

Dispute Resolution
Institute

**Chief Legal Officer
Security Council
UNITED NATIONS**

General Background

It is the fall of 2023. The previous two years have seen a number of dramatic developments in the state of New Mexico. The state's economy has been hit hard by massive cuts from Washington in defense spending and the planned closing of major air force and army bases, which have disproportionately impacted New Mexico. All of the bases inside of New Mexico, including the famed White Sands missile base, have been slated for closing by end of 2015. The closings alone would nearly double the number of unemployed New Mexicans, which was already near the highest in the United States at almost 20%. More than one-third of New Mexicans are already at or below federal poverty levels.

Despite significant economic recovery in the rest of the country, New Mexican private industry has suffered its own set of financial issues. New U.S. agreements with India and China have limited many New Mexican technology companies from growing their business with Mexico and South American partners. A trade embargo on Venezuela earlier this year has put three of New Mexico's largest manufacturers on the brink of bankruptcy.

In addition, new and stricter immigration policies that were enacted in spring of 2014 have been very unpopular with the majority of New Mexico's residents. Many of the Mexican-American residents in the state were put in the position of having to deport some of their relatives or face criminal charges. Recent discussions in Congress on establishing English as the official national language also deeply rankled the New Mexican populace and leadership.

Everything came to a boil last year at the state's centennial celebration. The Vice President and other U.S. dignitaries were literally booed off the stage. Hours later, federal marshals and secret service agents were summoned to help defend the IRS office three blocks away after a small group had fire bombed the building. Four New Mexican residents were killed by one of the trucks carrying federal marshals. The four had attempted to prevent the truck from pulling into the parking area by lying down in the street. The driver of the truck claimed that he did not see them because of the smoke and darkness, although it was 3:00 in the afternoon.

The response from Washington did not ease tensions. Washington took a hard line against calls from New Mexico to provide assistance ("we must continue to act in accordance with what benefits all of the citizens of the United States and not play favorites"). During a press conference, the President failed to acknowledge the deaths of the four residents and instead called on the people of New Mexico to resist "violence and terrorism" and to "abide by the laws of this great country."

After two more incidents of fire bombing (one at a postal station in Santa Fe and another attack at a small IRS office in Roswell), additional federal marshals were ordered to guard other federal facilities throughout New Mexico. Federal troops were stationed at the state borders on federal interstates to inspect trucks entering the state. Outraged at the level of federal intervention, the New Mexican congressional delegation submitted their joint resignations the next day.

Incredibly, within a matter of weeks, the state government began to consider seriously the extraordinary possibility of seceding from the United States. The Governor went on state-wide internet broadcast to explain how the U.S. federal government has now made life in New Mexico impossible under “its tyrannical stranglehold.” The state legislature, buoyed by 80% poll numbers in favor of secession by New Mexican residents, enacted special legislation and officially seceded from the United States. Last month, in a historic, state-wide special referendum, the citizens of New Mexico voted more than three to one to finalize their independence as a fully autonomous, separate nation.

This development has been very difficult for the remaining United States. The current administration still considers New Mexico part of its sovereign nation and has not recognized New Mexico as an independent country. The rest of the world, on the other hand (which has been monitoring the situation closely for the past few months), has embraced New Mexican independence and has tried to put pressure on the United States to relinquish its claims to New Mexican assets. As one leader of a prominent Middle Eastern nation put it, “if we are to promote democracy across the planet, we must be willing to promote it inside of our own borders.”

Tensions between the new nation and its parent country have heightened since the formal secession vote last month. Many international observers worry about the real possibility of formal conflict between the two countries. Of particular concern is that New Mexico, by virtue of Los Alamos, White Sands and other former United States military facilities and weapons systems, is now the third largest nuclear weapons power in the world, behind the United States and the Russian Federation.

A number of specific actions have also contributed to the anxiety. The United States has deployed nearly 10,000 National Guard troops along the interstates and U.S. highways that connect New Mexico to its neighboring states. Another 7,500 troops are guarding the New Mexico – Mexico border. The troops have been ordered to block all trucks from entering or exiting the new nation, effectively blockading all ground transportation to and from New Mexico. In addition, the United States has frozen the banking assets of companies that claim New Mexico as their home country (which includes some major aerospace and defense companies with important ties internationally).

On the other side, there have been two attacks on U.S. military bases in Arizona where explosives were used against empty transport equipment. These attacks were carried out by militia who claim loyalty to New Mexico (but disavowed by New Mexico leadership). There has been reported sniper fire on some of the U.S. troops patrolling the New Mexican border, but no reported injuries. There is real concern that more conflict could erupt.

The United Nations has appointed a delegation (bypassing a threatened Security Council veto from the United States) to try to broker some sort of agreement to reduce the current tensions. The delegation has asked representatives from each country to attend meetings this afternoon.

Confidential Information for the Chief Legal Officer of the Security Council, UNITED NATIONS

The following is a brief description of your role. Please read and consider the information carefully. Note that you have both individual and team goals. You may not share this document with any other class member (whether or not they are on your team), but you are free to share or withhold this information as you see fit during discussions or in written correspondence.

You are the Chief Legal Officer of the Security Council. You are part of the U.N negotiating team that has been charged with convening these talks and helping to reduce the tensions between the players.

Your job has been made more difficult by the short time frame imposed. You must have some sort of agreement as soon as possible. This does not have to be a final, long-term deal that is twenty pages long. All that is required is at least some brief non-aggression pact that gives both sides some breathing room.

You have also been instructed to maintain U.N. control of the process and re-establish the preeminence and important role of the U.N. in such matters. It is vital that these talks produce measurable results and significant credit to the U.N.

You are a little concerned that the players may pursue their own agendas and try to subvert the process. In particular, you are a little worried about what Mexico is up to. It is not clear to you how they fit in, but you had better get in front of the discussions early on and drive the process.

You are also worried that the U.S. will not respect the discussions and will merely “talk” without committing to anything. The U.S. is notorious for so-called “preliminary” agreements that mean nothing. You must push the parties to make real commitments. Among the most critical issues to the U.N. are establishing workable peace agreements and accords between the U.S. and New Mexico. You also would like to secure economic agreements and end the U.S. blockade of New Mexican highways.

It is essential that you deliver on these two fronts: 1. securing a meaningful agreement on security and economic matters; and 2. promoting the authority and role of the U.N. to address such matters, particularly when the United States is involved.

You are a bit concerned about the various personalities involved. You know that the United States is sending representatives from both the administration and the military. You are concerned about possible internal conflicts of interest. You know that the U.S. military could resist any specific troop reductions and that the U.S. president is probably only looking to appear conciliatory, without making any real promises.

The New Mexican delegation is more of a mystery to you. You know very little about the New Mexican governor or their negotiation team. Nevertheless, that team could be the real

opportunity. You have heard that New Mexico is desperate to make a deal – and make one quickly. And they may have much to give up that could sweeten the pot for United States, such as relinquishing deals with South America and returning military hardware to the U.S. from its several bases.

If New Mexico is a mystery, then Mexico is a real puzzle. How did they get invited? Perhaps one of your colleagues in your team asked them to come along. You are not sure how they fit in, but you are nervous that they are attempting to usurp your role as peacemaker here. Watch them carefully.

Talks between the parties are about to begin. From your perspective, the following items must be addressed (but you are flexible to accommodate your colleagues):

1. The parties must agree in advance on the process (at least to some extent).
2. The U.N. must have a key role.
3. Do not permit a deal to be made, if the deal is not worthy of a big splash internationally.

With respect to the last point, no deal should be made that is not momentous – anything minor will appear to be nothing at all and could damage the U.N.'s relationship. It is important to keep this last point secret – you are the only one who can really judge this last point. You fear that your colleagues are too interested in making any sort of agreement (no matter how minor) to grasp the big picture here.