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# WESTMUNC 2016

## GENERAL ASSEMBLY: HUMAN RIGHTS COUNCIL

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### ABOUT WESTMUNC

The 2016 West Model United Nations Conference (WestMUNC) will be held on Saturday, September 24, 2016 at [Mills High School, 400 Murchison Drive, Millbrae](#). The conference will start at 10 a.m. and end at approximately 6 p.m.

There is a delegate fee of \$5, which will cover limited food. If you are in the San Mateo Union High School District, please turn in your money before the conference to your club president; otherwise, please bring the money on the day of. Visit [westmunc.com](#) or email [westmunc2016@gmail.com](#) for more information.

### SCHEDULE

10 a.m. to 10:30 a.m.	Registration
10:30 a.m. to 11 a.m.	Opening Ceremony
11 a.m. to 1 p.m.	Committee Session 1
1 p.m. to 1:45 p.m.	Lunch
1:45 p.m. to 3:45 p.m.	Committee Session 2
3:45 p.m. to 4 p.m.	Break
4 p.m. to 5:30 p.m.	Committee Session 3
5:30 p.m. to 6 p.m.	Closing Ceremony

*Schedule is subject to change. Please visit [westmunc.com](#) for the most updated schedule.*

### YOUR CHAIRS

**SARAH HUANG** is a junior at Mills High School. Outside of MUN, she is an avid debater, dancer, and pianist. This is her first year being a part of WestMUNC, but she is excited to work with everyone inside and outside committee!

[sarah.huang2000@gmail.com](mailto:sarah.huang2000@gmail.com)

**JASON LEUNG** is a senior at Aragon and the president at that school's Model United Nations Club. He's excited to join all of you as one of the chairs of WestMUNC's Human Rights Council. He's been doing Model UN since his sophomore year. He likes clam chowder, vanilla ice cream, and the Simpsons.

[leung.jasonh@gmail.com](mailto:leung.jasonh@gmail.com)

**EMILY MAO** is a senior and a part of Aragon's MUN cabinet. MUN has brought her many bright new friends, intellectual challenges, and laughs through her years. She is very much looking forward to WestMUNC and chairing the Human Rights Council.

[emilymao1@gmail.com](mailto:emilymao1@gmail.com)

*Please email your chairs for any committee-specific questions.*

### POSITION PAPERS

Position papers are due Saturday, September 17 at 11:59 p.m. Please email your position paper to *all* three of your chairs with the subject line "Position Paper - [Your Name and Assigned Country]." Please limit your position paper to three pages, with additional room for works cited.



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# HUMAN RIGHTS COUNCIL

SARAH HUANG, JASON LEUNG AND EMILY MAO

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## TOPIC ONE: HEALTH OF INDIGENOUS PEOPLE

## HISTORY

### INTRODUCTION

Since the inception of the Universal Declaration of Human Rights in 1948, which stated in Article 25 that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family... and right to security in the event of unemployment, sickness... in circumstances beyond his control," the United Nations has considered healthcare more a right than a privilege. This is further emphasized by the World Health Organization (WHO) which strives to reach "the highest attainable standard of health as a fundamental right of every human being."

According to WHO, the right to health is defined as "access to timely, acceptable, and affordable health care of appropriate quality." However, due to social or economic disadvantages, many indigenous people face obstacles in accessing quality and affordable healthcare and ultimately their right to health. Just in the United States of America, a Native American is 600 times more likely to contract tuberculosis. In the world, over 50 percent of indigenous adults suffer from type 2 diabetes. Mental health ailments such as suicide and infectious diseases like malaria and HIV are far more prevalent in indigenous communities. These health problems are further exacerbated by drug abuse, poor nutrition, and alcoholism, which are often pervasive among native communities.

Indigenous people's insufficient access to healthcare stems, in part, from their complex interactions with colonial settlers. When colonists settled in areas such as Australia, Canada, New Zealand, and the US, they displaced the native people and enacted discriminatory policies against native populations. These laws of discovery and conquest, known as the "Doctrines of Dispossession," legalized the subjugation, massacres, forced-march relocations, and genocide against the native people in the New World. In 1452, Pope Nicholas V issued the *Romanus Pontifex*, which declared war against all non-Christians and promoted the colonization and exploitation of all non-Christian nations. In 1493, Pope Alexander VI then issued the *Inter Caetera*, which "officially established Christian dominion over the New World." The Doctrines of Dispossession, including the *Romanus Pontifex* and the *Inter Caetera*, formed the basis of international law during the fifteenth century. This led to huge consequences because they allowed Christian nations to claim what was thought as the "unoccupied lands" as their own.

In America, the Doctrines of Dispossession were encapsulated not only by the initial pushing aside and massacre of indigenous people during the start of colonization but also by later policies enacted by Congress after America was established as a country. US involvement in native relations was initiated by the Indian Commerce Clause, Article I, Section 8, Clause 3 of the Constitution, which stated



that it was Congress's duty to "regulate commerce... with the Indian tribes." It then became Congress's job to enact policies to towards indigenous people, including isolation and removal policies from 1789 to 1887 and acculturation and assimilation policies from 1887 to 1934. The implications of these policies today are vast: natives became dependent wards of the State whose land could be revoked by the government, separation of natives from their lands, and racial discrimination. Ultimately, governmental policies in many countries, in addition to the US, have caused a rift between government agencies and indigenous people because natives simply do not trust these bodies.

Other indigenous populations were not so much affected by colonialism but by marginalization, loss of culture, and environmental degradation. In Africa, groups such as the Pygmies of the central African rainforest are largely threatened by conservation policies that bar these hunter-gatherers from hunting. In other groups such as the Maasai and Samburu, encroachment of farming limits these people to smaller spaces, making it difficult for them to maintain their ways of life. The encroachment of indigenous people's lands undermines the rights of women in these communities, whose traditional roles are often to gather food. In addition to a decline in mental health, it also can create sexual violence, exploitation, and an overall decline in sexual health.

In other places, the conflict between indigenous and Western culture clash in their views of medicine. Traditional medicine is seen as a holistic approach which treats body, mind, and society as separate entities, with well-being about the harmony between individuals, communities, and the universe, which transcends traditional Western biomedical beliefs that medicine is only for healing the body. Approximately 80 percent of indigenous populations in developing countries rely on traditional healing systems as their primary source of care. To exacerbate this issue, many indigenous people live in remote areas that do not invest in basic social services or areas with limited infrastructure. This further limits the access of healthcare for these indigenous people.

## UN ACTION

Oftentimes discrimination can be the basis of the poor health access of indigenous people or other marginalized groups. In the UN World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, states were encouraged to adopt action-oriented policies and plans to ensure equality and access to social services. However, it is difficult to adopt policies on increased tolerance when there is little to no statistical data on the health of indigenous people. Thus, it is necessary for data to be disaggregated based on factors such as ethnicity, cultural and tribal affiliation, language, and geography, variables that are very relevant to the lives of indigenous people.

In 2007, the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly. This document guarantees the indigenous people their "natural rights" outlined in the Declaration of Human rights, including the right to self determination, the right to culture, and also the right to practice their own religion. From a health standpoint, the UNDRIP gives people the right to the practice traditional medicines and maintain their health practices, while also having equal access to all social and health services. In addition, individuals also have the right to enjoy the highest attainable standard of physical and mental health, according to Article 24. Though it is imperative that indigenous people are granted sovereignty, the conflict between Western and traditional medicine poses an issue for indigenous people to access adequate health care, especially because they will likely have an aversion to Western medical centers or other UN intervention methods. A true solution to health care access must take into account the rights of the indigenous people while, at the same time, bring more health centers to these people.

In 2012, the General Assembly then adopted the UN Resolution on Universal Health Coverage which establishes the need for member states to implement universal health policies. In Clause 14, the resolution states that it is "essential to take into consideration the needs of...indigenous people...in accordance to the principle of social inclusion, in



order to enhance their ability to realize their right to the enjoyment of the highest attainable standard of physical and mental health.” In order to increase access of healthcare while protecting individual rights, it is necessary that the UNHRC outlines the specific needs of indigenous people and suggests ways states can innovate to be more inclusive.

### QUESTIONS TO CONSIDER

How can UNHRC promote access to healthcare without infringing upon the sovereignty or discrediting the history of indigenous people?

How do other factors of human rights affect public health?

### **TOPIC TWO: NATURAL RESOURCES** *CONFLICT MINERALS ON NATIVE POPULATIONS*

#### INTRODUCTION

The state of international affairs in regions of raw mineral conflicts has demonstrated that native people of the land suffer as a result of corruption in government for greed over these resources. Past Secretary of State and current presidential nominee Hillary Clinton stressed the cause and correlation between conflict areas and sexual violence. She visited eastern Congo in 2009, calling for international attention to be turned to addressing conflict areas. In the case of Congo, she states that the world needs to do more to prevent the mineral wealth from the DRC ending up in the hands of those who fund the violence.

#### CASE STUDIES

Congo serves as a source of many natural resources, especially minerals. These minerals are in high demand and can be found necessary in creating mobile phones, cars, airplanes, and jewelry. Through witnessing the effects of exploitation on the residents in Congo, Global Witness reports that the rise of armed rebel groups in a destabilizing political atmosphere “ha[s] preyed on this lucrative trade to fund a brutal war in eastern Congo for almost 20 years.” Almost 1.4 million people were displaced due to mining that destroyed their homes.

#### HISTORY

In 1998, Global Witness exposed the exploitation of blood diamonds to the international community. This led to different countries in the World Diamond Congress that partake in mineral trade drafting up the Kimberley Process to improve diamond trade. The Kimberley Process started in 2003 and requires member states to overview mineral trade to prohibit trade from conflict areas. However, overview of the legal trade is weak and corruption among government officials creates doubt on the success rate of the Kimberley process.

Global Witness reports that over 75 of the world's diamond producing, trading and manufacturing countries participate in the scheme.

However, the Kimberley process has proved to be flawed in effect mainly due to its broad enforcement and definition. It defines conflict minerals as “rough diamonds used by rebel movements to finance wars against legitimate governments.” This definition fails to address human rights violations and hold government corruption responsible. For instance, in Zimbabwe, violence against the natives is promoted among government officials who seek financial gain.

However, while diamonds are a luxury, minerals such as coltan that appear in smartphones and technology challenge the international community, especially those who have become dependent on these technology economically. It is impossible to find a substitute for coltan.

A black market in Colombia, Venezuela, and Brazil has formed in the Amazon jungles for coltan.

Although illegal, mining affects many native Indian tribes who are found residing in those areas.

Coltan, unlike diamonds, has no way of identification once it is given to high tech manufacturers around the world, such as to China and India from Central Africa. Although countries like the US plan to certify coltan as did diamonds, it is difficult to do so because coltan is manufactured elsewhere in China and India.



## RECENT ACTION

Obama in 2010 signed into law the Dodd-Frank Act which at the bottom of the digest addressed conflict mineral trade. The law required US companies to audit their supply chains to avoid conflict minerals of gold, coltan, and coltan in Congo. However, although this bill seemed influential at the time, it fell short, resulting in millions of local families witnessing increased violence in Congo. The US did not take into consideration the dynamics of political instability in Congo. The Guardian reports, "The process is unfolding at a glacial pace, marred by a lack of political will, corruption and bureaucratic and logistical delays. That has led foreign companies to avoid buying the minerals, which has driven down prices. Many miners are forced to find other ways to survive, including by joining armed groups."

Also in 2010, the OECD Due Diligence Guidance was introduced in order to address transparency in supply chains of minerals. OECD tracks down the sourcing of minerals to increase public attention.

Some companies have taken initiative to addressing the issue of conflict mineral trade. Dell computers addresses that "it is Dell's policy to refrain from purchasing from any known conflict sources and we expect that our suppliers adhere to the same standards. We have notified all our suppliers of our policy on conflict minerals and have asked each supplier to provide us with a confirmation of their conflict-free status."

## POSSIBLE SOLUTIONS

The Enough Project reports that "Bringing transparency to the consumer electronics supply chain will be a significant first step toward transforming Congo's rich mineral resources, from a fuel for violence into an engine of empowerment for the millions of people caught up in the conflict and all those dependent upon the meager livelihoods they earn in mines throughout eastern Congo."

Transparency has been brought up a lot among legislatures. Electronic supply chains can certify conflict free products, but there lies a lack of public knowledge and thus support. Also, many companies claim that tracking down the supply chain would

be too complex, for manufacturing of electronics occurs mostly in Asia. If localization of manufacturing companies form near mineral sources, it may be easier to track down conflict minerals.

Expanding and improving the Kimberly process would need a more specific definition of conflict minerals and a way of addressing different minerals besides diamonds.

Long term solutions such as reforming governments in places where exploitation of minerals occurs has been proposed. Other proposals may include and explore international oversight of unstable countries by developed nations. Lastly, efforts to increase public awareness of conflict violence globally should be addressed, for the market demands play a major role in the promotion of the exploitation of the natural resources.

## QUESTIONS TO CONSIDER

Are you going to address all conflict minerals or focus on specific trades? Addressing coltan would be different from diamonds because coltan is prevalent in everyday technologies while diamonds are a luxury product.

What is the balance between regulating conflict minerals to prevent violence of natives there and keeping intact mineral trade so natives who work as miners are not economically less stable?

Do governments have a moral obligation to secure the safety and protection of those outside their borders at domestic economic costs?





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