Hello Delegates!

First, I would like to welcome you to the Sixth General Assembly at the University of Georgia Model United Nations Conference. This year is shaping up to be one of the best UGA Model UN Conferences to date. I am extremely excited about the topics we have presented to this committee for debate this year. I truly believe that these topics will evoke dynamic substantive debate leading to the presentation of some great resolutions. I sincerely hope that we are able to debate all three topics which are: the Use of Private Military Companies in Global Conflict, Water Rights, and the Death Penalty and the Universal Declaration of Human Rights. All of these topics are pressing issues, and I am sure you will enjoy your research in preparation for our conference in February. I believe that this background guide should be able to properly guide you in your research but if it fails to do so, please contact me, or your Assistant Director Katherine Cherry.

My name is Patrick Leonard and I will be serving as the Director of the Legal Committee at UGAMUNC. I am a junior at the University of Georgia from Roswell, Georgia, where I attended Roswell High School. Last spring, I was accepted into the Terry College of Business where I am now majoring in risk management and insurance and plan to add a degree in management of information systems. While this is only my second year on the Model UN Team at UGA, this is my seventh year being involved with Model UN at some level. In addition to Model UN, I am very involved with Greek Life at UGA. In April, I will have been president of my fraternity for two years. I also represent the Interfraternity Council with the Greek Ambassadors Program out of the Greek Life Office.

I am honored to have Katherine Cherry as my Assistant Director for this year’s conference. Katherine is a junior as well, from Chattanooga, Tennessee double majoring in International Affairs and English. This is her second year on the Model UN Team here at UGA and also her second time assisting with chairing one of the committees. Among her other activities at the University are the Roosevelt Institute, a student run think tank, and the UGA Fly Fishing Club. Katherine also enjoys running, the great outdoors, and pretending to be a trendsetter in the Athens underground music scene.

Again, please feel free to contact either one of us via email with any questions about the background guides or the topics themselves. Can’t wait to see you in February!

Sincerely,

Patrick Leonard
Director, GA-6
General Assembly, Sixth Committee Background

- The Sixth Committee of the United Nations is responsible for all legal issues presented to the United Nations General Assembly.

- The Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly.

- All of the U.N. Member States are entitled to representation on the Sixth Committee as one of the main committees of the General Assembly.

- The Sixth Committee works on defining legal terms such as terrorism and terrorist act.

- Recently, the Committee has worked with laws on international and national levels on subjects ranging from environmental problems to humanitarian problems.

- The Committee works with maritime laws and international tribunals.

- The Committee is responsible for reviewing treaties and making sure they abide by current laws.

- Importantly, the committee does not act as a judicial court and is only meant to assist the General Assembly on legal matters or to advise on terminology.

- The Committee can also make suggestions to the International Criminal Court or the International Court of Justice.
Topic I: Transnational Water Rights

Introduction
One of the most pressing subjects that our world will face in the coming years will be water. Who has the rights to water? What regulations will be implemented to ensure proper use of the water? How will disputes regarding ownership of water rights be addressed on a global level? All of those questions, and certainly many more, will be facing the world’s leaders in the near future. So many of us take for granted the water that we get out of our faucets countless times a day. Far too often there is no thought given to where that water came from and the processes it went through to make it to you or the millions of people in the world who don’t have readily accessible water.

Background
A water resource is considered “a source of water that is useful or potentially useful to humans.” The primary uses of water include: agricultural, household, recreational, industrial, and environmental, nearly all of which require the source to be freshwater. While our earth is two-thirds water, 97% of that water is salt water (the oceans), leaving only 3% as freshwater.1 Moreover, nearly 70% of the freshwater on Earth is frozen over in the glaciers and polar ice caps. Much of the unfrozen freshwater is found as groundwater, with menial amounts located above ground or in the air.2

Surface water is that which is in a lake, river, or wetland. This source of water is naturally replenished by precipitation from the clouds in a stage from the water cycle, and it is naturally depleted by discharge, seepage, and another water cycle stage—evaporation. There are other factors in addition to the amount of precipitation that affect the amount of freshwater available at any given time which include: storage capacity in lakes and other reservoirs, permeability of the soil below such bodies, runoff tendencies, when the precipitation occurs, and evaporation rates in the localities around the water body. Though sometimes uncontrollable, human activities sometimes have sizeable and devastating effects on the degrees to which these factors impact water accessibility. From recent estimates Brazil, Russia, and Canada respectively have the largest freshwater supplies on the globe. The most common source of freshwater for many users, though, is not surface water; it is groundwater. Groundwater, or sub-surface water, is freshwater located beneath the surface in soil and rocks or in aquifers (water reservoirs beneath the water table). In many qualities, groundwater is very similar to surface water. However, given its location, the quantities of groundwater reserves are often much larger than those of surface water.

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water. Instead of being replenished through precipitation from the atmosphere, groundwater is naturally accumulated through seepage from surface water bodies. Sub-surface water is depleted through springs on the surface and seepage through the earth to the oceans.

A final source of freshwater, though artificially produced, is desalination. Desalination is a process through which excess salt and minerals are removed from water.³ This process is conducted so that water will become suitable for human consumption or use in irrigation. Sometimes this process is used on ships and submarines, though the primary interest in desalination is on developing ways that salt water can effectively be transformed for use in regions where the human population has limited, if any, access to consumable freshwater.

**Current Situation**

Current issues center primarily on water stress. According to the World Business Council for Sustainable Development, water stress is any situation where there is not enough water for all uses (agricultural, industrial, domestic).⁴ While it is convenient to have such a definition in place, it is still difficult to define a threshold level for when water availability will affect populations. There are, however, some generally accepted per capita statistics that help evaluate at what levels water must be available to continually foster not only efficient development but also human life and safety. When the annual per capita level of renewable freshwater is less than 1,700 cubic meters, water stress is noticeable. In more extreme situations, where the per capita level of renewable freshwater is less than 1,000 cubic meters, the scarcity of freshwater can be shown to diminish economic development and threaten human health and well-being.⁵

During the twentieth century, the world’s population tripled to reach 6.2 billion people in 2000. With the increase in population came an increase in the use of renewable water resources. However, at a different rate, water use increased six-fold over the same time. By the year 2050, estimates indicate that the world’s population will increase by an additional 3.5 billion people. This projected population growth, coupled with likely developments in industry and agriculture, will further increase stress on the world’s water supply. Increased water use by humans must not adversely affect water availability for industrial and agricultural development or the development of marine ecosystems.

Through conservation, water use may be exponentially reduced across the board. In many nations water is constantly wasted, either directly or resulting from minor oversight. Measures

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⁴ World Business Council for Sustainable Development http://www.wbcsd.org/

must be taken to stop this waste before extreme water scarcity becomes an international problem. As water resources become increasingly scarce, there will certainly be intensifying tensions surrounding water use and ownership. A recent geological survey shows that over 250 major river basins are shared by two or more nations, meaning that any action taken on one part of the river could very well affect the water supply of another country. If there are not strong, mutual agreements in place, such an act could create a transnational conflict. Given situations where transboundary conflicts are brought to the forefront, regional cultural and economic development can be preserved through open communication and debate over water distribution.

Until recently, little debate has occurred regarding a viable plan for ensuring that crises of water stress are mitigated or contained. Plans must be in place to guide nations of all types on alleviating nation-specific water issues and resolving international conflicts that may surface as a result of water use. Also, few guidelines exist to appropriate property rights over water. Often times, property rights may not include water rights even though a water source passes through a country’s land. What can be said for the rights of countries that have a small portion passing through their boundaries of what is a resource of dire necessity for another nation? Could Egypt dam the Nile River and begin charging Sudan for water that flows across the border? Because of such hypothetical situations, the GA-6 must take a legal approach on this issue. There must be some legal basis for reacting to such acts. In a perfect world, a system of water regulations would exist to guide the water use of all member-states on an individual and regional basis.

**Conclusion**

Water rights are a crucial international issue, especially considering that water is regarded on a higher level of necessity than oil or any other fossil fuel. Water is essential to life at all levels of complexity: plants, humans, and animals all need water to survive in the most basic sense. With the fresh water supply expected to diminish during the next generation’s lifetime, something must be done to either create a satisfactory system of water management (purification of salt water, regulations of use, etc) or develop an acceptable substitute for water (the first suggestion may be a bit more attainable, at least given the current scientific stance on this matter).

International agreements must be used to bring world leaders together to manage this issue. The far-reaching implications of potential water source loss or depletion must be considered for the future survival of the human race. Taking this into consideration, delegates at UGAMUNC 2010 must remain steadfast in their path to develop a resolution on this matter using a legal approach. GA-6 is neither the UN Environmental Program nor the Social and Humanitarian Committee. While delegates would be remiss not to keep in mind the conditions people of the world live in and their life needs, they must stay within the bounds of the Legal Committee’s jurisdiction. It is the Committee’s goal to form a vision for an acceptable method of regulating member-states’ use of water supplies and resolving disputes when a nation does not have an acceptable water source available to its population.
Questions to Consider
As you prepare for UGAMUNC and this topic in particular, you would be well served to analyze the following questions:

1. With the impending fresh water crisis, should the global community adopt a set of regulations regarding water property rights and use?
   a. What body would be charged with being the regulator of this system?
   b. How would exceptions be dealt with? Would it even be possible to create a set of standards that would apply to the world as a whole?

2. What can be expected from more developed countries in regards to assisting those countries that are less developed in perfecting their water systems for safety and accessibility? Is this even the responsibility of another country?

3. How should the UN be involved, if at all, in regulating water rights worldwide in countries of varying levels of health, development, and economic situations?
Topic II: The Use of Private Military Companies in Conflicts

Introduction
Over recent years, many accounts have surfaced of countries’ using private military companies alongside their own military forces during international conflicts. Many times though, the public is aware of very little, if any, of the actions and levels of involvement these private corporations have in the strategy and implementation of a nation’s military engagements. What level of accountability should these private businesses have to the government and people of the country which employ them? What regulations should be placed on their actions? Should tax dollars be spent on a private company rather than the permanent military? And finally, although it’s a controversial topic, what is the point of hiring a private military company, if there even is one, when a draft is a more viable and acceptable option? These are some of the questions which must be considered as you read this background guide and as you begin to research for the conference.

Background
A private military company (PMC) is a firm that “provides specialized expertise or services of a military nature, sometimes classified as mercenary.”6 Other names for firms of this nature include: private military contractors, private security contractors, private military corporations, and others which make up what is collectively known as the private military industry. While many of the services that these firms offer are similar to those of military and police forces, they occur most often on a smaller scale.

There are two primary ways to implement such private contractors. The first and most common of these is to provide services such as training or supplementing official armed forces of a country’s defense department. For example, PMC’s have been used to provide bodyguards for a foreign dignitary and to pilot gunships to destroy coca crops in Colombia.7 The second use involves private firms employing the mercenaries in a role more closely related to security than global conflict. Soldiers can be licensed by the State Department or contract with foreign governments to train soldiers and reorganize militaries, as they do in Nigeria, Bulgaria, Taiwan, and Equatorial Guinea. Some recent economic studies show that the PMC industry is currently valued at over $100 billion each year.8

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Sometimes, private military companies are considered part of a group categorized as defense contractors. However, “defense contractors” primarily supply specialized hardware and maybe personnel with necessary experience in operational and tactical skills, generally developed through combat experience. The Third Geneva Convention (GCIII), ratified in 1949, does not identify a difference between “defense contractors” and private military companies. Instead, it discusses a category called supply contractors. Under the provisions of the Third Geneva Convention, these individuals can be issued government identification cards (by the government they are associated with) that entitle them to prisoner of war status upon capture by enemy forces. However, if an individual were to engage in any form of combat, their captors can classify them as mercenaries unless the contractor meets one of the exceptions in the 1997 “Protocol I Additional to the Geneva Convention Article 47.”9 If none of the exceptions are met and the prisoner is found to be a mercenary, they are then classified as unlawful combatants and lose the right to any prisoner of war status. Protocol I was not ratified by the U.S. because, among other reasons, the country does not require that “freedom fighters” obey all provisions of the convention to be granted the protections it offers.

**Current Situation**

One of the most pressing situations currently involving private military companies is that of the conflict in Iraq. According to the most recent estimates, over 100,000 actively employed contractors are connected directly to the United States Department of Defense. This number of 100,000 is more than a ten-fold increase in use of contractors of this sort since the Persian Gulf War.10 This increased use of private contractors led to the establishment an organization known as the Private Security Company Association of Iraq, a group that has a great deal of influence on regulations and decisions pertaining to PMC’s.

For many countries, there is a common theme among the concerns surrounding uses of PMC’s—that of accountability. Who must be charged with the responsibility to ensure that PMC’s follow the regulations of international organizations. When a PMC is brought into a situation, they are there to get a job done. After all, they are simply hired guns. Many of them have little responsibility for whatever damage they might inflict in the areas they are deployed because they lie outside the bounds of international law. For example, some have argued that PMC’s threaten established foreign policy goals because these forces may be employed in a situation where use of a state’s military forces has been denied by a global body such as the United Nations.11

Many of the negative stereotypes about PMC’s result from the carelessness and disregard many firms showed for human rights in the 1960’s in Northern Africa. When PMC’s are used, it

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9 “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977”. International Committee of the Red Cross.
seems that only a temporary solution was reached to whatever conflict they were brought in to resolve. As stated previously, they are there to get a job done, and when it is done they leave. This leaves many areas less stable than they were prior to intervention.

**Conclusion**

Much of the controversy surrounding the use of PMC’s and mercenaries is a result of the position the United Nations has taken on the legitimacy of their use. In 1989 the “United Nation’s Mercenary Committee defined the term to include any person not a member of a nation’s armed forces specially recruited to fight in an armed contract.”12 One issue with this definition is that it creates the burden of proving the existence of a profit motive, which is unable to be proven in a court of law. Though, regardless of definitional issues, international law still forbids the use of mercenaries or any other “irregular bands” unassociated to a national army acting in other states.13 Thus, the goal of your research should be to determine if the Sixth Committee of the United Nations has the ability to regulate the use of PMC’s and mercenaries in international conflict. Additionally, if it is determined that GA-6 is able to become involved in this subject, what are the steps your respective member states would like to take in this direction.

**Questions to Consider**

As you prepare for UGAMUNC and this topic in particular, you would be well served to analyze the following questions:

1. What uses has your member state had for PMCs in the past?
2. What are the current global conflicts happening in which PMCs are employed?
3. Should stricter regulations be put into place regarding the use of mercenaries in international conflict and who should be charged with responsibility for making sure these regulations are followed?
4. What would the UN actually do in the case of a violation of the above mentioned regulations?

**Suggested Additional Reading**


Shadow Company: an award winning documentary on PMCs with footage of Blackwater, 2007 (http://www.shadowcompany.com)

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Topic III: The Death Penalty, Consular Law, Human Rights, and Sovereignty

Introduction
In 1963 the United Nations ratified the Vienna Convention on Consular Relations. The Vienna Convention laid the groundwork for international consular law. With the rise of globalization and the inevitable persistence of crime, the topic of consular law in death penalty cases has become an important issue. This body will be faced with the challenge of sorting out the entanglement and clarifying the roles of human rights, consular rights, and sovereignty rights in such cases to lay the precedent for cases that will inevitably occur in the future.

Background
The history of the consular function is largely associated with the development of international trade and the economic interest of states. However, to cite Thomas Friedman, as the world "flattened" and as the movement of people across borders throughout the globe rapidly increased, it became apparent that a general outline of the function and scope of consular relations was necessary.

The United Nations officially convened an International Law caucus entitled the Vienna Convention to discuss the United Nations\’ official stance and protocol for issues of consular law. In summation, the Vienna Convention consists of 79 articles, most of which provide for the operation of consulates, outline the functions of consular agents, and address the privileges and immunities granted to consular officials when posted to a foreign country. A few other articles specify consular officials\’ duties when citizens of their country face difficulties in a foreign nation. Of particular interest for the right of individuals is Article 36, which provides for certain obligations for competent authorities in the case of an arrest or detention of a foreign national. This article is intended to guarantee the inalienable right to counsel and due process through consular notification and effective access to consular protection.14

In recent years, the issue of consular law has become a key factor in death penalty cases. One prominent example of this is Mexico v. United States of America. On January 9, 2003, Mexico initiated a case in the International Court of Justice (the 'World Court') against the United States, alleging violations of Articles 5 and 36 under the Vienna Convention on Consular Relations of April 24, 1963. The case concerned Mexican nationals who were convicted and sentenced to death in U.S. state courts in California, Texas, Illinois, Arizona, Arkansas, Florida, Nevada, Ohio, Oklahoma, and Oregon. More specifically, Mexico contended that its citizens who were charged and convicted of crimes in the U.S. were not told that they had the right to consular assistance and access under the Vienna Convention.15

Current Situation

While this issue may seem to be a strictly consular matter, it spans across into two other issues key to the United Nations: human rights and sovereignty. The member-states of the United Nations now face the predicament of deciding which of the United Nation’s statutes holds the highest priority in death penalty cases such as the Mexico-U.S. case: national sovereignty, human rights, or consular law?

To begin, one of the overarching themes of the United Nations is that it is a body of independent, sovereign nations working together to create a better world. Resolution 50/172 addresses the importance and necessity for the United Nations to respect the principles of national sovereignty and non-interference in the internal affairs of states, allowing them to freely pursue their political, cultural, economic, and social development.\(^{16}\)

One of the ways that the coalition of sovereign nations that is the United Nations has decided to better the world is through creating and ratifying the groundbreaking Universal Declaration of Human Rights. The Declaration proclaims the right of every individual to protection from deprivation of life. It states that no one shall be subjected to cruel or degrading punishment. Many member-states hold that the death penalty violates both of these fundamental rights. Furthermore, the United Nations General Assembly has passed several resolutions that call for either a moratorium of the death penalty or the outright abolition of the death penalty as a violation of the Universal Declaration of Human Rights, including but not limited to Resolution 44/128,\(^{17}\) Human Rights Resolution 2005/59,\(^{18}\) and Resolution 62/149.\(^{19}\)

These two distinct yet often interrelated issues then become tied to issues of consular law concerning the death penalty. To begin, it is a sovereign right to allow member-nations to allow the death penalty within their borders. However, there are several resolutions that not only discourage this but also call for the outright abolition of the death penalty. So, in any case involving the death penalty, there is an innate clash between these two key forces within the U.N.

This clash is exacerbated when combined with the related sovereignty issue inherent in consular law. However, when the consular law issue becomes a player in a death penalty case, these three usually independent camps (human rights, sovereignty, and consular law) become highly interrelated, tangled, and convoluted. As globalization continues, human travel across borders increases, and, inevitably, crime continues, issues involving the death penalty and consular law are sure to become increasingly important in the coming years. Therefore, it is paramount that a more full-bodied and solid resolution be drafted that addresses the many facets of this issue.

It is up to this body to define the role of each of these three factors—human rights, sovereignty, and consular rights—in death penalty cases involving consular law.

**Conclusion**

While *Mexico v. United States of America* is the first such major International Court of Justice case involving consular law and the death penalty, the result of that case was largely inconclusive and ambiguous, stating that both parties were both violated and violators. The 2004 ICJ decision leaves much to be decided on the issue both within and outside of consular law and leaves much room for improvement in addressing the related issues of human rights and sovereignty.

**Questions to Consider**

As you prepare for UGAMUNC and this topic in particular, you would be well served to analyze the following questions:

1. How are sovereignty and consular law interrelated?
2. How are sovereignty and the death penalty interrelated?
3. What should be the protocol for death penalty cases involving consular law?
4. Should the death penalty even be an option? Why or why not?
5. In a death penalty case involving consular law, which takes precedent: consular rights, human rights, or sovereignty rights?

**Suggested Additional Reading**

The Vienna Convention on Consular Relations, 1963

The Universal Declaration of Human Rights

The Stanford Encyclopedia of Philosophy: Sovereignty

*Mexico v. United States of America*