequently also infringes on the citizens' rights to social programs, like welfare or healthcare.

Humanitarian Implications and Conditionality

The setting of incorrect conditionalities is possibly the grossest injustice in the humanitarian aspect of foreign debt because of stringent obligations it places on the receiving nation. Conditionalities are when the lender entity places requirements on the loan for the debtor country. This practice began as an effort to increase transparency about loan efforts and to ensure loans were not being used for corrupt purposes. Unfortunately, it can become a means for lenders to dictate a foreign country's policy. Many believe that such limitations of conditionality in their current form violate the rights of aid-receiving states (Bedoya).

Not only could conditionalities threaten human rights in this way, it could also impede development by preventing countries from achieving development goals. The earmarks on loans may be intended for noble purposes: education, health care, water sanitation, urban development, etc. but they ultimately fail because they force a developing state to use the model of a developed country. The aid money ends up being used inefficiently, and lacks true development results. The inefficiency ultimately sets the country back in their struggle, while increasing its dependency on developed countries (Bedoya).

While the human rights concerns about foreign debt are severe, the solutions that have been used in the past are not necessarily humane. The committee should be aware of the potential implications of these actions. One of the more common solutions to alleviating foreign debt is a structural adjustment policy (SAP) from the World Bank. However, these also have the negative side effect of restricting the rights of women, particularly within LDC society. The SAPs rarely provide funding towards the roles women play in LDCs, eliminating their role in the debt relief process and solidifying the male dominance in these societies. In addition, SAPs usually result in an increase in household costs, like healthcare, food and water, placing a greater strain on women (Cohn 349).

Another common solution for unsustainable debt is debt cancellation. On the surface, simply cancelling all debt seems like a good idea. Unfortunately, in addition to the capital that is lost for the lender, cancellation usually fails to solve the deeper problems, and countries are likely to fall into the debt cycle again. In addition, as countries often "purchase" one state's debt from banks, countries, or other entities, the risk for investors becomes more tangible. Debt cancellation in this scenario can expose a country to lawsuits for the investment loss. Debt cancellation also hinders human rights because it removes transparency from the spending process, allowing governments to more effectively direct funds into areas like the military, rather than on social programs (Easterly). Clearly, the problems with debt cancellation need to be solved before it can be used as a universal solution.

There have been two large international efforts to solve the debt problem faced by many developing states. The first, the HIPC Initiative began in 1996 as a response to the 1980s debt crisis. The HIPC Initiative was designed to promote debt sustainability in the states with the highest debt, and increase development in these nations. As long as specific qualifications for the types of debt and debt level thresholds are met, any country can technically benefit. However, the high threshold for debt severely restricts nations. The 2009 HIPC-At-A-Glance states that thirty-five countries have benefited from the Initiative and five more have the capability to do so. The fact that it currently could only help five nations not yet in the program limits the range and effectiveness of the HIPC Initiative. The second effort, the Multilateral Debt Relief Initiative (MDRI), began in 2006. It was designed to assist the HIPC countries in reaching the Millennium Development Goals on time. The MDRI is a bit more limited in the countries it can help, however because it focuses only on those nations that are past completion point (The World Bank). Results clearly indicate that both programs have

seen widespread success. The HIPC Initiative dramatically reduced the debt indicators like no other program has done before. Both programs have provided over US\$33 billion dollars in debt relief, and countries are successfully transitioning from the Initiative to sustainability (The World Bank). Yet, the countries they can help are severely restricted. The only states eligible for assistance are those with the worst debt. The international community needs to help nations before they reach the HIPC level of debt relief necessity.

The committee should be aware of the Office of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. Dr. Cephias Lumina, the current expert, is mandated by the HRC to examine the effects of debt within a state, as well as the sustainability of such debt. He is required to look at both public (aid) and private (FDI) means of handling the debt, and is charged to specifically examine the effects of unsustainable debt on development, particularly in context to the MDG. While he has worked with the HRC on some resolutions, the majority of the work is within the scope of structural adjustment policies, and the human rights related to those (“Independent”). In addition, part of SOCHUM’s mandate requires it to listen to the reports of the Human Rights Council, and work with its independent experts and special personnel, so delegates should be familiar with the work of this office.

It should be clear that FDI and foreign debt present similar problems to countries and should be discussed together. The first issue is the problem within a state about accepting FDI and foreign aid. States feel trapped because the financial benefits for both are necessary. If a state refuses FDI, they could be turning down important funding for infrastructure, technological gains, and jobs for citizens. If foreign aid is refused, many states would be unable to fund national programs or make loan payments from previous aid. Countries should develop a way to balance financial obligations without sacrificing the humanitarian concerns for their citizens and their governments.

CURRENT STATUS

Within the current economic environment, countries are feeling the pinch in two areas: FDI inflows are declining and foreign debt is growing astronomically. Reports from the United Nations Conference on Trade and Development (UNCTAD) and the WTO indicate that Latin America, Africa, and the Caribbean are the most vulnerable. Southeast Asia is another area of concern (“UN Report”). At the UNCTAD Global Think Tank Summit, held in early July 2009, James Xiaoning Zhan, head of the Division on Investment and Enterprise, stated that FDI to developed countries would decline by 60% in 2009. The impact on developing countries would be less severe, at only a 25% decrease, but it would still be enough to cause problems in those nations that rely on FDI to provide jobs to their citizens (“Global”). Foreign debt remains a major concern in Eastern Europe, Africa, and Southeast Asia. In the Philippines, the national debt is expected to increase by over 4% in the next year. It will account for over 50% of the state’s gross domestic product.

Clearly, this is a global crisis, since almost all states are involved in FDI in some capacity. Interestingly enough, although most countries possess both debt and FDI, they tend to be more reliant on one over the other, making a comprehensive solution difficult.

Case Study – Argentina

Argentina is an excellent case study because it provides a great deal of insight into the current situation being faced by many countries around the world. Argentina suffered under the 1980s debt crisis, and in recent years, has increased the amount of FDI it receives. The case of Argentina shows how neither debt recovery programs nor FDI alone would have been enough to help the economy.

In the 1970s, Argentina seemed to be on the fast track to economic development, but the radical economic reforms were not yet stabilized when the older loans began to get called in. Furthermore, inflation pushed Argentina’s debt to even higher levels that could not possibly be repaid. In order to secure debt renegotiation, Argentina was forced to surrender domestic control of their financial system. Argentina ultimately underwent

two debt renegotiations, and was part of the Baker Plan for solving the debt crisis (Gulati). Unfortunately, the instability from the debt pushed Argentina into more of a protectionist standpoint on its economic policies.

Despite massive debt, the restructuring of debt did help the economy, although depressed currency and the debt-default risk kept it weak. This prevented a great deal of social growth and FDI. Humanitarian situations were also severe. However, Argentina managed to see a great deal of success beginning in 1988. Rapid trade liberalization and deregulation helped open the economy. The commitment from the Argentine government played a major role in transforming the system, as well as the ability of the government to enforce and implement its own reforms (Borner). These new policies also established a prime host country for FDI. Argentina also made a successful transition from an autocratic regime to a more democratic society.

Argentina's rich natural resources made it a prime candidate for FDI after its governmental transition. In 1993, it ranked third out of the amount of FDI inflows to developing countries (Borner 17). In 1999, an estimated US\$21.4 billion dollars worth of FDI was flowing into Argentina annually—more than double the paltry US\$8 billion dollars measured annually in 1989. There is a great deal of diversity in the industries that are a part of the FDI, which helped to stabilize the economy (“Foreign investment - Argentina”). This injection into the economy gave Argentina the much-needed boost in order to help begin making payments on the foreign debt principle and promote humanitarian development within the state.

Clearly, the results from Argentina indicate that the international community needs to address the issue of foreign debt and FDI. Without appropriate resolutions from the Third Committee, then the vast majority of developing nations are primed to be in a situation that will set up a similar situation to Argentina. The global community is not prepared to handle large numbers of states defaulting on loans, or states requiring a large infusion of investment to keep it from resorting to humanitarian violations.

BLOC POSITIONS

The bloc positions within this topic are unique. As with most social issues, there are no distinct blocs regarding the humanitarian implications. Every country recognizes that the humanitarian aspect needs to be addressed in a comprehensive manner. The bloc divisions occur, however, based on where states stand on the financial aspect of the topic.

Lending/Investing States

Developed nations, those most involved in providing foreign aid and serving as outward sources of FDI, form a bloc. The developed countries bloc will look for solutions that protect the multinational corporations, because many MNCs are headquartered within these countries. This bloc is very concerned about the hostage syndrome, and ensuring favorable trade rights. They want to avoid regulation of the MNCs, since regulation will likely cut into the Gross National Product of these countries.

Furthermore, this bloc will want to find a solution that protects conditionality terms on foreign loans, in order for the lender nation to be ensured that the aid is used appropriately. European banks and international finance institutions “are major suppliers of capital to developing countries” (EU-LDC). Finally, the developed nation bloc is going to oppose any solution that advocates debt cancellation since it would mean a loss of investment and capital for the country. The establishment of protection for the actions of MNCs and other investors will be an important factor driving policy recommendations.

However, developed states usually support UN work to improve human rights situations around the globe. While profit and protection of MNCs will certainly be a driver in these states' policies on this topic, most countries will not disregard the human rights situation that needs to be addressed in this committee.

Borrowing States

The developing states are more likely to form an outspoken bloc, the one issuing the most demands in rectifying the human rights problems. These states are often the victims of humanitarian violations, and subject to the terms of BITs. They are also at an economic disadvantage when it comes to requesting FDI. These states are going to seek solutions that protect the rights of their citizens. These states are also looking to protect their own right to development and protection from the harsh demands of conditionality.

However, FDI often brings many benefits to LDCs, so some countries will prioritize the overall benefit of investment to the state over the wellbeing of their citizens. In February 2008, the Ambassador from Bangladesh to the United Nations spoke in favor of FDI, as it is “important to transfer knowledge and technology, create jobs, boost overall productivity, enhance competitiveness and entrepreneurship, and ultimately eradicate poverty through economic growth and development” (Jahan).

COMMITTEE MISSION

It is obvious that the humanitarian implications of FDI and foreign debt are a problem within the international community. However, part of the reason that they remain a concern is that the United Nations has previously tried to solve the problem through economic means, rather than by addressing the humanitarian problems. By discussing these problems in a social context, some change can be made.

This being said, this committee must also ensure that any discussion that takes place on this topic stays within the jurisdiction of the General Assembly. GA Mains Committees can make recommendations and suggestions to the international community and the UN as a whole, but cannot enforce any decisions made by the body. In addition, while the economic motivations behind each of the bloc positions is relevant to the research, preparation, and debate of this topic, any resolutions the body creates must be focused on the humanitarian concerns and the scope of SOCHUM.

The work of the Third Committee is urgent, since the current economic crisis threatens the economic and humanitarian conditions of many member nations. It must be stressed that any resolutions drafted on this topic should contain both short- and long-term solutions that can prevent an international crisis right now, and protect the rights of nations receiving FDI and foreign aid in the future.

IMPLEMENTING THE CONVENTION ON THE RIGHTS OF DISABLED PERSONS

TOPIC B

"We are tired of being statistics, cases, wonderfully courageous examples to the world, pitiable objects to stimulate funding." - Paul Hunt, disabled writer and activist ("Discrimination").

INTRODUCTION

The disabled often are viewed as a subsection of society that needs to be protected and specially cared for. When they are not given the full consideration of society, disabled persons are likely to have their civil and human rights violated. Furthermore, the international community has a history of viewing the issue of disabled persons as a charitable issue, rather than a human rights problem. Approximately 10% of people in the world are disabled, which is an extremely large percentage of people to have their rights compromised in some way (Lublin).

The Convention on the Rights of Disabled Persons has taken great strides to demonstrate that disabled persons face a threat to their human rights. This treaty has the distinction of being the "most rapidly signed human rights treaty in the history of international law" ("European"). However, the lack of implementation of the document severely undercuts the effect it has made on the international community. Without implementation, the document runs the risk of being yet another Convention that marginalizes the community even more.

The disabled population is currently estimated at over 6 billion persons (Lublin). Every day, these people are denied access to education, basic services, and healthcare. They are turned down from jobs, and face discrimination in every aspect of their lives. This Convention has the wording and the enforcement mechanisms in place to actually make a positive change. It is the responsibility of this body to develop a resolution to ensure that it is implemented effectively.

HISTORY AND DESCRIPTION OF THE ISSUE

Previous Documents and Actions

Since the creation of the United Nations, there has always been an effort to protect the rights of disabled persons. Developing the declarations or raising awareness about the plight of the disabled was never difficult, since every country has a disabled population. However, it was the implementation of the UN plans that proved to be difficult, and the early resolutions were often vague. It was not until the 1970s that the rights of the disabled were considered a major concern to the international community. Resolutions passed by the Economic and Social Committees (ECOSOC) and the General Assembly (GA) became more detailed, and called for specific actions.

In 1971, the first declaration, the Declaration on the Rights of Mentally Retarded Persons, was developed and proclaimed by the General Assembly ("Rights"). It was followed by the Declaration on the Rights of Disabled Persons in 1975 (A/GA/30/1975). Each document outlined specific rights and protections entitled to disabled persons. In 1976, the General Assembly declared the year 1981 to be the International Year for Disabled Persons. Specific goals for the year were to fully integrate disabled persons into society through governmental programs and initiatives (A/GA/31/123). After the year ended, there was still more implementation that was necessary, and the international community recognized that more time was needed. Thus, they decided to declare years 1983-1992 the United Nations Decade of Disabled Persons. This decade was dedicated to creating national policies that opened opportunities to disabled people, specifically in education and employment ("Rights").

Each of the above declarations and initiatives ultimately failed when it came to implementation. Not all of the goals were completed, some countries removed their programs after a few years, and no matter what the international community declared, or what goals were set, the disabled population around the world still faced discrimination and deprivation of human rights.

Why the Convention is Different

The Convention on the Rights of Disabled Persons was adopted by the GA in 2006, and was entered into force in May 2008. The Convention was unique compared to the previous documents in the way it viewed human rights. With each of the previous documents, the international community was “granting” rights that had been previously denied to the disabled community. Each new document got increasingly specific, but the fact remained that there was no implementation and that no matter how many rights were “granted,” there would always be more that would be denied, requiring a new declaration every few years (“Convention”).

However, the Convention differs in the respect that it does not add any rights to disabled persons. Instead, it states that disabled persons have no more rights than any other member of society. Disabled persons are protected under the UN Declaration of Human Rights, but these rights are not always upheld. Thus, it is the duty of the Convention to implement the rights of all humans to those that are disabled. It does provide information on specific areas where disabled persons struggle to have their rights protected, but it does not “grant” any additional rights (“Convention”). This differentiation is a major advancement for disabled persons. It takes their issues from being charitable concerns to being human rights issues. In addition, the change in the way the international community views disabled persons sets up a significant change in the way the UN addresses other persons who have had their rights restricted.

Another unique aspect of the convention is that it establishes a legal obligation for countries to their citizens. It is important to note that this Convention has attempted to ensure full implementation by setting up the foundation for national and international review systems. Nationally, the Convention calls for states to establish an implementation “focal point” that is under governmental control, and invite a non-governmental human rights organization to observe progress. States are also asked to supply a delegate to the Conference of States Parties, a conference comprised of signatories to the convention. It considers any matter that involves implementation. Members of the Conference of States Parties are eligible to submit names for the Committee on the Rights of Persons with Disabilities. This committee is comprised of specialists, who do not represent the interests of their individual countries while on the Committee. Countries who are party to the Convention will submit annual reports on their progress to the Committee for review. The committee will look at the structural problems with this organization, and why this has not led to more widespread implementation (A/GA/30/1975).

Finally, the Convention also does not define a disability, nor does it differentiate between forms of disability. This not only helps ensure the longevity of Convention, but it also takes into account the differences between developed and developing nations. The lack of definition makes the Convention viable indefinitely, since specific conditions are not outlined. In previous documents, where the parameters of disability have been more clearly defined, advances in technology or an increase in the basic level of healthcare have rendered the documents ineffectual. On the other hand, the Convention is limited in no such manner (A/GA/30/1975). Additionally, it helps adjust for the differences in developed and developing nations by considering disability to be a relative standard, where quality of life, accessibility to healthcare, and ability to receive appropriate treatment are all factors (“Convention”). For example, as a relative standard of disability, a severely nearsighted person in a developed country like Australia would not be considered disabled, but the same person living in sub-Saharan Africa would.

Although the Convention has the procedure in place for implementation, there are key areas where countries struggle. These are not only specifically mentioned within the Convention, but it is also areas where disabled people face both discrimination and a loss of their human rights. As delegates research and develop solutions for the topic, they should be sure to include these target areas.

Healthcare

Unfortunately, healthcare is not universally standardized around the world. People with less access to health practitioners are more likely to allow a small injury or problem to go untreated, even to the point where it becomes a permanent disability. In addition, disabled persons without reliable access to treatment may suffer undue pain from their condition (Porter). In developing countries, the disabled are often prevented from receiving care, since the mentality is that the resources should go to other members of society. Additionally, the rising cost of healthcare is something that prevents the disabled in both developed and developing countries from accessing proper care. Furthermore, since disabled persons often have limited economic opportunity, access to healthcare is too much of a financial obligation (Porter). Clearly, the economic and physical prevention of accessing medical treatment is an infringement upon one's right to healthcare. Only 10% of all states have a mental health program, there are definitely developed states without an adequate program (Solomon). Furthermore, even though only 20% of all disabled persons live in developed countries, disability is still a relative term (Gleeson).

Women

Disabled women often face an infringement upon their rights, where being both disabled and a female pushes someone to the margins of society. Even non-disabled women have difficulty receiving fair and equal healthcare, and the burden is far worse for disabled women. Women are not fully integrated into what programs already exist for the disabled. In societies where women do not have their own income, receiving care can be even harder (Lorenzo). Disabled women are often afraid to come forward or receive treatment for their disability because of the stigma attached to being a disabled woman. In some cases, when the disability is a result of domestic violence, women do not seek medical care for fear of their abuser. Furthermore, disabled women can face discrimination from within their own gender. Anita Ghai, a disabled woman in India, explains that disabled women are excluded from participating and benefiting from women's rights movements. In a society where women are "second-class citizens" and disabled persons are "flawed" it is not hard to see how women are overlooked and neglected. (Ghai). The international community must strive to ensure that women have fair and equal access to treatment: the opportunity to become fully integrated into mainstream society.

Children

Disabled children should be afforded the same rights as all children, yet they are often prevented from receiving education, or are forced from their homes to live in government institutions. Disabled children present a difficult balance in caring for the needs of a child and the needs of a disabled person (O'Toole). Healthcare is particularly difficult issue, as health care for the child often falls to the mother, whose time may already be taxed working to support the family or who may not have the medical training required to properly treat illness and injury. Like in the case of adults, small injuries, if left untreated, can become lifelong disabilities.

One controversial issue with disabled children is what happens when a disability is discovered while the child is still in the womb. When discovered through prenatal testing, parents are often offered the opportunity to abort the fetus if the child is confirmed to have a disability. There are several human rights questions in this circumstance. First, is the idea that aborting a fetus simply because it is disabled could be considered genocide, since the decision on whether the child is born is based on physical or mental conditions (Woolford). The second concern is about the quality of life a disabled child would have, considering the limitations placed on the family, the financial burden, and the barriers to healthcare and to education (Nelson). The issue comes to debate based on at what level can a family care for a disabled child. Furthermore, prenatal testing is not universally accessible. The question facing the international community is not about the morality of abortion. Rather, it should ask whether or not it is a greater human rights issue to abort a fetus because it is disabled, or to have a disabled child in the family that is marginalized from society, that has the potential to infringe upon the rights of the caregiver.

Education

One of the greatest difficulties for disabled persons is their inability to be integrated into society and have economic independence. Each of these is impossible without the disabled person first having a proper education. Disabled persons often face discrimination in access to education as children, and there exist few adult literacy programs catered to disabled adults (Epps). In addition, those who have print disabilities (disabilities that prevent reading the printed word) have even more difficulty since only 5% of the world's print resources are available in alternative forms (Epps). Countries should examine feasible ways to make education more accessible to all forms of disabled persons.

Disparities between Populations

Disabled persons often face different forms of discrimination depending on whether or not they live in a rural or urban community, and the needs of the disabled in the rural community are severely restricted. In rural populations, the close communal atmosphere makes the marginalization of a disabled person even more severe. In addition, the lack of infrastructure prevents a normal lifestyle for the disabled person. They also have less likelihood of being economically independent since the majority of rural communities engage in subsistence farming, or other forms of physical labor. Clearly, many physically disabled persons would not be able to participate. Finally, rural communities are less likely to have access to healthcare, and many instances of disability are left untreated and unreported (Nyathi).

As great as the disparity of treatment and the amount of discrimination is between the rural and urban populations, the marginalization between more developed countries (MDCs) and lesser-developed countries (LDCs) is even greater. The Convention attempts to address this disparity by making "disability" a relative term, but the lack of advanced healthcare, social stigma, and lack of resources with which to treat disabled persons places LDCs far behind the global standard. Furthermore, eighty percent of all disabled persons live in developing states, placing an undue strain on the resources of these countries (Gleeson). In addition, the Convention explicitly states that financial strain on the countries is not grounds for not implementing the Convention (A/GA/30/1975). Lastly, developing countries have seen limited or no success when implementing the Convention because they attempt to replicate solutions that have worked in the United States or the United Kingdom. These solutions are not designed to be beneficial in LDCs, and the individual nations need to develop more personalized standards to serve their disabled populations (Skidmore).

Aged Populations and Disability

It is no secret that aging has the potential to be very debilitating. A person's organs can fail, they can fall and become injured, or they can suffer any number of mental diseases. Thus, the rate of disability among the aged is extremely high. As life expectancy continues to rise, the rate of disabled elderly will continue to grow (Allen). There is no doubt that these people have disabling conditions that infringe upon their livelihood, but it is up to the international community to determine where the elderly should fall within the Convention or within geriatric care. As of now, they receive very little attention, and are increasingly marginalized and removed from their human rights.

In order to successfully implement the Convention, it is necessary for the international community to understand the needs of the disabled. Non-governmental organizations and countries desiring to assist with implementation must have a keen understanding of the document in order to efficiently designate funding. Furthermore, any project undertaken by an NGO or aid organization, be it a freshwater well or a school, and should be constructed to be accessible to the disabled population. It may cause an increase in the funds necessary for the project in the short term, but the long-term benefits will be greater. The actions of the international community will also help in setting the bar for ensuring that necessary resources are accessible to all populations ("Convention").

Mental Disability

Although physical disabilities are typically considered the primary form of disability, the global community should not overlook mental disabilities. The Convention is the first document to integrate physical and mental disabilities in the same document and give equal weight to both issues, creating a huge step forward for the mentally disabled. The mentally disabled have a long history of facing discrimination, brought on by lack of understanding and tolerance, but have rarely been given the full status as a disabled person. Approximately 450 million people around the world are mentally disabled, in virtually every country. However, 40% of countries do not have a mental health policy at all, and 90% of countries do not have mental health policy for minors (Solomon). The international community should work to ensure that mentally disabled persons have the opportunity to have a full and functional life. Equal efforts should be taken to protect the rights of mentally disabled persons as physically disabled.

CURRENT STATUS

At this moment, the Convention on the Rights of Persons with Disabilities has only seen minimal implementation. Nations are continually signing the Convention and the Optional Protocol, with a slightly lower rate of ratification. However, for all of the successes of the Convention, it is currently at an impasse. It will continue to collect signatories, but more must be done for the Convention to remain viable.

For the countries, the problem comes in ratification. The Convention has seen widespread success in securing signatures from the general body, but as of August 2009, only 63 countries have ratified the Convention (A/GA/30/1975). By ratifying the Convention, countries become legally bound to create a national accountability body and to supply a delegate to the Conference of States Parties, which is composed of a delegate from every country that has signed the Convention, and assists countries throughout the implementation process.

States are willing to sign the document, but the lack of accountability thus far to an international body for their domestic actions is cause for concern. Recently, the United States, which has historically avoided ratifying human rights treaties, has made a very public intention to ratify the Convention. This could provide the impetus for the rest of the international community to sign the document. The stagnation comes from the diminishing number of states signing and ratifying the treaty. As the number slows, the treaty is at risk for becoming pushed by the wayside. If states fail to ratify the Convention in a timely manner, then it will not be as influential as it could be.

Lastly, the United Nations administrative side of the implementation has been going smoothly thus far. The report to the Secretary General in July 2009 contained all of the necessary update information, and showed no areas where the UN responsibility to implement was lacking.

BLOC POSITIONS

Because this is a humanitarian issue, there are few divides on the policy. Every state can agree that implementing the Convention on the Rights of Disabled Persons is a necessary and important action for the international community. However, there bloc positions become important when considering how to properly implement the Convention. The blocs divide between developed and developing countries, since disabled persons in developed and developing nations face a vast disparity in the conditions they encounter, and each has unique problems and concerns facing them when determining how to properly implement the Convention.

Developed Countries

Most developed countries have two areas of focus—first, to protect and amend steps that have already been taken, and second, to form programs and policy relating to unaddressed issues. Many developed countries already have domestic legislation in place for the protection of the rights of the disabled. However, this

legislation is not in compliance with the Convention because the wording, like the previous documents on disabled persons, stresses allocating specific rights, rather than simply protecting universal human rights (United Nations). In addition, states need to ensure that all public buildings are handicap accessible.

States also need to make sure they are fully implementing the declaration. With advanced healthcare and technology, the standard is higher for developed nations in order to protect the disabled. The European Commission is working with the Leeds Centre for Disability Studies and the Academic Network of European Disability Experts to research areas that lack equality in EC legislation, such as in housing, healthcare, and employment (“European”).

Developed countries are beginning to also work with developing countries to develop and implement national regulations and laws governing the rights of the disabled. For instance, the Republic of Ireland worked on a project entitled “Employment of People with Disabilities- The Impact of Legislation,” which “provides technical assistance for countries in Asia and Africa to improve the effectiveness of existing legislation or develop new laws” to promote equality in the workplace (ILO).

Developing Countries

The concerns of developing countries primarily concern how to implement the Convention when faced with the necessity of forming a national body to oversee the rights of the disabled, and the realization that it would be impossible to fully implement the Millennium Development Goals without including the disabled. Unlike many existing humanitarian treaties, the Convention does not allow developing countries any leeway for lack of funds (“Convention”). States are still expected to implement the document “fully and without delay” (“Discrimination”). The Convention recognizes that there are limitations to resources, but wants to ensure that states are concerned with the rights of the disabled even as they struggle with other humanitarian needs. Finally, developing countries have a greater burden to provide for the healthcare concerns of the disabled.

While developing countries generally lag behind, many are making efforts to address inequality. About half of the world’s disabled population lives in Asia and the Pacific, yet only six countries (Australia, Japan, Mongolia, China, Philippines, and the Republic of Korea) in the region have ratified Convention 159 of the International Labour Organization’s Vocational Rehabilitation and Employment (Disabled Persons) Convention (ILO). Uganda’s constitution guarantees equality of the disabled in government representation, healthcare, education, and in other areas; the constitution also enforces these provisions (Bailey).

COMMITTEE MISSION

The Social, Humanitarian and Cultural Committee needs to ensure that the Convention is fully implemented in a timely manner. No society can become fully developed without including the rights of the disabled. However, it is important for the committee to ensure that their solutions allow for differentiation of disabled persons, and not provide more opportunities for discrimination. Delegates should be aware that it is a fine line between the two, but is not impossible to reach.

This being said, this committee must also ensure that any discussion that takes place on this topic stays within the jurisdiction of the General Assembly. GA Mains Committees can make recommendations and suggestions to the international community and the UN as a whole, but cannot enforce any decisions made by the body. In addition, while the economic motivations behind each of the bloc positions are relevant to the research, preparation, and debate of this topic, any resolutions the body creates must be focused on the humanitarian concerns, and scope of SOCHUM.

The work of the Third Committee is urgent, since disabled persons are one of the largest minorities that are still discriminated. Furthermore, the Convention is the first human rights document that is legally binding to member states. If the treaty can gain widespread success, then it could lead the way to more legally binding humanitarian documents, creating a precedent of international responsibility.

RESEARCH AND PREPARATION QUESTIONS

As mentioned in the Note on Research and Preparation, it is imperative that delegates answer each of these questions in their position papers.

TOPIC A

1. How does your country view the humanitarian implications? Are they a victim or are they one of the perpetrators?
2. Which of the two problems is your country more involved in: FDI or debt? How so?
3. According to your country's policies, who should be responsible for monitoring multinational corporations?
4. How can multinational corporations be effectively regulated without infringing upon national sovereignty?
5. How does a country look out for its economic well-being and still protect the humanitarian needs of its people?
6. How can providers of foreign aid ensure that the money is well spent while still protecting the receiver's national sovereignty?
7. Clearly, in order to find a feasible solution, compromise will have to be made. How much would your country be willing to sacrifice for a solution?

TOPIC B

1. What programs does your nation already have in place for the disabled population?
2. Has your country signed and ratified the Convention on the Rights of Disabled Persons? Why or why not?
3. What has your country done to implement the Convention?
4. What struggles has your country faced in implementing its disability assistance programs?
5. How can lesser-developed countries implement the Convention without large amounts of money?
6. How can a country implement policies that allow for differentiation of the disabled, while preventing the discrimination?

IMPORTANT DOCUMENTS

The following documents have been hand-selected by Directors to further aid in delegate preparation. Please make a concerted effort to read and analyze these documents prior to the conference.

TOPIC A

Borner, Silvio, and Markus Kobler. "Strength and Commitment of the State: It Takes Two to Tango: A Case Study of Economic Reforms in Argentina in the 1990s." Public Choice. 110.3/4 (2002): 327-50. Print.

Cohn, Theodore H. Global Political Economy: Theory and Practice. 4th ed. New York: Pearson Education, 2008. Print.

Moran, Theodore. Beyond Sweatshops: Foreign Direct Investment and Globalization in Developing Nations. Washington, DC: The Brookings Institute, 2002. Print.

TOPIC B

Hendricks, Aart. "Disabled Persons and Their Right to Equal Treatment." Health and Human Rights. 1.2 (1995): 152-73. Print.

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