

MEDIMUN XIV Annual Session 2019



RESEARCH REPORT – GENERAL ASSEMBLY

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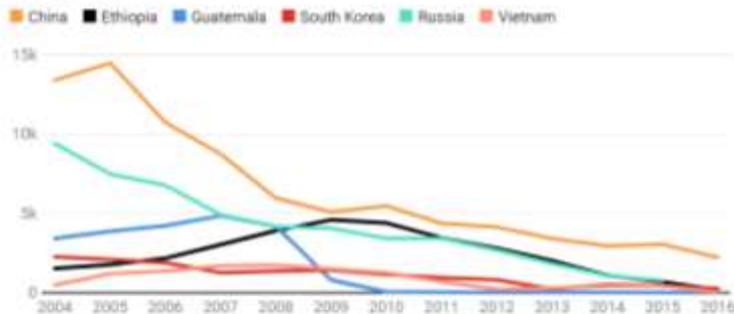
Topic 1: The Question of the Rights of Children in Cross-border Adoption

Introduction:

Over the last several decades of the 20th century, increasing numbers of children have been abandoned and orphaned in the developing world in the wake of socio-economic change, especially the rapid urbanization in Latin America, Africa and certain Asian countries; the upheavals in Central and Eastern Europe; and the wars, ethnic conflicts and natural disasters that affect populations in different parts of the world, intercountry adoption has progressively changed. From its initial purpose of providing a family environment for children, it has now become more demand-driven. Increasingly in industrialized countries, intercountry adoption is viewed as a way for childless couples to satisfy their urge for a child. Growing numbers of intercountry adoptions, in fact, involve countries where children can be found who correspond to criteria set by prospective adoptive parents: very young children whose physical appearance is as similar as possible to their own, and who have no physical or mental disabilities or serious illnesses. This trend has contributed to the development in the West of a tendentious philosophy of a 'right to a child', which often goes so far as to violate the rights of *the* child. To meet the demand for children, abuses and trafficking flourish: psychological pressure on vulnerable mothers; negotiations with birth families; adoptions organized before birth; false maternity or paternity certificates; abduction of children; children conceived for adoption; political and economic pressure on governments

International adoptions worldwide

For decades these six countries have been the primary sources of adopted children. But in recent years all have curtailed or banned the practice, leading to a drastic global decline in foreign adoptions.



Data for some countries is incomplete.

Chart: The Conversation, CC-BY-ND • Source: Robert Johnston • Get the data

While demand for children in adoption has continued to rise in the industrialized world, fertility has fallen, and consequently the number of children who can be considered for domestic adoption has declined. Some of the demographic and social changes contributing to these dwindling numbers are the greater availability of contraceptive aids, the legalization of abortion, the higher workforce participation of women, the postponement of childbirth to later ages — and an increasing destigmatization of single motherhood, as well as state support for single mothers in many cases, leading to greatly reduced abandonment rates.

Definition of Key Terms:

Adoption: a welfare and protection measure that enables an orphaned or definitively abandoned child to benefit from a permanent family. The practice of adoption can be subdivided into domestic (or in-country, or national) adoption, intercountry adoption and international adoption

Domestic adoption: concerns adoptive parents and a child of the same nationality and the same country of residence.

Intercountry adoption (ICA): entails a change in the child's habitual country of residence, whatever the nationality of the adopting parents.

International adoption: involves parents of a nationality other than that of the child, whether or not they reside — and continue to reside — in the child's habitual country of residence.

Institutional placement: the simplest response to a child in need of care and protection, usually carried out because no viable alternatives have been set in place, because due account is not taken of existing alternatives, or because ongoing specialized care is required.

Fostering: an authorized placement with a ‘foster’ family, supervised by the social services and usually involving financial compensation to cover the additional expenses incurred.

Guardianship: in certain forms, a socio-legal process where a person, generally a relative, is appointed to take responsibility for the child and his or her property until the child reaches the age of majority.

Kafala: a form of care under Islamic Law, recognized by legal act and considered definitive. Under kafala, the child does not take the name of the host family, nor does he or she acquire inheritance rights, reflecting the precept of Islamic Law whereby blood ties cannot be modified.

Adoption: adoption can be ‘simple’, in which case the child maintains some financial and legal ties with his or her birth family (for instance, inheritance rights) and may even retain their name. The vast majority of adoptions today, however, are ‘full’, which means that they irrevocably and completely terminate the relationship between the child and his or her birthparents and create in its place an analogous relationship between the child and the adoptive parents.

General Overview:

Intercountry adoption, therefore, has come to represent in many ways the convergence of ‘demand’ and ‘supply’. One of the more recent concrete expressions of this lies in the use of the Internet to promote adoption in ways that often involve the marketing of children — as well as spawning private adoptions and offering ‘shortcuts’ to the legal adoption process. The “language of economics” has, therefore, “made its appearance”, transforming a once purely humanitarian measure into “a more complex and controversial social phenomenon”. In other words, intercountry adoption, which should be viewed as one option among a series of child welfare measures for an individual child in need of care and protection, is no longer always the purely child welfare measure it was originally intended to be. In a certain number of cases, instead, it

has become a lucrative profit-making activity, sometimes involving major financial interests and its own lobby, in which children are treated as commodities.

Major Parties Involved:

UNICEF:

UNICEF supports inter-country adoption, when pursued in conformity with the standards and principles of the 1993 [Hague Convention on Protection of Children](#) and Co-operation in Respect of Inter-country Adoptions – already ratified by more than 80 countries. This Convention is an important development for children, birth families and prospective foreign adopters. It sets out obligations for the authorities of countries from which children leave for adoption, and those that are receiving these children. The Convention is designed to ensure ethical and transparent processes. This international legislation gives paramount consideration to the best interests of the child and provides the framework for the practical application of the principles regarding inter-country adoption contained in the Convention on the Rights of the Child.

Previous Attempts to Resolve the Issue:

The Convention on the Rights of the Child

The provision of the 1989 United Nations Convention on the Rights of the Child (CRC) specifically dealing with adoption is Article 21, which sets out the basic principles to be followed when considering domestic and intercountry adoption for a child. The original draft of this article began with the obligation of States parties to “facilitate” adoption. By the time the text of the article came up for a second reading, however, the United Nations Declaration had been approved and the 1980s had provided an unprecedented number of examples of gross abuses of intercountry adoption practice. The result was that in its final version, although Article 21 recognizes “that inter-country

adoption may be considered as an alternative means of child's care", its original wording was changed completely to stress the State party's duty to "ensure that the best interests of the child" are "the paramount consideration" in any adoption and that safeguards and procedures are fully respected. It is important to note that this is the only place in the CRC where the best interests of the child are 'the', and not just 'a', primary consideration.

The Hague Convention on Intercountry Adoption

The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption was adopted on 29 May 1993 and entered into force on 1 May 1995. More than 60 countries and about 10 international NGOs took part in its drafting. It has as its principal objectives:

- (a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;
- (b) to establish a system of cooperation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;
- (c) to secure the recognition in Contracting States of adoptions made in accordance with the Convention (Article 1).

The Hague Convention essentially turns the 'principle' of subsidiarity into a rule, recognizing that "intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of Origin" . This Convention reflects an internationally recommended policy concerning different child care measures, which — while recognizing that each child is special and that decisions affecting the child's life must be based on a full respect for his or her uniqueness — sets out the following hierarchy of options, generally held to safeguard the long-term "best interests" of the child:

- family solutions (return to the birth family, foster care, adoption) should generally be preferred to institutional placement;
- permanent solutions (return to the birth family, adoption) should be preferred to provisional ones (institutional placement, foster care);
- national solutions (return to birth family, national adoption) should be preferred to international ones (intercountry adoption).

Contracting States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption

Sixteen 'sending' countries (↓) and 12 receiving countries (↑) had ratified or acceded to the Hague Convention as of 24 November 1998.

Andorra ↑	Costa Rica ↓	Mexico ↓	Philippines ↓
Australia ↑	Denmark ↑	Moldova ↓	Poland ↓
Burkina Faso ↓	Ecuador ↓	Netherlands ↑	Romania ↓
Burundi ↓	El Salvador ↓	New Zealand ↑	Spain ↑
Canada ↑	Finland ↑	Norway ↑	Sri Lanka ↓
Colombia ↓	France ↑	Paraguay ↓	Sweden ↑
Cyprus ↑	Lithuania ↓	Peru ↓	Venezuela ↓

Source: <http://www.hcch.net>

Possible Solutions:

1. Reviewing of articles of The Convention on the Rights of Child.
2. Delegates should aim for a holistic approach in resolving the issue as their resolutions should tackle all aspects of intercountry adoption both from the sending side as well as the receiving end. In suggesting solutions delegates could discuss topics such as but not limited to:
 - a) Psychological effects on a child that goes through the difficult process of intercountry adoption
 - b) The further simplification of the adoption process in terms of the child's comfort

- c) The commercialisation of adoption which leads to pressure acted on children in order to make them more adoptable and therefore profitable
- d) The amendment of treaties already in place
- e) The implementation of organisations that overlook the adoption process specifically responsible to reinforce the rights of children
- f) Regular inspections of the institutions in which children are placed in before adoption
- g) The education of children in institutions before adoption informing them of their rights in matters such as but not limited to international adoption

Useful Links:

<https://www.unicef-irc.org/publications/pdf/digest4e.pdf>

https://www.6seconds.org/2016/11/11/childrens-rights-simplified/?gclid=EAlaIQobChMI_7Di7cHK3gIVxYTVCh2gCgdGEAA_YASAAEgJGBPD_BwE

http://www.un.org/esa/population/publications/adoption2010/child_adoption.pdf

https://www.unicef.org/esaro/5440_inter_country_adoption.html

Topic 2: The Question of Criminal Accountability and Immunity of UN Peacekeepers

Introduction

The UN Peacekeepers belong to one of four departments put forward by the UN as a way to help countries torn by conflict in creating the conditions for lasting peace. They are sent out to conflict zones with the sole purpose of maintaining peace in the region. So why do we so often hear about sexualised violence and abuses against the very people they are sent to protect?

The Peacekeepers monitor and observe peace processes in post-conflict areas and assist ex-combatants in implementing the peace agreements they may have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. However especially in recent years another term is becoming closely related to their name, impunity. The issue of their impunity and immunity is brought up time and time again, with little to nothing affecting the rates and numbers of sexual exploitation and abuse (SEA) cases estimated every year.

The UN Security Council has made attempts in the past to inhibit the continuation of such atrocities in its peacekeeping missions, however there hasn't been a significant enough decline in these events to call any of them a success. The events are primarily, if not entirely, initiated by male soldiers, however there have been recorded cases of victims both male and female, and in the cases of males, these are almost always younger children. The very help sent out to protect these people turn against them, traumatising hundreds and thousands of children and women in the process.

The negative effects aren't limited to merely psychological trauma however, as in one case there was a cholera outbreak directly attributable to UN peacekeeping troops from Nepal, a country which was the third largest contributor of forces to the UN Stabilization Mission in Haiti (MINUSTAH). Within the first 30 days of the forces having intervened, they had cause almost 2000 deaths from the disease.

Definitions of Key Terms:

Impunity and immunity can and have been used interchangeably in the past, however it is important to note the difference which exists, despite how small it may be.

- Impunity: It's the ability to act without negative consequences. In the case of the UN peacekeepers it's their ability to take advantage of vulnerable population in areas they're sent to protect and receive no judgment on it.
- Immunity: Refers to (1) the ability to resist a disease, (2) exemption from obligation imposed by others, (3) legally granted freedom from prosecution, and (4) unresponsiveness to influence. In the case of our topic, it refers to the second and third definitions.

General Overview:

UN peacekeepers are and have been, since the UN's inception, responsible for maintaining the peace in areas of conflict. Since its creation there has been a debate about the charges they face, or rather don't face when they are seen to abuse their power. Certain events in the past have been noted above to show just how bad the situation has become in the last years, where their immunity has actually cost people's lives. Attempts have been made by individuals and governments to prosecute them when they know that the blue helmets are guilty, but not much happens.

The effects of the blue helmet's actions have gotten so out of hand in the past decade, that agencies, and at a more worrying note, people have begun to question whether the forces do more harm than good. Should the effectiveness of one of the four main units of the UN begin to be questioned, soon to follow the effectiveness of the entire UN might begin to be questioned, more and more frequently.

Despite 3 distinct resolutions having passed with one of, if not the main reason, being to end the abuse of women and children in areas of conflict and to deal with the immunity of the UN peacekeeping forces, little to no change has been reported. Which is why the GA 4, the Legal Committee, has taken up the topic, so that we can effectively and efficiently tackle the problem, and as a result end the harmful comments towards the effectiveness of the UN, while actually improving it.

Major Parties Involved:

- **United Nations Security Council:**

The United Nations Security Council is one of the six principal organs of the United Nations, and it's the one charged with the maintenance of international peace and security, thus the deciding authority on when and where peacekeeping troops are to be sent.

- **International Court of Justice:**

The International Court of Justice is the principal judicial organ of the United Nations. It settles legal disputes between member states and gives advisory opinions to authorized UN organs and specialized agencies. In cases where the UN peacekeeping forces have acted immorally, they have yet to be judged by the it.

In the past examples outlined above, these two organisations were also involved in sending troops to the conflicting regions.

- **Ugandan People's Defence Force:**

Having been deployed to the Central African Republic to capture the remnants of a violent extremist group known for terrorizing communities and for their horrific abduction, rape, and abuse of boys and girls in Northern Uganda—UPDF soldiers instead were themselves implicated in raping and sexually exploiting young girls.

- **MINUSTAH:**

The United Nations Stabilization Mission In Haiti was a United Nations peacekeeping mission that was in operation from 2004 to 2017. On 21 October 2010, cholera broke out in the Artibonite region of Haiti. Within the first 30 days, Haitian authorities recorded almost 2,000 deaths from the disease directly attributable to UN peacekeeping troops from Nepal, a country that is the third largest contributor of forces to the UN Stabilization Mission in Haiti

Previous Attempts to Resolve the Issue:

Resolution 1325 (2000)

<https://goo.gl/G55ffx>

It aimed to protect women and girls – during conflict and afterwards, to recognize women’s rights and identify gender-specific crimes in order to protect women and girls from rape and other forms of sexual exploitation. The UN also aimed to end impunity for these crimes.

The resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security

Resolution 2242 (2015)

<https://goo.gl/L8bKUA>

Unanimously passed in 2015 with the end goal of doubling the number of women in their peacekeeping forces. While this was the main reason put forward by the UN, a parallel goal the UN had hoped to achieve by this, would be a decline in the cases of sexual assault and exploitation of vulnerable populations where the peacekeeping forces are sent.

To address continued charges of sexual exploitation and abuse by United Nations peacekeepers, the United Nations Security Council urged police contributing countries to provide "robust" pre-deployment training, conduct "swift and thorough" investigations of uniformed personnel, and if appropriate, to prosecute.

Resolution 2272 (2016)

<http://www.refworld.org/docid/56e915484.html>

Hailed by the Secretary General as the most significant step in moving towards the abolition of sexual exploitation and abuse by UN peacekeepers, the resolution [does some things I'll mention]

It is only by working with Member States, especially troop-contributing countries, that we will be able to ensure accountability and justice for the victims. The Secretary-General reiterates his call for to Member States to work closely with the United Nations to effectively implement the measures he has put forward.

Possible Solutions:

- Offering a direct line of communication to the vulnerable groups affected to be able report the issues as they occur, for potential punishment to be able to take action as soon as possible.
- Better screenings of the military applicants so as to ensure as that each member of the personnel would not engage uncouthly

- A way to be able to survey the troops while on duty, to ensure that they're following standard procedure, however some way to ensure no corruption might also be required
- Inform the vulnerable groups of the past activities and potential danger of the troops as of immediately, until the issue is permanently resolved

Sources:

UN Immunity or Impunity? A Human Rights Based Challenge

<https://goo.gl/KzkqD7>

Child sexual abuse by UN peacekeepers

<https://goo.gl/76oFB4>

Topic 3: The Question of Cross-border River Pollution

Introduction:

1. Cross border river pollution affects many nations across the globe. While it sometimes can go unnoticed it can cause damaging effects to healthcare and the surrounding environment. Combating the issue maybe a hard and costly task bust some early measures have been taken.
2. The United States and Canada have one of the world's oldest and most effective environmental partnerships. The two federal governments have implemented over 40 international agreements for the management and protection of environmental quality and ecosystems in the border area and there are over 100 additional such agreements between U.S. states and Canadian provinces.
3. The EPA in the USA has taken multiple measures to reduce cross border river pollution and it has seen a slight improvement in the situation especially on the Mexico-USA border.

Definition of Key Terms:

Cross-border pollution: the pollution that originates in one country but can cause damage in another country's environment, by crossing borders through pathways like water or air.

General Overview:

Cross-border pollution is the pollution that originates in one country but can cause damage in another country's environment, by crossing borders through pathways like water or air. In recent years, policy makers and activists have been voicing strong concerns against the widespread environmental degradation due to the intensification of economic activity. So, the issue of cross-border pollution has been the subject of discussion and it is widely acknowledged that international action is necessary and key to

deal with the problem.

In China, pollution has threatened the environment and public health in nearby nations. Schools in southern Japan and South Korea have had to suspend classes and restrict various activities because of toxic chemical smog from China's many factories. In late 2005, an explosion at a chemical plant in North East China spilled benzene into the Songhua River, contaminating the drinking water of Russian cities downstream from the spill. In 2007, the environmental ministers of China, Japan, and South Korea agreed to look at the problem together. The goal is for Asian nations to develop a treaty on cross-border air pollution similar to agreements among nations in Europe and North America, but progress is slow and the inevitable political finger-pointing slows it even more.

Water has been transferred across the Mexico-USA border as well. The New River, which begins in Mexico at Rio Nuevo, receives agricultural runoff and industrial wastewater from the 1,000,000 plus residents of the metropolitan area of Mexicali, where a water treatment plant now operates. The New River then crosses the border northwards into California and flows into its largest lake, the Salton Sea. The California-Mexico Border Relations Council's technical advisory committee recently announced a strategic plan to start cleaning up the polluted waters of the New River. It also includes the creation of water-filtering wetlands in parts of the Imperial Valley, one of the USA's most important agricultural areas.

Major Parties Involved:

UNECE:

Since the adoption of the Water Convention, UNECE member States have made particular efforts to strengthen their capacity to monitor and assess transboundary waters. These activities have culminated in a number of guidelines and policy documents to show how monitoring and assessment systems can be set up under the Convention, respecting the limited availability of human and financial resources in some countries. Two important concepts have been identified: monitoring and assessment should be tailored to the specificities of the river basin, and a phased approach should be used when setting up these systems.

Previous Attempts to Resolve the Issue:

CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES done at Helsinki, on 17 March 1992

<https://www.unece.org/fileadmin/DAM/env/water/pdf/watercon.pdf>

UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)

The 1992 Water Convention's main goal is to prevent, control and reduce any transboundary impacts, which include significant adverse impacts on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures. The Convention is one of the most essential legal instruments for the monitoring and assessment of transboundary waters in the UNECE region. Several bilateral and multilateral agreements on transboundary waters⁶ among UNECE countries support action required by the Water Convention.

Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (Civil Liability Protocol)

The Civil Liability Protocol is a joint Protocol to the Water Convention and the Convention on the Transboundary Effects of Industrial Accidents. It contains provisions on measures to reinstate or restore damaged or destroyed components of transboundary waters

Possible Solutions:

Delegates should approach the issue from legal, short term and long term aspects and introduce solutions such as but not limited to:

- assessing the number of protocols already in place and consider their amendments.
- Reinforcing regulations and introducing new ones for industries placed in already environmentally strained areas
- Inform people of the consequences of cross river pollutions

Sources:

<https://www.google.com.cy/search?q=cross+border+river+pollution+definition&oq=cross+border+river+pollution+definition&aqs=chrome..69i57.8052j1j7&sourceid=chrome&ie=UTF-8>

<https://www.unece.org/fileadmin/DAM/env/water/publications/documents/StrategiesM%26A.pdf>

<https://www.unece.org/fileadmin/DAM/env/water/pdf/watercon.pdf>

<https://www.unece.org/environmental-policy/conventions/envlrtapwelcome/the-air-convention-and-its-protocols/the-convention-and-its-achievements.html>