UNITAR
Global Diplomacy Initiative
ESSAYS

Fall 2019

UNITAR Global Diplomacy Initiative Fall 2019: Final Essays

By UNITAR GDI Students

Contents

1 Introduction

The UNITAR Global Diplomacy Initiative Fall Class of 2019 gained an understanding of current global issues, and of the shaping of things to come - on the scene, as they happened. Students engaged with six diverse and highly experienced instructors and material covering a range of global issues from Globalization and Multilateral Diplomacy, Climate Change, Conflict Resolution, UN Security Council Reform and more. As part of their practical training requirement, Students were also able to observation 15-20 hours (minimum) of UNITAR Core Diplomatic Training programs including the 74th General Assembly, Workings of the Fifth Committee and Behavioral Insights on Sports and the Prevention of Violent Extremism. Students were also highly encouraged to attend open UN General Assembly sessions and other UN forums. Finally, students produced research papers on relevant topics with the consultation of course instructors.

2 Biographies of Instructors

Dr. Massimo Tommasoli

Massimo Tommasoli is a policy specialist with extensive experience in democracy building, democratic governance, social development, evaluation and aid effectiveness. His main fields of expertise include: UN and democracy assistance; participatory development; social analysis in aid agencies; management training; conflict prevention and peacebuilding; gender equality. He is responsible for developing, enhancing and strengthening strategic partnerships, policy advocacy and outreach of International IDEA at the UN General Assembly and in other multilateral policy fora. He has been International IDEA's Director of Operation in Stockholm. He previously worked as Head of the Good Governance and Conflict Prevention Unit in the Development Cooperation Directorate at the OECD in Paris. He held positions at the Directorate General for Development Cooperation of the Italian Ministry of Foreign Affairs in Rome, and at UNESCO in Addis Ababa. Visiting scholar at the LUISS University in Rome, he lectured at the Colin Powell School for Civic and Global Leadership at the City College of New York, the UN System Staff College in Turin, and various Italian Universities (Bergamo, Chieti, Milan, Pisa). He has field experience in sub-Saharan Africa (Ethiopia, Somalia, Tanzania), Latin America (Colombia) and the Russian Federation. Author of seven books and several essays and articles on participatory development, aid evaluation and conflict and resettlement policies.

H.E. Mr. Yuriy Sergeyev

Ambassador Yuriy Sergeyev is a former Ukrainian diplomat and politician, having served as the Permanent Representative of Ukraine to the United Nations from 2007 to 2016 and Bahamas (2008-2015); as Ukrainian Ambassador to France and UNESCO "2003-2007"; to Greece, and Albania (1997-2000). He held various posts in the Ukrainian Ministry of Foreign Affairs - Director of Information Department (1992-1994); Chef de Cabinet (1994-1996); First Deputy Minister (2001); State Secretary (2001-2003). Before joining diplomatic service of Ukraine in 1992, Yuriy Sergeyev for 12 years worked in the academic sphere as assistant professor, associate professor, professor at Kiev State University (Ukraine); at UNESCO guided Politechnical Institute in the Republic of Mali (1983-1986); and at the Scientific board of the Institute of Eastern Studies "Paris-Sorbonne IV" (France). He has a PhD degree from the Institute of Linguistics of Ukrainian Academy of Science (1987). Yuriy Sergeyev holds a rank of Ambassador of Ukraine (2000). He is a Grand Officer of the State Order of Ukraine "For Merit" (2006). Ambassador Sergeyev is a Senior Fellow and Lecturer at the MacMillan Center for International and Area Studies, European Studies Council, Yale University.
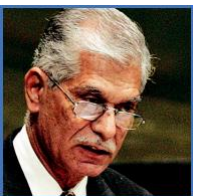
H.E. Mr. Narinder Kakar

The Former Permanent Observer of the International Union for Conservation of Nature (IUCN). IUCN, the world's oldest and largest environmental network, dedicated to the cause of natural resources conservation. Mr. Kakar also serves as Co-Director of UN Environmental Diplomacy Programme and Adjunct Professor at Pace University School of Law. The IUCN and UPEACE have observer status in the General Assembly. Mr. Kakar has had extensive experience working for the United Nations. Prior to joining IUCN and UPEACE, he served the UN Development Programme (UNDP) for over 30 years with progressively increasing responsibilities, culminating in the position of UN Resident Coordinator/UNDP Resident Representative. During his long career with UNDP, his responsibilities included development and management of programs in human development and the broader aspect of sustainable development. He continues to participate actively in the discussions related to the 2030 Agenda. Mr. Kakar secured his bachelor-level diploma after studying at Delhi Polytechnic and subsequently did his Diploma in Journalism from the Institute of Journalism in Delhi. He secured his master's degree from the Haceteppe University in Turkey. Subsequently, he was a Research Associate at Harvard University.

Dr. David O'Connor

David O'Connor works to assess needs of both developed and developing countries on the SDG Delivery Team as they prepare to implement the 2030 Agenda for Sustainable Development. He provides conceptual guidance to a set of country and cross-cutting case studies of early SDG implementation efforts in developed countries. David also serves as the Permanent Observer of IUCN to the UN. Before joining WRI, he led the Policy and Analysis Branch of the UN Division for Sustainable Development and headed the team which supported the negotiation of the Agenda and guided the development of the SDGs. He also guided the preparations of the first two editions of the Global Sustainable Development Report. Prior to joining the UN, David worked for the OECD Development Centre in Paris, doing studies on the co-benefits of climate policy in China, India and other developing countries. He also authored an OECD study on Managing the Environment with Rapid Industrialization: Lessons from the East Asian Experience, as well as numerous shorter studies on financing sustainable development, policy and entrepreneurial responses to the Montreal Protocol, and economic instruments for environmental policy in Asia. David received his bachelor's degree (Summa) from Yale, his Master of Science degree from University of Wisconsin-Madison, and his Doctorate from University College London in environmental economics and policy.

Dr. Angel Angelov

A First Secretary at the Permanent Mission of Bulgaria, Dr. Angelov specialized in the work of the UN Security Council, with a particular focus on agenda items related to Europe and the Middle East. He was recently elected as a Bureau member of the Special Political and Decolonization Committee for the 72nd session of the UN General Assembly. Dr. Angelov has been a visiting professor at several universities in Europe and North America where he teaches courses on different aspects of the work of the UN. He holds various academic degrees in political science, international security and regional studies from the University of Geneva, the University of Bologna and the University of Athens. Dr. Angelov was awarded numerous research grants, contributed to over 100 international conferences and workshops on foreign policy and has published more than 40 academic and media articles and book chapters. He is a member of editorial boards of a peer-reviewed journal and contributes to different think tanks.

Ms. Jelena Pia-Comella

Ms. Jelena Pia-Comella has over 20 years of experience in international relations and a deep knowledge of the United Nations system. Starting her career in 1996 as a diplomat representing Andorra at the United Nations, the United States and Canada she was part of the team that created the foreign policy of her country. Ms. Pia-Comella participated in the Conferences and negotiations that set new standards in international human rights and international humanitarian law such as the Rome Statute and the Responsibility to Protect norm. Ms. Pia-Comella was appointed Deputy Permanent Representative of Andorra to the United Nations in 2002 and served as chargé d'affaires a.i./Chief of Mission to the United States and Canada from 2001 to 2007. Upon leaving the Andorran diplomatic service, Ms. Pia-Comella shifted her career to transfer her knowledge and skills to the service of activism. From January to June 2008, she was a consultant for the Centre for Women's Global Leadership and Women's Environment and Development Organization to coordinate the Gender Equality Architecture Reform Campaign (GEAR) which led to the creation of UN Women. Until July 2018, she was the Deputy Executive Director of the World Federalist Movement – Institute for Global Policy (WFM-IGP) setting the strategy and overseeing the work of the Organization including the secretariats of the International Coalition for the RtoP and the Coalition for the International Criminal Court. Currently Ms. Pia-Comella is consulting with Global Action Against Mass Atrocity Crimes (GAAMAC) as Senior Advisor to advise on a strategy to enhance GAAMAC's impact and outreach.

3 Biographies of Students

Justina Jere

My name is Justina N'thongase Jere currently working for the Zambia High Commission in Pretoria, South Africa. My educational background includes a diploma in psychology with the Blackfold Center for Counseling and Bachelor's in computer science with the Zambia Center for Accounting Studies although my main interest is in cyber security which am currently pursuing. I have a diploma in Diplomatic studies with the Zambia Institute of Diplomatic Studies and a certificate in Chinese language at Nanjing Normal University, China. I am fluent in fluent in Swahili which I self-taught while in Tanzania and am currently brushing up my language skills in Spanish during my free time. My ultimate goals include working in the United Nations and founding an organization that helps women and children that have been through SGBV especially in Zambia. My passion is helping school girls by supplying sanitation in my village to enable them to be in school.

Elizabeth Byaruhanga

Chartered Biologist (CBiol) with extensive experience managing sustainable development programs in fragile and marginalized situations. With a BSc in Biological Sciences from the University of Birmingham (UK) and a Masters in Environmental Politics from King's College London (UK), I enjoy long nature walks and wine tasting during my spare time.

Liubov Tereshchenk

I arrived in the United States as an immigrant from Russia. At first, my intention was to study the English language and to learn more about the American culture, all over a sudden, I fell in love with this country and knew that I would find a way to contribute to the safety and security of its people. For the first few years I didn't quite know how I could accomplish this or which path to follow. I began with the exploration of Business Management and Administration as my major in college - the degree I completed in 2012. Currently I am getting my Master's degree at John Jay College of Criminal Justice. My work as a legal assistant for five years has been an opportunity for me to have a peek into the world of law and justice. I have witnessed a variety of cases and was impressed with the work of the attorney in whose office I am employed. Complexities of a profession that involves law and its interpretation and enforcement do not scare me off but rather energize and motivate me especially when talking about the transnational borders crossings, drugs and human trafficking and slavery trafficking.

Mohammad Shahidullah

My name is Mohammad Shahidullah. I am currently working with Chittagong Stock Exchange Limited in Bangladesh as Manager, Research and Product Development. I have also working as coordinator of this Exchange to the UN Sustainable Stock Exchanges Initiative. I have 14 years' experience with this Exchange in different departments and roles. Besides this, I have been pursuing Online "Master's in International Affairs and Diplomacy" from the United Nations Institute for Training and Research (UNITAR) and Open University of Catalonia (UOC), Spain, which I hope to complete by March 2020. I have participated in the three months' training program "Global Diplomacy Initiative (GDI) Fall 2019", organized by UNITAR at United Nations Head Quarters in New York, USA. I have also earned "Post Graduate Diploma in International Relations" from the University of Dhaka in Bangladesh. Moreover, I have three years' teaching experience with a University in my city Chittagong, Bangladesh as Lecturer in Finance. Before this, I have completed my "Bachelor of Business Administration (BBA)" and "Master of Business Administration (MBA)" major in Finance from the University of Chittagong, Bangladesh. I have also participated in 10 weeks' training program "Advanced Certificate Course on Research Methodology" from the Institute of Education and Research, University of Dhaka, Bangladesh. I have keen interest on Sustainable Development.

Mounira Baraka

Mounira Baraka is 1999 graduated of Law University of Algiers ,with Bachelor Degrees in both Law and Administration studies, In 2000, she graduated from the Algerian Lawyer Bar ,She started acting Human Rights as a part of her job at the Refugee Camp in Tindouf (Western Sahara) and Bangladesh Dhaka with a local ONG , she moved to Canada in 2010 she works as Refugee Advisor in Toronto. Mounira is a Human Rights Defender and an Environmentalist concerned with and advocates the protection of the environment for her it's time to get at the root at the plastic waste crisis.

Silvie English

I am originally from Mexico City where I received a degree in Art and Design. Shortly after, I went to Florence, Italy, where I studied History of Art. Afterwards, I came to New York to study Fine Arts at The Art Students League of NY. When I became a single mother, I realized that I wanted to pursue a different career after witnessing injustice against immigrant women. Therefore, I went back to school where I earned my BA in Political Science. When I confirmed that my passion was fighting for justice, I continued my studies and realized that a master's degree in criminal justice was not enough. Therefore, I am currently working on my second master's degree: International Crime and Justice at my Alma Mater John Jay College of Criminal Justice. I believe in justice, I believe in human goodness, and I believe that arts bring out the best of our soul, and I strongly believe that crime can be prevented while having fun… through art.My name is Silvie English. I currently live in Brooklyn Heights, with my two Asperger boys who have though me that "disabilities" are a gift. They are my inspiration and the reason of my life.

Melanie Knieps

Melanie Knieps is a social scientist who works with other researchers to examine how Information and Communication Technologies (ICT) facilitate crime. Melanie believes that modern organized crime constitutes a global challenge that must be met with a global and multidisciplinary approach. She and her colleagues at John Jay College of Criminal Justice have recently received a renowned research grant from the U.S. National Institute of Justice (NIJ) to study dark web fentanyl networks. Given her substantial training and experience in collecting and analyzing qualitative and quantitative data, she will have the chance to apply and extend her understanding of methodologies seeking to study online behavior. Melanie holds a BSc, MSc, and PhD in Psychology and Law from Maastricht University (Netherlands) and the University of Gothenburg (Sweden) and is currently working on her MA in International Crime and Justice from John Jay College (U.S.). Given her knowledge of the criminal individual as well as of the structural factors that facilitate crime, she firmly believes that social scientists like her can contribute to reducing the emerging threats of ICT. She has subscribed to the mission of providing decision-makers with sound data to be able to create informed policies.

Luz Marroquin-Nuñez

I am Luz Marroquin-Nuñez and I graduated from John Jay College of Criminal Justice in Spring 2015 with a Bachelor of Arts in International Crime and Justice. I am pursuing a Master of Arts in International Crime and Justice to solidify and advance my academic and career interests in Environmental Crimes. I am also heavily interested in the domestic welfare of animals and the investigation processes of animal abuse cases. UNITAR has been an enriching academic and personal experience granting an immersive curriculum with distinguished lecturers and guest speakers. I have genuinely enjoyed my academic journey in the UNITAR program!

Leidy Carolina Castellanos

Leidy Carolina is a Lawyer from Colombia. She is currently a second-year graduate student majoring in International Crime and justice within the Masters of Arts Program at John Jay College of Criminal Justice. The injustices that she has witnessed in her country informed her decision to study Law, with the hope of one day bringing systemic change to the legal system of her beloved country. Participating in the UNITAR Initiative has helped her see through new lenses to analyze human rights issues in a fresh way, highlighting the awareness and the necessity to accomplish the UN's Sustainable Development Goals in the achievement of the Agenda 2030. Her experiences have enhanced familiarity with the values and drawbacks of different approaches that have been used to address various issues around the world and this will in turn contribute nationally, to her career goals of tackling injustices in her own country, and more broadly, the fulfilment of the Sustainable Development Goals in future.

Marcin Cecot

Marcin Cecot works as Regulatory Affairs Specialist in financial services sector in New York. He has over 12 years of work experience in six countries in financial services and administration in private and public sector, including at the European Commission in Brussels. He holds a Master's degree in European Studies from the University of Vienna, and a Master's degree in Banking and Insurance Economics. He currently does post-graduate World Studies at the Open University of Catalonia. He's interested in international relations, European affairs, multilateralism, and international organizations, especially their role in fighting climate change.

Yoonsuk Chang

I served in the South Korean military for two years in intelligence and protected people from smuggling. After military service, I had found the security field interesting and decided to study Police Science for my undergraduate degree and study further in New York. I came to New York in 2018 and just finished the UNITAR program, which was amazing.

Iliesa Deku

Iliesa has primarily been in Relationship Management most of his career. He thrives on client interactions asking penetrating questions to contrive bespoke solutions optimal to all. His dual passion in geopolitics and international economics and the dynamics within its inherent nexus made the Global Diplomacy Initiative a perfect fit for him as a platform to further his interests in the United Nations. Iliesa holds a BA in Economics and Government from the University of Sydney and a Masters Degree in Economics from Macquarie University.

4 Essays

4.1 Essay

Women, Peace and Security

By Justina Jere

Advisor: Ms. Jelena Pia-Comella

Implementation of women leadership in Women, Peace and Security and empowering and fighting gender perspective on cultural, social and political barriers that unable women from participating in peace and security

United Nations Security Council Resolution **1325 (2000)** and the nine other resolutions **(UNSCR,1820, 1888, 1889, 1960, 2106, 2122, 2242, 2467** and **2493)** make up the Women, Peace and Security Agenda.

UNSCR 1325 Ensures that peace and security efforts are flexible for women as equal partners with equal rights participating in violent conflicts, peacekeeping and peace building. It focuses on women playing an important role on peacemaking and conflict resolution just as the adaption of the Beijing Declaration and Platform for Action(1993) which focuses on key objective to promote the role of women in peace building. The UN Security Council held an open debate on October 29, 2019 with theme "Towards the successful Implementation of Women, Peace and Security Agenda". The debate had six actions working towards 2020 which are:

• Ensuring that women participate in economic discussion making in conflict situations.

• Finance the WPS agenda.

• Increase women in uniform in Peace Keeping Missions.

• Make Leadership accountable for implementation of WPS through improved data and gender analysis.

• Ensuring women's meaningful participation in peace processes, the implementation of agreements and related decision making.

• Protect women's human rights defenders & women organizations.

There are four main pillars of Women, Peace and Security that is Participation, Conflict prevention, Protection, Relief and Recovery.

• **Participation**: Engages women in peace talks, negotiations and decision making. The gender gap needs to be closed, this means getting women into power such as electing them and by doing so this will enable a great participation of women in security, conflict management, and political processes.

• **Protection**: Violence can be in many forms, like domestic abuse, rape, sexual slavery and or trafficking. **UNSCR 2467** focuses on violence in conflict against women and girls. Many women and girls have been pregnant as a result of sexual abuse. Examples of such sexual violence is the Rwanda genocide 1994, A number

of women were raped which was used a weapon of war. This calls for justice and liability for survivors to enable them to rebuild their lives and families. These women and girls are marked with stigmata and many suffer in silence and shame. The resolution also recognizes that gender discrimination and inequality are also causes of sexual violence and abuse. It declares a essential requirement for participation and empowerment of women. It also acknowledges children born of sexual violence in conflict.

• **Prevention: UNSCR 1325, 1820, 1888, 1889 and 2122** emphasis on Sexual and gender based violence. The key recommendation against women violence is promoting women rights. Religion and culture are some of the barriers towards women and girls. How can it be done? A need to increase women participation in organizations and educating society about violence against women and girls. For sexual violence is almost used as a weapon of war in conflict, **UNSCR 1820** stresses that Sexual Violence is indeed a tactic of war and rapid response for peace and security is a necessity by deploying peacekeepers to prevent sexual violence and abuse of civilians.

• **Relief and Recovery:** This agenda stresses on delivering relief to women and girls, mostly survivors of gender based violence and sexual abuse.

"Change is coming at a pace too slow for women and girls whose lives depend on it, and for the effectiveness of our efforts to maintain international peace and security" **Antonio Guterres, Secretary General-UN**

Responsibility to Protect in Women, Peace and Security.

Responsibility to Protect(R2P) was endorsed by all member of states of the United Nations at the 2005 world summit and it was reaffirmed in **resolution 1674 (2006)**. This was done in order for in the states and international communities be able to protect society from genocide, war and against humanity. 12th January 2009, a report issued by the Secretary General "Implementing the Responsibility to Protect" containing the three pillars of R2P.

• First pillar focuses on States protecting its society against genocide, war and against humanity. This includes developing a policy for women to participate in society and protect their rights. Government and the community can strengthen this by preventing discrimination & violence against women & their rights. The military should be involved by providing support for its people and training programs on protecting its civilians through peacekeeping operations.

• The second pillar addresses the community to assist in genocide, war crimes and against humanity. It ensures that it takes full accountability for crimes including those against women and girls.

UNSCR 1888(2009)

• The third pillar focuses on the community to prevent war crimes, genocide and crimes against humanity.

Role of women in Responsibility to Protect.

UNSCR 1325(2000),1820(2008) with the Beijing Declaration and Platform for Action focus on protection of women rights. Women are subjected to rape crimes and sexual violence such as forced prostitution and sexual

slavery which is mostly used as a weapon of war. Many women and girls do not receive any medical attention or counseling. Developing a gendered response to conflict can help guarantee the rights of women and protect them against mass atrocity armies. Racial and ethnic discrimination can affect women differently to men, as women Women are more subjected to SGBV mainly based on gender and such attack include kidnapping and killing of female journalists in conflict solutions. They face sexual exploitation and harassment. **UNSCR 1888(2009)** calls for an attempt to end sexual violence in conflict by setting up a term of experts on rule of law and sexual violence in conflict. **unesco.org** 2017 recorded the highest number of killings and abuse of female journalists.

 Women's role in prevention: women have and can play an important role in participation of prevention and resolution of conflicts. **UNSCR 1325** calls for increase and the importance of women's equal rights in participation and involvement to maintain and promote peace and security and also be part of the decision making. **1820(2008)** calls for deployment of women in peace operations that is deploying them as peacekeepers.

Women peacekeepers

The implementation of WPS agenda aggregate mostly among peacekeeping operations. The equal participation of women in military or police deployed as peacekeepers, humanitarian personnel and civilians is important especially in a society where women are considered more feminine than masculine. This can also reduce the risks of common human violence such as sexual abuse, crime and exploitation of civilians. Women in peacekeeping have shown great intelligence, understanding and support on women and girls in the community they protect. Regardless of the zero tolerance, there are still many gender based violence in war zone areas. The United Nations has deployed an army of Women Protection Advisers who are trained to restraint sexual violence in conflict countries.

 *"You need leaders who are leading from from front and demonstrate zero tolerance" **Phumeza mlambo, Executive Director-UN Women***

 Challenges faced by women in peacekeeping include:

• Sexual exploitation, abuse and violence:

• Discrimination against the female peacekeepers

 https://undocs.org/A/71/818 Report on the protection from sexual exploitation and abuse http://www.endvawnow.org/

Sexual exploitation and abuse of women and girls by peacekeepers.

Women are children a vulnerable to sexual abuse and harassment in displaced camps by solders or boarder guards. peacekeeping.un.org states that, 70 new allegations of sexual exploitation and abuse was reported. About 43 involved UN personnel. **UNSCR 1888** acknowledge the need to address sexual violence, monitoring and reporting perpetrators in such crimes. In most cases, these sexual encounter happens in conflict environment where women and girls seek ways of survival such as exchange for food, money or promise of

security and safety. What is the UN take on sexual exploitation and abuse by peacekeepers? **UNSCR 1960(2010)** and **UNSCR 2467** emphasis an ending of sexual violence against women and girls. Encouraging members of state to adopt a survivor-centered approach in preventing and reporting to sexual Violence in conflict.

"Let's declare in one voice. We will not tolerate anyone committing or condoning sexual exploitation and abuse. We will not let anyone cover up these crimes with the UN flag...lets us make zero tolerance a reality" **UN Secretary General-Antonio Guterres.**

The United Nations has established a trust fund to help and support the survivors of sexual exploitation and abuse and other form of violence to retrieve a new beginning. This is not only for women and girls but men as well. According to news.un.org, "There are currently six projects. Three in the Republic of Congo, two in Central African Republican and one in Liberia."

Gender Equality, Participation and Democracy

Gender Equality is the 5th Sustainable Development Goal and it can be archived by empowering women and girls by having equal rights to education, protection, and ensure that women play a role in having the same leadership opportunities as men. In political participation and Representative, a few countries have the highest number of women as parliamentary members such as Rwanda, Cuba and Spain. The reflect on how society view women in political, intellectual and social attainments creates a gender gap. Women's literacy in politics needs to be increased and encouraged. Women leaders face social and economic challenges, They have been abused, black lashed and threatened or sent to prison for speaking out while some face financial difficulties for their campaigns compared to man but there have been women in politics that have proven that women and men can have equal rights and opportunities.

Examples of women in Politics are:

• *Ella Johnson Sirleaf, Liberia*- Also known as the "The African Iron Lady" Became the first first female president in Africa. She served as the 24th president of the country and fought corruption. She is a noble peace laureate.

• *Alengot Oromait, Uganda* is the youngest parliamentary in the country, taking up a seat that was held by her late father. Still facing challenges from the opposite sex calling her young and inexperienced, Ms Alengot still stands.

• *Habeel Ibrahim, Sudan/Britain*- Executive Director of Mo Ibrahim Foundation that supports African leadership.

The United Nations role in Democracy and Gender equality is to help strengthen women's voices, participation, leadership and promote women's rights. **UNSCR 1325** acknowledges Gender Equality, Accountability, decision making and Security towards women.

An open debate on October 29, 2019, focused on implementation of **UNSCR 1325** and its WPS agenda. 91 member states were present. During the debate, many states focused on promoting WPS and gender equality and responsibility to respect Human Rights and end violence against women. However a few of states focused

on necessary action against women violence in conflicts focusing on full framework of WPS resolutions. While others emphasized on human rights and how gender inequality contributes to conflict. The Executive Director, Phumeza Mlambo and FEWISE/AWLN Representative, Lina Ekomo called for *"improved and sustained efforts to bringing women's meaningful participation in peace and political processes and institutions to bear substantially.urged states to make priority the inclusion of women in the organization of peaceful elections for lasting peace by addressing the vital need to address the gap between the commitments and action."* There was less focus on issues of armed violence and displacement of population and migration during the debate. Yet it is the duty of the UN to take measures in prevention of threats and maintain peace and security.

Women rights

Women should have the right to exercise their human rights and be able to live in a world where they are free to speak, vote and participate without discrimination, embarrassments or domestic violence. Gender inequality is also influenced by culture and beliefs. Many in society believe that a woman's place is in the kitchen and taking care of her family. Women organizations and the UN should work ensuring that women rights surpass culture and belief activities and harmful practices that violate a girl's human rights in health and education such early marriages and genital mutilation affecting girls worldwide. Example of women activists that have taken a turn is Paramount Chief kachindamoto of Malawi who has banned initiation rituals and child marriages on young girls and has sent a thousand back to school. The un women has helped the chief with campaigns towards this change in Malawi. (BBCnews.com/ Africa)

"We should be able to live and breath in peace without fear of being harassed or treated as subordinates to men who think they have authority over us"

Sveto- UN Women Other women activities include:

• *Sampet Pal Devi, Pakistan*- Fighting against domestic violence and other abuse towards women.

• *Mu Sochua, Cambodia*- Promoting women rights in politics.

• *Malala Yousefzai, Pakistan*- Advocating for education to girl child.

• *Sarah Tenoi, Kenya*- fighting against cutting of female genital mutilation.

Recommendations.

• Women should have full equal rights and participate in peace and security.

• Take serious precautions to prevent conflicts, end war and discrimination against women.

Reference

htt://www.un.org

htt://www.unwomen.org/wps

4.2 Essay

UN Non-State Permanent Observer Status of Environmental Organizations

By **Elizabeth Byaruhanga**

Advisor: **Dr. Angel Angelov**

This non-academic essay provides an overview of the membership eligibility of environmental organizations as United Nations (UN) Non-State Permanent Observers. It proposes 5 main permanent observer categories; of which with less than 11% are non-state members that focus exclusively on environmental issues while the UN continues to increase its global supportive role in combating environmental crimes caused by human activity. This non-academic essay was written as part of a UN diplomacy program.[2]

1. Introduction

Destruction of large areas of the natural environment as a consequence of human activity is considered an international environmental crime that is increasing breach of duty of care by states, organizations and individuals that deliberately or negligently cause or permit serious environmental harm. Over 250 Multilateral Environmental Agreements (MEAs) have been adopted since the United Nations (UN) was founded in 1945 despite ongoing reluctance to abate environmental crimes, often justified by the absence of enforcement mechanisms.

Article 1 of the UN Charter (1945) states that the UN was established to maintain international peace and security; achieve international cooperation by solving international economic, social, cultural or humanitarian challenges; promote and encourage respect human rights; and be a center for harmonizing the actions of nations in attaining these common ends.[1] The UN Millennium Declaration that soon followed adoption of Agenda 2030; which includes the Sustainable Development Goals (2015),[2] commits to "*...protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations.*"[3] If sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs[6], then addressing our responsibilities to future generations means

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[1] UN Charter (1945) Chapter 1 page 3 https://www.un.org/en/charter-united-nations/

[2] The Millennium Declaration, 18 September 2000 UNGA Resolution A/RES/55/2 https://undocs.org/A/RES/55/2 and Agenda 21 United Nations Conference on Environment & Development Rio de Janerio, Brazil, 3-14 June 1992 https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf

[3] Transforming our world: the 2030 Agenda for Sustainable Development - 21Oct2015 UNGA Resolution A/RES/70/1 https://undocs.org/A/RES/70/1 [6] Our common Future/Brundtland Commission, Oxford University Press (1987) https://sustainabledevelopment.un.org/content/documents/5987our-commonfuture.pdf

ensuring comprehensive environmental justice through fair and meaningful involvement of all during development, implementation and enforcement of environmental laws, regulations and policies.[4]

While the UN Charter does not explicitly mention the word environment or observer, UN Peacekeeping Operations from conflict caused by environmental exploitation from human activity alone, for example, shows 11 constituted an estimated US$37bn budget between 1989-2011 and involved resolving natural resource disputes related to land, logging, mining, petroleum, water as well as other natural resource and economic support[5] - demonstrating that action against environmental crimes responds directly to Article 1 of the UN Charter on maintaining international peace and security, international law and development even though the UN System only has about 13%[6] of its departments and specialized agencies primarily focused on addressing environmental challenges.

2. *UN Membership and UN Non-State Permanent Observer Status*

UN Membership is open to all peace-loving states that accept UN Charter obligations and are willing to carry out its obligations. UN Membership can arguably be divided into 5 main categories, 4 of which are considered UN Permanent Observer categories: [7]

- UN Member States
- UN Non-Member State (Permanent Observers)
- UN Non-State Permanent Observers with permanent offices at UN Headquarters
- UN Non-State Permanent Observers with no permanent offices at UN Headquarters - Other Entities with offices at UN Headquarters

An observer can be described as one who watches what happens but has no active part in it; an expert analyst and commentator in a particular field; and/or a behavior through careful consideration of noted information for the purpose of arriving at a judgment.[8] While the UN recognizes the importance of oversight and accountability as a means of enhancing its work, the UN Charter describes UN Membership criteria (Article 4) with no mention of observers or related nuances in the document.[9] The UN General Assembly (UNGA) Rules of Procedure also describes UN Membership in various forms throughout its document but provides no specific observer eligibility criteria so the matter is handled at

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[4] - Intergenerational Justice – Stanford Encyclopedia of Philosophy - 1st published Thu Apr 3, 2003; substantive revision Mon Aug 10, 2015 https://plato.stanford.edu/entries/justice-intergenerational/#Con
- Utilitarianism by John Stuart Mill 1863 Chapter 5 On the Connection between Justice and Utility https://www.utilitarianism.com/mill5.htm
- https: ://www.encyclopedia.com/education/encyclopedias-almanacs-transcripts-and-maps/intergenerational-justice

[5] - UNEP (2012) Greening the Blue Helmets - ISBN: 978-92-807-3237-5 https://www.unenvironment.org/resources/report/greening-blue-helmets-environmentnatural-resources-and-un-peacekeeping-operations
- List of Peacekeeping Operations 1948 – 2017 https://peacekeeping.un.org/sites/default/files/unpeacekeeping-operationlist_1.pdf

[6] Data compiled by author based on information from; the UN System Organizational Chart https://www.un.org/en/pdfs/1800159e_un_system_chart_17x11_4c_en_web.pdf

[7] See also UN membership categories provided on UN website https://www.un.org/en/sections/member-states/about-un-membership/index.html and https://www.un.org/en/sections/member-states/about-permanent-observers/index.html

[8] https://dictionary.cambridge.org/us/dictionary/english/observer; https://www.merriam-webster.com/dictionary/observer

[9] Parker T. (2003) The Ultimate Intervention: Revitalising the UN Trusteeship Council for the 21st Century - Centre for European and Asian Studies at Norwegian School of Management March2003, ISSN 1500-2683

UNGA discretion. In summary, UNGA adopts resolutions granting observer status to states and international organizations whose activities cover matters of interest to UNGA.[10]

2.1. UN State Membership

UN State Membership rights and privileges, including removal of membership, are effected by UNGA decisions upon UN Security Council (UNSC) recommendation.[14] UN Non-Member States that are members of one or more specialized agency can apply for UN Non-Member State Permanent Observer Status. Non-State Permanent Observers can participate in UNGA sessions and workings without ability to vote or propose resolutions; and most are allowed to maintain permanent diplomatic missions at the UN Headquarters in New York, USA. The UN has been inviting non-member states as observers purely based on practice since 1946 when the UN Secretary-General (UNSG) accepted the designation of the Swiss Government as a Permanent Observer to the UN. Observer states were subsequently proposed by UN Member States to later become UN State Members. Switzerland eventually became a UN Member State in September 2002.[11]

2.2. UN Non-State Membership

Regional and international organizations, mainly intergovernmental organizations, are also able to participate in UNGA work and annual sessions without ability to vote or propose resolutions but some are allowed to maintain permanent diplomatic missions at the UN Headquarters. Legal opinions on the process for granting UN Non-State Permanent Observer Status have more recently noted in at least 3 main areas:[12]

- *UN Juridical Yearbook (2008):* Neither the UN Charter nor the UNGA Rules of Procedure[13] address the question of observers. In practice, the GA has adopted resolutions granting observer status to various organizations and entities. [14]
- *UNGA Decision 49/426 (1994):* The granting of UNGA Observer Status should in future be confined to states and intergovernmental organizations whose activities cover matters of interest to the GA. [15]
- *UNGA Resolution 54/195 (1999):* Any UNGA Observer Status request by an organization will be considered in an UNGA plenary session after consideration by UNGA's 6th Committee (Legal); and UNSG shall take appropriate measures to inform all UNGA Member States of the criteria and procedures for requesting UNGA Observer Status.[16]

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[10] United Nations Juridical Yearbook 2008 p. 438, part B, paragraph 8 in English https://legal.un.org/unjuridicalyearbook/pdfs/english/volumes/2008.pdf

[14] UN Charter (1945) Chapter II Articles 3-6

[11] UN Data on Switzerland http://data.un.org/en/iso/ch.html and https://www.eda.admin.ch/missions/mission-new-york/en/home.html

[12] UN library Online FAQ: How do organizations and non-member states get observer status in the General Assembly? (03Sep2019) http://ask.un.org/faq/14519

[13] UNGA Rules of Procedure (2007) A/520/Rev.17 https://www.un.org/depts/DGACM/Uploaded%20docs/rules%20of%20procedure%20of%20ga.pdf

[14] United Nations Juridical Yearbook 2008 p. 438, part B, paragraph 8 in English - commenting on the observer status of the International Conference on the Great Lakes Region (ICGLR) https://legal.un.org/unjuridicalyearbook/pdfs/english/volumes/2008.pdf

[15] UNGA Decision 49/426 of 9 December 1994 - Questions on Criteria for Granting Observer Status in the General Assembly https://ask.un.org/loader.php?fid=12421&type=1&key=6165d99d0a716c70fd565bce84050d0b

[16] - UNGA Resolution A/RES/54/195 of 17 December 1999 paragraph 2 - granting observer status to the International Union for the Conservation of Nature and Natural Resources (IUCN) https://undocs.org/en/A/RES/54/195

- Pronto A (2011) The work of the Sixth Committee of the United Nations General Assembly in 2011, South African Yearbook of International Law, vol. 36, pp. 237-260 (2011) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2714668

The December 1994 UNGA Decision 49/426 which stated that *"…the granting of observer status in the General Assembly should in the future be confined to States and to those intergovernmental organizations whose activities cover matters of interest to the assembly"[21]* now restricts most international organizations[22], especially NonGovernmental Organizations (NGOs), eligibility as UN Permanent Observers. Most international NGOs now apply for UN Consultative Status through UNSC's subsidiary organ, the Economic and Social Council (ECOSOC).[23] (See Annex 1).

2.3. UNGA 74 UN Non-State Permanent Observer Status
The UN is currently comprised of 193 Member States[24] and 2 UN Non-Member State Permanent Observers[25] that discuss and work together to respond to the UN Charter under 6 main UN organs[26], +100 main departments and specialized agencies[27] represented at UNGA. To enforce its accountability in 2019, the UNGA 74th Session (UNGA 74) invited 107 intergovernmental and other special entities to participate in its work sessions as UN Non-State Permanent Observers (see Figure 1). An estimated 64% (193) or two thirds at UNGA74 were UN Member States and less than 1% (2) were UN Non-Member State Permanent Observers. 36% (107) or just over a third were UN NonState Permanent Observers; of which only 7% (21) were classified as intergovernmental organizations that held permanent offices at UN Headquarters. The 5 (1.7%) other entities also held permanent offices at UN Headquarters.

**Figure 1: Summary Charts of the
Main UN Permanent Membership Categories at UNGA 74 (2019)**

Source: Author[28]

An example of an intergovernmental organization with enhanced UN Non-State Permanent Observer Status than most others is the European Union (EU); which initially gained UN Observer Status in 1974.[29] The EU's Foreign and Security Policy is committed to *"…promote multilateral solutions to common problems, in particular in the framework of the United Nations"* and *"…shall work for a high degree of cooperation in all fields of international*

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[21] UNGA Decision 49/426 of 9 December 1994 - Questions on Criteria for Granting Observer Status in the General Assembly
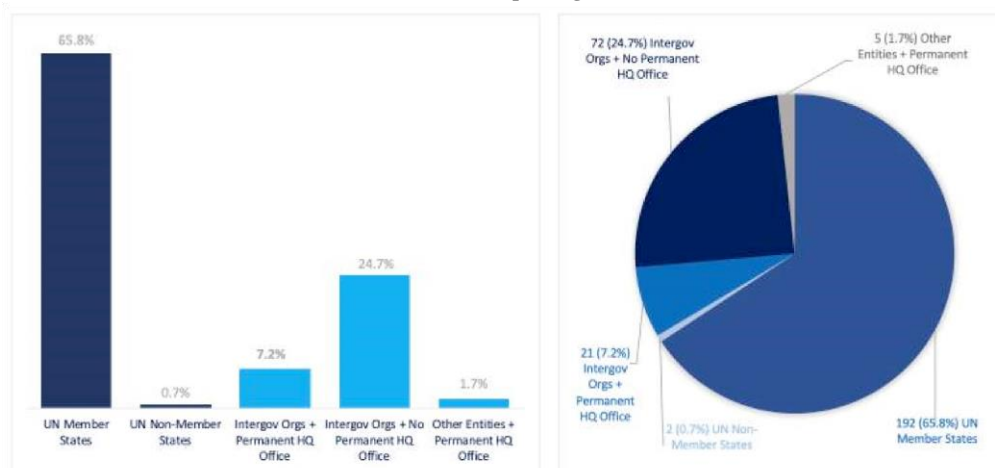https://ask.un.org/loader.php?fid=12421&type=1&key=6165d99d0a716c70fd565bce84050d0b
[22] On clarification of the terms "international organizations" and "intergovernmental organizations":

- United Nations United Nations Report of the International Law Commission Fifty-Fifth session (5 May-6 June and 7 July-8 August 2003) A/58/10 Supplement No10 page 38-39 https://legal.un.org/ilc/documentation/english/reports/a_58_10.pdf
- United Nations Juridical Yearbook 2013, ISBN 978-92-1-133858-4 eISBN 978-92-1-361714-4, ST/LEG/SER.C/51 Chapters I, II, II, V - on legal status of the UN and related intergovernmental organizations https://legal.un.org/unjuridicalyearbook/volumes/2013/

[23] UN Charter (1945) Chapter 10 - ECOSOC is one of the 6 main organs of the UN and also classified as a subsidiary organ of the UNSC. It consists of 54 UN Members elected by UNGA to coordinate, policy review, policy dialogue and recommendations on economic, social and environmental issues and implement internationally agreed development goals https://www.un.org/en/sections/un-charter/chapter-x/index.html and https://www.un.org/en/ecosoc/about/

[24] List of UN Members States and date of admission https://www.un.org/en/member-states/index.html

[25] List of UN Non-Members States and date of admission https://www.un.org/en/sections/member-states/non-member-states/index.html

[26] The 6 main organs of the UN are: UN General Assembly (UNGA), UN Security Council (UNSC) whose subsidiary includes the Economic and Social Council (ECOSOC); UN Trusteeship Council (UNTC); International Court of Justice (ICJ); and UN Secretariat https://www.un.org/en/sections/about-un/main-organs/

[27] UN System Organizational Chart https://www.un.org/en/pdfs/18-00159e_un_system_chart_17x11_4c_en_web.pdf [28] Compiled by author based on data from:
- UN website list of Member States (2019) https://www.un.org/en/member-states/index.html
- UN website list of Non-Member States (2019) https://www.un.org/en/sections/member-states/non-member-states/index.html
- UNGA 74 (2019) List of Non-Member States, Entities and Organizations Having Received a Standing Invitation to Participate as Observers in the Sessions and the Work of the General Assembly A/INF/74/3 https://undocs.org/en/A/INF/74/3

[28] UNGA 29 Resolution A/RES/3208 (XXIX) of 11 October 1974 Status of the European Economic Community in the General Assembly https://undocs.org/en/A/RES/3208(XXIX)

relations, in order to ...preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter.''[17] EU Member States collectively contribute to 30% of the UN's core budget; 31% of UN Peacekeeping budget; and in 2018, provided €2.92bn in support to UN external assistance programs and projects.[18] The EU's ongoing strategic participation in the UN allowed for an UNGA resolution to be passed to grant it enhanced observer status in 2011 (UNGA 65 Resolution 65/276 of May 2011). The

EU's UN Non-State Permanent Observer Status now allows its representatives the following:[19] 1) Ability to present EU positions as agreed by its members, including being:

- Inscribed on the list of speakers among representatives of major groups in order to make interventions;
- Invited to participate in UNGA general debate in line established for level of participation for observers;
- Able to directly circulate its UNGA-related communications as UNGA documents, without intermediary;
- Permitted to present proposals and amendments orally as agreed by EU Member States members; and have them put to a vote only at the request of a Member State; and
- Allowed to exercise the right of reply regarding EU positions - restricted to one intervention per item.

2) Ensured seating among observers.

[17] General Provisions On The Union's External Action And Specific Provisions on the Common Foreign and Security Policy (CFSP) for the European Union (2016) Chapter I Articles 21-1 and 21-2c https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF and https://eeas.europa.eu/sites/eeas/files/unga_71_eu-un-20-09-2018.pdf

[18] The European Union's Global Strategy Three Years On - Looking Forward (2019) page 50 https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf

[19] UNGA 65 Resolution 65/276 of 3 May 2011 Participation of the European Union in the work of the United Nations A/RES/65/276* https://undocs.org/A/RES/65/276

Figure 2: Summary UN Non-State Permanent Observer Environmental Organizations
Invited to Participate in the UNGA since 1948
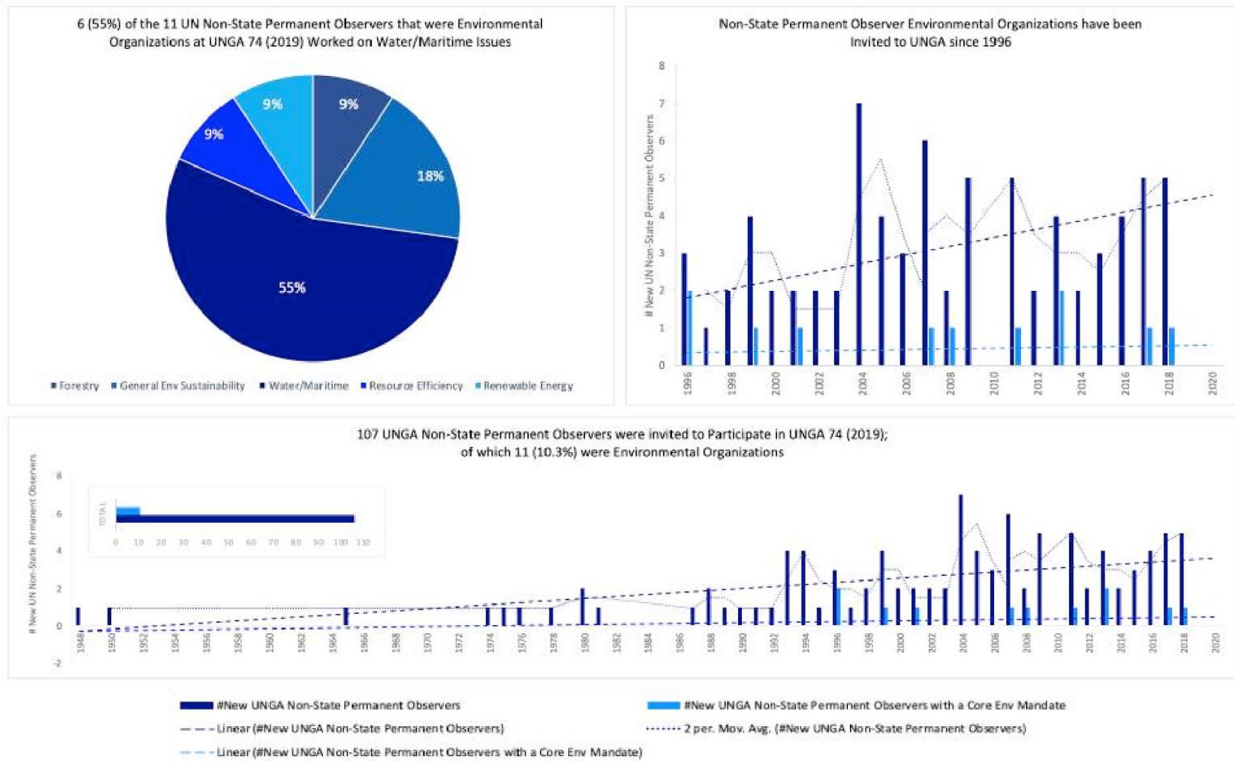
11 of the 107 (10.3%) UN Non-State Permanent Observers that received an invitation to participate in UNGA 74 work and sessions were environmental organizations; of which 6 (55%) worked on water/maritime issues. From the list of UNGA 74 invited UN Non-State Permanent Observers, 2004 was the year in which the highest number (7) of organizations were granted UN Non-State Permanent Observer Status for the first time but none of these were environmental organizations. At UNGA 74, the invited UN Non-State Permanent Observer with the longest standing membership status has been since 1948, while environmental organizations only started gaining first time access since 1996. In both 1996 and 2013, there were 2 organization that received UN Non-State Permanent Observer Status for the first and both were environmental organizations – the highest number in a year for environmental organizations.

It is estimated that at least 2 organizations may be granted UN Non-State Permanent Observer Status by 2020 (see Figure 2).[33]

The need to increase the number international environmental organizations beyond UN Consultative Status as UN Non-State Permanent Observers arguably remains an issue given the restricted access UNGA in participation. Environmental organizations therefore need to more systematically increase their focus on establishing underlying principles and proof of unlawful environmental degradation beyond just maintaining environmental sustainability; and ensure that those who alter and affect ecosystems demonstrate benefits sustainably outweighing costs and that their activity is not wasteful (see Figure 3 below).[20]

Figure 3: Illustrated Example for Raising the Profile of Environmental Rights and Sustainability
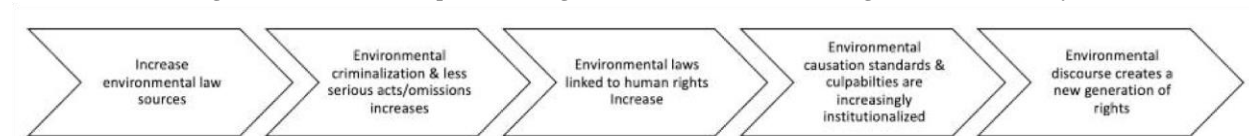
Source: Author[21]

An example of an UN Non-State Permanent Observer Status with a core environmental mandate is the International Union for Conservation of Nature (IUCN); which was founded in 1948 and received UN Non-State Permanent Observer Status in 1999[22]. Its main objective is to encourage and assist the international community in conserving the integrity and diversity of nature and therefore directly contributes to at least 11 UN SDGs.[23] Its status as an intergovernmental organization was justified under UNGA 54 Plenary Meeting Decision A/54/PV.84[24] since it is also now itself a +170 member state organization that also has non-state membership categories; although it was at the UNGA 54 resolution that granting its UN Non-State Permanent Observer Status (A/RES/54/195 of December 1999) where it was decided that *"in future, any request by an organization for the granting of observer status in the General Assembly will be considered in plenary session after the consideration of the issue by the Sixth Committee of the General Assembly."*[25] The IUCN Permanent Mission at UN Headquarters[26] is a

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[20] The International Crime of Ecocide by Mark Allan Gray 1995 https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1335&context=cwilj

[21] Compiled by author based on information from: The International Crime of Ecocide by Mark Allan Gray 1995 https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1335&context=cwilj

[22] UNGA 54 Resolution A/RES/54/195 of 17 December 1999 - Granting Observer Status to the International Union for the Conservation of Nature and Natural Resources (IUCN) https://undocs.org/en/A/RES/54/195 and UNGA Press Release GA/9691 of 17 December 1999 https://www.un.org/press/en/1999/19991217.ga9691.doc.html

[23] IUCN and the SDGs; including SDG1 (ENDING poverty), SDG2 (ending hunger), SDG3 (health), SDG5 (gender), SDG6 (water and sanitation), SDG10 (reducing inequality), SDG11 (sustainable cities), SDG13 (climate action), SDG14 (life below water), 15 (life on land) and SDG16 (peace, justice & strong institutions) https://www.iucn.org/sites/dev/files/sdgs_-_uicn_-_web_-_eng.pdf and https://www.iucn.org/theme/global-policy/our-work/sustainable-development-goals/iucn-andsdgs

[24] UNGA 54 Plenary Meeting Decision A/54/PV.84 https://undocs.org/en/A/54/PV.84

[25] UNGA 54 Resolution A/RES/54/195 of 17 December 1999 - point 2 on Granting Observer Status to the International Union for the Conservation of Nature and Natural Resources (IUCN) https://undocs.org/en/A/RES/54/195 and Full text of "U.S. participation in the UN: report by the President to the Congress for the year 1994" page 315-318 Item 196 on United States Participation in the United Nations - that initially raised the need for an adhoc UNGA 6th Cttee (legal) working group to review UN Permanent Observer applications https://archive.org/details/usparticipation1994unit_0 and UNGA Decision 49/426 of 9 December 1994 - Questions on Criteria for Granting Observer Status in the General Assembly https://ask.un.org/loader.php?fid=12421&type=1&key=6165d99d0a716c70fd565bce84050d0b

[26] IUCN UN Observer website https://www.iucn.org/theme/global-policy/our-work/united-nations-general-assembly and IUCN Permanent Observer Mission at UN

strategic policy component of the IUCN Program 2017-2020[27], with a dedicated IUCN resolution online platform that tracks the +1,300 resolutions[28] IUCN has supported since 1952.[29] The IUCN Environmental Law Program (ELP) plays an integral part in providing legal analysis and advice.[30]

3. *Application Process for Granting UN Non-State Permanent Observer Status*

The application process for granting UN Non-State Permanent Observer Status has been typically given to intergovernmental organizations and certain related entities (see Figure 3).[31] Timeliness of the application aligned to the annual UNGA cycle may also be a critical factor to consider.

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[33] Compiled by author based on data from:

- UNGA 74 (2019) List of Non-Member States, Entities and Organizations Having Received a Standing Invitation to Participate as Observers in the Sessions and the Work of the General Assembly A/INF/74/3 https://undocs.org/en/A/INF/74/3

**Figure 3: Summary of the Application Process for Granting
UN Non-State Permanent Observer Status**

Headquarters https://www.iucn.org/regions/washington-dc-office/our-work/permanent-observer-mission-un

[27] IUCN Programme 2017–2020 https://www.iucn.org/sites/dev/files/iucn_programme_2017-2020-final_approved.pdf

[28] - The Impact of IUCN Resolutions on International Conservation Efforts - An Overview (2018) https://portals.iucn.org/library/node/47226

   - IUCN UN Permanent Observer supported resolutions https://www.iucn.org/theme/global-policy/our-work/iucn-resolutions-and-recommendations

   - IUCN Resolutions and Recommendations Platform https://portals.iucn.org/library/resrec/search

[29] The Impact of IUCN Resolutions on International Conservation Efforts - An Overview (2018) https://portals.iucn.org/library/node/47226

[30] IUCN Environmental Law Programme https://www.iucn.org/theme/environmental-law/about/environmental-law-programme and IUCN Environmental Law Programme Year in Review 2018 https://www.iucn.org/sites/dev/files/content/documents/iucn_elp_year_in_review_2018.pdf

[31] List of UN Non-State Permanent Observers at UNGA 74 (2019) – see also Annex 1 of this essay https://www.un.org/en/sections/member-states/intergovernmentaland-other-organizations/index.html

Source: Author[46]

Key steps in the application process include the following:[47]

a) UN Member State/s sponsors the process of granting observer status to an intergovernmental organization by requesting UNSG an appropriate item on the UNGA agenda with an explanatory memorandum on the organization and a draft resolution sent to the UN Department for General Assembly and Conference Management.[48]

b) Submitted documents are issued as formal UNGA documentation; and if the UNGA General Committee recommends to UNGA whether or not to include the item on the agenda[49], the request is sent to the UNGA Sixth Committee (Legal) for consideration; including the legal status of the organization as an international/intergovernmental organization.[50]

c) UNGA Sixth Committee Member State/s sponsor drafts a resolution for UNGA to decide whether the organization can be invited to participate in UNGA sessions and work as an observer.
If the Sixth Committee decides to recommend the UNGA draft resolution for adoption, the item is then taken up by the GA for a decision on whether to approve the recommendation before UNSG implements the resolution.

Annex 2 provides an example of an environmental organization that has been undergoing the UN Non-State Permanent Observer Status application process since 2017.

⁴⁶ Compiled by author based on information from:

- United Nations Juridical Yearbook 2008 p. 438, part B, paragraphs 9-11 in English https://legal.un.org/unjuridicalyearbook/pdfs/english/volumes/2008.pdf - Rules of Procedure of the General Assembly A/520/Rev.17 https://undocs.org/A/520/Rev.17
- Rules of Procedure of the General Assembly A/520/Rev.17 Rules 38-44 https://undocs.org/A/520/Rev.17
- UNGA Resolution A/RES/54/195 of 17 December 1999 paragraph 2 https://undocs.org/en/A/RES/54/195
- International Council for Exploration of the Sea (ICES) Council Meeting October 2014
  http://ices.dk/sites/pub/CM%20Doccuments/CM2014/2014%20Delegates%20Reports/CM_2014_Del-12.1-UN_Observer.pdf
⁴⁷ United Nations Juridical Yearbook 2008 p. 438, part B, paragraphs 9-11 in English https://legal.un.org/unjuridicalyearbook/pdfs/english/volumes/2008.pdf
⁴⁸ Rules of Procedure of the General Assembly A/520/Rev.17 https://undocs.org/A/520/Rev.17
⁴⁹ Rules of Procedure of the General Assembly A/520/Rev.17 Rules 38-44 https://undocs.org/A/520/Rev.17
⁵⁰ UNGA 54 Resolution A/RES/54/195 of 17 December 1999 paragraph 2 https://undocs.org/en/A/RES/54/195

4. Conclusion[51]

Environmental degradation by human activity is an international criminal offence. This non-academic essay proposed 5 main UN Membership categories; of which 3 are that of UN Non-State Permanent Observer Status that can be used as a platform for international organizations to strategically support UNGA in developing, implementing and enforcing of environmental laws, regulations and policies. This essay also found that less than 11% of the 107 UN Non-State Permanent Observers that were invited to participate in UNGA 74 (2019) were organizations focused exclusively on environmental issues even though more than 250 MEAs have been adopted since the UN Charter was signed in 1945.

The lengthy and bureaucratic multi-year UN Non-State Permanent Observer Status application process also makes it arduous for often resource-constraint environmental organizations to successfully engage in the application process beyond an already restricted engagement process provided through a UN Consultative Status for NGOs. There is therefore a call for international environmental organizations to increase strategic and systematic intervention in UNGA and enforce MEAs on environmental crimes by human activity as a means of raising the international profile of and adherence to sustainable environmental and natural resource management for present and future generations.

[51] With additional time and resources, the author would have liked to pursue the following as a next step in further elaborate this essay:
- Extent to which the level, significance and impact of UN Non-State Permanent Observer participation in UNGA sessions and work contributes to fulling the UN Charter mandate.
- Detailed disaggregated data analysis on all UN Non-State Permanent Observers actually focus on addressing environmental issues during UNGA sessions and work, especially in recent years; also as compared to the extent of NGO participation through ECOSOC's UN Consultative Status; and the work of the UNEP Governing Council.
- Case studies on the extent to which UNGA environmental-related resolutions that have been actively supported by UN Non-State Permanent Observers have been implemented to combat environmental crimes and maintain environmental sustainability.

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- ### **Annex 1: UN Consultative Status for Non-Governmental Organizations (NGOs)**

The UN Charter Chapter X (The Economic and Social Council) Article 71[52] and ECOSOC Resolution 1996/31[53] allows for suitable arrangements for UN consultation with Non-Governmental Organizations (NGOs). The UN Consultative Status provides NGOs with access to ECOSOC as well as various UN human rights mechanisms and select UNGA events.[54]

The Committee on Arrangements for Consultation with NGOs (Council NGO Committee) was established by ECOSOC in June 1946 to review and make recommendations on consultative status applications submitted by NGOs. By August 1947, it had granted UN Consultative status to 21 international and 4 national NGOs. Over 10,000 NGOs have since formally engaged with the UN; over half of which have been granted UN Consultative Status.[55] ECOSOC grants NGO Consultative Status through 3 main categories, namely: [56]

- *Category A (General):* Organizations that have a basic interest in most ECOSOC activities and are closely linked with the economic and social life of the areas they represent.
  The organization may submit items for inclusion on the ECOSOC Provisional Agenda and may introduce and explain them whenever the Council discusses them. The organization may also send observers to ECOSOC public meetings and circulate written communications to ECOSOC Members. The organization may be invited to consult

with the ECOSOC Standing Committee, if ECOSOC so desires or the organization requests it.

- *Category B (Special):* Organizations that have a special competence but are concerned specifically with only a few of the fields of activity covered by the Council.
  The organization may send observers to ECOSOC public meetings but their communication is placed on a list and distributed only on the request of an ECOSOC Member. The organization may be invited to consult with the ECOSOC Standing Committee, if ECOSOC so desires or the organization requests it.

- *Category C (Roster):* Organizations primarily concerned with development of public opinion and dissemination of information.
  They have the same privileges as organizations in Category B.

Summary of UN Consultative Status Application Process[57]

1. NGO Online Profile Registration	- 10min online registration for UN DESA NGO Branch review for email approval notification within a few working days

2.Consultative Status Application Online Application	- Completed 21 question online application form that is available in English or French only must be received by 1st June of the year before the NGO wishes to be considered for recommendation by the ECOSOC Cttee with all supporting documentation.
	     e.g.1. Application submitted by 1 June 2019 will be taken to the ECOSOC Cttee in 2020
	     e.g.2. Applications submitted between 2 June 2019 and 1 June 2020 will be taken to ECOSOC Cttee in 2021.
	
	 - Copies of 3 mandatory of documents are evaluated for conformity with ECOSOC Resolution 1996/31 and UN Charter:
	     i) NGO Constitution/charter/statutes/by-laws & amendments: in line with ECOSOC Resolution 1996/31 para 10 noting that *"The organization shall have an established headquarters, with an executive officer. It shall have democratically adopted constitution, a copy of which shall be deposited with the UNSG, and which shall provide for the determination of policy by a conference, congress or other representative body and for an executive organ responsible to the policy-making body."*
	
	     ii) Certificate of Registration: issued by a government authority and that is in line w/ ECOSOC Resolution 1996/31 where the organization *"should attest that it has been in existence for at least 2 years as at the date of receipt of the application by the Secretariat".*
	
	     iii) Financial Statements: most recent; and demonstrating that a major portion of NGO funds should from national affiliates, individual members or other non-governmental contributions
	
	 - Other evidence to demonstrate requires that the NGO's activities are relevant to ECOSOC work.

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[52] UN Charter (1945) Chapter X The Economic and Social Council Article 71 https://legal.un.org/repertory/art71.shtml

[53] Resolutions and Decisions of the Economic and Social Council (1996) Supplement No. 1 E/1996/96 ECOSOC 49th Plenary Meeting 25 July 1996 pages 53-61 https://esango.un.org/civilsociety/documents/E_1996_31.pdf

[54] UN, Civil Society and UN Consultative Status https://www.un.org/development/desa/dspd/civil-society.html and https://www.un.org/development/desa/dspd/civilsociety/ecosoc-status.html

[55] See UN DESA NGO Branch website on:
- Consultative Status with ECOSOC and other Accreditations
https://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search&sessionCheck=false
- Integrated Civil Society Organizations System https://esango.un.org/civilsociety/login.do

[56] Yearbook of the United Nation 1947-48 Chapter IV. The Economic and Social Council A. ECOSOC and the UN Charter pages 507-508, 687 https://unyearbook.un.org/ N.B. NGOs are excluded from relationship with the UN if they have legally constituted branches in Spain whose policies are determined and controlled by the Franco Government. They are eligible if: (a) they have only individual members in Spain who are not organized into a legally constituted branch; (b) the branches in Spain though legally constituted have a purely humanitarian character and their policies are not determined and controlled by the Franco Government; and (c) such branches are not active at the present time.

[57] Summarized by author based on: UN Consultative Status Application Procedure http://csonet.org/

3. UN DESA Application Screening	- An internal review process of all applications received is conducted between 2 June and the date the ECOSOC Cttee on NGOs meets. - During this period, the UN DESA NGO Branch may contact the NGO to request further information or clarifications before the application is sent to the NGO Committee for consideration on the NGO Cttee mtg agenda. - No more 2 NGO representatives are invited to be present during the NGO Cttee meeting when they are formally informed of the date when their application will be reviewed by the NGO Ctte. The representatives have to bear all associated costs in participating in the meeting but their presence at the NGO Ctte meeting does not constitute any advantage on their application.
4. ECOSOC Committee on NGOs	- Consultative Status Application decisions are undertaken by the ECOSOC Cttee when it meets twice a year and DESA NGO Branch is charged with communicating any recommendations to the NGO for responses as soon as possible. - Cttee may also defer an application until the next session waiting to receive pending clarifications or answers to questions posed to the NGO.

5. Consultative Status Final Decision	- ECOSOC Secretariat notifies the NGO once ECOSOC approves Cttee recommendation to grant either General or Special Consultative Status - Cttee recommendations are published in an official report which is submitted to the next ECOSOC mtg for its final approval.
6. Consultative Status Review	- NGOs that have received Consultative Status must submit a brief report of their activities every 4th year (Quadrennial Report), with a focus on their contribution to UN work

Other UN ECOSOC Accreditations: Other temporary accreditations are granted for a particular conference/initiative with specific terms and for a limited period.

- ### Annex 2: UN Non-State Permanent Observer Application Process (2017-2019) of the Ramsar Convention on Wetlands

UN Non-State Permanent Observer Applicant	The Ramsar Convention on Wetlands[32] is currently seeking UN Non-State Permanent Observer Status. Timing in the UN Permanent Observer application process plays is of strategic importance since it submitted its initial application in 2017[33] with the support of over 15 UN Member States and its application a been differed annually for the past 3 years (see also Figure 3 above). The Ramsar Convention was developed in the 1960s due to concerns over destruction of wetlands and its impact on people and biodiversity. Its +170 Contracting Parties/countries signatory to the Convention and +2,300 Ramsar Sites globally, covering over 248m hectares, now make Ramsar Sites the largest global protected areas network.[34] There is a clear nexus between the objectives of the Ramsar Convention that play an active role in promoting wise use of wetlands and contributing to meeting at least 5 of the UN SDGs.[61] Even with a Secretariat of less than 50 staff, the Ramsar Convention is further able to demonstrate that its work is of interest and UNGA alignment since it has a long history of promoting the relationship between wetlands and sustainable development; including through Ramsar Conference of Parties (COP), including: - Ramsar COP-8 (Spain, 2002) that adopted the Ramsar Strategic Plan 2003-2008 and highlighted explicit links between sustainable use of wetlands, health and human well-being. - Ramsar COP-10 (Changwon, Republic of Korea, 2008) that adopted The Changwon Declaration on Human Well-being and Wetlands, in recognition of the "*contribution of wetlands to human well-being, livelihoods and human health ...*" noted that wetlands "*provide food, store carbon, regulate*

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[32] Article 1 of the Ramsar Convention on Wetlands describes wetlands as "*1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.*" https://www.ramsar.org/sites/default/files/documents/library/current_convention_text_e.pdf

[33] UNGA72 (2017) Request for the Inclusion of a Supplementary Item in the Agenda of the Seventy-Second Session - Note Verbale Dated 11 August 2017 from the Permanent Mission of Uruguay to the United Nations Addressed to the Secretary-General A/72/194 https://undocs.org/A/72/194

[34] Daniel O. S. (2019) Mangrove Management, in Coastal Wetlands https://www.sciencedirect.com/topics/earth-and-planetary-sciences/ramsar-convention [61] Ramsar and SDGs include focus on including on ending hunger (SDG1), water and sanitation (SDG6), combating climate change (SDG13), conserving marine resources (SDG14); and protecting terrestrial ecosystems (SDG15) as cited in:
- Scaling up Wetland Conservation, Wise Use and Restoration to Achieve the Sustainable Development Goals (July 2018)
  https://www.ramsar.org/sites/default/files/documents/library/wetlands_sdgs_e.pdf
- UNGA72 (2017) Request for the Inclusion of a Supplementary Item in the Agenda of the Seventy-Second Session - Note Verbale Dated 11 August 2017 from the Permanent Mission of Uruguay to the United Nations Addressed to the Secretary-General A/72/194 https://undocs.org/A/72/194

			the water flows, store energy, and are crucial for biodiversity. Their benefits to people are essential for the future security of humankind. Conservation and the wise use of wetlands are vital for people, especially the poor".	
			- Ramsar COP-11 (Bucharest, Romania, 2012) where resolution XI.21 entitled "Wetlands and sustainable development" was adopted, calling on Parties to disseminate and promote the Tehran Declaration on Wetlands and Sustainable Development that acknowledged the *"vital role of wetlands in sustainable development and in achieving the Millennium Development Goals"*.	
	UN Member State/s Sponsor	11Aug 2017	Permanent Representative of Uruguay to the UN wrote to UNSG (A/72/194)[35]	- Requested inclusion of UNGA72 agenda item *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly"* - Noted that Uruguay was then Chair of the Standing Committee of the Ramsar Convention on Wetlands - Explained the Wetlands Convention's intergovernmental eligibility status as a UN Non-State Permanent Observer
	UN Secretary General			- UNSG requests UNGA72 to review observer status application.
UNGA 72 (2017)	**UNGA72 2nd Plenary Meeting**	**15Sep 2017**	**Agenda Item I. on *"Organizational, Administrative and Other Matters"*[36]**	- **UNGA72 Agenda Item 173 on *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly"* was placed on the UNGA 72 6th Cttee Agenda as Agenda Item 173.[37]**
	UNGA72 6th Cttee (Legal)11th Meeting		Agenda Item 173[38]	- Draft Resolution A/C.6/72/L.6[39][40][41] *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly"* was introduced by Uruguay Representative on behalf of 14 sponsor UN Member States. - An additional UN Member State announced that it had joined the sponsorship.
	UNGA72 6th Cttee (Legal)	10Nov 2017	UNGA73 6th Cttee Programme of Work[67] Released	- *"Requests for Observer Status"* will be discussed on 15Oct2018

[35] UNGA72 (2017) Request for the Inclusion of a Supplementary Item in the Agenda of the Seventy-Second Session - Note Verbale Dated 11 August 2017 from the Permanent Mission of Uruguay to the United Nations Addressed to the Secretary-General A/72/194 https://undocs.org/A/72/194

[36] UNGA72 (2017) Allocation of Agenda Items for the Seventy-Second Session of the General Assembly Adopted by the General Assembly at its 2nd Plenary Meeting, on 15 September 2017 page 16 https://undocs.org/en/A/72/252

[37] UNGA72 (2017) Sixth Committee Summary Record of the 11th Meeting Held at Headquarters, New York, on Monday, 9 October 2017, at 3 p.m. page 1 https://undocs.org/A/C.6/72/SR.11

[38] UNGA72 (2017) Sixth Committee Summary Record of the 28th Meeting Held at Headquarters, New York, on Friday, 3 November 2017 at 10 a.m. A/C.6/72/SR.28 page 5 https://undocs.org/A/C.6/72/SR.28

[39] UNGA72 (2017) Sixth Committee document A/C.6/72/L.6 "Observer status for the Ramsar Convention on Wetlands Secretariat in the General Assembly" was introduced by the Representative from Uruguay on behalf of Belgium, Bulgaria, Colombia, Costa Rica, El Salvador, Guatemala, Kenya, Peru, Slovakia, Spain, Sri Lanka, Venezuela, and Viet Nam. Ecuador announced had joined in sponsoring the draft resolution.

[40] UNGA73 (2018) Sixth Committee Overall Work Programme Seventy-Third Session (3Oct-13Nov2018) Revision of 30 October 2018 https://www.un.org/en/ga/sixth/73/provisional_programme_of_work.pdf

[41] UNGA72 (2017) Sixth Committee Summary Record of the 28th Meeting Held at Headquarters, New York, on Friday, 3 November 2017 at 10 a.m. A/C.6/72/SR.28 page 5 https://undocs.org/A/C.6/72/SR.28

UNGA72 6ᵗʰ Cttee (Legal) 28ᵗʰ Meeting	**11Nov 2017**	Agenda Item 173 (continued)[68]	- 6ᵗʰ Cttee Draft Decision adopted without a vote (A/72/476 Decision 72/527) where the 6ᵗʰ Cttee Chair announced that the Uruguay Delegation, on behalf of the sponsors, had requested that the 6ᵗʰ Cttee to defer the observer status request to UNGA73.[4243]
UNGA72 67ᵗʰ Plenary Meeting	**7Dec 2017**	**Agenda Item 19 on** *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly: Report of the Sixth Committee (A/72/476) [Item 173]"* UNG73 Provisional Program Work Released[70]	- **Decision aligned with 6ᵗʰ Cttee Decision of 11Nov2017 where Uruguay Delegation, on behalf of the sponsors, had requested that the 6ᵗʰ Cttee to defer the observer status request to UNGA73.[71]** - UNGA 72 on recommendation of the 6ᵗʰ Cttee noted that the Committee had decided to adopt the following UNGA 73 provisional programme of work: - *"Requests for Observer Status"* will be discussed on 12Oct2018
UNGA73 2ⁿᵈ Plenary Meeting	**21Sep 2018**	**Agenda Item 172 on** *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly"*[44]	- **UNGA 73 on recommendation of the UNGA General Cttee decided to include the item in its agenda and to allocate it to the 6ᵗʰ Cttee.**
UNGA73 6ᵗʰ Cttee (Legal) 14ᵗʰ Meeting	**15Oct 2018**[4546]	Agenda Item 172 on *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly"*[74]	- Uruguay Delegation requested that the 6ᵗʰ Ctte defer the observer status decision to UNGA74. - 6ᵗʰ Cttee Draft Decision adopted without a vote (A/73/436 Decision 73/536) where the GA would decide to defer Ramsar Convention on Wetlands Secretariat observer status decision to UNGA74.
UNGA73 6ᵗʰ Cttee (Legal)	**13Nov 2018**	UNGA74 6ᵗʰ Cttee Programme of Work Released[47]	- *"Requests for Observer Status"* will be discussed on 18Oct2019

(In the left margin: **UNGA 73 (2018)**)

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[42] UNGA72 (2017) Report of the Sixth Committee - Seventy-Second Session Agenda Item 173 Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly, A/72/476 Decision 72/527* paragraph 8 https://undocs.org/A/72/476

[43] UNGA 72 (2017) Resolutions and Decisions Adopted by the General Assembly during its Seventy-Second Session Volume II Decisions 12 September – 24 December 2017 A/72/49 (Vol. II) Page 29 https://undocs.org/en/A/72/49(Vol.II) and UNGA73 (2018) Seventy-Third Session Annotated Preliminary List of Items to be Included in the Provisional Agenda of the Seventy-Third Regular Session of the General Assembly* 14 June 2018 page 2015 https://undocs.org/en/A/73/100
[71] UNGA72 (2017) Resolutions and Decisions Adopted by the General Assembly during its Seventy-Second Session Volume II Decisions 12 September – 24 December 2017 Decision 72/526 page 28 https://undocs.org/en/A/72/49(Vol.II)

[44] UNGA73 (2019) Allocation of Agenda Items for the Seventy-Third Session of the General Assembly Adopted by the General Assembly at its 2ⁿᵈ Plenary Meeting, on 21 September 2018 A/73/252 page 18 https://undocs.org/en/A/73/252

[45] UNGA73 (2018) Seventy-Third Session Annotated Preliminary List of Items to be Included in the Provisional Agenda of the Seventy-Third Regular Session of the General Assembly* 14 June 2018 page 2015 https://undocs.org/en/A/73/100

[46] UNGA73 (2018) Report of the Sixth Committee - Seventy-Third Session Agenda Item 172 Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly, 15 October 2018 A/73/436 Decision 73/536* paragraph 7 https://undocs.org/en/A/73/436

[47] UNGA73 (2018) Sixth Committee Overall Work Programme –Seventy-Fourth Session (7Oct-14&20Nov2019) Version of 15 October 2019 Recommended by the Bureau https://www.un.org/en/ga/sixth/74/provisional_programme_of_work.pdf

UNGA73 62nd Plenary Meeting	**20Dec 2018**	**Agenda Item 172 on** *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly: Report of the Sixth Committee (A/73/436) [Item 172]"* UNG74 Provisional Program of Work Released[48]	- **Decision aligned with 6th Cttee Decision of 15Oct2018 where Uruguay Delegation, on behalf of the sponsors, had requested that the 6th Cttee to defer the observer status request to UNGA74.[49]** - UNGA 73 on recommendation of the 6th Cttee noted that the Committee had decided to adopt the following UNGA 74 provisional programme of work: - *"Requests for Observer Status"* will be discussed on 18Oct2019
UNGA74 2nd Plenary Meeting	**20Sep 2019**	**Agenda Item 169 on** *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly"*[50]	- **UNGA 74 on recommendation of the UNGA General Cttee, decided to include the item in its agenda and to allocate it to the 6th Cttee.**
UNGA74 6th Cttee (Legal) 19th Meeting	18Oct 2019	Agenda Item 169 on *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly"*[51]	- Uruguay Delegation requested that the 6th Cttee defer the observer status decision to UNGA74. - 6th Cttee Draft Decision adopted without a vote (A/74/438 and Draft Resolution A/C.6/74/SR.19) where the GA would decide to defer Ramsar Convention on Wetlands Secretariat observer status decision to UNGA74.
UNGA74 51st Plenary Meeting	**18Dec 2019**	**Agenda Item 21 on** *"Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly: Report of the 6th Cttee (A/74/438) [item 169]"*	- **UNGA 74 alignment with 6th Cttee Decision of 18Oct2019 where Uruguay Delegation, on behalf of the sponsors, requested that the 6th Cttee to defer the observer status request to UNGA75 will be decided at UNGA 74 Plenary Meeting of 18Dec2019.[52][53]** - UNGA 75 provisional programme of work on *"Requests for Observer Status"* will be decided at UNGA 74 Plenary Meeting of 18Dec2019.
UNGA74 6th Cttee (Legal)	14Nov 2019	UNGA75 6th Cttee Programme of Work released[81]	- *"Requests for Observer Status"* will be discussed on 16Oct2020

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[48] UNGA 73 (2018) Resolutions and Decisions Adopted by the General Assembly during its Seventy-Third Session Volume II Decisions 18 September – 22 December 2018 A/73/49 (Vol. II) Page 35 https://undocs.org/en/A/73/49(Vol.II)

[49] UNGA73 (2018) Resolutions and Decisions Adopted by the General Assembly during its Seventy-Third Session Volume II Decisions 18 September – 22 December 2018, A/73/49 (Vol. II) Decision 73/538 page 36 https://undocs.org/pdf?symbol=en/a/73/49(Vol.II)

[50] UNGA74 (2019) Allocation of Agenda Items for the Seventy-Fourth Session of the General Assembly Adopted by the General Assembly at its 2nd Plenary Meeting, on 20 September 2019 page 16 https://undocs.org/A/74/252

[51] UNGA74 (2019) Report of the Sixth Committee - Seventy-Fourth Session Agenda Item 169 Observer Status for the Ramsar Convention on Wetlands Secretariat in the General Assembly, 18 October 2019 A/74/438 Draft Decision A/C.6/74/SR.19 paragraph 7 https://undocs.org/en/A/74/438

[52] UNGA 74 (2019) Schedule of General Assembly Plenary and Related Meetings, Updated 19 December 2019 https://www.un.org/en/ga/info/meetings/74schedule.shtml

[53] UNGA74 (2019) Sixth Committee Overall Work Programme –Seventy-Fifth Session (5Oct-19Nov2020) Version of 14 November 2019 Recommended by the Bureau https://www.un.org/en/ga/sixth/75/provisional_programme_of_work.pdf

Source: Author[54]

4.3 Essay

Current Issues in International Extradition System

By **Liubov Tereshchenko**

Advisor: **Dr. Angel Angelov**

Brief history of extradition doctrine

The history of extradition goes back to ancient times, when there was no coherent system of international law, no detailed doctrine of it, but there were the first signs of formal diplomacy (Blakesley, 1981). As proof of the existence in antiquity of interstate relations on extradition, we need to mention the Treaty of Peace signed by the Egyptian Pharaoh Ramses II and the Hittite king Hittushil III and which recognized by most researchers as the earliest known agreement containing the norm on extradition (Ibid). This treaty established the obligation to extradite any persons who had fled Egypt to the Hittite country and, remarkably, provided security guarantees for the extradited persons and their loved ones, guarantees of the safety of their property, and prohibited the imputation of any crime on the returned person (Ibid).

Specific examples of extradition are known from the history of Ancient Greece and Rome (Ibid). Thus, the achians threatened to break the Alliance with Sparta if the perpetrators of the attack on one of the villages were not extradited; the Romans demanded the extradition of Hannibal (Ibid). Extradition here mainly plays the role of a means of combating political enemies and a tool for the return of fugitive slaves. It is noted that in Ancient Rome there was a special court-recuperates, which made decisions on the extradition of persons in accordance with specially developed procedures (Ibid).

Nevertheless, the most ancient era is characterized by a general lack of development of inter-state relations, in particular on issues of extradition of persons, which were caused mainly by accidental political circumstances (Ibid). The establishment of reciprocity and the development of mutual assistance of states in the field of extradition was largely hampered by the right of asylum, which provided a person with the opportunity to hide from persecution both within the state (religious form of asylum) and in other states (territorial form of asylum) (Ibid). The influence of the right of asylum on the development of the institution of extradition, their close relationship remained for a long period of time is significant (Ibid).

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[54] Compiled by author based on cited works

In the Middle Ages, the cooperation of states in the field of extradition of persons is greatly expanded (Ibid). Extradition continues to be a means of reprisals against political opponents, and as the Catholic Church strengthens its position, it spreads to its enemies, the heretics. However, treaty relations on extradition were becoming increasingly positive on the part of states (Ibid).

Contemporary opportunities and gaps in International law on extradition

Nowadays, enhancement of the mechanisms of international cooperation on combating crime is a top priority in international law. Current trends in all forms of transnational crime and crime against humanity show that the head of states need to combine efforts to take necessary measures against criminal manifestations on a global scale. Today one of the most effective mechanisms of international cooperation in providing effective response to crime could be extradition, which ensures the inevitability of responsibility and punishment of offenders. Unfortunately, as for now, international community lacks a universal act on extradition system which all countries would comply with. It is also caused by a number of exclusions on internal legislations of separate states. Therefore, the primary power to deal with extradition issues is given to regional institutions that function on the basis of international jurisdiction (e.g. European Convention on Extradition of 1957), bilateral agreements, and national normative legal acts (OSCE, 2017). Further in this article, I will also touch upon political motivation that directly influences the decision of a state to carry out extradition.

One of the challenges with the current international legal extradition system is that it is based on the European Convention on Extradition of 1957, which lags behind in regulating relevant question of international legal cooperation on combating crime. A wide range of parameters, such as exceptions and reservations written in the Convention, gives the regional authorities the right to refuse extradition based on their political and economic motivation and state laws and regulations reducing the effectiveness of international cooperation (OSCE, 2017). Current trends, for example,coo in global counterterrorism cooperation creates a huge need in cancellation or reconsideration of such limitations of extradition as exclusion of political offenses, non-extradition of one's own citizens, and so on. Nevertheless, there are a range of states that have already adapted these changes to the needs of the modern global community. As Emili Edmonds-Poli and David Shirk (2018) claim in their article Extradition as a Tool for International Cooperation: Lessons from the U.S.-Mexico Relationship, "in recent times, countries like the United States have begun to distinguish between prosecutions that are motivated by discriminatory or political interests from those designed to punish criminal acts such as terrorism and other violent crimes, which may be political in nature, but are specified in treaties to be extraditable offenses" (p. 4).

UN also works towards creating a framework which would help states to commit to extradite or prosecute (*aut dedere aut judicare*) principle which is universal and obligatory in nature. In fact, the mentioned principle is regulated based on international legal instruments which define the range of most dangerous crimes. Such crimes include genocide, crimes against humanity, war crimes, crime of aggression, and are defined as *jus cogen*. The UN member states, although they

understand the growing danger of terrorism, have not yet reached a consensus on its definition in order to expedite the adoption of the Comprehensive Convention on Terrorism. The absence of latter complicates, in particular, to fill gaps in framing *jus cogen* standards for crimes of terrorism and the foundation of principles of extradition of those who committed the terrorist act.

As for present day, we need to mention the Hague formula, which has served for various international conventions in extradition. According to the formula, a country, in the territory of which the alleged offender is, has an obligation to prosecute or extradite that person despite the fact whether the crime was committed in its territory or not. In case if the state is unable to implement prosecution, it has the right to pass the case over to the third alternative – a competent international tribunal.

The Hague formula ("Hague formula" is a variation of the 1949 Geneva Conventions formula) refers to the "extreme seriousness" of the offence, which it qualifies when widespread or systematic, as a crime against humanity. However, outside of this, there appears to be a lack of international conventions with the obligation to extradite or prosecute in relation to crimes against humanity.

Therefore, the gap which today exists in international extradition system also includes alternatives that exist in obligatory norms. Thus, these gaps need to be addressed properly so that obligatory norms were not avoidable under different norms.

El Chapo Case

Talking about cooperation of the U.S. and Mexico on extradition of EL Chapo, we need to especially emphasize global war on drug trafficking and Mexican narco-cartels. One of the biggest consumers of illicit drugs as for today is the U.S., since every day illicit drugs in large quantities enter the U.S. from Mexican borders (Gachuz-Maya, n.d.). As a result, it delivers serious economic, social, and political issues to both countries. According to the U.S. Drug Enforcement Agency (DEA), Mexican drug trafficking organizations pose a huge threat to the U.S. (Gachuz-Maya, n.d.; Edmonds-Poli & Shirk, 2018). This had led to the close cooperation between the state to fight the most powerful Mexican cartels (such as Sinaloa) that had spread their influence over the U.S. The U.S. today provides financial cooperation to fight transnational drug trafficking organizations in Mexico. Since 2008 Mexico and the U.S. cooperate based on Mérida Initiative, a bilateral agreement which also regulates extradition cases (Edmonds-Poli & Shirk, 2018). However, as practice shows, except for international treaties and bilateral agreement, there are other factors that influence extradition. For instance, talking about extradition of El Chapo, the leader of Sinaloa Cartel, we should mention political and economic motives of Mexico to extradite El Chapo to the U.S. Since El Chapo was delivered to the U.S. just hours prior to Donald Trump's inauguration, Mexican officials said the timing of the move was both a last-minute gift to outgoing U.S. President Barack Obama and an olive branch to President Trump. Some analysts also suggest that El Chapo's extradition could be motivated by Mexican officials' willingness to continue receiving funding on anti-drug trafficking measures based on bilateral agreement

(Powell, 2017). Nevertheless, we should keep in mind that Mexico wasn't able to handle the case of El Chapo in Mexico, since he twice managed to escape from the Mexican prison (Justice in Mexico, 2017). According to Justice in Mexico (2017), "The decision to approve the extradition was likely influenced by Guzmán's [El Chapo's] repeated ability to evade the Mexican government, having escaped from prison in 2001 and again in 2015. Mexico's inability to securely hold Guzmán was not only a source of public ridicule, but it also undermined rule of law in a country working to establish a stronger judicial system and solidify democratic practices" (p. 4). Therefore, the cases in which the home country of an offender is not able to carry out the needed punishment, extradition might be considered as an option. Besides, Mexico had a responsibility to extradite offenders to the U.S. in case in it cannot handle the case effectively on its own (Powell, 2017).

Nevertheless, Mexico before the extradition of El Chapo wanted that the United States guarantees that he would not be sentenced to death in the United States (Powell, 2017). One of the most important criteria for resolving the conflict of extradition requests is the human rights factor. No criterion provided for in international agreements or national extradition laws, including territorial jurisdiction, can be decisive in resolving a conflict of requests situation if there are fears of a violation of the rights of the individual in the requesting state (Human Rights Watch, 2011). Ensuring the human rights factor is one of the cornerstones of the entire extradition process, which has a great influence on decision-making at all its stages, including the settlement of conflict situations. For instance, Senegal refused to extradite the former President Habre to Chad where he had already been sentenced to death penalty (Human Rights Watch, 2011). Senegal finally supplemented its national criminal code and sentenced Habre to life imprisonment, thereby fulfilling the second part of the universal principle of *aut dedere aut judicare*. Therefore, the preference in this case would be given to Belgium, since Belguim had spent resources on investigation of Habre's crimes and would try him fairly (Human Rights Watch, 2011). Eventually though, Senegal, under international pressure, supplemented its national criminal code and sentenced Habré to life imprisonment, thereby fulfilling the second part of the universal principle of *aut dedere aut judicare*. We can conclude that one of the most serious obstacles to extradition is the problem of the application of certain types of criminal penalties. In particular, the possibility of imposing the death penalty for an extraditable offence allows the requested state to refuse extradition (OSCE, 2017).

Augusto Pinochet Case

In June 2004, a new legal instrument – the European arrest warrant – started functioning as an alternative to traditional extradition procedures for the transfer of accused and convicted persons between the judicial authorities of the member states (Edmonds-Poli & Shirk, 2018). Prior to adoption of this legal instrument, European countries, state members of had been cooperating (and they still do) based on such international agreement as Vienna Convention of 1957 to carry out extradition of offenders. One of the brightest cases of extradition that revealed the gaps in international law imperfections and issues of cooperation with countries which are not state members of international agreements was the case of Augusto Pinochet.

Former President of Chile Augusto Pinochet was detained in London, UK, when he was visiting the country for medical services (Amnesty International, 2013). This detention raised a number of relevant questions in international community. The main questions included whether countries should recognize the Amnesty granted to Pinochet in Chile, if Pinochet has immunity from prosecution as a former head of state and current Senator, and whether Spain can try Pinochet for crimes committed in Chile and predominantly against Chileans. Chilean officials expressed resentment concerning Pinochet's detention in the UK and called international community to respect Chile's laws and sovereignty (Amnesty International, 2013). According to the position expressed by the Chilean government, the immunity granted to Pinochet is the price paid for a peaceful transition to democratic rule, and Pinochet's arrest could lead to a new polarization of Chilean society (Amnesty International, 2013). According to the Vienna Convention on Diplomatic Relations of 1961, the General could not claim diplomatic immunity in the UK, because he was not accredited in this country as a diplomat. Besides, he was not granted state immunity in the UK since Pinochet was neither the current head of state nor a member of the government. Therefore, Spanish investigator Balthasar Garzon issued an international warrant for his arrest (Amnesty International, 2013). The document claimed that the General was personally responsible for genocide and terrorism, as well for murder, torture and kidnapping against Chilean, Spanish, British and other citizens in Chile; the investigator, citing the European Convention on the Prevention of Terrorism 2005 (CECPT) and the terms of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on 10th December 1984 demanded that the British authorities keep the General under arrest for 40 days while the Spanish court prepares an appeal to the British authorities to demand the extradition of Pinochet (Amnesty International, 2013).

Political and economic interests do influence the process of extradition, since extradition is a state's right, not obligation (OSCE, 2017). Nevertheless, international norms and jurisdiction try to attempt a framework for international cooperation in this respect. For instance, major changes had been made to the international extradition system by establishing International Criminal Court (ICC), which uses a relatively new system of extradition compared to traditional one. ICC, established in 2002, functions based on the multilateral treaty called the Rome Statute (Edmonds-Poli & Shirk, 2018). Evidently, the countries who have complied with Rome Statute automatically become a member of ICC. However, the fact that a range of countries haven't ratified the treaty yet serves as an impediment to establishing effective international cooperation in this term (Edmonds-Poli & Shirk, 2018). Moreover, the cases of refusal to bring into justice high-ranking criminals by ICC state-members prove the treaty not enough effective.

As it has already been mentioned above, international jurisdictions create jus cogen standards which result in *erga omnes* obligations in states in international community. However, in practice there are serious issues that allow violations of these *jus cogen* standards (Edmonds-Poli & Shirk, 2018). For instance, different states might have varying definitions of such crimes as terrorism, kidnapping, transnational crime letting some offenses easily to be left unpunished. As it is mentioned by UNODC (2018) "another significant issue [of not having a universal definition of

terrorism] has been the lack of harmonization between national and regional laws and normative standards on countering terrorism. […] Following the 9/11 terrorist attacks, the Security Council adopted Resolution 1373 (2001), which required States to take effective national legislative action as part of their global efforts to counter terrorism more effectively. Although, on the one hand, this obligated States to take legislative action, in the absence of a universally agreed definition of terrorism, the result has been a mixed legislative response and approach by Member States, sometimes with the potential to hinder rather than facilitate international cooperation" (p. 1). It is important to mention that there is no legal base for considering terrorism as crime by ICC. Besides, ICC considers systematic terror as a crime against humanity, leaving out singular cases. Nevertheless, Roberta Arnold (2004) marks it out that "with regard to the fact that terrorist attacks are often single events, it could be argued that as long as these had a sufficient nexus with other similar acts, they formed part of an overall widespread or systematic attack, constituting a crime against humanity" (p. 1000).

When it comes to extraditing their own citizen, states have different approaches. Some countries leave their legal right to refuse international cooperation when it comes to extradition of their own citizens. For instance, Denmark, Norway, Iceland, Finland and Sweden have declared their refusal to extradite nationals of these countries and persons permanently residing in their territories in the case of a request for extradition of one of these countries (OSCE, 2017). Therefore, one of the impediments to implement international jurisdiction and commitment of separate states to their *erga omnes* is taking into account the internal laws of the country.

To illustrate both existing opportunities and problems in the application of principles of *aut dedere aut judcare* by individual countries, I use in this essay examples around extraditions of Mexican drug dealer El Chapo to U.S., former Chilean director Augusto Pinochet, former Yugoslav President Slobodan Milosevic, former President Habre to Chad, President of Sudan and Prime Minister of Kenya Uhuru Muigai Kenyatta.

Slobodan Milosevic Case

Extradition of former Yugoslav President Slobodan Milosevic had created much debates around the constitutional framework for extraditing offenders. The positions regarding how ethical it was from the officials of Serbian government to extradite Slobodan without constitutional framework for doing so. The fact that Slobodan Milosevic was handed over to officials from the UN's International Criminal Tribunal for the former Yugoslavia (ICTY) without first trying him in home country made many people doubt the legality of this extradition (Sindelar, 2001). Yugoslav leaders tried to bring him to justice on suspicion of corruption, abuse of power, and embezzlement. The initial investigation into Milosevic faltered for lack of evidence, prompting the Serbian Prime Minister Zoran Đinđić to extradite him to the ICTY to stand trial for charges of war crimes instead. Again, similarly to the case with the extradition of El Chapo, economic interests prevail in taking such an unexpected and hurried decision. As it is mentioned in some sources "the importance of securing some $1.3 billion in international aid at a donors' conference that coincided with the date of Milosevic's rushed transfer – meant that the ends ultimately

justified the means" (Sindelar, 2001, p. 1). Nevertheless, we need to admit that Serbian government did have some struggles with double government at that moment that could bring to legal contradictions concerning Milosevic's case. The debates go on as some experts claim that "domestic constitutional concerns of any country are secondary to the authority of the ICTY" (Sindelar, 2001, p. 2). While some people believe that state members of UN are obliged to abide with the decisions of tribunal, others believe that the case of Milosevic spreads a negative impression of Yugoslavia lacking self-governance.

Kenya, Sudan and South Africa vs ICC

Another acute problem that exists with establishing effective cooperation in extradition is granting immune to head of states. During the history, there have been dictators who have committed numerous crimes against humanity, genocide, have implemented unfair political persecution to get rid of their opponents. Although serious crime against humanity have no statute of limitation (OSCE, 2017), the question of what measures international community take to control the commitment of in-power dictators to international jurisdictions becomes really relevant. In most cases the head of states demonstrate resistance to ICC treaties and try to form alliances as an alternative to ICC. This sets insurmountable challenges in establishing an extradition system universal in nature. Looking back at the history of tensions between ICC and some African countries, we will find out that it all started when ICC issued arrest warrant for President of Sudan Omar al-Bashir and Prime Minister of Kenya Uhuru Muigai Kenyatta and other Kenyan officials (Christensen, 2017). Omar al-Bashir was accused of a genocide, war crimes, and crimes against humanity in the frame of conflict in Darfur (Christensen, 2017). ICC comments that until Omar Al Bashir is arrested and transferred to the seat of the Court in Hague, the case will remain in Pre-Trial stage. The ICC does not try individuals unless they are present in the courtroom. As to the case of Prime Minister of Kenya Uhuru Muigai Kenyatta ICC comments that the case is considered closed unless and until the Prosecutor submits new evidents.

In some African countries where dictators are in-power, such an extradition would undermine stability within the state. For instance, in an interview to Voa News, Andile Mgxitama, the leader of the advocacy group Black First Land First in South Africa, claimed that "if for stability and progress, we need to forgive those who transgress against us amongst ourselves, we will do so" (Christensen, 2017, p. 1). Nevertheless, it shouldn't be a reason for leaving unpunished serious crimes of those in the head of states. Moreover, the international community is reluctant to perpetuate and tolerate serious crimes for the sake of illicit stability (Christensen, 2017). Such approach would definitely jeopardize the effectiveness, authority, and reliability of *jus cogen* standards.

In 2016, Sudan, Kenya, and South Africa expressed their position regarding withdrawal from ICC claiming that "ICC unfairly targets Africans" (Christensen, 2017, p. 1). These states attempted to form their own alliances as alternative to ICC. Such an act of legislation is to create African Court of Justice and Human Rights and to ratify Malabo Protocol, which would expand the courts jurisdiction over dealing with international criminal cases (Christensen, 2017). If majority of

African states sign the protocol, it would have serious consequences on realizations of principles of international criminal justice system since the protocol grants immune to sitting head of states (Christensen, 2017). In case of ratification of the protocol, international community as well as AU states would need to wait until the head of state wouldn't be in-power to charge him or her of the crimes which had been committed (Christensen, 2017). This is especially dangerous in the context of Africa, since it would make the head of states to hold on to their position to stay in power longer and, consequently, preventing establishment and maintenance of principles of democracy.

It will not well contribute to finding consensus among UN member-states on the issue of "The scope and principles of application of universal jurisdiction." Particularly it concerns with its provision on the link between universal jurisdiction and the question of immunity of State officials, in particular Heads of State and high-ranking State officials; between the principles and the extraterritorial jurisdiction of national courts over a State's own nationals.

Conclusion

The use of extradition mainly in the fight against common crime is the cornerstone of the entire system of international cooperation in the criminal law sphere. The sufficiently broad scope of the application of the exclusion of political crimes does not allow it to be considered as a general principle of international law. The restriction on the extradition of persons who have committed a political crime constitutes an exception to the General Treaty obligations of the requesting state for extradition.

In modern conditions, the development of the institution of extradition is significantly influenced by two trends arising, on the one hand, from the need to combat international crime, cooperation of states in the suppression of various forms of criminal activity, and on the other — from the unconditional obligation to respect human rights in connection with extradition. Moreover, in certain cases, human rights obligations may have priority over other international obligations of the state, although this does not allow us to consider the problem from the point of view of the general priority of the interests of human rights protection over the interests arising from extradition, in particular, the fight against crimes and the protection of victims of these crimes. Therefore, it is essential to establish a balance between these competing interests.

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4.4 Essay

The challenges and efforts to achieve the SDGs in Bangladesh
By **Mohammad Shahidullah**
Advisor: **H.E. Dr. David O'Connor**

Introduction

The phrase sustainable development was defined by Gro Harlem Brundtland as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (Brundtland, 1987, p43). United Nations in its 70th session of the General Assembly in 2015 unanimously adopted the Sustainable Development Goals (SDGs) to be implemented from January 2016 to December 2030. The SDGs are the blueprint to achieve a better and more sustainable future for all. They address the global challenges we face, including those related to poverty, inequality, climate, environmental degradation, prosperity, and peace and justice. The Goals interconnect and in order to leave no one behind, it is important that we achieve each Goal and target by 2030 (2). The 17 SDGs are the world's best plan to build a better world for people and our planet by 2030. The SDGs are a call for action by all countries - poor, rich and middle-income - to promote prosperity while protecting the environment. They recognize that ending poverty must go hand-in-hand with strategies that build economic growth and address a range of social needs including education, health, equality and job opportunities, while tackling climate change and working to preserve our ocean and forests (3). Bangladesh earned international acclamation for its tremendous success in MDGs implementation, particularly in the areas of poverty alleviation, food security, primary school enrolment, gender parity in primary and secondary level education, infant and under-five mortality rate, maternal mortality ratio, immunization coverage, and reduction of communicable diseases (4). It is a front runner in implementing SDGs, setting an example of the best practice in mainstreaming global goals into the national plan with an effective SDGs Implementation Plan involving all the key relevant ministries of the government as well as the private sector and CSOs. It has taken some

concrete initiatives in this regard. However, the country has many challenges in achieving SDGs. This paper attempts to discuss these challenges as well as the efforts made by Bangladesh in achieving the SDGs.

The Challenges for Bangladesh

*Key challenges

SDG1: End poverty in all its forms everywhere

Poverty reduction is a multi-dimensional issue and a whole-of-government approach is required to address it. The mapping of Ministries for various SDGs targets reveals that 44 Ministries/Divisions are involved in addressing this goal. Effective coordination of these different ministries/divisions poses a challenge for success. Resource mobilization particularly from external sources remains a big challenge. The National Social Security Strategy requires substantial increase in resources and streamlined efforts for implementation. The professional capacity of Bangladesh Bureau of Statistics, the national statistical organization, needs to be significantly enhanced to meet the multi-dimensional data requirements for tracking the progress of SDG1 through generating quality data of other organizations. In Bangladesh many households live close to the poverty line and sudden shock can push these households below the poverty line ruining the gains in poverty reduction. 5

SDG2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture

Challenges to Zero Hunger will be related to implementation of the Delta Plan 2100 which purports to take account of future uncertainties in climate change, socio-economic development, population growth and regional cooperation, addressing hunger in lagging regions and of disadvantages groups, building resilience of poor people and addressing problems emerging from urbanization. The incidence of hunger is distributed unevenly in the country; stunting still affects more than one third of the children. Women still suffer more when a family faces food shortage. It is necessary to build resilience of the poor, vulnerable, and affected people by increasing their

capacity to adapt to mild, moderate and severe shocks such as droughts, cyclones and floods so that they do not slip into poverty once they climb out of poverty. 6

SDG3: Ensure healthy lives and promote well-being for all at all ages

Health sector in Bangladesh continues to grapple with the existing issues of increasing access to, improving quality and achieving equity in health care services for all. There is also the increasing burden of non-communicable diseases (NCDs) such as diabetes, cardio-vascular diseases and cancer contributing to increasing morbidity and mortality. New challenges facing the sector include increasing incidence of injuries including burn and acid injuries (violence against women), drowning and other accidents including road traffic injuries, ageing and geriatric diseases, spread of infectious diseases such as Hepatitis B and C, health effects of geo-climatic disasters and arsenicosis. 7

SDG4: Quality Education

Bangladesh has made significant progress in increasing enrolment rate at different levels of education. However, the country faces considerable challenge in ensuring inclusive and equitable quality education promoting lifelong learning opportunities for all.

Quality is a major concern at all levels of education beginning at the primary level which spills over to successive levels of education. The quality and relevance of higher education and training are inadequate to meet the skills demand of the labour market. 8

SDG5: Achieve gender equality and empower all women and girls

Some of the key challenges to achieving gender equality in the country are: eradication of violence against women, prevention of child marriage and addressing gender digital divide. The gender digital divide is still an important challenge, with women facing challenges in accessing information and communication technologies (ICT), which affects their educational and employment opportunities. 9

SDG6: Clean Water and Sanitation

The key challenge is to enhance the coverage of water and sanitation; particularly in the hard to reach areas. As different institutions are engaged in water supply in different areas in the country, coordination among all implementing agencies is prerequisite to achieving the targets of SDG6. Another major challenge of Goal 6 is dearth of data. Initiatives need to be taken to generate required data for monitoring the progress of SDG6. 10

SDG7: Affordable and Clean Energy

Bangladesh faces formidable challenges in attaining sustainable development goal 7. Energy pricing (electricity, fuel and gas) and subsidies present a challenge to the economy. Power sector subsidy is estimated to be 2-3 percent of annual GDP of the country. As coal fired projects come into being in the future sustainability of power and energy sector might show some regress. 11

SDG8: Decent Work and Economic Growth

The economy has to create more productive jobs to absorb the flow of new entrants with higher average schooling. The majority of the workers are employed in the informal sector. Unemployment rates among youths continue to be a cause of concern. The challenges remain in improving ease of doing business and introducing One Stop Service (OSS), improving service delivery particularly in the ports. 12

SDG9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

Road transport improvement faces challenges from complexity of land acquisition along with resettlement and acquisition complexity. Other pertinent issues which need to be aligned properly include road construction technology, adequate finance, proper data, and axle load. Road safety maintenance requires proper and adequate roads accident data, and awareness of users as well as special attention from traffic police. 13

SDG10: Reduced Inequalities

The increasing inequality or growing concentration of wealth which has implication for poverty reduction and relative deprivation poses a challenge confronting Bangladesh. Tax reform to bring all types of income under progressive taxation could not be fully implemented 14. Though National Board of Revenue (The main Tax Authority of Bangladesh) is relentlessly trying to modernize the tax system in the country, it still remains a challenge.

SDG11: Sustainable Cities and Communities

Rapid urbanization has created increasing demand for housing creating housing deficit. With current urbanization rate and supply of housing, deficit is likely to persist in the future with housing remaining unaffordable for low- and middle-income households. Rising demand for construction materials fueled by urbanization and construction itself has been major cause of air pollution in the country especially in the cities. 15

SDG12: Responsible Consumption and Production

Food loss and waste is a matter of grave concern globally but specially in developing countries like Bangladesh where millions of people go hungry. An estimated 10 percent of crop productivity in Bangladesh is lost during post-harvest operations. Bangladesh has taken initiatives to develop the 10 Year Framework of Programmes on Sustainable Consumption and Production. The biggest challenge is to ensure behavioural change of people so that sustainable consumption can be ensured as well as wastage of food can be minimized. 16

SDG13: Climate Action

Over the years, the country has invested heavily in disaster management infrastructures such as food bank, flood shelters, cyclone shelters etc. due to which mortality rate has fallen significantly in recent times. However, many of such structures are suffering from lack of proper operation and maintenance. As a result, when disaster strikes, the structures fail to provide adequate protection. Rehabilitation of these structures after a disaster is also becoming a major problem due to requirement of large funds. A case in point is the considerable time required to rehabilitate the coastal polders after Cyclones Sidr in 2007 and Aila in 2009. People within the

polder had to suffer for long time as the polders threatened water congestion in the meantime. Such situations will become more common as cyclones and floods are expected to be more frequent due to climate change.17

SDG14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development

Bidders and oil companies are most likely to drill on the shallow sea shelf first due to relative ease and cost-effectiveness but drilling in this area without extensive and overall environmental, socio-economic and biological impacts analysis may prove to be harmful. Marine biodiversity has declined sharply due to environmental degradation and numerous anthropogenic activities such as over-fishing of inshore fisheries, indiscriminate catching of juveniles, construction of barrages and dams, siltation, extensive use of pesticides, pollution etc. Increase in the human population and consequent increases in the demand for fish and fishing pressure is aggravating the situation every year. 18

SDG15: Life on Land

The major challenges in meeting the target of forest area are absence of proper documentation and conspicuous demarcation of forest lands and lengthy procedure of setting land related disputes. Growing demand of timber and wood for different purposes of development is also eroding forest coverage. Recent influx of Rohingya refugees from Myanmar is putting tremendous pressure on remaining forests in Teknaf-Cox's Bazar range. Already about 6000 acres of forest land belonging to Forest Department has been allotted for temporary housing of the refuges. The refugees are also collecting fire wood for cooking, further depleting the forest resources in the region. In Sundarban South West, human intrusion during Rashmela (cultural event) has been identified as a major threat. Among various biological resource use categories, logging is the highest threat, followed by hunting and killing of terrestrial animals and collection of terrestrial plants. 19

SDG16: Peace, Justice and Strong Institutions

Lack of comprehensive and updated database on various forms of offences has been making it difficult to undertake appropriate actions and guide them properly. Ensuring access to an effective judicial system is one of the key challenges in achieving the relevant SDG targets. Reporting incidence of violence, particularly domestic violence and violence against women, is a major issue in the country. 20

SDG17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

Despite impressive country performance there are challenges especially in the areas of resource mobilization in order to implement the required interventions towards achieving SDG targets. ODA is one of the major external sources of financing budgetary expenses. In the recent years, its contribution in terms of the size of national budget is becoming smaller. Moreover, graduation from LDC status may pose additional challenges in future in terms of getting grants and low interest loans and trade with higher import taxes. Remittance sources are undiversified. Traditional markets are facing economic and political challenges making it increasingly challenging to generate increased remittance flows. 21

Efforts of Bangladesh

Since January 1st 2018, total 33 countries have official statements been made by a high ranking official (Head of State and/or Cabinet Member) endorsing the implementation of the SDGs at the national level. Bangladesh is one of them and has submitted its Voluntary National Review (VNR) in 2017 to UN. 22

Bangladesh has formed a high level national committee headed by Principal Coordinator (SDGs Affairs) for implementation and monitoring of SDGs. The Committee mapped out the responsibilities of the Ministries/ Agencies against 169 targets and 232 indicators so that each individual ministry can prepare its own action plan to achieve the SDGs. It has also completed data gap analysis for monitoring 232 indicators to structure its own Monitoring and Evaluation Framework for SDGs. The government has meanwhile completed a financing needs assessment

for sector specific demand of resources in implementing SDGs. In order for supplementing its regular budget for SDGs implementation, the Government plans to explore innovative ways of financing through intense bilateral and multilateral engagements and putting additional focus on domestic resource mobilization. 23

As part of its strategy, it integrated the 2030 Agenda in its 7th FYP (2016-2020). This offered the country a tremendous opportunity to implement the 2030 Agenda by reflecting the priorities of the SDGs in the national plan. It has adopted "Whole of Society" approach to ensure wider participation of NGOs, development partners, private sector, media and CSOs in the process of formulation of the Action Plan and implementation of the SDGs. It has done an estimate to determine the financing needs for SDGs implementation with a view to mobilizing internal and external resources. The preliminary assessment reveals that the country may require around US$ 928.48 billion worth of additional resources for full implementation of SDGs. Bangladesh has introduced Annual Performance Agreement (APA), a results-based performance management system across the whole spectrum of public sector. The APA is expected to play an instrumental role in assessing performance of individuals and ministries/agencies involved in SDGs implementation. 24

The 2019 SDSN survey shows that only two governments (Bangladesh and India) have conducted (or sponsored) an estimate of incremental financing needs to implement the SDGs. 25

UN Sustainable Development Solutions Network (UN SDSN) ranked Bangladesh 116 out of 162 countries and scored 60.9 in SDSN global index. 26

Bangladesh scored favorably on the SDG12: Responsible Consumption and Production. It has challenges remain with the SDG13. However, it has significant challenges remaining with SDGs 1, 4, 5, 8, 10, 14 and 15. Moreover, major challenges remain for the country with the SDGs 2, 3, 6, 7, 9, 11, 16 and 17.   27

Bangladesh is on track in SDGs 1, 8 and 13. Its trend is decreasing in SDG15. However the country is stagnating in SDGs 5, 7, 9, 14 and 16. And the country is moderately increasing in SDGs 2, 3, 6 and 11. 28

BANGLADESH
East and South Asia

▼ OVERALL PERFORMANCE

Index score

60.9

Regional average score

65.7

SDG Global rank **116** (OF 162)

▼ SPILLOVER INDEX

100 (best) to 0 (worst)

▲ AVERAGE PERFORMANCE BY SDG

▼ CURRENT ASSESSMENT – SDG DASHBOARD

■ Major challenges   ■ Significant challenges   ■ Challenges remain   ■ SDG achieved   ■ Information unavailable

▼ SDG TRENDS

↓ Decreasing   → Stagnating   ↗ Moderately improving   ↑ On track or maintaining SDG achievement   •• Information unavailable

Notes: The full title of Goal 2 "Zero Hunger" is "End hunger, achieve food security and improved nutrition and promote sustainable agriculture".

Conclusion

Bangladesh is one of the front-runners in completing the preparatory work for seamless transition from MDGs to SDGs. The important exercises that it completed include integrating SDGs in the 7th 5-year plan, conducting a data gap analysis, and, a financing needs analysis, and developing a National Action Plan and Monitoring Framework for SDGs. Its foreign minister Dr. AK Abdul Momen said in a conference "The government has formed 16 Ministerial committees to collect funds in order to achieve 17 goals within 2030. It is important to form partnerships with all the international donors. Bangladesh also needs support from all sources including its private sectors" 29. The country is progressing with different SDGs but at the same time it has also some challenges as well in implementing the SDGs.

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4.5 Essay

The United Nations and the Western Sahara: THE NEVER ENDING AFFAIR OF WESTERN SAHARA CONFLICT AND THE UNITED NATIONS

By **Mounira Baraka**

Advisor: **H.E. Mr. Yuriy Sergeyev**

The Western Sahara conflict is one of the world's oldest , More than 40 years and its end remains remote , the mains actors are Morocco, Algeria and the Polisario Front, as well as Western countries and the United Nations .

Morocco occupied Western Sahara in 1976 and since then the population of the former Spanish colony is fighting for self-determination while living as refugees in the desert of Algeria.

The Sahrawi are represented by the Frente Popular Liberacion de Saguia el Hamra y Rio de Oro (POLISARIO).

Contents:
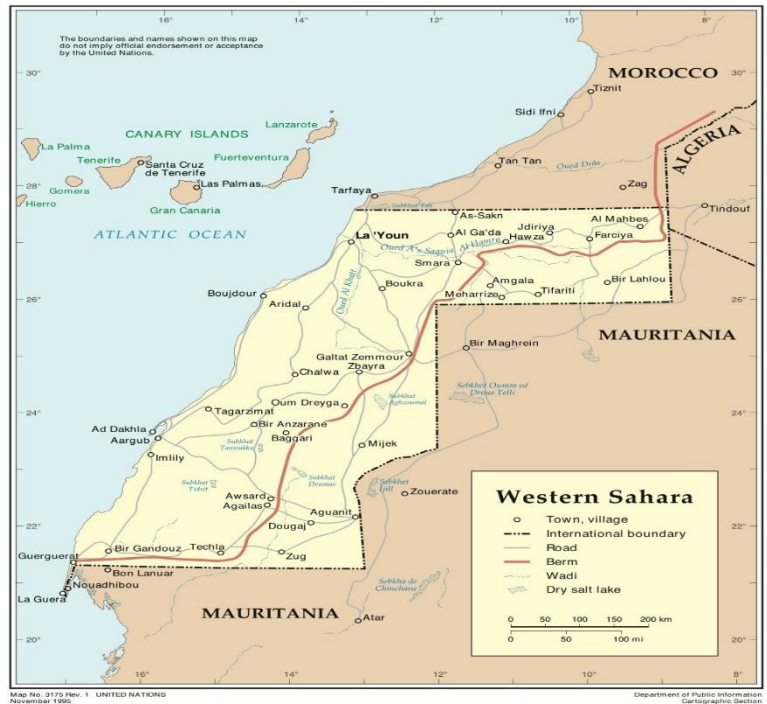
INTRODUCTION:

In 1965, the UN General Assembly issued a resolution accepting the provisions of a resolution released on 1964, of the UN Special Committee on the situation of the admission of Independence to Colonial relating to Spanish Sahara situated between Morocco to the north, Mauritania to the south, and Algeria to the east ,requesting Spain to take all measures to decolonize the territory .

The General Assembly adopted seven resolutions between 1966 and 1973 stated that the Western Sahara conflict could be resolved only through an act of self-determination by a referendum with the Declaration on Independence to Colonial Countries and Peoples , maintaining this position up to the present day .

In 1975 Spain announced plans to maintain a referendum , Morocco announced that could not accept it that included the option of independence and arbitration by the International Court of Justice to decide the legal status of the sahara territory .After the publication of the court's opinion that's the international court of justice found no evidence "of any legal tie of territorial sovereign between Western Sahara and Morocco, King Hassan called for the Green March in November 1975 unarmed civilians crossed from Morocco into the territory to press Morocco's claim to it.

After Moroccan pressures through the Green March of 6 November , Spain entered negotiations that led to the signing of the Madrid Accords between Spain, Morocco and Mauritania.In application of the Madrid Accords in 1976, Morocco took over Saguia El Hamra while Mauritania took control of Río de Oro. The Polisario Front proclaimed the Sahrawi Arab Democratic Republic (SADR) on 1976, and engaged a war against both Morocco and Mauritania.

The Polisario kept up the war while they simultaneously had to help guard the columns of Sahrawi refugees , but after the air bombings by the Moroccan on Sahrawi refugee camps in , the Front had to relocate the refugees to Tindouf Algeria . The movement grew as Sahrawi refugees continued flocking to the camps and Algeria and Libya supplied arms and funding. Within months, army had expanded to armed fighters, The called Polisario was able to inflict severe damage through attacks against opposing forces in Western Sahara and in Morocco and Mauritania proper.

THE UNITED NATIONS SETTLEMENT:

In 29 April 1991 The United Nations Mission for the Referendum in Western Sahara MINURSO established SC 690 with settlement proposals by Secretary - General Perez de Cuellar accepted on August 1988 by Morocco and POLISARIO. The settlement plan, provided for a transitional period for the preparation of a referendum in which the people of Western Sahara would choose between independence and integration with Morocco. By August 1994 the identifications of voters for the referendum under the UN Settlement plan starts , James Baker in March 1997 was appointed as a personal envoy of the secretary-general for Western Sahara , the Secretary-general recommends that his personal envoy James Baker explore with Morocco and Polisario an early ,durable, and agreed resolution of the dispute. The Security Council adopts resolution supporting this proposal , in september Morocco makes its first offer to discuss with the Polisario a solution of the dispute outside the settlement plan Baker's draft Framework Agreement .
Four options to resolve the dispute without the consent of the parties are presented to the Security Council to adopt , in 2002 a resolution 1429 expressing readiness to consider any proposal by the personal envoy that would provide for self-determination , Baker presents the Peace Plan in 2003 for the Self-Determination of the People of Western Sahara to the parties , The Polisario informs the United Nations that are accepting the peace plan , in july 2003 the Security Council unanimously adopts resolution 1495 supporting , but Morocco rejects the plan while the Security Council adopts resolution 1451 diluting its support of his efforts , Baker resigned in 2004 .

3 - MINURSO (Implementing the settlement) :

A cease-fire between the Polisario and Morocco, monitored by MINURSO has come into effect on 6 September 1991, with the promise of a referendum on independence the following year. The prolonged cease-fire has held between Morocco and Polisario who has repeatedly threatened to resume fighting if no break-through occurs. Morocco's withdrawal from both the terms of the United Nations Settlement Plan and the Baker Plan 2003 left the peace-keeping mission without a political agenda.

MINURSO has been mandated to:

-Monitor the ceasefire;
-Verify the reduction of Moroccan troops in the Territory
-Monitor the confinement of Moroccan and Frente POLISARIO troops to designated locations;
-Take steps with the parties to ensure the release of all Western Saharan political prisoners or detainees;
-Oversee the exchange of prisoners of war (International Committee of the Red Cross)
-Implement the repatriation programme (United Nations High Commissioner for Refugees)
-Identify and register qualified voters
-Organize and ensure a free and fair referendum and proclaim the results.

On May 1991, the Secretary-General proposed that the ceasefire should enter into effect on 6 September , Both parties accepted that date. During the following three months,, it's became clear that it would not be possible to complete before 6 September a number of tasks that were to be completed before the ceasefire. It also became clear that, not withstanding the parties earlier acceptance of the settlement plan, substantial areas of difference between them remained. One party, was not able to agree that the transition period should begin on 6 September 1991.

while, hostilities had broken out in Western SAHARA , interrupting an informal ceasefire that had been in effect for over two years. The Secretary-General decided that the formal ceasefire should come into effect on 6 September as initially agreed . The Security Council supported his proposal that, during this delay, 100 military observers should be deployed in Western Sahara to verify the ceasefire and the cessation of hostilities there .

The primary function of MINURSO at that time was restricted to verifying the ceasefire and cessation of hostilities. The headquarters of the Mission was established in Laayoune, with regional headquarters in the northern and southern sectors there . An office was established in Tindouf to maintain contact with the Algerian authorities and the POLISARIO.
Since the deployment of MINURSO in September 1991, the ceasefire has generally held. The transitional period, has not begun, , Not withstanding these difficulties, the parties have repeatedly stated their commitment to implementing the Plan, and MINURSO has carried out its functions in so far as conditions have allowed. The Secretary-General and his Special

Representatives have continued efforts to find compromise solutions acceptable to both parties. This process has required a number of revisions to the Plan and the timetable.

MINURSO's Identification Commission was established in May 1993. In August 1994, after completing the necessary work, including securing the cooperation of the parties, MINURSO began the process of identifying potential voters. Procedural and operational difficulties allowed only slow progress, and efforts to resolve differences between the parties were not successful. In May 1996, the Secretary-General suspended the identification process and most MINURSO civilian staff were withdrawn, including the police component which provided security and assistance to the Identification Commission. The military component remained to monitor and verify the ceasefire .

In 1997, the Secretary-General intensified the examination of the main issues, including in a series of direct talks between the parties .

In December 1997, the Secretary-General restarted the identification process. Despite a number of difficulties, identification of all applicants from tribes other than three contested groupings drew to a close on 3 September 1998. The parties remained unable to arrive at a consensus on how to deal with applicants from the three groups.

In an effort to move the process forward, the Secretary-General, in October 1998, presented a package of measures to the parties, which included a protocol on identification of those remaining applicants from the three tribal groupings and a protocol on the process. POLISARIO accepted the package , and Morocco, after seeking clarification, accepted in March 1999.

Accordingly, identification of the remaining individuals from the three tribal groups resumed on 15 June 1999. As for individuals identified in 1994 and 1995 and from December 1997 to September 1998, the process got under way on 15 July when the first part of the provisional list was published. That list included 84,251 names of applicants found eligible to vote out of 147,249 identified. During the six-week appeals period for the 94-95/97-98 group, the Identification Commission received 79,000 appeals. Identification of applicants from the three tribal groupings was completed at the end of December 1999. Of 51,220 individuals who presented themselves, 2,130 were found eligible to vote. The appeals period for individuals on the second part of the provisional list began on 15 January for a six-week period.

Although the identification process has been completed, the parties continue to hold divergent views regarding the process, the repatriation of refugees and other aspects of the Plan. The Secretary-General has instructed his Special Representative to continue consultations with the parties to seek a reconciliation of these views; and to explore ways and means to achieve an early, durable and agreed resolution of their dispute over Western Sahara.

4 -Geneva Round Tables :

After years of frozen negotiations, the first round table on Western Sahara, convened by UN envoy to Western Sahara Horst Köhler, took place in Geneva, at the UN headquarters, on December 2018 . The meeting ended with no clear conclusions, but with the commitment of Morocco, the Polisario , Algeria and Mauritania, to meet again in March 2019 , with the aim to find a political solution to the Sahara conflict.

Köler expressed that all delegations agreed that cooperation and regional integration, rather than confrontation, were the best way to address the many important challenges . The involved countries were represented by their Foreign Ministers while the Polisario Front was represented by Katri Adduh. Naser Bourita, Moroccan Foreign Affairs Minister, , but stated that the positive atmosphere in Geneva in itself was not enough . that this moment will have an end if there's no political solution . In 21/22 March 2019 The second round table ,was scheduled in Geneva as an additional step in the conflict resolution process, The meeting was held according to the provisions of the resolution 2440 of the United Nations Security Council, providing for the self-determination of Western Sahara's people , The delegations agreed to continue discussions in order to identify elements of convergence, Horst Kohler said he had encouraged delegations to explore good faith gestures and concrete actions that go beyond the roundtable but as he said There is still a lot of work ahead of the delegations. At the same time, being able to listen to each other even when things get controversial, is an important step to build trust , he said.

5-UN Committee 2019 :

Many delegates at the UN 4th Committee in 2019 Sessions has expressed the Secretary-General and his Personal Envoy Horst Kohler efforts to advance the political process and resolve the situation in Western Sahara. Many described the two round-table discussions held earlier in 2019 as particularly encouraging in an atmosphere of mutual respect, making it possible to see the best ways in which to adress the many challenges confronting Western Sahara .

on 30 April 2019 adopts The Security Council, Recalling and reaffirming all its previous resolutions about Western Sahara , Expressing full support for the Secretary-General's Personal Envoy for Wester Sahara former President Horst Köhler of Germany, and welcoming the engagement of the parties and neighboring states with him in his efforts to facilitate direct negotiations, Welcoming the new momentum created by the both roundtable meetings commitment by Morocco , the Polisario , Algerie , and Mauritania to engage in the UN political process on Western Sahara in a serious and respectful manner in order to identify elements of convergence, and Reaffirming its commitment to assist the parties to achieve a just, lasting, and mutually acceptable political solution, based on compromise, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations,Recalling resolution 2378 (2017) ,resolution 2436 (2018) , resolution 2242 (2015) and Affirming its full support for Special Representative of the Secretary-General for Western Sahara and Head of MINURSO Colin Stewart, Having considered the report of the Secretary-General of 1 April 2019 (S/2019/282) , Decides to extend the mandate of MINURSO until 31 October 2019 ,Emphasizes the need to achieve a realistic, practicable and enduring political solution to the question of Western Sahara based on compromise and the importance of aligning the strategic focus of MINURSO and orienting resources of the United Nations to this end ,Expresses its full support for the ongoing efforts of the Secretary-General and his Personal ,Calls upon the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith ,Invites Member States to lend appropriate assistance to these talks, Reaffirms the need for full respect of the

military agreements reached with MINURSO with regard to the ceasefire and calls on the parties to adhere fully to those agreements, implement their commitments to the Personal Envoy, and refrain from any actions that could undermine UN facilitated negotiations or further destabilize the situation in the Western Sahara, in 30 october 2019 The Security Council decided to extend the mandate of   MINURSO for 12 months, until 31 October 2020 resolution 2494 (2019) .

6 -Success or Failure of the United Nations:

There is no evidence that western sahara is a never - ending conflict , Over 40 years both the Security Council and the Secretariat have oscillated between implementation of the settlement plan or finding a political solution asking for compromises from both sides. This has not only hindered the efforts of the mediator, it also sent conflicting signals to the parties as to what the UN was trying to achieve. The Security Council and the Secretariat should have clear expectations as to the outcome of a dispute and should not send conflicting messages to the parties. the parties will only exploit such situations and play the Security Council and the Secretariat off against each other.

Baker's Plan was the evident failure of the United Nations while the Security Council expressed strong support and confidence in his ability to find an equitable solution to the conflict. However, when asked to make hard decisions and act on its professed support, especially with respect to the political solution, the Council did not act in a unified manner that would have sent a clear signal to both sides as to where it stood. Once it became clear through resolution 1541 that the Council was diluting its support for his efforts, Baker resigned. The Security Council must support the efforts of a mediator without equivocation. It should not expect the mediator to achieve miracles when given vague and ill-defined mandates .

Morocco wants Western Sahara to remain as an autonomous, self-governing part of its territory, in a fashion similar to the autonomous communities in Spain. The Polisario Front, backed by Algeria, demands a referendum on the region's independence, which the U.N.'s mission in the region is ostensibly aimed at facilitating since the ceasefire in 1991, it appears that one of the world's most disputes may continue to rumble on waiting for the political solution .

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4.6 Essay

The Impact of Art and Sports Programs in vulnerable youth communities to prevent crime

By **Silvie English**

Advisor: **Dr. Massimo Tommasoli**

Can dance, sports, or general arts prevent crime among youngster communities? Or better, can these recreational programs prevent radicalization and tackle terrorism?
Importance of Social Science and Research to Prevent Crime: Sociology is a science that studies human society and social behavior. This research is essential to prevent criminal activity focusing on children and teens throughout the early intervention, implementing art and sports programmes within vulnerable communities.
If art programs are effective in prisons, how successful would these programs be to prevent the youngsters of becoming criminals?

"If you want to make peace with your enemy, you have to work with your enemy. Then he becomes your partner. -Nelson Mandela, activist, South African president, Nobel Peace Prize (b. 1918)"

"The Impact of Art and Sports Programs in vulnerable youth communities to prevent crime"

Objectives
The prevention of criminal activity in vulnerable youth communities, which may include radicalization and counterterrorism in vulnerable youth communities, through the implementation of art therapy, sports programs, and other recreational activities.

Purpose and Goals
Peacekeeping. Integrating Behavior Insights Research to promote peace, unification, trust, integration, public health, mental health, and public safety through art, dance, and sports programs.

Key Factors
Integration, trust, teamwork, inclusion, understanding, peace, social inclusion, diversity and empowerment, tackling social challenges, and to be able to prevent through early intervention programs. To identify critical points to whom intervention works best.

Background

All human beings have behaved in a deviant at least once in our lives. That is our human condition; even toddlers enjoy testing parents in search of attention or also act defiantly. The problem is when some individual is a constant struggle to follow social norms or rules.

We live in a punitive society; sometimes, the punishment aggravates the problem. That is why it is essential to consider restorative justice in the criminal justice system to try to solve deviant behavior. Or more significant: the implementation of art programmes in public schools, particularly in vulnerable communities, to prevent criminal behavior. Usually, theories are assumptions about the individual and society, sometimes are rhetorical, untested, or unsupported. That is why research is crucial. Researchers collect data using controlled methods and statistics. Considering that our criminal justice system fails often, it is vital to research methods to prevent crime.

Motivation of the Study

The United Nations Institute for Training and Research (UNITAR) shown during the session of Insight Behavior Research, (UNGA 2019), the effectiveness of behavior modification and prevention of criminal activity with the implementation of programmes such as sports among vulnerable communities. Sports and other recreational therapies such as dance and art, in general, bring people together, create social inclusion, fun, unity, and peace among young people and prevent crime in vulnerable communities and might prevent radicalization and to tackle terrorism through early intervention.

There are several ongoing and successful types of research with different groups. For example, Pierre Dulaine is the creator of a method called "Dancing with the Enemy" implemented in his hometown, Jaffa. It might be his most significant achievement because he changed hatred to love and respect between Muslims and Jewish children, including the parents and teachers, in his hometown Jaffa, Palestine. His method helped to unify and promote peace between two groups of young students: Palestinians and Jewish through ball dance. After the great success, The Dulaine Method has been implemented during detention and as after school program for teenagers in public schools: "Dancing Classrooms" in some junior high schools in NYC.

"Dance is a tool for getting the children to break down social barriers, learn about honor and respect, treat others carefully, improve self-confidence, communicate and cooperate, and accept others even if they are different" Pierre Dulaine

A second successful example, with a different population, is a program called "Shakespeare Behind Bars," which has been implemented for over 20 years with inmates in prisons in Kentucky, Michigan, and Illinois. This particular research has conclusively proven that, it is possible to transform inmate offenders from who they were when they committed their crimes, to who they are in the present moment, to who they wish to become, through theatrical encounters with personal and social issues to incarcerated, post-incarcerated, and at-risk communities, allowing them to develop life skills that will ensure their successful integration into society.

Recidivism Rates
National average = 76.6%*

Kentucky = 40.7% (where SBB has programming)**
Shakespeare Behind Bars = 6%
***National Institute of Justice.**
****Kentucky Department of Corrections**

Both programmes had benefits among three different population groups: youngsters from detention, Palestinians and Jewish teens, and inmates in positive ways. Promoting peace, trust, unification: from hate to brotherhood, from detention to integration, learning how to express their feelings bypassing defenses including dishonesty, recidivism decreased and delivered the purpose of their life, among many other benefits.
Pierre Dulaine, Detention Programmes, and Dancing with the Enemy in Jaffa and Shakespeare Behind Bars' two-decade researches are significant evidence of the importance and success of art, dance, and sports programs to prevent crime and promote peace.

Purpose Statement
Socioeconomic factors contribute to deviant behavior, from lower crimes to radicalization. Some elements of social disintegration are intolerance, hate fear, mistrust, and these issues need to be addressed. Young people need to feel that they are part of society. Sports, dance, arts, teach universal values like respect, equality, integration, and fairness, including life skills and gender equality. These programs promote a sense of belonging, engagement, network, values, physical education, non-discrimination, diversity, violence prevention, and response, cultural, religion respect, and support to achieve goals: to tackle violence, crime, and extremism.
Equity and inclusion are the main components of a peaceful society, starting with local solutions, based on local challenges agenda. These programs promote the prevention of drug addiction, also, refugees integration, help with specific disabilities, isolation/integration and social stress and mental health values such as empathy, listening, critical thinking, dropping biases judgment, non-violent communication and mediation skills, health and education, engagement through playing, having fun and connection with different people reducing prejudices.

 "The world today is home to the largest generation of young people in history, 1.8 billion age from 10 to 22. Close to 90 per cent of them live in developing countries, where they constitute a large proportion of the population". United Nations Youth Strategy 2030
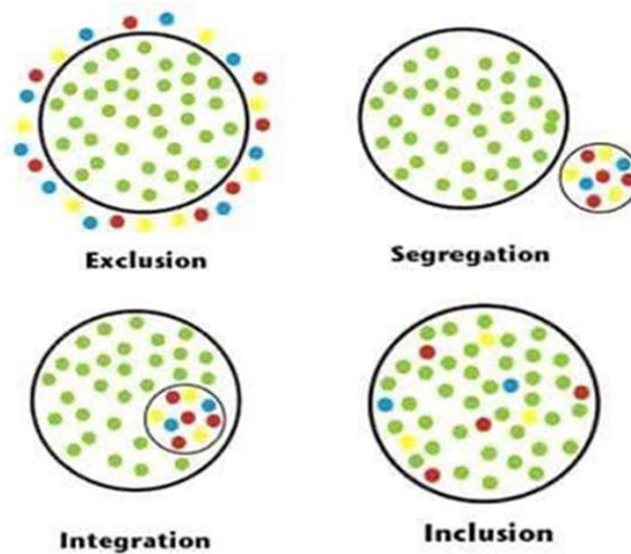
International Peace Institute – IPI MENA Hosts Youth in Art for Peace
The International Peace Institute hosted an art exhibition called "Youth in Art for Peace", where high school students from the UK, USA, Palestine, Saudi Arabia, India, Australia and Bahrain donated their artwork. IPI MENA's director Nejib Friji is a visionary who promotes peacemaking and deterrence, multilateral policymaking, leadership for innovation against violence, dissatisfaction and extremism among youth, through art. During the exhibition, Al Bakr outlined that art is not just a tool of intercultural communication, but it also promotes tolerance, inclusion and peace: the unifying power of art. Young artists build bridges and cultural connections in advocating for peace making art. (April 29, 2019)

United Nations Youth Strategy 2030
The initiative
Young people struggle with climate change disasters, and some suffer from marginalization or interpersonal violence, and other human rights violations and injustice.
One of the priorities of the UN Youth Strategy 2030 is the promotion of youth engagement, participation, and advocacy, amplifying their voices for peace and sustainable world, the application of the principles of meaningful and sustainable youth participation. Also, to promote health foundations, quality education, health services, and access to youth-friendly mental health services, including universal health coverage. These efforts include
peace and resilience building, including protection, security, and humanitarian action, through multilateral cooperation of State Members and the UN Sustainable Development Goals (UNSDG), to ensure the active multilateral engagement.

 R2P
Responsibility to Protect
In 2005, the General Assembly Summit, document (A/RES/60/1), adopted the resolution at a governments' Head of State level, the paragraphs 138 and 139, the obligation, commitment and

responsibility to protect at an international level by consensus. In other words, States are legally responsible and obligated to take actions to prevent and punish crimes against humanity. The implementation of the principle cannot ignore children and youngsters, not just to prevent abuses but to promote their wellbeing.

Insights from UNGA 2019
Arria-Formula meeting on the 26th of November, 2019 for the reintegration of children associated with armed forces and armed groups: Bridging the Humanitarian Development-Peace Nexus, including by taking into account children's views and implementing reintegration programmes, the objectives and efforts for the Agenda 2030, the conclusions were:

Use the SDGs as a framework to support the 2020 agenda, which is very comprehensive to implement the children's rights to the work of SDGs. The implementation of the Child's Reintegration Program, into the SDGs humanitarian assistance, more actors needed and a bigger budget, and the commitment from governments to focus on sustainable goals and, most importantly: do not leave any kid behind.

UNICEF: It is crucial to address the prevention of high-risk children for being recruited, and do not ignore the lack of access to justice, lack of sources in general.
We need to assess the implementation of a reform in the development system and framework to reintegration.

Trauma from violence leads to violence in the future. Vulnerable children need to be integrated and help through therapy and another kind of assistance. To emphasize the training of people to deliver those services starting at a local level, such as psychosocial support therapies, including education and health services.

The cooperation with UNICEF and other agencies to change the way we engage with children to improve and impact their lives.

We need to see children as research partners instead of research subjects, using their voices and experiences to prevent violations, radicalization, and abuses in general, with the collaboration of the mentorship programme called "Voice More" to check now and in the future how these abused children are doing.

A powerful statement from a victim – Yenny Londono- Colombia

She came to the UNGA to express what she lived when she was just 13 years old. She was kidnaped and recruited as a soldier in her home country. Now, she is about to finish Law school. She feels that her mission is to advocate for children's ex-soldiers and the prevention of it. She formed and trained a group of women who help and children ex-soldiers to reintegrate them into society and prevent their recidivism in an armed group in the future, including services for their families.

"Kids are kidnapped and abused, to serve at war, particularly poor or street children."
"These children are emotionally broken and need so much help. They live with no motivation at all, do not want to go to school, and most likely they are stigmatized by the society," Londono said.

Being realistic, the Budget needed to help these children is not that much. If they do not get adequate help, they will do drugs, fall into prostitution, or go back to the armed forces. (UNGA 2019). Yenny Londono was a girl soldier; it is crucial to recognize the voices of children.

Psychological, Neurological, Cognitive and Social aspects of Art therapy
According to David Gussak, Ph.D., ATR-BC (expert on Forensics, Holocaust, Prisons, and Corrections), art therapy programs, that include painting murals, dance, theater, music- learning how to play musical instruments-, even cooking is an emotional escape for the inmates. These recreation and rehabilitation programmes, work at different levels (psychological, social, neurological), reducing depression and anger, creates wellness in correctional populations, among other benefits, even though sometimes the individuals are not aware of their progress.

Benefits
These art programs promote self-awareness, self-expression, constructive behavior, communication skills, and effectiveness in behavioral change for inmates in prisons. Reports show that the inmates that participated in arts making programs reduced disciplinary reports, and the recidivism decreased in the California Department of Corrections for those inmates who participated. (Brewser, 1983),
Social Cognitive Theory (SCT) used in psychology, education, and communication. It prescribes the portions of an individual's knowledge and learning by observing others within the context of social interactions. (Bandura A.1986)

Childhood and adolescence are essential in developing ages for human beings.
Robert Ressler explains in his book "Whoever Fights Monsters," the importance of the childhood and early puberty period of age. "During childhood, anger stays internal, but later in life comes back to the surface, particularly during puberty. Therefore, the combination of anger, depression, hormones, testosterone, and being already brainwashed, all these elements together are a "potential host of monsters" inside children, particularly boys." For example, if a parent is abusive, the child grows up filled with anger and resentment. Other different factors affect negative behavior such as drugs, alcohol, and hatred, genetic disposition, mental issues, poverty, social differences, cultural differences, and more. These elements affect children, can be the root of deviant behavior and crime later in their lives and affects society.

"Structure of the Brain- Two areas, one for sex and the other one for violence: hypothalamus are two regions next to each other, one is concern with aggression and the other one is concern about mating behavior that overlap by 20% of the cells". David Anderson, PhD.

Dr. Eric Kandel is a University Professor and Kavli Professor in the Departments of Neuroscience, Biochemistry, and Molecular Biophysics, and Psychiatry at Columbia University. He is the director of the Kavli Institute for Brain Science and co-director of the Mortimer B. Zuckerman Mind Brain Behavior Institute at Columbia. In 2000, he was awarded the Nobel Prize in Physiology.

Kandel argues in his book "Reductionism in Art and Brain Science," the complexity of the mental process, cognitive functions, human perception, and how much we can learn about the brain while looking or working with art.

Kandel studied the Abstract Expressionist and its fundamental elements: line, color, form, light, and texture particularly. The reaction to abstract art has a lot to do with how the human brain interprets visual information. He also explains the relationship between Humanists and Scientists, how difficult it is to communicate with each other since they have different aspirations, goals, and methodologies. But art can be the bridge between them.

Many scientists have issues with humanistic values. It is crucial to understand human nature and how we remember and understand something. For Kandel, Jackson Pollock, Rothko, Turrell, Kooning are not just artists, but a scientist at the same time because they experimented with light, color, textures, lines and so on, and that is the bridge between science and humanism. The perception and emotional response of the brain are very experimental, and it is science.

"Our neural circuitry is hardwired to prefer images we can identify, which makes abstract forms more difficult to process. At the same time, abstract forms leave the door open to interpretation, stimulating the higher-level areas of the brain responsible for creativity and imagination". Dr. Eric Kandel

The bottom-up process to the top-down mind perception
When we see the light, we immediately associate it with the sun, for example, that influences how we perceive art or life itself, experience by association, conventional perception. But abstract, leads to imagination, struggle to see what an abstract painting means to you, it is like recruiting your brain, and the cells evolve. You don't see the details, but you experience emotions in the process of looking at an abstract painting, more so painting it, experimenting.

Cognitive behavior
The brain feels pleasure while looking at art. It is the same process with music. When we hear classical music, the brain feels emotions as a response. The brain appreciates it. Therefore, art is the bridge for science, human behavior, and brain process.

Facial expressions and interactions are interconnected, is essential for the social and emotional life of individuals. We recognize each other, and we select who do we do business with, start a relationship through facial interaction, says Kandle. In abstract paintings, people try to find faces even if there are no faces at all, but the process of it, helps the brain to evolve.

Each individual has different responses when looking at a painting, it means that the brain is creative, depending on the information that each individual has stored in their mind. Therefore,

it is scientifically proven that art in general and art therapy programs benefit in the development of the human being trough their brain, memories, emotions, perception, and responses.

Budget Significance
Governments in general, cut funds in education, particularly in art programs in every opportunity possible, but these programs are beneficial for the welfare of society and crime prevention. The disparity between the cost of crime prevention through sports, dance, or art programs in public schools and the cost of detention and incarceration is enormous, for example:
The city annual cost per inmate in New York City is $168, 000 (New York Times, 2013).
Art, dance sports programs for youngsters can reduce the government a considerable amount of money in Policing and Probation, Health and Social Services (social work, psychology), and Social Assistance (Steve Woolrich 2016).
The cost of art programs in NYC public schools: 50% comes from fundraising organizations and instructor-volunteers. The other percentage of the funds come from the Board of Education. The government would invest less money, preventing crime instead of incarcerating people.

"By embracing the arts, communities around the world have the opportunity to create their very own masterpieces, which can have direct and long-lasting effects on neighborhoods and our youth. This process encourages the participants to showcase their talents and abilities and helps build more than just self-esteem, but also community."

Steve Woolrich, Rethink Urban, crime prevention practitioner and initiator of Art Crime Reduction program to prevent at-risk youth from becoming engaged in criminal activity.

Conclusion
Lack of opportunities affects vulnerable groups, and people engage in criminal behavior in order to fit in or to obtain material goods that cannot buy, by stealing. The need for belonging affects tremendously, the feeling of being an outsider, or a "being a loser" incite kids to engage in gangs instead of dance groups. Children need motivation; governments should focus on that for the future and benefit of our nation. Usually, sources are for privileged families, but the underprivileged families are forgotten. Children and adolescents lack these opportunities, and they need art to achieve motivation, emotional control, self-control, respect, discipline, goal achievement, among other benefits. Art, dance, and sports programs might impact their lives to prevent crime in vulnerable and typical children in general, particularly in isolated communities and disadvantaged groups all over the world. When we exercise our creativity, our brain evolves. The benefits of art programs for crime prevention are crucial: dance, painting, music, drama, even cooking, promote the prevention of violence and crime. Arts engage youngsters: belong to a group that influences each other with positive relationships, just by interacting with one another. This program impacts academic, social, and personal issues, which is a great benefit for themselves and the community and public welfare. Dance and art, in general, is a collaborative effort; it affects collectively; it benefits the future of children but also our society. Children gain new skills, enhance self-respect and respect for others, which is precisely what our world needs.

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Pierre Dulaine Related Films

Movie: "Take the Lead"
Documentary: "Mad Hot Ballroom"
Documentary: "Dancing in Jaffa"

4.7 Essay

Accountability in Cyberspace: Why a Comprehensive Cybersecurity Convention is Needed

By **Melanie Knieps**

Advisor: **H.E. Mr. Yuriy Sergeyev**

Introduction

Modern information and communication technologies (ICT) have played an essential role in the reshaping of economies, societies, and international relations. While the benefits are enormous, they do not come without risk for private citizens, businesses, the public sector, and a country's critical infrastructure. The most recent Global Risk Report published by the World Economic Forum categorizes the likelihood and impact emanating from cyberattacks as high (WEF, 2019). Concerns particularly pertain to large-scale cyber-attacks or malware that may cause "large economic damages, geopolitical tensions, or widespread loss of trust in the internet". To date, malicious actors have largely operated with impunity while their targets have been struggling to build up their cybersecurity and prepare for the next attack. Although there have been some initiatives, they remain largely regional and limited in scope. While some nation states are better prepared to deal with cyber threats, others do not have the sufficient capacity to build sophisticated defense infrastructures. As a result, the commitment to cybersecurity is particularly

low in the developing world (see Heatmap in Figure 1; ITU, 2017) which bears the risk that their already vulnerable institutions will lag behind even more.

The *United Nations* (UN) has recognized these developments and has begun to establish initiatives to tackle them. United Nations Secretary-General António Guterres even made the promotion of a peaceful ICT-environment one of his key priorities noting that "global interconnectivity means that the frequency and impact of cyberattacks could be increasingly widespread, affecting an exponential number of systems or networks at the same time." adding that "in this context, malicious acts in cyberspace are contributing to diminishing trust among States." (UNODA, 2019). However, to effectively regulate the negative excesses of cyberspace – all the while preserving its positive contributions to society – will require international cooperation between nation states. The purpose of this paper is to discuss the current cybersecurity challenges of *internet governance* by assessing the

Figure 1. **Heatmap** *of varying cybersecurity commitment levels*
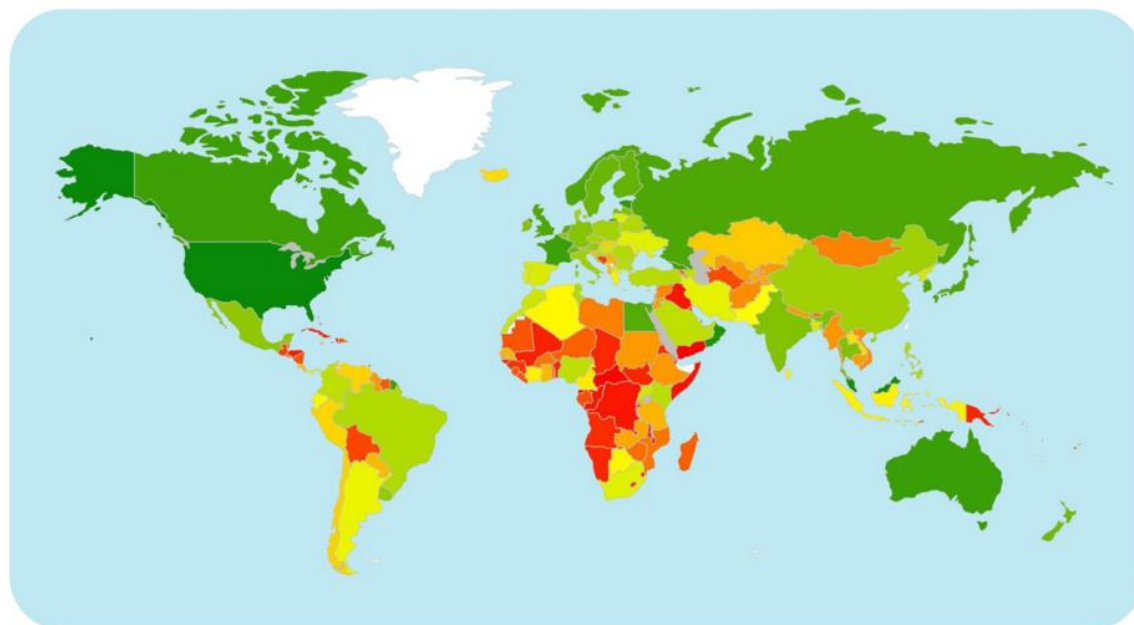
Commitment levels   ■ High   ■ Medium   ■ Low

current knowledge, normative, policy, institutional, and compliance gaps (based on framework described by Weiss, 2009).

There are various actors in cyberspace who use ICT for nefarious purposes. Their intentions and the effects of their acts are one useful way to classify malicious activities, which include (a) *cybercrime* (conducted for profit through the production of malware, the distribution of child pornography, hijacking for ransom, the sale of mercenary services), (b) *cyber terrorism* (characterized by the motivation to influence an audience or compel a government through threats and violence against cyber and real world targets), and (c) *cyberwarfare* (committed by a nation state against another targeting their critical infrastructure, the industry located within their borders, and their institutions) (see Ophardt, 2010). As it is generally difficult to attribute cyberattacks to a specific perpetrator who – to complicate things further – might be motivated

by more than a single motive, classification efforts are often futile. Therefore, this paper takes a more holistic approach by addressing the question how perpetrators who use ICT can be held accountable for their actions in cyberspace, regardless of whether they were driven by financial gain or ideology.

Cybersecurity knowledge gaps

How to measure the impact of cyberattacks? To convince governments to act, it is crucial to get a clear understanding of the scope and impact of cybersecurity-related issues. However, there are no complete and objective data that would allow meaningful conclusions on the impact of malicious cyberattacks. While many reports measure the effect of cyberattacks in terms of the confidentiality, integrity, and accessibility of data, they hardly ever take their impact on people into consideration. For example, when the news broke that the U.S. had surveilled world leaders including German Chancellor Angela Merkel, she described the relationship between Europe and the United States as "severely shaken" (Smith-Spark, 2013). Hence, efforts to measure the effects of cyberincidents should also take its long-term consequences on international relations into consideration. Clearly, the decline in trust between countries can have severe spillover effects to other areas. It stands to reason that nation states will not be motivated to increase their cybersecurity efforts until they are presented with irrefutable data showing the impact of cyberattacks on their national security and economic prosperity.*How to assess a country's cybersecurity preparedness?* While not all countries` might recognize the urgency to strengthening their cybersecurity capabilities, many might want to but lack the knowledge of how to draft and implement national strategies. In an effort to address this knowledge gap, the *United Nations Institute for Disarmament Research* (UNIDIR) has developed a *Cyber Policy Portal* which is an "online reference tool that maps the cybersecurity and cybersecurity-related policy landscape [and that] provides a rigorous, accessible and up-to-date overview of the cyber capacity of UN Member States and a select group of intergovernmental organizations." (UNIDIR, 2019). Although being able to measure a country's cybersecurity preparedness is critical in highlighting possible omissions in domestic national strategies, it fails to address how they can be implemented especially when resources are scarce. In particular developing countries will need support for building their cybersecurity capacity if they want to effectively fend off cyberattacks that target their institutions. Hence, understanding that an issue exists is an important first step. However, only when knowledge is followed by feasible actions will it be possible to reduce the global cybersecurity risks.

Cybersecurity normative gaps

How can norms help to decrease cybersecurity risks? Norms which can be generally defined as shared expectations of appropriate behavior (see Finnemore & Hollis, 2016) are important because people (including citizens, politicians, and officials) care about what others think of them. In their fourth meeting which concluded in 2015, the Group of Governmental Experts (GGE) presented 11 non-binding political norms outlining responsible state behavior in cyberspace. These norms which were ultimately endorsed by numerous countries aim to regulate cyberspace by calling on nation states to (a) prevent attacks (1, 2, 3, 7, 9, 10, 11), (b) provide assistance (4, 8), and (c) respect existing international legal frameworks (5, 6) (see Appendix 1).

The voluntary nature of the adoption of these norms has led to some skepticism concerning their effectiveness. Paul Rosenzweig, senior fellow at R Street Institute in Washington, D.C. notes that "[t]he only norms that are effective are ones where it is in the state's interest to [follow them]. Eight years ago, I used to characterize the cyber-realm as the Wild West—without any norms, without any rules," Rosenzweig recalled. "Then about four or five years ago, I said, 'Things are changing. We are finding the tools to bind states to act more properly.' What we've seen in the last four years, we've seen a retrograde." (Horwitz, 2019). Given that this year saw the first military retaliation as a response to a cyberattack substantiates such concerns as it might have set a new precedent for what state behavior can be considered acceptable (Doffman, 2019). To prevent further escalation, more comprehensive and binding legal frameworks – not just mere voluntary norms – are needed to regulate state behavior in cyberspace.

Cybersecurity policy gaps

Which legal frameworks apply to nation states? There is widespread agreement that international law, and particularly the *UN Charter*, applies to cyberspace (Weisbord, 2011). According to the UN charter, all 193 Member States of the United Nations are called upon to maintain international peace and security and to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations" (UN Charter art. 1). However, the wording of these articles leaves room for interpretation. For example, cyberspace challenges a fundamental aspect of international law—territory: Distributed Denial of Service (DDoS) attacks often utilize botnets consisting of devices which are scattered worldwide to target their victims. In other words, the malware moves freely across national borders which is incongruent with the notion of territory. While Western countries and allies tend to stress the importance of existing international law, Russia, China, Iran and others highlight a lack of clarity of existing laws and express some reservations about the applicability of international humanitarian law specifically (Starks, 2019). Therefore, it is unsurprising that there has been some debate on *how exactly* international law should apply to cyberspace.

One of the most contentious debates concern the right to *self-defense*. Although the UN Charter clearly prohibits the threat and use of force, it specifically permits the use of force "if an armed attack occurs" (UN Charter art. 51). Until recently, countries have not interpreted cyberattacks as an armed attack. For example, the 2007 siege on Estonia's government, media, and banking websites did not amount to triggering a military response by the EU or NATO against Russia who was suspected of being behind the attacks (Myers, 2007). However, when the Hamas attempted a cyber offensive against Israeli targets earlier this year, Israel responded with an air strike (Doffman, 2019). In the absence of a clear legal framework, it is difficult to determine whether such state behavior is consistent with the articles of the UN Charter or not. Therefore, it is important to clarify the rules that restrict the illegal use of force by nation states.

The applicability of *International Humanitarian Law* (IHL) to cyberspace is another key topic under debate. As part of international law, IHL sets rules governing relations between nation states aiming to protect "those who are not, or no longer, taking part in fighting in an armed conflict" (e.g., civilian population, medical and religious military personnel, prisoners of war;

ICRC, 2004). For example, individuals can be prosecuted under IHL if they are responsible for an attack that caused injury to persons or damage to property whose harm they could have foreseen. However, to date no significant loss of life has been directly associated with cyberattacks. Therefore, it remains to be seen whether IHL is relevant for the cybersecurity context.

International law also covers the accountability of individuals. A particularly relevant core international crime in the context of cyberspace is the *crime of aggression*. Building on the Rome Statute from 1998, the Kampala Review Conference of 2010 defined the crime of aggression as the "planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations." (Resolution RC/Res.6, 2010). This general definition was supplemented by a list of specific acts of aggression. Some believe that cyberattacks are covered by international law and qualify as an act of aggression if they have the same *effect* as a physical attack (Weisbord, 2008). Others strongly criticize the absence of any mentioning of cyberattacks from the list of acts of aggression (Scheffer, 2017). Given the increase in cyberattacks, these critiques fear that the "glaring omission [of including cyberattacks in the Kampala Convention] will cripple the ICC in how it will investigate aggression that may consist solely or largely of cyber warfare tactics" (Scheffer, 2017; p. 84). To put a stop to impunity in cyberspace, it is absolutely crucial to hold individuals accountable for their acts with a robust and incontestable legal framework.

Which legal frameworks apply to non-state actors? While the regulation of behaviors of nation states and those individuals affiliated with them is at least somewhat addressed by international law, universal legislation concerning the behavior of non-state actors in cyberspace is much more complicated. The first and to date only international treaty on cybercrime - generally known as the *Budapest Convention* - seeks to tackle the use of ICT for criminal purposes by harmonizing national laws, improving investigative techniques, and increasing cooperation among nation states (Council of Europe, 2001). While this convention marked a milestone, it has been the only comprehensive mechanisms to date. Given that it entered into force in 2004 and was largely a regional effort, it is critical that an updated and more universal set of governing principles and goals is articulated.

In comparison, terrorism does not even have a universally shared definition which severely complicates the creation of effective policy (see Young, 2006). Although terrorism is commonly understood as "the use of violence and the imposition of fear to achieve a particular purpose" (Gross, 2001; p. 97), there is still no universal agreement on where to draw the line between acts of terrorism and people's legitimate struggles in pursuit of the right to self-determination against racist, foreign, and colonial regimes. The lack of a universal definition perpetuates the violation of human rights. For example, some human rights organizations have reported acts of repression against legitimate political opposition or dissidents under the pretext of fighting terrorism (Human Rights Watch, 2003). ICT have obviously facilitated political activism, and so anyone with an opinion and a cellphone can become the target of a far too broad definition of what behavior constitutes terrorism. Legislation targeting (cyber-)terrorism will have to strike a fine balance

between criminalizing harmful acts and protecting human rights such as the freedom of expression.

Which legal frameworks apply when state actors and non-state actors intermingle? The entanglement of nation states with criminals and/or terrorists muddles the waters even more. For example, while the conduct of states during wartimes is regulated by the IHL framework, non-state actors (e.g., state-sponsored terrorists) are not included within the regime. Even within U.N. circles it is acknowledged that the "lack of agreement on a clear and well-known definition undermines the normative and moral stance [of the U.N. General Assembly] against terrorism and has stained the United Nations image." (Secretary General A/59/565, 2004). The failure to conceptualize terrorism obstructs the creation and implementation of meaningful policies and, as a result, there are spillover effects from this dispute to the cybersecurity discussion. Before the United Nations can establish policies addressing cyberterrorism, it will first have to build the basic foundation by defining terrorism. While the Kampala Review Conference was a great success in describing the acts of nation states that define the crime of aggression, some scholar expressed their disappointment that issues with respect to the use of force by or against non-state actors had not been addressed (Koran, 2012). Cyberspace allows terrorists today to reach – and therefore terrorize – a larger audience. To meet this threat head on, it is absolutely crucial for the 193 Member States of the UN to find consensus on a sensible and universally accepted definition of terrorism. Similarly, cybercrime has become an important source of income for some nation states. For example, a recent UN report asserted that North Korea has funded their nuclear program in large parts with the profits made from cybercrime (Security Council report S/2019/171, 2019). To hold actors accountable for their actions in cyberspace, there need to be fundamental discussions how to deal with these interconnections in general.

In sum, the lack of a clear rule-based order has created a dangerous greyzone with blurred line between peace and war. This ambiguity is a clear threat to global peace and security. Thus, it is absolutely necessary for the global community to convene and discuss how international law specifically applies to cyberspace (Koran, 2012). Meaningful policy will have to take the links between cyberwarfare, cyberterrorism, and cybercrime into consideration when deciding on a course of action. Given the complexity and global dimension of cybersecurity, the solution will have to be comprehensive and inclusive. To come to an agreement on internet governance, it will require input from representatives of the entire global community encompassing representatives of governments, civil society organizations, NGOs, academia, the private sector, and other stakeholders. A comprehensive cybersecurity convention would provide the ideal platform for such a debate.

Cybersecurity institutional gaps

Who is in charge? Globally, there is no universal intergovernmental body that deals with cybersecurity matters. While there are some noteworthy initiatives, the majority focuses on national and regional cybersecurity issues (for an overview refer to UNIDIR, 2019a). However, the universality of the challenge calls for an institution within an intergovernmental organization like the United Nations. To date, parts of cybersecurity-related issues are addressed by a multitude of bodies within the UN secretariat. For example, the Office for Disarmament Affairs

(UNODA) covers information security and behavior between nation states, the Office of Counter-Terrorism (UNOCT) covers terrorism, the United Nations Office of Drugs and Crime (UNODC) covers cybercrime alongside anti-money laundering, and the Office of the United Nations High Commissioner for Human Rights (OHCHR) covers human rights issues like the freedom of expression and privacy. The work of these bodies is complemented by a variety of committees. Given the links between malicious actors in cyberspace, it stands to reason that cybersecurity issues are better addressed under a single office with a specialized focus on the matter. The division of cybersecurity into various institutions can easily lead to a fragmentation of responsibilities. As a consequence, an emerging threat may receive attention by various UN bodies wasting precious resources or it receives too little attention and an important topic falls through the cracks. A comprehensive cybersecurity convention might help to streamline the UN efforts not only by determining the policy but also by assigning an institution that is mandated with managing cybersecurity matters.

Cybersecurity compliance gaps

How to enforce the law? Making nation states comply with policies is challenging. This is particularly true for legal frameworks aiming to regulate cyberweaponry that – unlike nuclear facilities – can inconspicuously be hidden in a country's regular IT infrastructure. When a nation state is unwilling or unable to provide evidence that they implement agreed elements of international policy (e.g., "digital disarmament verification"), the *International Court of Justice* (ICJ) is mandated to make a judgement. As the UN's principal judicial organ, the legitimacy of the ICJ is recognized by all UN Member States who are subject to its jurisdiction (UN Charter art. 94). Regardless, the rulings of the ICJ are not always enforced. The UN Charter states that the Security Council "may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment" if a country refuses to comply. This obviously poses a problem when a ruling by the ICJ concerns one of the five permanent members of the Security Council who can simply veto resolutions ordering them to comply with the courts' ruling. Given that all permanent members have substantial capabilities to launch cyberattacks – and the evidence suggests that many of them have already engaged in sophisticated cyberattacks against other nation states – there is the potential that violations go unpunished. This shortcoming lends further support to calls for a comprehensive reform of the Security Council which is mandated with maintaining – not disrupting – global peace and security (see, for example, Cilliers, 2015). As the cybersecurity debate has shown once more, the world will need a more effective and legitimate governance architecture to address and enforce state behavior in the years ahead.

In addition to nation state accountability, preventing impunity in cyberspace will also require clear rules and standards to address individual responsibility. The ICC which was established by the Rome Statute prosecutes individuals (but not states or organizations) for genocide, crimes against humanity, war crimes, and the crime of aggression if (a) any of these crimes took place on the territory of a State Party, (b) if they were committed by a national of a State Party, or (c) if the crimes were referred to the Prosecutor by the UN Security Council (ICC, 2010). Crimes committed by individuals are usually tried by the ICC if a domestic court is unable or unwilling to deal with the case. Some legal scholars believe that the decision on whether attacks committed in cyberspace will fall under its jurisdiction will depend on the ICC judge's willingness to expand

the list of acts that define the crime of aggression (Weisbord, 2011). However, the qualitative definition of what constitutes an armed attack will have be taken with caution as boundaries set too broad can induce more violence under the auspices of the right of self-defense. Given such perils, a body representing the consensus of a wider group of people might be a more appropriate forum to take this decision. Even more, a decision based on consensus as reached in a convention might lend such a decision more legitimacy than one by the ICC given that its jurisdiction is not universally accepted.

Conclusion

There is a clear need for a comprehensive cybersecurity convention to effectively address the current threats to global peace and security. Given the global scope and reach of the issue, the UN which represents 193 Member States is uniquely qualified to face this challenge. Its universal membership puts the UN in the exceptional position to measure the scope and impact of cyberincidents worldwide to determine global trends. While it has made substantial progress on agreeing on a voluntary normative framework for acceptable state behavior (e.g., cybernorms), it has yet to propose legally binding policies. As the United Nations Institute for Disarmament Research (UNIDIR) noted on the 21st of November 2019 after a briefing on the latest cybersecurity debates, it will be necessary to strike a balance between inclusive multistakeholder processes and the need for state agreement (UNIDIR, 2019). A comprehensive cybersecurity convention would be the ideal platform for such a complex undertaking. Not only could it prescribe a clear course of action by mandating specific institution to carry out and enforce the agreed policies, it would also lend legitimacy to such an agreement. As the examples relating to the definition of terrorism and overdue Security Council reform illustrate, a convention is not the holy grail of cybersecurity. However, it is likely to prompt a return to a rule-based international order reducing the risk of armed conflict.

At the moment, the likelihood to establish a comprehensive cybersecurity convention any time soon is fairly meagre. Given that the costs resulting from a cyberattack have been relatively low to date, nation states may view such a convention as a mere infringement on their sovereignty without much benefit for their national security and economic prosperity. In fact, James Lewis, senior vice president at the Center for Strategic International Studies (CSIS), describes his encounters with some countries recalling that "[s]ome have said, 'Nothing has ever gone to the Security Council. No cyber-thing has gone there. Nobody has ever died—so why do you care?'[…]" (Horwitz, 2019). In other words, joint action among nation states is unlikely in the absence of a cyberattack with a substantial body count, even though they would be better off cooperating. The GGEs may have had this *collective action problem* in mind when they called for increased confidence-building measures (CBMs) between nation states (UNODA, 2019). When the Twin Towers in New York City collapsed in 2001, the international community did not take long to establish a new legal framework that called on nation states to co-operate in order to strengthen the security of their international borders by enhancing terrorist screening and passenger security procedures (Kramer & Yetiv, 2007; Young, 2006). As in the aftermath of the 911 terrorist attacks, it will require political will to come to an agreement. One can only hope that it does not require a "digital 911" to create sufficient momentum for a comprehensive convention on cybersecurity. Until then, we should focus on intensifying our efforts to build

confidence (between countries) and capacity (especially in developing countries). Apart from that, we can only brace ourselves for the next cyberattacks … and wait.

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4.8 Essay

Wildlife Trafficking

By Luz Marroquin-Nuñez

Advisor: H.E. Mr. Narinder Kakar

Our environment thrives from the countless lifeforms that live on our planet. From monumental bodies of water and land structures which carry sustenance for both humans and animals to the diversities found in rainforests, our planet holds an abundance of complex formations that have yet to be fully understood. Each lifeform so intricately connected to the next, yet its' delicate existence is presently found heavily exploited for monetary gains. While globalization has claimed much of earth's natural resources for societal development, crimes committed against the environment have crippled earths fragile environmental system. Amongst the various forms of environmental crimes, specifically, wildlife crimes pose not only a significant threat to the survival of an entire species, but also present challenges for source, transit and destination countries. To provide an international perspective of wildlife crimes, I intended to provide an overview of wildlife crime and the illegal wildlife trade occurring in the region of Africa, specifically South Africa.

What is Wildlife?

Humanity and wildlife coexist in a naturally rich environment. Both humans and animals greatly depend on the resources produced from the natural processes of the earth. In this complex life structure, wildlife is defined as all of the fauna and flora of both the land and the sea. Fauna are characterized by animals such as elephants, tigers, and rhinos, while flora are not only plants but also timber and non-timber forest products (CITES). Historically, crimes against wildlife have gone virtually unaddressed by legal systems around the world and where cases have been prosecuted, offenders have received light sentences disproportionate to their crimes. However, in recent years, wildlife crimes have received significant academic, legal, law enforcement and social attention due to the severity of the environmental conditions of specific fauna and flora which have also served as indicators of larger global issues. In response to the declining health of the global environment, societies have allocated substantial national and international efforts in combatting wildlife crimes.

Wildlife Crime

Crimes against wildlife are addressed by the International Consortium on Combating Wildlife Crime which is a collaboration between five intergovernmental organizations, namely, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), International Criminal Police Organization (INTERPOL), the United Nations Office on Drugs and Crime (UNDOC), The World Bank and the World Customs Organization. Together, the aim is to

serve as an aid to strengthen criminal justice systems and ensure an organized response to wildlife crimes at the national, regional and international level (CITES). Crime as defined by the International Consortium on Combatting Wildlife Crime (ICCWC) are acts which are committed against national laws and regulations established to protect natural resources (CITES). A few examples of such acts include the illegal trade in protected butterfly species in Sulawesi, the illegal trade in tiger parts in various Asian countries and the illegal plant trade in India. From an international perspective, crimes against wildlife also include violations against the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international agreement amongst 183 Parties which categorizes endangered species and regulates their international trade according to specific criteria.

Drivers of Wildlife Crime

As crime in its' various forms is motivated by a singular or combination of factors, wildlife crimes are also driven by diverse social, political and economic factors. Cultural medicinal practices such as Traditional Asian Medicine heavily rely on natural resources to provide remedies that are believed to cure and relieve human ailments. Despite the lack of scientific support for the effectiveness of these medicinal remedies, sustained demand for the specialized ingredients have driven various species to near extinction or to their sole existence in captivity. Particularly, bear bile commonly extracted from Asiatic Black Bears, Sun Bears and Brown Bears is a coveted ingredient in Traditional Asian Medicine believed to cure cancer, common colds and other human infirmities (Fobar, 2019). Tiger derivatives are also heavily used in Traditional Asian Medicine under the impression that specific tiger parts can heal a variety of conditions such as epilepsy, arthritis, and asthma. The ancient medicinal tradition of the Asian culture also believes that tiger brain is a cure for laziness and pimples, tiger fecal matter cures alcoholism and tiger feet can protect against evil spirits (Guynup, 2014). Such beliefs have driven the tiger and bear population to dangerous levels requiring intervention from governments and non-governmental organizations. In both cases, tigers and bears are poached from the wild, however, bear and tiger farms also pose a significant threat to the welfare of each individual being. These unsubstantiated traditional beliefs have not only increased the value imposed on various species but have created a demand for medicinal products with no scientific support or medicinal effects driving various animals to critical unprecedented conditions.

Aside from deeply-rooted social beliefs, Moreto & Pires (2018) discuss how demand for wildlife and wildlife products is a significant driver for individuals to feed the supply chain and obtain a substantial profit. For example, shark fin soup is extremely popular in Asian countries, specifically in Hong Kong, Taiwan, Thailand, Vietnam and Indonesia. Mostly consumed for its alleged medicinal abilities, shark fin soup is also used as a dish to demonstrate respect for guests at social gatherings and to display social status (WildAid). The demand for shark fin soup further increased as globalization provided means by which products harvested in one part of the world can easily reach consumers in other parts of the world. Hence, shark fins harvested in the rich waters of Costa Rica easily reach consumers in Asian countries (Ercolani, 2012).

Opportunity to fulfill the demand creates an unsustainable cycle where consumers serve as a catalyst through the choices in their food consumption and personal preferences which maintains sharks as a profitable sustenance for those involved in the trade from source to seller, legal or illegal. This demand has created a marine practice called "finning" where sharks are captured, their fins removed at sea and they are thrown back into the ocean left to suffer and endure a slow painful death.

Furthermore, consumers with greater financial capabilities have the capacity to afford different kinds of exotic species. For example, pangolin is a highly sought-after delicacy ordered to exhibit financial capabilities and social class. Likewise, restaurants in many Asian countries such as China and Vietnam sell pangolin as a delicacy under the radar for an extremely high profit (Hedayat, 2016). On the other hand, excessively wealthy consumers drive the market in rare and exotic species by creating collections of animals for simple pleasure. Illustrated by the illegal cheetah trade, the Cheetah Conservation Fund estimates that there are less than 7,500 cheetahs left in the wild as a result of poaching for personal pet ownership (Formanek, Karadsheh & Qiblawi, 2019). Thus, consumer demand and choices both in legal and illegal markets drives cruel and inhumane practices upon many species propelling magnificent creatures to the brink of extinction.

Lastly, as humans and animals both dwell within the same environment, often the existence of human and wildlife conflict. Deforestation is a rich example of how wildlife and human development collide. In many cases, forest fires can occur as a result of natural factors such as lightning, but more often forest fires are initiated by the need for agricultural expansion. Presently, "the lungs of the earth", the Amazon Rainforest, has received increased attention as reports of forest fires have captivated the attention of the public and the international community. In the case of Brazil, environmental regulations and enforcement have been lifted since the election of the current President Jair Bolsonaro (Symonds, 2019). Following an economic agenda aimed at increasing the use of the land, farmers have boldly and with impunity burned large parts of the forest to clear the land for more agriculture. In this manner, wildlife forcefully succumbs to the interests of human activities.

Wildlife Trafficking

Every year countless species are poached for illicit gains and illegally traded all around the world. It is an illegal trade that strongly rivals the illicit trade in arms, humans and drug trafficking, and is a commodity used by criminal enterprises and terrorist organizations (Pires & Moreto, 2016). The illegal trade in wildlife is deemed the fourth largest illegal trade generating an estimated $19 billion dollars a year and integrating various forms of transnational organized crime (Wu, 2015). A variety of wildlife are poached and trafficked for countless reasons, but all have the ultimate aim of providing a profit for the poacher and the trafficker while facilitating the negative consequence of species extinction and harm to the environment. Whether trafficked live, whole or processed, the illegal wildlife trade fuels not only the criminal networks at work but also an environmental crisis. Furthermore, the peace and national security of

countries are made vulnerable as criminal networks corrupt the legal and criminal justice systems of countries.   Regions intensely rich in natural resources such as Africa, Latin America and Asia serve as a source for this vast illicit trade, supplying an array of species and animal products.

Wildlife Trafficking: South Africa

The entirety of Africa holds an abundance of diverse species unparalleled to other countries naturally rich in wildlife. In particular, South Africa is home to massive creatures such as the elephant, lion, leopard, tiger and rhino. Though once extravagantly rich to an innumerable amount of each species, since 2008 South Africa has experienced a surge in the poaching and illegal trafficking of various animals. Specifically, estimations of the rhino population record a substantial number of rhinos poached in 2013 where it is believed that since 2008 1,004 rhinos were poached in South Africa alone (Anderson & Jooste, 2014). Since then, the number of rhinos has only plummeted due to poaching placing in critical condition the existence of the Northern White rhino, as the last known male Northern White Rhino perished in 2018 (Vitale, 2019).

Similar to other countries where this phenomenon is prevalent, wildlife trafficking in South Africa is a vicious underground cycle between poacher, trafficker and consumer. The high monetary value derived from wildlife parts such as rhino horn attracts veteran and novice poachers alike, where currently it is estimated at a value of $9,000 per pound in Asia (Mele, 2019). Once the animal part is poached, poachers sell the part off to middlemen who manage the trafficking from source to transit and destination countries and launder the profits gained (Anderson & Jooste, 2014).

On the other hand, even in areas that are deemed protected for species and serve as conservation epicenters, rhinos and other protected species alike are in grave danger of being reached by poachers and often do fall prey to poachers. One specific example is South Africa's Kruger National Park. Despite heightened vigilance, technology, strategy and implementation, poachers manage to enter the enclosures of the park, capture and deface their prey. In the effort of protecting the wildlife, many wildlife rangers in South Africa and other countries have perished with over 100 wildlife rangers estimated to have lost their lives to the cause between 2017 and 2018 (World Wildlife Fund, 2018).

However, despite political, social and economic challenges, South Africa has implemented a number of efforts in order to combat wildlife crime. Firstly, South Africa has a Department of Environmental Affairs which spearheads the majority of the environmental efforts of the country. Under the Department of Environmental Affairs are various bodies such as the South African National Biodiversity Institute (SANBI) and the South African National Parks (SANParks) which are essential to the fight against wildlife crime. In terms of wildlife enforcement, South Africa has nine provinces which based on the Constitution of South Africa, all of the nine provinces have provincial conservation departments which individually have the responsibility

of protecting all fauna and flora and have the authority to control its' export and import as per the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Department of Environmental Affairs, 2019). However, due to the fact that South Africa has nine provinces each independently implementing national law within their own legislation, there exists various differences between provincial wildlife laws and national wildlife laws. This further translates into inconsistencies regarding the implementation of wildlife law and prosecutorial efforts of both the provinces and the nation which provides fertile opportunities for criminals to exploit. Overall, wildlife law enforcement officers proactively track and arrest poachers and conduct crime scene investigation to collect evidence to aid in prosecution efforts. Furthermore, a new addition to the fight is the use of women as wildlife law enforcement officers. Women whom often have suffered the violence of war are recruited to join a specialized all women police unit targeting poachers and protecting the wildlife (Nuwer, 2018).

Although there have been genuine efforts to combat wildlife crime in South Africa, an element of wildlife crime is the involvement of transnational criminal organizations and corruption which contributes to the futility of wildlife conservation efforts. For instance, wildlife law enforcement officers in countries which lag in development find that their modest compensations are simply not enough to survive. Thus, many despite their oath to protect and conserve their surrounding environment collude with poachers and transnational criminals in exchange for a more than generous profit. According to the Environmental Investigation Agency, in 2015 11 wildlife law enforcement officers in South Africa were arrested in relation to the illegal wildlife trade in rhino horn. Furthermore, two wildlife law enforcement officers in the largest conservation grounds in Africa, South Africa's Kruger National Park, were also arrested in 2016 and accused of poaching rhinos (Environmental Investigation Agency, 2019).

In conclusion, wildlife crimes have for long received inadequate social, economic and political attention. However, as criminal networks have corroded the peace and security of countries and thus of the international community, greater awareness and conservation efforts have placed wildlife crimes on the economic, social and political agendas of countries. However, in order for such efforts to have longstanding effects and successfully conserve critically endangered species, implementation and compliance of international agreements and national policies is the cornerstone for preserving wildlife for future generations.

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4.9 Essay

Drug Trafficking and Its Social and Environmental Impact in Colombia

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Introduction

Colombia has been known to be one of the main producers of cocaine. It makes easy to produce this drug in this part of the world because of its location specifically in the White Gold Triangle (Bajo Cauca, Urabá Region, and Medellin) and Buenaventura. Drug traffickers see this location as a convenience place if we analyze the different departure and entry points of these drugs as well as the crucial locations of coca crops and laboratories where cocaine is processed.

I will mention the different environmental and social consequences that drug trafficking has brought to Colombia communities, especially in remote places where there is an absence of the state or even where there is not properly road access. Therefore, I will give a description of some locations in Colombia that have been used for the purpose of growing coca, producing and distributing it to the main markets. My aim is to obtain an insight into how these regions in Colombia are important to drug traffickers to commit this crime. It is also really significant to mention the different unattended harmful and what social and environmental implications are to be considered within eradication policies.

As a result of this relationship between drug trafficking and the environment, I would say that one of the main impacts has been the loss of land for numerous indigenous communities which inhabit areas affected by high levels of production of illicit crops. Whereby, the land that they have worked for years could be spoiled by this illicit activity in their communities. Therefore, these negative consequences translate to the reduced fulfillment of the Sustainable Development Goals (SDGS).

Internal Conflict

The internal conflict lived in Colombia for more than 50 years have brought to the country violence, chaos, drug trafficking, human rights violations to mention just few of the issues that negatively impact on sustainable development in the country. In order to understand more the

primary issue of drug trafficking and its environmental and social impact as a secondary issue it is really important to explore the historical context of Colombia.

Between 1948 and 1958, Colombia was the scene of widespread and systematic political violence, known as *La Violencia.* An estimated 200.000 people were killed during this period, including 112.000 between 1948 and 1950 alone (Oquist, 1980). This time was mainly characterized for the heinous acts committed between member of the Liberal and Conservative parties which, would translate to partisan conflict.

Violence between liberal and conservative militants was driven by fears of political exclusion, with liberals anticipating a conservative power grab and conservatives fearing that losing the presidency would mean permanent marginalization ("Colombia: La Violencia, 2016"). Between 1950 and 1953, *La Violencia* was a campaign that was supported by the State. Peasants were mobilized by regional and local authorities to propagate terror among local communities, in which the boundary between political institutions and local vendettas was blurred.

In 1957, the *Frente Nacional* (National Front) was an agreement between liberals and conservatives to alternate presidential terms between the two parties for a period of sixteen years and additionally, to evenly distribute seats in the Congress. It was reached in order to diminish partisan conflict and to bring the civilian rule back again. In the early 1960s the Colombian Armed Revolutionary Forces (FARC) were established as the result of an alliance of communist guerrilla groups who fought against army efforts which pretended to eliminate them.

A second leftist guerrilla movement was created in 1964 called The National Liberation Army (ELN). This group was formed after the period of *La Violencia* and drew inspiration from the Cuban revolution which involved student and religious movements. From the beginning, the ELN was a highly ideological outfit, combining its Marxist-Leninist outlook with liberation theology (Insight Crime, 2018).

Nonetheless, this group was involved in extortions, kidnappings and ransoms in different regions in Colombia. The engagement in such illicit activities allowed ELN regain strength after the movement was almost obliterated during an offensive by the military in 1973. The insurgents initially believed that drug trafficking would destroy the country. However, that position changed and conversely, their activity in the trade increased in order to protect drug trafficking organizations create their own production or distribution networks (Insight Crime, 2018).

It is really interesting what William LeoGrande and Sharpe mention in their book *Two Wars or one? Drugs, Guerrillas, and Colombia's New "Violence"* since the intensification of the war which was fueled by revenue from drug trafficking (LeoGrande & Sharpe, 2000). Therefore, I would like to mention the role of paramilitaries which, flourished as a result of two

circumstances which are the financing that was coming from drug trafficking and the involvement of the Colombian Armed Forces.

I would say that Colombia was basically facing at the same time three wars which were the fight against drug trafficking; the counterinsurgency initiatives against the FARC and ELN guerrillas; and the containment the of paramilitaries' actions often supported informally by the Army. In fighting these three conflicts simultaneously, Colombia could not focus on just one or two of them. It had to consider the inter-relations among all of them to effectively cope with their challenges.

Therefore, the government of Colombia requested foreign aid in order to address these issues which were not just affecting the national regarding the rate of violence but, also hampering its development. As a consequence, Plan Colombia was created; However, its main donor, the USA aimed through such plan to combat drug trafficking in the Americas and not only in Colombia.

Plan Colombia

Briefly, I will mention about the U.S. War on drugs which, officially began under the Nixon administration in 1969. It allowed the Department of Defense (DOD) to mobilize the military in domestic legal threats, namely illicit drug trade which the administration of that time considered as a national security threat. Basically, War on Drugs translated to Military Intervention.

Plan Colombia was launched by Colombian President Andrés Pastrana in 1998 (Scott, 2003). The U.S. administration believed that human rights would be improved by training military personnel since this plan was considered a mechanism that aimed to focus on promoting peace, prosperity, democratization, and consolidation. Besides, Plan Colombia's components were mainly the anti-narcotic strategy, the peace process, social development, economic strategy and strengthening of the state (Solaún, 2002). However, it mainly provided justification for military involvement. Conversely, what Colombia faced with Plan Colombia was an ecological damage and more violence as an environmental and social impact.

As regards the environmental impact, numerous licit crops as well as forests and water supplies of the regions were affected because of the aerial spraying if herbicide. Concerning the social impact, Plan Colombia failed to properly address important factors such a displacement, poverty, violence, landmines, rape, dismemberment, kidnapping, coerced conscription, poor education and social reform deficiency.

Plan Colombia was expanded under the George W. Bush and Barack Obama presidential periods between 2000 and 2010. Therefore, aerial spraying of defoliants was expanded as well

as interdiction efforts by the Colombian National Police (Leitenberg, 2006). However, a large percentage of the Plan Colombia budget was destined for military operations. Consequently, U.S. aid did not have enough support for neither development programs nor the introduction of social justice reforms. In other words, Plan Colombia aimed to debilitate rebel groups and focused on aerial spraying over those illicit crops which, basically merged the objectives of eradicating illicit crops and implementing counterinsurgency policies

It is really significant to analyze the importance and the impact of these initiatives in foreign countries by starting with an assessment of social, environmental and cultural aspects in order to respect them and define the constraints they pose to eradication activities so as to make them sustainable. These principles are valid not just for Plan Colombia but apply to any other foreign aid provided in this field, like the Mérida initiative in Mexico.

Policies and practices

It is really important to comprehend how policies work in Colombia and how they affect the struggle against drug trafficking, including their social and environmental impacts which, is the purpose of my research. Colombia has numerous policies which mention the different measures and strategies to address drug trafficking as well as the means to effectively combat it which I will mention later. However, those polices although stated, are not fully implemented in practice. The gap between rhetoric of policy statements and their implementation becomes an obstacle to fully eradicate drug trafficking in this country in South America.

The Plan Colombia was a foreign aid operation supported by the United States to combat drug trafficking in the 2000 since the majority of the drug shipments from Colombia were destined to the United States. Nevertheless, many measures in Plan Colombia were only partially fulfilled, among them we find the strategy of eradication of coca leaves for instance.

Peasants who were harvesting coca crops in the mountains of Colombia were promised to be helped them to replace those crops for legal harvests which was partially successful because in numerous places the state was not even present which made it difficult to have an effective agreement to combat drug trafficking.

The Colombian government, together with International Organizations, agents from the civil society and support by other countries, should make an improvement in the enforcement of the policies stipulated in those agreements to increase coherence between established policies and their implementation. An evaluation of the policies could determine the filing factor that

prevent attainment of the stated goals. For example, how can crop substitution be made truly sustainable for local communities and therefore become a viable alternative for coca growers?

Failure to achieve policy goals could possibly be related to the neglect of social and environmental aspects. When there is not a fulfillment of these policies, social and environment variables are affected because it means that there is a low interest or not interest at all in addressing the structural causes of poverty that are the basis of coca production by local communities.

The role of the Sustainable Development Goals (SDGs) and Agenda 2030 in the effort to combat drug trafficking in Colombia

The SDGs and 2030 Agenda provide a perspective of social, economic and environmental sustainability that could contribute to increase the effectiveness of initiatives against drug trafficking in Colombia. There is a gap that has to be filled regarding the relationship between drug policies and the SDGs to avoid negative environmental and social impact in this country. These goals are aimed to be transformative and should be supported by national development policies including in the field of coca eradication and sustainable livelihoods of coca growing communities.

Since Colombia is the country that I am focusing on in this study, I would like to point out the specific SDGs that are affected by the lack of control and good application of drug policies. This analysis will help us understand which points in the drug policies can be shifted to successfully achieve the SDGs and Agenda 2030. Drug policy reform is a development issue: we cannot achieve the SDGs unless we end the "war on drugs" (IDPC, 2015).

Goals 1 and 2: No Poverty and Zero Hunger

In Colombia, coca cultivation is high, especially in remote regions or places where the state is absent. In most cases planters do not necessarily want to cultivate coca crops but they do so because they feel they have no alternative to survive. Coca cultivation in numerous cases is a consequence of poverty because in the case of coca farmers, the chances of thriving economically with other commercial crops are low.

Therefore, coca farmers rely on the drug-linked crops to ensure an economic stability for them and their family nucleus, more than 119.500 families made a living off the crop (Isacson, 2019). However, eradication as a strategy to fight drug trafficking has been a major cause of damage to the soil and water supplies in the regions where coca crops have been eradicated. Therefore, the damage on the natural resources have made coca farmers more vulnerable because they do not have the ability to produce other legal crops on their land.

The environmental impact caused by this strategy against drug trafficking in those remote and affected areas is well known. Besides of this impact on the environment, we also notice the social impact that eradication has had on the coca farmers lives and their families since they cannot have a dignified life because they live in poverty and are left behind. Although the aim of such policies is to reduce drug trafficking, what they actually bring about is to put at risk those families who rely on drug-linked crops.

Goal 15: Life on Land

The prevention of deforestation, water contamination and degradation of habitats as well as the application of sustainable management are key points in the fifteenth goal which is related to the life on land. Since the application of Plan Colombia, numerous negative environmental consequences have taken place in regions where there is a high concentration of coca crops.

One of the proposals of the Plan Colombia to combat drug trafficking was the eradication which is the use of aerial spray through an aircraft loaded with Glyphosate. This glyphosate herbicide is a chemical used for the fumigation of illicit crops which, was under the management of U.S. contractor pilots and the Military Forces in Colombia which includes also the National Police. In order to combat drug trafficking, Colombia was the only country that accepted aerial spraying with this chemical to eradicate illicit crops. This choice has been criticized by many scholars as a mistake.

Goal 16: Peace, Justice and Strong Institutions

Effectiveness, access to justice, foment of institutional values and transparency are important notions that have to be fulfilled in order to promote peaceful societies. If society has strong, corruption free and committed institutions it is going to be more effective to promote values to have societies for sustainable development.

In Colombia, institutions have reached an immeasurable point of corruption that has an impact in the community. A formal but deeply exclusionary democracy, has been wracked by drug violence and corruption (Tate, n.d.). Therefore, it has been really challenged to make drug policies effective because community do not see any effort by the government regarding eradication policies, for instance.

In this manner, the goal sixteenth seems to be affected because it aims to significantly reduce all forms of violence and related death rates (IDPC, 2015). Drug policies must address issues of drug trafficking in a feasible way without affecting people's rights. Engagement by State Institutions with the community are vital in order to create a bound where issues can be resolved in a correct way as well as corruption reduction and bribery in all their forms.

In the case of coca eradication, if Colombian government had not been corrupt in the time of Plan Colombia, everything would have been totally different because coca growers would have had other opportunities such as licit groups instead of the coca crops. Absent by the State made it unfeasible and that is the reason why people remained growing coca. The sixteenth's goal efficacy will be achieving through policy reform which de-militarizes responses to the drug trades as well as a closer presence by the state with the community, especially people affected by the drug trafficking violence (IDPC, 2015).

Coca Crops Aerial Spraying

Colombia is one of the richest countries in terms of biodiversity and natural resources. Its forest, rivers, and grasslands, are global conservation priorities because this country enjoys the privilege of having in its territory a rich fauna and flora (McNeelyet al., 1990; Myerset al., 2000; Olson & Dinerstein, 1998; Stattersfieldet al., 1998). Regrettably, natural resources have been affected by aerial spraying with glyphosate which has been a method to control coca crops under Plan Colombia. Nevertheless, it was discontinued in 2015 by the former president Juan Manuel Santos after a study by the International Agency for Research on Cancer (IARC) in relation with the World Health Organization which is glyphosate, is probable carcinogenic to humans. (Drug Policy Alliance, 2015).

Therefore, it created a controversy between the Health and Defense Ministry because on one side there is the health protection of people who were living in areas where glyphosate was sprayed and on the other side, it was the strategy of combating coca crops trough aerial spraying. Affected communities have long complained of skin rashes, irritations and genetic abnormalities resulting from spraying glyphosate (Newman & Hetzer, 2015).

The indiscriminate aerial spraying does not only affect people's health but, it also affects the environment because herbicides physically destroys the natural state of plantations (Reid, 2015). The combinations used in aerial spraying are considered a cause of harmfulness to the environment since glyphosate was drifted over homes, vegetable fields, cattle, forest and rivers. Indigenous and other people who lived in areas where herbicide was sprayed, suffered health problems as I mentioned before as well as fish, amphibians, rodents, insects, and plants (AIDA, 2015).

Besides, landscape deterioration is another ecological issue caused by aerial eradication in regions where this method was implemented. It has wreaked aquatic and terrestrial ecosystems which causes erosion, contamination of natural water resources, deforestation, soil infertility, and blockage of vegetation (Reid, 2015). According to Ricardo Vargas, deforestation is a main effect of the use of herbicide whereby he mentions that the repositioning and spread of

coca crops has inevitable cause deforestation of between 152.700 to 203.000 wooded hectares (Vargas, 2002).

Conclusion

A society is meant to be protected by the State through numerous policies which, seeks the common benefit for everyone. However, when there is a weak relationship between governmental institutions and the community there is a high probability of illicit activities such as drug trafficking in Colombia.

Many have been the strategies used to combat drug trafficking through a variety of drug policies and plans. However, they have been applied ineffectively which have been brought negative consequences to Colombia communities. A study in this field should be address to understand in depth the effective strategies that need to be launched in order to successfully combat drug trafficking.

Those strategies need to be implemented carefully and in a right way without affecting human rights population. Policies that include engagement with the Colombian population would help to eliminate cocaine growing, producing and distribution. Support for coca growers is a really important point to highlight since for many of them, coca growing represents the only mean of support for them and their families.

Environmental and social implications are preventing the achievement of the sustainable development goals which, are aimed to make a call for prosperity, peace, security, and human rights protection. Inclusion it would be an important step to start addressing issues regarding drug trafficking because it would avoid environmental and social impact. If government works with the population the situation would be different in the case of eradication strategy because if the government would have successfully support eradication substitution in remote areas, coca growers would not have chosen those means to survive which has a social implication. The lesson of Colombian's fumigation program is that there is no substitute for economic development a government presence in national territory (Isacson, 2019).

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4.10 Essay

Climate emergency and Central Banks

By **Marcin Cecot**

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Climate change is sometimes referred to as the greatest market failure in human history. Financing needs of initiatives on climate change mitigation (reducing greenhouse gasses emissions) and adaptation (building resilience to climate change) are truly enormous. Massive reallocation of capital is needed. According to one estimate, the transition to low-carbon and climate-resilient economies would require additional investment of at least USD60 trillion by 2050 (UNEP 2019a). Another estimate of investment needs in the energy sector alone amounts to USD110 trillion during the same period of time (IRENA 2019). This cannot be achieved without financing from private sources, including banks and capital markets. Unfortunately, the new sustainable financial system is not developing fast enough.

An important role in incentivizing new green investments or directing resources from high- to lower-carbon economy could be played by central banks that often have regulatory oversight over various elements of the financial system[55]. Central banks have always played a prominent role in the economy, some of them globally. Over the last ten years, following the global financial crisis of 2007-2008, they have injected more than USD12 trillion of extra cash into the financial system (Goodman and McCormick 2019), forced banks to hold more capital, and managed financial stability by constraining credit to certain sectors of the economy using macro-prudential measures.

Why central banks should be concerned with climate change

Safeguarding price stability (low and stable inflation) and financial stability are core responsibilities of most central banks. Supporting wider economic policy (e.g., sustainable growth, or sometimes maximum employment) is often a secondary goal. There are strong arguments why central banks should take environmental factors into account in the pursuit of their core objectives.

Firstly, climate change can impact **price stability**. Climate change related droughts and floods may impact agriculture production and hence food prices, while climate change mitigation policies may impact energy production and prices, both of which are important components of core inflation. Climate change can damage health and infrastructure, which may slow productivity growth and heighten uncertainty and

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[55] A central bank's supervisory responsibilities are sometimes shared with or fully separated to a different entity. For example in Germany the banking supervision is shared between the Deutsche Bundesbank, the Federal Financial Supervisory Authority (BaFin), and the Single Supervisory Mechanism (SSM).

inflation volatility. Impact of various climate change policies (e.g., carbon tax) would depend on the specific monetary policy regime.[56]

Secondly, climate change is a systemic risk for the financial sector and the whole economy, and hence it can impact **financial stability**. It can generate *physical risks* (natural hazards disrupting global supply chains and causing potentially significant damages to the economy, especially the insurance sector)[57], *transitional risks* (existing technologies being made redundant and the valuations of carbon-intensive businesses and assets being impacted[58], potentially abruptly, by climate change mitigation policies, technological innovations, and consumer and investor sentiment), and *liability risks* (compensation claimed by agents suffering losses related to climate change from those they hold responsible, e.g. emitters of greenhouse gasses). Those risks pose major challenges to risk managers in financial institutions as they are complex, come with significant data gaps, their impacts are uncertain, non-linear, hard to predict, and exceed the typical horizon of a bank exposure, economic analysis, or the control and planning processes. Currently available risk management tools are not necessarily well-suited for those challenges. Climate risk management must be transformed, climate disclosure must be comprehensive, and sustainable investing must go mainstream, so that climate risks and resilience are seriously considered by financial decision makers (Carney 2019). Surprisingly, so far only a few central banks and financial regulators have been concerned with those issues (e.g. Bank of England).

Thirdly, as the physical and transitional risks will prompt reassessment of the value of virtually every financial asset, climate change will also impact the **investment portfolios** under the central banks' management, which could include their own funds, pension funds, international reserves, and sovereign wealth funds. Central banks need to protect those portfolios against environmental, social, and governance (ESG) related risks. If they manage them on behalf of a third party (e.g. Ministry of Finance), they also have an obligation to meet the beneficiaries' and clients' demands. As public institutions, central banks would face reputational risk if they fail to address stakeholders' concerns related to climate change and if they don't lead by example. This means that central banks need to integrate sustainability considerations in their own investment decisions.

On a general note, central banks should be also concerned with global climate action seemingly moving in the wrong direction. The global emissions of greenhouse gasses are likely to continue to increase, based on the production plans of the largest fossil-fuel-producing countries. But even if governments were to meet their current commitments to curb their emissions, they will fall well short of what is needed to achieve the goals of the Paris Agreement and prevent the planet from overheating (UNEP 2019b). If the governments are not delivering on climate action, central banks need to review the green instruments they can apply now within their current legal mandates.

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[56] For example, if a carbon tax causes nation's aggregate output to decline and inflation to increase, in a strict inflation-targeting regime the central bank would respond by raising interest rates, further slowing the economy. In a different monetary policy regime, the central bank might choose not to react (Dikau and Volz 2018, p.2).

[57] Global insured losses in 2017 amounted to a record USD140 billion, while additional uninsured losses amounted to USD200 billion. Insured losses in 2018 amounted to USD80 billion, double the inflation-adjusted average for the past 30 years (Carney 2019). Climate and weather-related events were responsible for more than USD500 billion in direct losses in the U.S. economy alone over the last five years (Stiroh 2019).

[58] Examples include coal-mining stocks and the reserves of oil, gas, and coal.

How central banks are addressing climate change

The first central banks that began addressing climate change risks and the need for green investments were in **emerging and developing countries**, including Bangladesh, Brazil, China, India, Indonesia, and South Korea. This is because those countries are more likely to be exposed to climate change risks, and their central banks often have a wide remit that includes supporting sustainable development and the government's economic policy agenda.

The central banks in **advanced economies**, on the other hand, have been predominantly focused on price stability. Their policies typically remained silent on challenges of climate change and transition to a lower-carbon economy, even though those challenges pose substantial threats to financial stability and economic growth. This is because the climate change impacts will be felt beyond the traditional horizons for monetary policy (2-3 years) or financial stability (about 10 years)[59]. However, this is starting to change. Financial supervisory authorities are increasingly likely to consider climate-related risks in terms of their micro- and macro-prudential objectives to ensure that the financial system can adapt efficiently to expected changes.[60] They might find it challenging though as they need to develop new methodological approaches and to ensure that prudential regulation is not weakened in the process, for example if banks are allowed to hold less capital against green debt without adequately understanding and measuring the underlying risks in that debt, which might result in increased leverage and financial instability.

With respect to the transition to a low-carbon economy, financial policymakers are not broadly seen as best placed to drive the process. Some prominent central bankers[61] expressed the view it is the role of the governments, and not the central banks, to turn Paris Agreement commitments into legislated objectives and concrete actions. It might be beyond central banks' mandates and they might lack the necessary democratic legitimacy to advocate or provide incentives for a particular transition path. In such a case, the role of the financial sector would be limited to complementing and potentially amplifying but not substituting for coherent and credible climate policy action. Central bankers would wait for the politicians to act on a path decided by the public and then ensure that financial institutions are well prepared and resilient to risks that emerge along this path. It remains to be seen whether central banks could be the second-best solution when the first-best policies (i.e. action by governments) are not materializing. Ultimately, this might not be possible without expanding their current mandates. However, there is certain danger of giving central banks potentially conflicting goals and vesting in them too much power without accountability.

Conscious of their potential role and the challenges mentioned above, a group of eight central banks and supervisors[62] met at the Paris "One Planet Summit" in December 2017, on the initiative of the Bank of

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[59] The paradox is that once the climate risks fall within the current policy horizons, it will be too late to address them. It will be also less costly to take action sooner rather than later.

[60] For example, the new ECB President Christine Lagarde is pushing for climate change to be part of a strategic review of the central bank's purpose (Arnold 2019).

[61] Including the Governor of the Bank of England (Carney 2015 and 2019), the President of the Deutsche Bundesbank (Weidmann 2019), the Chairman of the Federal Reserve Board (Dmitrieva 2019), and the Head of Supervision at the Federal Reserve Bank of New York (Stiroh 2019).

[62] The founding members included: Banco de Mexico, the Bank of England, the Banque de France and Autorité de Contrôle Prudentiel et de Résolution (ACPR), De Nederlandsche Bank, the Deutsche Bundesbank, Finansinspektionen (The Swedish FSA), the Monetary Authority of Singapore, and the People's Bank of China.

France, and committed to establish the **Network of Central Banks and Supervisors for Greening the Financial System (NGFS)**. Its purpose is to help strengthen the global response required to meet the goals of the 2015 Paris Agreement, contribute to the development of climate risk management in the financial sector, and to mobilize mainstream finance to support the transition towards a sustainable economy. In less than two years the NGFS expanded to 46 members and nine observers, across five continents, with members representing half of global greenhouse gasses emissions and supervising over three quarters of the global systemically important banks (G-SIBs) and two thirds of global systemically important insurers (G-SIIs). For those reasons the NGFS is the most important initiative of its kind.

However, the NGFS is not going to issue any binding policy recommendations. It is a coalition of the willing and a voluntary, consensus-based forum for authorities to exchange experiences and best practices and to coordinate between various ongoing international initiatives on issues of common interest.

Notable NGFS achievements so far include the publication of: (i) six non-binding recommendations[63] for central banks, supervisors, policymakers and financial institutions to enhance their role in the greening of the financial system and the managing of environment and climate-related risks; and (ii) a guide with five strategies for central banks wishing to adopt sustainable and responsible investment principles in their portfolio management. The NGFS also plans to develop: (i) voluntary guidelines on scenario-based risk analysis, and (ii) a guide on how to integrate climate-related risks into supervision.

Another relevant initiative is the **Sustainable Banking Network (SBN)**[64] that was launched in 2012 by the International Finance Corporation (IFC), a member of the World Bank Group. It is a voluntary community of financial sector and environmental regulatory agencies (including central banks) and banking associations from 38 emerging markets, committed to moving their financial sectors towards sustainability, with the twin goals of improved ESG risk management (including disclosure of climate risks) and increased capital flows to green activities.

Notable SBN achievements so far include: (i) creation of an innovative progress measurement framework to track and measure the adoption and impact of the various sustainable finance policies across member countries; (ii) publication of two Global Progress Reports based on this framework, with practical indicators and tools for countries to apply to their own domestic markets, regardless of their stage of development[65]; and (iii) publication of a report on creating green bond markets, with insights, innovations, and tools from emerging markets.

Green instruments available to central banks

Although the systemic financial risks posed by the climate change are increasingly recognized, the central bank policies to address those risks are still in their infancy in many countries. However, central banks

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[63] These include: (i) integrating climate-related risks into financial stability monitoring and micro-supervision, (ii) integrating sustainability factors into own-portfolio management, (iii) bridging data gaps, (iv) building awareness and intellectual capacity, encouraging technical assistance and knowledge sharing, (v) championing robust and internationally consistent environment and climate-related disclosure, and (vi) supporting the development of a globally consistent taxonomy of economic activities.

[64] https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/company-resources/sustainable-finance/sbn

[65] The 2019 report documents the accelerated progress of the SBN members in translating policy innovations into practical implementation. It includes 42 case studies and is supported by 30 individual country progress reports.

ought to address these risks in line with their responsibility for financial and macroeconomic stability. Ultimately, whether and when central banks can use specific instruments depends on their mandates, the political will to change those mandates, as necessary, and on existing local traditions of financial interventions.

The potential green instruments available to central banks include: [66]

1. **Green credit allocation instruments:** promote green investment and discourage brown investment (not widely used in advanced economies but fairly popular in many developing and emerging economies)
   a. Targeted refinancing lines: provide banks with refinancing at preferred terms (subsidized loans) for specified green asset classes, for example for installing solar power systems
   b. Preferred interest rates: set banks' lending rate, lower for green investments and higher for unsustainable ones
   c. Minimum and maximum credit quotas: require banks to allocate a specific percentage of their loan portfolio to green projects (e.g. 5% in Bangladesh) , and/or limit their lending to carbon-intense sectors (e.g. in Brazil in environmentally sensitive areas in the Amazon)
   d. Assistance to development banks: provide financing to specialized financial institutions supporting the green transition of the economy, in order to increase their lending capacity and legitimacy, for example by subscribing to their equity, or buying or creating markets for their green bonds (e.g. a recommendation from the China Green Finance Task Force to establish a China Ecological Development Bank partially funded by the People's Bank of China)
2. **Green micro-prudential regulations:** encourage or require financial institutions to consider environmental risks in their operations
   a. Disclosure requirements: introduce disclosure requirements for banks and other financial institutions on their exposure to carbon-intensive assets to support better capital allocation (e.g. mandatory publishing of independent Green Banking and Sustainable Reports in Bangladesh)
   b. Differential reserve requirements: allow banks to hold fewer deposits in mandatory reserve against green loans (e.g. in Lebanon)
   c. ESG risk management standards: require banks to incorporate ESG risk factors into their governance frameworks, to take into account potentially harmful environmental effects of new financial services and product, or to include an assessment of ESG risks in their loan origination process as a criterion for extending loans
3. **Green macro-prudential regulation:** mitigate climate change related systemic risks that threaten the stability of the entire financial system
   a. Stress testing: require commercial banks to stress test their lending against ESG risk criteria and to hold additional capital against these risks (e.g. Brazil, in line with Internal Capital Adequacy Assessment / Basel Framework Pillar 2)
   b. Counter-cyclical capital buffers: increase capital requirements to respond to credit growth for carbon investments as a preventive measure to mitigate potentially adverse effects of repricing of assets in the transition towards a lower-carbon economy

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[66] Mostly based on Dikau, S. and Ryan-Collins, J. 2017 and Dikau, S. and Volz, U. 2018

  c. <u>Differentiated capital requirements</u>: assign carbon-intensive assets higher risk weights used by banks to calculate their capital requirements, in order to account for future environmental policies that would potentially reduce value of those assets

  d. <u>Loan-to-value / loan-to-income caps</u>: limit lending by banks to sectors or companies whose business models involve carbon-intensive activities likely to become unprofitable because of new environmental regulations or new green innovations

  e. <u>Large exposure restrictions</u>: limit exposure of financial institutions to carbon-intensive assets that would lose value in any abrupt transition towards lower-carbon alternatives (this is fine-tuning of lending restrictions by counterparty, sector, or geographic area, as opposed to potentially arbitrary maximum credit quotas mentioned earlier)

  f. <u>Identification of systemically important financial institutions (SIFIs)</u>: add carbon-intensive assets to the selection criteria used to identify SIFIs that are required to hold additional capital

4. **Green financial market development:** create an enabling environment for the issuance and trading of green securities and carbon certificates

  a. <u>Information disclosure requirements</u>: introduce procedures for the disclosure of environmental and sustainability-related information on bonds and other assets to strengthen the identification and acceptance of green assets

  b. <u>Green bond guidelines</u>: define criteria on which the financing of projects and firms qualifies as green bonds, and what the proceeds from the issuance of those bonds can be used for; enable and enforce criteria for green bond labels

  c. <u>Carbon certificates</u>: accept carbon certificates as part of commercial banks' legal reserves to enhance the market for those instruments and to reduce the costs for low-carbon projects

  d. <u>Green quantitative easing</u>: purchase green financial assets such as green bonds from banks and other financial institutions via open market operations

5. **Soft power:** promote discussion on climate change related risks and environmental issues, drive the sustainability agenda in the financial sector, and influence the discussion on green finance in informal ways

  a. <u>Green finance guidelines</u>: create or endorse industry-led, voluntary green finance guidelines and frameworks, e.g. on issuance of green bonds, ESG risk management practices, or general criteria on green lending (potentially as foundation for the creation of mandatory regulation at a later stage)

  b. <u>Inter-agency cooperation on national level</u>: collaborate with other national authorities on green policy initiatives (e.g., a project in China between the central bank and the Ministry of Environmental Protection to create a national database on environmental compliance of non-financial firms that banks are required to use and restrict loans to firms that violate environmental compliance rules)

  c. <u>Inter-agency cooperation on international level</u>: participate in the NGFS and/or the SBN to discuss standards and methods of policy engagement and to find internationally coherent approaches to greening the financial system; support relevant private sector initiatives like the Financial Stability Board's Task Force on Climate-Related Financial Disclosures (TCFD)

     d. <u>Lead by example</u>: integrate climate-related criteria in central bank's operations, e.g. management of own funds, pension funds, and official reserves (e.g., responsible investment charter at the Bank of France, released in 2018)

     e. <u>Education</u>: deliver speeches and offer capacity building workshops and seminars for bankers and investors on environmental risk assessment and green finance to address a potential lack of expertise on green financial issues

     f. <u>Research</u>: conduct and publish research on green finance and growth.

Conclusions

Although there are numerous tools theoretically available to central banks (depending on their current mandates) to address systemic financial risks posed by climate change and to green the financial sector, their use has been limited to predominantly emerging and developing countries most likely to be exposed to climate change. The central banks in advanced economies are increasingly likely to consider climate-related risks impacting the financial system and to support internationally consistent green disclosure standards. However, they see themselves as lacking democratic legitimacy to drive the transition to a low-carbon economy. It remains to be seen whether central banks could be the second-best solution if the governments fail to deliver on climate action. This might not be possible without expanding their mandates and ensuring they remain accountable and not overburdened with conflicting goals.

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4.11 Essay

United Nations Strategy on Counterterrorism

By Aaron Pingitore

Advisor: Dr. Angel Angelov

United Nations Strategy on Counterterrorism

September 11, 2019 was a day that will live in infamy, the abhorrent and atrocious events that occurred that morning will forever impact the future. Is the United Nations strategy on counterterrorism enough to obstruct and stymie another potential attack?

Seventeen days after 9/11, the Counter-Terrorism Committee (CTC) was unanimously brought to life, consisting of fifteen Security Council members. These member states consist of Bolivia, China, Côte d'Ivoire, Equatorial Guinea, Ethiopia, France, Kazakhstan, Kuwait, Netherlands, Peru, Poland, Russian Federation, Sweden, United Kingdom and the United States. Resolution 1373 reaffirmed that acts of international terrorism constitute a threat to international security and peace. This urged states to work together to prevent and suppress future terroristic acts. Resolution 1373 was an assertion of resolution 1269 created in 1999 by the United Nations Security Council (UNSC). Resolution 1269 had previously been created amid increased acts of international terrorism which consequently called for "anti-terrorism conventions" birthing as we know it, "counterterrorism". The Security Council Counter-Terrorism Committee held a special meeting in December of 2015 to abetment member states with ensuring containment of the flow of foreign terrorist fighters and was represented by the Global Research Network of the Counter Terrorism Committee Executive Directorate.

As all legal statutes and legislation rely heavily on wording and definitions, especially among the diplomatic world, we must define "terrorism" in order to know what we are combatting at the most elementary level. Interesting enough, there is no current agreed upon universal legal definition of "terrorism". An act of supposable terrorism that occurs in one country, for example, a suicide bomber driving into a market filled with non-combatants and detonates killing twelve civilians, may meet the definition of terrorism in one country; and by interpretation in another country only be labeled as a wartime act of violence with collateral damage. This can have a profound impact on how and who investigates, analyzes and prosecutes effectively and legally. In the United States of America, the Federal Bureau of Investigation has lead investigative authority on domestic and international terrorism charges related to the US. United Nations has adopted the draft "Comprehensive Convention on International Terrorism" which acts as a guideline to aid States in the investigative process. One illustration is General Assembly resolution 49/60 that defines terrorism as "acts intended or

calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes" and deems them as in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them. Another definition stems from Security Council Resolution 1373: "…criminal acts, including against civilians, committed with intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to obtain from doing any act" and which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstance justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and calls upon all States to prevent such acts and, if not prevented, to ensure that such acts are punished by penalties consistent with their grave nature.

The current United Nations Strategy on Counterterrorism consist of four main pillars and is reviewed every two years, making it a "living document", it was adopted by the United Nations General Assembly (UNGA) on September 8th, 2006. The most recent review of the United Nations Global Counter Terrorism Strategy occurred on the 26th of June 2018. Unlike individual countries who have limited legal jurisdictions, the United Nations has a global reach which allows regional, national and international connections to combat terrorism at a much larger scale. Universal jurisdiction was created to prosecute individuals whos crimes were to severe and against humanity as a whole. The idea behind universal jurisdiction is that no one should have a safe haven within crimes against humanity, such as genocide and war crimes. Upon States agreeing on a consistent definition of "terrorism" makes combatting it much easier.

Pillar one of the Global Counterterrorism Strategy ensures that member states counter the appeal of terrorism, prevent and resolve conflicts, foster dialogue and understanding, and promote economic and social development. Countering the appeal of terrorism is necessary to slow down the rate that terrorist organizations are able to recruit new members by appealing to those who are less fortunate or have radical ideas in mind. Preventing and resolving conflicts is necessary because by conducting peacekeeping and peacebuilding operations in areas of potential conflict, it hinders terrorist activities. The Department of Peacekeeping Operations is especially critical in this mission. Understanding and accepting diversity can stem many different challenges but if you provide knowledge and open dialogue between cultures and educate in the right ways it can prevent conflict before it even begins. In summary, pillar one aims to "address conditions condusive to the spread of terrorism", meaning it is designed to stop recruitment of organizations such as الدولة الإسلامية في العراق والشام, aka "The Islamic State of Iraq and al-Sham" to diminish the reach and influence of such groups before massive atrocities take place.

Fostered from the UN Global Counterterrorism Strategy is the United Nations Counter-Terrorism Implementation Task Force (CTITF) which was formed in 2005 and is spearheading the utilization of the strategy. CTITF is consisted of thirty-eight-member entities including the World Health Organization (WHO), World Bank and INTERPOL. CTITF is then divided to four subgroups: United Nations Security Council, Secretariat, Agencies Funds and Observers. This is

done to verify that the task force maximizes its effectiveness while implementing the counterterrorism strategy.

Pillar two consists of "measures to prevent and combat terrorism", this is done under guidance from United Nations Counter-Terrorism Committee and its Executive Directorate, United Nations Office of Drugs and Crime, and the International Criminal Police Organization. Some common methods of preventing terrorism include going after the organization's finances exemplified by the Financial Action Task Forces Forty Recommendations on Money Laundering and Nine Special Recommendations on Terrorist Financing. The availability of the "Biocrimes Database" detailing biological incidents provides a comprehensive database by the International Criminal Police Organization that allows member states a consolidated program to document and research incidents.

Pillar three builds States capacity and strengthens the role of the United Nations. It does this by ensuring capacity-building between member states, insisting that they work together to address transnational events and share intelligence. They have even created several tools that bolster organizational cohesiveness such as the Integrated Assistance for Countering Terrorism; this organizes and coordinates countries with assistance in all four pillars of the United Nations Strategy on Counterterrorism.

Pillar four consists of measures to ensure respect for human rights and fundamental basis for the fight against terrorism. Within this pillar is General Assembly Resolution 60/158, "protection of human rights and fundamental freedoms while countering terrorism". The line between combatting terrorism while still ensuring humans rights may be a thin line in some circumstances. Also contained within this pillar is making a "national criminal justice system" that ensures that actors in terrorism are either prosecuted directly or extradited, with regards to human rights and fundamental laws.

With the combination of these four pillars I believe the United Nations is set up for success when it comes to supporting a States independent process for countering terrorism. The United Nations approach is a wide stance via guidance and support, this coupled with the kinetic impact of precise military operations, thereby eliminating terrorist operatives which can be very successful. With proper intelligence and reconnaissance, legal contexts, human rights, command and control, and military operations all under United Nations Counter Terrorism Committee Executive Directorate support can result in a very positive outcome for mankind everywhere.

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4.12 Essay

Rationales for China's Peacekeeping Involvement in Africa

By **Yoonsuk Chang**

Advisor: **Dr. Angel Angelov**

China's role in the UN and the UN Peacekeeping operations has evolved since they joined the UN in 1971. For the last few decades, China is reasserting itself on the global stage, a process that started with returning to the Security Council table and was dramatically accelerated with the development of the Chinese economy. It is quite interesting that China is expanding their role substantially in the peacekeeping operations and budge simultaneously compared to other permanent and non-permanent members of the Security Council, becoming one of the largest contributors. The Chinese government is also expanding their influence on Africa in many ways ,including the UN peacekeeping operations. Their involvement in Africa is consistent with their global rise. They have currently participated in eight regions and six regions are African nations: South Sudan, Mali, Darfur, the Democratic Republic of the Congo, and Western Sahara with 1809 troops and other types of UN personnel. Then, what makes China have an interest in Africa and increase their involvement in Africa? There are three perspectives to explain their involvement: military diplomacy, international diplomacy, and the pursuit of natural resource.

Introduction

"*The United Nations Mission in South Sudan (UNMISS) awarded the UN Peace Medals to all the officers and soldiers of the fifth Chinese peacekeeping infantry battalion to South Sudan, in recognition of their contribution to the cause of peace in South Sudan*" (Zhuo, 2019). China peacekeepers have played a huge role with 700 combats in South Sudan. Besides, they are also trying to send more troops to the Africa continent. The Chinese peacekeeping operations in Africa are ongoing in South Sudan, Mali, Darfur, the Democratic Republic of the Congo, and Western Sahara with 1809 troops and other types of units as of 30 September 2019.

The situation and role of the Chinese government on the global stage have changed a lot since they joined the UN. For the last few decades, China is reasserting itself on the global stage, a

process that started with returning to the Security Council table and was dramatically accelerated
with the development of the Chinese economy. Relations between China and African countries have significantly increased politically as well as economically because Africa has emerged as their new diplomatic, military, and economic partner. Africa is one of the global stages where the
Chinese government is expanding their global power through peacekeeping.

Although China and Africa do not seem to have a geographical or direct political connection, why does China try to send more troops and improve their relations with them? In this paper, how China became a permanent member of the Security Council instead of Taiwan, how their role has changed in the UN, and why they engage in UN Peacekeeping operations actively, especially in Africa, will be focused on.

China and the UN Peacekeeping

The Background of China in the UN

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The People's Republic of China (PRC) was not one of the five permanent members of the Security Council in the UN until 1971. The Republic of China, also known as Taiwan, was the original one. Taiwan was expelled from the UN and China joined in the same year, 1971. Then, although Taiwan was one of the five permanent members of the Security Council, how and why Taiwan was excluded from the UN and China joined?

The Republic of China was among the founding member of the UN in 1945. However, as a result of the Chinese Civil war, the government of Chang Kai-shek retreated to Taiwan in 1949 and the mainland fell under the control of the newly established People's Republic of China. Taiwan was still considered the one true government of China and their view was supported by the Western powers because they did not want to lose seats anymore to other Communist parties
in the Security Council. However, their position started to be weakened after the People's Republic of China (mainland China) secured international support for the U.N. General Assembly to pass the resolution that the People's Republic of China is the rightful representative
of China in 1971 ("Oct. 25, 1971, | People's Republic of China In, Taiwan Out, at U.N.", 2011). Both countries have a so-called "one China", which third parties can only maintain diplomatic relations with one of the two Chinese government. The policy turned into poison to Taiwan. It was just a matter of time.

The United Nations General Assembly made a decision to vote to admit the People's Republic of China (mainland China) and to expel the Republic of China (Taiwan) on October 25, 1971. Resolution 2758 stated, "expel forthwith the representatives of Chiang Kai-shek from the place

which they unlawfully occupy at the United Nations and in all the organizations related to it" (United Nations General Assembly Resolution 2758). The vote was adopted by 76 against 35 votes with 17 abstentions by the other UN members.

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Taiwan were excluded and became isolated from many international organizations especially related to the United Nations. In the 1970s, the United States found geopolitical advantages to the Soviet Union in China and, consequently, broke its relations with Taiwan in 1979 (Winkler, 2012).

The History of the UN Peacekeeping

The UN Peacekeeping operations are widely occurring. In order to better know the UN Peacekeeping, it is also important to understand their goal and history. The goal of the peacekeeping operations is clearly stated on their website: *"UN peacekeepers provide security and the political and peacebuilding support to help countries make the difficult, early transition from conflict to peace."* (United Nations Peacekeeping, n.d.).

The UN Peacekeeping started in 1948 when the Security Council authorized the deployment of UN military observers to the Middle East. Their strategic context has changed during history. Their traditional mission was simply limited to the observation task from military personnel. However, when the Cold War ended, their mission started to show multidimensional aspects, such as building sustainable institutions of governance, human rights monitoring, and security sector reform. During the 1990s, the number of peacekeeping operations and scope increased rapidly. The end of the Cold War and the increase in the civil wars and acts of state violence against its citizens are considered as the major factors. 71 peacekeeping operations have done since 1948 and 49 operations of them occurred after 1990 (Usden, & Juergenliemk, 2012; United

Nations Peacekeeping, n.d). As many things were happening, criticisms also were followed, saying 'sometimes the wrong tool in the wrong place at the wrong time' (Angelov, 2010). The aspect of the UN peace operations has become more complicated than before since 2000 because

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it requires more multifunctional tasks (Hatto, 2013). They experienced some failures from Rwanda, Bosnia, Herzegovina, and Somalia. The UN realized that the UN peacekeeping was not enough, therefore, the reform was highly needed.

The Increased Role of China in the UN Peacekeeping

China is the second-largest country and had the fastest developing economy in the world. Between 1979 and 2012, they showed an annual 9.8 growth on average. When they joined the UN the first time, they took the opposite stance on the UN peacekeeping because they regarded

that it was a manifestation of big power hegemony and imperialist intervention in the domestic affairs of sovereign nation-states. China, ironically, became one of the largest contributors to UN
peacekeeping among the five permanent members of the Security Council and one of the big powers (Wang & Zou, 2014).

The role of China in the UN has drastically changed. The role of China is quite unique because it has become one of the top contributors in troops and money in the UN (Lanteigne, 2018; Yin, 2019). According to the troop and police contributors data released by the United Nations Peacekeeping as of 30 September 2019, there are 13 on-going peacekeeping operations, such as
Western Sahara, Central African Republic, Mali, the Democratic Republic of the Congo, Darfur, Golan, Cyprus, Lebanon, Abyei, Kosovo, South Sudan, India and Pakistan, and Middle East. China has participated in eight regions in South Sudan, Mali, Lebanon, Darfur, Democratic Republic of the Congo, Western Sahara, Middle East, and Cyprus with 2,521units. 2,437 units are troops deployed in the first five countries where they are participating in and the others are police, experts on mission, and staff officers. In addition, its financial contribution to the UN

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peacekeeping budget has highly increased from around 0.9% throughout the 1990s to 15.21% in
2019, following the United States 27.89% (United Nations Peacekeeping, n.d.).

Three Perspectives on China's Strategy in Africa

China has been rising on the global stage. Africa is also one of their global stages. While China has considerably made favorable relations with African nations, they also have increased their involvement in Africa with various methods, especially including peacekeeping. The peacekeeping operation provides China with good opportunities for their global rising.
The Chinese peacekeeping operations in Africa are currently in South Sudan, Mali, Darfur, the Democratic Republic of the Congo, and Western Sahara with 1809 troops and other types of units. South Sudan, especially, is the country where China sent its 700 combat troops for the UN
peacekeeping for the first time (Institute for Security & Development Policy, 2018). There are three aspects of why China increase their involvement in Africa.

The Military Perspective

The People's Liberation Army (PLA) has involved in a number of military diplomacy activities with foreign militaries more than before since 2002. Before 2002, they did not participate in combined activities with other countries. They now conduct joint military exercises, high-level military dialogues, naval port calls, and joint disaster relief exercise. This is because they found several advantages to increase military exercise with foreign countries and

changed their position.

Military diplomatic activities, usually, bring opportunities to enhance its global image and
help its broader diplomatic agenda, while improving its military operational capabilities in
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general (China Power Team, 2017). Based on this, there are four reasons why the Chinese
government send their army to other countries: the confidence building, the threat perception,
the
modernization of PLA, and the "Beijing's Military Operations Other Than War policies"
(MOOTW). First, the Chinese government believes that over-reliance on the performance of the
PLA may neglect the importance of international exercise. The growing confidence of PLA
increased their participation in overseas exercise for their national security to protect their
values
outside the mainland. Second, they have bolstered their participation in international exercise
to
handle non-traditional threats such as separatism, terrorism, and drug-trafficking. Third,
international exercise is to provide valuable experience to the PLA. UN Peacekeeping
operations, especially, are highly valuable to them since it provides a low-risk operation,
nonconfrontational

means, opportunity to test its crisis-management capabilities and the logistical
challenges of supporting an overseas presence (China Power Team, 2016). Lastly, as China
pursues their soft power with MOOTW, they will be more willing to participate in non-combat
activities like peacekeeping. Therefore, it is an important opportunity for China to join
peacekeeping operations in Africa in pursuit of their military diplomacy (Chau, 2011).

The Diplomatic Perspective

Some experts consider that the Chinese strategy in Africa is a diplomatic strategy. They think
that China is in the transition from the regional power to global power. It is shown that China
has
more actively engaged in the UN peacekeeping missions and anti-piracy operations. Then, why
does China want to be a global power? The soft power of the U.S was weakened due to the
9/11
terrorist attacks and the war in Iraq. China had found an opportunity from two incidents and
decided to take action to broaden their diplomatic scope, which is called 'Strategic space'.

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Through their strategy, they wanted to have more diplomatic rooms when they deal with
Western
nations. Furthermore, some experts also think that the Chinese strategy is to deal with 'one
China' policy better. The one-China policy does not look relevant with African nations and

African nations unlikely to deal with the policy. Nevertheless, what the Chinese government is doing is to gain legitimate support for the future (Wang & Zou, 2014)

The Natural Resource Perspective

China, a country far away from Africa, have invested in Africa greatly. According to QUARTZ, "Chinese investments and contracts in sub-Saharan Africa total $299 billion from 2005 to 2018, according to the China Investment Global Tracker, and in 2018, Chinese president Xi Jinping vowed to invest a further $60 billion into African nations" (Brooks, 2019). What makes the Chinese government have an interest in Africa? It is due to natural resources. As I mentioned above, China experienced rapid growth between 1990 and 2000. In order to sustain and develop its economic growth, lots of natural resources are needed. China was a net exporter
before. However, their condition reversed and became one of the largest energy importers, such
as raw materials, especially crude oil. For example, China was able to satisfy all of their demand with 4 million barrels of the day from their domestic production 25 years. However, their situation has changed due to the increased oil demand since 1993. In 2018, Chinese oil consumption hit around 628 million tons while expanding its dependence on oil import over 70%. China is not currently expected to produce even more than 4 million barrels of day, and they import more than 10 million barrels of the day from other countries in 2019 (Tan & Zhang, 2019; Hirs, 2019).

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Africa is now one of the emerging areas where China can get oil to meet their demand relatively while reducing the risk of unstable supply from the Middle East, which was over 60 percent in their oil import. China has imported crude oils from Africa since 1992 with 500,000 tons to 708.5 million tons in 2010 (Leung, Li, & Low, 2011). In 2017, China imports 1.48 million barrels of the day from West Africa (Bloomberg, 2017).

As the natural resource became a serious issue to the Chinese government, the Chinese government started to consider oil procurement as a part of national security. In response, China
initiated the Go-Out Policy, also known as the Going Global Strategy, which primarily focused on solving resource security (China Policy, 2017). With the "Go-Out Policy", China has actively entered in the African oil markets, such as Angola, Nigeria, Chad, Sudan, Mauritania, Niger, Equatorial Guinea, Ethiopia, Kenya, Madagascar, and Uganda with the China national petroleum
Corporation (CNPC), China National Offshore Oil Corporation (CNOOC) and Sinopec. They also founded joint ventures for oil owned by the local state in Sudapet (Sudan), Sonatrach (Algeria), Sonangol (Angola), and the Nigerian National Petroleum Corporation (Nigeria) (Executive Research Associates, 2009).

Furthermore, they have also sought other natural resources and imported a significant amount from Africa. According to QUARTZ AFRICA, China has traded with various African nations including South Sudan, Angola, and Eritrea. China accounted for 95%, 61%, 58% of their 2017 total exports (Dahir, 2019). Therefore, not only are natural resources important to China, but China also became highly important to the economy of several African countries.

Conclusion

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As you can see, China has become one of the largest contributors to the UN budget as well as the peacekeeping operations. Its participation, especially, in the UN peacekeeping operations in African nations is greatly unique. Based on what I focused on here, I would like to argue that China is pursuing the global rise and utilizing peacekeeping operations as a tool for their global stage in line with their military, international diplomacy, and the pursuit of natural resources. Their role and power will be more important in the global stage for the following future because
their contributions in the global stage are so huge and very active, while other global powers are
not proactive relatively compared to China.

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5 Final Notes and Remarks-GDI Publication

UNITAR is pleased to offer the Global Diplomacy Initiative each semester at the United Nations Headquarters. GDI serves as a portal into the UN system for students interested in international relations and global diplomacy, with the hope that it will inspire its participants to pursue careers and further studies in this field. In hopes of ensuring a brighter future though diplomacy, the newly-designed UNITAR Global Diplomacy Initiative allows students to experience international relation and contemporary politics alongside those actively engaged I n these fields- the diplomats themselves. Designed for students enrolled in Political Science, International Relations, or similar academic programmes within New York colleges and universities, the programme includes access to UNITAT's Core Diplomatic Training toolkit, weekly three-hour seminars with renowned professors, as well as the opportunity to synthesize diplomatic methodology and current affairs into an academic paper under their guidance. Students have the opportunity to attend meetings of the United Nations General Assembly, United Nations Security Council, and General Assembly meetings and other events occurring in the United Nations Headquarters.
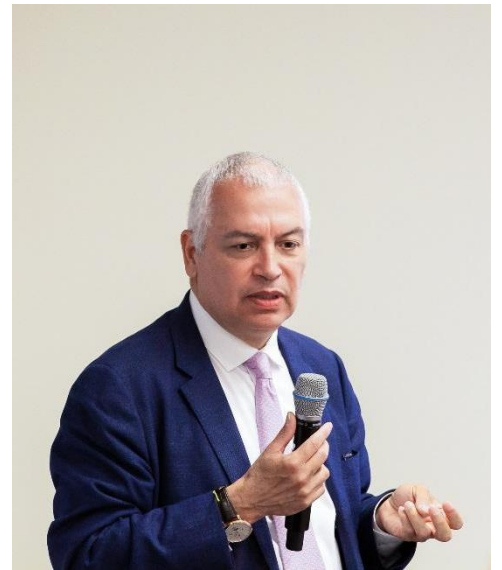
Graduates and Faculty

Participants during the closing ceremony .

Professors, H.E. Mr. Narinder Kakar, Ms. Jelena Pia Comella, and Dr. Angel Angelov (left to right)

Ambassador H.E. Mr. Marco A. Suazo, Head Of Office of UNITAR New York, during the closing ceremony.

Melanie Knieps and Leidy Castellanos.

Ambassador Marco A. Suazo with Marcin Cecot and Mohammad Shahidullah

Dr. Angel Angelov, Yoonsuk Chang, Justina Jere, Massimo Tommasoli and Leidy Castellanos.

Yoonsuk Chang awarded by
Professor Dr. Massimo Tommasoli

Melanie Knieps awarded by
Professor Dr. Massimo Tommasoli

Leidy Carolina Castellanos awarded by
Professor Dr. David O'Connor

Aaron Pingitore awarded by
Professor Dr. Angel Angelov

Silvie English awarded by
Professor H.E. Mr. Narinder Kakar

Luz Marroquin-Nuñez awarded by
Professor Dr. David O'Connor

Mohammad Shahidullah awarded by
Professor Dr. Angel Angelov

Liubov

Tereshchenko awarded by
Professor Dr. Angel Angelov

Marcin Cecot awarded by
Professor Dr. David O'Connor

Elizabeth Byaruhanga awarded by
Professor Dr. David O'Connor

Iliesa Deku awarded by
Professor H.E. Mr. Narinder Kakar

Justina Jere awarded by
Professor H.E. Mr Narinder Kakar