

Mid Term Assignment
Spring 2005 - 11.164/11.497
Handed out in Class 11 and due by Class 12
Please do not exceed 6 double spaced pages

Zapatistan is a small land-locked country in Central Asia. The country is ruled by Marcos, a kleptocratic dictator, for the last 18 years. He took power by a military coup and has never held free and fair elections. He has also banned all opposition and prevented the emergence of a free media. His regime is known to practice torture and commit other major human rights abuses. However, Zapatistan is also a socially advanced country with high socio-economic indicators on the UNDP's Human Development Index, and is known to have more than halved infant mortality and achieved gender equality. Zapatistan is a multi-ethnic country which has maintained peace, but the religious groups are divided between a majority Muslim population and a minority Christian population. The Christian population is principally in the North of the country and Marcos himself is from it. Under a great deal of international pressure and a growing violent secessionist movement from the South, Marcos decides to hold an election under UN monitoring, after the secessionist movement and his government sign a peace agreement. During the conflict, the government and the secessionist movement were alleged to have committed major atrocities including war crimes.

The election is marred by much violence on both sides, and the winner turns out to be an extremist Islamic party, backed by the majority of the people. That party ran on a political platform that declared that Sharia shall be the law of the country if it wins the election and called for 'putting the Christian infidels in their place'. It also called for renationalization of the country's oil industry which had been privatized under Marcos. The majority of the states on the UN Security Council, which authorized the UN mission, express their dismay about this development and have called for a debate in the Council on how to proceed. The key issues for discussion are: whether to recognize the results of the election and if recognized, then how to deal with the problem of guaranteeing minority rights? Does the UN have a continuing responsibility towards this issue? Could the election results be ignored and could a new election or a power sharing arrangement be worked out? What the trade offs involved in keeping Marcos' regime in power vis-à-vis replacing it with a regime that is democratic? Marcos has called for the cancellation of the election to protect the human rights of the minorities and women in his country. The secessionist movement has called the UN debate itself as a dire threat to the right to democratic governance which it argues is universal and must be respected. It also argues that culturally the people of Zapatistan are committed to the Sharia and that so called universal rights of minorities and women must be seen against the cultural specificity of its own people.

This assignment asks you to do some role play. Imagine that you are the Director of Human Rights Watch, a major human rights NGO based in New York. HRW has been invited by the UN Security Council to submit a memo that spells out its position on the crisis in the light of human rights and humanitarian law and policy, and come up with specific recommendations. This assignment calls upon you to write that memo. Your

memo should be clear and analytical and address these issues in an organized manner. It must refer to specific provisions of the International Bill of Rights or other legal instruments where applicable. It must show a nuanced appreciation of the human rights implications of the facts outlined above and recognize the various trade-offs.