



# THE 2004 NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the National Model United Nations (NMUN) and the 2004 simulation of the United Nations Children's Fund (UNICEF). My name is Juan Vicente Nuñez, and I will be serving as UNICEF's Director this year. This will be my fourth year attending the NMUN conference, and my second year on staff. I recently obtained my Bachelor of Arts with honors in political science from Rider University in Lawrenceville, N.J., and will be attending the John C. Whitehead School of Diplomacy at Seton Hall University for my graduate studies. We are also fortunate to have Laural Schweiger as our Assistant Director.

The topics selected for this year's UNICEF simulation truly reflect the range of issues that the organization is dealing with at the turn of the millennium. They will provide us with a challenging agenda and, with your efforts, a very productive simulation. The three issues we will address this year are:

1. Combating Illegal Adoption and Child Trafficking
2. The Improvement of Birth and Pre-natal Care Practices
3. The Role of Children in Local and National Decision-Making

It is of utmost importance to recognize this background guide as merely a point of departure from which you can begin to develop an informed position about the issues you will be dealing with. I can assure you that this guide does not contain everything needed to comprehensively and effectively address each topic. A delegate's performance and that of the committee will be significantly affected by their amount of pre-conference research and preparation.

A vital segment within that preparation is the writing of a position paper. For the first time, the NMUN is accepting papers via e-mail. All papers are due by **March 1, 2004**. An important message from the Director General regarding where papers should be submitted, expectations for their content and format, and inquiring about alternatives to e-mail submission is included on **page nine** of this guide. It is vital that all delegates adhere closely to these instructions.

Please do not hesitate to contact either Laural or myself if you have any questions about NMUN procedures, the topics, or this guide. I wish you the best of luck in your efforts, and look forward to an interesting and productive simulation. See you in New York!

Sincerely,

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## What to Expect at the Simulation

**Opening session:** After a brief introduction of the dais and some announcements, delegates will discuss the order in which the committee will address agenda topics while in formal and caucus sessions. The committee will then vote on a motion from the floor to set the agenda in a proposed order, and will continue to vote on such motions until one passes by a majority vote. If the committee fails to reach agreement on the agenda order by the conclusion of the first evening, the director and assistant director reserve the right to set the agenda. After the agenda has been set, the chair will entertain motions for the opening of the speakers' list to address the first agenda topic.

**Rules of procedure:** The simulation is conducted through the use of the committee rules of procedure, which are included in this background guide. It is extremely important to develop a thorough working knowledge of the Rules, including when they should be introduced, and in what capacity. The rules of procedure are enforced to facilitate the efficient workings of the committee, not to hinder them. Therefore, the director, assistant director and chair (with the approval of the director), reserve the right to rule motions out of order which may be considered dilatory or disruptive to the committee. In this respect, one of the quickest ways for a delegate to alienate him/herself within a committee is to be labeled a "rules hound," or someone who attempts to disrupt committee proceedings with the introduction of redundant, inappropriate or time-consuming motions.

**Decorum:** Decorum is a *de facto* rule throughout the week of the simulation. In both large and small committees, the ability to conduct normal business while in formal session is an arduous task when decorum is not maintained; delegates will be asked for their assistance in this endeavor.

**Caucusing:** Caucusing is an important and logistically difficult component of the United Nations simulation. These informal meetings between voting blocs, as well as between States with positions that are diametrically opposed, often produce compromises acceptable to all parties. However, delegates are required to address issues within a week's time which, in many cases, the international community has failed resolve after years of debate and negotiation. Further, delegates to the NMUN do not have individual offices in which to convene informal meetings. As a result, the bulk of informal negotiation and the construction of working papers will occur within, or in the close proximity of, the committee chambers. In consideration for the other 2,900 Conference participants, delegates are asked to respect the formal proceedings occurring both within and between all committees participating at the Conference. Finally, given the importance of decorum within committee chambers, all caucusing should occur outside of the committee chambers while committee is in session.

**Chairs and Rapporteurs:** Delegates should also take note that the director and assistant director (with the approval of the Director-General) will select a committee chair and rapporteur (committee administrative assistant) following the conclusion of interviews on the first evening of the Conference. For those interested in the opportunity to serve the committee as a chairperson or rapporteur, an application is available online at [www.nmun.org](http://www.nmun.org). The application should be completed and submitted to the director no later than the opening night of the Conference. The successful candidate for chair will demonstrate an excellent working-knowledge of the rules of procedure through a series of situations presented to her or him and exhibit qualities of leadership, patience and humility. The rapporteur will assist the chair, the director and the assistant director with the abundance of paperwork and record keeping required in the efficient workings of the committee, as well as provide logistical support for the chair while in voting procedures.

Delegates selected to serve in these positions must forfeit their rights to participate in substantive debate within the committee. Although the chair and rapporteur continue to serve as representatives of their assigned State, their primary duty is to assist the director and assistant director in facilitating the professional operation of the committee. Additionally, delegates selected as committee chairs and rapporteurs do retain an equal eligibility for awards consideration. All delegates are encouraged to apply for these challenging and rewarding positions.

**Attire:** In keeping with the spirit of the simulation, delegates are *required* to wear professional business attire. Further, national symbols of any kind are forbidden in committee chambers, in accordance with practices of the UN.

## **Your Role as a Delegate**

The most important aspect of participating as a delegate to the NMUN is your assumption of the role of a foreign diplomat. In this role, you are acting as a representative of the government and the peoples of the Member State or NGO to which you have been assigned. While in preparation for and throughout the duration of the Conference, you may find personal disagreement with the foreign policy of the country you are representing or with the policy of the NGO you are representing. Your personal opinions are entirely inapplicable during the course of the simulation. Therefore, it is of the utmost importance for all delegates to arrive well-versed in the dynamics of their State's foreign policy or in that of their NGO, and anticipate possible obstacles their State or NGO may encounter during the simulation. The simulation's quality depends on the collective preparation of its participants.

As a delegate, you should be able to demonstrate thorough knowledge of your assigned country's policies, specific issues to be discussed, and the procedures, activities, and history of your committee. Delegates should also exhibit the ability to negotiate and compromise, demonstrate leadership, and the ability to influence by gaining the professional respect of fellow delegates. States and NGOs maintain specific and adaptive foreign policy methods and goals to allow delegates to function in the negotiation process. As a representative of the NGO or State to which you have been assigned, you will be expected to work within the historical confines of your NGO or country's foreign policy at the UN. Even though many Member States and Observer States do not assume strong leadership roles in the UN, the reality of the NMUN is that each delegation will be judged on its ability to provide leadership to other delegates throughout the Conference.

Delegates are reminded that professional diplomats conduct themselves, and regard one another, with the utmost dignity and respect, regardless of foreign policy affiliation or personal feelings. Even States and NGOs who observe severely conflicting ideological perspectives will work closely together, within the UN, on diplomatic matters of mutual concern. Likewise many delegates are forced to work together despite personal conflicts.

### ***The Preparation and Introduction of Resolutions and Reports***

Resolutions and reports adopted within respective committees represent Member States' decisions and recommended courses of action with respect to the topics under discussion. Clauses within the preamble of resolutions should provide a brief outline of historical and current perspectives and endeavors regarding the issues to be addressed within the operative clauses of the document. The operative clauses of resolutions provide the objectives and potential actions that Members designed to address the issues outlined within the preamble. More simply, the preamble states the problems before the committee in relation to the topic under deliberation and operative clauses outline the decisions of the committee for the solution of these problems.

Although delegates are encouraged to develop resolution and report writing skills, both in classroom scenarios and at regional MUN simulations, the NMUN will not accept any pre-written resolutions or reports, and which have not been developed by a plurality of the committee. This determination is at the sole discretion of the Secretariat. In addition, *any delegates found to be submitting plagiarized material within resolutions will be subject to dismissal from further participation within the Conference.* Although UN documents are within the public domain, the verbatim exploitation of these documents will not be permitted at the Conference.

Resolutions and reports are developed in three stages. In the initial stage, a resolution or report is referred to as a working paper and is generally developed by States or experts that share common perspectives on the issues to be addressed. The working paper is shared with other delegates in the committee for their input and support. Once the working paper gathers the required signatories, it is to be submitted to the committee director for approval. On the approval of the director, the working paper will be copied by Delegate Resources and introduced by the chair to the committee as a draft resolution or report.

Once the working paper has been introduced as a draft resolution or report, it becomes the property of the committee and all references to sponsorship, with the exception of identifying the status of amendments while in voting procedure, are formally removed. The central contributors to the contents of the draft resolution or report will continue to enlist the advice and support of as many States or experts as possible to expand upon the substance of the draft and, thereby, gain as much input and support as possible prior to the closure of debate. Once the committee

moves to closure, all draft resolutions and reports will be voted upon and when adopted will thereafter be recognized as formal resolutions or reports.

Adopted resolutions and reports represent recommendations for States and the international community. The legal status of each document depends on which committee the resolution or report is coming from. For instance, the General Assembly's resolutions are not legally binding political treaties, but the decisions of the Security Council are binding on all Member States. Most countries avoid the embarrassing political position of failing to promote and implement the recommendations they publicly endorsed within the UN.

It is highly recommended that delegates introduce their ideas to the committee in the form of working papers as soon as possible in order to contribute to the potential development and adoption of resolutions and reports which characterize the united representative strength and will of regional blocs or, ultimately, the committee as a whole. Typically, a number of working papers before any committee will overlap in content, style, and substance. In this event, the director will request delegates to integrate their individual endeavors into a single and, thus, more comprehensive and internationally representative document.

### ***The Executive Bureau, the General Committee and Saturday Plenary Sessions***

By the conclusion of Tuesday night sessions, the Economic and Social Council Plenary will select four vice-presidents to assist the president (chair) as members of the Council Executive Bureau. Likewise the General Assembly will select 21 of its Members to the General Committee by Tuesday evening. The members of the Bureau and the General Committee are to be selected with regard for equitable geographic representation from: African States, Asian and Pacific States, Eastern European States, Latin American States and Western European and other States. The Bureau will meet on Friday evening, following the conclusion of regular sessions. The General Committee will be composed somewhat differently than the Bureau. It will be comprised of each committee chair from the General Assembly department. They will also meet at the end of regular sessions on Friday evening.

On Friday the Bureau and General Committee will be briefed by a representative from each relevant committee regarding the work accomplished by their body throughout the week. After reviewing the reports and resolutions submitted by the committee representatives, the Bureau and General Committee will set the agenda for Saturday sessions to deliberate upon each committee's recommendations to the Plenary.

**ECOSOC Executive Bureau:** The Saturday ECOSOC Plenary Session will deliberate upon the work of all the committees within the ECOSOC Department, as well as other relevant bodies, including most of the specialized agencies. During the Friday evening meeting, the Bureau will set an agenda order for the review of these reports for deliberation and potential adoption during Saturday sessions. Additionally, the Saturday session of ECOSOC Plenary will be deliberating upon a fourth topic to be prepared and introduced by the director and assistant director. This topic will be made available to delegates on Friday afternoon and will encompass a broad theme that relates, as much as is possible, to issues discussed by each of the committees within ECOSOC and the specialized agencies.

**GA General Committee:** On Saturday the General Assembly Plenary will deliberate upon the work submitted by each of the committees in the GA and Security Council department, as well as relevant inter-governmental organizations and other bodies. Following the conclusion of regular sessions on Friday, the General Committee will set the agenda order for the review of these reports and resolutions and for their potential adoption during Saturday sessions.

**Saturday Sessions:** On Saturday, the final day of the Conference, the ECOSOC Plenary, General Assembly Plenary, and Security Council will convene at United Nations Headquarters. Plenary deliberations will encompass the work of all Conference committees; and all delegates are advised to participate in the Saturday sessions in order to assist Plenary representatives with their broad scope of work. Minimally, Member State representatives to the Plenary should be briefed in regard to the work of the committees that report to their respective departments. Ideally, the representatives of the committee whose work is being considered will sit with Plenary representatives as expert advisors to the State. The agenda for Saturday sessions will be made available outside Delegate Resources by 9:00 p.m. on Friday.

## **The Role of Non-Governmental Organizations in the Simulation**

Non-governmental organizations (NGOs) are recognized in Article 71 of the *UN Charter* as consultative bodies in relationship to ECOSOC. These organizations also maintain a close working relationship with almost all ECOSOC funds and programs, specialized agencies, General Assembly committees, and regional organizations. In this role, NGOs are an invaluable resource to the UN system because they provide information on political, economic, social, humanitarian, and cultural developments in all parts of the world. Their recommendations may address potential solutions to global problems, speak to specific country or regional needs, or call attention to an emerging crisis.

NGOs are a crucial link between policy-makers and the individuals directly affected by those policies. They represent civil society and its impact on the UN system. There are two primary advantages NGOs have over the UN in terms of information gathering and program implementation. First, NGOs are often locally based and have better knowledge of regional conditions, needs, and constraints. Second, NGOs may find it easier to gain the acceptance, trust and cooperation of the communities in which they work because they are more aware of the indigenous cultural climate than many intergovernmental organizations. If the UN attempted to gather independently all of the information available to NGOs, it would consume vast amounts of time and scarce financial resources that are better applied to actual programs.

The global summit process that characterizes much of the UN's work in the 1990s has brought new attention to NGOs. At the Earth Summit in Rio de Janeiro in 1992, participation in the NGO forum surpassed all previous records. Although they were not invited to formally participate in negotiations, the massive NGO presence indicated recognition of their importance by conference organizers. In 1993, at the World Conference on Human Rights in Vienna, the NGO forum took place in the same building as the official meetings. This increased access to the proceedings brought NGOs to a new level of integration in global summits. At later conferences, such as the Cairo Conference on Population and Development, the Copenhagen World Summit on Social Development, the Fourth World Conference on Women in Beijing, and Habitat II in Istanbul, NGO forums grew in numbers as well as in their abilities to contribute substantively. As the international community continues to review Conferences of the past ten years, it is apparent that the influence of NGOs will set a new precedent for the incorporation of civil society into UN activity at the global level.

### ***NGOs at the National Model United Nations Conference***

Over the past several years, the NMUN has integrated the presence of NGOs into committees at the conference. It is an ongoing project that improves the educational quality of the simulation and mirrors developments in the UN itself, where NGOs are gaining both visibility and respect as a resource for program design and implementation. A large number of delegates will take on the challenging task of representing NGO delegations this year.

NGO delegations maintain all of the privileges accorded to traditional country delegations, and are required to exhibit the same level of preparedness. NGO delegations are eligible for awards, based on the same criteria as country delegations, and may select head delegates to attend the Head Delegate Meetings each night. NGO representatives are also required to submit position papers reflecting the perspectives and priorities of their assigned NGO on the agenda topics at hand.

All delegates should take the role of NGOs very seriously. NGO representatives must be prepared to fully participate in all committee activities, including formal debate, caucusing and drafting working papers. In turn, Member State delegates must be prepared to engage NGO delegates in these activities. Mutual recognition and respect between NGO and country delegates is necessary to a successful conference experience.

NGO delegates maintain the following privileges in each committee to which they are assigned:

1. the right to make any procedural motion;
2. the right to vote on all procedural motions;
3. the right to speak before all assigned committees; and
4. the right to act as a signatory on working papers.

Please note that NGO delegates *do not* have substantive voting rights, and *may not* sponsor working papers.

In order to ensure a positive educational experience for all delegates, these rights and privileges may not exactly reflect those granted by ECOSOC. Any alterations made by the Director General gave due consideration to existing realities and the need to provide a learning environment that encourages active participation.

Country delegates are fully expected to work with NGO delegates in the spirit of collaboration upon which the UN was founded. The exclusion of NGOs from committee work simply because they do not have substantive voting rights is both unrealistic and unprofessional. In almost all cases, actions denigrating the participation of NGOs will be considered extraordinarily out of character and be noted in awards consideration. NGOs are expert organizations in their respective fields that possess specialized knowledge of the subject matter at hand. The recommendations of NGO delegates maintain the same validity as those of Member States, and it is incumbent upon country delegates to ensure that those perspectives are recognized.

### ***How to Prepare as an NGO Delegation***

As an NGO delegation, your preparation should be structured in the same way as a typical country delegation. The most basic pieces of this process include fundamental knowledge of the organization and of the agenda topics. Based on your research, you will decide how your assigned NGO will approach each topic, and the recommendations you will make for potential solutions. This includes identifying blocs of countries and other NGOs that may share the same perspectives and priorities and collaborate with you in committee sessions.

**NMUN Resources:** In this background guide, each agenda topic contains a section specific to NGO action. This will provide you with basic information on the general role of NGOs in that topic area. These sections may not specifically address your assigned NGO, but will provide a broad discussion of relevant NGO activities. You should not hesitate to contact the main office of your assigned NGO during the course of your preparations. In addition, you should arrange a mission briefing with the UN Liaison Office in New York City of the NGO you are representing. If you need assistance in arranging this briefing, visit the NMUN Web site at [www.nmun.org](http://www.nmun.org) or contact David Koller, Assistant Secretary-General for Internal Affairs at [asg.internal@nmun.org](mailto:asg.internal@nmun.org).

**Doing Research:** Much of your research will likely rely on Internet resources. Because most NGOs do not have expansive budgets that allow for the widespread reproduction and dissemination of their written materials and reports, they choose to publish such documents on their Web sites. If you have difficulty obtaining materials from these electronic sources, please contact your director, assistant director, departmental USG, or the Director General for assistance. The UN Web site, as well as the sites for many of the specialized agencies, also contain valuable information about NGO activity. Finally, do not exclude traditional resources from your preparations. Newspapers, scholarly journals, and books will provide differing perspectives on your agenda topics, and may give interesting insight into the evolving role of NGOs.

**Position Papers:** NGO position papers should be constructed in the same fashion as traditional position papers. Each topic should be addressed briefly in a succinct policy statement representing the relevant views of your assigned NGO. You should also include recommendations for action to be taken by your committee. It will be judged using the same criteria as all country position papers, and is held to the same standard of timeliness.

The most critical part of a successful NGO delegate experience at the NMUN Conference is active participation in committee sessions. This includes utilizing the rules of procedure, speaking in formal debate and contributing during caucus sessions. Although you may not sponsor working papers or vote on draft resolutions, you have both the right and the obligation to participate in their composition and refinement. You may act as a signatory to any working paper on the floor of your committee if you wish to illustrate your support for continued development of the document. Getting involved in the simulation is the best way to enhance your own educational experience and that of your fellow delegates.

## Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. While delegates are encouraged to use the front and back of a single page in order to fully address all topics before the committee, please remember that only a maximum of one double-sided page (or two pages total in an electronic file) will be accepted. Only the first double-sided page of any submissions (or two pages of an electronic file) will be considered for awards. Visit the downloads section at [www.nmun.org](http://www.nmun.org) to find an example of an award-winning position paper. This paper was also included in the 2003-2004 National Collegiate Conference Association's Annual Report, which was sent to each school along with this background guide. When using these sources, please be mindful of the NMUN's policy against plagiarism.

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***Delegation from  
The State of Tranquility***

***Represented by the  
University of Bohemia***

### ***Position Paper for the General Assembly Plenary***

The issues before the General Assembly Plenary are: The Situation in Sub-Saharan Africa; Racism and Racial Discrimination, and A Comprehensive Review of United Nations Peacekeeping Operations. The State of Tranquility a proud member of the Regional Alliance of Peaceful Countries and a fully supports other regional groups in their efforts to coordinated a regional plan for sustained and sustainable development. In that regard, the State of Tranquility recognizes the necessity of ensuring the full realization of the Right to Development as declared in the Declaration on the Right to Development and the Final Report of the Working Group on the Right to Development. Tranquility fully supports the implementation of national development plans with the cooperation of regional organizations, the United Nations, and the international community. Tranquility is firmly committed to addressing the underlying factors

#### **I. The Situation in Sub-Saharan Africa**

The State of Tranquility believes that the principles of sovereignty, territorial integrity and economic security lend themselves to the pacific settlement of disputes in Sub-Saharan Africa, the most ethnically diverse region in the world. The lack of development in the region constitutes the root cause of political instability and conflict. The report of the Secretary-General, *An Agenda for Peace: Recommendations*, if implemented, could enhance the work of the Organization in its efforts to bring about sustainable development in Africa. Tranquility also believes that the use of preventive development in Africa could ensure that conflicts such as those in Liberia, Rwanda, Angola, Somalia and the Democratic Republic of the Congo can be avoided before they erupt. While obstacles to be overcome are many, international support for effective national programs to ensure the relief to rehabilitation to development continuum through post-conflict peace-building, can enable Sub-Saharan Africa and the entire developing world to achieve the sustainable development which alone will guarantee regional peace and stability. The State of Tranquility fully supports the increased cooperation between the United Nations and regional organizations in all aspects of dispute settlement and peace-keeping. Increased support for such regional efforts, when combined with measures to eliminate the root causes of regional conflict, serves to further enhance the prospects for lasting peace, security and development in Sub-Saharan Africa and throughout the entire international community.

#### **II. Racism and Racial Discrimination**

The State of Tranquility believes that the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance offers the global community an opportunity to establish an updated plan of action to completely eradicate racism and racial discrimination throughout the world. The necessity for all Member States to sign, accede to and ratify the International Convention on the Elimination of All Forms of Racial Discrimination is an integral part of this plan, as policies and practices based on racism and racial discrimination remain devastating to regional social, economic and infrastructure development. Tranquility encourage all States, international organizations and non-governmental organizations to increase their efforts to combat racism, racial discrimination

and xenophobia and to provide assistance to those affected by such practices. The lack of financial resources that prevented the international community from realizing its objectives in the three previous United Nations Decades to Combat Racism and Racial Discrimination must not continue to hinder the international community in guaranteeing the fundamental human rights of all peoples.

### **III. A Comprehensive Review of United Nations Peacekeeping Operations**

The State of Tranquility remains firmly committed in support of the continued role of the United Nations Security Council as the primary agent for the maintenance of international peace and security, as mandated under Chapters IV and V of the UN Charter. We strongly recommend the authorization, determination, composition and financing of peacekeeping operations should be determined by the Council, as authorized by Articles 24, 25 and 26 of the Charter and in conjunction with the recommendations of the Special Committee on Peacekeeping Operations. Additionally, the State of Tranquility endorses the current role of the Secretary-General as administrator of the Operations established by the Council. The State of Tranquility remains a central contributor for both financial and logistical support of the United Nations Peacekeeping forces and will continue to contribute to the United Nations Peacekeeping Budget throughout the duration of the current year.

The State of Tranquility is firmly committed to addressing all threats to international peace and security through regional arrangements and multilateral forums. The international community must address the underlying causes of these conflicts and the destabilizing effects of such conflicts on entire regions. Tranquility is convinced that increased utilization of regional and sub-regional peacekeeping mechanisms can enhance the ability of peacekeeping missions to take into account historical, social, and cultural values and traditions within areas of conflict.

As operation costs continue to escalate, however, our nation strongly urges all Member States and the Secretary-General to devote greater attention to the monetary and management aspects of peacekeeping operations and provide serious consideration for the establishment of operation termination dates. The State of Tranquility further supports the proposal endorsed within A/Res/44/49, calling for Member States to develop and maintain an inventory of supplies and equipment to be made available for Operations on short-notice. In addition, the State of Tranquility calls upon Member States to recognize the need to maintain voluntary contributions for United Nations Peacekeeping Operations to reduce the continuing problems incurred by funding deficits.



## Message from the Director General Regarding Position Papers

Position papers are submitted for each committee in which a State/NGO participates at the NMUN Conference. Position papers should provide a concise review of each delegation's foreign policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your State/NGO should be identified and addressed. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference.

Please be forewarned, delegates must turn in material that is entirely original. The NMUN Conference will not tolerate the occurrence of plagiarism. In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim recreation of these documents. This plagiarism policy also extends to the written work of the Secretariat contained within the committee background guides. Violation of this policy will be immediately reported to faculty advisors and may result in dismissal from Conference participation. Delegates should report any incident of plagiarism to the Secretariat as soon as possible.

An important component of the awards consideration process is the format of the position papers. Please refer to the sample paper on the previous page for a visual example of what your work should look like at its completion. The following format specifications are **required** for all papers:

- All papers must be typed and formatted according to the example in the background guides (following the specifications below will ensure this)
- If printed, length must **not** exceed one double-sided page (two single-sided pages is **not** acceptable)
- Font **must** be Times New Roman sized between 10 pt. and 12 pt.
- Country/NGO name, School name and committee name clearly labeled on the first page
- Agenda topics clearly labeled in separate sections
- No binding, staples, paper clips, or cover sheets should be used on any of the papers

To be considered timely for awards one copy of the position paper must be e-mailed directly to the committee address, [unicef@nmun.org](mailto:unicef@nmun.org), also provided in the cover letter of this guide, no later than **March 1, 2004**. *E-mailed files should be in Microsoft Word (.doc), Rich Text (.rtf), or Adobe (.pdf) formats.*

### **PLEASE TITLE EACH E-MAIL/DOCUMENT WITH THE NAME OF THE COUNTRY & COMMITTEE**

*A matrix of received papers will be posted online for delegations to check by March 15, 2004. If you need to make other arrangements for submission, please contact Renee Tillery, Director General, at [dirgen@nmun.org](mailto:dirgen@nmun.org) or at 703-521-4343.*

Additionally, each delegation should submit a copy of their position paper to the permanent mission of the country you are representing along with an explanation of the Conference. Those delegations representing NGOs do not have to send their position paper to their NGO headquarters, although it is encouraged. This will assist them in preparing your mission briefing in New York.

Finally, please consider that over 1,000 papers will be handled and read by the Secretariat for the Conference. Your patience and cooperation in strictly adhering to the above guidelines will make this process more efficient and is greatly appreciated. Questions about the substantive nature of the position paper, research, or the committee should be directed to your director or assistant director. Should you have any questions please feel free to contact the conference staff, though as we do not operate out of a central office or location your consideration for time zone differences is appreciated.

Sincerely,

*Renee L. Tillery  
Director General*

## History of the United Nations Children's Fund

*UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunity to reach their full potential.*<sup>1</sup>

The Second World War brought a level of carnage and destruction never before seen in human history. The soon to be victors of that war, the Allies, anticipated the need to develop an organization that could support economic, institutional, and social recovery to Europe, and thus created the United Nations Relief and Rehabilitation Administration (UNRRA) in 1943.<sup>2</sup> As the Allies anticipated, the need for aid was great. Millions of people were left in horrible conditions, lacking the food, shelter, and resources necessary to survive. Children were particularly victimized by these circumstances. For example, in the hardest-hit areas of post-war Europe, an alarming number of children died during their first year of life.<sup>3</sup> Unfortunately, the political divisions of the Cold War doomed the UNRRA to an early end - the United States government ultimately rejected the organization, as it would support Communist, mainly eastern European countries on the other side of the "Iron Curtain."<sup>4</sup>

At the last meeting of the UNRRA in Geneva, Ludwick Rajchman, a representative from Poland, proposed that any of the Administration's remaining assets be allocated to an International Children's Emergency Fund.<sup>5</sup> The body accepted the proposition, and on December 11, 1946, Resolution 57(I) of the United Nations General Assembly officially brought the United Nations International Children's Emergency Fund, or UNICEF, into being.<sup>6</sup> However, as UNICEF's creation was intended to aid the children of Europe after the Second World War, by 1950 the organization appeared to be reaching the end of that mission, as well as its consequent termination. When the time came to dismantle UNICEF, however, it was argued by mainly developing nations that developmental challenges continued to plague children around the world, which required attention to countries and regions outside the Organization's original scope.<sup>7</sup> They argued that many children continued to suffer, not only from war, but also from poverty, lack of education, and disease.<sup>8</sup> And so, in 1953, the United Nations assimilated UNICEF into its permanent infrastructure, expanding its mission beyond emergency aid to children in conflict to include long-term care and development programs.<sup>9</sup>

The issues UNICEF deals with have increased in number and range dramatically since its creation. The organization has managed some of the most ambitious and effective immunization campaigns in history, it has assisted national governments in the creation of programs that promote better education and hygiene, and foster growth and development for children throughout the world.<sup>10</sup> UNICEF has also played a significant role in the illegalization of landmines, and is the primary actor in efforts to assist the victims of landmine related injuries.<sup>11</sup> Overall, the organization helps to coordinate State governments, and non-governmental organizations (NGOs) to implement child initiatives on the regional, state, and local level. Much of this work culminated in the recognition of 1979 as the official International Year of the Child (IYC) and subsequent creation of the United Nations Convention on the Rights of the Child (UNCRC).<sup>12</sup> As noted by Secretary General Kofi Annan, the UNCRC, after 14 years, remains the most widely ratified human rights treaty in history – one which continues to guide UNICEF's

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<sup>1</sup> United Nations Children's Fund. *UNICEF Mission Statement*. Retrieved August 20, 2003, from <http://www.unicef.org>.

<sup>2</sup> Bellamy, Carol. United Nations Children's Fund. (1995). *The State of the World's Children 1996*. New York: UNICEF. May also be retrieved from <http://www.unicef.org/sowc96/>.

<sup>3</sup> *Ibid.* It is noted that nearly half of children in these areas died before their first birthday.

<sup>4</sup> *Ibid.* "Iron Curtain" refers to the implicit line that was drawn between post-war, mainly "western" democratic countries, and communist countries, and the consequent animosity that developed between namely Russia and the United States, culminating in the Cold War.

<sup>5</sup> *Ibid.*

<sup>6</sup> Black, Maggie. (1996). *Children First: the Story of UNICEF, Past and Present*. New York: Oxford University Press. p. 7.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> The History of UNICEF. Retrieved August 12, 2003 from <http://www.unicef.org.uk/aboutunicef/history/history1.htm>.

<sup>10</sup> United Nations Children's Fund. (1995), *supra*, note 1.

<sup>11</sup> Bellamy, Carol. (1995). *The State of the World's Children 1996: The Legacy of Land-Mines United Nations Children's Fund*. New York: UNICEF.

<sup>12</sup> Black, *supra*, note 6. p. 25.

work.<sup>13</sup> In the organization's Annual Report for 1998, Carol Bellamy, UNICEF's Executive Director, explained that although much has been accomplished, there is still a great deal of work to be done.<sup>14</sup> Among the issues addressed was what she called the 'unfinished business' of the 1990s:

That business includes preventing the deaths of 585,000 women each year from complications in pregnancy and childbirth; educating 140 million school-age children who are still not in class, 60 per cent of them girls; helping 250 million working children, many trapped in dangerous and exploitative labour; and providing safe waste disposal for the 2.9 billion people, half of them children, at risk of disease and death because of inadequate sanitation. In a world of plenty, malnutrition contributes to nearly 7 million child deaths each year.<sup>15</sup>

The history of UNICEF serves as a continuum of significant success against the myriad of developmental challenges that have plagued the world's children, and also one that has gained momentum over the last few decades. There is no doubt that the tasks before the United Nations Children's Fund are severe and complex, but the future of the organization is indeed a bright one.

## **I. Combating Illegal Adoption and Child Trafficking**

*An unfaltering commitment of adoption should be that it is intended as a means to provide families for children, rather than children for families. This is especially critical in international adoption where it is the children of one country being taken to another. The simplistic assumption that a poor child in a developing country will have a preferred life with a family in a 'rich' country is misguided, imperialistic and overlooks the sacrifice and loss, not only to the sending country, but to the child.*<sup>16</sup>

Adoption in all its forms exists as a way to give abandoned or orphaned children the opportunity to benefit from the security and support of a permanent family. However, once mainly humanitarian practices of inter-country and international adoption have become more economically driven in recent decades.<sup>17</sup> The decreased fertility of industrialized states, and the increased demand for children in those states couples with the escalating numbers of abandoned and orphaned children in developing countries, to create an incredibly compelling market for the adoption process.<sup>18</sup> As a result, increasing numbers of private organizations that seek to profit from the adoption market have attempted to make their process more lucrative by disregarding the standards and regulations set forth by the United Nations on the practice of international adoption.<sup>19</sup> The standards exist for the protection of children and as such, the illicit practices of these organizations invariably violate the rights of the child. Although much has been done in recent years to establish norms and regulations for the process of inter-country adoption, there is still much that needs to be done.

### ***Exploring the Problem***

Laws regulating inter-country adoption have sought to maintain at the core of the process a concern for the individual child, and an effort to increase the welfare of children in need. Adoption is meant to be one amidst a series of possible solutions for children in distress; it is not intended to be driven in any way by a demand for

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<sup>13</sup> United Nations Children's Fund. (2000) *Annual Report*. New York: UNICEF. p. 2-3.

<sup>14</sup> United Nations Children's Fund. (1998) *Annual Report*. New York: UNICEF. May also be retrieved from <http://www.unicef.org/ar98/>.

<sup>15</sup> *Ibid.*

<sup>16</sup> Soon-Keum Susan. The Issues in International Adoption. *Holt International Children's Services*. Full text available at <http://www.holtintl.org/ethics.shtml>

<sup>17</sup> The terms international adoption and inter-country adoption are used as defined by the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The full text of the Convention is available at: <http://www.hcch.net/e/conventions/text33e.html>

<sup>18</sup> UNICEF International Child Development Centre. (1998) Intercountry Adoption. *Innocenti Digest*, Volume 4, p. 2.

<sup>19</sup> *Ibid.*, 3.

adopted children.<sup>20</sup> In some instances, however, the desire to reap lucrative profits from the adoption process itself has replaced these nobler intents. The misuse of the adoption process can become so profitable that in some situations it has involved the placement by large financial interests and lobbying groups of detrimental pressures on governments attempting to develop child-centered policies.<sup>21</sup> Although adoption is widely understood to be a humanitarian act, the illicit actions of those organizations that seek to profit from it are at times shockingly inhumane. The main areas where circumvention of adoption standards take place are in the attainment of children for adoption, obtaining false or illegal permission for adoption, and illegally avoiding the process altogether.<sup>22</sup> The means of obtaining children range from their abduction, to the coercion and misinformation of vulnerable mothers, to the offering of material or financial incentives to women willing to conceive children specifically for inter-country adoption.<sup>23</sup> For example, some mothers may be told that they are unfit for motherhood or that their children died shortly after birth.<sup>24</sup> Such groups also falsify documents or bribe government officials to obtain adoption permits illegally, including those that falsify the consent of the parents.<sup>25</sup> In seeking to avoid the process altogether, attempts are made to falsely declare the adoptive parents as birthparents.<sup>26</sup> This is done by fraudulently registering the birth mother under the prospective adoptive mother's name at the time of the birth, or by declaring the adoptive father as the biological father of the child.<sup>27</sup> Other illicit efforts involve the trafficking of children through several countries with the intent of falsifying origin.<sup>28</sup> One such example involved couples attempting to illegally transit children from Romania to Ireland via England, in the hopes that legalities involving the movement of people within the United Kingdom would grant them easier access to Ireland and thus facilitate the illicit process.<sup>29</sup> All of these efforts seek to avoid the existing laws and regulations on inter-country adoption. The monetary costs of these practices are significant to the prospective parents and relatively small to the illicit profit-making intermediaries. The costs to children, not in financial but in much broader terms, are always incalculable.

A significant problem in understanding and combating child trafficking effectively is the absence of data regarding child migration and child trafficking. The inability of national governments and child oriented non-governmental organizations (NGOs) to obtain accurate data significantly impairs these bodies from targeting critical geographical or political regions and more comprehensively addressing the problem.<sup>30</sup> The consequences of an illicit traffic of children, particularly for intercountry adoptions are extensive and quite severe. Among the most common and impacting consequences is the loss of identity. Loss of identity includes not only the lack of knowledge of a child's family origin and heritage, but also pertinent and practical information, such as national identity or medical history; items vital to a child seeking to develop an accurate and complete self-image necessary to live a healthy life.<sup>31</sup> The importance of national identity is vital, particularly with respect to a child's actual nationality, and consequent citizenship rights. In cases of failed or interrupted illegal adoptions, a child could lose the nationality of the country in which he or she was born, and may never obtain citizenship in the country he or she was taken to.<sup>32</sup> *The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* addresses this need in Article 16, where it requires that States involved in the adoption process share all such information pertaining to the child with the receiving State.<sup>33</sup> When done through illicit channels, however, this requirement is easily overlooked. Similarly, the prospective parents of adopted children who seek to obtain them through illicit actions may not be sufficiently informed or counseled as to the nature of the adoption process or about the child they are adopting.

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<sup>20</sup> UNICEF International Child Development Centre, *supra*, note 18. p.3.

<sup>21</sup> *Ibid.*, 6.

<sup>22</sup> *Ibid.*, 3.

<sup>23</sup> *Ibid*

<sup>24</sup> *Ibid.*, 6.

<sup>25</sup> *Ibid.*, 3.

<sup>26</sup> *Ibid*

<sup>27</sup> *Ibid*

<sup>28</sup> *Ibid.*, 3.

<sup>29</sup> *Ibid.*, 6.

<sup>30</sup> Laczko, Frank and Marco A. Gramegna. (2003) Developing Better Indicators of Human Trafficking. *The Brown Journal of World Affairs*. Summer/Fall 2003. Volume X, Issue I. p. 180.

<sup>31</sup> UNICEF International Child Development Centre, *supra*, note 18. p. 7.

<sup>32</sup> *Ibid.*

<sup>33</sup> Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. (29 May 1993) Hague Conference on Private International Law. Retrieved 20 June 2003, from <http://www.hcch.net/e/conventions/text33e.html>

Oftentimes children who are disabled or seriously ill may be presented to prospective parents as healthy, greatly increasing the likelihood of an interrupted adoption and presenting a grave threat to the child's life.<sup>34</sup>

Every illegal adoption carried out among States weakens those infrastructures set in place to aid all children in need of adoptive parents. Profit driven orphanages may be very lax in their efforts to aid a child's situation effectively, such as finding his or her birthparents, if they can expect to make a profit from that child through an illicit adoption.<sup>35</sup> Furthermore, the existence of organized crime that profits from child trafficking and illegal adoption harms the image of the States they are based in. An image of decreased credibility or security could detract from a State's ability to find legal and successful inter-country adoptions for those children that are in legitimate need of them.<sup>36</sup> Such an image could also harm the success of accredited institutions within a country, ultimately impairing the ability of those organizations to aid the children they care for.<sup>37</sup>

### ***International Law, Standards, and Regulations***

Although intercountry adoption became commonly practiced after the Second World War, concern for the ways in which these adoptions were being carried out did not fully develop until the late 1970s and early 1980s.<sup>38</sup> It was during these years that work began on the development of the Convention on the Rights of the Child and guidelines were established for the adoption process, first privately as the Brighton Guidelines in 1982, and later as updated and endorsed by the International Council on Social Welfare (ICSW) at the world conference in Hong Kong in 1996.<sup>39</sup> The guidelines clearly emphasized adoption as a recourse secondary to efforts that would keep the child with his or her biological family, but as a better alternative to institutional care.<sup>40</sup> Likewise, inter-country adoption is only to be considered after no viable solution for the child's welfare can be provided within the State of origin.<sup>41</sup> The guidelines also emphasize that the bodies responsible for arranging inter-country adoption should also be capable of exploring other alternatives for the wellbeing of the child.<sup>42</sup> *The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* further elaborated on the laws and regulations pertaining to the issue in 1993. The three documents function as the foundation and structure for all norms and regulations that States are expected to adhere to. Although the documents address the issue of inter-country adoption in significant detail, they should not necessarily be interpreted as the comprehensive regulatory policies to be put in place by State governments, but rather as a framework of standards that all States should strive to meet.

Disparities between States inherently affect the inter-country adoption process, sometimes in a negative way. Differences in how governments can develop the infrastructure of their states to meet the guidelines, or differences in the standards and regulations between countries, can be exploited for the purposes of child trafficking and illegal adoption. It has been noted, for example, that criminal adoption rings move pregnant women from their native countries to others where the policies of birth registration and adoption are more lax, with the intent of making the illegal adoption easier or more profitable.<sup>43</sup> An example of this practice involved an illegal adoption ring in the Eastern European region. In this case, pregnant women would be transported from places such as Albania and Romania to give birth in Budapest, Hungary, where they would give their children to prospective adoptive parents, most of them from the United States.<sup>44</sup>

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<sup>34</sup> UNICEF International Child Development Centre, *supra*, note 18. p. 7.

<sup>35</sup> *Ibid.*, 7.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*, 2.

<sup>39</sup> *Ibid.*, 2. A full text of the updated guidelines is also available at <http://www.adoptionscentrum.se/guidelines/english1.htm>.

See also: United Nations General Assembly. (20 November 1989) *The Convention on the Rights of the Child*.

(A/RES/44/25). Full text retrieved June 20, 2003, from <http://www.unhchr.ch/html/menu2/6/crc/treaties/crc.htm>

<sup>40</sup> The Child's Right to Grow Up in a Family: Guidelines for Practice on National & Intercountry Adoption & Foster Family Care. Retrieved June 21, 2003, from <http://www.adoptionscentrum.se/guidelines/>

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> UNICEF International Child Development Centre, *supra*, note 18. p. 7.

<sup>44</sup> *Ibid.*

Another obstacle to enforcing international standards exists in the difference between those accredited organizations that are licensed by state governments and those that do not have such certification.<sup>45</sup> Since the protocols and procedures in place to obtain such certification differ from state to state, establishing adequate standards that apply internationally to all intercountry adoption agencies are very difficult. Agencies involved in the intercountry adoption process can be government bodies, government licensed agencies, or private organizations not licensed by the government.<sup>46</sup> Adoptions can also be carried out without the involvement of any agency, be it private or governmental, certified or without certification.<sup>47</sup> Where two states are involved, the permutable possibilities of interactions between accredited agencies and those that are not certified or licensed can make it very difficult to establish international standards that are compulsory and effective, as well as ensuring the welfare of the child and the quality of the adoption process (where one adoption can deal with a government body in one state, and an unlicensed agency in another, or two unlicensed agencies etc.).<sup>48</sup> State governments have not always been able to protect the human rights of the children in the adoption process through their own agencies, but they do a far better job than those organizations that facilitate intercountry adoption without any kind of license or state approved certification.<sup>49</sup> It is through these organizations that most of the illicit and detrimental aspects of the intercountry adoption process take place.<sup>50</sup> Prospective parents are often misled by these organizations, which claim that they can produce favorable results faster by sidestepping obstacles such as bureaucratic excess or “red tape”.<sup>51</sup> Such organizations may ask for initial sums of money, encourage travel to the possible country of origin, or attempt to exert pressure on the established intercountry adoption infrastructure within a state to facilitate the process.<sup>52</sup> Adoption fraud is more easily accomplished and more likely when dealing through such organizations, and such organizations are a serious obstacle to the establishment of a truly effective, humane, and beneficent intercountry adoption process.

### ***High-risk Zones and Areas in Critical Need of Assistance***

As with all other issues in the international arena, illegal adoption and child trafficking do not exist in a vacuum. The existence of other socio-economic problems within a particular region may facilitate the criminal acts of those seeking to profit from such illicit traffic. High-risk areas include countries with ineffective or inefficient child and family welfare policies, countries in sociopolitical disorder and upheaval, and areas victimized by natural disasters or economic crisis.<sup>53</sup> Other important high-risk zones are those regions of the world ravaged by armed conflict, be it internal or external, such as the ethnic turmoil in Central and Eastern Europe.<sup>54</sup> The areas of the world plagued by such issues often find it difficult to allocate the resources needed to address the problem effectively, leaving many agencies unchecked and many children unprotected.

The lack of child-oriented infrastructure is also of significant importance when addressing the intercountry adoption issue. The criminals behind illegal adoptions tend to prey heavily in areas where birth registration infrastructure is weak or absent, aware that an unregistered child does not legally exist and can more easily be trafficked for adoption purposes.<sup>55</sup> There are also opportunities to exploit legislation in states where child abandonment is not clearly defined by law. A lack of such legislation can deprive birthparents of their ability to recover the child or to reconsider their decision to abandon the child.<sup>56</sup> It could also be the case that a child can be declared abandoned under suspicious circumstances, which could facilitate the efforts of child trafficking rings. The legislators who seek to address the problem of intercountry adoption standards must also address the need for better legislation in these other areas, such as abandonment or birth registration infrastructure, as they are such strong factors in the illicit intercountry adoption problem.<sup>57</sup>

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<sup>45</sup> *Ibid.*, 8.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*, 8-9.

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*, 8-9

<sup>53</sup> *Ibid.*, 7-9.

<sup>54</sup> UNICEF International Child Development Centre, *supra*, note 18. p.3.

<sup>55</sup> *Ibid.*, 8.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

Where legislation addresses a large part of the problem on the state level, another significant area of state weakness lies in the enforcement of that legislation. Strong and capable courts and other judicial or law enforcement bodies are an integral element in the state's ability to protect children in the intercountry adoption process.<sup>58</sup> States with insufficient or ineffective infrastructure in this respect are also considered zones of high-risk for intercountry adoptions. Areas of rapid urbanization within developing countries in Africa, Asia, and Latin America are commonly plagued with higher rates of child abandonment and intercountry adoption issues, many of them not capable of resolving the problems, either lacking the legislation or infrastructure needed to effectively address them.<sup>59</sup> Criminals also attempt identity theft for human trafficking by retrieving vital documents of children that have died during infancy, and using them to obtain other vital documents, such as passports.<sup>60</sup> Problems such as these are more common in areas where resources are scarce or where the strength of government is weak, as it provides criminals with greater opportunities for success.

### ***Current Initiatives***

There are many organizations committed to the eradication of child trafficking and the improvement of inter-country adoption practices. Important among them are those accredited organizations that partake in the inter-country adoption process legally, and abide by internationally recognized norms and regulations. Some of these organizations, such as Holt International Children's Services, also take part in the advocacy of inter-country adoption issues, such as encouraging open records policies and providing educational information on transracial adoptions.<sup>61</sup> State governments have also increased their attention to the crisis, recognizing that illegal adoption is one facet of the much larger problem of child trafficking. As a result, governments in Europe have increased their emphasis on harder punishments for those found guilty of child trafficking. The Italian and Libyan governments have begun cooperative efforts to improve anti-trafficking laws in the hopes of combating the illegal traffic from Libya to Italy.<sup>62</sup> Some countries have taken such action as a preventative measure hoping to prevent the illegal traffic of children through their country before it becomes a viable or profitable alternative, as is the case with the Scottish government.<sup>63</sup>

Beyond official governments and adoption agencies, a plethora of international organizations aimed at the improvement of inter-country adoption exist. The International Association of Youth and Family Court Magistrates (IAYFCM or IAJFCM), for example, has assisted in the drafting of treaties that address inter-country adoption, and researches the implementation of such treaties as well as the problems related to the judicial processes pertaining to adoption.<sup>64</sup> Organizations such as the International Social Service (ISS) and the International Federation Terre des Hommes (IFTDH) work on a consultative basis within UNICEF and aid the committee in developing a comprehensive approach to addressing the child trafficking. The existence of these organizations and their coordinated efforts, have done a great deal to address this problem, but much work still remains ahead. One of the difficulties in addressing this problem is the seemingly amorphous tactics of the criminals behind it. An enforcement of stricter policies in one region may make it less profitable for the traffickers, for example, but it would deter them only in using that route, and not in their illegal practices. The coordination and innovation of the criminals in their trafficking methods is indicative of the necessity to be equally innovative and resilient in the efforts to combat them. It is only through the coordination and cooperation of all groups, public and private, intergovernmental and non-governmental, that a truly concerted and comprehensive solution to the problem will be reached, and the noble aims and intentions behind intercountry adoption wholly restored.

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<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*, 9.

<sup>60</sup> Traffickers Stealing Identities, Lords Warn. (2002, December 2). *The Guardian*. Text available online at [http://www.protectionproject.org/daily\\_news/2002/ne1202.htm](http://www.protectionproject.org/daily_news/2002/ne1202.htm)

<sup>61</sup> Holt International Children's Services: Advocacy and Legislation. Retrieved June 22, 2003, from <http://www.holtintl.org/advocacy.shtml>

<sup>62</sup> Agence France Presse. (25 June 2003) Italy, Libya to Seek Solution to Illegal Immigration Row. Available online at <http://www.polarisproject.org/humantrafficking/client/view.aspx?ResourceID=4087>

<sup>63</sup> King, Diane. (26 November 2002) Legal Bid to Block Trade in Vice Girls. *Edinburgh Evening News*. Text available at: [http://www.protectionproject.org/daily\\_news/2002/ne1202.htm](http://www.protectionproject.org/daily_news/2002/ne1202.htm)

<sup>64</sup> UNICEF International Child Development Centre, *supra*, note 18. p. 20.

## Conclusion

As is the case with many children's issues, efforts to combat illegal adoption cannot center themselves merely around the adoption process. Issues regarding birth registration, child labor, organized crime, and the migrations of people all have vital connections to this particular problem, and they must also be dealt with if a comprehensive solution is to be found. A focus on girls and women in developing countries is also of particular importance here, as they are the source of most abandoned children.<sup>65</sup> Offering services such as sexual education and counseling services for new mothers in developing countries could have a positive effect on reducing the rate of child abandonment.<sup>66</sup> Similar services could provide the support and skills needed by birthparents to empower them to raise their own child, also reducing the chance of child abandonment.<sup>67</sup> Many different approaches and policies might be needed to address this problem effectively. The international community must therefore present those approaches and take action, for the lives of countless children depend on it.

## II. The Improvement of Birth and Prenatal Care Practices

*We know what needs to be done. We have the tools. It is time to marshal global political will and to commit unprecedented resources to saving newborn lives. We call on the world to give children a healthy start now.*<sup>68</sup>

Human beings are at their most vulnerable in the earliest stages of life and it is for this reason that the complications related to birth and prenatal care must be addressed in order to protect children. From birth, the degree to which prenatal, perinatal, and neonatal care exists has a profound impact on a child's development physically, mentally, and emotionally. Poor prenatal and birth care practices often serve to impair a child during his or her most crucial stage of development, decreasing the child's chances for survival and adversely affecting future stages of development. With the existence of effective perinatal care the chances for a child's healthy survival greatly increase, fostering the goal of the United Nations Children's Fund (UNICEF) to protect children's rights by meeting their "basic needs and expanding their opportunities to reach their full potential."<sup>69</sup>

Improving pre-natal and birth practices, as well as perinatal and neo-natal care, is essential to solving numerous problems related to reproduction and the well being of the child. A myriad of factors contribute to the survival rates of infants ranging from nutrition to disease; factors stemming from the health and well being of the mother. The link between mother and child is profound: what affects the mother also has implications for the child. Survival of the child is highly dependent on the survival of the mother and an alarming number of childbearing women die each year as a result of complications during childbirth.<sup>70</sup> Maternal mortality resulting from and in combination with maternal ill- health, poor hygiene, and/or inadequate care before, during and after delivery leads to nearly half of all infant deaths annually.<sup>71</sup> Other contributing factors, such as proper nutrition, play a role in the survival of both mother and child.<sup>72</sup> Likewise, guarding against disease is necessary for the mother during pregnancy and for the child immediately after birth and beyond. Education on the improvement of birth practices and prenatal care that addresses topics such as proper nutrition, disease and immunization, transmission of the HIV virus, and birth practices in general must also be made available. According to the International Council of Nurses (ICN),

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<sup>65</sup> *Ibid.*, 10.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> Save the Children. (2001). *State of the World's Newborns*. Retrieved August 16, 2003, from <http://www.savethechildren.org/mothers/newborns/>

<sup>69</sup> UNICEF Mission Statement. Retrieved June 21, 2003, from <http://www.unicef.org/mission.htm>

<sup>70</sup> World Health Organization. *Making Pregnancy Safer*. Report by the Secretariat. 107<sup>th</sup> Session, provisional agenda item 9.3. 5 December 2000. WHO Doc. No. EB107/26. para. 1.

<sup>71</sup> *Ibid.*, para. 2.

<sup>72</sup> Ndure, Kinday Samba. *Women's Nutrition During Pregnancy and Lactation*. Retrieved June 23, 2003, from <http://www.fantaproject.org/downloads/pdfs/Pregnancy.pdf>



“educating women significantly reduces infant mortality, increases life expectancy of future generations and improves child rearing and development.”<sup>73</sup>

### *The Effects of Maternal Mortality on the Child*

One of the key goals of the *United Nations Millennium Declaration* is the reduction of maternal mortality.<sup>74</sup> This is important because a child’s chance for survival is much lower if the mother dies; approximately 4 million fetuses die each year in addition to another 4 million newborns that die just before, during, or shortly after the death of the mother.<sup>75</sup> Lack of proper prenatal care often leads to complications during childbirth, which is a leading cause of death and disability for the mother in many parts of the world.<sup>76</sup> It is estimated that more than 500,000 women die annually as a result of complications from childbirth and pregnancy.<sup>77</sup> Complications that are fatal when not properly dealt with include post-partum hemorrhage, sepsis, obstructed labor, and eclampsia.<sup>78</sup> Overcoming these complications requires a high level of quality obstetric practices, with professionally trained midwives or doctors who are equipped with the necessary drugs, antibiotics and capabilities to perform transfusions and surgical interventions should the need arise.<sup>79</sup>

The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) legally binds those States that are party to the Convention to provide ‘appropriate services in connection with pregnancy,’ including free health care services when necessary.<sup>80</sup> At the World Summit for Children participants created goal number 11 in order to emphasize that pregnant women require “[a]ccess . . . to prenatal care, trained attendants during childbirth and referral facilities for high-risk pregnancies and obstetric emergencies.”<sup>81</sup> “The single most critical intervention for safe motherhood is thus to ensure that a competent health worker with midwifery skills is present at every birth, and transport is available to a referral facility for obstetric care in case of emergency.”<sup>82</sup> While progress in this direction has been achieved in nearly all regions of the world, improvements are not equally shared, especially in Sub-Saharan Africa where maternal mortality remains at the highest level worldwide.<sup>83</sup> Data shows that in Sub-Saharan Africa the rate of births attended by a skilled health worker has increased by a mere 2%.<sup>84</sup>

The mortality rate of childbearing women can be greatly decreased by introducing complete and high quality prenatal and delivery care practices.<sup>85</sup> The quality of care during the delivery process can easily be improved by simply ensuring that the delivery is hygienically clean; clean hands, clean surfaces, clean cord-cutting and tying, and a clean cloth to wrap the newborn.<sup>86</sup> In the year 2000, the World Health Organization (WHO) began a strategy to reduce maternal and perinatal mortality called Making Pregnancy Safer.<sup>87</sup> As part of the Safe Motherhood Initiative, this strategy outlines actions to be taken by governments, civil society, and women in developing nations to reduce maternal as well as infant mortality.<sup>88</sup> The Ministry of Health in Indonesia continues to integrate the

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<sup>73</sup> International Council of Nurses (ICN). *Making Strides: from the Universal Declaration of Human Rights to the Recognition of Women’s Health Rights*. Nursing Matters Fact Sheet. Retrieved July 13, 2003, from [http://www.icn.ch/matters\\_womhealth\\_print.htm](http://www.icn.ch/matters_womhealth_print.htm). p. 3.

<sup>74</sup> United Nations General Assembly. *United Nations Millennium Declaration*. A/RES/55/2. Article III, 19. Adopted 8 September 2000.

<sup>75</sup> UNICEF Statistics *End Decade Databases- Maternal Mortality*. Retrieved June 23, 2003, from [http://www.childinfo.org/eddb/mat\\_mortal/index.htm](http://www.childinfo.org/eddb/mat_mortal/index.htm)

<sup>76</sup> *EngenderHealth: Improving Women’s Health Worldwide*. Maternal/ Child Health. Retrieved June 21, 2003 from <http://www.engenderhealth.org/>

<sup>77</sup> *Ibid.*

<sup>78</sup> UNICEF, *supra*, note 75.

<sup>79</sup> *Ibid.*

<sup>80</sup> *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). Part III, article 12, pg 10. Retrieved July 11, 2003, from <http://www.un.org/womenwatch/daw/cedaw/econvention.htm>

<sup>81</sup> UNICEF Statistics: Delivery Care. Retrieved June 24, 2003, from <http://www.childinfo.org/eddb/maternal/index.htm>. p. 1.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> Save the Children, *supra*, note 68.

<sup>87</sup> WHO, *supra*, note 70.

<sup>88</sup> *Ibid.*

Making Pregnancy Safer strategy into health plans at the provincial level by educating and supporting more than 50,000 village midwives to assist women during delivery.<sup>89</sup>

### ***Nutrition During all Stages of Life***

Article 24 of the *United Nations Convention on the Rights of the Child* (CRC) makes good nutrition a right granted to all children.<sup>90</sup> Good nutrition for the child is dependent on good nutrition for the mother and is necessary well before a child is born or even conceived. A mother who had a nutritious diet during childhood and adolescence is likely to have fewer complications during pregnancy and childbirth, and is less likely to give birth to an underweight infant.<sup>91</sup> During pregnancy, the women's body requires increased levels of iron, calcium and folic acid in addition to an overall healthy diet.<sup>92</sup> If a mother's body has inadequate stores of these minerals, then the fetus also is deficient.<sup>93</sup>

Iron deficiency, common even among non-pregnant women, is often a problem due to the fact that the amount of iron required daily during pregnancy doubles.<sup>94</sup> Anemia increases the possibility of eclampsia, which can lead to maternal death during the labor process if hemorrhaging occurs.<sup>95</sup> Calcium-rich diets are also crucial for pregnant women as the existence of calcium in the diet has been found to decrease or even prevent pregnancy-induced hypertension, which can also lead to preeclampsia and eclampsia.<sup>96</sup> Calcium protects against premature births and insufficient fetal skeletal growth.<sup>97</sup> Another element that aids in the development of the fetus is folic acid, which is critical to the development of the fetus because it is responsible for DNA synthesis allowing for cell growth and proliferation.<sup>98</sup> A lack of folic acid can cause neural tube defects in the developing fetus, possibly resulting in anencephaly or death. In most instances, diet alone cannot supply all of the nutrients the pregnant body needs, making supplements including vitamins and fortified food products complete with iron, calcium and folic acid necessary.

For a majority of women in the developing world basic nutritional needs are simply not met. Due to economic reasons, supplements may be unavailable and it is sometimes impossible for a pregnant woman to increase her dietary intake of essential nutrients for the fetus to grow properly. Energy deficiency, low weight gain, and low levels of iron, calcium, and folic acid are chronic problems that infringe the development of the fetus. In Africa for example, pregnant women gain only half as much weight as their counterparts in the industrialized world.<sup>99</sup> Contributing factors are inadequate food intake, high-energy expenditure, diets deficient in essential micronutrients, combined with the normal demands of pregnancy, and lack of access to high quality health services.<sup>100</sup>

### ***Benefits of Breastfeeding***

UNICEF estimates that 1.5 million infants would be saved each year if every baby were fed only breast milk from birth.<sup>101</sup> Breastfeeding is beneficial to virtually all children because it enhances the health and growth of the infant and protects against disease and infection.<sup>102</sup> Breast milk contains important antibodies and enzymes and stimulates an infant's immune system, making a newborn who is breastfed from birth far less susceptible to pneumonia,

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<sup>89</sup> Maternal and Neonatal Health: Solutions for Survival. "Where we work: Indonesia." JHPIEGO Corporation. Retrieved July 11, 2003, from <http://www.mnh.jhpiego.org/where/indo1.asp>

<sup>90</sup> United Nations. *Convention on the Rights of the Child*. (CRC). (opened for signature November 20, 1989). Article 24,1.

<sup>91</sup> UNICEF, WHO, UNESCO, UNFPA, UNDP, UNAIDS, WFP. *Facts for Life*. Retrieved June 20, 2003, from <http://www.unicef.org/ffl/text/factsforlife-en.txt>

<sup>92</sup> Ndure, *supra*, note 72.

<sup>93</sup> Rosenberg, Charles K. (February 2000) *Prenatal Nutrition*. Nutrition Science News. p. 1.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Ibid.*

<sup>98</sup> Rosenberg, *supra*, note 93.

<sup>99</sup> Ndure, *supra*, note 72.

<sup>100</sup> *Ibid.*

<sup>101</sup> UNICEF publications. (1999) *Breastfeeding: foundation for a healthy future*. New York: UNICEF. p. 1.

<sup>102</sup> *Ibid.* p. 1.

asthma, allergies, diabetes, certain childhood cancers, gastrointestinal illnesses, and infections.<sup>103</sup> Breastfeeding also reduces maternal mortality as it contributes to uterine contraction, which reduces postpartum hemorrhage.<sup>104</sup> There are economic benefits to breastfeeding as well: breast milk is free in comparison to the often-costly milk substitutes. In Uganda for instance, the annual cost for milk substitutes for one child exceeds the annual income of an entire village family.<sup>105</sup>

Article 24, section 2(e) of the CRC calls upon states to “ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition.”<sup>106</sup> UNICEF, along with the WHO, UNESCO, UNFPA, UNDP, UNAIDS, WFP, and the World Bank published the document *Facts for Life* in an effort to make life-saving knowledge easily available to everyone.<sup>107</sup> The authors of *Facts for Life* assert that breast milk alone is the only food and drink an infant needs for the first six months of life, and that it is in fact dangerous for the child to be denied breast milk or given anything in addition to it.<sup>108</sup> Non-governmental organizations (NGOs) such as the World Alliance for Breastfeeding Actions (WABA) work to raise awareness about the benefits of breastfeeding and promote it throughout the world.<sup>109</sup> UNICEF also promotes breastfeeding worldwide through the Baby Friendly Hospital Initiative (BFHI). Created in 1992 by UNICEF and the WHO, BFHI aims to ensure that all hospitals support breastfeeding as the only form of food for newborns by categorizing a hospital as ‘baby friendly’ if it agrees not to purchase or accept free substitutes to breast milk, feeding bottles, or teats.<sup>110</sup> The positive health benefits for infants as a result of this initiative are visible worldwide. In Gabon neonatal mortality fell by 8% in the first 2 years of BFHI implementation.<sup>111</sup>

Breastfeeding is not as ubiquitous as health care professionals recommend on a worldwide scale, prompting continued efforts to increase breastfeeding practices. In response to a decline in breastfeeding in the 1970s, the 31st World Health Assembly (WHA) discussed this issue in an effort to prevent the malnutrition of infants, and adopted the *International Code of Marketing of Breast-milk Substitutes* in 1981.<sup>112</sup> This code, also endorsed by UNICEF and the WHO, inhibits the marketing practices of breast milk substitute providers while encouraging governments to promote natural breastfeeding practices.<sup>113</sup> It also stipulates that governments should “develop social support systems to protect, facilitate and encourage [breastfeeding] in an effort to deal with the social and economic factors affecting breastfeeding.”<sup>114</sup> Accordingly, many States have placed restrictions on the sale and advertisement of breast milk substitutes in an effort to reduce usage.<sup>115</sup> Legislation is sometimes used by governments to encourage breastfeeding practices such as mandating that tins of formula be clearly labeled with warnings of the potential harm of artificial feeding, a measure taken in India.<sup>116</sup>

### ***The Transmission of HIV/AIDS***

The most significant source of HIV/AIDS infection in children under the age of 10 is mother-to child-transmission (MTCT).<sup>117</sup> While estimates vary, upward of 600,000 infants contracted the HIV virus in the year 2000, 90% the

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<sup>103</sup> *Ibid.*

<sup>104</sup> Cruze, Patricia, R.N. Personal communication, August 16, 2003.

<sup>105</sup> UNICEF, *supra*, note 101, p. 2.

<sup>106</sup> CRC, *supra*, note 90, Article 24, 2(e).

<sup>107</sup> UNICEF, WHO, UNESCO, UNFPA, UNDP, UNAIDS, WFP, *supra*, note 19.

<sup>108</sup> *Ibid.*

<sup>109</sup> The World Alliance for Breastfeeding Action (WABA). Retrieved June 23, 2003, from <http://www.waba.org>

<sup>110</sup> UNICEF, *supra*, note 101, p. 5.

<sup>111</sup> UNICEF. *The Baby Friendly Hospital Initiative: Success Stories*. Retrieved July 13, 2003, from <http://www.unicef.org/programme/breastfeeding/baby.htm#10>

<sup>112</sup> Resolution WHA27.43. Handbook of Resolutions and Decisions of the World Health Assembly and the Executive Board Volume II, 4<sup>th</sup> ed. Geneva, 1981, p. 58.

<sup>113</sup> WHO. (1981) *Code of Marketing of Breast-milk Substitutes*. Retrieved July 13, 2003, from [http://www.who.int/nut/documents/code\\_english.PDF](http://www.who.int/nut/documents/code_english.PDF), p. 6.

<sup>114</sup> *Ibid.*, p. 6.

<sup>115</sup> UNICEF, *supra*, note 101, p. 7.

<sup>116</sup> *Ibid.*, p. 7.

<sup>117</sup> WHO Technical Consultation on behalf of the UNFPA/UNICEF/WHO/UNAIDS Inter-Agency Task Team of Mother-to-Child Transmission of HIV. (2000, October 11-13) *New Data on the Prevention of Mother-to-Child Transmission of HIV and their Policy Implications: Conclusions and Recommendations*. Geneva. p. 1

result of MTCT.<sup>118</sup> A baby faces a 5% to 15% chance of contracting the HIV virus from an infected mother during childbirth, and an additional 20% chance if he or she is breastfed.<sup>119</sup> Transmission of the HIV virus remains high in instances where reproductive health services are inadequate and women lack access to prenatal, antenatal, and delivery care.<sup>120</sup>

There are mechanisms to prevent perinatal transmission including antiretroviral drug (ARV) regimens, but they are costly and generally inaccessible to most women, especially in the developing world. According to WHO, short-courses of ARV regimens that include Zidovudine (ZDV), the combined use of ZDV and Lamivudine, and Nevirapine are effective in reducing the risk of MTCT.<sup>121</sup> A prevention program known as the Argentine-Maltese Aid Programme for the Intervention of Perinatal AIDS has had positive effects in Argentina and is a good example of combating MTCT through improved prenatal and perinatal health care practices.<sup>122</sup> In this program, all pregnant women are tested for HIV and those that test positive receive treatment as early in their pregnancy as possible. The government-sponsored program provides the antiretroviral drugs as well as infant formula to guarantee that newborns of HIV positive mothers are not breastfed.<sup>123</sup> Instituted in nine hospitals in Argentina, the program reduced the rate of MTCT of HIV by 90%.<sup>124</sup>

Breastfeeding is responsible for up to 20% of MTCT, depending on the length of time a mother breastfeeds her infant.<sup>125</sup> Replacement feeding is the only way to completely avoid perinatal HIV transmission to the newborn, however it is debatable whether it is more beneficial for the infant to be denied exclusive breastfeeding. Groups such as WABA remain “concerned that the negative consequences on infant health of large scale use of infant formula substitutes from birth onwards may be much worse than previously understood,” even in the wake of MTCT.<sup>126</sup> Comparative studies have been conducted to determine the different risk factors of breastfeeding in the face of MTCT, with results showing that during the first two months of life an infant receiving replacement feeding is six times more likely to die as a result of other diseases.<sup>127</sup>

Ultimately it is the mother’s choice, when resources and education are available, whether she breastfeeds her child or uses feeding substitutes. In many cases, breastfeeding is the only way to feed an infant due to socioeconomic factors, regardless of the dangers of MTCT. When HIV positive mothers do breastfeed, it is imperative that they be educated on how to reduce the chances of transmission. Shortening the duration of breastfeeding, breastfeeding only in the perinatal stage, and treating breast problems such as cracked nipples and mastitis or sores in the infant’s mouth are all important.<sup>128</sup> According to UNICEF, in order to reduce the possibility of MTCT of HIV it is necessary to “provide counseling and advice for the appropriate feeding of infants born to HIV-positive mothers.”<sup>129</sup>

### ***Preventing Neonatal Tetanus***

Neonatal tetanus is an often fatal condition that results from poor and unhygienic birth practices yet could easily be prevented through immunization.<sup>130</sup> This disease kills between 70% and 100% of those infected, and is responsible for 14% of all neonatal and perinatal deaths.<sup>131</sup> Neonatal tetanus is also responsible for 5% of maternal deaths,

<sup>118</sup> Avert.Org. *Preventing Mother-to-Child Transmission of HIV*. Retrieved July 14, 2003, from <http://www.avert.org/motherchild.htm>

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*

<sup>121</sup> WHO, *supra*, note 117.

<sup>122</sup> Valente, Marcela. (2002). *Prevention Cuts Perinatal HIV/AIDS Transmission*. Inter Press Service. Retrieved July 14, 2003, from <http://www.aegis.com/news/ips/2002/IP021022.html>

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*

<sup>125</sup> UNICEF. *HIV and Infant Feeding*. A UNICEF Fact Sheet. Retrieved June 22, 2003 from <http://www.unicef.org/aids>.

<sup>126</sup> The World Alliance for Breastfeeding Action. *WABA Position on HIV and Breastfeeding*. Retrieved July 10, 2003, from <http://www.waba.org.br/dechiv.htm>

<sup>127</sup> *Ibid.*

<sup>128</sup> UNICEF, *supra*, note 125.

<sup>129</sup> *Ibid.*

<sup>130</sup> Pan American Health Organization, World Health Organization. *Neonatal Tetanus Homepage*. Retrieved July 14, 2003, from <http://www.paho.org/English/HVP/HVI/NeonatalTetanusSite.htm>

<sup>131</sup> UNICEF Statistics. *Maternal and neonatal tetanus*. Retrieved June 20, 2003, from <http://www.childinfo.org/eddb/mnt/index.htm>

striking women both before and after pregnancy.<sup>132</sup> Tetanus spores enter the mother's body through wounds caused from unsafe or unsanitary deliveries, or if the umbilical cord is cut under unsterile conditions bacterial spores of tetanus can enter the body of the newborn.<sup>133</sup> Given to pregnant women, the vaccine tetanus toxoid not only protects the mother from infection, but also assures immunity of the infant in the first two months of life until they are old enough to receive immunization themselves.<sup>134</sup>

Despite the advances in immunization practices, neonatal tetanus continues to be a major global public health problem.<sup>135</sup> This disease is most prevalent in populations living in rural areas with extremely poor levels of health care, where immunizations are not received at the appropriate ages, or even at all.<sup>136</sup> There are also cyclical implications for the effectiveness of immunizations: if childbearing women did not receive tetanus vaccines during childhood and adolescence, they must be given higher and more frequent doses to adequately protect their newborn.<sup>137</sup> Neonatal tetanus continues to be a crisis due to basic accessibility problems such as limited immunization services, poor antenatal care, and the lack of skilled birth attendants to ensure a sterile delivery.<sup>138</sup>

### ***Birth Registration***

Article seven of the CRC clearly states the right of children to be registered immediately after birth.<sup>139</sup> Registration is important as it gives the child a name, nationality, and it allows the child to be recognized as a citizen. While it can only be an estimate, it is likely that 1/3 of all children are not registered.<sup>140</sup> In the year 2000 alone, an estimated 50 million babies were denied this fundamental human right.<sup>141</sup> These children do not receive protection against exploitation, abuse or trafficking, and are more susceptible to early marriages, recruitment into armed conflict and facing the justice system as an adult.<sup>142</sup>

Registration is also necessary for governments and other agencies to conduct surveys and surveillance programs. A government must know the correct number of citizens in order to properly allocate funds to projects that will help to increase the quality of health care available to mothers and infants in the pre-natal, neo-natal, and perinatal stages. Statistical findings such as those garnered and produced by UNICEF, the WHO, UNAIDS and the myriad of other organizations, rely on accurate data to formulate policy prescriptions and solutions to problems.<sup>143</sup> For instance, it is difficult to know the true extent of neonatal tetanus as it mainly occurs in rural areas with low rates of birth registration; often times the newborn dies before registration and the birth and death go undocumented.<sup>144</sup> Lack of registration could result in a child not receiving access to schooling, housing or health care.<sup>145</sup> For infants in the perinatal and neonatal stages of life, it is imperative that health care and immunization be available, and non-registered babies may not be eligible for government sponsored health initiatives such as immunization programs.<sup>146</sup>

There are a number of different factors that impede registration ranging from economic to social barriers. In some places, registration is costly and poor families may not prioritize registering their newborns.<sup>147</sup> The process can also

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<sup>132</sup> *Ibid.*

<sup>133</sup> *Ibid.*

<sup>134</sup> Save the Children, *supra*, note 68.

<sup>135</sup> World Health Organization. *Neonatal Tetanus*. Retrieved July 14, 2003, from <http://www.who.int/vaccines/en/neotetanus.shtml>

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*

<sup>138</sup> WHO, *supra*, note 135.

<sup>139</sup> CRC, *supra*, note 90, Article 7.

<sup>140</sup> Plan International. *A Third of the World's Children are Denied an Identity*. Retrieved June 15, 2003, from <http://www.plan-international.org>

<sup>141</sup> UNICEF. Birth Registration: Right From the Start. *Innocenti Digest no. 9*. Florence: Innocenti Research Centre. p. 1.

<sup>142</sup> *Ibid.* p. 6.

<sup>143</sup> UNICEF, *supra*, note 75.

<sup>144</sup> WHO, *supra*, note 135.

<sup>145</sup> UNICEF End Decade Databases – Birth Registration. *Challenges and Progress to Date*. Retrieved June 13, 2003, from <http://www.childinfo.org/eddb/birth/index.htm>

<sup>146</sup> International Council of Nurses and the International Confederation of Midwives. *Every Child Has a Right to a Name and Nationality*. A Statement from the International Confederation of Midwives and the International Council of Nurses. Retrieved July 13, 2003, from [http://www.icn.ch.PR16\\_03.htm](http://www.icn.ch.PR16_03.htm)

be complicated, lengthy, and require travel to reach registration facilities.<sup>148</sup> Orphaned, refugee, and internally displaced children are even more likely to be denied their registration right due to the circumstances in which they live.<sup>149</sup> There are also cultural inhibitors to birth registration, for example, in Viet Nam some unmarried mothers will not register their child out of embarrassment.<sup>150</sup> In Nepal, registration laws are restrictive, requiring the fathers signature, which is sometimes difficult to obtain, and excluding the children of second or third wives.<sup>151</sup> There are also a number of countries that will not register a child born of parents of different nationalities.<sup>152</sup>

In response to this ongoing problem, UNICEF along with local governments, non-profit agencies, and NGOs such as Plan International, are working to raise awareness about the importance of birth registration as well as factors which inhibit registration.<sup>153</sup> Initiatives to improve birth registration include involving all levels of society to create an “effective ‘supply’ of birth registration services, backed by the stimulation of informed ‘demand’ from the population.”<sup>154</sup> It would be extremely beneficial if all health care providers and midwives were empowered by the government to register all babies at birth, including birth registration as an element of post-delivery care.<sup>155</sup>

### ***The Role of Non-Governmental Organizations***

The problem of poor-quality birth practices and prenatal care is one that requires continued attention, as it will persist indefinitely if not dealt with in a substantial way. In general, cases of poor birth practices and prenatal care are found in less affluent, developing nations where funds and services are not available or not up to par with international standards.<sup>156</sup> There are numerous NGOs, independent agencies, international councils, and government funded groups that work toward improving birth practices and pre-natal care through initiatives and campaigns. In addition to serving as advocates, NGOs attempt to educate the populations with whom they work as to the benefits of improved quality care. Because the only way to make lasting improvements is by instilling life-long knowledge that can be passed from generation to generation, most NGOs and other agencies include in their campaigns a focus on “raising awareness of the issue among members and the public.”<sup>157</sup> For example, one of the main concerns of the ICN on the topic of birth registration is increasing awareness and educating people on the importance of the practice.<sup>158</sup>

NGOs are an invaluable source of support for mothers and babies who face inadequate birth and prenatal care practices. NGOs such as Family Health International, the International Confederation of Midwives, Save the Children, Plan International, and EngenderHealth provide essential support to improving the well being of the child and mother. Without the economic assistance of these agencies many functions and facilities to raise levels of care would not exist. Despite the abundance of NGOs diligently working to improve birth and prenatal care practices, there remains much to be done. “The challenge now is to make these...simple, affordable measures more widely available and used, while working to develop new and better community based measures to treat certain newborn complications.”<sup>159</sup>

### ***Conclusion***

It is indisputable that every child deserves access to all means available to ensure its survival, and the CRC makes this a fundamental right.<sup>160</sup> As stated in the preamble to the CRC, the need to provide special care to the child is delineated in numerous internationally accepted documents such as the *Geneva Declaration of the Rights of the*

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<sup>147</sup> UNICEF, *supra*, note 145.

<sup>148</sup> *Ibid.* p. 3.

<sup>149</sup> UNICEF, *supra*, note 141, p. 11.

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*

<sup>153</sup> Plan International, *supra*, note 73.

<sup>154</sup> UNICEF, *supra*, note 141, p. 17.

<sup>155</sup> *Ibid.*, p. 21.

<sup>156</sup> Save the Children, *supra*, note 68.

<sup>157</sup> ICN, *supra*, note 146, p. 4.

<sup>158</sup> *Ibid.*, p. 4.

<sup>159</sup> Save the Children, *supra*, note 68.

<sup>160</sup> CRC, *supra*, note 90.

*Child*, the *Declaration of the Rights of the Child*, and the *Universal Declaration of Human Rights*.<sup>161</sup> The CRC is the most widely ratified convention to date, which further illustrates the worldwide desire to improve the well-being of children everywhere.

Each year the international community reaffirms its dedication to children through conventions, conferences, declarations and resolutions; each year millions die. The world's newborns perish at alarming rates despite the fact that most of the causes of death are easily preventable through effective and relatively inexpensive solutions.<sup>162</sup> In a report from Save the Children, *State of the World's Newborns*, Melinda Gates said, "[W]hat's more devastating is the fact that we have the tools to address this situation yet fail to apply them. We can save many newborn lives through existing health care interventions that are both practical and affordable, even in communities that lack modern health care facilities."<sup>163</sup>

Birth and prenatal care practices need to be improved on an international scale because millions of infants die when they should not. If the tools exist to save the world's newborns, why are they not more effectively put into action everywhere all the time? What impedes the delivery of solutions to these devastating problems, and how can those impediments be overcome? The world's newborns are in need of proactive and innovative ways to combat the many complications they face: the easy and functional tools are at your disposal, how can they best be put to use so that they provide real and lasting solutions?

### **III. The Role of Children in Local and National Decision-Making**

*The voices, insights, experiences, capacities and energy of children and young people are untapped resources for meeting the promises and goals embodied in the Millennium Declaration and 'A World Fit for Children'. This does not mean the adults, governments and civil society of the world can abandon their responsibilities or pass the burden on to children. But it does mean a new partnership between adults and children and young people, seeking their opinions and taking them into account – in the family, in the community, in the school, in our organizations and in society*<sup>164</sup>

The *State of the World's Children 2003* report focused exclusively on the issue of child participation. It emphasized the responsibility of adults to elicit the opinions of children, to take their viewpoints seriously, and to help children and adolescents develop the skills needed to be meaningful participants in their families, schools, communities, and nations.<sup>165</sup> This choice of topic was not a random one. The importance of such a report was noted at the General Assembly's Special Session on Children, which took place in May of 2002. This marked the first time the Assembly met to discuss children's issues exclusively, bringing together children from all over the world as representatives of their respective Member States.<sup>166</sup> These initiatives are not the first efforts the United Nations (UN) has addressed in relation to child participation. Documents such as the *Copenhagen Declaration on Social Development, Agenda 21* and the *Habitat Agenda* all make explicit references to the need for increased child involvement in policy and decision-making.<sup>167</sup>

Although the topic of child participation in decision-making may seem somewhat less crucial in comparison to urgent issues such as medical crises or children in conflict zones, its importance cannot be neglected, for at its very core is the concept of self-determination. Children of today are naturally experts on child issues: they are the ones who live as children in a world battling the crises of drugs, HIV/AIDS, and environmental degradation. They are

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<sup>161</sup> *Ibid.*

<sup>162</sup> Save the Children, *supra*, note 68.

<sup>163</sup> *Ibid.*

<sup>164</sup> United Nations Children's Fund. (2003) *State of the World's Children 2003: Official Summary*. New York: UNICEF. p. 3

<sup>165</sup> *Ibid.*, p.3

<sup>166</sup> Annan, Kofi. (2003) *Forward*. United Nations Children's Fund. *State of the World's Children 2003*. New York: UNICEF. p. vi.

<sup>167</sup> Childwatch International Research Network. (26-28 June 2000). Research symposium: Children's Participation in Community Settings. University of Oslo. Report available online at <http://www.childwatch.uio.no/projects/participation/symposium.html>.

also the victims and eyewitnesses of the issues that most severely affect them, such as the use of children as soldiers or their traffic for slave labor. If these issues are to be resolved, policy-makers must engage children directly. Children are as bound to these problems as adults, and will likewise be bound to the initiatives that solve them.

Current policy-makers may formulate the solutions to many of these problems, but it will be the educated and active adults of tomorrow that see them through to fruition. Logically, their ability to do so depends on the development of the skills necessary for leadership, social activism, and civic involvement, all of which are best nurtured from childhood. We must not forget that the children of today will inevitably address the issues we do not successfully resolve.

### ***Understanding Child Participation***

Addressing the role of children in policy and decision-making is complicated, particularly because it is not as clearly defined a topic as those commonly associated with children's issues. The importance of nutrition or education is evident, but the role of children in decision-making does not immediately present such palpable importance. The issue of improving child participation is made even more complex in that it also involves an entire gamut of other children's issues. A thorough understanding of this topic is therefore vital, since some issues within it may not be immediately evident, and others may not be significantly relevant. First and foremost, improving the role of children in decision-making does not require State governments to replace adults in that process with children.<sup>168</sup> Adults are not expected to abdicate the control of governments or institutions and allow children to take over. Increased cooperation, however, is necessary between adult policymakers and their young counterparts.<sup>169</sup> Selecting a few children as representatives of the child population is also a flawed approach to solving the problem, because it assumes that children are inherently homogenous and neglects the ethnic and cultural diversity within that social group.<sup>170</sup> Likewise, selecting an age group to improve cooperation with (exclusively adolescents, for example) is also unfairly restrictive.<sup>171</sup> The necessity to improve the role of children in decision-making extends to children of all ages, social backgrounds and ethnicities.

Those that disagree with this necessity have argued that children lack the critical thinking needed to make rational decisions in their best interests.<sup>172</sup> Children and adults may differ in their ability to assess situations, particularly when determining the short and long term effects of a particular action, but evidence indicates that the competency and decision-making ability of children is well developed long before the commonly recognized ages of adulthood.<sup>173</sup> Research on the competency of children to make decisions regarding medical treatment has shown that children as young as 14 years old have decision making abilities comparable to adults.<sup>174</sup> Furthermore, 9 year olds are generally seen to be as competent in decision making as adults in how they identify the need for a choice and assessing the reasonableness of their options.<sup>175</sup> The reality is that in many regions of the world children are treated as adults, and it is with some degree of neglect that their right to participate in the political process is overlooked. Children who have been exposed to the horrors of warfare, either as child soldiers or as the residents of conflict zones, have significant responsibilities thrust upon them by the nature of the circumstances.<sup>176</sup> In some States the age of consent for marriage or sexual activity is less than the legal voting age, obviously acknowledging the child's ability to make rational decisions about some matters, while neglecting the possibility for them to make rational decisions in others.<sup>177</sup> In general then, children are only partly recognized in their decision-making ability, and the current standards are not accurate enough to reflect their true potential and capacity for political action within society.

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<sup>168</sup> United Nations Children's Fund, *supra*, note 164. p. 16

<sup>169</sup> *Ibid.*, p. 16

<sup>170</sup> *Ibid.*

<sup>171</sup> *Ibid.*, p. 27.

<sup>172</sup> Bowen, Donna. (October 1998). Children's Competency and Participation in Decision Making. Paper presented at the Family Court of Australia's third national conference. p. 2.

<sup>173</sup> *Ibid.*, p. 3

<sup>174</sup> *Ibid.*, p. 2.

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<sup>177</sup> *Ibid.*, p. 2.



### ***The Need for Greater Youth Participation***

Encouraging and improving the participation of children in local and national decision-making has obvious benefits for the children, but it is important to emphasize that all parties involved benefit from such input. Children who are encouraged to be civic minded and active from an early age can better hone the skills desirable and necessary for the promulgation of democratic ideals.<sup>178</sup> They will also place a higher degree of importance on their participation in democratic processes, something of significant importance to many established democracies now suffering from steadily decreasing voter turnout rates (such as the G7 States).<sup>179</sup> On a more child-centered level, the ability to express opinions and effect change in their households and communities aids children in the development of a more positive self-image and better self-esteem, and gives them a better awareness of their environment and the opportunities available to them.<sup>180</sup>

Improving the role of children in local decision-making has a direct benefit on the lives of everyone involved in the process.<sup>181</sup> The Escuela Nueva school models are good examples of what child empowerment can do to a community.<sup>182</sup> Originally implemented in some of Colombia's most violent areas, the model achieved rapid success and has spread to many other Latin American States.<sup>183</sup> The model itself is structured around multi-aged groups of children, and encourages the development of democratic involvement, understanding of children's rights, and peaceful conflict resolution.<sup>184</sup> A study done on 15 of the Escuela Nueva schools in Colombia revealed that they had a significant impact on the democratic and civic involvement of their graduates in their communities, as well as on the voting patterns of the parents.<sup>185</sup>

### ***Obstacles to Improving the Role of Children in Local and National Decision-Making***

There are significant problems that need to be addressed if local and State governments are to successfully elicit the efforts of children in policy and decision-making. First and foremost, children must be free to express themselves.<sup>186</sup> This concept appears self-evident, but is actually quite complicated. If civic involvement and participation is to be encouraged, Governments and non-governmental organizations (NGOs) must create policies and programs that promote children to express their opinions in any way possible, and also to obtain and interpret these expressions in a politically valid manner.<sup>187</sup> Children must be aware that their opinions matter, and that their efforts of expression are not given in vain.<sup>188</sup> Other problems exist when seeking the opinions of children, particularly in regions of the world where adults may not share the right to express themselves.<sup>189</sup> Children should not, for example, be expected to increase their level of political and civic involvement against an oppressive regime or in situations where an increased level of involvement would put them in danger.<sup>190</sup> Furthermore, the international community cannot seek the sociopolitical empowerment of children in countries where political opposition could put them in harm's way.<sup>191</sup> This is applicable in areas where adults themselves are not guaranteed a freedom of expression, or where adults may exploit children, either for profit or political aims (i.e. child trafficking or child soldiers).<sup>192</sup>

Logically, the issue of child empowerment is not isolated from all other children's issues. Other, equally imperative issues such as child trafficking and prostitution need to be addressed more effectively, so as to promote a safer

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<sup>178</sup> United Nations Children's Fund, *supra*, note 164. p. 9.

<sup>179</sup> *Ibid.*, p. 12.

<sup>180</sup> *Ibid.*, p. 9.

<sup>181</sup> *Ibid.*, p. 9-10.

<sup>182</sup> *Ibid.*

<sup>183</sup> *Ibid.*, p. 29.

<sup>184</sup> *Ibid.*

<sup>185</sup> *Ibid.*, p. 29.

<sup>186</sup> *Ibid.*, p. 21.

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*, p. 16.

<sup>189</sup> *Ibid.*, p. 56.

<sup>190</sup> *Ibid.*

<sup>191</sup> *Ibid.*

<sup>192</sup> *Ibid.*, p. 37.

environment where children could be civically involved.<sup>193</sup> Child participation also has a positive effect on the initiatives that address children's problems.<sup>194</sup> Empowering children to solve the issues that plague them is an important step in the improvement of child welfare, because it encourages more comprehensive and effective implementation practices.<sup>195</sup> When seeking to involve children in the improvement of their own welfare, the possibilities for child empowerment are truly endless. In Baluchistan, Pakistan, for example, the local UNICEF office joined forces with the local boy-scout movement on a campaign to promote girl's education.<sup>196</sup> The first year of the campaign showed promising results, with the enrollment of approximately 2500 girls in the targeted area.<sup>197</sup> Children are more than capable of assisting adults in the improvement of the global welfare; it is up to adults, however, to provide them with the opportunities to do so.

The Special Session on Children's most tangible result was its Declaration and Plan of Action – A World Fit For Children (WFFC).<sup>198</sup> This Declaration committed the present member States to bring children to the forefront of international development in the new millennium.<sup>199</sup> Such a task would be accomplished by developing national and regional plans of action for children, strengthening planning, coordination, and resource allocation on children's initiatives, creating or improving the national bodies responsible for the promotion of children's rights, and maintaining a progressive monitoring of these initiatives to seek further improvements in the future.<sup>200</sup> The Special Session on Children agreed on a tentative timetable for many of these commitments to be implemented at the state level, but externalities in the international community significantly sidelined a large amount of the momentum behind these initiatives. The importance of these goals and of the WFFC has not been forgotten, however; although much less than expected, significant progress has been made in these areas in all regions throughout the world.<sup>201</sup>

### ***UNICEF Initiatives And the Role of NGOs***

UNICEF has consistently encouraged a more active role for children in the initiatives undertaken to combat many of today's problems. The organization recognizes that children are an indispensable resource in formulating and implementing policy initiatives from the local to the State level.<sup>202</sup> To that end, UNICEF encouraged the creation of more child friendly schools and cities, has sought to better educate peoples on the importance of child-parent communication, and has engaged governments and NGOs on the formulation of child empowering policies and initiatives.<sup>203</sup> UNICEF has also developed innovative ways to promote awareness of child issues and development of more responsive and child-oriented institutions, such as the joint campaign with FIFA to dedicate the 2002 World Cup to children.<sup>204</sup>

The importance of NGOs in this issue cannot be stressed enough, not only those that involve children directly, but all organizations seeking to aid in the improvement of children's rights and social development. The task of creating more child-centered institutions rests as much on the private sectors of States as it does on their governments, and we must bear in mind that only through active involvement will the adults of today improve the social role of children in their communities. There is no doubt that change will have to occur in order to facilitate a more child friendly and youth-oriented global society, but in many regions of the world, such change is already taking place. It is the positive results from those changes that compel the international community to look seriously upon this issue, and to effectively improve the lives and roles of children in our global society.

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<sup>193</sup> *Ibid.*

<sup>194</sup> *Ibid.*, p. 37-38.

<sup>195</sup> *Ibid.*, p. 36.

<sup>196</sup> United Nations Children's Fund, *supra*, note 164. p. 28.

<sup>197</sup> *Ibid.*

<sup>198</sup> Global Movement for Children. (May 2003) The UN Special Session on Children: A First Anniversary Report on Follow-up. Document may be found at [http://www.gmfc.org/en/documents/GMC\\_SSC\\_1st\\_Anniversary\\_report.pdf](http://www.gmfc.org/en/documents/GMC_SSC_1st_Anniversary_report.pdf). p. 2.

<sup>199</sup> *Ibid.*

<sup>200</sup> *Ibid.*, p. 2-3.

<sup>201</sup> *Ibid.*, p. 3.

<sup>202</sup> United Nations Children's Fund, *supra*, note 164. p. 43.

<sup>203</sup> For more information about these and other UNICEF initiatives, consult the UNICEF Web site, available at <http://www.unicef.org>.

<sup>204</sup> United Nations Children's Fund, *supra*, note 1. p. 35

It is evident that many states have embarked upon the goals of the Special Session on Children and are moving in the right direction towards achieving them, however much still remains to be done.<sup>205</sup> Improvements in the role of children's participation have occurred in virtually every geopolitical region, but they have occurred quite unevenly throughout the world, with most of the progress taking place in Asia and Europe and relatively little of it taking place in Africa, The Middle East, and the Americas.<sup>206</sup> The terrorist attacks of September 11, 2001 and the subsequent War on Terrorism reshaped the global landscape and unfortunately placed the issue of child participation as less of a priority than it was immediately after the Special Session on Children.<sup>207</sup>

UNICEF has done its best to continue to advocate improvements in child participation policies and initiatives, in the hopes that the coming years will see a return to the focus brought on by the Special Session in 2000. Pilot programs in Vanuatu through UNICEF Pacifica and Vanuatu's Ministry of Education have succeeded in creating 71 child-friendly primary schools in that country, where children are better empowered in their own education.<sup>208</sup> Furthermore, 300 schoolchildren in Tajikistan became part of the first National Children's Water Forum in September of 2003.<sup>209</sup> The forum was not only successful in promoting the education of children on clean water and sanitation, but also in encouraging their civic involvement in their community, by educating them on how to assess resources and facilities as well as how to organize sanitation and hygiene groups in their school to improve their communities.<sup>210</sup> As the examples indicate, the future of the world's children continues to improve, but it only through their empowerment as people can such initiatives become truly successful. It is only when children are given the means and skills to access and effect their own improvement that truly overwhelming change will be possible.

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<sup>205</sup> Global Movement for Children, *supra*, note 198. p. 3.

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### **Suggestions for Further Research**

This background guide has been developed to provide an introduction to the topics this committee will address at the NMUN. The guide is not intended to provide delegates with the history of their individual foreign policies. In order to successfully represent your assigned State or NGO, considerable additional research is required.

In seeking additional information regarding the topic areas themselves, carefully review the footnotes and bibliography within the guide. The footnotes and bibliography serve as a reference list and provide research resources of primary importance in the preparation of the background guide. These sources are annotated for your convenience. However, particular attention should be given to the conventions and declarations contained within, as these documents provide the historical mandates and goals of the United Nations and other international organizations. All delegates should acquire copies of the *Charter of the United Nations and Statute of the International Court of Justice*, as well as the *Universal Declaration of Human Rights*, the *International Covenant on*



*Civil and Political Rights and Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights.*

To assist in the understanding of your individual State's foreign policy, begin by researching the history and culture of your assigned State or NGO. Understanding the cultural basis for particular policies will assist you in the development of creative solutions for which there may be no policy precedent. The general debate at the opening session of the United Nations General Assembly provides an excellent overview of each Member State's policy on a broad range of issues. The opening ceremonies are generally attended by leading State representatives who use this opportunity to express their country's aspirations and goals for the work of the organization in the upcoming year. These records provide an immensely valuable resource for delegates in search of State-specific policy citations. The verbatim records of Member States, as well as their voting records, can be located at UN Depositories at many university libraries or through the UN Web site [www.un.org](http://www.un.org). You can also look at the National Model United Nations Web site at [www.nmun.org](http://www.nmun.org) for additional research material. Consult with your advisor and/or school librarian regarding a depository nearest to you.

Delegations may also wish to contact the mission of the assigned Member State; however, due to the limited time and resources available to most missions this contact should be made through one delegate on behalf of the delegation and not by individual delegates. This contact can be initiated in the process of setting up your delegation's mission briefing. Ideally, delegations will prepare a list of committee topics and specific questions relating to the issues encompassed therein. This list should be introduced by a formal letter explaining your ambitions to accurately represent the mission of your assigned State at the NMUN Conference. The letter should additionally express your recognition of the honor bestowed on you in the opportunity to represent the assigned State. In addition, you should express your gratitude for any assistance they may be able to render. Please be aware that in many cases, the limited fiscal budgets of your missions do not allow for the resources necessary to distribute State information to private individuals; however many are more than capable and willing to assist these efforts.

In addition to contacting your State's mission, delegates should utilize the United Nations Information Service, which has offices in New York and Washington D.C. You should also consider contacting relevant international agencies, such as the World Health Organization (WHO), the Commission on Human Rights, the World Trade Organization (WTO), the UN Development Programme (UNDP), and/or regional and alliance related organizations, such as the European Union, NATO, the Organization of African Unity (OAU), or the Inter-American Development Bank (IADB), that conduct work related to the committee topics.

The UN Department of Public Information has released a number of volumes that comprise *The United Nations Blue Book Series*. Within the *Blue Book Series*, you will find a comprehensive review of the historical work and operations of the United Nations regarding: the Advancement of Women; Apartheid; Cambodia; El Salvador; Human Rights; Mozambique; and Nuclear Non-Proliferation, among other topics. These resources contain countless illustrations of international declarations, conventions and treaties, as well as numerous statements from the United Nations Secretary-General, the Security Council, the General Assembly, ECOSOC and related agencies, regarding the responsibility of Member States for the promotion and advancement of the principles and standards adopted by the organization.

Current events are continually changing. As a delegate, you should track the events that affect the issues before your Committee. Periodicals which will assist in this task include the *UN Chronicle*, *World Press Review*, the *New York Times*, *The Christian Science Monitor*, *The International Herald Tribune*, *Foreign Affairs*, *Foreign Policy*, *Human Rights Quarterly*, *The American Journal of International Law*, *International Legal Materials*, *Far Eastern Economic Review*, and the *Journal of Modern African Studies*. Further, tune into National Public Radio (NPR) for *The Morning Edition*, *All Things Considered*, *Monitor Radio*, and *Pacifica Radio*; each of these NPR programs provide comprehensive coverage of global events.

Computerized research resources are also available. The Internet provides access to a wealth of information, but please remain aware that not all sources on the Internet are equally credible. Official government and intergovernmental sites like the UN Web site are good starting points. In addition, universities and well-established NGOs like the Red Cross may also provide valuable and credible information. Lexis/Nexis is also an excellent source for daily news from around the world and operates using search terms and the Boolean style of computerized library searches. Finally, the NMUN Web site at [www.nmun.org](http://www.nmun.org) has been designed to assist you in your research

through the provision of these guides online, topic updates, and continuously updated committee pages with links to many topic specific sites.

Should you have any questions or experience any particular difficulties in your research endeavors, please do not hesitate to contact your committee director or assistant director, departmental Under-Secretary-General, or the Director General. Contact information for those individuals is listed at the bottom of the introductory letter which is on the first page of this guide.

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## **Rules of Procedure United Nations Children’s Fund**

### INTRODUCTION

1. These rules shall be the only rules which apply to United Nations Children’s Fund (hereinafter “the body”) and shall be considered adopted by the body prior to its first meeting.
2. For purposes of these rules, the Committee Director, the Assistant Director, the Under-Secretaries General, the Assistant-Secretaries General, and the Director-General are designates and agents of the Secretary General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Director General or his or her designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations, and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson, or acting chairperson of the body.

### I. SESSIONS

#### ***Dates of convening and adjournment***

#### **Rule 1**

The body shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

#### ***Place of Sessions***

#### **Rule 2**

The body shall meet at a location designated by the Secretary-General.

### II. AGENDA

#### ***Provisional agenda***

#### **Rule 3**

The provisional agenda shall be drawn up by the Secretary-General and communicated to members of the United Nations at least sixty days before the opening of the session.

#### ***Adoption of the agenda***

#### **Rule 4**

The agenda provided by the Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting in the body.

*The vote described in this rule is a procedural vote and as such, observers are permitted to cast a vote. For purposes of this rule, “those present and voting in the body” means those delegates, including observers, in attendance at the session during which this motion comes to vote*

### III. SECRETARIAT

#### *Duties of the Secretary-General*

##### **Rule 5**

- a) The Secretary-General or his/her designate shall act in this capacity in all meetings of the body.
- b) The Secretary-General shall provide and direct the staff required by the body and be responsible for all the arrangements that may be necessary for its meetings.

#### *Duties of the Secretariat*

##### **Rule 6**

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the body, and shall distribute documents of the body to the members of the United Nations, and generally perform all other work which the body may require.

#### *Statements by the Secretariat*

##### **Rule 7**

The Secretary-General, or his/her representative, may make oral as well as written statements to the body concerning any question under consideration.

#### *Selection of the President*

##### **Rule 8**

The Secretary-General or his/her designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, inter alia, chair the committee for the duration of the session, unless otherwise decided by the Secretary-General.

#### *Replacement of the President*

##### **Rule 9**

If the President is unable to perform his/her function, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

### IV. LANGUAGES

#### *Official and working language*

##### **Rule 10**

English shall be the official and working language of the body.

#### *Interpretation*

##### **Rule 11**

Any representative wishing to address any United Nations body or submit a document in a language other than English shall provide translation into English.

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the translation must be within the set time limit.*

#### *Quorum*

##### **Rule 12**

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the body are present. The presence of representatives of a majority of the members of the body concerned shall be required for any decision to be taken.

*For purposes of this rule, "members of the body" and "members of the body" are based on the number of total members (not including observers) in attendance for the Tuesday Night session*

## ***General powers of the President***

### **Rule 13**

In addition to exercising the powers conferred upon him/her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the body, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the body and over the maintenance of order at its meetings. She or he shall rule on points of order. She or he may propose to the body the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

*Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use his or her discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference. For purposes of this rule, the President's power to "propose to the body" entails his or her power to "entertain" motions, and not to move the body on his or her own motion.*

### **Rule 14**

The President, in the exercise of his or her functions, remains under the authority of the body.

## ***Points of order***

### **Rule 15**

During the discussion of any matter, a representative may rise to a point of order, which shall be decided immediately by the President. Any appeal of the decision of the President shall be immediately put to a vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

*Such points of order should not under any circumstances interrupt the speech of a fellow representative. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, "the members present and voting" means those members (not including observers) in attendance at the session during which this motion comes to vote.*

### **Rule 16**

A representative may not, in rising to a point of order, speak on the substance of the matter under discussion.

## ***Speeches***

### **Rule 17**

a) No one may address the body without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak.

b) Debate shall be confined to the question before the body, and the President may call a speaker to order if his/her remarks are not relevant to the subject under discussion.

The body may limit the time allowed to speakers and all representatives. When debate is limited and a speaker exceeds the allotted time, the President shall call him or her to order without delay.

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, if the President determines that the body in large part does not want to deviate from the limits to the speaker's time as it is then set, and that any additional motions will not be well received by the body, the President, in his or her discretion, and on the advice and consent of the Secretariat, may rule as dilatory any additional motions to change the limits of the speaker's time.*

## ***Closing of list of speakers***

### **Rule 18**

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate the President may announce the list of speakers and, with consent of the body, declare the list closed.

When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the body.

*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the body. A motion to close the speaker's list is within the purview of the body and the President should not on his own motion move the body.*

### ***Right of reply***

#### **Rule 19**

If a remark impugns the integrity of a representative's state, the President may permit a right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

*For purposes of this rule, a remark that "impugns the integrity of a representative's state" is one directed at the governing authority of that state and/or one that puts into question that state's sovereignty or a portion thereof. All rights of reply shall be made in writing addressed to the Secretariat and shall not be raised as a point or motion. The Reply shall be read to the body by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.*

### ***Suspension of the meeting***

#### **Rule 20**

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

### ***Adjournment of the meeting***

#### **Rule 21**

During the discussion of any matter, a representative may move the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the body shall reconvene at its next regularly scheduled meeting time.

*As this motion, if successful, would end the meeting until the body's next regularly scheduled meeting the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last session of the body.*

### ***Adjournment of debate***

#### **Rule 22**

A representative may at any time move the adjournment of debate on the topic under discussion. Permission to speak on the motion shall be accorded only to two representatives favoring and two opposing the adjournment, after which the motion shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. If a motion for adjournment passes, the topic is considered dismissed and no action will be taken on it.

### ***Closure of debate***

#### **Rule 23**

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the body favors the closure of debate, the body shall immediately move to vote on all proposals introduced under that agenda item.

### ***Order of motions***

#### **Rule 24**

Subject to rule 21, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

***Proposals and amendments***

**Rule 25**

Proposals and substantive amendments shall normally be submitted in writing to the Secretariat, with the names of twenty percent of the representatives present who would like the body to consider the proposal or amendment. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the body unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the body for all purposes, including subsequent amendments.

*For purposes of this rule, “representatives present” is based on the number of total representatives ( including observers) in attendance for the Tuesday Night session. For purposes of this rule, all “proposals” shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the body by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of that working paper. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution/report. After approval of a working paper, the proposal becomes a draft resolution/report and will be copied by the Secretariat for distribution to the body. These draft resolutions/reports are the collective property of the body, and as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.*

***Withdrawal of motions***

**Rule 26**

A proposal or a motion may be withdrawn by its sponsor at any time before voting has commenced, provided that it has not been amended. A motion thus withdrawn may be reintroduced by any representative.

***Reconsideration of a topic***

**Rule 27**

When a topic has been adjourned, it may not be reconsidered at the same session unless the body, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

*For purposes of this rule, “those present and voting” means those representatives, including observers, in attendance at the session during which this motion comes to vote.*

V. VOTING

***Voting rights***

**Rule 28**

Each member of the body shall have one vote.

*This section applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to “member(s)” do not include observers, who are not permitted to cast votes on substantive matters.*

### ***Request for a vote***

#### **Rule 29**

A proposal or motion before the body for decision shall be voted upon if any member so requests. Where no member requests a vote, the body may adopt proposals or motions without a vote.

*For purposes of this rule, "proposal" means any draft resolution/report, an amendment thereto, or a portion of a draft resolution/report divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without vote.*

### ***Majority required***

#### **Rule 30**

a) Unless specified otherwise in these rules, decisions of the body shall be made by a majority of the members present and voting.

b) For the purpose of tabulation, the phrase "members present and voting" means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*All members declaring their representative states as "present and voting" during the attendance roll call for the session during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.*

### ***Method of voting***

#### **Rule 31**

a) The body shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each present member shall be called in any roll call, and one of its representatives shall reply "yes," "no," "abstention," or "pass."

*Only those members, who designate themselves as "present" or "present and voting" during the attendance roll call or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote, and as such, no others will be called during a roll call vote. Any representatives replying "pass," must, on the second time through, respond with either "yes" or "no." A "pass" cannot be followed by a second "pass" for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment*

b) When the body votes by mechanical means, a non-recorded vote shall replace a vote by the show of placards and a recorded vote shall replace a roll call. A representative may request a recorded vote. In the case of a recorded vote, the body shall dispense with the procedure of calling out the names of the members.

c) The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

### ***Explanation of vote***

#### **Rule 32**

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

*All explanations of vote must be submitted the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President immediately after voting on the topic has come to an end.*

### ***Conduct during voting***

#### **Rule 33**

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connections with the actual process of voting.

### ***Division of proposals and amendments***

#### **Rule 34**

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are involved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*For purposes of this rule, "most radical division" means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is "most radical" is subject to the discretion of the Secretariat, and any such determination is final.*

### ***Amendments***

#### **Rule 35**

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

*An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect preambulatory clauses.*

### ***Order of voting on amendments***

#### **Rule 36**

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed therefrom, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

*For purposes of this rule, "furthest removed in substance" means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is "furthest removed in substance" is subject to the discretion of the Secretariat, and any such determination is final.*

### ***Order of voting on proposals***

#### **Rule 37**

If two or more proposals, other than amendments, relate to the same question, they shall, unless the body decides otherwise, be voted on in order in which they were submitted.

### ***The President shall not vote***

#### **Rule 38**

The President shall not vote but may designate another member of his or her delegation to vote in his or her place.

### ***Invitation to silent prayer or meditation***

#### **Rule 39**

Immediately after the opening of the first meeting of the body, representatives may request to observe one minute of silence dedicated to prayer or meditation. This is the only time this motion will be entertained and its approval is at the discretion of the Secretariat.