

Country: Socialist Republic of Vietnam

Signatories: Socialist Republic of Vietnam,

Committee: Security Council

“Establishment of an International Criminal Tribunal to try cases regarding the US War in Vietnam”

United Nations Security Council:

*Bearing in mind* the Security Council’s primary responsibility is, as stated in the United Nations Charter, chapter V, article 24, “the maintenance of international peace and security,”

*Noting with deep concern* the damage the US War in Vietnam has caused and the negative effects that continue to ravage the people and the environment of the nation-states of Southeastern Asia including: the Lao People's Democratic Republic, the Kingdom of Cambodia, and the Socialist Republic of Vietnam,

*Recognizing* that the use of Agent Orange (Dioxin) and other pesticides has caused and continues to cause damage to the mangrove forests of Laos, Cambodia, and Vietnam,

*Fully aware* that one of the main causes of climate change and global warming is the excess release of carbon dioxide into the atmosphere,

*Taking into consideration* that one hectare of mangrove trees contains a total of 700 metric tons of carbon per meter depth within the soil surrounding its roots,

*Emphasizing* that the past use of Agent Orange has caused deforestation of the mangrove forests in the aforementioned nation, and that the destruction of said forests has caused a disproportional influx of carbon dioxide into the atmosphere, thus contributing in a negative way to global warming,

*Further emphasizing* that the use of Agent Orange has and continues to poison the food sources of the people of Laos, Cambodia, and Vietnam,

*Keeping in mind* article 25 of the Universal Declaration of Human Rights which states, “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”,

*Noting* that in article 8 of the same document, it declares that everyone has the right to “an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law,”

*Realizing* that the International Court of Justice cannot try cases regarding individuals charged with war crimes or crimes against humanity, and thus cannot provide that which is called for in article 8 of the Universal Declaration of Human Rights,

*Further noting* the criminal tribunals which have been established by the United Nations through this body, including the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda,

*Recognizing* these tribunals try cases involving not only nation-states, but also individuals,

*Noting with satisfaction* the successes said tribunals have had in bringing justice to the people of their respective regions,

*Further recognizing* the need for a governing body to be able to try cases regarding war crimes and crimes against humanity that occurred during the US War in Vietnam,

*Convinced* that the establishment as an ad hoc measure by the Council of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would bring peace and justice to the Southeast Asian region,

1. *Endorses* the creation and establishment of an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the Lao People's Democratic Republic, the Kingdom of Cambodia, and the Socialist Republic of Vietnam during the US War in Vietnam between the dates of 1 January 1959 – 31 December 1973;
2. *Requests* the Secretary-General to submit to the judges of the International Tribunal, upon their election, any suggestions received from nation-states for the rules of procedure and evidence called for in Article 15 of the Statute of International Tribunal;
3. *Proclaims* that all nation-states shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal, and that consequently all nation-states shall take any necessary measures under their domestic laws to implement the conditions of this resolution and the Statute, including the obligation of nation-states to comply with requests for assistance or orders issued by a Trial Chamber under Article 29 of the Statute;
4. *Urges* all nation-states and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including offering expert personnel;
5. *Further proclaims* that the location of the seat of the International Tribunal is subject to appropriate arrangements between the United Nations and the Netherlands acceptable to the Council, and that the International Tribunal may sit elsewhere when or if it considers it necessary for the efficient exercise of its function;

6. *Trusts* that the work of the International Tribunal will be carried out without prejudice to the right of the victims to seek, by appropriate means, compensation for damages that have occurred by violations of international humanitarian law;
7. *Further requests* that the Secretary-General make arrangements so that the International Tribunal will begin function as soon as possible, and report periodically on its progress to the Council.