

Hosur Public School Fairgaze Model

United Nations 2.0

2021



UNITED NATIONS HUMAN RIGHTS COUNCIL

Agenda: The Impacts of Unilateral Coercive Measures on the Protection and
Enjoyment of Human Rights

BACKGROUND GUIDE

Letter from the Executive Board

We welcome all of you to the **United Nations Human Rights Council (UNHRC)**, to be simulated at **Hosur Public School Fairgaze 2.0 MUN '21**. As the Executive Board, we would like to ensure that this committee offers you all a value addition and great learning experience during the two days of the conference. As the Executive Board, we believe that our primary responsibility is to ensure that the proceedings are as flexible and productive as possible. Delegates are encouraged to research all aspects of the negotiations and deliberations that lead us towards and up for the discussion related to the topic: “ **The impact of unilateral coercive measures on the protection and enjoyment of Human rights**”. However, please note that we strongly urge you not to solely rely on the information you have gathered. According to the ideal method of research in a MUN, it is advisable to analyze the information and present this analysis as statements to the committee in a rational and structured manner. We expect delegates to think critically (clearly listing pros and cons, by testing and retesting your assumptions, observations, and conclusions through research and questioning) and come up with their arguments and structure, which will lead to more productive deliberation. The responsibility of exploring the depth and vastness of each topic is completely yours. Your duty as a diplomat is not just limited to finding a solution to the problem, but more importantly, to problematizing the issue and available solutions firsthand. In this context, problematizing means to critically analyze the issue at various levels such as but not limited to cultural, legal, political, etc., so that it takes the debate to a mature level. We would like you to note that this document is only intended as a guiding framework. It does not attempt or intend to cover all probable areas of discussion, and we strongly encourage delegates to go beyond the guide for further research, using this document only as a starting point. Areas of discussion not included in the guide but lying within committee mandate are more than welcome. Lastly, we would like you to remember that the Executive Board will not accept the guide itself as proof in the committee

Ms. Jigyassa Bagga

(Chairperson)

Ms. Gauri Wadehra

(Vice- Chairperson)

Committee Overview

United Nations Human Rights Council

Introduction to the committee

The UN Human Rights Council is an intergovernmental organization which works under the UN system. It is responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and makes recommendations on the same. It discusses all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

When creating the Human Rights Council in March 2006, the United Nations General Assembly decided that the Council shall review its work and functioning five years after it has come into existence. It also provided that the status of the Council is to be reviewed at the level of the General Assembly.

Principles & Ideals

UNHRC promotes that the human rights should not be discriminated on the basis of race, colour, sex, language or religion, politics or other opinion, national or social origin, property, birth or other status. It believes that human rights are universal, indivisible, interrelated, inter-dependent and must be treated in a fair and equal manner.

Background Documents of UNHRC

<https://www.ohchr.org/EN/HRBodies/HRC/Pages/BackgroundDocuments.aspx>

Resolutions

They can be accessed through the link given below from official site:

<https://www.ohchr.org/EN/HRBodies/HRC/Pages/Documents.aspx>

Proof/Evidence in Council

(Credibility of Sources)

Research is one of the most vital factors that determines your success in a Model United Nations. Many beginners struggle a lot in doing the research as there is a substantial amount of information on the internet (*we have shared a research guide in the end to help you out!*). The trickiest part here is that not every information available on the internet is reliable. The delegates need to be really vigilant about the sources they quote and present in the committee. You are free to look at all types of sources for your reference or preparation and understand the agenda better. However, it is advised that you verify your research from a credible source, which are listed below for your reference-

1. **Reuters** – It is one of the world's most trusted providers of answers. It is an independent private news agency, which mostly covers international events of importance.
(<http://www.reuters.com/>)
2. **State operated News Agencies** – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, they can be denied by any other country in the council. Some examples are listed as follows-
 - a. RIA Novosti (Russia) <http://en.rian.ru/>
 - b. IRNA (Iran) <http://www.irna.ir/ENIndex.htm>
 - c. Xinhua News Agency and CCTV (P.R. China) <http://cctvnews.cntv.cn/>
3. **Government Reports:** These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that the Executive Board as credible information can still accept a report that is being denied by a certain country. Some examples are,
 - a. Government Websites like the State Department of the United States of America (<http://www.state.gov/index.htm>)
 - b. or the Ministry of Defense of the Russian Federation (<http://www.eng.mil.ru/en/index.htm>)
 - c. Ministry of Foreign Affairs of various nations like India (<http://www.mea.gov.in/>) or People's Republic of China (<http://www.fmprc.gov.cn/eng/>).

4. Permanent Representatives to the United Nations

The documents from individual country websites also serve as a source for finding official statements by that country on various agendas. The nature of websites varies a lot from country to country.

Link- www.un.org/en/members/

5. Other Multilateral or Inter-Governmental Organizations

These are international organizations which are not a part of the United Nations. Usually one may find these organizations based around a specific region like South Asia, and with a specific purpose such as trade, security or cooperation. Documents from the same can be deemed credible; most certainly for the countries which are a part of that organization.

For example,

a. South Asian Association for Regional Cooperation (SAARC) Website: www.saarc-sec.org

b. The North Atlantic Treaty Organization (NATO) Website: www.nato.int/cps/en

6. United Nations and Affiliated Bodies

a. All reports or documents from the United Nations, its organs or affiliated bodies may be considered as a credible source of information. Website: www.un.org

Organs such as,

i. **UN Security Council** www.un.org/Docs/sc/

ii. **UNGA** www.un.org/en/ga/

b. UN Affiliated bodies such as,

i. **The International Atomic Energy Agency (IAEA)** www.iaea.org

ii. **The World Bank (WB)** www.worldbank.org

7. Documents from Treaty Based Bodies

These are bodies which are strictly formed for looking after the implementation of an international treaty or agreement. For example,

a. The Antarctic Treaty System

www.ats.aq/e/ats.htm

b. The International Criminal Court

www.icc-cpi.int

Human rights and unilateral coercive measures

The term “unilateral coercive measures” usually refers to economic measures taken by one State to compel a change in the policy of another State. Examples of such measures include trade sanctions in the form of embargoes and the interruption of financial and investment flows between sender and target countries. A Unilateral measure is imposed by a country without invoking WTO (world trade organization) dispute settlement procedures or other multilateral international rules and procedures, and is based solely upon the invoking country’s own criteria.

The multilateral trading system is marked by countries observing international rules, including those provided by the WTO Agreement and its dispute settlement procedures.

Why Are Unilateral Measures Problematic?

Disputes occurring within the system should be resolved by the available dispute settlement procedures, not by unilateral measures mainly because of the after-effects. In contrast to measures based on a multilateral system, unilateral

measures are likely to prompt further retaliation from the targeted country, which in turn is likely to lead to a trade war of escalating retaliation. Thus, it is obvious that unilateral measures injure the interests of both the initiating country and the targeted country.

There are also broader implications for the growth of the world economy, which trade wars have shown to impede -- few dispute that it was the cycle of trade retaliation through tariff increases during the 1930's that ultimately resulted in a sharp contraction in trade and stagnation of the world economy.

Even where agreements are reached through the threat or use of unilateral measures, the multilateral system may still suffer.

Unilateral Measures Cannot be Justified

There are two popular rationales for unilateral measures-

The first is that since international rules are incomplete, both substantively and procedurally, defiance of these rules is justified to make existing rules function more effectively.

The second rationale, based on economic or political theory, argues that credible threats of unilateral measures are effective in maintaining a free trading system from a strategic viewpoint.

Neither rationale, however, is persuasive. First, the WTO Agreement has a much wider scope of coverage and stronger dispute settlement procedures than previous trade agreements, and these enhancements destroy whatever rationale there may have once been for "justified" defiance.

The second rationale of "strategic justification" has also been lost with the development of dispute settlement procedures, which have introduced WTO-controlled retaliatory measures.

Furthermore, bilateral agreements reached in negotiations conducted under the threat of unilateral action have too often departed from the *MFN(Most Favored

Nation) principle. From this standpoint, unilateral measures are not an effective means of achieving enhanced free trade that benefits all, as sought by the WTO.

*https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm#:~:text=.%20Most%2Dfavoured%2Dnation,weak%20or%20strong.

Follow the above link to learn more about MFN and Principles of WTO

United Nations Proceedings and Works in the past related to the issue

Numerous United Nations studies have also been carried out on unilateral coercive measures and human rights including the issue of legality of such measures. For instance, Working Paper “The Adverse consequences of economic sanctions on the enjoyment of human rights” (E/CN.4/Sub.2/2000/33); Human Rights Impacts of Sanctions on Iraq, Background Paper prepared by OHCHR for the meeting of the Executive Committee on Humanitarian Affairs of 5 September 2000 (A/HRC/19/33); OHCHR thematic study on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures, 11 January 2012; and Committee on Economic, Social and Cultural Rights, general comment No. 8 of 1997 on the relationship between economic sanctions and respect for economic, social and cultural rights (E/C.12/1997/8). All these studies have analysed the legitimacy of unilateral coercive measures from a human rights perspective and the complex and divergent views around this topic. They have also stressed the need to further examine the linkages between unilateral coercive measures and human rights.

Reference link for working papers mentioned above-

http://www.un.org/en/ga/search/view_doc.asp?symbol=E/CN.4/Sub.2/2000/33

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/19/33

http://www.un.org/en/ga/search/view_doc.asp?symbol=E/C.12/1997/8

History of Unilateral Measures (A Case Study Overview)

To date, the United States is the most frequent user of unilateral measures, and its application of them also tends to cause most problems. While the EU and Canada also have procedures for imposing unilateral measures similar to those of the United States, these procedures were introduced to provide a means of retaliating against unilateral measures imposed by the United States. Moreover, the EU and Canada have applied these measures only with extreme caution.

A review of post-war US trade policy shows two main streams of thought that diverged after passage of the Trade Act of 1974.

Prior to the 1970s, the Trade Expansion Act of 1962 gave the president wide-ranging trade authority. The Kennedy Administration used substantial tariff reductions to pursue trade liberalization and brought new rigor to the application of escape clause measures. The goal was to maintain the principles of trade liberalization and only apply remedy measures for damages incurred as a result of liberalization. Therefore, remedy measures were treated as the “exception” rather than the “rule.” However, domestic interests were dissatisfied with the Kennedy Administration trade negotiating process because the Department of State was responsible for conducting trade negotiations and did not necessarily represent the interests of domestic parties. This resulted in the Part II WTO Rules and Major Cases 636 establishment of the Special Trade Representative (STR), the predecessor of the USTR, and laid the groundwork for the system later established with the passage of the Trade Act of 1974.

The increasing US trade deficit and oil crisis of the nineteen-seventies combined to increase protectionist pressure on Congress to relax the conditions for invoking trade remedy measures. In 1971, the United States recorded its first trade deficit of the 20th century. It was against this economic backdrop that the Trade Act of 1974 was passed, relaxing the requirements for relief under the escape clause measures and introducing a new “Section 301” provision that authorized retaliatory measures against unfair trade policies in foreign countries.

In the Reagan Administration of the late 1980s, the United States incurred enormous trade deficits, and Congress’ dissatisfaction (symbolized by the

“Gephardt Amendment”) eventually led to the passage of the Omnibus Trade and Competitiveness Act of 1988. This law reduced presidential discretion to invoke unilateral trade measures against foreign practices, policies, and customs deemed by the United States to be unfair and, instead, granted wide-ranging authority to the USTR to administer these cases. It also introduced a new “Super 301” provision that automated procedures in unfair trade investigations and made it significantly easier for the United States to impose unilateral measures.

The United States has repeatedly imposed or threatened unilateral measures under Section 301 as a means for settling trade disputes to its advantage. Section 301 allows the United States to unilaterally determine that a trade-related policy or measure of another country is “unfair” without following the procedures provided by the relevant international agreements. In the name of rectifying “unfair” practices, the United States has often threatened to use unilateral measures, and occasionally implements such measures to coerce the target country into changing the trade laws or practices at issue.

Scroll Down for The Research Guide!



Get Started!

Here are a few things that you prepare for The MUN:

1. The Agenda item
2. The country that you are representing
3. Your Committee

The Agenda Item

The agenda item is basically what you and other delegates will be discussing throughout the entire conference. The agenda item/ the topic is described in the Background guide that is given before the start of the conference.

1. The keywords of the agenda item/ the topic

When you receive the agenda/ the topic, you should be well-aware of the keywords or the focus of your agenda/ topic. (The words help in framing deciding sub-categories/topics to raise motions also!)

2. The reason why the agenda is item an issue of worldwide concern

The agenda item is discussed by delegates during the conference because it is a global issue, and involves a lot of countries and policies. You have to find the relevant data or statistics regarding the issue and bring them up in the conference as that other delegates will be aware of the need to take actions towards this particular issue.

3. Countries that are involved, stakeholders of the agenda item

As mentioned, the agenda item discussed usually involves a lot of countries and stakeholders, and that's why you have to understand and be aware of the stakeholders' stances of the agenda.

4. The timeline and development of the agenda

Knowing the timeline and the development of the agenda could help you a lot with research. Getting to know the development of the topic can help you understand the relationships between countries and have a more thorough understanding of their stances.

The Country That You Are Representing

Before the conference, you must have received an allocation regarding the country that you will be a delegate for, here are a few things that you should research for before the conference starts.

1. The membership status of your country in the committee

There are a few types of membership status in the United Nations, including observers, permanent members, members, intergovernmental and other organizations, etc.

2. The stance of your country

Different countries can hold different stances on a particular topic. For instance, Bitcoin is illegal in South Africa, while it is illegal in Egypt. It is very important to know the stance of your country so that you will know what countries to form allies with during the conference.

3. Past actions/ taken by your country regarding the agenda and relevant documents

In the conference, you will talk about the actions that have been taken by your country and bear in mind that the actions that are taken by your country can be possible solutions for the issue. It would be useful if you can write down the name and important content of the documents and mention them in the conference speeches.

4. Your allies and your enemies

The stance and the actions taken by each country can be very diverse, countries may also have major clashes in between. For example, abortion is illegal in Ecuador under normal circumstances while it is legal in the UK. It is important to note the similarities and clashes between each country, and make sure not to form allies with your enemies if there are major clashes in between when drafting the resolution.

Your Committee

The mission of each committee can be very different. Before the conference, you should have a thorough understanding of your committee, and here are a few things that you should research for (some are already there in the background guide but you can always research more!)

1. The mission/ objectives of your committee

When you want to reach a consensus or merge blocks together, you can mention the goal of the committee to remind other delegates that we are all here to find the best possible solutions for a particular group of people or to achieve a certain goal. For example, the goal of UNHRC is to work towards human rights and ensure that no one's left behind. When there is a big argument between delegates, you can simply mention the goal and bring them together.

2. *Past actions taken by your committee and relevant documents

To perform well in Model United Nations, you must know the content of the documents and past actions taken by your committee. You can always find the past resolutions, meeting records, treaties, etc on the United Nations website. (The title of the relevant documents will often be mentioned in your study guides.)(<https://www.un.org/en/sections/general/documents/>)

3. NGOs and private sectors that are relevant to your committee

The mechanisms of the United Nations often have close relationships with other NGOs and private sectors. Make sure you know which NGOs and private sectors are in relations with your committee.

*Here are a few websites that could help with your research and MUN journey!!!

Model UN Research- best delegate

<https://bestdelegate.com/research/>

How to research for a MUN- Munki

<http://munkiconference.weebly.com/how-to-research-for-a-mun.html>

How to research for MUN

<https://www.wisemee.com/mun-research-guide/>

✨ ***ALL THE BEST DELEGATES*** ✨