



## **Study Guide**

IsarMUN 2012

## **United Nations Human Rights Council**

## Word from the Chairs

Dear delegates,

It is with tremendous excitement that we welcome you to the United Nations Human Rights Council at this year's IsarMUN conference. We are thrilled to serve as your chairs and cannot wait to work with you guys! We look forward to sharing the unforgettable experience of IsarMUN with you!

The two topics we have selected are of crucial importance for the future of international debate on human rights and your attempts at finding solutions truly affect, perhaps more than any other IsarMUN committee, regular individuals. The decision on which topic is more pressing - and therefore will be discussed first - lies solely in your hands. Minorities and their right to education seem to be continuously disregarded so that it is of utmost importance that the Human Rights Council takes a deeper look into the issue and proposes solutions. On the other hand, unilateral coercive measures and their impact on human rights have been a continuous topic for the mass media and interest is high, which in turn means that the problem must be tackled as soon as possible. While both topics are challenging and complex, we hope you enjoy learning about these them and developing innovative solutions.

We have put together a study guide to give you a head start. It should serve as your basis for further research. The study guide contains general information only and your own research on your country's position on the topics is essential. If you are new to MUN, you should also read the Rules of Procedure thoroughly, in order to enable you to participate in debate more constructively. We highly encourage experienced MUN Delegates to go through them once again as well, just to refresh your memory.

We are looking forward to a fruitful debate and to personally meeting you in Tutzing!

In case you have any questions or concerns, do not hesitate to contact us at [unhrc@isarmun.org](mailto:unhrc@isarmun.org)

Sincerely,

Robin Pieperreit and Chong Su Choi

## **Topic A**

### **Minority Education Rights**

#### **Statement of the Problem**

In this era of ethnic violence and the revival of nationalism, the significance of developing tolerant and multi-cultural societies is quite apparent. Ethnic minorities can be considered either a source for diversity and richness or an excuse for distrust and division in society. The key to benefit from ethnic diversity and to realize the full potential of a nation's most important resource - its people - is education. However, the positive effect that can be derived from education is dependent on its form and content (Bush & Saltarelli, 2000, p. ix).

It is a requirement of human rights that education must adapt to minorities in a more fundamental way than just the elimination of insulting and offensive stereotypes from books and school syllabi. Issues such as instruction language, inclusion and opportunity equalization all need to be addressed as fundamental rights of all peoples.

In this spirit, Unesco has set a goal that by 2015, all children, especially those in difficult situations, girls, and those with a minority background, must gain access to compulsory, quality and free primary education (Wilson, 2002).

#### **History of Minority Education Rights**

There have been innumerable cases of ethnic groups being denied quality and free education, even throughout recent history. Therefore, individuals are effectively excluded from living a normal social and economic life in their home countries. Such hindrances can result in short- and long-term implications on an entire minority group's socio-economic status (Bush & Saltarelli, 2000, p. 9).

When focusing on minority education rights, it is imperative to understand these as basic human rights, which are therefore inviolable, indivisible and inter-dependent. Minority rights projects must complement traditional human rights initiatives. Otherwise, inequality issues among large populations will never be addressed comprehensively.

The right to education was accorded in Article 28 of the Convention on the *Rights of the Child* (1989) and in Article 13 of the *International Covenant on Economic, Social and Cultural Rights* (1966). These laws are relevant to any child, whether or not a member of minorities. Unfortunately, history shows that education has not been given the same priority throughout the world. Especially countries where significant portions of the population are considered ethnic minorities have failed to prioritize equal education opportunities. Studies show that, to this today, hundreds of millions of children from minority backgrounds do not have access to primary education (Unicef, 2012).

#### **Current Situation**

We commonly refer to the "Four A's" in education and these are the things that are currently targeted by various groups, including the UN, to be achieved in terms of minority education rights. The "Four A's" are Availability, Accessibility, Acceptability and Adaptability (Tomasevski, 2001).

The UN, through the Human Rights Council are taking an even deeper look into one of these four A's, i.e. *Acceptability*, in relation to minority education. School-going children and youths from minority backgrounds are most likely to receive tuition-free education by government-run schools. However, these schools may fail to meet the real needs of minority groups by providing one-size-fits-all education strategies. There are issues that have to be considered such as language, religious and cultural barriers, the possible harassment

or bullying from other students, or even the use of books containing discriminatory subjects and contents.

The international community has an obligation to continuously improve universal primary education and their progress in this endeavour has been the subject of reports and publications of the UN Special Rapporteur, which also speaks of the “Four A’s” in education (Wilson, 2002, p. 6). Additional data is collected through regular reports on the *Millennium Development Goals* (MDG). Among the eight MDGs, as agreed upon by 189 member states in the UN Millennium Declaration, goal 2 is to “ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling”. Because of the high-profile nature of this UN initiative, statistics and projects on minority education issues have become increasingly available throughout the developing world.

Currently, one of the biggest factors that continue to deprive minorities in poorer countries from their educational rights is basic funding. In Latin America for instance, despite active government support, the lack of commitments in the supervision of government budgets and country aid resources have left such endeavors underfunded (van Fleet & Zinny, 2012). Socio-economic status continues to be both cause and effect of lacking education for minorities, as young adolescents from poor and rural households are more likely to be out of school and more than half of all out-of-school children are in Sub-Saharan Africa.<sup>1</sup>

### **Past UN Actions**

The UN has given a great deal of attention to minority education rights. It has been a proponent of education, especially to those who are not easily capable of accessing it.

The UNESCO, one of the organizations within the UN, has been undertaking vast research, numerous activities, programs and projects that are highly relevant to minorities in protecting not only their culture and religion but also their education. It also serves as a forum for complaints when such rights are violated. One of the key documents adopted by UNESCO with reference to minorities and education is the *Convention against Discrimination in Education (1960)*.<sup>2</sup>

UNICEF is yet another organization within the UN that is actively fostering projects on education of minority groups. The group is careful in ensuring that the efforts they make in the education sector are coordinated with the protection of health and social sectors of the community (UN News Center, 2012).

### **Possible Solutions**

In order to arrive at viable solutions to the problem of minority education rights, the international community needs to recognize that there is indeed a problem and identify the different facets of said problem. For instance, the importance of the “Four A’s” in education has been established. Now, which of these As deserves more attention? Having first recognized the core of the problem should make finding solutions easier.

Moreover, the perennial problem of resources will always stand out, in this case the lack of educational facilities, materials, or teachers to educate the minority youth in various countries. The problem of resources may prove connected to other local problems such as access to computational capacity, telecommunications, technology, etc (Arboleda, 2007). Another solution will be to have qualified and trained teachers to lead the youth. Governments need to be involved and must establish

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<sup>1</sup> <http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2012/English2012.pdf>

<sup>2</sup> <http://www.minorityrights.org/3114/normative-instruments/unesco-convention-against-discrimination-in-education.html>

bodies that are accountable for progress or lack there-of in minority educations.

Based on the “Four A’s” scheme, it is clear that the approach to be taken when it comes to education is that education must adapt to the individual and not the other way around. Education should be provided in such a manner that children and youth do not suffer additional hardships acquiring it. It should not be that the child, who is to be given free and quality education, must be satisfied and in conformity with whatever is made available to him or her. To achieve this, there should be freedom to put up private and minority-focused schools where would-be students have the resources and capacities to gain education that is appropriate to their language, culture and religion. This right of an individual should not be violated.

### **Key actors and positions**

When the UN initiate projects and programs that concern the education of minority groups, it is likely that their internal organizations such as the UNESCO and the UNICEF will be actively participating. The UNDP and its programs related to the Millenium Development Goals are also important actors in education rights.

Their work, as well as the work of other NGOs that usually participate in such endeavors (such as ActionAid, Right to Education Project, Amnesty International, Childwatch, and the Global Campaign for Education), is pivotal. One of the most prolific NGOs in this regard, the Minority Rights Group International has been campaigning for minority rights for more than 40 years and has consultative status with the UN ECOSOC. It has also released annual reports on the *State of the World’s Minorities and Indigenous People* to shed light on related issues.

The main responsibility however lies with the various governments of countries where educa-

tion rights projects are being implemented. Their participation is vital to the failure or success of the project.

### **Questions a Resolution Should Answer**

- How can the UN encourage initiatives to allow for better delivery of minority education rights?
- Should the UN offer governments of minority-rich nations detailed guidelines that will guarantee the provision of minority education and the delivery of those rights?
- What can the UN do to convince governments and the minority groups themselves that they have rights that are equal to any human being?
- What international laws should be instituted to guarantee the delivery of minority education rights?
- Which international institutions should enforce said laws to make sure governments will adhere to them?
- What methods can and should the international community use to persuade governments to respect the minority education rights within their nation?

## Topic B

### The legitimacy of unilateral coercive measures in defending human rights

States, small groups of states or whole organizations impose political, economical or other coercive measures on another state in an attempt to force a change in the stance. It is a widely known phenomenon that is also reflected by the media in our everyday lives. The question is, however, whether these coercive measures (such as trade bans, the freezing of assets, and others) are legal, as they prevent the right of free political, economic and social determination. The Human Rights Council will focus especially on the legitimacy of unilateral coercive measures concerning the protection of human rights

#### Terminology

Firstly, let us take a look at the important terms involved in this topic.

**Embargoes** can be seen as a prohibition or restriction of something, especially in the field of trade and information. Depending on application, their effects can range from devastating to barely noticeable. **Trade embargoes** are embargoes that specifically target the import and export of goods. By targeting import, they are intended to create a lack of goods and by targeting export, they are meant to bring economic consequences.

Embargoes are not to be mixed up with **blockades** that involve military action by the imposing party in order to enforce restrictions and are to be seen as an act of war.

We can also observe **diplomatic/political measures** taken by countries when, for example, withdrawing diplomats from a given country, not attending high-level meetings or even leaving in the middle of one.



We also differentiate between **general** and **smart/targeted coercive measures**. General measures would be if a whole country/organization/group is affected, which also may include people not directly involved in the topic. A good example are trade embargoes that are meant to restrict trade but in some cases may affect a consumer by restricting his/her right of choice. On the other hand, a smart or targeted coercive measure is usually imposed to one single person, in order to minimize the negative effects mentioned.

So the question of the Human Rights Council would be: **what do unilateral coercive measures have to do with human rights?** In order to answer this question one must look into the basis of the Human Rights Council – at the Universal Declaration of Human Rights. As mentioned in article 25. (1):

*“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”*

One can imagine that the group primarily affected by a general coercive measure, such as a trade ban, would be women, children, seniors, the sick and poor. A trade ban on humanitarian aid, such as medication, can be easily put on

paper during a meeting, however, it may lead to hundreds of unnecessary deaths due to lack of medication.<sup>3</sup>

That is also why the Human Rights Council condemns the “*political or economic pressure against any country, particularly against developing countries*”<sup>4</sup>. Developing countries are especially vulnerable towards such actions, because these are the countries that need their “*right to decide, of their own free will, their own political, economic and social systems*”<sup>5</sup>. It is necessary for their development and preservation of the basic human rights. Also, medication bans, as mentioned above, have more far-reaching effects than when imposed in an economically developed country.

Another point mentioned already in the Preamble of the Universal Declaration of the Human Rights is that “*it is essential to promote the development of friendly relations between nations*”. It is a basic human right and, depending on the measure imposed, it can affect international relations, change national income, and also directly affect populations by increasing the level of unemployment, creating displeasure in societies, which may lead to protests, causing additional financial damage to the countries and in the worst case lead to the full collapse of the affected party.

There is also the question on the legality of these coercive measures. The UN Security Council has the responsibility and power under Chapter VII (Article 41) of the Charter to impose measures which are binding for all UN member states. However, the question is how far these measures can go without interfering with other treaties and documents such as the Universal Declaration of Human Rights. Also, to what extent are unilateral coercive measures

legal when imposed without the approval of the Security Council? Discussing and trying to find that border would be one of the aims of our committee.

Now we will go more in-depth with some actual cases of unilateral coercive measures:

One example that has also been widely mentioned in the mass media is **North Korea** and its nuclear program and the resulting sanctions from the United Nations, the European Union and the United States of America. It has resulted in the blockage of luxury goods and arms. On the other side, this event as well as others have forced South Korea to suspend its humanitarian aid and one can imagine the impact that would have on a country that already suffers from food shortages.

Another recent issue was **Syria** and the ongoing military conflict. Several sanctions have been imposed on President Bashar al Assad and his regime in an effort to stop the violence towards civilians. Individual travel bans and asset freezes have been put into action. And as general measures, embargoes on arms and on trade with oil have been put into action which would severely affect the current economic situation of Syria. But it has been criticized that President Bashar al Assad and his regime remain largely unaffected while civilians have to suffer the economic consequences.

A third example would be **Burma** (Myanmar). USA and the EU have placed several sanctions that included severe trade embargoes. However, the positive aspect of this case is that the US has slowly started easing the imposed coercive measures. On July 12th, 2012, President Obama lifted restrictions on US companies; on September 27th, 2012, the US also started eas-

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<sup>3</sup> A/HRC/RES/19/32 operative clause 8

<sup>4</sup> A/HRC/RES/19/32 operative clause 3

<sup>5</sup> A/HRC/RES/19/32 op. clause 3

ing trade relationships and gradually lifting imposed sanctions. Another step towards resolution was President Obama's visit of Burma (Myanmar) between November 11th and 20th, 2012. The UK has followed suit, as Prime Minister David Cameron also called for the lifting of economic sanctions in April of 2012.

### **Key actors and positions**

The United States of America has an interesting position towards this topic. On the one hand, the US is a great supporter of human rights and advocates equality, freedom and justice; but on the other hand, it imposes a number of sanctions on different countries and votes against most of the resolutions passed by the HRC and GA on this topic. The UK has followed suit in many of these cases.

The EU is also a strong player when it comes to sanctions and unilateral coercive measures. They have been placing them strategically, but do not always follow suit with the US.

China has been accused of restricting basic freedoms such as speech, movement and religion. However, China supports economic rights and, accordingly, has repeatedly condemned the use of unilateral coercive measures.

### **Aspects a resolution must refer**

- The legality of unilateral coercive measures
- Minimizing the effect on innocent actors in already imposed coercive measures
- Preventing further coercive measures
- Lifting ongoing measures and replacing them with diplomatic talks and decisions
- Addressing the direct connection between human rights and coercive measures



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