

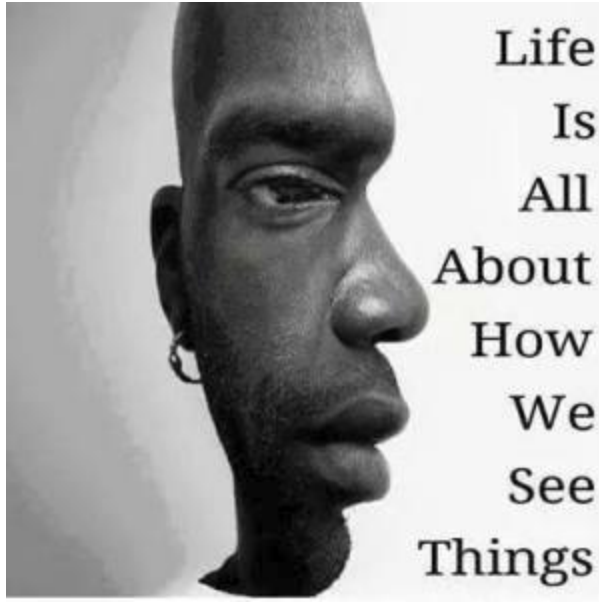
# Legal Political

**Evan Wisner** [evanwisner@gmail.com](mailto:evanwisner@gmail.com)

Evan is a Junior at Pittsford Sutherland High School and has been involved in MUN since his Freshman year. This is Evan's second time chairing and first time chairing Legal Political. Outside of MUN, Evan is Co President of Debate Club, a staff member in his school's literary magazine, and a trumpet player in his school's Wind Ensemble and Jazz Ensemble. Evan also competes at statewide Latin competitions and Masterminds competitions, and rows for Pittsford Crew.

**Derek Fried** [derekfried227@gmail.com](mailto:derekfried227@gmail.com)

Derek is a Junior at Pittsford Mendon High School who has attended every Model UN conference since his Freshman year. This is his first time chairing in a Model UN General Assembly committee. Apart from Model UN, Derek has been the Treasurer of Mendon's "American Statesman's Initiative" club for the past year, and continues his work in his second term. Derek plays the Double Bass for Mendon's Symphony Orchestra, and enjoys playing tennis at the Tennis Club of Rochester. Aside from academic work, Derek is a full time barbecuer and gamer (anybody in committee, feel free to suggest any good titles, Xbox One or 360 only).



### **Topic #1: Moral Relativism in International Lawmaking**

The tension between upholding national sovereignty and enforcing international humanitarian law is shown when governments use their national cultural traditions to justify noncompliance. What, in some cultures, may be considered an illegal breach of human rights is, in others, completely lawful. The idea of universal application of human rights has led to the inhibition of the cultures of developing nations, according to some who believe that human rights laws should be determined “by the criteria set by the philosophic/cultural/ideological roots of particular states”. Additionally, various freedoms may yield different interpretations across different cultures. The Universal Declaration of Human Rights (UDHR) was created in 1948 to ensure that another Holocaust would not occur.

Moral relativism is apparent in various agencies of the United Nations. In the UNHRC, more resolutions have been passed against Israel than all of the 191 nations combined. This is primarily due to the large Muslim representation in the council who have been vehemently opposed to what they believe has been the Israeli occupation of Palestine. Additionally, in 2008, the UNHRC overturned the tenet of the UDHR which pertained to freedom of expression. After this action, abuse of this right in regards to offending Islamic sensitivities was prohibited and to be reported to the council.

Currently most bias towards Israel is from Muslim nations, however, even nations such as Russia have spoken against Israeli-Palestinian territorial disputes. Other agencies in the UN have also exhibited moral relativism, for example, “In 2012 UNESCO inaugurated a sponsored Chair in Astronomy, Astrophysics and Space Sciences at the Islamic University of Gaza. The institution employs numerous Hamas engineers who have been known to manufacture explosives and bombs for use against Israeli civilians”. A considerable amount of bias was levied towards Israel during the Gaza Reports, from 2009-2014, that even Secretary-General Ban Ki-Moon joined to speak out against Israel, saying “the unprecedented and unacceptable

scale of the impact on children in 2014 raises grave concerns about Israel's compliance with international humanitarian law...(and) excessive use of force".

Many actions of key agencies of the UN, including the General Assembly, border on Anti-Semitism. While currently Israel receives the brunt of this bias, other countries may become subject to it in the future. Moral Relativism in agencies of the UN has led to decisions that do not embody the ideals which were set out in the UN's nascency. As a result, the UN has been criticized for its ineffectiveness at promoting peace and diplomacy between nations.

**Questions to Consider:**

*Should International Lawmaking be more representative of the various cultures present in the UN?*

*Can International Lawmaking bodies be more impartial in passing laws? If so, how?*

*What laws inhibit the function of the UN and its ability to represent its 193 nations?*

**Helpful Articles:**

<https://fsu.digital.flvc.org/islandora/object/fsu:252497/datastream/PDF/view>

FSU: International Human Rights and Cultural Relativism

<https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/when-rights-and-cultures-collide/>

SCU: When Rights and Cultures Collide

<http://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1527&context=cjil>

Chicago Journal of International Law: Universalism, Relativism, and Private Enforcement of Customary International Law

<http://www.class.uh.edu/faculty/tsommers/moral%20diversity/cultural%20relativism%20abuse%20of%20individual.pdf>

Journal of Anthropological Research, vol. 53, 1997: Cultural Relativism

<http://jcpa.org/article/the-moral-relativism-of-the-united-nations/>

Jerusalem Center for Public Affairs: The Moral Relativism of the United Nations



## Topic #2: Contribution to UN Funding-Representation

The large variety of nations in the UN, ranging from rich to poor, first-world to third-world, has raised questions in regards to any single country's influence due to how much money they contribute. Every three years, all member nations are expected to pay contributions to the budget of the UN. Prior to this, countries are assessed to see how much they can afford to pay, resulting in how much they contribute to the regular budget. Naturally, poorer countries such as those in sub-Saharan Africa would not be able to contribute nearly as much as Western nations could. However, the UN thus far has stood on the grounds of giving each nation a voice in global politics. Despite this, countries such as the United States, Russia, China, The United Kingdom, France, Germany and Japan, who contribute the most to UN funding, have an unfair advantage in influence over countries that cannot afford to be among their ranks.

When a country cannot afford to pay their dues, one of the "big five" usually pick up the tab and pay the debt, until they are compensated. However, this system of "picking up the tab" could allow one of the "big five" countries to not only have more influence in the UN, but influence over the country for whom they are paying.

Talk of contribution to UN funding would without a doubt raises questions of the imbalance of authority and influence in the UN. Naturally, countries such as the United States (contributes 22% of the regular budget) or Japan (contributes 12.53% of the regular budget) would demand more of a say in an organization where one nation should have no more influence than the next.

### Questions to Consider:

*Should a larger contribution of resources give a country more influence in the United Nations?*

*Should a lack of financial contribution be compensated with a contribution of Peacekeepers?*

*How might the manipulation of countries in debt to the big five be prevented?*

### Helpful Articles:

<https://www.globalpolicy.org/un-finance/tables-and-charts-on-un-finance/member-states-assessed-share-of-the-un-budget.html>

Global Policy, Contribution to UN Funding

<http://www.un.org/en/ga/contributions/budget.shtml>

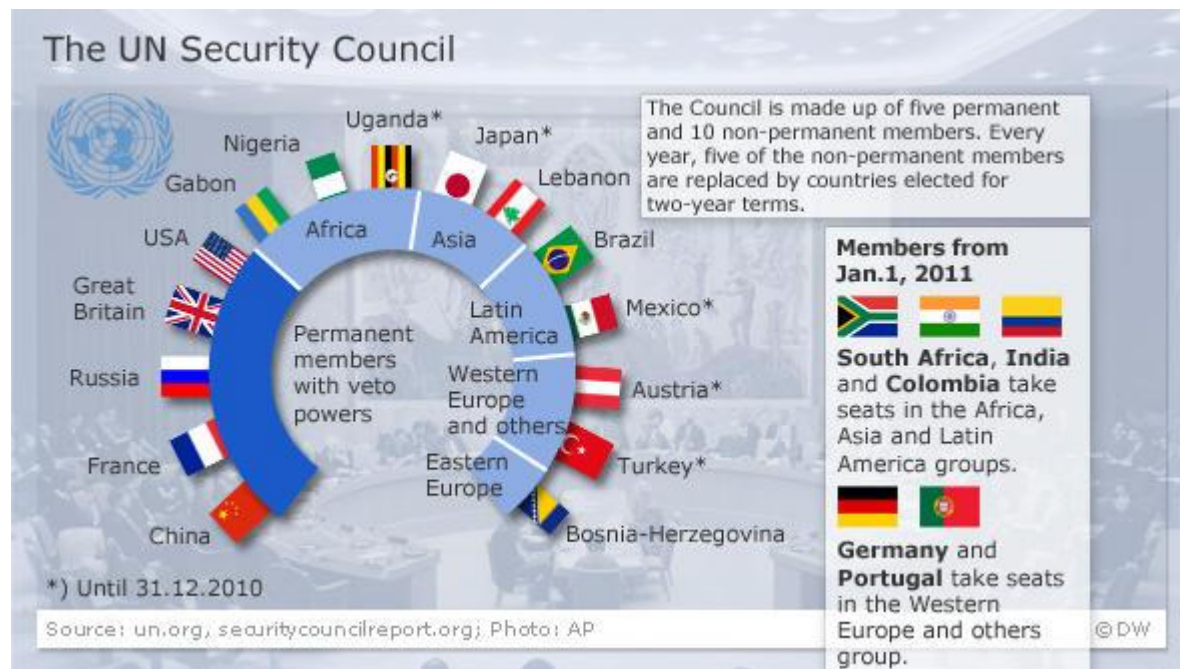
UN, Budgeting Assessments

<http://www.heritage.org/research/reports/2012/09/us-should-challenge-huge-un-funding-disparities>

Heritage, UN Funding Disparities

<http://www.cnsnews.com/news/article/patrick-goodenough/us-pays-3b-un-more-185-other-countries-combined>

CNS News, US Contribution to UN Funding



### Topic #3: Security Council Reforms

While geopolitics have changed drastically, in the past 70 years, the Security Council has not. The five wartime victors of WWII hold permanent chairs on the security council along with veto power. No new permanent chairs have been added in the past 70 years. Because of this disparity, since 1993, Security Council Reform has been hotly debated with no agreements

being reached. A number of prospective models have been proposed for security council reforms and for the additions of new permanent members to the security council.

Regional representation for permanent members is a matter of constant debate with Europe being overrepresented, Asia being underrepresented, and Latin America and Africa lacking permanent members. The five permanent members do not want to see any diminish in their powers as a result of security council reforms and have allowed little progress since 1993. This has been made possible by the power of the veto which has allowed the five permanent members to halt progress not only in the passing of reforms but also in all matters of the Council, essentially crippling its ability to function effectively.

Another key issue in the Security Council is the method by which the five permanent members operate, with little transparency and many times outside of session. Often times these members will work on resolutions outside of committee and then have the rest of the Security Council rubber stamp the resolutions. The Small Five (Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland) advocate for more coordination and transparency between the Security Council and the General Assembly and Economic and Social Committees in addition to advocating for new guidelines for veto use.

Additionally, veto power in the Security Council has led to an inability of the Council to solve crises. One example of this being when “vetoes from Russia and China blocked UNSC action in Syria three times in 2011- 2012. In September 2013, the use of chemical weapons in Syria raised concerns as to whether the Security Council would be able to agree on a response”. This was a nearly two-year period during which the Security Council was unable to properly deal with this crisis. Media outlets have expressed that there is a need for reform in the Security Council, sparking a debate on Security Council Reform.

Improvements for the Security Council are integral to the efficient operation of the United Nations. Currently, the Security Council often acts in a way which is detrimental to the proper function of the UN. Without change in the Security Council, the UN will continue to have one of its central parts operate apart from the others.

### **Questions to Consider:**

*How can the Security Council act with more transparency towards the other bodies of the UN?*

*In what ways can the Security Council be more democratic?*

*Should more permanent member states be added to the Council? If so, which nations should become permanent members so that the Security Council is more representative of the various global regions?*

*Should the power of the veto be changed?*

### **Helpful Articles:**

[http://csnu.itamaraty.gov.br/images/pathways\\_sc\\_reform\\_final.pdf](http://csnu.itamaraty.gov.br/images/pathways_sc_reform_final.pdf)

Center on International Cooperation: Pathways to Security Council Reform

<http://www.un.org/press/en/2015/ga11679.doc.htm>

UN: GA Landmark Decision on Security Council Reform

<https://ourworld.unu.edu/en/united-nations-security-council-reform>

Our World: United Nations Security Council Reform

<https://www.globalpolicy.org/security-council/security-council-reform.html>

GPF: Security Council Reform

<http://globalriskinsights.com/2015/10/three-necessary-reforms-for-un-security-council-legitimacy/>

GRI: Three Necessary Reforms for UN Security Council Legitimacy



#### **Topic# 4: Cooperation between UN Member States and Corporations that Violate Human Rights**

The countries of the world aren't the only ones capable of abusing human rights and UN issued doctrine. In today's world, there's a hot market for Private Military Contractors (PMCs), or soldiers for hire. A large issue presented is the common abuses committed by these PMCs and a lack of ability to hold employees liable for their actions.

In the hostile environment of the Middle East during the height of the War on Terror, PMCs in the region tended to fight threats indiscriminately, resulting in civilian casualties. Most notably in 2007, PMCs protecting a U.S. Department convoy entered an alleged "crossfire with insurgents", resulting in 17 civilian deaths. The Blackwater company claimed that their operators had come under-fire by armed individuals, however, eye-witnesses and Iraqi officials claimed that the massacre was started unprovoked. A United States House of Representatives oversight

panel found that Blackwater had been involved in 196 firefights in Iraq since 2005, in which Blackwater opened fire first 84% of the time. In 2004, prior to the deployment of Blackwater, the US Administrator of Coalition Provisional Authority issued that prosecution of PMC forces was not allowed, allowing reckless behavior to ensue.

The United Nations Mercenary Convention, which was held and concluded in December of 1989, but entered into force in 2001, has done little to stop the deployment of PMCs. This is due to China, India, Russia, Japan, France, the United Kingdom and the United States' refusal to ratify the treaty.

Although the use of PMCs has been popularized by Western nations during recent military deployment, countries such as Nigeria have jumped onto the PMC train, by hiring units to help in the fight against Boko Haram, the regional terror cell. At times, the use of PMCs can prove to be effective, such as in Nigeria's case. Despite being the regional superpower with the strongest military in West Africa, Boko Haram still managed to run rampant. However, within weeks of PMC deployment, the cases of violence incited by Boko Haram had drastically decreased. Over 10 PMC corps, featuring Control Group, Erinys International and ArmorGroup are actively deployed in Nigeria to participate in the fight against terror. However, not all of these groups have a clean slate. One such group is ArmorGroup, which was involved in a sex trafficking scandal in Afghanistan, 2010. Along with these, the group accepted deals which granted them manpower and supplies from local war lords.

The danger in using "soldiers for hire" is due to their lack of allegiance, and willingness to flock to whoever can offer them the most. PMCs have been distrusted for as long as they have existed. Even Niccolo Machiavelli, author of *The Prince*, noted that "Mercenaries and auxiliaries are useless and dangerous; and if one holds his state based on these arms, he will stand neither firm nor safe; for they are disunited, ambitious and without discipline..." (The Prince, Chapter XII).

### **Questions to Consider:**

*How much of a say should the United Nations have in a nation's private interactions with companies?*

*Is it within the ability of the United Nations to shut down PMC businesses, and/or press charges against them for human rights violations?*

*What would an anti-PMC resolution require that would make it appeal to nations that have previously refused to ratify an anti-PMC/Mercenary resolution?*

### **Helpful Articles:**

<http://www.globalresearch.ca/impact-on-human-rights-of-private-military-and-security-companies-activities/10523>



Centre for Research on Globalization, PMCs

<http://www.nytimes.com/topic/subject/mercenaries-and-private-military-contractors>

New York Times, Report on PMCs

<http://www.un.org/documents/ga/res/44/a44r034.htm>

UN, International Convention on Mercenary usage

<http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1097&context=auilr>

American University, PMCs and Illegal Mercenaries