

The Premier Model United Nations Conference in the Pacific Northwest



NWMUN



*Background Guide for the*  
**REFORMED SECURITY COUNCIL**  
(RSC)

Northwest Model United Nations | November 21-23, 2014 | Seattle, Washington, USA

August 1, 2014

Dear Delegates,

Welcome to the 2014 **Northwest Model United Nations - Seattle (NWMUN - Seattle)** conference and the Reformed Security Council. The Security Council committee staff, consisting of Director Allison Chandler, Assistant Director Hilary Waite, and Special Advisor Ana Palma-Gutierrez, is looking forward to working with you at NWMUN-Seattle 2014.

All of our staff is excited to work with you in November and appreciate the hard work put forth in preparing for the conference. We are confident that there this will be a great conference! We are pleased to present you with the background guide written by Rebekah Traficante, Misha Litchev, and Hilary Waite.

The topics for the Reformed Security Council are:

- I. Women and Peace and Security
- II. The Situation in LRA-Affected Areas
- III. Strengthening international law: rule of law and maintenance of international peace and security

Every participating delegate is required to submit a position paper prior to attending the conference. NWMUN-Seattle will accept position papers until **Saturday, November 1<sup>st</sup> at 11:59pm Pacific Standard Time. Please submit papers to [rsc.seattle@nwmun.org](mailto:rsc.seattle@nwmun.org) AND [positionpapers@nwmun.org](mailto:positionpapers@nwmun.org).**

Please refer the following pages for position paper requirements, as well as an example position paper. Delegates' adherence to the guidelines is crucial because it ensures a well-prepared committee and is a key competent of the evaluation process.

We wish each of you the best as you prepare for the conference and this committee. We urge you to explore more than just the background guide when preparing for the conference and learning about your Member State and their policies. Please do not hesitate to direct any questions or concerns towards your Director or the Director-General. We look forward to meeting you at the conference and best of luck!

Sincerely,

**Allison Chandler**  
Director,  
Security Council  
[rsc.seattle@nwmun.org](mailto:rsc.seattle@nwmun.org)

**Hilary Waite**  
Assistant Director,  
Security Council  
[rsc.seattle@nwmun.org](mailto:rsc.seattle@nwmun.org)

**Galen Stocking**  
Director-General  
NWMUN-Seattle 2014  
[dg@nwmun.org](mailto:dg@nwmun.org)

## Position Paper Guidelines

Your position paper should consist of a well-developed introduction and a summary of the position of your country on each of the topics to be discussed in your committee. It is important to remember that while you will have lots of information on your country's actions on a local or national level, you must discuss your country's position on an international level, particularly including suggestions for policies and future action that could be taken by the committee. Examples of high quality position papers are available on the NWMUN website under "Delegate Preparation."

### ***Formatting***

Position papers should be formatted using the following specifications:

1. Times New Roman
2. Size 10 – 12 font
3. Single spaced
4. 2 pages in length

**Please Note:** Anything over two pages will not be read.

### ***Submission Process***

NWMUN-Seattle will accept position papers until **Sunday, November 1, 2014 at 11:59 pm Pacific Time.**

1. Please **send each position paper in a separate e-mail to the committee** with the subject line: COUNTRY – COMMITTEE
  - a. Example: BELARUS – HRC
  - b. Example: TRINIDAD & TOBAGO – GA
2. Please **CC all position paper submissions** to [positionpapers@nwmun.org](mailto:positionpapers@nwmun.org).

General Assembly Plenary:	<a href="mailto:ga.seattle@nwmun.org">ga.seattle@nwmun.org</a>
World Health Organization:	<a href="mailto:who.seattle@nwmun.org">who.seattle@nwmun.org</a>
Human Rights Council:	<a href="mailto:hrc.seattle@nwmun.org">hrc.seattle@nwmun.org</a>
Security Council:	<a href="mailto:sc.seattle@nwmun.org">sc.seattle@nwmun.org</a>
Reformed Security Council:	<a href="mailto:rsc.seattle@nwmun.org">rsc.seattle@nwmun.org</a>
World Summit on the Information Society:	<a href="mailto:wsis.seattle@nwmun.org">wsis.seattle@nwmun.org</a>

**Please Note:** Delegates who have not submitted a position paper by the specified deadline will not be given consideration for awards.

### ***Content Requirements***

Position papers should include, and will be graded, on the following items:

1. **Formatting** and presentation;
2. **Spelling and grammar that is reflective of the level of education** being pursued by attendees to the conference.
3. The content should include:
  - a. **Background information on the topic**, why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's action on this topic within the UN and internationally.
  - b. **International commitments and your country's support of specific resolutions**, initiatives, conventions or treaties. Describe what actions have been taken by your country to address prior international agreements made by your country.
  - c. **Specific and concrete proposals** for next steps on the topic, priority issues, and how your country can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph.

### ***Research Tips***

1. Look for statements made by your country – you will often find the exact position of your country within a speech that they have been made.
2. Look for the voting record of your country, which indicates its support or lack of support for particular resolutions on the topics when they were previously discussed.
3. Look for recommendations made in Secretary-General reports or within resolutions that have been adopted in order to identify the ways in which you can move forward or take action on the topic.

### ***Key Resources***

1. **UN Website “On the Record”**: <http://www.un.org/depts/dhl/unms/>  
This website provides direct access to official documents reflecting the views of United Nations Member States.
2. **UN Website “Global Issues”**: <http://www.un.org/en/globalissues/>  
This website offers an overview of some of the global issues we will be discussing at NWMUN, and links to other resources where you can get additional information.
3. **UN Security Council Website**: <http://www.un.org/en/sc/>  
This is the official website of the Security Council. Included in this website is information on the Council's role in the broader UN, its powers and functions, its Main Committees and its subsidiary bodies. Delegates can also use it to find past documentation about the Council as well as documents created by the Council, including agendas, resolutions and other information.

## Sample Format & Content of Position Papers

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*Delegation from*  
**(Bold, Italicized, Times New Roman, Size 10-12)**  
[Member State]  
**(Bold, Times New Roman, Size 10-12)**

*Delegation from*  
**(Bold, Italicized, Times New Roman, Size 10-12)**  
[Member State]  
**(Bold, Times New Roman, Size 10-12)**

**Position Paper for [Committee Name]**  
**(Bold, Italicized, Times New Roman, Size 10-12, Centered)**

Introductory sentence providing an overview of the topics and, if appropriate, your delegation's relationship with the committee. (Times New Roman, Size 10 – 12)

***I. Topic One Title***  
**(Bold, Italicized, Times New Roman, Size 10-12, Centered)**

Paragraph #1: Background information on the topic, why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's action on this topic within the UN and internationally.  
(Times New Roman, Size 10 – 12)

Paragraph #2: International commitments and your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country to address prior international agreements made by your country (Times New Roman, Size 10 – 12)

Paragraph #3: Specific and concrete proposals for next steps on the topic, priority issues, and how your country can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph. (Times New Roman, Size 10 – 12)

***II. Topic Two Title***  
**(Bold, Italicized, Times New Roman, Size 10-12, Centered)**

Paragraph #1: Background information on the topic, why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's action on this topic within the UN and internationally.  
(Times New Roman, Size 10 – 12)

Paragraph #2: International commitments and your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country to address prior international agreements made by your country (Times New Roman, Size 10 – 12)

Paragraph #3: Specific and concrete proposals for next steps on the topic, priority issues, and how your country can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph. (Times New Roman, Size 10 – 12)

**(Repeat the topic header and content for other topics if your committee has more than two.)**

## Example Position Paper

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*Delegation from*  
Canada

*Represented by*  
University of Southern Washington

### **Position Paper for the Economic and Social Council Plenary**

The topics before the Economic and Social Council are: 1) Promoting Economic and Social Gender Equality as a Means to Achieve Sustainable Peace, 2) Implementing International Agreements to Ensure Global Public Health, and 3) Promoting Sustainable Cities. Canada is committed to strengthening the role of ECOSOC on the issues before it, and looks forward to promoting enhanced cooperation amongst Member States in order to reach consensus and take concrete action.

#### ***I. Promoting Economic and Social Gender Equality as a Means to Achieve Sustainable Peace***

In conflict and post-conflict societies, economic and social rights are often given lower priority than political and civil rights. In these cases, women are not treated equally, and are often the victims of gender discrimination, which manifests itself in violations of human rights such as rape, violence and displacement. The prevalence of these crimes is exacerbated by a lack of protection for women, who often do not possess the right to own land, have no means to receive adequate health care and have no access to justice.

Canada has long been a champion of women's economic, social, and cultural rights. As an original signatory of the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (CESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Canada has a formal commitment to gender equality and, more specifically, supports the explicit and systematic integration of a gender perspective into all peace-building and foreign aid initiatives. Canada continues to press for specific initiatives with concrete and measurable outcomes when addressing gender inequality. The Canadian International Development Agency (CIDA) has developed its own Framework for Addressing Gender Equality Results. This framework has been an important advance in assessing the effectiveness of its initiatives and has consistently provided CIDA with useful and relevant data. Canada recognizes the advancements made in Security Council resolution 1820 (2008), 1888 (2009) and 1889 (2009) to strengthen the original principals of Security Council resolution 1325 (2000). However, Canada firmly believes that ensuring the implementation of SCR 1325 (2000) at the national level is vital. That is why Canada suggests that the CEDAW committee issue recommendations to both the Security Council and ECOSOC on positive models for National Action Plans (NAP) for incorporating SCR 1325 (2000), a set of progress and impact indicators through which its implementation can be monitored, and benchmarks designed towards strengthening the principals of SCR 1325 (2000).

Canada recommends that the Commission on the Status of Women (CSW), along with the ECOSOC Committee on Non-Governmental Organizations (NGOs) reach out to local NGOs and civil society organizations (CSOs) to coordinate the monitoring of, and reporting on, the progress of these NAPs. CSW will then report its findings to ECOSOC, the Security Council, and the Secretary-General. Canada urges for the adoption of benchmarks requiring 30% of UN-mandated peacekeeping forces and negotiating delegations be women. Canada also believes that while peacekeeping troops are vital to facilitating the cessation of hostilities, a separate unit with a specialized mandate is necessary to deal with the psychological and health issues of women that continue in post-conflict situations long after the violence is over. The specialized mandate will also lay the groundwork for legal procedures that may

need to be taken to ensure just peace. Canada calls for the creation of this specially trained unit to be deployed in post-conflict situations, with a specific mandate to address sexual and gender based violence, help to eliminate impunity, and offer same-sex interviewers for rehabilitation purposes. The newly created unit will facilitate reconciliation and violence prevention.

## ***II. Implementing International Agreements to Ensure Global Public Health***

Effectively addressing global public health lies at the center of achieving the Millennium Development Goals (MDGs). Through agreements such as the Paris Declaration on AID Effectiveness, the Accra Agenda for Action (AAA), and global health initiatives such as the Global Alliance for Vaccines and Immunizations (GAVI), and the Global Fund to fight AIDS, TB, and Malaria, the international community has made significant progress in addressing the world's health concerns. Canada is focused on creating frameworks and resolutions that foster greater coordination, eliminate corruption and overlap, improve AID consistency, encourage the untying of AID, emphasize a focus on national health systems, and hold all the countries involved accountable for producing tangible and measurable results.

Canada has been a leader in the use of innovative funding mechanisms, such as the Advance Market Commitment (AMC), which provides incentives for pharmaceutical companies to accelerate the development of vaccines and sell them at prices that poor countries can afford. This project, which is being implemented in coordination with the World Bank and GAVI, is expected to save an estimated 7.7 million lives by 2030. Canada will continue to urge its fellow member states to become more involved in the creation and implementation of such innovative funding mechanisms.

Especially now, due to the downturn in the global economy, where the world's poor are disproportionately suffering, there is a greater need for all donor countries to fulfill their Official Development Aid (ODA) commitments. Canada was the first country to fulfill its G8 commitment to double ODA in Africa by 2008, and throughout the world by 2010. This has been accomplished through both the African Health Systems Initiative (AHSI) and the Catalytic Initiative to Save a Million Lives. Canada has not only committed USD 450 million to these initiatives, but with them has demonstrated its focus on both strengthening, and developing local ownership, of national health systems. Canada urges the implementation of year-by-year funding targets to ensure that ODA commitments for health initiatives are kept. Currently The Measles Initiative is facing a funding gap of \$59 million for 2010, and the Global Fund to fight AIDS, TB, and Malaria is also facing a funding crisis of \$5 billion for this year. These gaps in funding could cause millions their lives. Canada strongly urges its fellow member states to fulfill their commitments to these funds.

Canada is also a strong proponent of the International Health Partnership & Related Initiatives (IHP+). The Canadian International Development Agency (CIDA), through the IHP+ framework, is the chair of the Mozambique National AIDS Council (CNCS) and has made long-term financial commitments to IHP+. Canada believes that IHP+ will not only prove to be extremely effective in addressing the issues of AID effectiveness, redundancy, and accountability, but will also go a long way towards creating a united front dedicated to improving global public health. Canada urges for the creation of new commitments that compel 15 Organization for Economic Co-operation and Development (OECD) countries to join in either bilateral or compact agreements through IHP+ by 2020.

## The Reformed Security Council at NWMUN - Seattle 2014

NWMUN works each year to create as accurate a simulation as is possible for our delegates. Therefore, we have developed some additional ways for delegates to interact within the simulation, including enabling delegates to take action other than passing resolutions on an issue. This section aims to provide additional, specific information for the Reformed Security Council at NWMUN – Seattle 2014.

*Please note the Reformed Security Council is a hypothetical simulation to challenge delegates to think outside the box and experiment with how international diplomacy may be altered if the Security Council was organized differently. Please take advantage of this opportunity during the conference.*

### **Briefings**

While discussing a topic, RSC delegates are able to receive briefings from representatives of relevant member states or UN subject matter experts. The specific thematic experts available will be announced on the NWMUN – Seattle website, as well as the beginning of the conference.

### **Mandate**

The (Reformed) Security Council has primary responsibility, under the Charter, for the maintenance of international peace and security.

### **Functions & Powers**

- To investigate any dispute or situation which might lead to international friction;
- To recommend methods of adjusting such disputes or the terms of settlement;
- To formulate plans for the establishment of a system to regulate armaments;
- To determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- To call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- To take military action against an aggressor, including through the establishment or extension of peacekeeping or political missions.

### **Outcome Documents**

When taking action on a topic, the Reformed Security Council can adopt **resolutions**, and issue **presidential statements** and **press statements**.

### **Rules of Procedure**

The Reformed Security Council uses the same rules of procedure as the Security Council. The Security Council has its own rules, which will be incorporated into our simulation and available to all delegates during the conference, as well as prior to the conference on our website. It should be noted that there is one major difference between the Security Council and Reformed SC rules; **no Reformed Security Council members have veto power**.

### **Members of the Reformed Security Council at NWMUN – Seattle 2014:**

Australia	Brazil	Cameroon
China	Cuba	Ethiopia
Egypt	Germany	Ghana
India	Indonesia	Japan
Jordan	Kazakhstan	Mexico
Morocco	Nigeria	Norway
Pakistan	Poland	Russian Federation
South Africa	United Arab Emirates	United Kingdom
	United States	



## Security Council Overview

### *Introduction*

According to Article 1(1) of the Charter of the United Nations, the first purpose of the United Nations (UN) is to “maintain international peace and security [and] to take effective and collective measures for the prevention of threats.”<sup>1</sup> The Security Council (SC) determines the existence of threats to peace and recommends measures to maintain it in the international community.<sup>2</sup>

Since its creation in 1945, the Security Council has taken the initiative to support and aid conflict regions through various measures, including peacekeeping missions and resolutions.<sup>3</sup> Between 1987 and 2000, the Security Council has approved over three dozen peacekeeping missions, including assignments in Bosnia and Herzegovina, Rwanda, Sudan, Kuwait, Namibia, Angola, Haiti, Liberia, Sierra Leone, and Somalia.<sup>4</sup> Currently, the Security Council has peacekeeping mandates in a diverse group of areas, including Cote d’Ivoire, Darfur, Haiti, Syria, Kosovo, Central African Republic (CAR), Mali, and Afghanistan.<sup>5</sup> The Council has recently adopted a variety of resolutions, such as Resolution 2158 (2014), on “The Situation in Somalia,” and Resolution 2156 (2014), “Reports of the Security-General on the Sudan and South Sudan,” each of which takes specific steps to try to address a security issue in the region in question.<sup>6</sup> The Security Council also addresses cross-regional issues such as Children and Armed Conflict; Women and Peace and Security; and Drug Trafficking and Security, alongside country-specific and regional topics to attempt to address security threats and potential threats.

### *Mandate*

Since the Security Council is responsible for the maintenance of international peace and security, the body has a number of tools at its disposal, such as establishing economic and financial sanctions, arms embargoes, and travel bans, as well as collective military actions through the authorization of peacekeeping forces.<sup>7</sup> UN peacekeepers that act under the Security Council are often mandated to play a role in disarmament, security sector reform, human rights protection, and promotion of economic recovery and development.<sup>8</sup>

According to Article 34 of the Charter of the United Nations, the Security Council may investigate any situation that might lead to international friction or dispute, in order to determine whether the situation will progressively endanger international peace and security.<sup>9</sup> The Security Council responds to crises on a case-by-case basis. The body takes many factors into account when considering potential peacekeeping missions, such as whether there is a ceasefire in place, whether there is a clear political goal that exists and can be reflected in the mandate, whether a precise mandate for a UN operation can be formulated, or whether the safety of UN personnel can be ensured.<sup>10</sup>

Article 29 of the Charter states that the Security Council may establish subsidiary bodies as needed for the performance of its functions.<sup>11</sup> The mandate of subsidiary organs can range from working groups to committees that discuss procedural matters, such as documentation and membership; and substantive measures, such as sanction

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<sup>1</sup> United Nations, *Charter of the United Nations*, 1945, <http://www.un.org/en/documents/charter/>

<sup>2</sup> *Ibid.* Article 39.

<sup>3</sup> United Nations, *History of the United Nations*, 2014, <http://www.un.org/en/aboutun/history/>

<sup>4</sup> United Nations Department of Peace Keeping Operations, *Past Peacekeeping Operations*, 2014, <http://www.un.org/en/peacekeeping/operations/past.shtml>

<sup>5</sup> United Nations Department of Peace Keeping Operations, *Current Peacekeeping Operations*, 2014, <http://www.un.org/en/peacekeeping/operations/current.shtml>

<sup>6</sup> United Nations Security Council, *The Situation in Somalia (S/RES/2158)*, 2014, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2158.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2158.pdf) ; United Nations Security Council, *Report of the Secretary-General on Sudan and South Sudan (S/RES/2156)*, 2014, <http://unscr.com/files/2014/02156.pdf>

<sup>7</sup> United Nations Security Council, *What is the Security Council?*, 2013, <http://www.un.org/en/sc/about/>

<sup>8</sup> United Nations Department of Peacekeeping Operations, *Mandates and Other Legal Basis of Peacekeeping*, 2013, <http://www.un.org/en/peacekeeping/operations/pkmandates.shtml>

<sup>9</sup> United Nations, *The Charter of the United Nations*, 1945, Chapter VI, <http://www.un.org/en/documents/charter/>

<sup>10</sup> Nasu, Hitoshi, *The UN Security Council's Responsibility and Responsibility to Protect*, 2012, [http://www.mpil.de/files/pdf3/mpunyb\\_08\\_Nasu\\_151.pdf](http://www.mpil.de/files/pdf3/mpunyb_08_Nasu_151.pdf)

<sup>11</sup> United Nations Security Council, *Structure: Part of the U.N. System*, 2014, <http://www.un.org/en/sc/about/structure.shtml>

regimes, counter-terrorism, and peacekeeping operations.<sup>12</sup> For example, the Security Council Informal Working Group on Documentation and Other Procedural Questions (IWG) was established in June 1993 to improve the process by which the Security Council addresses issues concerning its documentation and procedural questions.<sup>13</sup> Another group, the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, works to prevent and resolve violence and other security threats in Africa.<sup>14</sup>

The Council has the power to recommend the admission of new members in the UN General Assembly (GA), advises the GA on the appointment of the Secretary-General, and elect judges to the International Court of Justice (ICJ) concurrently with the GA.<sup>15</sup> On the other hand, the GA may take action in cases of a threat to the peace when the Security Council has failed to act owing to the negative vote of a permanent Security Council member.<sup>16</sup> According to General Assembly resolution 377(V) A (1950), the Assembly may consider the matter immediately and recommend to its members collective measures to maintain or restore international peace and security.<sup>17</sup>

Article 25 of the Charter of the United Nations states that “members of the United Nations agree to accept and carry out the decision of the Security Council,” making the SC’s resolutions legally-binding upon all Member States.<sup>18</sup> The Security Council’s power to legally bind resolutions allows the body to act as a force of collective security.<sup>19</sup>

According to Article 27 of the Charter of the United Nations, each member of the Security Council shall have one vote.<sup>20</sup> Procedural decisions require an affirmative vote of nine members.<sup>21</sup> Decisions of the SC on substantive matters require an affirmative vote of nine members, including the concurring votes of the permanent members.<sup>22</sup> In practice, this means that substantive votes may have one or more permanent members abstaining as long as none of them vote against.

### ***Governance, Structure, and Membership***

The Council has a total of fifteen members. The five permanent members, also known as the P5, include the United States, China, France, Russian Federation, and the United Kingdom.<sup>23</sup> The five permanent members were victorious allied states in the Second World War.<sup>24</sup> Originally there were six non-permanent members, rotating every two years and distributed on a geographic basis.<sup>25</sup> The rule was revised in 1965, when the number of non-permanent members was increased to ten.<sup>26</sup> The ten non-permanent members, five of which were most recently elected in October 2014 during the 69<sup>th</sup> session of the General Assembly, hold two-year terms that stagger so that five new members join the council each year.<sup>27</sup>

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<sup>12</sup> United Nations Security Council, *What is the Security Council?*, 2014, <http://www.un.org/en/sc/about/>

<sup>13</sup> United Nations Security Council, *Security Council Informal Working Group on Documentation and Other Procedural Questions*, 2014, <http://www.un.org/sc/wgdocs/>

<sup>14</sup> United Nations Security Council, *Ad Hoc Working Group on Conflict Prevention and Resolution in Africa*, 2014, <http://www.un.org/sc/committees/ahwga/>

<sup>15</sup> United Nations Security Council, *Functions and Powers*, 2013, <http://www.un.org/en/sc/about/functions.shtml>

<sup>16</sup> United Nations Security Council, *Relations with Other United Nations Organs, Repertoire of the Practice of the Security Council*, 2014, <http://www.un.org/en/sc/repertoire/>

<sup>17</sup> United Nations General Assembly, *Functions and Powers of the General Assembly*, 2014, <http://www.un.org/en/ga/about/background.shtml>

<sup>18</sup> United Nations, *Charter of the United Nations*, 1945, Article 25, <http://www.un.org/en/documents/charter/>

<sup>19</sup> United Nations Department of Public Information, *The United Nations Today*, 2008, p. 73.

<sup>20</sup> United Nations, *Charter of the United Nations*, 1945, Article 27, <http://www.un.org/en/documents/charter/>

<sup>21</sup> United Nations Security Council, *Voting System and Records*, 2014, <http://www.un.org/en/sc/meetings/voting.shtml>

<sup>22</sup> United Nations, *Charter of the United Nations*, 1945, Article 27, <http://www.un.org/en/documents/charter/>

<sup>23</sup> United Nations Security Council, *Current Members*, 2014, <http://www.un.org/en/sc/members/>

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

<sup>25</sup> United Nations, *Member States on the Record*, 2014, <http://www.un.org/depts/dhl/unms>

<sup>26</sup> United Nations Foundation, *What We Do: The UN Security Council*, 2014, <http://www.unfoundation.org/what-we-do/campaigns-and-initiatives/>

<sup>27</sup> United Nations High Commissioner for Refugees, *63<sup>rd</sup> Session of the Executive Committee of the High Commissioner’s Programme*, 2014, <http://www.unhcr.org/5028f5129.pdf>; United Nations Security Council, *Current Members*, 2014, <http://www.un.org/en/sc/members/>

In order to ensure broad representation, 5 of the 10 non-permanent members are selected from Africa and Asia, 1 from Eastern Europe, 2 from Latin America, and 2 from Western Europe.<sup>28</sup> A non-binding agreement between African states and Asian states in which each bloc alternates election of Middle Eastern states from their quota guarantees the selection of Middle Eastern states.<sup>29</sup> To be elected, a candidate must receive a two-thirds majority vote and is expected to serve on the Security Council for one year.<sup>30</sup>

There have been frequent calls to reform the membership of the UN Security Council, the most prominent of which calls to include Japan, Germany, India and Brazil – together known as the G4 - as permanent members.<sup>31</sup> Japan and Germany are the second and third largest contributors to the UN budget.<sup>32</sup> The G4 states support each other's bids for permanent seats on the United Nations Security Council; and the United Kingdom, France, and the Russian Federation are said to also support permanent G4 membership on the Security Council.<sup>33</sup>

### ***Recent Sessions***

In recent years, the Security Council has adopted resolutions on Cyprus, South Sudan, Mali, the Middle East, Guinea-Bissau, Western Sahara, Liberia, Libya, and other conflict regions.<sup>34</sup> The Security Council also has adopted resolutions on several issues key to international security, such as Women and Peace and Security, and United Nations Peacekeeping Missions.<sup>35</sup> The Security Council recently passed resolution 2122 (2013), which recognizes the need for peacekeepers to assess the human rights violations of women in armed conflict.<sup>36</sup>

On 20 November 2013, the Council was briefed by the Special Representative of the Secretary-General and head of United Nations Regional Office of Central Africa (UNOCA) on the areas affected by Lord's Resistance Army (LRA).<sup>37</sup> On 25 November 2013, the Security Council adopted a presidential statement condemning the actions of the LRA and requesting that the Secretary-General keep informed through a single report on UNOCA and the LRA.<sup>38</sup> The Security Council has also recently addressed the humanitarian crisis in Syria through resolution 2165 (2014), which created a novel mechanism that forces Syria to allow humanitarian supplies to get to those in need.<sup>39</sup>

### ***Security Council Reforms: The Reformed Security Council's History***

After 65 years of existence, in 2010 the 15 Member States of the UN began to seriously discuss reforms to the Council for the first time in its history – under pressure from many other Member States. Pressure, particularly from Germany, Brazil, Japan and India, had been mounting on the five permanent Member States, the United States, United Kingdom, France, Russian Federation and China, to agree to a serious conversation on reforms to the veto power and membership of the Council.

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<sup>28</sup> United Nations Dag Hammarskjöld Library, Security Council: Introduction, 2013, <http://research.un.org/content.php?pid=337783&sid=2762357>

<sup>29</sup> Lai and Lefler, U.N. Security Council Non-Permanent Membership: Equitable Distribution for Equitable Representation, 2009, <http://myweb.uiowa.edu/bhlai/workshop/lailefler.pdf>

<sup>30</sup> Worth, Robert, *Saudi Arabia Rejects U.N. Security Council Seat in Protest Move*, 2013,

<http://www.nytimes.com/2013/10/19/world/middleeast/saudi-arabia-rejects-security-council-seat.html?pagewanted=all>

<sup>31</sup> United Nations Foundation, *What We Do: The UN Security Council*, 2014, <http://www.unfoundation.org/what-we-do/campaigns-and-initiatives/>

<sup>32</sup> Congressional Research Service, *United Nations Regular Budget Contributions: Members Compared, 1990-2000*, 2013, <http://fas.org/sgp/crs/row/RL30605.pdf>

<sup>33</sup> United Nations Security Council, *Permanent Members and Non-Permanent Members*, 2014, <http://www.un.org/en/sc/members/>

<sup>34</sup> United Nations Security Council, *Security Council Resolutions*, 2014, <http://www.un.org/en/sc/documents/resolutions/2014.shtml>

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

<sup>36</sup> United Nations Security Council, *Women and Peace and Security (S/RES/2122)*, 2013, <http://womenpeaceandsecurity.org/media/pdf-scr2122.pdf>

<sup>37</sup> United Nations Radio, *United Nations envoy reports progress against Uganda's Lord's Resistance Army in Central Africa*, 2013, <http://www.unmultimedia.org/radio/english/2013/11/un-envoy-reports-progress-against-ugandas-lords-resistance-army-in-central-africa/>

<sup>38</sup> Security Council Report, *Central African Republic and UN Office in Central Africa/Lord's Resistance Army*, 2013, <http://www.whatsinblue.org/2013/11/central-african-republic-and-un-office-in-central-africa-lords-resistance-army.php>

<sup>39</sup> United Nations Security Council, *The Situation in the Middle East (S/RES/2165)*, 2014, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/2165\(2014\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2165(2014))

There had been growing concerns that not enough countries with significant population representation were having fair access to Council membership and different parts of the world were not being adequately represented. After a year of pre-negotiations, it was decided that the UN Security Council would formally discuss reforms to the Council in 2011, with the hope of having a decision that could be implementable by 2013.

There were several reforms agreed to, which began in 2014: no vetoes for any member of the Council, increased membership, no permanent membership, altered regional breakdowns, and more countries from each region represented on the council. These reforms are discussed in more detail.

#### *Reformed Membership*

Three major reforms happened to the membership of the Council. First, the membership of the council increased from 15 to 25. Since the Council had already been elected in 2011 for the 2011-2013 term, it was agreed that the non-permanent members already elected to the Council under the old system would remain in their seats. Those countries were Guatemala, Azerbaijan, Morocco and Pakistan.

The second reform removed permanent status membership from all members of the council. While the original permanent 5 members lost their seats formally in the reforms, they made agreements informally amongst themselves to safeguard their power on the Council by having an agreed system on who would stand for election and when. The system they devised would ensure a balance of East – West power between the UK, USA, France and Russia, China. These informal agreements made it possible for the P5 to feel comfortable enough to relinquish their permanent status.

The third component to membership reforms was the number of Member States per region elected to the Council each term. This reform goes hand in hand with the changing of regional breakdowns for election purposes. Prior to the reform, only two Member States were elected to each region, however this reform increased the number of States from each region are able to be on the Council. These breakdowns are discussed in the next section.

#### *Reformed Regional Breakdowns*

The original five UN Regions were increased with these reforms to eight regions. These regions are now: Western Europe and Others, Central America and the Caribbean, South America, Eastern Europe, Middle East and North Africa, Central and South Asia, East Asia and the Pacific, and Sub-Saharan Africa. The members will be elected from each of these regional groups each year. In the case of sub-Saharan Africa they have informally designated four sub-regional breakdowns – central, east, south, and west – to ensure representation across the region overall; their fifth seat will be a rotating seat that is not bound by a sub-region.

#### *2014 Regional Breakdown with Elected Member States*

<b>Western Europe and Others (5)</b>	Australia, Germany, Norway, United Kingdom, United States of America
<b>Central America &amp; Caribbean (2)</b>	Cuba, Mexico
<b>South America (2)</b>	Brazil, Chile
<b>Eastern Europe (3)</b>	Czech Republic, Poland, Russia
<b>Middle East and North Africa (3)</b>	Egypt, Jordan, United Arab Emirates
<b>Central &amp; South Asia (2)</b>	India, Kazakhstan
<b>East Asia and the Pacific (3)</b>	China, Japan, Indonesia
<b>Sub-Saharan Africa (5)</b>	Cameroon (central), Ghana (west), Lesotho (open-rotating), Mozambique (east), South Africa (south)

#### *Conclusion*

In recent years, the Security Council has added an additional focus on the humanitarian aspect of security issues, while continuing to deploy peacekeeping troops in conflict areas. The Security Council can act as a powerful force for global change, including creating progress on women in conflict areas, the situation in regional conflicts like those areas affected by the LRA, and country-specific situations such as conflicts in Cyprus. The Council can act as an incredibly powerful force for world change, and delegates should reflect on its strengths as well as its weaknesses as they consider the Council's agenda.

## I. Women and Peace and Security

*“It is never too soon to hear their voices. We cannot afford to delay their inclusion. I refer to those who say we have to wait for another great American champion for human rights, the Reverend Martin Luther King, who stated, ‘It is always the right time to do the right thing,’ and yes, ‘It is always the right time to fight for women’s rights.’”*  
- Michelle Bachelet, UN Women Executive Director<sup>40</sup>

### Introduction

Conflict impacts women and men differently, but both have important roles in establishing and maintaining peace.<sup>41</sup> The increasing need to address gender perspectives in peacebuilding and reconstruction, as well as the incorporation of women in leadership roles in the peacebuilding efforts and its process was recognized in Security Council (SC) resolution 1325 (2000) on “Women and Peace, and Security” (WPS) which was adopted in October 2000.<sup>42</sup> Six additional resolutions on women, peace and security, as well as numerous other regional and subregional efforts, have further codified and reinforced the centrality of women’s role in peace and security issues.<sup>43</sup> The “women and peace and security agenda,” as laid out by the Security Council in its seven resolutions on the issue, thus lays the foundation for further discussion of the role of women in conflict prevention, resolution and peacebuilding efforts, and address the human rights violations specifically targeted at women during conflict.<sup>44</sup>

### International Framework

The WPS agenda is grounded in a range of conventions, declarations, tribunals and international laws dating back over 60 years. Some of the key international documents that particularly reinforce women’s rights include the *Geneva Conventions of 1949* and the additional protocols, *Convention on the Elimination of All Forms of Discriminations Against Women* (CEDAW) of 1979 and the Optional Protocols of 1999, and the *Beijing declaration and Platform for Action*.<sup>45</sup> Each of these documents touches on the protection of women during armed conflict and as well during times of peace. Additionally, most of these either explicitly mention or imply that sexual violence is a grave war crime.

The four *Geneva Conventions* and their additional Protocols, at the time of their adoption, were the major instruments for the protection of civilians during armed conflict and those who were not party to conflict.<sup>46</sup> The aim of the Conventions, in regards to women, was to provide special protection for vulnerable populations such as pregnant women, nursing mothers, and mothers in general and to address the vulnerability of women when it comes to sexual violence during armed conflict.<sup>47</sup> Before the Geneva Conventions, rape and sexual violence were unfortunately regarded as an inevitable aspect of armed conflict and war and seldom, if ever, prosecuted.<sup>48</sup> The Fourth Geneva Convention is the first international agreement with a provision specifically denouncing with rape, stating: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”<sup>49</sup> While the Conventions and the Protocol, specifically Article 96 of

<sup>40</sup> Bachelet, *Women, War and Peace*, 2011. <http://www.unwomen.org/en/news/stories/2011/3/women-war-and-peace/>

<sup>41</sup> UN Women, *UN Women Sourcebook on Women, Peace and Security*, 2012. <http://goo.gl/t5r5Yv>

<sup>42</sup> United Nations Security Council, *Press Release: Security Council, Unanimously Adopting Resolution 1325 (2000), Calls for Broad Participation of Women In Peace-Building, Post-Conflict Reconstruction*, 2000. <http://goo.gl/o1FUpu>;  
United Nations Security Council, *Resolution 1325 (2000)*, 2000. [http://undocs.org/S/RES/1325\(2000\)](http://undocs.org/S/RES/1325(2000))

<sup>43</sup> NGO Working Group on Women, Peace and Security, *UN Security Council Adopts New Resolution Aimed at Removing Barriers to Women’s Full Participation in All Efforts to Prevent, Resolve, and Rebuild from Conflict*, 2013. <http://goo.gl/JcvyDG>

<sup>44</sup> UN Women, *UN Women Sourcebook on Women, Peace and Security*, 2012. <http://goo.gl/t5r5Yv>;

Rutherford, *Examining the Impact of Resolution 1325 on UN Disarmament and Demobilization Programs*, 2010;

Ward, et. al., *Violence Against Women and Girls in War and Its Aftermath: Realities, Responses, and Required Resources*, 2006. <https://www.unfpa.org/emergencies/symposium06/docs/finalbrusselsbriefingpaper.pdf>

<sup>45</sup> *Convention on the Elimination of All Forms of Discrimination against Women*, 1979.

<http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>;

<sup>46</sup> Gardam, *Women, human rights and international humanitarian law*, 1998.

<http://www.icrc.org/eng/resources/documents/misc/57jpg4.htm>

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

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

<sup>49</sup> *Ibid.*; *Convention (IV) relative to the Protection of Civilian Person in Time of War*, 1949.

<http://www.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp?redirect=0>

Protocol I, contain important provisions to comprehensively protect women against rape, they lack the acknowledgement of the other distinctive problems women are faced with in armed conflict, including basic human rights and equal status of women.<sup>50</sup>

The UN General Assembly (GA) adopted the Convention on the Elimination of Discrimination Against Women (CEDAW) in 1979. The Convention defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.”<sup>51</sup> States who are party to the Convention agree to take all appropriate means and measures to ensure that women enjoy their human rights and fundamental freedoms.<sup>52</sup>

In 1992, the Committee on the Elimination of Discrimination Against Women, which monitors the implementation progress of CEDAW by Member States, issued General Recommendation No. 19, which addressed the status of CEDAW regarding violence against women and clarified that “gender violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on the basis of equality.”<sup>53</sup> The discrimination includes acts that inflict physical, mental, or sexual harm or suffering. While this precedent setting convention has made progress in securing peace and safety for women, especially during times of conflict, there are still Member States of the UN that are not party to the Convention.<sup>54</sup> Currently there are seven Member States that are not party to the Convention: Iran, Palau, Somalia, South Sudan, Sudan, Tonga, and the United States.<sup>55</sup> Some of these Member States mentioned are the perpetrators of some of the most crimes against women and ratifying and adopting CEDAW could potentially lead to progress on women and peace and security within these states.<sup>56</sup>

The outcome of the Fourth World Conference on Women, which was held in 1995, is entitled the Beijing Declaration and Platform of Action (BPfA).<sup>57</sup> The BPfA remains, to this day, a seminal framework for women’s rights and empowerment, specifically addressing issues related to women, peace and security in Section E.<sup>58</sup> This section outlines six strategic objectives that would help the international community to work towards an environment that maintains world peace and promotes and protects human rights for women:

1. “Increase the participation of women in conflict resolution at decision-making levels and protect women living in situation of armed and other conflicts or under foreign occupation;
2. Reduce excessive military expenditures and control the availability of armaments;
3. Promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations;
4. Promote women’s contribution to fostering a culture of peace;
5. Provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women, and
6. Provide assistance to the women of the colonies and non-self-governing territories.”<sup>59</sup>

Each of these objectives aim to address the different issues in order to eventually lead to a world in which women’s human rights are being fostered. All the documents identified above, collectively lay the groundwork for the Security Council’s consideration of women, peace and security issues.<sup>60</sup>

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<sup>50</sup> *Convention (IV) relative to the Protection of Civilian Person in Time of War*, 1949.

<http://www.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp?redirect=0>

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

<sup>52</sup> *Ibid.*

<sup>53</sup> United Nations Fourth World Conference on Women, *Beijing Platform for Action: Women and Armed Conflict*, 1995,

<http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>

<sup>54</sup> *Ibid.*

<sup>55</sup> American Bar Association, *International Models Project on Women’s Right: CEDAW*. <http://goo.gl/JhUiHH>

<sup>56</sup> United Nations Fourth World Conference on Women, *Beijing Platform for Action: Women and Armed Conflict*, 1995,

<http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>

<sup>57</sup> United Nations Fourth World Conference on Women, *Beijing Platform for Action*, 1995,

<http://www.un.org/womenwatch/daw/beijing/>

<sup>58</sup> United Nations Fourth World Conference on Women, *Beijing Platform for Action: Women and Armed Conflict*, 1995.

<http://goo.gl/azPZVh>

<sup>59</sup> *Beijing Platform for Action: Women and Armed Conflict*, 1995. <http://goo.gl/azPZVh>

### ***Security Council Resolutions on Women, Peace and Security***

On 31 October 2000, the Council adopted the resolution 1325 (2000), which reaffirmed some of the key issues plaguing the international community when it came to women and conflict.<sup>61</sup> The resolution emphasizes the importance of women in the prevention and resolution of conflicts, in the peace negotiation process, as well as the peace building, peacekeeping, and humanitarian response in post-conflict situations and reconstruction.<sup>62</sup> It also underlines the importance of equal participation and involvement of women in the efforts of the maintenance and promotion of peace and security.<sup>63</sup> The resolution emphasized the responsibility of all Member States to enforce international humanitarian law and human rights law and to prosecute those responsible for violations, including those violation which target women and girls.<sup>64</sup> Since the adoption of Security Council resolution 1325 (2000), there have been six additional resolutions adopted under the same agenda: 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013).<sup>65</sup>

The Security Council decided in resolution 1888 that there would be specifically mandated peacekeeping missions to protect women and children from sexual violence during armed conflict and to be able to rapidly deploy teams of experts where sexual violence is concerned.<sup>66</sup> At its time of passage Secretary-General Ban Ki-Moon stated, “With its resolution today, the Security Council is sending an unequivocal message -- a call to action. Parties to armed conflict continue to use sexual violence with efficient brutality. The perpetrators generally operate with impunity.”<sup>67</sup> It was widely expressed the day of the passage of the resolution that sexual and gender-based violence in itself is a cause for conflict and division within communities, which will not enable sustainable and long-term peace to be established.<sup>68</sup>

Security Council resolution 2106 (2013) unanimously passed on 24 June 2013, making it the sixth resolution on women, peace and security.<sup>69</sup> The resolution states that all Member States and UN entities must do more in regards to the implementation on previous mandates and resolutions.<sup>70</sup> Additionally, it urges that more be done to combat impunity and increase prosecution for the crimes of sexual violence, affirms the need for gender quality, and that empowerment for women in the areas of political, social and economics is essential in order to move forward with combating this issue.<sup>71</sup> Resolution 2106 (2013) also seeks to develop or deploy targeted sanctions against perpetrators and commanders involved in the acts of sexual violence and abuse.<sup>72</sup> Furthermore, it requests that the Secretary-General work with UN entities and Member States to address, with the effective participation of women, sexual violence concerns in the areas of: “1) disarmament, demobilization, and reintegration processes, 2) security sector reform process and arrangements, 3) justice sector reform initiatives through legislation and policy reforms addressing sexual violence and gender-based violence.”<sup>73</sup>

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<sup>60</sup> *Ibid.*

<sup>61</sup> Office of the Special Adviser on Gender Issues and Advancement of Women, *Landmark resolution on Women, Peace, and Security*. <http://www.un.org/womenwatch/osagi/wps/>

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> WILPF, *PeaceWomen Project: About Women, Peace & Security Agenda*. <http://goo.gl/7kBnqX>

<sup>66</sup> United Nations Security Council, *Press Release: Security Council Adopts Text Mandating Peacekeeping Missions to Protect Women, Girls from Sexual Violence in Armed Conflict*, 2009. <http://goo.gl/83G4gA>

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

<sup>68</sup> United Nations Security Council, *Resolution 1325 (2000)*, 2000. [http://undocs.org/S/RES/1325\(2000\)](http://undocs.org/S/RES/1325(2000));

United Nations Security Council, *Resolution 1820 (2008)*, 2008. [http://undocs.org/S/RES/1820\(2008\)](http://undocs.org/S/RES/1820(2008));

United Nations Security Council, *Resolution 1888 (2009)*, 2009. [http://undocs.org/S/RES/1888\(2009\)](http://undocs.org/S/RES/1888(2009));

United Nations Security Council, *Resolution 1889 (2009)*, 2009. [http://undocs.org/S/RES/1889\(2009\)](http://undocs.org/S/RES/1889(2009));

United Nations Security Council, *Resolution 2106 (2013)*, 2013. [http://undocs.org/S/RES/2106\(2013\)](http://undocs.org/S/RES/2106(2013));

United Nations Security Council, *Resolution 2122 (2013)*, 2013. [http://undocs.org/S/RES/2122\(2013\)](http://undocs.org/S/RES/2122(2013))

<sup>69</sup> Taylor, *Women, Peace, and Politics at the United Nations Security Council*, 2013. <http://goo.gl/ysX2xK>;

Puri, *UN Women welcomes the unanimous adoption of Security Council resolution 2106 on conflict-related sexual violence*, 2013. <http://goo.gl/pwyk8K>

<sup>70</sup> United Nations Security Council, *Resolution 2106 (2013)*, 2013. [http://undocs.org/S/RES/2106\(2013\)](http://undocs.org/S/RES/2106(2013))

<sup>71</sup> Puri, *UN Women welcomes the unanimous adoption of Security Council resolution 2106 on conflict-related sexual violence*, 2013. <http://goo.gl/pwyk8K>

<sup>72</sup> *Ibid.*; United Nations Security Council, *Resolution 2106 (2013)*, 2013. [http://undocs.org/S/RES/2106\(2013\)](http://undocs.org/S/RES/2106(2013))

<sup>73</sup> *Ibid.*

Finally, in its continued effort to promote women's role in the peacebuilding process, the Security Council unanimously adopted resolution 2122 (2013) on 18 October 2013.<sup>74</sup> Resolution 2122 (2013) demonstrated a renewal of the determination of putting women in leadership and their involvement in all efforts of conflict resolution and the promotion of peace.<sup>75</sup> This resolution reiterated the Council's belief that women's leadership is central and essential to reconciliation and conflict resolution and peacebuilding efforts.<sup>76</sup> The resolution also put in place a roadmap for a systematic approach to the commitment of the topic by the UN Security Council, within its internal work.<sup>77</sup> These measures in the resolution include: "the development and deployment of technical expertise for peacekeeping missions and UN mediation teams supporting peace talks; improved access to timely information and analysis on the impact of conflict on women and women's participation in conflict resolution in reports and briefings to the Council; and strengthened commitments to consult as well as include women directly in peace talks."<sup>78</sup> The resolution is focused on participation at its core – calling for a boost in women's participation in in conflict resolution and peacemaking by leveraging resources and refining information."<sup>79</sup> Further, and notably, the resolution "calls for funding for local civil society organizations, particularly women-led, which is really important. This was approached in resolution 1889 (2009), but this is the clearest call for financial support, which is so necessary."<sup>80</sup> This resolution is one of the strongest to date – if not the strongest – and marks a high point in the policy adopted on women, peace and security.<sup>81</sup>

Including women's participation in peacebuilding and civil society would prevent outbreaks of violent conflict, linking the themes of gender perspective and participation with conflict prevention.<sup>82</sup> Conflict prevention has strong support from civil society but there is still a lack of focus in addressing the prevention of conflict.<sup>83</sup> Long-term conflict prevention requires investment across sectors in Member States at both the governmental and non-governmental levels, which is why the inclusion of women is critical.<sup>84</sup> Women constitute half of every community, are often the central caretakers of families, and are advocates for peace and relief workers and mediator. Even with this, there is still a lack of women's participation in conflict prevention.<sup>85</sup> Nonetheless, cultural pressures and sub-par education have made it difficult for women to engage in conflict prevention.<sup>86</sup> The continual efforts to establish mechanisms through the UN, governments, and non-governmental organizations (NGOs) to ensure women have access to resources and opportunities for education and increased involvement to better conflict prevention is pivotal for WPS.

### **Key Issues**

The topic of women, peace and security, as discussed by the Security Council, is currently focusing on several major thematic and operational elements:

1. Security Council implementation of the resolutions in its own work;
2. Women's participation in conflict prevention, resolution and peace processes;
3. Gender-responsive protection efforts;

<sup>74</sup> United Nations Security Council, *Resolution 2122 (2013)*, 2013. [http://undocs.org/S/RES/2122\(2013\)](http://undocs.org/S/RES/2122(2013))

<sup>75</sup> UN Women, *Press Release: UN Security Council adopts new resolution, urges women's full inclusion in peace talks and transitional justice*, 2013. <http://goo.gl/vADXbg>

<sup>76</sup> *Ibid.*

<sup>77</sup> United Nations Security Council, *Resolution 2122 (2013)*, 2013. [http://undocs.org/S/RES/2122\(2013\)](http://undocs.org/S/RES/2122(2013))

<sup>78</sup> UN Women, *Press Release: UN Security Council adopts new resolution, urges women's full inclusion in peace talks and transitional justice*, 2013. <http://goo.gl/vADXbg>

<sup>79</sup> Ó Súilleabháin, *Women's Peace Leadership "Smart Policy," and UN Pushes For More*, 2013. <http://goo.gl/cF5yfU>

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> United Nations Entity of Gender Equality and the Empowerment on Women, *Conflict Prevention*, UN Women Sourcebook On Women Peace and Security, 2012. Retrieved on 19 July 2014, from:

[http://peacewomen.org/security\\_council\\_monitor/handbook/chapters?adhocpage=3749](http://peacewomen.org/security_council_monitor/handbook/chapters?adhocpage=3749)

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

<sup>84</sup> United Nations Entity of Gender Equality and Empowerment on Women, *Conflict Prevention and Resolution*, UN Women. Retrieved on 19 July 2014, from: <http://www.unwomen.org/en/what-we-do/peace-and-security/conflict-prevention-and-resolution>.

<sup>85</sup> Agbajobi, Damilola. *The Role of Women in Conflict Resolution and Peacebuilding*, 2010. Governance, Social Development, Humanitarian, Conflict Applied Knowledge Services. Retrieved on 16 July 2014, from: <http://www.gsdrc.org/go/display&type=Document&id=4277>.

<sup>86</sup> *Ibid.*



4. Mainstreaming gender throughout security sector reform and disarmament, demobilization and reintegration (DDR);
5. Woman participation in the peacekeeping operations, peacebuilding and recovery processes; and
6. Gender and transnational justice.<sup>87</sup>

Broadly, within these major areas, the Council discusses what actions can be taken are by focusing on:

1. Participation and empowerment;
2. Protection of women's rights; and
3. Continual improvement of the implementation of the SC resolutions on the ground by strengthening capacity international, regional and national levels.<sup>88</sup>

While WPS is a multi-faceted issue, these three key points are integral for consideration of this topic in the context of the UN Security Council.<sup>89</sup>

#### *Participation and empowerment*

Women's participation and empowerment in all levels of decision-making throughout all processes and activities encompassed in conflict prevention, resolution, and post-conflict peacebuilding efforts is central to the women, peace and security agenda and at the heart of Security Council resolution 1325 (2000).<sup>90</sup> Some of the primary gaps within the spectrum of peace and security efforts addressed by the UN Security Council exist in the context of work done on conflict prevention, security sector reform (SSR), and disarmament, demobilization, and reintegration (DDR).<sup>91</sup>

**Conflict Prevention:** The Security Council's conflict prevention efforts fall broadly into two categories: operational (immediate measures) and structural (root causes) both of which are necessary in order to both prevent conflict in countries that have not experienced conflict, and also prevent countries from relapsing into conflict.<sup>92</sup> In its resolutions on WPS, the Security Council calls for the incorporation of gender perspectives and women's participation in all efforts within the Council, by Member States, and regional and subregional organizations, to prevent the emergence of violent conflict.<sup>93</sup>

Civil society organizations are central to efforts to prevent conflict at a national and local level, thus the Security Council has in the past stressed the importance of Prevention has strong support from civil society but there is still a lack of focus on the prevention of conflict.<sup>94</sup> Addressing the root causes of conflict, or long- term conflict prevention requires investment across sectors in Member States in both national and civil society efforts, which is why the inclusion of women is critical.<sup>95</sup> Women constitute half of every community, are often the central caretakers of families, and are advocates for peace and relief workers and mediator. Despite the central role women play in communities and families, there is still a lack of women participation in conflict prevention.<sup>96</sup> Nonetheless, cultural pressures and lack of education have made it difficult for women to put themselves forward and engage in the public arenas addressing conflict prevention.<sup>97</sup> The continual efforts to establish mechanisms through the UN, governments, and non-governmental organizations (NGOs) to ensure women have access to resources and opportunities for training and education to better the conflict prevention in Member States is essential for the implementation of the full WPS agenda.

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<sup>87</sup> UN Women, *UN Women Sourcebook on Women, Peace and Security*, 2012. <http://goo.gl/t5r5Yv>

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

<sup>89</sup> *Ibid.*

<sup>90</sup> Taylor, *Women, Peace, and Politics at the UN Security Council*, 2013. <http://goo.gl/ysX2xK>

<sup>91</sup> UN Women, *UN Women Sourcebook on Women, Peace and Security*, 2012. <http://goo.gl/t5r5Yv>; Bastick, Megan. *Integrating Gender in Post-Conflict Security Reform*. 2008. <http://goo.gl/Fww4KC>; Rutherford, *Examining the Impact of Resolution 1325 on UN Disarmament and Demobilization Programs*, 2010.

<sup>92</sup> United Nations Security Council, *Prevention of armed conflict: Report of the Secretary-General (S/2001/574)*, 2001. <http://undocs.org/S/2001/574>

<sup>93</sup> UN Women, *Conflict Prevention*, 2012. <http://goo.gl/uNSdR6>

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

<sup>95</sup> UN Women, *Conflict Prevention and Resolution*. <http://goo.gl/1Sk57D>

<sup>96</sup> Agbajobi, *The Role of Women in Conflict Resolution and Peacebuilding*, 2010. <http://goo.gl/ZIINvc>

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

**Security Sector Reform (SSR):** Security sector reform is a term utilized to “describe the structures, institutions and personnel responsible for the management, provision and oversight of security in a country,” which “defense, law enforcement, corrections, intelligence services and institutions responsible for border management, customs and civil emergencies.”<sup>98</sup> SSR has been emphasized by both the international community and national governments to be crucial in post-conflict areas in order to contribute positively to peace and stability, promote poverty reduction, and prevent relapses into conflict.<sup>99</sup> Additionally, security sectors must be representative of the population that they govern in order to be trusted and effective.<sup>100</sup> A gender-sensitive SSR approach is needed to address the vulnerabilities of all people in a population in order to be more effective and perceived as legitimate.<sup>101</sup> However, post-conflict SSR processes tend to be planned, agreed, and implemented by men, completely excluding fifty percent of the population.<sup>102</sup> A gender-sensitive SSR approach would involve women from all sectors of the community and be more likely to be welcomed by women in the community.<sup>103104</sup>

**Disarmament, demobilization and reintegration (DDR):** DDR programs are believed to be crucial in post-conflict areas in order to promote peace, public safety, and protection.<sup>105</sup> In the context of DDR programs, the following definitions include:

- Disarmament is the “collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons from combatants and often from the civilian population.”<sup>106</sup>
- Demobilization is the “formal and controlled discharge of active combatants from armed forces and groups, including a phase of “reinsertion” which provides short-term assistance to ex-combatants.”<sup>107</sup>
- Reintegration is the “process by which ex-combatants acquire civilian status and gain sustainable employment and income. It is a political, social and economic process with an open time-frame, primarily taking place in communities at the local level.”<sup>108</sup>

DDR programs should be gender-sensitive women because women can be combatants, associates of combatants, and are non-combatants during conflict.<sup>109</sup> Female soldiers and members of militias often face additional discrimination and many times are blocked from receiving any incentives to disarm or participate in DDR programs.<sup>110</sup> The ongoing exclusion of women in DDR programs and leadership positions for these programs detracts from the intended DDR benefits and tends to portray women as victims.<sup>111</sup> This portrayal downplays the significant roles that women played during conflict and the post-conflict reintegration process, undermining the potential for future political engagement and peace process.<sup>112</sup> Furthermore, the exclusion of women of all backgrounds runs the risk of reinforcing gender inequalities that were established in society before conflict.<sup>113</sup> There are strong linkages between SSR and DDR in the post-conflict peacebuilding process and considered to work together to form a comprehensive security and justice development program.<sup>114</sup>

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<sup>98</sup> United Nations Security Sector Reform, *Definitions*. <http://unssr.unlb.org/SSR/Definitions.aspx>; United Nations Security Council, *Securing peace and development: the role of the United Nations in supporting security sector reform (S/2008/39)*, 2008. <http://undocs.org/S/2008/39>

<sup>99</sup> Bastick, *Integrating Gender in Post-Conflict Security Reform*. 2008. <http://goo.gl/Fww4KC>

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

<sup>101</sup> *Ibid.*

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

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

<sup>104</sup> Agbajobi, *The Role of Women in Conflict Resolution and Peacebuilding*, 2010. <http://goo.gl/ZIINvc>

<sup>105</sup> Rutherford, *Examining the Impact of Resolution 1325 on UN Disarmament and Demobilization Programs*, 2010.

<sup>106</sup> United Nations Department for Peacekeeping Operations, *Disarmament, Demobilization and Reintegration*. <http://www.un.org/en/peacekeeping/issues/ddr.shtml>

<sup>107</sup> *Ibid.*

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

<sup>109</sup> WILPF, *Women, Peace and Security Handbook: Disarmament, Demobilization, Reintegration (DDR)*. <http://goo.gl/LBWKgn>

<sup>110</sup> *Ibid.*

<sup>111</sup> Rutherford, *Examining the Impact of Resolution 1325 on UN Disarmament and Demobilization Programs*, 2010.

<sup>112</sup> *Ibid.*

<sup>113</sup> WILPF, *Women, Peace and Security Handbook: Disarmament, Demobilization, Reintegration (DDR)*. <http://goo.gl/LBWKgn>

<sup>114</sup> Bastick, Megan. *Integrating Gender in Post-Conflict Security Reform*. 2008. <http://goo.gl/Fww4KC>

**Peacekeeping:** As previously stated, “women and men experience conflict differently and therefore understand peace differently.”<sup>115</sup> Accordingly, the Department of Peacekeeping Operations (DPKO) has implemented a number of ways to make sure that gender mainstreaming is implemented within their work and operations.<sup>116</sup> They have integrated the gender perspectives in the areas of SSR, DDR, police, military, and elections.<sup>117</sup> Women are deployed in all fields of peacekeeping and act as role models in local communities that are often male-dominated.<sup>118</sup> The presence of women peacekeepers are crucial when it comes to conflict reduction and resolution, especially since they provide a greater sense of security for women in local populations and communities.<sup>119</sup>

#### *Protection and promotion of women’s rights*

The protection and promotion of women’s rights is key to the success of WPS.<sup>120</sup> When discussing this specific sub-topic, the Council is considering the “rights and safety of women and girls during and after conflict,” as a core component of and fundamentally linked to “women’s agency and participation.”<sup>121</sup> Due to the fact that the number of “civilian casualties now surpasses the number of combatant casualties in armed conflict, and women continue to be disproportionately affected in gender-specific ways, such as sexual violence, trafficking, and exploitation,” it has been increasingly more urgent for the Security Council to ensure “protection strategies, policies, and actions to incorporate a gender perspective at all levels and stages of implementation.”<sup>122</sup>

Sexual and gender-based violence (SGBV) frequently occurs, often in a systematic fashion, during conflict regardless of direct involvement in the conflict.<sup>123</sup> Furthermore, the risk of SGBV is often aggravated during conflict because of various factors, including the polarization of gender roles, proliferation of arms, militarization, and the breakdown of law and social order.<sup>124</sup> Rape and sexual violence is recognized as a war crime, but the international community’s response has often offered inadequate protection from these acts or prosecution of those who commit them.<sup>125</sup> During conflict and in post-conflict periods, women and girls are commonly abducted from their homes, forced into marriages, raped by troops, and are often intentionally infected with human immunodeficiency virus (HIV) acquired immunodeficiency syndrome (AIDS).<sup>126</sup> In post conflict and transitional situations, often victims of SGBV do not have access to basic healthcare and education to help them cope and address what had happened to them due to stigma and exclusion of this subset of the population.<sup>127</sup> Further exacerbating this, access to justice and protection of women’s rights is strained during conflict in most conflict areas, leaving women with fewer options and avenues for support.<sup>128</sup>

#### *Case Study: Afghanistan*

The Islamic Republic of Afghanistan is a Member State that is currently in the process of rebuilding itself following a conflict lasting since the 1970s.<sup>129</sup> The Bonn Agreement, signed in 2001, initiated the country’s post-conflict building process, however, “since the fall of the Taliban administration in 2001, adherents of the hardline Islamic movement have re-grouped.”<sup>130</sup> At present, “it is now a resurgent force, particularly in the south and east, and the Afghan government has struggled to extend its authority beyond the capital and to forge national unity.”<sup>131</sup> The SSR

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<sup>115</sup> United Nations Department of Peacekeeping Operations, *Gender and Peacekeeping*. <http://goo.gl/b3DBlA>

<sup>116</sup> *Ibid.*

<sup>117</sup> *Ibid.*

<sup>118</sup> United Nations Department of Peacekeeping Operations, *Women in Peacekeeping*. <http://goo.gl/iL62pm>

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

<sup>120</sup> WILPF, *Women, Peace and Security Handbook: Sexual and Gender-Based Violence (SGBV)*. <http://goo.gl/o5t2lD>

<sup>121</sup> WILPF, *Women, Peace and Security Handbook: Protection*. <http://goo.gl/JC46Up>

<sup>122</sup> *Ibid.*

<sup>123</sup> Rutherford, *Examining the Impact of Resolution 1325 on UN Disarmament and Demobilization Programs*, 2010.

<sup>124</sup> WILPF, *Women, Peace and Security Handbook: Sexual and Gender-Based Violence (SGBV)*. <http://goo.gl/o5t2lD>

<sup>125</sup> United Nations Office for the Coordination of Humanitarian Affairs, *Sexual and Gender-based Violence (SGBV)-A Framework for Prevention and Response*. <http://goo.gl/FVAXC1>

<sup>126</sup> Rutherford, *Examining the Impact of Resolution 1325 on United Nations Disarmament and Demobilization Programs*, 2010.

<sup>127</sup> *Ibid.*; United Nations Office for the Coordination of Humanitarian Affairs, *Sexual and Gender-based Violence (SGBV)-A Framework for Prevention and Response*. <http://goo.gl/FVAXC1>

<sup>128</sup> United Nations Office for the Coordination of Humanitarian Affairs, *Sexual and Gender-based Violence (SGBV)-A Framework for Prevention and Response*. <http://goo.gl/FVAXC1>

<sup>129</sup> Centre for Security Governance, *SSR Country Snapshot: Afghanistan*. <http://goo.gl/IV81Fe>

<sup>130</sup> *Ibid.*

<sup>131</sup> WILPF, *PeaceWomen Project: Afghanistan*. <http://goo.gl/53KU5P>

program in Afghanistan began in 2001, with the initial responsibility of the program taken on by different donor countries such as the United States, Germany, the United Kingdom, and Japan.<sup>132</sup>

Over the past 13 years, international efforts have produced mixed and limited results; primarily in the areas of education, employment, women's participation and governance, and overall security conditions.<sup>133</sup> Although Afghan women have "won the right to participate in public life and have gained improved access to health care, education, and local economic development, escalating violence has jeopardized these gains in many provinces."<sup>134</sup> Further, "women exercising leadership abilities or pursuing opportunities provided by Western donors are accused of being anti-Islamic and have been subjected to threats, attack, and assassination."<sup>135</sup> The different views on "women's roles have been a battleground over which competing visions for Afghan society, Islam, and claims to power have been fought."<sup>136</sup> As a result, the importance of engaging and including women in the transitional and rebuilding process brought to the light the issues of the lack of human rights, justice, national reconciliation, and security faced by women leaders.<sup>137</sup>

Security sector reform is an example of one issue that is particularly important for women's right to be integrated. During this rebuilding process, efforts are being made to attract more women into the police force because they are uniquely qualified to handle female victims of crime and suspects and to better serve women.<sup>138</sup> Efforts to recruit more women have included all female dormitories and regional training projects.<sup>139</sup> Additionally, the UN Population Fund (UNFPA) and the European Police Mission in Afghanistan (EUPOL) launched an awareness campaign on "Police Taking Action to Combat Violence against Women and Girls in Afghanistan" intending to support the work of train officers to support victims of violence against women in a humane and ethical way.<sup>140</sup>

The Elimination of the Violence Against Women (EVAW) law criminalized rape for the first time in the country's history, but female officers are often unable to respond effectively to incidents of violence against women in rural areas.<sup>141</sup> More work still needs to be done in Afghanistan in order to assure that WPS has been fully addressed, but they are making positive progress during this transitional and rebuilding time.<sup>142</sup> Afghanistan's stabilization rests on the accountability of the government to all citizens, and continual respect for constitutional, legal and international commitments, including to human rights and gender equality.<sup>143</sup>

### **Conclusion**

Despite the strong normative framework that exists, there is still substantial work remaining in order to fully realize the vision of the women, peace and security agenda and implement the seven Security Council resolutions. Having to overcome centuries of silence and being ignored, women globally are in a position to make a difference during and post conflict. Some questions do remain however and need further consideration:

1. What mechanisms are available for the UN Security Council in providing gender expertise to peace talks and post- conflict state- building initiatives?
2. What can the international community further do to stop the stigma that comes with the sexual violence against women and children during conflict?
3. There are some key gaps in the implementation of the women, peace and security agenda, namely in the areas of SSR and DDR – what are the options for the UN Security Council in addressing these gaps?

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<sup>132</sup> Centre for Security Governance, *SSR Country Snapshot: Afghanistan*. <http://goo.gl/IV81Fe>

<sup>133</sup> Pul, *Afghanistan: Women, Peace, and Security-Review of Key Reports (2010-2013)*, 2013. <http://goo.gl/IJsw8C>

<sup>134</sup> Cortright, et. al., *Afghan Women Speak: Enhancing Security and Human Rights in Afghanistan*, 2012.

<sup>135</sup> *Ibid.*

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

<sup>137</sup> Kuehnast, et. al., *Peacebuilding Efforts of Women from Afghanistan and Iraq*, 2012. <http://goo.gl/i6fTbi>

<sup>138</sup> Rutherford, *Examining the Impact of Resolution 1325 on UN Disarmament and Demobilization Programs*, 2010.

<sup>139</sup> *Ibid.*

<sup>140</sup> Afghanistan, *Police Taking Action to Combat Violence against Women and Girls in Afghanistan*, 2012. <http://moi.gov.af/en/page/8016>

<sup>141</sup> International Crisis Group, *Women and Conflict in Afghanistan*, 2013. <http://goo.gl/iJ2pAG>

<sup>142</sup> Centre for Security Governance, *SSR Country Snapshot: Afghanistan*. <http://goo.gl/IV81Fe>;

Kuehnast, et. al., *Peacebuilding Efforts of Women from Afghanistan and Iraq*, 2012. <http://goo.gl/i6fTbi>

<sup>143</sup> International Crisis Group, *Women and Conflict in Afghanistan*, 2013. <http://goo.gl/iJ2pAG>

4. Security Council resolution 2122 (2013) called for strengthening the coherence between thematic issue areas such as counterterrorism and piracy – how can the UN Security Council better address the relationship between these issues and gender?

## II. The Situation in LRA-Affected Areas

*"Over the years, the LRA's brutal and indiscriminate attacks on civilians have resulted in deaths, abductions, looting and the displacement of some 440,000 persons, who are today displaced or living as refugees in the countries affected.*

*Although it does not pursue a political agenda, the group continues to perpetrate serious violations of international humanitarian and human rights law with impunity, and to instil fear and terror among local populations.*

*The affected countries' limited capacity to control their porous borders, which stretch over vast areas, means that the group can move easily, crossing the borders of the affected countries."*

*- Abou Moussa, Special Representative of the Secretary-General for the UN Office in Central Africa<sup>144</sup>*

### **Introduction**

The Lord's Resistance Army (LRA) is a transnational rebel group that was formed in Uganda in 1987.<sup>145</sup> Over the two decades of conflict, the LRA has been responsible for over 100,000 deaths.<sup>146</sup> The LRA formed in the aftermath of the *coup d'état* of former Ugandan president Tito Okillo by current leader Yoweri Museveni.<sup>147</sup> Shortly after the military coup, the Ugandan military fled to Sudan and re-named itself the "Ugandan People's Defense Army" (UPDA) and mounted an armed resistance against Museveni.<sup>148</sup> UPDA soldiers quickly grew demoralized with a lack of supplies, and Alice Auma persuaded commanders in the UPDA to turn over soldiers to her newly founded rebellion the Holy Spirit Movement (HSM), which would form the predecessor to the LRA.<sup>149</sup> As an Acholi tribeswoman who claimed spiritual powers, Auma aimed to overthrow the Ugandan government.<sup>150</sup> After the HSM suffered defeats on the battlefield, LRA founder Joseph Kony formed the nucleus of its militant forces from the UPDA's black battalion and warriors from the dissolved HSM.<sup>151</sup> The LRA became a military force aimed at establishing a Christian State based on the Biblical Ten Commandments and to overthrow the government of Uganda, still headed by Yoweri Museveni.<sup>152</sup>

Since its inception, the LRA has committed countless human rights violations including torture, rape, unlawful killings, and forced displacement of civilians.<sup>153</sup> The LRA has gained the attention of the United Nations Security Council due to its tactics, especially the recruitment and treatment of child soldiers.<sup>154</sup> The Acholi people have borne the brunt of the LRA offensive, with Northern Uganda seeing the worst of the fighting.<sup>155</sup> Since the late 1980s, the LRA has abducted tens of thousands of adults and children to serve as servants and soldiers.<sup>156</sup> The International Criminal Court indicted the LRA leadership, including Kony, in 2005 for crimes against humanity and war crimes including attacks against civilian populations, enslavement and inhumane acts of war.<sup>157</sup> On 22 November 2011, the

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<sup>144</sup> Moussa, Statement to the 6657th meeting of the Security Council, 2011.

<http://www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/CAR%20SPV%206657.pdf>

<sup>145</sup> Human Rights Watch, *Q&A on Joseph Kony and the Lords's Resistance Army*, 2012,

<http://www.hrw.org/news/2012/03/21/qa-joseph-kony-and-lords-resistance-army>

<sup>146</sup> United Nations Security Council, *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas*, 2013,

[http://www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s\\_2013\\_297.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF96FF9%7D/s_2013_297.pdf)

<sup>147</sup> Institute for the Study of Violent Groups, *Lord's Resistance*, 2014,

[http://vkb.isvg.org/index.php?title=Wiki/Groups/Lord%E2%80%99s\\_Resistance\\_Army](http://vkb.isvg.org/index.php?title=Wiki/Groups/Lord%E2%80%99s_Resistance_Army)

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

<sup>149</sup> *Ibid.*

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

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

<sup>152</sup> Human Rights Watch, *Q&A on Joseph Kony and the Lords's Resistance Army*, 2012,

<http://www.hrw.org/news/2012/03/21/qa-joseph-kony-and-lords-resistance-army>

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*

<sup>156</sup> Security Council Report, *Chronology of Events – LRA-Affected Areas*, 2013,

<http://www.securitycouncilreport.org/chronology/lra-affected-areas.php?page=all&print=true>

<sup>157</sup> Security Council Report, *Chronology of Events – LRA-Affected Areas*, 2013,

<http://www.securitycouncilreport.org/chronology/lra-affected-areas.php?page=all&print=true>

African Union (AU) formally designated the LRA as a terrorist group.<sup>158</sup> The conflict has since spread from Uganda into the Democratic Republic of the Congo (DRC), South Sudan, and the Central African Republic (CAR), with Sudan largely free of contact with the LRA.<sup>159</sup>

### ***Current Situation***

The UN, the African Union and the states directly affected by the conflict, including Uganda, South Sudan, the CAR and the DRC, have built significant momentum towards drawing an end to insurgency.<sup>160</sup> The number of LRA fighters has dwindled to less than 500 from thousands, though the group still holds the capacity to terrorize villages.<sup>161</sup> The LRA is split into semi-autonomous units that are spread out across the Central African region, and generally attack undefended villages where they can minimize casualties on their side.<sup>162</sup> Since the LRA does not have any major source of illicit financing due to international scrutiny, they must resort to raiding villages to replenish their supplies and recruit personnel.<sup>163</sup> As most small villages are defenseless, the LRA frequently resorts to banditry to obtain provisions and supplies; in these cases only a few fighters are necessary to intimidate the local populations.<sup>164</sup> With the lack of comprehensive security outside of major cities, unofficial safe havens for LRA forces have sprung up all over the region, making it difficult to track down the remnants of the LRA forces.<sup>165</sup>

In terms of negotiations and potential resolutions, there has been almost no progress for nearly a decade. The Juba Peace Talks in the summer of 2006 was considered the most concerted effort towards reconciliation through diplomacy and negotiation, although no conclusive agreement was reached.<sup>166</sup> The talks, supported by both the government of Uganda and the LRA, initially led to a ceasefire; however, Kony would not accept the final terms of the agreement, which would have led to the de-mobilization of LRA forces and allowed for Kony's prosecution by the ICC.<sup>167</sup> Kony demanded a deferral of the ICC arrest warrants and when that was denied; he refused to sign the final peace agreement and effectively ended the negotiations.<sup>168</sup> Talks have not been productive since, and there have been no attempts towards reconciliation that have led to any substantial peace.<sup>169</sup>

### ***United Nations Involvement***

The Security Council has been monitoring this conflict since its outbreak in 1987, and has adopted many documents addressing the conflict.<sup>170</sup> Most of the documents have been press and presidential statements condemning the actions of the LRA, emphasizing the ICC's indictment of LRA leadership, and requesting the Secretary-General to keep the Council informed regarding developments on the ground.<sup>171</sup> The Council has also adopted resolutions on the matter, specifically regarding the role of the United Nations Organization Stabilization Mission in the

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<sup>158</sup> US Department of State, *The Lord's Resistance Army*, 2012, <http://www.state.gov/r/pa/prs/ps/2012/03/186734.htm>

<sup>159</sup> United Nations Security Council, *Implementation plan for the United Nations regional strategy to address the threat and impact of the activities of the Lord's Resistance Army (S/2013/240)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_240.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_240.pdf)

<sup>160</sup> United Nations Department of Political Affairs, *UN & Partners Build Momentum in the Fight Against the LRA*, 2013, [http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612\\_ira](http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612_ira)

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

<sup>162</sup> Institute for the Study of Violent Groups, *Lord's Resistance*, 2014, [http://vkb.isvg.org/index.php?title=Wiki/Groups/Lord%E2%80%99s\\_Resistance\\_Army](http://vkb.isvg.org/index.php?title=Wiki/Groups/Lord%E2%80%99s_Resistance_Army)

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

<sup>164</sup> United Nations Security Council, *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas (S/2013/297)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_297.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_297.pdf)

<sup>165</sup> United Nations Security Council, *Implementation plan for the United Nations regional strategy to address the threat and impact of the activities of the Lord's Resistance Army (S/2013/240)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_240.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_240.pdf)

<sup>166</sup> United Nations Department of Public Information, *United Nations Juba Initiative*, 2006, <http://www.un.org/News/Press/docs/2006/afr1439.doc.htm>

<sup>167</sup> *Ibid.*

<sup>168</sup> Security Council Report, *Chronology of Events – LRA-Affected Areas*, 2013, <http://www.securitycouncilreport.org/chronology/lra-affected-areas.php?page=all&print=true>

<sup>169</sup> *Ibid.*

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

<sup>171</sup> *Ibid.*

Democratic Republic of Congo (MONUSCO) in Resolution 1991 (2011) to assist those in the DRC resisting the LRA.<sup>172</sup>

In a 2012 presidential statement, the Security Council endorsed the development of a UN Regional Strategy, including collaboration between the UN and AU to address the LRA threat.<sup>173</sup> The Council gave its support for the AU-led Regional Cooperation Initiative against the LRA, which was set to launch that March.<sup>174</sup> The Council issued a press statement (SC/10993) expressing serious concern regarding the worsening humanitarian situation in LRA-affected areas, and the pause in anti-LRA military operations.<sup>175</sup> The Council was briefed in May and November of 2013 by Abou Moussa, the head of the United Nations Regional Office for Central Africa (UNOCA), regarding the implementation of the Regional Strategy and issued presidential statements after both briefings condemning LRA actions and requesting to be informed by UNOCA.<sup>176</sup> The Council has since discussed the issue, but taken no further action.<sup>177</sup>

The Council's greatest success towards resolving the issues in LRA-affected areas is contributing to the creation of UNOCA and uniting the international community against the LRA.<sup>178</sup> In order to craft a comprehensive plan to address the challenges facing the LRA-affected areas, the African Union and UNOCA have carried out joint-assessment visits to LRA-affected areas, and developed the African Union's Regional Integrated Task Force and Regional Strategy against the LRA.<sup>179</sup> UNOCA has taken the lead in tackling the situation, with fifteen UN agencies involved in the "Integrated Task Force on the LRA."<sup>180</sup> The Secretary-General's report on UNOCA of 11 June 2012 devotes a large section to the LRA and updated the Council on the launching of the AU Integrated Task Force.<sup>181</sup> On 29 June 2012, the Security Council adopted a Presidential Statement welcoming the AU Regional Strategy to address the threat and impact of activities of the LRA.<sup>182</sup>

The Regional Strategy outlined five main areas where the LRA could be combated. First and foremost, implementations of the AU Peace and Regional Cooperation Initiative (RCI) for the Elimination of the LRA must be fully operational and implemented.<sup>183</sup> The RCI is an agreement by the four affected countries to pledge 5,000 troops each to form the Regional Task Force (RTF), with the mandate to hunt down the LRA and its leaders.<sup>184</sup> Efforts to promote the protection of civilians are to be emphasized, and coordinated humanitarian aid and child-protection services provided, to all LRA-affected areas.<sup>185</sup> Any current disarmament, demobilization, repatriation, resettlement and reintegration activities must be expanded to cover all LRA-affected areas, not just Uganda.<sup>186</sup> Finally, the

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<sup>172</sup> United Nations Security Council, *Resolution 1991 (S/RES/1991)*, 2011, <http://goo.gl/LThsII>

<sup>173</sup> United Nations Security Council, *Statement by the President of the Security Council (S/PRST/2012/18)*, 2012, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PRST/2012/18](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2012/18)

<sup>174</sup> *Ibid.*

<sup>175</sup> United Nations Security Council, *Security Council Press Statement on Central African Republic (SC/10993)*, 2013, <http://www.un.org/News/Press/docs/2013/sc10993.doc.htm>

<sup>176</sup> United Nations Security Council Report, *Chronology of Events – LRA-Affected Areas*, 2013, <http://www.securitycouncilreport.org/chronology/lra-affected-areas.php?page=all&print=true>

<sup>177</sup> *Ibid.*

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<sup>179</sup> United Nations Department of Political Affairs, *UN & Partners Build Momentum in the Fight Against the LRA*, 2013, [http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612\\_lra](http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612_lra)

<sup>180</sup> United Nations Security Council, *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_297.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_297.pdf)

<sup>181</sup> What's In Blue?, *Briefing on UNOCA and the LRA*, 2012, <http://www.whatsinblue.org/2012/06/briefing-on-unoca-and-the-lra.php>

<sup>182</sup> United Nations Security Council, *Statement by the President of the Security Council (S/PRST/2012/18)*, 2012, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/PRST/2012/18](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2012/18)

<sup>183</sup> United Nations Security Council, *Implementation plan for the United Nations regional strategy to address the threat and impact of the activities of the Lord's Resistance Army (S/2013/240)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_240.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_240.pdf)

<sup>184</sup> United Nations Department of Political Affairs, *United Nations & Partners Build Momentum in the Fight Against the LRA*, 2013, [http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612\\_lra](http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612_lra)

<sup>185</sup> United Nations Security Council, *Implementation plan for the United Nations regional strategy to address the threat and impact of the activities of the Lord's Resistance Army (S/2013/240)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_240.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_240.pdf)

<sup>186</sup> *Ibid.*



strategy emphasizes that peace building, human rights, rule of law, and long-term development support is to be provided to LRA-affected governments to enable them to establish authority over all of their territories.<sup>187</sup>

From a security standpoint, the success of the UN has been limited. While the LRA's numbers have decreased from thousands to around five hundred, Joseph Kony roams free.<sup>188</sup> As Kony is leader of the LRA, and as long as he holds ultimate authority, the influence he wields over his forces acts to help keep the group together.<sup>189</sup> From a humanitarian perspective, UN involvement in LRA-affected areas has been a success, with the funding and administrative support that UN agencies like the United Nations Children's Fund (UNICEF) provides.<sup>190</sup> To assist displaced persons, a number of United Nations humanitarian agencies, such as UNICEF and the World Food Programme, have been assisting them by providing security arrangements, food aid, and psychological rehabilitation for those affected by the conflict.<sup>191</sup>

Crucially, the UN has played the role of coordinator between local organizations and across borders, serving as facilitator for the effective response to humanitarian needs.<sup>192</sup> UNICEF plays a key role in coordinating the child protection wing of relief efforts, heading identification, interim care, vocational training and reintegration into society with organizations such as Gulu Support the Children Organization (GUSCO).<sup>193</sup> The United Nations High Commissioner for Refugees (UNHCR) is involved in South Sudan, Uganda and the DRC by facilitating interim care of defecting LRA fighters, family tracing of children rescued, and provides assistance to survivors of sexual violence.<sup>194</sup> It coordinates closely with the government Ministry of Social Development, the Regional Task Force, and UN agencies like UNICEF.<sup>195</sup> The World Food Programme offers small-holder farmers and traders a structured demand for surplus food through its Purchase for Progress Initiative, helping develop the agricultural sectors on high potential, low yield areas.<sup>196</sup>

### **Key Issues**

LRA-affected areas have been left severely damaged by the 20-year conflict. It is estimated that total casualties in the conflict, including primarily civilians, has surpassed 100,000.<sup>197</sup> In the two decades of conflict, it is estimated that over 2.5 million civilians have been displaced, with the great majority in Uganda.<sup>198</sup> In South Sudan, the CAR and the DRC, more than 420,000 have been displaced from their homes, with over 390,000 internally displaced persons (IDP).<sup>199</sup> A vast majority of these displaced persons are in the Bas-Uélé and Haut-Uélé districts of the Orientale Province in the Democratic Republic of Congo.<sup>200</sup> There are over 29,000 refugees, most located in South Sudan.<sup>201</sup> Children have been especially affected. In 2004, over 44,000 children left their villages each night and

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

<sup>188</sup> United Nations Department of Political Affairs, *UN & Partners Build Momentum in the Fight Against the LRA*, 2013, [http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612\\_ira](http://www.un.org/wcm/content/site/undpa/main/enewsletter/news0612_ira)

<sup>189</sup> Institute for the Study of Violent Groups, *Lord's Resistance*, 2014, [http://vkb.isvg.org/index.php?title=Wiki/Groups/Lord%E2%80%99s\\_Resistance\\_Army](http://vkb.isvg.org/index.php?title=Wiki/Groups/Lord%E2%80%99s_Resistance_Army)

<sup>55</sup> United Nations Security Council, *Implementation plan for the United Nations regional strategy to address the threat and impact of the activities of the Lord's Resistance Army (S/2013/240)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_240.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_240.pdf)

<sup>191</sup> United Nations Security Council, *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas (S/2013/297)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_297.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_297.pdf)

<sup>192</sup> *Ibid.*

<sup>193</sup> *Ibid.*, pg 15-19

<sup>194</sup> *Ibid.*, pg 15-19

<sup>195</sup> *Ibid.*, pg 15-19

<sup>196</sup> *Ibid.*, pg 15-19

<sup>197</sup> Security Council, *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas (S/2013/297)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_297.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_297.pdf)

<sup>198</sup> *Ibid.*

<sup>199</sup> United Nations Security Council, *Implementation plan for the United Nations regional strategy to address the threat and impact of the activities of the Lord's Resistance Army (S/2013/240)*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_240.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_240.pdf)

<sup>200</sup> United Nations Security Council, *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_297.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_297.pdf)

<sup>201</sup> *Ibid.*

moved from town to town in order to avoid being kidnapped by the LRA.<sup>202</sup> Girls as young as twelve have suffered sexual abuse at the hands of LRA rebel commanders, including such punishments as body mutilation.<sup>203</sup> Children as young as seven years old have been forced to serve as child soldiers and kill civilians, including members of their own families.<sup>204</sup> It is estimated that from 60,000 to 100,000 children have been abducted by the rebel group.<sup>205</sup>

Gulu Support the Children Organization, called GUSCO, is a Ugandan organization that keeps track of escaped or returning abductees and has had over 20,000 pass through reception centers in their network since 1994.<sup>206</sup> Additionally, GUSCO provides psychological and social support, with the stated mission of rehabilitating children impacted by the war.<sup>207</sup> In order to facilitate an end to hostilities, the Ugandan government has sponsored an amnesty program since 2000, where former LRA fighters are granted amnesty in return for renouncing the LRA. More than 12,906 fighters with the LRA have been granted amnesty with this program.<sup>208</sup>

The conflict has continued to hamper Uganda's economic development, costing the country at least USD 1.7 billion as of 2006.<sup>209</sup> The annual cost of the war is close to Uganda's total income from coffee exports, and if redirected, could provide clean drinking water to 3.5 million people a year.<sup>210</sup> The LRA left Uganda in 2006, and has remained active in South Sudan, the DRC and CAR.<sup>211</sup> Uganda is now enjoying an era of relative peace and is peacefully developing. One example of both the increased levels of development and security is the increase in annual tourists in Uganda, by 500,000 from 2006 to 2010.<sup>212</sup>

### **Conclusion**

The international community has gained significant momentum in pushing for the disarmament of LRA fighters as well as helping rehabilitate the areas affected by LRA abuses. Much work, however, remains to be done. Joseph Kony is still at large, and Uganda, South Sudan, the DRC and the CAR have many issues independent of the LRA that are only being exacerbated by its presence and activities.

Looking to the future, it is unclear what exactly the direction will be of the AU Mission. UNOCA's mandate expired on 28 February 2014 with no clear follow-up process. The international community has been continuing its efforts without any significant operational changes, but there has been no official decision as to how the mission to support LRA communities has been affected. It could be that now is the time for an updated framework based on the principles of its predecessors to address the evolving situation on the ground, which addresses the expiring mandate and how the international community can best address the issues plaguing LRA-affected areas.

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<sup>202</sup> Ballamy, *Uganda's Night Walkers*, 2004, [http://www.unicef.org/media/media\\_22368.html](http://www.unicef.org/media/media_22368.html)

<sup>203</sup> Pham, Vinck, and Stover, *Abducted – The Lord's Resistance Army*, 2007, <http://hhi.harvard.edu/sites/default/files/publications/publications%20-%20evaluation%20-%20abducted.pdf>

<sup>204</sup> Oxfam, *Counting the Cost – Twenty Years of War in Northern Uganda*, 2006, <http://www.oxfam.org/sites/www.oxfam.org/files/uganda.pdf>

<sup>205</sup> United Nations Security Council, *Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas*, 2013, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2013\\_297.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_297.pdf)

<sup>206</sup> Pham, Vinck, and Stover, *Abducted – The Lord's Resistance Army*, 2007, <http://hhi.harvard.edu/sites/default/files/publications/publications%20-%20evaluation%20-%20abducted.pdf>

<sup>207</sup> *Ibid.*

<sup>208</sup> Human Rights Watch, *Q&A on Joseph Kony and the Lord's Resistance Army*, 2012, <http://www.hrw.org/news/2012/03/21/qa-joseph-kony-and-lords-resistance-army>

<sup>209</sup> *Ibid.*

<sup>210</sup> Oxfam, *Counting the Cost – Twenty Years of War in Northern Uganda*, 2006, <http://www.oxfam.org/sites/www.oxfam.org/files/uganda.pdf>

<sup>211</sup> Freya McCormick, *Donations or Development: The Implications of Kony 2012* (2012)

<sup>212</sup> *Ibid.*

### **III. Strengthening International Law: Rule of law and maintenance of international peace and security**

*“The rule of law is at the heart of our work at the United Nations. It is intrinsically linked to peace and security. When public institutions fail to deliver justice or protect the people’s rights, insecurity and conflict prevail. At the national level, reconciliation and enduring peace require strong rule of law through responsive and inclusive institutions.”*  
- UN Secretary-General Ban Ki-moon<sup>213</sup>

#### **Introduction**

Promoting and strengthening the rule of law (RoL), a notion embedded in the preamble of the Charter of the United Nations, is fundamental to the mission of the United Nations (UN).<sup>214</sup> Within the context of international relations, former United Nations Secretary-General Kofi Annan defined rule of law (RoL) as: “a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.”<sup>215</sup> RoL, on the national or international level, is generally understood to be a hallmark of peace and security, as adherence to the law helps prevent the outbreak of widespread violence.<sup>216</sup> The successful implementation of RoL faces several challenges, especially within conflict and post-conflict societies including a lack of political will for reform, lack of independence within the judicial branch, weak or corrupt governments, and poor human rights frameworks.<sup>217</sup>

RoL was first introduced into the United Nations Security Council (UNSC) repertoire of practice in 2003 under the agenda item “Justice and the rule of law: the United Nations role.”<sup>218</sup> In 2004, the UNSC added to its repertoire an agenda item entitled “Strengthening international law: rule of law and maintenance of international peace and security.”<sup>219</sup> In a UNSC debate in June 2010, the council noted expanding the focus on the restoration of RoL from war-torn societies to the maintenance of the RoL on the international level.<sup>220</sup> The UNSC has taken on a responsibility for RoL by including it in reports, incorporating it into peacekeeping missions, as well as adopting resolutions dedicated to strengthening RoL, especially in conflict and post-conflict zones.<sup>221</sup>

#### **International Framework**

The international framework outlines the importance of RoL in maintaining international peace and security as well as the responsibilities that the United Nations (UN) has towards it. International legal documents emphasize the importance of RoL within societies, while noting the susceptibilities of states with weak RoL infrastructures. Weak RoL institutions reduce accountability for governance and policy actors, and lead to heightened instances of crime and weak security infrastructures.

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<sup>213</sup> United Nations Radio, *Rule of Law “at heart” of UN’s work: Ban Ki-moon*, 2014, <http://www.unmultimedia.org/radio/english/2014/02/rule-of-law-at-heart-of-uns-work-ban-ki-moon/#.U9jwqYBdVqo>

<sup>214</sup> United Nations, *Charter of the United Nations*, 1945, <http://www.un.org/en/documents/charter/>

<sup>215</sup> Federal Ministry for European and International Affairs, *The UN Security Council and the Rule of Law*, 2008, p.13, <http://www.geneva-academy.ch/RULAC/pdf/FINAL-Report-The-UN-Security-Council-and-the-Rule-of-Law.pdf>

<sup>216</sup> United Nations Rule of Law, *What is the rule of law?* n.d., [http://www.unrol.org/article.aspx?article\\_id=3](http://www.unrol.org/article.aspx?article_id=3)

<sup>217</sup> United Nations Security Council, *The rule of law and transitional justice in conflict and post-conflict societies (S/2004/616)*, 2004, p. 3.

<sup>218</sup> *Ibid.*

<sup>219</sup> *Ibid.*

<sup>220</sup> United Nations Department of Political Affairs, Repertoire of the Practice of the Security Council, *The promotion and strengthening of the rule of law in the maintenance of international peace and security*, 2011, p. 2.

<sup>221</sup> United Nations Security Council, *The rule of law and transitional justice in conflict and post-conflict societies (S/2011/634)*, 2011, p. 3.

### *Charter of the United Nations*

The Preamble and First Chapter of the Charter of the United Nations emphasize clearly the UN's responsibility to maintain international peace and security.<sup>222</sup> The UN's work on establishing RoL stems from this core responsibility, and from the peace and security principles embedded within the Charter.<sup>223</sup> Over the last six decades, the UN has engaged with RoL activities through a variety of actions, from the establishment of international norms and treaties, to the creation and enforcement of judicial standards both within states and internationally, including the International Court of Justice, and through operational and local support, including peace-building and peace-making activities at the national level.<sup>224</sup> Moreover, these activities take place across the UN: the UN Secretary-General's 2008 inventory on the RoL noted that over 40 UN bodies participate in RoL activities.<sup>225</sup>

Although the Charter does not explicitly mention the importance of RoL in maintaining international peace and security, the connection is made later on in the Declaration of Principles of International Law Concerning Friendly Relations Among States, adopted as UN General Assembly (GA) resolution 2625 in 1970.<sup>226</sup> The Declaration has five principles that states agree to follow in conjunction with the Charter as basic principles of international law: refraining from use of force against the "territorial integrity of political independence of any State, settlement of disputes by peaceful means, the duty of states to cooperate with one another, equal rights and self-determination of peoples, and sovereign equality of all States."<sup>227</sup> The Preamble makes note of the importance of RoL, stating that "the faithful observance of the principles of international law concerning friendly relation among States and the fulfillment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations."<sup>228</sup>

### *International Bill of Human Rights*

The Universal Declaration of Human Rights (UDHR) was adopted by the General Assembly on 10 December 1948 as part of the international bill of human rights, and is considered one of the most important documents in human rights history.<sup>229</sup> The UDHR makes clear the inalienable rights of the individual and declares all individuals have the right to expression, nationality, and belief without discrimination, as well as the right to employment, education, social security, and leisure time.<sup>230</sup> In the Preamble, the UDHR states, "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."<sup>231</sup> More simply, states with weak instances of RoL structures, cannot guarantee many basic human rights because of a lack of a governing mechanism to observe and enforce those rights.<sup>232</sup> RoL helps to secure rights through recourse mechanisms for citizens such as an effective tribunal for acts violating the human rights granted by law.<sup>233</sup> Further, the UDHR also declares rights as related to justice, including that no one shall be subject to arbitrary arrest, entitlement to a public hearing by an impartial tribunal in the penal system, and the right to be considered innocent until proven guilty.<sup>234</sup> When these rights are not present, fundamental freedoms become the subject of systematic erosion.

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<sup>222</sup> United Nations, *Charter of the United Nations*, 1945, <http://www.un.org/en/documents/charter/>

<sup>223</sup> United Nations, *Charter of the United Nations*, 1945, <http://www.un.org/en/documents/charter/>

<sup>224</sup> United Nations Rule of Law, *UN Engagement*, n.d., [http://www.unrol.org/article.aspx?article\\_id=4](http://www.unrol.org/article.aspx?article_id=4)

<sup>225</sup> *Ibid.*

<sup>226</sup> United Nations General Assembly, *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (A/2625)*, 1970, p. 1, <http://www.un-documents.net/a25r2625.htm>

<sup>227</sup> *Ibid.* p. 2.

<sup>228</sup> *Ibid.* p. 3.

<sup>229</sup> United Nations, *The Universal Declaration of Human Rights*, 1948, <http://www.un.org/en/documents/udhr/>

<sup>230</sup> *Ibid.*

<sup>231</sup> *Ibid.*

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> *Ibid.*

The International Covenant on Civil and Political Rights (ICCPR) was adopted on 16 December 1966 by the GA as part of the international bill of human rights and to expand on many of the rights outlined in the UDHR.<sup>235</sup> Article 2 of the ICCPR holds States party to the Covenant accountable for upholding it without discrimination and using legislation to give effect to the rights, and requires a competent judiciary to serve as an effective remedy to violations of the legislation.<sup>236</sup> The document details features of an effective criminal law system, specifically in giving rights to the accused.<sup>237</sup> ICCPR shows the strengths and benefits of a legalized system to promote human rights by encouraging legislation and a competent judiciary to enforce that legislation.<sup>238</sup>

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a sister document to the ICCPR, also adopted by the GA on 16 December 1966.<sup>239</sup> Although the topics of the ICESCR are not inherently relevant to RoL as in the ICCPR, its adoption emphasizes that the GA found international RoL to be vital to accomplishing its goals for economic, social and cultural rights.<sup>240</sup> For example, in Article 8, everyone is granted the right to form trade unions, but the rights of the trade unions are stipulated by restrictions prescribed by law.<sup>241</sup> Similarly, article 10 states that child labor should be punishable by law.<sup>242</sup> These two articles are examples of the legalized approach taken in the ICESCR (and ICCPR) in order to promote human rights.

### *International Criminal Court*

International courts of criminal law, often called hybrid courts, form an important part of the international legal system.<sup>243</sup> Established by the Rome Statute, the International Criminal Court (ICC), which prosecutes individuals for crimes against humanity, genocide, and other war crimes, is one of the few mechanisms that strengthens the implementation of international law.<sup>244</sup> The ICC has a unique jurisdiction; a national from a state not party to the Rome Statute can still be held for trial if he or she travels to the territory of a country that is party to the Rome Statute.<sup>245</sup> The Security Council may also refer a situation to the ICC, who will then evaluate it and issue indictments; in cases of UNSC referrals, the nationality or location of the accused is irrelevant.<sup>246</sup> The ICC will also not try cases that are given due process on the national level, as the ICC is the court of last resort.<sup>247</sup>

The Prosecutor starts an investigation when a case is referred to him or her by the Security Council or any state party, or can initiate a case based on communication from any party or organization.<sup>248</sup> As of June 2014, 21 cases and 8 situations have been brought before the court. Uganda, Democratic Republic of Congo, Mali and the Central African Republic have all brought situations within their territories to the court because their domestic legal systems failed to execute appropriate trials.<sup>249</sup> The Security Council has referred situations in Darfur and Libya to the court.<sup>250</sup> Investigations have been opened *proprio motu* for

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<sup>235</sup> Office of the High Commissioner for Human Rights, *International Covenant on Civil and Political Rights*, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>236</sup> Office of the High Commissioner for Human Rights, *International Covenant on Civil and Political Rights*, 1966, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>237</sup> *Ibid.*

<sup>238</sup> *Ibid.*

<sup>239</sup> Office of the High Commissioner for Human Rights, *International Covenant on Economic, Social and Cultural Rights*, 1966, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>

<sup>240</sup> *Ibid.*

<sup>241</sup> *Ibid.*

<sup>242</sup> *Ibid.*

<sup>243</sup> Project on International Courts and Tribunals, *Hybrid Courts*, n.d., <http://www.pict-pcti.org/courts/hybrid.html>

<sup>244</sup> International Criminal Court, *Frequently Asked Questions*, n.d., [http://www.icc-cpi.int/en\\_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/faq/Pages/faq.aspx](http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/faq/Pages/faq.aspx)

<sup>245</sup> *Ibid.*

<sup>246</sup> *Ibid.*

<sup>247</sup> *Ibid.*

<sup>248</sup> *Ibid.*

<sup>249</sup> International Criminal Court, *Situations and Cases*, n.d., [http://www.icc-cpi.int/en\\_menus/icc/situations%20and%20cases/pages/situations%20and%20cases.aspx](http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/pages/situations%20and%20cases.aspx)

<sup>250</sup> *Ibid.*

the situations in Kenya and Cote d'Ivoire, such that the Prosecutor has asked to start the investigation based on information received regarding those situations.<sup>251</sup>

## *UN System Involvement*

### *Security Council*

The Security Council was created and bound by international law and seeks to uphold a respect for an international legal system to protect the rights of civilians and prosecute those responsible for armed conflict.<sup>252</sup> The UNSC began discussing RoL as a thematic topic in 2003 and has played a crucial role in promoting RoL.<sup>253</sup> The Council's presidential statement on "Justice and the Rule of Law: the United Nations Role" (S/PRST/2003/15) called for all members of the UN with relevant experience and expertise to contribute to discussion in the UN's role in establishing RoL, giving special welcome to a report by the Secretary-General.<sup>254</sup> In the following 2004 "Report of the Secretary-General on rule of law and transitional justice in conflict and post-conflict societies," national justice reform is considered the key to establishing RoL in post-conflict societies, and the UN is responsible for supporting states in their reform of domestic justice mechanisms.<sup>255</sup> The report also addresses the successes and weaknesses of ad hoc tribunals as well as truth commissions, which are fact-finding bodies that look for violations of human rights and humanitarian law over time and produce recommendations.<sup>256</sup>

A 2011 Secretary-General report to the SC on the same topic reviewed the efforts made by the UN system since 2004.<sup>257</sup> The report emphasized the need for domestic political will and mainstreaming rule of law in the activities of the SC.<sup>258</sup> The report also touched on accountability, specifically how to ensure that states are committed to upholding judicial processes and international standards of human rights and humanitarian law, especially those relating to gender equality.<sup>259</sup> The SC's open debate that followed acknowledged, on the part of the international community, the importance of rule of law to peacebuilding and development.<sup>260</sup> Many of the representatives also pointed to the International Court of Justice as a successful way of administering international law while also emphasizing the importance of strengthening domestic justice mechanisms.<sup>261</sup>

The most recent report, released in 2013, attempted to measure the efficacy of SC national capacity building efforts to strengthen RoL; the conclusion of the report was that no effective measurement system exists to take stock of the existing programs.<sup>262</sup> The report also outlined reforms in the institutions promoting rule of law as well as the methods through which the UN is promoting RoL.<sup>263</sup>

Rule of law has also been included in discussions of other thematic topics in the SC, most commonly Civilians in Armed Conflict; and Women and Peace and Security.<sup>264</sup> Security Council resolution 1674 on

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<sup>251</sup> *Ibid.*

<sup>252</sup> United Nations Security Council, *Statement by the President of the Security Council (S/PRST/2010/11)*, 2010, p. 1.

<sup>253</sup> United Nations Security Council, *The rule of law and transitional justice in conflict and post-conflict societies (S/2011/634)*, 2011, p. 3, [http://www.unrol.org/files/S\\_2011\\_634EN.pdf](http://www.unrol.org/files/S_2011_634EN.pdf)

<sup>254</sup> United Nations Security Council, *Statement by the President of the Security Council (S/PRST/2003/15)*, 2003, p. 2, <http://www.unrol.org/files/IJ%20SPRST200315.pdf>

<sup>255</sup> United Nations Security Council, *The rule of law and transitional justice in conflict and post-conflict societies (S/2004/616)*, 2004, p. 7, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2004/616](http://www.un.org/ga/search/view_doc.asp?symbol=S/2004/616)

<sup>256</sup> *Ibid.* p. 13.

<sup>257</sup> *Ibid.* p. 1.

<sup>258</sup> *Ibid.* p. 18.

<sup>259</sup> *Ibid.* p. 18.

<sup>260</sup> United Nations Security Council, *The promotion and strengthening of the rule of law in the maintenance of international peace and security (S/PV.6705)*, 2012, p. 4, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/PV.6705](http://www.un.org/ga/search/view_doc.asp?symbol=S/PV.6705)

<sup>261</sup> *Ibid.*

<sup>262</sup> United Nations Security Council, *Measuring the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations (S/2013/341)*, 2013, p. 1, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2013/341](http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/341)

<sup>263</sup> *Ibid.*

<sup>264</sup> Security Council Report, *Update Report No. 3: Strengthening International Law*, 2006, <http://www.securitycouncilreport.org/update-report/lookup-c-glKWLeMTIsG-b-1790887.php>

Civilians in Armed Conflict, adopted 28 April 2006, brings compliance with international law into focus.<sup>265</sup> In the document, the SC “*Demands* that all parties concerned comply strictly with the obligations applicable to them under international law,” asks that the parties responsible for crimes against humanity be prosecuted, and brings attention to the many international mechanisms that already exist to bring war criminals to justice.<sup>266</sup> SC resolutions 1888 (2009) and 1889 (2009) both bring attention to abiding by international law protecting women and children and to prosecuting those who are responsible for violence against women and children in armed conflict.<sup>267</sup> Security Council resolutions, which are legally binding, are used as a way to strengthen international law by emphasizing the importance of those existing documents and recommending prosecution for those who commit crimes against humanity.<sup>268</sup>

In addition to its inclusion in resolutions on thematic topics, RoL has also emerged in resolutions on situational topics, especially those calling for peacekeeping operations and political missions.<sup>269</sup> One of the primary examples of this inclusion is the UN Mission in Liberia (UNMIL). After a breakdown in the governing structure in Liberia, the SC adopted resolution 1509 on 19 September 2003.<sup>270</sup> This resolution established UNMIL and urged Liberia to re-build a government with human rights and a strong judiciary as priorities.<sup>271</sup> Pursuant to this part of its mandate, UNMIL established the Human Rights and Protection Section (HRPS) to monitor human rights during peacekeeping operation and the Legal and Judicial System Support Division (LJSSD) to assist in strengthening Liberia’s judicial system through reforms and education.<sup>272</sup> UNMIL is just one example of this new trend in peacekeeping operations as well as political missions including the UN Organization Stabilization Mission in Democratic Republic of Congo (MONUSCO), the UN Mission in Cote D’Ivoire (MINUCI), the UN Assistance Mission in Afghanistan (UNAMA) and the UN Support Mission in Libya (UNSMIL).<sup>273</sup> However, these missions have had varying degrees of success in realizing the part of their mandates that emphasize adherence to international law and prosecution of those who violate basic human rights.<sup>274</sup>

The UNSC has largely embraced incorporating rule of law into its documentation. All major peacekeeping operations since 1999 have included provisions to strengthen rule of law and the Peacebuilding Commission, which is a political body that answers to all three major organs of the UN and incorporates rule of law as a part of all of its agenda items.<sup>275</sup> Several thematic topics include phrasing encouraging adherence to international law, especially in regards to human rights and topics relating to specific regions tend to include strengthening political institutions, including a judiciary.<sup>276</sup> The progress has been very encouraging, but needs to continue with similar or greater pace in order to be effective

#### *Department of Peacekeeping Operations*

The Department of Peacekeeping Operations (DPKO) has also made an effort on a wider level to promote rule of law in the regions it supports.<sup>277</sup> In 2007, the DPKO created the Office of Rule of Law and Security Institutions (OROLSI) to bring together the Police Division, the Criminal Law and Judicial Advisory Service, the UN Mine Action Service, the Disarmament, Demobilization and Reintegration Section and the Security Sector Reform Unit.<sup>278</sup> OROLSI supports the policing and judicial and corrections components in

<sup>265</sup> United Nations Security Council, *Resolution 1674 (S/RES/1674)*, 2006, <http://unscr.com/en/resolutions/doc/1674>

<sup>266</sup> *Ibid.*

<sup>267</sup> *Ibid.*

<sup>268</sup> United Nations Security Council, *The rule of law and transitional justice in conflict and post-conflict societies (S/2004/616)*, 2004, p. 6.

<sup>269</sup> Security Council Report. *Cross-Cutting Report on Rule of Law*, 2011, p. 19, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/XCutting%20Rule%20of%20Law%202011.pdf>

<sup>270</sup> *Ibid.*

<sup>271</sup> *Ibid.*

<sup>272</sup> *Ibid.* p. 20.

<sup>273</sup> *Ibid.*

<sup>274</sup> *Ibid.* p. 24.

<sup>275</sup> United Nations Peacekeeping, *Rule of Law*, n.d., <http://www.un.org/en/peacekeeping/issues/ruleoflaw.shtml>

<sup>276</sup> *Ibid.*

<sup>277</sup> United Nations Police Division, *Office of Rule of Law and Security Institutions*, 2011, <http://www.un.org/en/peacekeeping/sites/police/orolsi.shtml>

<sup>278</sup> *Ibid.*

peacekeeping operations.<sup>279</sup> OROLSI, along with the Geneva Centre for Democratic Control of Armed Forces (DCAF) hosted an Expert Workshop on 12 March 2012 on ‘Measuring the Impact of Peacekeeping Missions on Rule of Law and Security Institutions’ in an effort to determine how best to evaluate the impact that peacekeeping operations make, in regards to rule of law.<sup>280</sup> The outcome report of the conference noted that OROLSI indicators lacked in clarity for impact assessments of peacekeeping operations; specifically noting that indicators needed to either measure trends in a host country, or be revised to support efforts on the impact of RoL and security-related peacekeeping initiatives.<sup>281</sup> The experts found that indicators were no substitute for robust methodologies of measuring impact. Peacekeeping operations are very involved in strengthening rule of law and security institutions, but it is unclear how well they are able to measure their success.

### *International Tribunals*

Along with the ICC, the International Criminal Tribunals for Rwanda and the former Yugoslavia (ICTR and ICTY, respectively) are hybrid courts that try individuals for their violations of human rights and humanitarian law.<sup>282</sup> The tribunals, which were created in an ad hoc capacity by the SC, have very specific jurisdiction based on the location and time of the conflicts that they relate to, and were created with the intent to carry out the criminal proceedings that the transitional governments would be unable to handle.<sup>283</sup> On 22 September 2010, the SC adopted resolution 1966 to establish the International Residual Mechanism for Criminal Tribunals (MICT) in response to the waning responsibilities of the two tribunals, since most of their work has been completed.<sup>284</sup> The MICT consolidates the activities of the ICTR and ICTY into one small, efficient body with two branches, and carries out the last of the work initiated by the two tribunals.<sup>285</sup>

### *United Nations Development Programme*

The United Nations Development Programme (UNDP) has taken many steps to strengthen rule of law and provide access to justice for marginalized groups.<sup>286</sup> UNDP currently operates in 100 developing countries to strengthen RoL, 37 of which are in crisis situations.<sup>287</sup> On a broader scope, UNDP develops programs of action for developing countries to assist in drafting stronger legislation in order to build stronger judicial mechanisms.<sup>288</sup> UNDP also monitors and evaluates judicial capacities and works to improve legal protection, awareness and enforcement while encouraging oversight by civil society and governments.<sup>289</sup> Finally, they respond to immediate justice needs in times of crisis in order to prevent or mitigate violent conflict.<sup>290</sup>

In January 2013, the UNDP produced a report entitled, “Rule of Law and Development: Integrating Rule of Law in the Post-2015 Development Framework,” which defines rule of law and its relationship to the Millennium Development Goals.<sup>291</sup> Additionally it outlines the reasons why RoL is important in development policy: to enable economic growth; to promote equity, inclusion and social justice; to prevent and mitigate violent conflict; to strengthen accountability and checks on power; and to support sustainable

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<sup>279</sup> Office of Rule of Law and Security Institutions, *Measuring the Impact of Peacekeeping Missions on Rule of Law and Security Institution*, 2012, p. 4.

[http://www.dcaf.ch/content/download/78908/1209707/file/Workshop\\_Report\\_on\\_Measuring\\_Impact\\_10.05.12\\_2.pdf](http://www.dcaf.ch/content/download/78908/1209707/file/Workshop_Report_on_Measuring_Impact_10.05.12_2.pdf)

<sup>280</sup> *Ibid.*

<sup>281</sup> *Ibid.*

<sup>282</sup> Project on International Courts and Tribunals, *Hybrid Courts*, n.d., <http://www.pict-pcti.org/courts/hybrid.html>

<sup>283</sup> *Ibid.*

<sup>284</sup> United Nations Security Council, *Letter dated 16 May 2014 from the President of the International Residual Mechanism for Criminal Tribunals addressed to the President of the Security Council (S/2014/350)*, 2014, p. 2.,

[http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2014\\_350.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_350.pdf)

<sup>285</sup> *Ibid.*

<sup>286</sup> United Nations Development Programme, *Access to Justice and Rule of Law*, 2014,

[http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus\\_areas/focus\\_justice\\_law.html](http://www.undp.org/content/undp/en/home/ourwork/democraticgovernance/focus_areas/focus_justice_law.html)

<sup>287</sup> *Ibid.*

<sup>288</sup> *Ibid.*

<sup>289</sup> *Ibid.*

<sup>290</sup> United Nations Development Programme, *UNDP Results: Rule of Law*, 2012, p. 1,

[http://www.undp.org/content/dam/undp/library/corporate/results/english/Results-RuleOfLaw\\_9-25-12\\_E.pdf](http://www.undp.org/content/dam/undp/library/corporate/results/english/Results-RuleOfLaw_9-25-12_E.pdf)

<sup>291</sup> United Nations Development Programme, *Rule of Law and Development*, 2013, p. 1. <http://goo.gl/OQsryJ>



environment and natural resource management.<sup>292</sup> Lastly, the report gives three options for how rule of law could be integrated into the Post-2015 Development Framework: define a specific rule of law goal, adopt rule of law as a high-level “enabling goal,” or incorporate rule of law across all development goals.<sup>293</sup> This report makes it clear that rule of law is seen as an undeniable part of development, namely because it prevents violent conflict.<sup>294</sup>

#### *General Assembly*

The General Assembly (GA) initiated conversation on rule of law in 1992, but became much more active on the topic in 2006 in response to the 2005 World Summit Outcome document, which noted the importance of rule of law on the development and protection of human rights, stating: “We acknowledge that good governance and the rule of law at the national and international levels are essential for sustained economic growth, sustainable development, and the eradication of poverty and hunger.”<sup>295</sup> The GA has adopted at least one resolution a year since 2006 related to rule of law. For instance, resolution 61/39 responds to the World Summit Outcome Document and asks the Secretary-General to write a report taking stock of current activities related to rule of law as well as the views of various Member States on the issue.<sup>296</sup> Resolution 67/1 is the Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels.<sup>297</sup> In this resolution, Member States reaffirmed their commitment to abiding by existing international law, and recognized the importance of several aspects of rule of law and judicial access.<sup>298</sup> They also recognized the work done by UN organs and agencies in promoting rule of law and express how they would like the topic approached in the future, encouraging cooperation and comprehensiveness.<sup>299</sup> Resolution 68/213 relates to a Report of the Secretary-General to the GA on the current activities of the UN to promote rule of law nationally and internationally.<sup>300</sup>

#### *Rule of Law Coordination and Resource Group*

In September 2012, the Secretary-General reorganized the UN System approach to rule of law by creating a three-tier system so that operations would be divided into the field level, headquarters level, and the strategic level.<sup>301</sup> Field leaders were given more responsibilities; at the Headquarters level, DPKO and UNDP became the focal point of operations; and at the strategic level, the Secretary-General put the Rule of Law Coordination and Resource Group in charge of coordination.<sup>302</sup> The Group was created by the Secretary-General in 2007 and is supported by the Rule of Law Unit. It has as its members the principals of several UN organs and agencies with mandates related to rule of law.<sup>303</sup> The Group has developed broad policy and agreed on a Joint Strategic plan for 2009-2011.<sup>304</sup> The Group also developed Guidance Notes of the Secretary-General stating the UN approaches to Rule of Law Assistance, Justice for Children, and Constitution-making.<sup>305</sup>

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<sup>292</sup> *Ibid.* p. 3.

<sup>293</sup> *Ibid.* p. 8.

<sup>294</sup> *Ibid.*

<sup>295</sup> United Nations General Assembly, *2005 World Summit Outcome (A/RES/60/1)*, 2005, p. 2, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/60/1](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/60/1)

<sup>296</sup> United Nations Rule of Law, *UN Engagement*, n.d., [http://www.unrol.org/article.aspx?article\\_id=4](http://www.unrol.org/article.aspx?article_id=4)

<sup>297</sup> United Nations General Assembly, *Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (A/RES/67/1)*, 2012, p. 1, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/2625\(XXV\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2625(XXV))

<sup>298</sup> *Ibid.*

<sup>299</sup> *Ibid.*

<sup>300</sup> United Nations General Assembly, *Strengthening and coordinating United Nations rule of law activities (A/68/213)*, 2013, p. 1, [http://unrol.org/files/10471\\_SG%20Report%20-%20Rule%20of%20Law%20Activities%202013%20-%20A\\_68\\_213.pdf](http://unrol.org/files/10471_SG%20Report%20-%20Rule%20of%20Law%20Activities%202013%20-%20A_68_213.pdf).

<sup>301</sup> United Nations Rule of Law, *Rule of Law Coordination and Resource Group*, n.d., [http://www.unrol.org/article.aspx?article\\_id=6](http://www.unrol.org/article.aspx?article_id=6)

<sup>302</sup> *Ibid.*

<sup>303</sup> *Ibid.*

<sup>304</sup> United Nations, *United Nations and the Rule of Law*, n.d., <http://www.un.org/en/ruleoflaw/>

<sup>305</sup> *Ibid.*

## Key Issues

### *Accountability and International Crimes*

One of the more significant differences between national and international law is that international law largely lacks the inherent legitimacy of national law.<sup>306</sup> Few mechanisms exist to enforce outcomes in the international courts and the courts themselves are limited by their jurisdiction, making it harder for states and other international actors to be held accountable for gross violations of human rights and humanitarian law.<sup>307</sup> In the 2011 open debate, the Secretary-General, in his briefing to the Council, stressed the role of the Council in three large areas, one of which is promoting accountability and reinforcing norms through transitional justice.<sup>308</sup> The Security Council emphasizes in its peacekeeping and peacebuilding operations the importance of supporting national institutions in the hopes that individual countries will be able to try the criminals within their territory so that cases do not have to be referred to international courts.<sup>309</sup> Additionally, the Security Council has attempted to resolve issues of enforcement in international law using sanctions, but sanctions have been widely criticized as too slow or ineffective altogether.<sup>310</sup>

### *Evaluating RoL*

Measuring the success of rule of law related activities has been difficult. Nonetheless, a variety of indicators have been developed, such as the UN Rule of Law Indicators from the Office of the High Commissioner of Human Rights, the OROLSI core indicators, the World Bank DataBank Rule of Law Indicators and the Worldwide Governance Indicators.<sup>311</sup> Despite these efforts, the 2013 report of the Secretary-General concluded that there was no truly effective set of indicators to find out how effective rule of law related efforts are.<sup>312</sup> The OROLSI Report of the Expert Workshop also found that the OROLSI indicators were insufficient and that the methods that would be more effective in measuring impact would require too many resources.<sup>313</sup> Without measurement of successes and failures, there is no way to improve on the process and make the work of the UN more effective.

### *SC Adherence to RoL*

The Security Council's relationship with international law is somewhat complex, but international law is at the center of all SC action.<sup>314</sup> Despite this, the SC has a contradictory and inconsistent relationship with the application of international law and accountability measures within its decisions.<sup>315</sup> While the SC rhetoric on accountability to national and international standards of law are strong, the Council fails to consistently

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<sup>306</sup> Goldsmith, Posner, *The Limits of International Law*, 2005, <http://www.foreignaffairs.com/articles/60470/g-john-ikenberry/the-limits-of-international-law>

<sup>307</sup> *Ibid.*

<sup>308</sup> United Nations Security Council, *The promotion and strengthening of the rule of law in the maintenance of international peace and security (S/PV.6705)*, 2012, p.4, [http://www.securitycouncilreport.org/atf/cf/%7B65BF969B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_pv\\_6849.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF969B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_6849.pdf)

<sup>309</sup> *Ibid.*

<sup>310</sup> Office of the Ombudsperson, *An independent and impartial ombudsperson, who reviews requests from individuals, groups, undertakings or entities seeking to be removed from the Al-Qaida sanctions list of the Security Council's Al-Qaida Sanctions Committee*, 2014, <http://www.un.org/en/sc/ombudsperson/>

<sup>311</sup> Office of the High Commissioner for Human Rights, *United Nations Rule of Law Indicators*, 2011, [http://www.un.org/en/events/peacekeepersday/2011/publications/un\\_rule\\_of\\_law\\_indicators.pdf](http://www.un.org/en/events/peacekeepersday/2011/publications/un_rule_of_law_indicators.pdf)

Office of Rule of Law and Security Institutions, *Measuring the Impact of Peacekeeping Missions on Rule of Law and Security Institution*, 2012, p. 4,

[http://www.dcaf.ch/content/download/78908/1209707/file/Workshop\\_Report\\_on\\_Measuring\\_Impact\\_10.05.12\\_2.pdf](http://www.dcaf.ch/content/download/78908/1209707/file/Workshop_Report_on_Measuring_Impact_10.05.12_2.pdf)

United Nations Development Programme, *Rule of Law and Development*, 2013, p. 8, <http://goo.gl/OQsryJ>

<sup>312</sup> United Nations Security Council, *Measuring the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations (S/2013/341)*, 2013, p. 1, <http://undocs.org/S/2013/341>

<sup>313</sup> Office of Rule of Law and Security Institutions, *Measuring the Impact of Peacekeeping Missions on Rule of Law and Security Institution*, 2012, p. 4,

[http://www.dcaf.ch/content/download/78908/1209707/file/Workshop\\_Report\\_on\\_Measuring\\_Impact\\_10.05.12\\_2.pdf](http://www.dcaf.ch/content/download/78908/1209707/file/Workshop_Report_on_Measuring_Impact_10.05.12_2.pdf)

<sup>314</sup> Security Council Report, *Cross-cutting Report - The Rule of Law: The Security Council and Accountability*, 2013,

<http://www.securitycouncilreport.org/atf/cf/%7B65BF969B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/XCutting%20Rule%20of%20Law%202011.pdf>

<sup>315</sup> *Ibid.*

apply this approach to perpetrating states, reducing the Council's own legitimacy in enforcing international standards.<sup>316</sup>

### ***Case Study: Afghanistan***

Afghanistan has been troubled by violence for several years because of struggles for leadership by multiple groups, including the Taliban and the Northern Alliance.<sup>317</sup> In 1997, the SC invoked Chapter VII by using sanctions to punish the Taliban for non-compliance, when they did not turn Osama bin Laden over to international authorities.<sup>318</sup> Several other UN agencies, such as the UN High Commissioner on Refugees, UNDP and the World Food Program have intervened to assist civilians during the internal fighting.<sup>319</sup> After the 11 September 2001 attacks on the United States by the Taliban-affiliated Al Qaeda, the situation in Afghanistan escalated with the invasion of the United States military.<sup>320</sup> Afghanistan also stands in the center of the illegal narcotics trade and terrorist threats.<sup>321</sup> Ongoing fighting has led to many civilian casualties and a severe lack of development.<sup>322</sup>

In 2001, Afghan leaders met in Bonn, Germany after the fall of the Taliban to discuss Afghanistan's new direction and create a transitional government.<sup>323</sup> The International Security Assistance Force (ISAF) was created at the Bonn Conference in order to assist the Afghan Transitional Authority, and in 2003 the UN expanded its mandate to include the entirety of Afghanistan.<sup>324</sup> The United Nations Assistance Mission in Afghanistan (UNAMA) was established in 2002 by SC resolution 1401, and under the advisement of the Bonn Conference, as a political mission that reports to the DPKO under the recommendation of the Secretary-General.<sup>325</sup> The ISAF works with the UNAMA to reconstruct and develop Afghanistan and the new Afghan government. In the Secretary-General's report, the mandate of the UNAMA is meant to be "fulfilling the tasks and responsibilities, including those related to human rights, the rule of law and gender issues."<sup>326</sup> The Rule of Law Unit of UNAMA is part of the Political Affairs Division and conducts several programs including coordinating approaches to justice sector reform, capacity building of justice institutions and administering the Provincial Justice Coordination Mechanism,<sup>327</sup> which is a mechanism to coordinate donations for justice system strengthening mechanisms.<sup>328</sup>

Afghanistan remains an extremely fragile country suffering from consistent outbreaks of violence. Reports from the OHCHR find that laws regarding the elimination of violence against women have not been implemented and concerns were raised in 2012 about the ISAF being accountable for civilian casualties.<sup>329</sup> Presidential elections in 2010 and 2014 were highly suspected to be fraudulent as well.<sup>330</sup> A report of the Secretary-General on 7 March 2014 to the GA marks small improvements on some of the broader issues

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<sup>316</sup> *Ibid.*

<sup>317</sup> UN News Centre, *Afghanistan & the United Nations*, n.d., <http://www.un.org/news/dh/latest/afghan/un-afghan-history.shtml>

<sup>318</sup> *Ibid.*

<sup>319</sup> *Ibid.*

<sup>320</sup> *Ibid.*

<sup>321</sup> *Ibid.*

<sup>322</sup> *Ibid.*

<sup>323</sup> Peter, *Afghanistan's Bonn Conference: 4 things you need to know*, 2011, <http://www.csmonitor.com/World/Global-Issues/2011/1129/Afghanistan-s-Bonn-Conference-4-things-you-need-to-know/What-was-the-first-Bonn-Conference>

<sup>324</sup> Afghanistan International Security Assistance Force, *About ISAF*, n.d., <http://www.isaf.nato.int/>

<sup>325</sup> United Nations Security Council, *Resolution 1401 (S/RES/1401)*, 2002, p. 2, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afgh%20SRES1401.pdf>

<sup>326</sup> United Nations General Assembly & Security Council, *The Situation in Afghanistan and its implications for international peace and security (A/56/875, S/2002/278)*, 2002, p. 15.

<sup>327</sup> United Nations Assistance Mission in Afghanistan, *Rule of Law*, n.d., <http://unama.unmissions.org/Default.aspx?tabid=12287&language=en-US>

<sup>328</sup> Provincial Justice Coordination Panel, *Rome Conference on the Rule of Law in Afghanistan*, n.d., p. 1, [http://www.rolafghanistan.esteri.it/NR/rdonlyres/DADEF123-F197-45E2-8E3B-154B95E16CB6/0/Final\\_Report\\_GL5.pdf](http://www.rolafghanistan.esteri.it/NR/rdonlyres/DADEF123-F197-45E2-8E3B-154B95E16CB6/0/Final_Report_GL5.pdf)

<sup>329</sup> Security Council Report, *Cross-cutting Report - The Rule of Law: The Security Council and Accountability*, 2013, <http://www.securitycouncilreport.org/cross-cutting-report/the-rule-of-law-the-security-council-and-accountability.php>

<sup>330</sup> Rosenberg, *Afghanistan Begins Audit of Presidential Election*, 2014, [http://www.nytimes.com/2014/07/18/world/asia/afghanistan-begins-audit-of-presidential-election.html?\\_r=0](http://www.nytimes.com/2014/07/18/world/asia/afghanistan-begins-audit-of-presidential-election.html?_r=0)

plaguing the country.<sup>331</sup> Afghan authorities and independent electoral institutions are better able to manage and conduct genuine and periodic elections through a ratified legal framework for future elections, improved voter registration and secure polling centers.<sup>332</sup> Credible and accessible judicial and penal systems that respect and uphold human rights are indicated by a signed criminal procedure code in January 2014, a decrease of non-governmental organization legal aide services in 2013, an increase in lawyers registered to the Afghanistan Independent Bar, and a 33% increase in the prison population since 2012.<sup>333</sup> Some improvements in human rights conditions have been made with the support of UNAMA by the launching of the Afghan People's Dialogue on Peace.<sup>334</sup> Though these steps indicate progress, they have not been enough to offset the horrific situation it was in not long before and the violence that continues to plague the country. In a 2014 mid-year report on civilian casualties, UNAMA reported a 17% increase in civilian casualties from the first six months of 2013.<sup>335</sup> A great deal of violence between factions indicates that the government of Afghanistan is not in control of its own country and is certainly unable to bring to justice those committing serious violations of national and international law.<sup>336</sup>

### ***Remaining Challenges & Next Steps***

Security Council Report's 2013 Crosscutting Report on The Rule of Law highlights the SC inconsistencies in implementing policies of accountability as a priority in missions.<sup>337</sup> Though the SC has been extremely active in references to rule of law in thematic and situational topics, these references are inconsistent in their approach to strengthening rule of law and sometimes lack follow-through; some examples of this include referring the situations in Libya and Darfur to the ICC while ignoring violent crimes in Cote D'Ivoire and Afghanistan.<sup>338</sup> Because of the nature of the work of the SC, rule of law strengthening is not going to be entirely uniform, but many observers believe that too much inconsistency remains in the way the Council approaches each situation, leading to gaps in the effectiveness of SC operations.<sup>339</sup>

The SC is obligated to remain consistent in its values because of the support it needs from Member States.<sup>340</sup> As the SC continues to find methods of encouraging adherence to human rights and humanitarian law, it also must be mindful to heed its own warnings as well as hold itself accountable when it does violate international law; sanctions and military intervention can be double-edged swords, possibly causing human rights abuses while attempting to stop them.<sup>341</sup>

### ***Conclusion***

It has been made clear that strengthening rule of law is paramount to maintaining international peace and security. Several mechanisms exist to hold states, organizations, and people accountable for violations of international and national law, but the system still shows weakness. The Security Council has made great strides in mainstreaming rule of law in its resolutions as well as the mandates of several peacekeeping and political missions, but reports state that the SC remains inconsistent in its approach. In considering how to maintain consistency in strengthening rule of law, the SC must also be aware of its own actions, taking care to not violate the law it is attempting to uphold. Strengthening rule of law is a multi-faceted topic and the SC is well-equipped to address it in its entirety.

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<sup>331</sup> United Nations General Assembly & Security Council, *The Situation in Afghanistan and its implications for international peace and security (A/56/875, S/2002/278)*, 2002, p. 20.

<sup>332</sup> *Ibid.* p. 20.

<sup>333</sup> *Ibid.* p. 21.

<sup>334</sup> *Ibid.* p. 23.

<sup>335</sup> United Nations Assistance Mission in Afghanistan, *Afghanistan Midyear Report 2014: Protection of civilians in armed conflict*, 2014, p. 1, [http://unama.unmissions.org/LinkClick.aspx?fileticket=m\\_XyrUODKZg%3d&tabid=12254&mid=15756&language=en-US](http://unama.unmissions.org/LinkClick.aspx?fileticket=m_XyrUODKZg%3d&tabid=12254&mid=15756&language=en-US)

<sup>336</sup> *Ibid.*

<sup>337</sup> Security Council Report, *Cross-cutting Report - The Rule of Law: The Security Council and Accountability*, 2013, <http://www.securitycouncilreport.org/cross-cutting-report/the-rule-of-law-the-security-council-and-accountability.php>

<sup>338</sup> *Ibid.*

<sup>339</sup> *Ibid.*

<sup>340</sup> *Ibid.*

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