



28-29 April 2018

# Goal 16: Peace, Justice, and Strong Institutions

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**Forum:** Goal 16: Peace, Justice, and Strong Institutions

**Issue:** Human Rights violations and abuses against Rohingya Muslims and other minorities in Myanmar

**Chair:** Jaden Yuen

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## Introduction

Facing endless closed borders and doors, the Rohingya Muslims, a stateless ethnic minority group rooted in Myanmar's Rakhine state, has been labelled as "the world's most persecuted minority". Beginning with initial limited citizenship after Myanmar's independence from the British in 1948, the Rohingya Muslims' status in Myanmar has met dramatic decline over time, officially a stateless minority group following exclusion from Myanmar's recognition of 135 ethnic groups in a citizenship law passed in 1982. Yet, despite the recent rise of the National Democratic League under Nobel Peace Prize Laureate Aung San Suu Kyi in transition out of the military rule of Myanmar, strong Buddhist sentiment and inhumane persecution only serves to further escalate violence against the 1.1 million Rohingya Muslims in the region. As Rohingya refugee numbers climb, the international community has an obligation to deal with the situation that already treads on the thin line that is genocide and crimes against humanity.

## Definition of Key Terms

### Rohingya

The term "Rohingya" is the more widely used reference to the stateless ethnic minority within Rakhine, a state in Myanmar. Yet, within Myanmar itself, the term "Rohingya" is denounced and the Rohingya Muslims are instead referred to as "Bengali" due to suspected origins of the Rohingya as illegal immigrants from Bangladesh.

### Burma

Burma was the original name granted to the nation Myanmar. However, approximately one year after thousands were killed in the suppression of an uprising, the ruling military government changed its name from Burma to Myanmar in 1989. While the United Nations recognized the change, the United States and the United Kingdom are two major powers that do not acknowledge it. As a result, both names "Burma" and "Myanmar" are both generally recognized and used differently across sources.

### Responsibility to Protect

The Responsibility to Protect is the "responsibility to protect [a country's] own populations from genocide, war crimes, ethnic cleansing and crimes against humanity". However, the essential aspect of the Responsibility to Protect would be countries accepting the "preparedness to take timely and decisive action, in accordance with the United Nations Charter and in cooperation with relevant regional organizations, when national authorities manifestly fail to protect their populations" (United Nations).

## General Overview

### Challenges for the Rohingya over time

For decades, the Rohingya Muslim ethnic minority has suffered oppression not only due to religious tensions, but also various recurring issues with obtaining citizenship in Myanmar. The following sections will cover issues with citizenship, persecution, seeking refuge, and the major parties related to the issue.

### *Issues with citizenship*

Currently, there are an estimated 1.1 million Rohingya living in Myanmar, mostly in the northern part of the Rakhine state along the border with Bangladesh and India. However, despite many ethnic groups gaining recognition from the Myanmar government over time, the Rohingya Muslims have stood out for being a stateless and persecuted ethnic minority since early times.

As for the entry of the Rohingya in Myanmar, there occurred a large influx of labourers to Myanmar from India and Bangladesh during the period when Myanmar still remained under British rule (1824-1948). At the time, since Myanmar operated as a province of India, the act was categorized as internal migration. However, due to negative sentiment from natives, after Myanmar was granted independence, the Myanmar government refused citizenship to the majority of the Rohingya, deeming the migration that occurred under British rule illegal.

As a result, treatment of the Rohingya severely deteriorated with the group being treated as illegal immigrants and excluded from all citizenship laws, especially those passed in 1948 and 1982. Although the 1982 citizenship law did allow for Rohingya to apply for citizenship, eligible Rohingya had to be able to speak an officially recognized language and provide proof that their family had lived in Myanmar before independence. Adding onto those regulations, most of the Rohingya also never received correct paperwork, thus becoming stateless. In addition, the Rohingya were subject to persecution by not only the people but also the Myanmar government, who shared a majority Buddhist sentiment.

However, the rejection of Rohingya Muslims had not always been so severe. Although the Rohingya had been excluded from the Union Citizenship Act passed in 1948 after Myanmar's independence, the Rohingya in the mid-20th century were eligible to apply for identity cards, which granted identification to a certain extent and, at times, citizenship. At this time, several Rohingya even served in Parliament.

The dramatic decline in the treatment of the Rohingya Muslims began during the 1962 Burmese military-staged coup d'état, causing the Anti-Fascist People's Freedom League (AFPFL) civilian government to be replaced with the authoritarian rule of the military government. Under the new government, the Rohingya were only given foreign identity cards, limiting their opportunities in areas such as welfare, education, and finances. As a further burden to their misery, the military-controlled government also demonstrated a tendency to turn a blind eye to the increasing persecution and violence directed towards the Rohingya Muslim population.

Yet, November 2015 once again posed uncertainty for the future of the Rohingya as the National Democratic League led by de facto leader Nobel Peace Prize Laureate Aung San Suu Kyi won a “landslide victory” in the elections against the military government. Despite political change, however, the military government still retains extensive control in the government, controlling the army and other domestic functions as well as retaining the right to veto. As a result, the situation of the Rohingya Muslims has only seemed to further deteriorate as the military government remains determined in its ethnic cleansing of the minority group.

### **Persecution**

Not only does Myanmar possess a hostile history in its regard of the Rohingya as illegal minorities, Myanmar also retains tense religious sentiment towards the Rohingya as a country with a significant Buddhist majority. With less than 9 percent of the population being Muslim, Buddhist mobs have been reported to have committed myriad atrocities towards the Muslim minority, driving many homeless and flooding already overcrowded refugee camps. Despite reports by Amnesty International and the Human Rights Watch condemning actions by Buddhist mobs, especially in the Rakhine state, for pursuing human rights violations against the Rohingya, authorities continue to turn a cold shoulder to the blatant and atrocious ethnic cleansing.

A further deterrent in the Rohingya Muslims’ safety is the contradicting Myanmar government. Despite repeated statements of firm denial towards allegations of discrimination and ethnic cleansing from the international community, the government’s words stand out in clear contradiction to its increasingly-oppressive actions.

Beginning with basic human rights, the Myanmar government has taken steps to place restrictions on the Rohingya people’s freedom of movement, access to medical assistance, education, and other basic services. In addition to such restrictions, the government has also moved beyond mere ignorance of the violence against the Rohingya. Especially after an attack by the Arakan Rohingya Salvation Army (ARSA) in October 2016, government security forces have begun harsh crackdowns on the Rohingya. After another attack by the ARSA on 25th August 2017, security forces had in a subsequent crackdown killed at least 1,000 people and forced more than 300,000 to flee in seek of refuge. With accusations of massacre, arson, torture, and rape, the UN’s top human rights official, Zeid Ra’ad al-Husseini, warned that Myanmar’s treatment of the Rohingya Muslims “appears to be a ‘textbook example’ of ethnic cleansing”.

Death toll estimates for the Rohingya Muslim situation remain grim and vary greatly across sources, but the general consensus agrees that more than 640,000 Rohingya people have fled Rakhine state since the August 25th attack crackdowns.



***Caption #1: Burning Rohingya villages***

### ***Seeking refuge***

With reports of Rohingya immigration numbers hitting an unprecedented 800,000 in number, increasing amounts of Rohingya can be found turning to Bangladesh, their suspected origin during the British rule of Myanmar. Yet, since Bangladesh is also dealing with the internal displacement of hundreds of thousands of Bengali due to severe flooding, the Bangladesh government has denied Rohingya access to the region, subsequently stranding Rohingya in refugee camps across world shores. With little to none legal documents, the Rohingya often find themselves undertaking perilous journeys only to find closed doors and underfunded refugee camps.

### ***Major parties***

#### ***Arakan Rohingya Salvation Army (ARSA)***

The Arakan Rohingya Salvation Army, also known as by the name “Harakat al-Yaqeen”, or “Faith Movement”, is a militant organization stationed in Myanmar. Claiming to fight on behalf of the long-oppressed Rohingya Muslims, the organization has in the past two years initiated aggressive actions including assaults on police stations, causing subsequent violent crackdowns by government security forces in retaliation. Although the situation on the ground remains hazy due to severely restricted media access to Rakhine, two acts of aggression by the ARSA, in particular, have attracted ample attention from the international community.

The first of the two notable acts by the ARSA would be the October 9th attack on three police outposts in the Maungdaw and Rathedaung towns, killing nine and wounding four police officers. Although reports differ slightly, the general consensus lies that the militants were lightly armed, mainly equipped with knives and homemade slingshots that fired iron bolts. According to the police, the militants had also looted approximately 50 guns from the police posts. As a result, the Rakhine State in Myanmar was placed under a state of lockdown, during which UN reports described “devastating cruelty” of soldiers involved in violent acts such as rape or murder.

Despite the government crackdown on the Rohingya people following the October 9th attack, the ARSA once again led a coordinated assault on police border posts on 25th August, 2017. According to an International Crisis Group report, the militants had trained abroad, with evidence of help from veterans of other conflicts including Afghanistan. The militants were armed with guns, sticks, and improvised explosives, and at the end of the assault the toll lay at 12 police officers dead from the ARSA assault, sparking the ensuing event - massacre.

Under the government's retaliation, reports tell that at least 1,000 Rohingya were killed, while an estimated 300,000 fled to the neighboring border of Bangladesh. Thus, despite government denial, increasing amounts of reports show that the government is guilty of ethnic cleansing, arson, and clear violations of human rights that were "disproportionate" to the 25th August attacks.

### ***National League for Democracy (NLD)***

Led by de facto leader Nobel Peace Prize Laureate Aung San Suu Kyi, the National League for Democracy is the leading political party within the Myanmar government that won a number of seats within the assembly in the previous years, signalling the transition of the military-based Myanmar government to a democracy. As such, many members of the international community, including countless Rohingya, had looked up to Aung San Suu Kyi as a potential savior to the violence in the country. However, Aung San Suu Kyi has failed to live up fully to the expectations of the Myanmar people as she has held abnormal political silence on the issue, sparking remarks by international leaders worldwide.

## **Timeline of Events**

<b>Date</b>	<b>Description of event</b>
1824 - 1948	Myanmar under British rule: There was a significant amount of migration of labourers from India and Bangladesh, which is the suspected origins of the Rohingya.
January 4th, 1948	The Union Citizenship Act comes to force after Myanmar gains independence, recognizing citizens excluding the Rohingya.
March 2nd, 1962	The Burmese military-staged coup d'état: Under the new regime, all citizens were required to obtain national registration cards. However, the Rohingya were only given foreign identity cards which limited their opportunities.
October 15th, 1982	The Burma Citizenship Law was passed, which continued to exclude the Rohingya from the 135 recognized ethnic groups within Myanmar.

April, 2013	The Human Rights Watch reported that the Myanmar government was conducting a campaign of ethnic cleansing against the Rohingya. These allegations were denied by the government.
August 25th, 2017	The Arakan Rohingya Salvation Army (ARSA) claimed responsibility for attacks on police posts in Rakhine state, killing 12 people.
August 30th, 2017	The Human Rights Watch reports that the Burmese (Myanmar) army had carried out killings and rape of several hundred Rohingya Muslims in Tula Toli village, Rakhine State.
November 27th, 2017	Pope Francis visited Myanmar to meet Aung San Suu Kyi and delivered a speech in which the name Rohingya was implied but not mentioned.

## UN Involvement, Relevant Resolutions, Treaties and Events

With Rohingya refugee numbers crossing 800,000 in Bangladesh alone, the United Nations has played a prominent role in securing the physiological needs of the Rohingya Muslims, providing aid and protection through their branches such as the UN International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), and the UN High Commissioner for Refugees (UNHCR).

- Situation of human rights of Rohingya Muslims and other minorities in Myanmar (**S-27/1**)
- Statement by the President of the Security Council (**S/PRST/2017/22**)
- Security Council Resolution on sexual violence in conflict, 24 June 2013 (**S/RES/2106**)

## Possible Solutions

One of the key issues that must be addressed immediately is the significant numbers of Rohingya refugees stranded across refugee camps, especially at Bangladesh borders. Thus, some possible solutions would be encouraging countries bordering Myanmar to open their borders to specific quotas of Rohingya refugees as well as providing humanitarian aid for basic physiological needs. In particular, with nearly 200 dead due to poor-quality boats that capsized on the journey, securing safer transportation for Rohingya refugees is also a priority.

The controversial nature of the situation also serves to hinder solutions regarding the violence in the region: First off, seeing as one of the key issues in the situation is the involvement of the government in the



abuse of the Rohingya, questions such as the possibility of warfare and violation of international sovereignty must be kept in mind when considering taking direct action towards solving the issue. Also, with both China and Russia voting against firm United Nations resolutions several times in the Security Council, the prospects of immediate and intensive action does not seem too feasible at the current point in time.

However, with the majority of countries voting for aforementioned resolutions, some solutions to be considered might be re-introducing sanctions and possibly an arms embargo, the deployment of UN peacekeepers to the region, ceasefires to allow refugees to evacuate, or establishing a joint coalition under the terms that the Myanmar government had violated the Responsibility to Protect.

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**Issue:** The question of the demilitarization of the Arctic Circle

**Chair:** Frank Chiu

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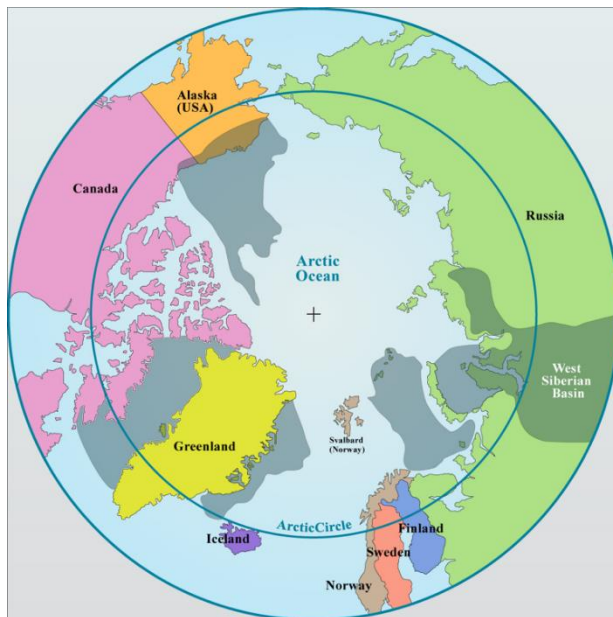
## Introduction

“While in the Arctic there is peace and stability, however, one cannot exclude that in the future there will be a redistribution of power, up to armed intervention,”—Vladimir Vyvotwky, Russian Navy Admiral. The Arctic Circle, a region of unrivaled beauty and diverse wilderness, is a breathtaking natural wonder; underneath the ice and icy-cold sea lays its mineral richness. Starting with the Cold War, member states have fought for control of the region for its natural resources (e.g., oil), vying to become the first to claim previously uncharted territories, resulting in a midst of conflict and controversy regarding the distribution of resources and legal/political status of the region. To protect its sovereign national interest, many Arctic States have begun to militarize the region. With recent territorial disputes and rising military tensions, the resolution of this issues has never been of such urgency.

## Definition of Key Terms

### Arctic States

Term that includes all states that have existing territories in the Arctic region: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the United States of America (USA). These states are the most significant actors of the issue.



*Caption #1: Map of the Arctic Circle*

### Territorial claims

The claim of control/possession to a defined area by any sovereign body, which grants that body the right to exercise its control over the defined territory and decide the usage of it.

### **Sovereignty**

A basic right of all member states, the right to freely self-determine, without external interference, aspects of sovereign member states' domestic jurisdiction.

### **Demilitarization**

The process/act of removing “military installations, activities, or personnel” in an area. After the process, a Demilitarized Zone is formed.

### **Res nullius**

First classification of public territory in which the territory not owned by anybody, with examples being Antarctica and other global sanctuaries.

### **Res communis**

Second classification of public territory in which the territory is common property owned by and available to the international community, not subject to appropriation by means of member states exercising sovereignty.

### **Arctic Council**

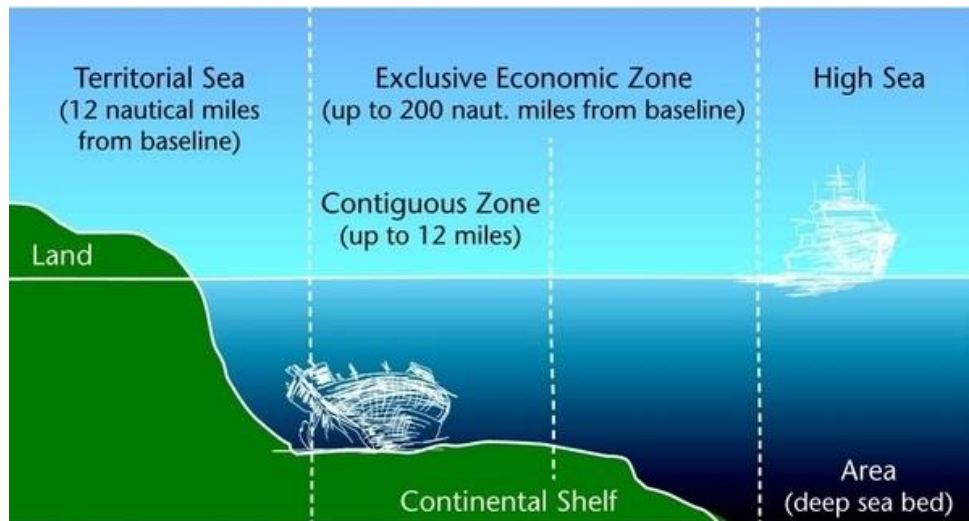
An international, intergovernmental, and multilateral forum established in 1996 by the Ottawa Declaration that promotes “cooperation, coordination, and interaction among the Arctic States, Arctic indigenous communities and other Arctic inhabitants” on matters of sustainable development and environmental issues. In addition to the Arctic States, members include six international organizations representing indigenous people and observers, whose status is open to application. So far, thirteen other member states have been represented in the council, for example, France.



*Caption #2: Arctic Council Logo*

### **Territorial waters**

According to the United Nations Convention on the Law of the Sea (UNCLOS), territorial waters include the coastal waters, corresponding airspace, and seabed extending for at most 12 nmi from a baseline which are recognized as the sovereign territory of a state.



*Caption #3: Territorial waters*

## General Overview

### History

#### *Pre-Cold War era*

Even before any major world wars, countries had already begun to claim territories in the Arctic region. The first documented action was by Canada in 1903, where it had set up the North West Mounted Police to claim the Western Arctic. Alarmed by the expanding of Canadian territories, subsequent member states followed Canada's example, drafting resolutions to claim territories. Over the years, many claims have been submitted to the Commission on the Limits of the Continental Shelf (CLCS).

Up until World War II, the Arctic was used for the transportation of trading goods and sometimes military personnel and equipment. During the World Wars, the demand for resources for military advancement increased exponentially; therefore, interest and attention have grown regarding the development and exploitation potential of the Arctic, which was believed to be rich in oil, natural gas, platinum, gold, silver, iron, zinc, copper, methane hydrates, vast land space, etc. With natural resources rapidly depleting to meet the demand for military development, it is, consequently, in the best interest of every member state to claim Arctic territories. This marked the beginning of conflict regarding the boundaries and status of the Arctic.

#### *Cold War*

In the 1980s, the role of the Arctic has proved all the more crucial due to its strategic location for the development and launching of intercontinental ballistic missiles, submarine launched ballistic missiles,

and other strategic weapons. World leaders, particularly the USA and Soviet Union, fought over control of the Arctic, as the transportation advantage and ability to place weapons in the area could help either side gain an upper hand. Alarmed by the growing tension, the UN started to draft treaties and conventions, resulting in the UNCLOS and the formation of the Arctic Council.

### **Current Conflicts**

Nearing the decline of the Soviet Union and the end of the Cold War, many member states have ventured to make territorial claims. Examples include the status of the Northern Passage (US and Canada), Beaufort Sea (US and Canada), Hans Island (Denmark and Canada), Lomonosov Bridge (Canada, Denmark, and Russia), Bering Sea and the Antarctic landmass (US and Russia), and Svalbard archipelago (United Kingdom and China).



**Caption #4: Current Territorial Disputes**

To defend their sovereign national interest, establish their presence and authority in the region, and protect themselves from the threat of war, member states began to heavily militarize the Arctic Circle. One of the most prominent examples is the significant military presence of Russia, which has expanded its naval capabilities, deployed airspace patrol, bombers, jets, and submarines, equipped six new military bases, and opened ten air-defense radar stations. Its military operations once grew dangerously close to Canadian military bases, triggering “Operation Nanook 2010”—a response from Canada, USA, and Denmark to jointly “train for disaster and sovereignty patrol.”



*Caption #5: Russian Military in the Arctic*

## Major Issues

### *Sovereignty*

A more principle issue, the sovereignty of all member states involved in the conflict is called into question, a right that other member states and the UN need to respect. According to Chapter 1 Article 2 of the UN Charter, “The Organization is based on the principle of the sovereign equality of all its Members.” Also, individual member states’ own doctrines call for non-interference unless its own sovereignty and national interest is jeopardized. Thus, if the UN were to take any action, it would inevitably infringe upon the sovereign rights of member states. The question remains on how the fine line that defines appropriate and justified UN action is drawn and whether the UN has the right to interfere in the conflict; if so, what is the UN allowed to do and what is it not? Another question is the amount of power and influence each member states have: When is nation allowed to act in self-defense, and what are the limitations of what it could do? The answers to these questions set a precedent for future action.

### *Military Tensions*

The Arctic is known as the site of another “Cold War” for good reason. Perhaps the greatest concern of the entire issue is the buildup of military personnel and equipment in the region and the political and legal controversy that shrouds it. Despite the presence of the military in the region not posing an immediate threat, the tensions in the region cause three major problems: the potential for war, fear in civilians, and political tension crowding out discourse and diplomacy. Despite the low probability for war in the region, the outbreak of war of any kind jeopardizes the national interest of all member states.

## Major Parties Involved and Their Views

### *Canada*

Owning 40% of the landmass within the Arctic, Canada focuses on militarizing the Arctic and is heavily involved in border disputes. Showing less interest in petroleum projects, it is currently conducting



training operations and producing new patrol vessels and warning systems. Despite it being a major player in the region, Canada still maintains good relationships with most of the other Arctic States.

### **Denmark**

Denmark is interested in increasing its military presence due to its territories of the Faroe Islands and Greenland. At the same time, it has a definitive non-nuclear policy, as it aims for “a peaceful, secure and safe Arctic.” It seeks to develop its uranium program in the Arctic.

### **Norway**

Being the only Scandinavian Arctic State, Norway regards the Arctic as its “number one priority in foreign policy.” Its stance is rather complex: despite having a militarized region to combat Russian presence, it is also promoting peace in the region and seeks to remain allies with Russia. Norway strongly believes in the UNCLOS.

### **Russia**

The Arctic region is of vital economic and strategic interest to Russia, as it is both a supply-line and a geographical position that provides access to three oceans and military bases. Producing 11% of its GDP, Russia is strongly in opposition to the res communis status, willing to aggressively defend its position.

### **USA**

The USA has neither signed nor ratified the UNCLOS and is unlikely to do so in the near future. The Arctic is of less importance to the US in light of its other commitments and priority, for example, the engagement in the Middle East. As such, it has not heavily militarized the region, but instead focuses on exploiting its resources. The USA is involved in the region with its presence of warning and missile defense systems as well as its exploitation of natural resources to meet its energy demand. In addition, the dispute with Canada has worsened their relationship, in which the USA maintains that the waters should be international. Under the Bush administration, the United States Arctic Policy describes its political stance in the region. The official aim of the USA is to be able to “operate by 2025” in the area.

## **Timeline of Events**

<b>Date</b>	<b>Description of event</b>
February 20th, 1907	Canada drafts a resolution that claimed territorial control over the lands between Canada and the North Pole.



April 15th, 1926	As a direct rebuke to Canada, the USSR drafted the Arctic Decree, which claimed territorial control over the lands between USSR and the Arctic.
December 17th, 1973	Canada and Denmark ratify a bilateral agreement on the Hans Island.
December 10th, 1982	The UNCLOS is signed and member states are able to ratify the convention.
September 19th, 1996	The Arctic Council is formed as a result of the Ottawa Declaration.
August 2nd, 2007	Russia places a deep-sea flag on the Lomonosov Ridge.
May 28th, 2009	Ilulissat Declaration is drafted in Greenland.

## UN Involvement, Relevant Resolutions, Treaties and Events

In the past decades, the United Nations has been successful in “shaping the political atmosphere” for legal matters and negotiations. However, the demilitarization of the Arctic Circle has yet to be addressed in any major international treaty. With member states opting to not sign or adopt treaties and conventions, for example, the United States of America (USA) choosing not to sign the UNCLOS, many efforts put into drafting such documents remain ineffective.

The most important international, legislative agreement regulating sovereign rights of sea territories is the United Nations Convention on the Law of the Sea (UNCLOS), which outlines the international laws and limitations each member state must abide by regarding territorial disputes of the sea. The “constitution of the sea,” UNCLOS establishes numerous definitions and legal frameworks, clarifying the status of the many territorial disputes at that time. However, over time, the convention has fallen out of modern relevance and clarity. Militarization was addressed in Article 88; however, technically speaking, unless “acts of aggression” are committed to disrupt the “peaceful purposes” of the Arctic, the presence of military and its buildup in the region is legal. It has also been criticized for its general scope as it addresses the legal aspect of all seas, but not specific ones: UNCLOS was not drafted to serve as a final means of resolving the Arctic conflict; instead, it was intended to provide a general framework and basis for future solutions addressing the myriad of local disputes through specific, focused efforts. Thus, with no follow-up to the UNCLOS specifically addressing the Arctic, these legal frameworks established remain of little relevance.

The Arctic Council is, to date, the only platform of cooperation and negotiations for Arctic States and indigenous groups. Despite addressing sustainable development, the environment, and rights of indigenous

groups specific to the Arctic region and achieving milestones in these areas, there is little the Arctic Council could do to address demilitarization, as its Charter explicitly states that it “The Arctic Council should not deal with matters related to military security.” Requiring consensus to adopt action, the controversial interests of each party in the council prevent further action. In addition, as five of the eight Arctic States are also current members of the North Atlantic Treaty Organization, they are committed by its Charter to provide mutual military assistance.

The CLCS is the organization member states submit claims of continental shelf limits to, which thereafter gives a final and binding limit on the extent of continental shelves based on scientific and geological data. However, as it is a scientific forum and therefore focuses on the geological aspect of the Arctic region, it fails to take into account the political tension and legal issues present. Not being a medium for addressing disputes, the most the CLCS could do is to utilize scientific data, but it remains ineffective in deciding maritime boundaries. In addition, Article 9 of the UNCLOS Annex II limits the power of the CLCS, which “shall not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts.”

In May 2008, representatives of Canada, Denmark, Norway, Russia, and the USA gathered in Ilulissat, Greenland to discuss the future of the Arctic region. Resulting from the discussion, the Ilulissat Declaration was adopted on 28 May 2008, which reaffirmed the common positions of the represented member states. The most major point of consensus was the “blockage of any new comprehensive international legal regime to govern the Arctic Ocean.” The impact of this declaration is two-fold: First, these member states recognize the role of authority and governance of the UNCLOS, Arctic Circle, etc. Second, for better or worse, it clarifies the Arctic States’ stance that any negotiations and the future establishment of an alternative regime for the Arctic would not be accepted.

In summary:

- United Nations Convention on the Law of the Sea, 16th November 1994, (A/RES/68/71)
- The Ottawa Declaration, 19th September 1996
- The Ilulissat Declaration, 28th May 2008

## Possible Solutions

Before any further action, reforms to current treaties, conventions, and the Arctic Council need to be drafted to address the loopholes and insufficiencies in the mechanism and effectiveness of them. With a clear constitution, the implementation of further action thus becomes easier. There are three suggested approaches to this issue, and the stance taken would largely dependent on the foreign policy of individual member states. First, if taking a *res nullius* approach, the UN could, like in Antarctica, effectively make the entire region a global sanctuary and prohibit any economic activities there. Instead, it would be devoted to scientific research only. Second, if taking a *res communis* approach, regulations that ensure the equitable distribution of Arctic resources would have to be drafted. Since many member states are disproportionately represented in the decision-making process, the interests of all member states must be taken into action. Last, if taking an approach to regulate Arctic States, regulations regarding the presence of these member states as well as the amount and type of

military personnel and equipment allowed would have to be drafted. In addition, the UN could actively monitor the region, and if “acts of aggression” are committed, further relevant actions could be taken.

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**Forum:** Goal 16: Peace, Justice and Strong Institutions

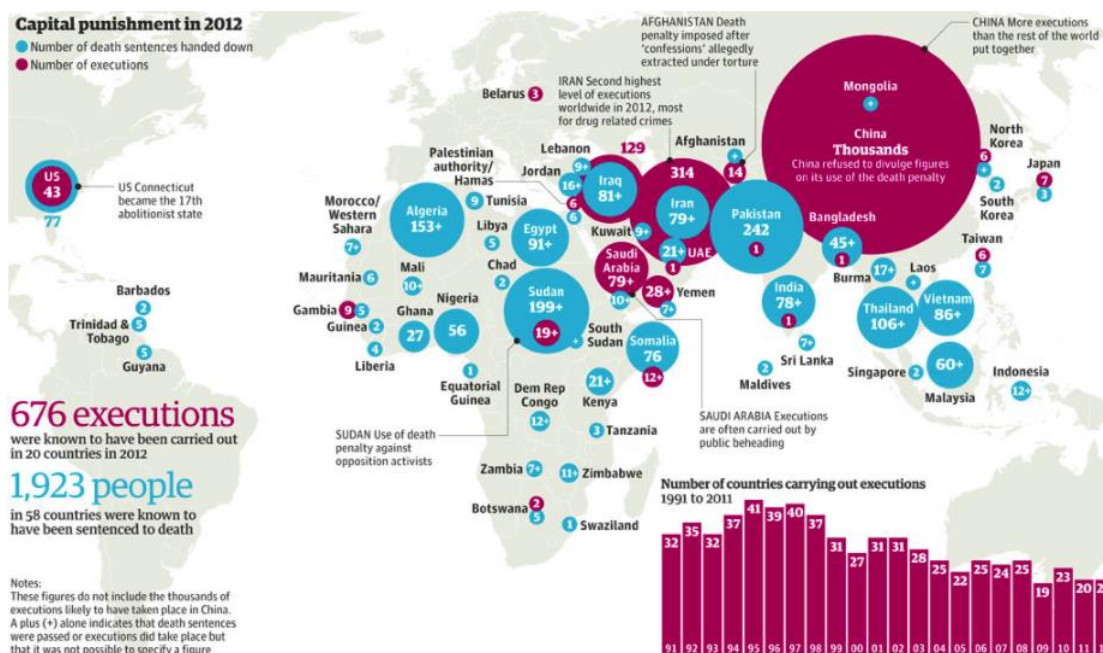
**Issue:** Addressing the degree of capital punishment for drug possession

**Chair:** Jasmine Oh

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## Introduction

The 2016 Annual UNODC Drug Report stated that there were 29 million people suffering from drug use disorders, a number that had risen by 2 million since the previous year. This upward trend in drug use disorders was reported to be urgent, and encouraged countries to start enforcing harsher laws for drug crimes in order to combat the rising issue of drug abuse. Although capital punishment has been abolished in over 100 countries worldwide, some countries still carry out executions for crimes related to drugs, and countries such as Brunei, Iran, Laos, Malaysia, and Singapore have issued a mandatory death sentence for certain drug crimes. In many countries, those in possession of a certain amount of drugs are assumed to be drug traffickers, and are sentenced accordingly, even if there is no evidence of drug trafficking. Punishments for drug crimes and drug possession vary vastly by region and country, but generally tend to be harsher in the Middle East and Asia, where drug possession can often lead to a death sentence or extrajudicial killings.



**Caption #1: Statistics for capital punishment by country**

## Definition of Key Terms

### Capital Punishment

Capital punishment is the practice of legally killing someone as punishment for a crime. Capital punishment may be carried out as a punishment for drug offences in China, Iran, Saudi Arabia, Vietnam, Malaysia and Singapore.

### Drug Possession

Drug possession is defined as having or owning illegal drugs. Sentences for drug possession vary depending on the type of drug, the amount of the drug, and the jurisdiction in the area.

### Drug Trafficking

Drug trafficking involves the illegal trade of drugs around the world, including cultivation, manufacture, and distribution of illegal drugs. Many terrorist organizations are funded by drug trafficking businesses, making drug trafficking an especially serious problem in countries with prominent terrorist groups. In some countries such as Brunei Darussalam, Malaysia and Singapore, being found to be in possession of a certain amount of drugs may be presumed guilty of drug trafficking.

## **Drug Cartels**

Drug cartels are a type of criminal organization that distributes and sells illegal drugs.

## **Extrajudicial Killings**

Extrajudicial killings are defined as the execution of a person by governmental authorities without the proper judicial and legal processes necessary to lawfully carry out an execution.

## **International Covenant on Civil and Political Rights (ICCPR)**

The International Covenant on Civil and Political Rights is a legally binding, multilateral treaty that protects civil and political rights, such as the right to life and the right to a fair trial, to individuals in the countries that have signed onto the treaty.

## **General Overview**

### **Drug addiction**

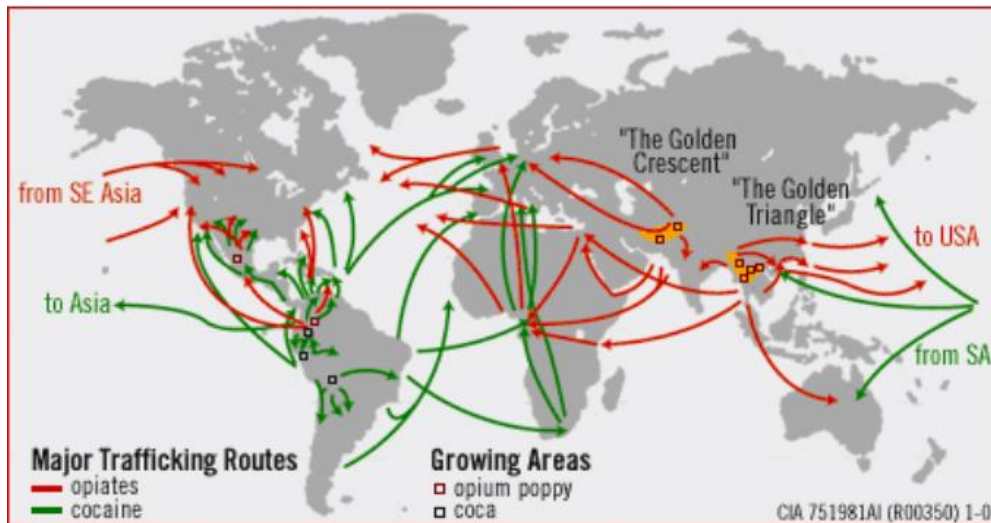
Drug addiction is becoming an increasingly important issue as global drug addiction levels rise, as reported in the 2016 UNODC annual drug report. Moreover, these rising drug addiction levels may lead to serious consequences for those involved. According to the 2017 World Drug Report, out of the 12 million who inject drugs, 1.6 million have HIV, 6.1 million have hepatitis C, and 1.3 million are living with both. Such numbers of drug abusers have encouraged leaders such as Philippines President, Rodrigo Duterte, to crack down on drugs through harsh measures such as mandatory death penalties and the encouragement of local vigilante groups. In the Philippines, President Duterte has been known to welcome returning overseas Filipino workers with “If you lose your job, I’ll give you one. Kill all the drug addicts,” and is known for making inflammatory statements such as, “My order is shoot to kill you. I don’t care about human rights, you better believe me,” and, “If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful”. The rising numbers of people addicted to drugs is also concerning in that, as drug addiction levels rise, drug traffickers get more customers and become more successful, resulting in an increase in large scale drug crime.

### **Drug trafficking**

Drug trafficking is a very serious issue around the world, and carries a mandatory death sentence in many countries. The mandatory death sentence means that if someone is found guilty of drug trafficking, the only possible sentence is capital punishment. There is also a system of assumed guilt in many countries, in which a person is assumed to be guilty of drug trafficking and sentenced as a drug trafficker if they are found to



be in possession of over a certain amount of drugs, as established by the government. This does not offer the accused a fair trial since it assumes their guilt, violating human rights outlined in the ICCPR and the Universal Declaration of Human Rights (UDHR).



**Caption #2: Major drug trafficking routes around the world**

Laws and sentences regarding drug trafficking are often very harsh, especially in regions with problems regarding terrorist groups, as drug trafficking is often linked to the funding of terrorist groups. According to UNODC's World Drug Report 2007, the potential value for Afghanistan's opium harvest in 2006 reached around \$3.1 billion US dollars. With such a large amount of funding from illicit drug trafficking, it is clear that drug trafficking could easily fund many terrorist activities, and the UNODC has consistently maintained that terrorist groups regularly gain from regional and international drug trade, through conferences such as "The Role of Drug Trafficking in Promoting and Financing Today's Global Terrorism" held in Istanbul. The Drug Enforcement Agency (DEA) has also estimated approximately 60% of all terrorist organizations to be involved in illegal narcotics trade. Drug crime has also been repeatedly linked to other organized crime, such as organized property crime, excise fraud, and the smuggling of migrants.





### **Effectiveness of the death penalty as a punishment for drug possession**

The death penalty has often been used as a deterrent to discourage people from experimenting with illegal drugs, often as part of a government drug crackdown, or war against drugs. It has also been used as deterrent against large scale drug trafficking organizations. However, critics argue that most of the people caught by these laws and policies are small time users and dealers, instead of the leaders of large scale drug traders, which discredits the effectiveness of the use of capital punishment as deterrent against large scale drug trafficking organizations.

Another issue in countries that use the death penalty for drug possession is corruption and lack of transparency in the system. Some issues that arise as a result of the lack of transparency include human rights violations involved with the use of capital punishment as a part of the war on drugs, such as shooting suspected drug dealers on sight, without evidence or a fair trial. Another such issue is the potential for misconduct by law enforcement officers in such a system, since local authorities have the ability to immediately shoot and kill suspected drug traffickers without revealing any information to related parties or family. Some such incidents, although technically not legal, were a result of encouragement by government officials to combat drug trafficking. With so much power in the hands of local authorities, the potential for many human rights violations is a huge concern that needs to be addressed when discussing the issue of capital punishment for drug possession.

### **Major countries on the use of capital punishment for drug possession**

#### ***Middle Eastern countries***

Drug trafficking and drug crimes are rampant in the Middle East, naturally causing some of the harshest policies against drugs in the Middle East. Moreover, there are many international terrorist groups based in the Middle East, such as ISIS, Hamas, and Hezbollah, which have all previously been linked to drug trafficking. Death penalty is a possible sentence for drug crime in countries such as Iran, Saudi Arabia, and Turkey, although recently Iran has eased punishments for drug crime, even abolishing the death penalty as a sentence for some crimes.

#### ***Philippines***

Drug addiction is a common problem in the Philippines, but the President, Rodrigo Duterte, is fixed on solving through increasingly harsh policies against drugs. President Duterte first came to office in 2016, promising to kill drug criminals and drug addicts, and waging a war against drugs. Since then, he has encouraged vigilante groups to kill drug addicts, as well as thousands of extrajudicial killings, resulting in international criticism from countries and groups such as Human Rights Watch, Amnesty International, and the United States of America for human rights abuses. However, other countries such as China have shown support for Philippines' severe policies against drugs.



***Caption #4: President Rodrigo Duterte accuses government officials of being involved in illegal drug trade***

## China

China has often come under fire for their transparency issues, and their use of capital punishment regarding drug possession likewise is very secretive and lacks transparency. While the exact number of people executed for drug crimes is held as a state secret, but numbers have been estimated to be in the thousands. In addition, China has not signed the ICCPR, which protects human rights and restricts the death penalty for only the most severe crimes.

## Timeline of Events

Date	Description of event
December 19, 1966	International Covenant on Civil and Political Rights, which states that all humans have an inherent right to life that cannot be taken away unless a person has committed the most serious crimes, is signed
December 20, 1988	United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances recommends treatment, education, aftercare, rehabilitation or social reintegration for drug offenders
March 2, 2011	UNODC and the United Nations Department of Peacekeeping Operations signs a plan to strengthen their cooperation in combating drugs and organized crime in conflict and post-conflict zones

June 30, 2016 Rodrigo Duterte becomes President of Philippines and declares a war on drugs

## UN Involvement, Relevant Resolutions, Treaties and Events

The United Nations has been in favor of gradually phasing out the death penalty, and does not support the use of death penalty for drug crimes and drug possession. However, it has also emphasized the importance of respecting the national sovereignty of countries regarding their laws and sentences. Many resolutions, such as Resolution 51/12 of the Commission on Narcotic Drugs, reaffirm the importance of countering drugs multilaterally and respecting all fundamental human rights in dealing with drug offenders.

The United Nations Office for Drugs and Crime (UNODC) is the branch of the UN that deals with drugs, terrorism, and criminal justice, and has passed solutions such as “Promoting the implementation of the United Nations Guiding Principles on Alternative Development” (A/RES/71/221), and “United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances” in that past that address these issues.

The International Covenant on Civil and Political Rights, which is legally binding to parties that have signed, limits the use of capital punishment to only the “most serious crimes”. This brings into question whether drug crimes and drug possession can be considered a most serious crime, and where the line is drawn. Since in some countries, the possession of a certain amount of drugs means the person is presumed to be a drug trafficker and sentenced in that way, punishments for drug trafficking are also relevant in considering how serious drug crimes need to be to warrant the death penalty. Some important documents are:

- Single Convention on Narcotic Drugs, 1961
- Convention on Psychotropic Substances, 1971
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
- Promoting the implementation of the United Nations Guiding Principles on Alternative Development, 19 December 2016 (A/RES/71/211)

## Possible Solutions

For all countries seeking a solution to this issue, it is crucial to work multilaterally to address the appropriate degree of capital punishment for drug possession. While many nations have drastically different stances on this issue, cooperation and protection of national sovereignty is a prerequisite to progress in addressing the degree of capital punishment for drug possession. While the ICCPR offers many guidelines in the appropriate use of capital punishment, many countries have either not yet signed it or are not implementing it. Thus, a good first step would be to further the implementation of the ICCPR globally, in order to establish a common baseline acknowledgement of human rights to implement further solutions on.

For countries that currently impose the death penalty for drug crimes, solutions should focus around how to effectively employ the death penalty in situations to combat pressing issues such as drug abuse, drug

trafficking, and the funding of terrorist groups through drug trafficking. It is also important to address the issues of transparency and human rights violations in such nations.

Some aspects of the issue to consider for countries that are looking to severely limit or abolish the death penalty are the reinforcement of human rights in the legal and judicial system, measures to achieve increased transparency from the government regarding law enforcement on drug crime, as well as measures to address the many human rights violations involved with capital punishment as a punishment for drug possession. Possible solutions include encouraging an official moratorium on executions and new death sentences, repealing or reducing the use of the mandatory death sentence, improving the fairness of the legal process for those accused of drug crimes, or suggesting alternative ways to handle drug crime, such as rehabilitation centers for those who are addicted to drugs.

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