

Committee Overview

Introduction

After the devastating effects of two world wars, the international community came together to establish the United Nations (UN) as an intergovernmental organization with the primary responsibility of maintaining international peace and security, creating conditions conducive to economic and social development, and advancing universal respect for human rights. The Security Council was established as one of its six principal organs and was given the primary responsibility of preserving international peace and security.

The **United Nations Security Council** is one of the six primary organs of the United Nations, mandated by the *Charter of the United Nations* to maintain international peace and security. The Council submits an annual report to the General Assembly.

The Security Council held its first session on 17 January 1946 at Church House in London. After its first meeting, the Council relocated to its permanent residence at the UN Headquarters in New York City. At that time, five permanent members (P5) and six non-permanent members comprised the membership of the Council. However over subsequent years, discussions regarding the structure of the Council took place and, in 1965, the number of non-permanent members increased to ten. Although membership numbers have not changed since, discussions regarding a change in the Council's structure take place frequently.

During the Cold War, disagreements between the United States of America (USA) and the former-Soviet Union blocked the Council from being fully effective due to consistent use of the veto by the permanent members. However, despite criticism of the purported flaws of the Council, over the past two decades the Security Council has remained the leading international body on peace and security issues, particularly with the increase in

peacekeeping missions since 1992. Additionally, traditional challenges to international peace and security have shifted, forcing the Council to adapt to new scenarios, such as the challenge of addressing multiple humanitarian crises simultaneously and respond to potential threats posed by emerging technologies and non-state actors. After the year 2000, the Security Council also started to examine at more thematic issues such as: terrorism; extremism; and women, peace, and security; in addition to continuing its traditional of addressing country-specific issues and establishing subsidiary bodies to address cross-cutting issues.

Governance, Structure, and Membership

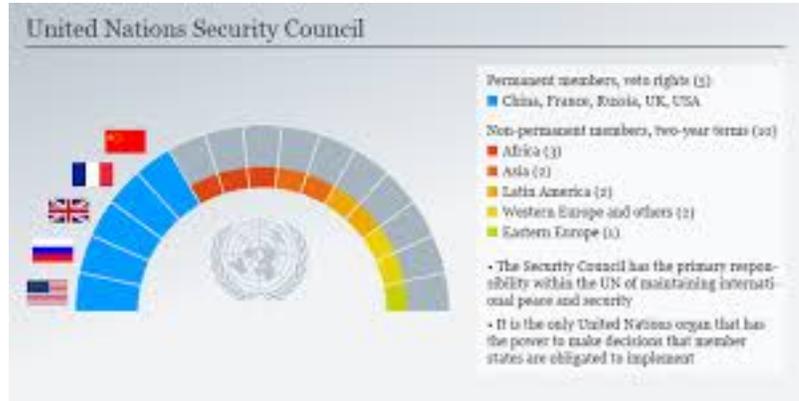
The Security Council is the only UN body that has the power to adopt legally binding resolutions. This means that when the Council adopts a resolution, Member States are obliged to accept and carry out its recommendations and decisions under Article 25 of the *Charter of the United Nations* (1945). The Security Council also has a variety of other tools to address issues on its agenda. For example, the President of the Security Council may issue press



statements or presidential statements to communicate the Council's position. Although these are not legally binding, such statements are used to bring attention to important issues and to recommend solutions to conflicts.

Membership

The Security Council is comprised of five permanent members and 10 non-permanent members. The five permanent members of the Security Council are China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Every year, the General Assembly elects five of the 10 non-permanent members for a two-year term. Elections for non-permanent seats on the Council can be extremely competitive, with countries expressing interest and campaigning years in advance. Countries



elects to serve on the Security Council are expected to represent the interests of their region; they usually have an influence at the international level and demonstrate leadership in specific areas of interest to their foreign policy. Security Council elections are held in June, six months before the term starts. This change allows Member States ample time to prepare for their new role. The 10 non-permanent members represent countries from five groups: Africa, the Asia-Pacific Group, Latin America and the Caribbean, the Eastern European Group, and Western European and Other. Belgium, Dominican Republic, Estonia, Germany, Indonesia, Niger, Saint Vincent and the Grenadines, South Africa, Tunisia, and Vietnam are the non-permanent members through the end of 2020.

Presidency

Each member of the Security Council holds the presidency of the Council for one month, rotating according to alphabetical order. Security Council meetings can be held at any time when convened by the President, and by the request of any Member State. Under Rule 1 of the Provisional Rules of Procedure of the Security Council, the President shall call a meeting if a dispute or situation requires the Council's attention.

Participation

Any Member State of the UN may attend the Council's sessions if the body decides to extend an invitation. Member States are invited if the Security Council is discussing an issue that directly concerns the interests of the Member State. Invited Member States do not have the right to vote, but are allowed to submit proposals and draft resolutions. Furthermore, those Member States can inform the Council about a current crisis in their region. However, such proposals may only be put to a vote at the request of a member of the Council.

Subsidiary Organs

The Security Council has many subsidiary bodies, which are established under Article 29 of the Charter, including: the International Criminal Tribunal for the Former Yugoslavia (ICTY); the International Criminal Tribunal for Rwanda (ICTR); sanctions committees; and standing and ad hoc committees, such as the Ad Hoc Sub-Committee on

Namibia. The Peacebuilding Commission (PBC) is a body that reports jointly to the General Assembly and the Security Council. Additionally, Security Council Member States participate in various working groups, which discuss the topics of concern of the Security Council, such as the Working Group on Children and Armed Conflict.

These working groups consist of some or all of the Security Council Member States and can focus on regional issues or improving the working methods of the Security Council itself. The Security Council is also responsible for determining if, when, and where a peacekeeping operation is needed. A peacekeeping operation is created through an adopted Security Council resolution, and the Council must monitor the operation through reports issued by the Secretary-General, as well as specific Security Council meetings.

Voting

Every Member State of the Security Council has one vote. Votes on all matters require an affirmative vote of nine Member States. However, if one of the five permanent members of the Security Council votes “no” on a matter of substance, such as a draft resolution, it does not pass. This is known as the “veto power.” In the 1950s, Security Council Member States, in particular the former Soviet Union, made frequent use of their veto power, but its usage declined in the 1960s, rising again in the 1970s and 1980s. In the last decades, the use of the veto power has been on a comparatively low level. In recent years, the Council has adopted many resolutions by consensus and has only been divided on a very limited number of issues, a prominent example being the case of Syria.

Mandate, Functions, and Powers

The mandate of the Security Council is to maintain international peace and security, and to take action whenever peace and security is threatened. The Council’s authority is particularly relevant with respect to the UN’s four primary purposes as specified in the *Charter of the United Nations*: maintaining international peace and security; developing friendly relations among nations; cooperating in solving international problems; promoting respect for human rights, as well as being a center for harmonizing the actions of nations. Chapters VI and VII of the Charter specifically concern the Security Council and the range of actions that can be taken when settling disputes. Although the main goal is always to dissolve the disputes, Chapter VI aims to achieve this by peaceful means, whereas Chapter VII explores further actions that can be taken. As noted in Chapter VI, the role of the Security Council is to determine the severity of the dispute brought before the body and the impact of the dispute internationally. The Security Council is responsible for making recommendations to broker peace that take into consideration the previously attempted measures by the parties involved. Under Chapter VII, the Security Council has the authority to implement provisional measures aimed to de-escalate the situation. If the provisional measures

are ignored or are unsuccessful, the Security Council may decide to call upon military forces to act on behalf of the UN. The Charter provides the Security Council with several powers to guarantee international security:

- **Sanctions:** Pursuant to Article 41 in the Charter, the Council can call on its members to apply economic sanctions and other measures not involving the use of force to prevent or end violence. These include economic sanctions, financial penalties and restrictions, travel bans, severance of diplomatic relations, and blockades. It may further mandate arms embargoes, enforce disarmament, or call upon international criminal mechanisms to become active.
- **Diplomatic Tools:** The Council is mandated to investigate any dispute or situation that might lead to aggressions between states or other non-state groups or within states' territories. To do so, it may "recommend methods of adjusting such disputes or the terms of settlement; formulate plans for the establishment of a system to regulate armaments; determine the existence of a threat to the peace or act of aggression, and recommend what action should be taken."
- **Military Action:** Aside from diplomatic instruments, the Council may also take military action against a state or other entity threatening international peace and security and may further decide on the deployment of troops or observers. Article 39 of the Charter states that the Council "shall determine the existence of any threat to the peace, breach of the peace, or act of aggression." The Council may also decide upon the deployment of new UN peacekeeping operations to be led by the Department of Peacekeeping Operations (DPKO), as well as the extensions of their mandates and subsequent modification or drawdown of any troops.
- **Partnerships:** The Council also cooperates with a number of international and regional organizations as well as non-governmental organizations to implement its decisions. Cooperation between the Security Council and UN-related organizations, such as the Organisation for the Prohibition of Chemical Weapons, is significant, but partnerships with independent IOs, such as the North Atlantic Treaty Organization (NATO) and the African Union (AU), are also of paramount importance for addressing a broad range of issues such as terrorism, disarmament, nuclear non-proliferation, and extreme violence from non-state actors.

Recent Sessions and Current Priorities

In 2019, the Security Council held 285 meetings, issued 15 presidential statements, and adopted 26 resolutions. The Security Council has focused efforts to consider the country and region specific situations in its agenda. With a particular focus on the Middle East region, the Council has drafted several resolutions to address the situation in Mali, Yemen, and Syria.

Mali has been struggling with issues of safety of its citizens, ineffective governance, and economic and political instability, which has been exacerbated by nepotism and corruption in government. In 2019, the Security Council adopted resolution 2480, which urges the Malian government to accelerate the implementation of the Agreement on Peace and Reconciliation in Mali within a realistic and binding timeline. The Council also adopted resolution 2478 on 26 June 2019, renewing its sanctions regime against individuals and entities in the Democratic Republic of the Congo until 1 July 2020.

Yemen is the poorest country in the Middle East and suffers from corruption, poverty and unrest from Houthi militia. To address the ongoing conflict in Yemen, the Security Council adopted resolution 2481 on 15 July 2019 to extend the mandate of the UN Mission to support the Hodeidah Agreement (UNMHA) until 15 January 2020. However, since mid-January, the bouts of violence and instability continue to persist throughout the region.

The conflict in Syria has led to over 5.6 million refugees and 6.1 internally displaced people. Security Council resolution 2477 on the situation in the Middle East, adopted 26 June 2019, calls on all parties in Syria to cooperate with and support the operations of the UN Disengagement Observer Forces (UNDOF) and urges parties to exercise restraint and prevent breaches of ceasefires in the region. The Council encouraged all parties to comply to a ceasefire and have started joint patrols from Russian and Turkish officials to enforce any opposition from Syrian rebels.

In addition to state and region-specific issues, the Security Council has discussed cross-cutting and thematic issues, such as threats to international peace and security, the financing of terrorism, and climate change, peace, and security. In 2019, the Security Council adopted resolution 2482 (2019) on “threats to international peace and security caused by international terrorism and organized crime” and 2462 (2019), which outlined measures to suppress the financing of terrorism. Resolution 2482 called upon Member States to enhance coordination towards a global response to international terrorism and organized crime. The resolution also urges Member States to investigate and dismantle organized crime networks involved in trafficking, and to review and implement legislation on issues such as sexual and gender-based violence in armed conflict by ensuring that domestic laws and regulations are in line with Member States’ obligations under international law. Resolution 2462 calls for the UN Office of Counter- Terrorism (UNOCT) to play a leading role in identifying ways to suppress terrorist financing through expanding its focus and working closely with the Financial Action Task Force, an inter-governmental body that sets standards for combating money laundering and terrorist financing. The Secretary-General, in his tenth report (S/2020/95), provided updates about the threats posed by the Islamic State in Iraq and the Levant (ISIL or Da’esh) in February 2020 to urge Member States to assist in efforts to counter the threat to international security and peace.

The Security Council also urges the importance of addressing the safety and protection of civilians in armed conflict. The Council passed resolution 2474 (2019) on “protection of civilians in armed conflict - missing persons in armed conflict,” and resolution 2475 (2019), on “protections of persons with disabilities in armed conflict.” Resolution 2467 (2019) also added a measure to combat sexual violence in armed conflict.

In 2020, the Council stressed the importance of protecting children impacted by armed conflicts. The Security Council also urged for a conflict prevention strategy to target the younger population and called additional provisions in peace negotiations and agreements to protect the children. Resolution 2419 (2018) outlines the role of youth in conflict prevention. Security Council resolution 2250 on Youth, Peace and Security in 2015, which highlights specific instances where youth participation and inclusion can occur, such as in civil and political engagement, humanitarian assistance, and civil society. This will help integrate and enable young individuals in decision processes and promote international peace and security

Conclusion

As the international community faces increasing asymmetrical threats from non-state actors and transnational organized crime, the Security Council’s role in maintaining international peace and security continues to evolve.⁸⁰ The current situations in Somalia, Mali, Libya, the Korean peninsula, and the region of Western Sahara still cause divisions among Council members. As these conflicts prolong, the Council’s decision-making process, Specifically the veto power of the five permanent members, remain controversial. However, as the Security Council is the only UN body with the power to adopt binding resolutions, it remains an important global entity for maintaining international peace and security.

Annotated Bibliography

Charter of the United Nations. (1945). Retrieved 23 April 2018 from: <http://www.un.org/en/charter-united-nations/index.html>

As the fundamental principles of the Security Council are established in the Charter, this document should be the first resource to consider. Article 23, which sets the membership structure for the Security Council and Articles 23 to 26, which discuss its basic functions and powers, are important for understanding both the structure and function of the Security Council. In addition, Articles 27 to 32 explain the Council's voting procedure and its overall structure. Delegates will find Chapters VI and VII most helpful when researching the mandate, powers, and limitations of the Security Council, and while at the conference simulating the body.

Council on Foreign Relations. (2013). *CFR Backgrounders: The UN Security Council* [Website]. Retrieved 23 April 2018 from: <https://www.cfr.org/backgrounder/un-security-council>

The Council on Foreign Relations provides a comprehensive introduction into the structure and work of the Security Council and therefore constitutes a good starting point for more detailed research. The website discusses the Council's powers and possibilities in taking coercive actions and addresses broadly discussed issues as criticism to the Security Council's structure as well as possible reforms. In addition, the website contains links on further resources on the Security Council and recent international security issues as, for example, the Global Governance Monitor, which evaluates the international regime for armed conflict.

Cousens, E. & D. Malone. (2004). *Conflict Prevention, The UN Security Council: From the Cold War to the 21st Century*. Boulder, Colorado: Lynne Rienner Publishers, Inc.

This volume provides readers with a detailed overview of the Security Council and its past and present challenges. This book touches upon many of the Council's themes, institutions, and operations, explaining the Council's structure in depth. As it discusses major operations on four continents, the document can be a useful tool for delegates' understanding of detailed analysis on various international security crises.

Hanhimäki, J. M. (2008). *The United Nations: A Very Short Introduction*. New York, New York: Oxford University Press.

In providing an overview of the history, structure, mandate, and perspective of the UN, this volume also includes a comprehensive section on the Security Council, as well as a separate chapter on peacekeeping and peacebuilding. The book offers a succinct explanation of the Council's political and operational constraints, including the veto power principle. It further provides delegates with a general overview of the importance of the Security Council for international security from its creation until now. Due to its comprehensive contents, this book may serve delegates as a good first starting point for further research on the Security Council as well as on international power relations.

United Nations, Security Council. (2017). *What is the Security Council?* [Website]. Retrieved 23 April 2018 from: <http://www.un.org/en/sc/about/>

This website gives an overview of the Security Council's history, its mandate, and its basic functions and powers. It is a key resource and a solid foundation for delegates' further research, as it provides detailed information on how the Security Council works in practice. The website contains the body's provisional rules of procedure and a section on frequently asked questions. The latter is particularly useful when it comes to understanding the Council's functions and powers. Delegates will find on this website detailed information about the Council's recent sessions as well as other worth noting outputs.

I. Sovereignty and the International Responsibility to Protect

Introduction

Governments agree to provide a basic level of security and human rights for their citizens, and in exchange, citizens agree to relinquish part of their personal sovereignty. The Responsibility to Protect (RtoP or RTOP) is a comparatively new concept in international law, resulting in part from tragedies in recent world history, where governments and the international community have failed to protect the people from crimes against humanity, civil unrest, and war. Those tragedies have stimulated discussion on the concept of human security and the protection of a population against threats to life. The RtoP concept, a developing norm in international relations, argues that states hold a responsibility to protect their citizens from suffering various crimes against humanity. It also includes a responsibility for the international community to intervene in a when a State is unable to, unwilling or ineffective in protecting its population from war crimes, ethnic cleansing, genocide, and other crimes against humanity.

In the 2005 World Summit Outcome Document, world leaders recognized RtoP as an international norm in the following words: “Each individual state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it.” The former United Nations Secretary-General Kofi Annan further emphasized the importance of the principle by stating to the assembled leaders: “You will be pledged to act if another Rwanda looms.”

The concept raises more questions than answers, thus it is essential to understand the concept of sovereignty, the authority of the United Nations (UN) and the UN Security Council (SC), the criteria for intervention, and the role of regional organizations, all of which will be discussed below.

The History and Concept of the responsibility to protect

The principle of sovereign equality of States and the domestic jurisdiction within a State’s territorial borders is an established norm in international law and guaranteed by the UN Charter. However, the concept of sovereignty has been redefined during the last century as different conflicts have occurred, increasing peacekeeping operations and other external implications to maintain peace and social order within a certain State. First, a change in the concept

of sovereignty has occurred, bringing about the idea of “contingent sovereignty,” referring to the perception that sovereignty encompasses not only rights within the international community, but also responsibilities. Giving a Nobel Lecture on December 10, 2001, Secretary-General Kofi Annan highlighted that “the sovereignty of States must no longer be used as a shield for gross violations of human rights.” Furthermore, Francis Deng, Special Advisor of the Secretary-General for the Prevention of Genocide, has emphasized that sovereignty is a responsibility inclusive of obligations to respect basic human rights.

In September 2000, on the instigation of the Canadian government, the International Commission on Intervention and State Sovereignty was established. It serves as a forum for researchers and practitioners from different regions of the world to discuss the concept of RtoP. As one of the Commission’s outcomes, the report *The Responsibility to Protect* from December 2001, was one of the first reports on the RtoP concept and paved the way for researchers and policy makers.

The High-Level Panel on Threats, Challenges, and Change, an initiative derived from the former Secretary-General Kofi Annan, also endorsed the recharacterization of sovereignty as responsibility, saying “today it clearly carries with it the obligations of a State to protect the welfare of its own peoples and meet its obligations to the wider international community.” The 2004 report, *A More Secure World: Our Shared Responsibility*, states that the principle of RtoP applies to four categories – war crimes, crimes against humanity, ethnic cleansing, and genocide. Also in *In Larger Freedom*, former Secretary-General Annan endorsed the importance of a collective responsibility to protect: “[I] believe that we must embrace the responsibility to protect and, when necessary, we must act on it.”

In another definition of RtoP, according to Gareth Evans and Mohamed Sahnoun, the concept of the RtoP embraces the responsibility to react, the responsibility to prevent, and the responsibility to rebuild. Each of these responsibilities are vital, thus it is essential to understand them in nuances. For example, the responsibility to react refers to the proper response, including wide range of sanctions and interventions. The responsibility to prevent is the most important of these three dimensions, as successful actions in preventing conflict can protect from further conflict escalation. The responsibility to rebuild is crucial for the post-intervention phase when assistance (financial, human resources, specialists, and materials) for recovery, reconciliation and restoration is needed.

According to the paragraphs 138 and 139 of the 2005 World Summit Outcome Document, the concept of RtoP is built upon three pillars, where the first one is the protection responsibilities of the State, second is international assistance and capacity-building and third is timely and decisive response. A State’s responsibility to protect its people is a legal obligation and an indication of its own sovereignty. The international community should be able and capable to assist a State in trouble, if needed, if a State is not capable to meet its obligations. Thus, pillar two is essential in prevent further escalation of a conflict. Third pillar – timely and case-by-case specific response comprise of capacity, political will to take decisive actions and cooperation with respective regional organizations.

Legal disputes regarding the responsibility to protect

The Charter of the United Nations affirms the organization's faith in fundamental human rights, but Article 2(7) prohibits interventions "in matters which are essentially within the domestic jurisdiction of any State." Thus there are two opposing camps – one insisting on a right to intervene and the other which declares that "Security Council is prohibited from authorizing actions against sovereign States."

The opposition to these interventions results from fears that the principle of the RtoP will be used to legitimize what some see as neo-colonialist intentions of major powers. In particular, these states have acquired or consolidated their sovereignty only recently, and as a result, they fear any change to their newly-recognized legitimacy in the international arena, especially one brought from outside. These newly independent states are not represented among the permanent members of the UN Security Council, and furthermore, there are questions surrounding the possibility that powerful states may act unilaterally to harm their recently gained sovereignty. Finally, there is skepticism regarding the ability of the UN to prevent civil conflicts and other situations where citizens are harmed and the ability of the government to respond is limited, leaving enforceability of the RtoP in question.

The United Nations Security Council and the responsibility to protect

The 2005 World Summit Outcome Document reaffirmed that "the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security." Heads of State and Government also pledged that: "we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity." In other words, the UN Security Council is thus empowered under Chapter VII of the Charter to plan and implement actions to maintain peace and security, and to protect populations against threats to their welfare. UN Security Council *Resolution 1674 on the Protection of Civilians in Armed Conflict* of April 28, 2006, reaffirmed that the international community will take actions through the UN Security Council when States fail or are not willing to protect their citizens.

In the event that the UN Security Council fails to authorize a response to a security situation, the UN General Assembly (GA) can hold an emergency session under the "Uniting for Peace" procedure, for the purpose of making appropriate recommendations for further collective measures to restore the peace. This procedure goes back to UN GA A/RES/377 (V) A, *Uniting for peace*, which states that "If the Security Council... fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace ... the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures." Under this procedure, a decision to intervene must be agreed upon by a two-thirds majority of the GA.

Implementation of the responsibility to protect

Crucial aspects of the RtoP are the preventive actions and the early warning system, as in each case there are the warning signs that a dire humanitarian situation is likely to begin or is in early stages. According to the International Commission on Intervention and State Sovereignty’s report *The Responsibility to Protect*, there are instruments that could be effective to halt the crimes against humanity, which could be applied before military intervention. These instruments may be economic (in terms of funding, aid assistance or debt relief), political, diplomatic (for example, sanctions, isolation or embargoes), legal (such as deploying monitors or mediation offers), or in extreme cases, military.

Criteria Justifying Intervention

According to the International Commission on Intervention and State Sovereignty (ICISS) report *The Responsibility to Protect*, the six main criteria which must be fulfilled when military intervention is on agenda, are: just cause, right intention, reasonable prospects, last resort, proportional means, and proper authority.

First, just cause refers to the grounds of the intervention. The intervention for human protection is justified if genocide, large scale ethnic cleansing, or crimes against humanity are carried out. Systematic racial discrimination, repression of political opposition, or lack of democracy are not appropriate cases for military intervention. However, preventive measures and sanctions could be applied in these cases. Before authorizing intervention, the UN Security Council and other parties involved must be certain that credible evidence is present. Second, right intention applies to the motives of the State intervening, such as civilian protection. The occupations of territory, economic, or strategic interests are not viewed as legitimate justifications for intervention. Third, military intervention as a last resort can be justified only when every diplomatic and/or non- military possibility has been exhausted. There should be a reasonable ground to believe that lesser or other measures would not halt the ongoing crisis. Fourth, the idea of using proportional means refers to the idea that a military intervention should only be on the scale needed, and only last as long as needed, to halt the existing crisis in order to minimize impact on the intervened upon State. Meanwhile, the rules of international humanitarian law should be observed and should be strictly adhered to by intervening forces in each case. Fifth, reasonable prospect refers to the actual protection of population, which must be achieved in order to make intervention justified. Sixth, which is also the most controversial and difficult principle to apply for human protection purposes, is proper authority. Proper authority refers to the body, which authorizes the intervention. The UN has a key role as the legitimate authority to authorize the interventions. Particularly, the UN Security Council has a special role in authorizing any military intervention and use of force prior to the intervention being carried out.



Case study: The African Union and responsibility to protect

Even if the UN Security Council is fully empowered under the *UN Charter* to intervene to protect populations from dire threats, regional organizations are also capable of being involved in these operations. These organizations gain authorization from the *UN Charter*, Chapter 8, Article 53 (1), which states that “no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.” In accordance with this section of the Charter, the UN Security Council on January 28, 2010 extended the authorization for African Union to continue and maintain the mission AMISON in Somalia until January 31, 2011.

The African Union was established in 2002 “to promote peace, security, and stability on the continent.” The involvement of the African Union in conflicts on the continent is with good reason, as the regional conflicts tend to spill over and impact neighboring states, causing concern for the security of the people living in these neighboring states. The African leaders have many times emphasized their responsibility, self-awareness and commitment to the peace of the continent: “as Africans, we believe that whenever and wherever there is a conflict in Africa, we have a special duty and a primary responsibility towards our sisters and brothers when they suffer and when their lives are at risk more so than anyone else and that is why the African Union acted so promptly and so decisively in the case of Darfur.” There have been numerous attempts to improve the capacity of the organization, and to enable the rapid reaction in the crisis situation (including prospects for the African Standby Force), but under-funding has been a serious obstacle.

Conclusion and questions for further research

The concept of the responsibility to protect aims to protect people from ethnic cleansing, crimes against humanity, genocide, and mass killings. This concept is not about security and human rights in a general sense nor is it about protecting individuals from HIV/AIDS, natural disasters, and other tragedies. The RtoP as a concept is narrow, at the same time is it multidimensional, including different tools and means to respond in a decisive manner. Furthermore, the RtoP utilizes diplomatic, economic, legal, humanitarian, political, and military measures as effective tools in protecting populations. Military intervention is a last resort to protect the population against mass killings, genocide, or ethnic cleansing. The political will and readiness of the international community to respond in an effective manner is crucial, including the decisions passed in the UN Security Council. It is also essential to have the institutional capacity to carry out the preventive actions and to implement certain policies when necessary.

In researching this topic, delegates should consider their role their state has played in responsibility to protect interventions in the past. Also, as acting on this responsibility to protect can be restricted by disputes over the legality of these actions, how might the international community work to forge agreements on when the responsibility to protect might apply to a situation, and when it might not? While the Security Council is generally regarded to be the most legitimate body to authorize actions in support of the responsibility to protect, the African Union also regards RtoP as a duty. Is it legitimate for the African Union—or any other organization—to intervene without a UN mandate?

African Union. (2000). *The Constitutive Act*. Retrieved on September 14, 2010 from http://www.africa-union.org/root/au/AboutAu/Constitutive_Act_en.htm#Article3

The Web site of African Union offers solid information and documents on regional cooperation in conflict resolution, which could be useful for further research. The Web site may be useful for delegates looking for an elaborated decision-making process on such conflict resolution.

Ayoob, M. (2004). *Third World Perspective on Humanitarian Intervention and International Administration*. The Politics of International Administration, Vol.10, Issue 1.

The author lays out the complexity of humanitarian interventions in different spots around the globe. He stresses the importance of the geographic location, history and the role of International Community in conflict prevention. The article also explores the legitimacy of humanitarian interventions and regional cooperation.

Annan, K. (2001). *Nobel Lecture, 2001*. Retrieved on August 28, 2010 from http://nobelprize.org/nobel_prizes/peace/laureates/2001/annan-lecture.html

Former United Nations Secretary-General Kofi Annan, receiving the Nobel Peace Prize, stressed the importance in cooperation to prevent conflicts and improve the lives of people. He reiterated the importance of the United Nations as a platform where a number of issues can be fruitfully discussed and resolved.

Bannon, L.A. (2006). *The Responsibility to Protect: The UN World Summit and the Questions of Unilateralism*. The Yale Law Journal, 2006, Vol.1157. Retrieved on September 12, 2010 from <http://yalelawjournal.org/images/pdfs/286.pdf>

The author discusses the role of the United Nations Security Council, its role in prevention of genocide and other crimes against humanity. The article offers excellent insight in legal justification of unilateral military interventions. The paper brings out multifaceted side of military intervention as a last resort.

Brunnee, J., Toope, S.J. (2006). *Norms, Institutions and UN Reform: The Responsibility to Protect*, Journal of International Law and International Relations, Vol. 2, p. 121-137. Retrieved on September 19, 2010 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1182882

The article may be useful for delegates wishing to explore the objectives, role and vision of the United Nations Security Council and its' the reform options. The authors specifically analyze the role of the United Nations Security Council in implementing the RtoP and encourage further research.

Claussen, K., Nichol, T. (2008). *Reconstructing Sovereignty: The Impact of Norms, Practices and Rhetoric*. Bologna Center Journal of International Affairs. Vol.11, Spring 2008. Retrieved on September 27, 2010 from <http://bcjournal.org/2007/reconstructing-sovereignty>

The authors analyze the multifaceted concept of sovereignty, its evolution through time, and different states' perception of it. Thus the article offers elaborated analysis of the sovereignty concept, including an explanation of RtoP within it.

Deng, F. M., Kimaro, S., Lyons, T., Rothchild, D., Zartman, I. W. (1996). *Sovereignty as Responsibility. Conflict Management in Africa*. Brookings Institution.

The authors analyze the concept of sovereignty, protection of it, and the legacy of humanitarian interventions. They stress the importance of economics, identity and governance in conflict prevention. The book discusses conflict evolution and crucial factors impacting the course of its development.

Evans, G., Sahnoun, M. (2002). *The Responsibility to Protect*. Foreign Affairs, Vol.81, No.6, p.99-110.

This article analyzes and elaborates the concept of the RtoP; it lays out the basic principles that should be satisfied to justify intervention. The authors stress the importance of perceiving sovereignty as a responsibility. Furthermore, they accentuate the importance of "the responsibility to protect," which encompasses the "responsibility to prevent," "the responsibility to react," and "the responsibility to rebuild."

Evans, G. (2007). *Delivering on the responsibility to Protect: Four Misunderstandings, Three Challenges and How to Overcome Them*. Retrieved on August 29, 2010 from <http://www.gevans.org/speeches/speech243.html>

The author clarifies the concept of RtoP and analyzes the most common misunderstandings about this concept. The article may be useful for delegates to understand more clearly the principle and definition of the RtoP. The author also stresses the importance of improving the capacity of regional organizations, the United Nations and other relevant institutions.

Evans, G. (2004). *Global and Regional Security: Our Shared Responsibility*. Retrieved on August 29, 2010 from <http://www.gevans.org/speeches/speech112.html>

The author discusses the criterion – the scale of the threat, the proper purpose, the last resort, the proportionality, and the balance of consequences—which should be taken into serious consideration before the Security Council authorizes any military action. Further, though unrelated to this topic, the author discusses pros and cons of the possible reform of the United Nations SC.

Etzioni, A. (2007). *Security first: for a muscular, moral foreign policy*. Yale University Press.

The book provides detailed analysis on the importance of human security. It accentuates the importance of moral culture of security. The author stresses the grounds for intervention and the responsibility to protect as an International Communitarian Principle. Delegates may find this book useful for further research on future prospects on global governance and the United Nations and regional organizations role in it.

Feinstein, L. (2005). *UN-divided*. The National Interests, Winter 2005. Retrieved on September 4, 2010 from http://findarticles.com/p/articles/mi_m2751/is_82/ai_n27864426/pg_1?tag=artBody;coll

In this source, the author explains the concept of conditional sovereignty, discusses United Nations reform and role of various States in it. The author also stresses that the State is responsible for its population while also holding a moral responsibility for the population of other States.

Hamilton, R. J. (2006). *The Responsibility to Protect: from Document to Doctrine – but what of Implementation?* Harvard Human Rights Journal, Vol.19. p.289-297.

This article outlines the concept of the Responsibility to Protect and analysis the Rwanda case in the context of this concept. The author focuses on the UN Security Council and its role in humanitarian interventions for the human protection purpose. This article may be useful for

delegates to better understand the major powers and their interest in the concept of the responsibility to protect.

Hinman, M. L. (2008). *Justice in Action: Just War Theory*. Ethics Updates. Retrieved on September 9, 2010 from <http://ethics.sandiego.edu/Presentations/AppliedEthics/JustWar/Justice%20in%20War.ppt>

Just cause, last resort, proper authority, probability of success and other are the main criteria to discuss and take into consideration when all other options have been exhausted. The presentation introduces these criteria in detail, and offers concise explanations for each of them.

Jentleson, W.B. (2007). *A Responsibility to Protect: The Defining Challenge for Global Community*. Ethnic Conflict, Vol.28 (4) – Winter 2007. Retrieved on September 3, 2010 from Harvard International Review <http://www.harvardir.org/articles/print.php?article=1525>

The article introduces delegates to the current debate on the responsibility to protect. The author stresses the importance of the international community's engagement in the conflict resolution process. This article may be useful for delegates in gaining a better understanding of conflict resolution and the actors involved in it.

Joffe, J. (1999). *Rethinking the Nation-State: The Many Meanings of Sovereignty*. Retrieved on August 4, 2010 from <http://www.foreignaffairs.org/19991101fareviewessay1025/josef-joffe/rethinking-the-nation-state-the-many-meanings-ofsovereignty.html>

This review essay on Stephen D. Krasner's book discusses the multiple dimensions of sovereignty, the evolution of this concept and offers a comprehensive insight in a political philosophy on the issue. The article may encourage delegates to read Krasner's book, which would result in gaining a wealth of information on the discourse surrounding the concept of sovereignty.

Krasner, S. D. (2009). *Who Gets a State, and Why? The Relative Rules of Sovereignty*. Retrieved on August 29, 2010, from <http://www.foreignaffairs.com/articles/64872/stephen-d-krasner/who-gets-a-state-and-why>

The author discusses the concept of sovereignty and the importance of understanding it. The article compares Kosovo, South Ossetia and Gaza in the context of sovereignty, its challenges and international obstacles.

Kuperman, A. J. (2009). *Rethinking the Responsibility to Protect*. The Whitehead Journal of Diplomacy and International Relations. Vol. X, Number 1. Winter/Spring 2009.

The article highlights the necessity and crucial aspect of political will in crisis situations (e.g. Bosnia and Darfur), logistical obstacles and moral hazard that derives from military interventions. The author also analyzes regional initiatives to create rapid reaction mechanisms, mentioning an African Standby Force as one of the very first attempts.

Locke, J. (1689). *Two Treatises of Government*. Retrieved on August 21, 2010 from the Project Gutenberg Web site <http://www.gutenberg.org/files/7370/7370-h/7370-h.htm>

The significant paper on the civil society and on the idea of social contract existing between citizens and government highlights the necessity to cooperate and be aware of the shared responsibility to protect. It offers a historic insight in the evolution of citizen-government relations, which is still often disputed, especially in the developing countries.

Luck, C. E. (2008). *The United Nations and the Responsibility to Protect*. Retrieved on August 29, 2010 from <http://www.stanleyfoundation.org/publications/pab/LuckPAB808.pdf>

The United Nations and the Security Council are devoted to raising awareness of the principle of the RtoP amongst world leaders, political groups and organizations. The paper clarifies the term RtoP and tries to reduce confusion regarding the RtoP concept. Delegates may find this publication to be an excellent source to better understand legal and other disputes around the RtoP.

Responsibility to Protect (RtoP). *Engaging Civil Society*. Retrieved on July 26, 2010 from <http://www.responsibilitytoprotect.org>

II. Safety and Peacekeeping

Introduction

United Nations (UN) Peacekeeping has faced a wave of scrutiny following allegations of peacekeeper misconduct, as well as for their own reluctance to hold accused peacekeepers accountable. Misconduct is any action that violates UN principles, human rights laws, or other rules and regulations, including sexual exploitation and abuse, financial fraud, and theft. Allegations of peacekeeper misconduct increased sharply in 2016 and have fallen since, but misconduct remains a pressing issue, with more than 500 allegations in 2018. Misconduct by peacekeepers damages UN Peacekeeping’s credibility, making it difficult for the UN to maintain the moral authority necessary to advise governments on human rights. Peacekeepers are often deployed to deescalate conflicts, protect civilians and uphold human rights, but a lack of accountability for perpetrators of abuse may undermine these ideals.

In recent years the UN has begun to take more action to address misconduct and take measure to increase accountability and discipline. In 2015, after peacekeepers in the Central African Republic were accused of sexual violence against children, former Secretary-General Ban Ki-moon dismissed the Head of Mission in a move that his representative called “unprecedented.” As there is no international framework, which outlines the human rights protections peacekeepers must adhere to, peacekeepers exist in a legal limbo, making it difficult to hold them criminally accountable. The complexities of this topic call for a multi-pronged approach to make lasting change. Better prevention and field training for peacekeeping personnel may reduce incidences of violence and abuse in the field and improve overall conduct. In cases where abuse still takes place, enacting clear and effective accountability mechanisms that hold perpetrators responsible will require the support of the UN system and all Member States engaged in peacekeeping.



International and Regional Framework

Peacekeeping is not directly included in the *Charter of the United Nations* (1945). However, parts of the Charter are applicable to peacekeeping, such as Article 101 paragraph 3, which states that one of the most important considerations when hiring UN staff is the employee’s moral integrity. The *Convention on the Privileges and Immunities of the United Nations* (General Convention) (1946) is a companion document to the *Charter of the United Nations*. The General Convention grants the UN and UN personnel immunity from legal accountability, including UN peacekeepers, if they are acting in their official capacity. This includes immunity from arrest and “from legal process of every kind.” This immunity essentially grants peacekeepers impunity from punishment for crimes committed in their role as peacekeepers.

The 2003 General Assembly resolution 57/306 on “Investigation into sexual exploitation of refugees by aid workers in West Africa” provides definitions for sexual exploitation and abuse and creates rules for UN peacekeepers regarding this abuse. It also includes extending the same consequences levied against people who assault refugees to peacekeepers found responsible for similar violations and mandating that the Secretary-General establish procedures for reporting and investigating allegations. In addition, the resolution encourages UN bodies to establish codes of conduct for humanitarian aid workers and develop appropriate procedures for disciplinary action.

In response to General Assembly resolution 57/306, in 2003 the UN Secretary-General released the Secretary-General’s Bulletin 2003/13, “Special measures for protection from sexual exploitation and sexual abuse,” and has since written another bulletin with this same title every year. This annual bulletin clarifies the standards by which UN forces must operate by prohibiting them from committing sexual exploitation and abuse. This document is used as their basis for UN Staff Regulations and Rules, obliging UN staff to create an atmosphere where sexual exploitation is considered unacceptable.

The Report of the Secretary-General’s Special Adviser, Prince Zeid Ra’ad Zeid Al-Hussein, on a Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations (Zeid Report) (2005) was a response to the 2004 Peacekeeping misconduct in the Congo. Its creation was mandated by the Special Committee on Peacekeeping operations (C-34) in its 2005 “Report of the Special Committee on Peacekeeping Operations and its Working Group.” The Zeid Report outlined the extent of sexual misconduct by peacekeepers and included recommendations for its mitigation. Some accountability-specific recommendations include firing peacekeepers found guilty of serious misconduct, imposing fines, and changing mission Memorandum of Understandings (MoUs) between the troop-contributing state and the host state to make peacekeepers subject to the criminal jurisdiction of the host state.

General Assembly resolution 62/63 (2008) addresses the criminal accountability of UN officials and experts on peacekeeping missions, which is a separate issue from accountability for personnel belonging to contingents from Member States. This is because there are five different classifications of UN Peacekeepers depending on who employs them and their role in the mission. This resolution states that appropriate measures should be taken to hold these experts and officials accountable to international law, without violating the *Charter of the United Nations*. In 2016, the UN Security Council adopted resolution 2272 (2016) on “United Nations Peacekeeping Operations,” which discussed the recent efforts of the Secretary-General against sexual abuse by peacekeepers. Security Council resolution 2272 (2016) was adopted in support of the Secretary-General’s policy to withdraw peacekeeping personnel that are accused of sexual misconduct. It asks the Secretary-General to continue this policy in the future, to investigate whether troop-contributing states are holding its offending forces accountable, and, if not, to replace the unit accused of misconduct.

The UN enters into status of forces agreements (SOFAs) with Member States that host peace operation and troop-contributing states for peacekeeping operations. SOFAs define the parameters of the peacekeeping operation and outline the privileges and immunities of the peacekeepers on that mission. Individuals can receive immunity from international criminal proceedings if they are military personnel from a country with a SOFA between the UN and the host state. Each peacekeeper falls under the criminal jurisdiction of their state of nationality, and that state can choose whether to grant that peacekeeper immunity. The UN creates MoU agreements with states that contribute troops to peacekeeping operations. These MoUs outline the standard of conduct to which the troop-contributing state intends to hold its troops. Since it is often unclear what laws apply to peacekeepers while they are abroad, the UN Department of Peacekeeping Operations (DPKO) has asked each troop-contributing Member State to submit a document explaining the legal framework for its contingent of peacekeepers. However, the majority of countries have not submitted these documents.

Role of the International System

The Special Committee on Peacekeeping Operations (C-34) requested the creation of the Zeid Report in its 2005 annual report. In this report, C-34 expressed its grave concerns at the allegations of sexual misconduct stemming from the peacekeeping mission in the Democratic Republic of the Congo. In 2018, C-34 asked to be notified of peacekeeping investigations except for investigations of misconduct, where MOUs apply. C-34 has recommended that the UN add more female peacekeepers, and make a greater effort to communicate with both local populations and the host country, both of which have been statistically proven to reduce instances of sexual misconduct. On the training side, C-34 has urged Member States to pursue in-field training and conduct predeployment seminars and e-learning on misconduct.

DPKO and the Department of Field Support (DFS) are primarily responsible for enforcing UN policies on conduct in peacekeeping. DPKO is responsible for transmitting information about misconduct and the outcomes of investigations to troop-contributing states, meaning it plays a vital role in facilitating accountability. DFS maintains the day-to-day operations, provides essential services, budgeting, and human resources to peacekeeping missions, while DPKO is responsible for the logistics of peacekeeping, strategy, and policy. In July 2008, DFS launched the Misconduct Tracking System, a global database and confidential tracking system for allegations against peacekeepers. The database facilitates information sharing between DFS and field missions, but relies heavily on Head of Missions accurately reporting allegations of misconduct.

To assist with DPKO's ongoing mission to increase discipline and accountability in peace operations, the DFS Conduct and Discipline Unit (CDU) was founded in 2007. CDU is responsible for providing strategic direction to ensure accountability and discipline, including the formulation of policy for and oversight of investigations. The CDU is also responsible for liaising with Member States about allegations of misconduct against their troops and advising the Secretariat on implementing their strategy to address misconduct. Many peacekeeping missions have Conduct and Discipline Teams (CDT), which are responsible for training peacekeepers on UN rules, implementing strategies to encourage adherence to local laws, and assessing allegations of misconduct. CDTs record allegations of misconduct in the Misconduct Tracking System.

The *Policy on Accountability for Conduct and Discipline in Field Missions* (2015) is a collaborative document between DPKO, DFS, and the Department for Political Affairs. It specifies roles and responsibilities in the accountability process, including the duties of Heads of Mission and senior officers. Commanding officers must report instances of misconduct to the head of unit, which then goes to the Head of Mission and then to the mission's CDT liaison, who then reports it to the CDT. The *Ten Rules: Code of Personal Conduct for Blue Helmets* (1999) is a reference guide for peacekeepers outlining basic expectations. The ten rules center around the following principles: to respect local laws; to respect human rights; and to be cautious when handling confidential information, which may damage the image of the UN. Although the Ten Rules are not legally binding, troop-contributing states have accepted them as a general code of conduct.

Other UN partners include the Office of Internal Oversight Services (OIOS). The OIOS is an accountability body assisting the Secretary-General in his mandate to assess and direct the UN. OIOS has made a number of reports on peacekeeping to UN bodies over the years that evaluate peacekeeping

operations and responses to allegations of misconduct. OIOS also has the power to carry out investigations into UN peacekeepers when allegations of misconduct are made.

DFS has delegated human resources responsibilities to the UN Office of Human Resources Management (OHRM), including hiring and firing personnel. If an investigation against a civilian peacekeeper accused of misconduct finds the claims to be substantiated, the OHRM and the Department of Management decide on disciplinary measures. For military and police personnel, the only option available to UN Heads of Mission is repatriation and passing the case on to the peacekeeper’s Member State, where the peacekeeper can be held to the jurisdiction of their state of origin.

Prevention and Field Training

Although the success of UN peacekeeping efforts relies on accountability, prevention must also be a key area of focus to minimize the occurrence of these abuses. UN military and police peacekeepers are trained on the UN Standards of Conduct before and after deployment by individual Member States and regional bodies. Civilian peacekeepers are trained by the DPKO’s Integrated Training Service in Entebbe, Uganda. Individual peacekeepers are screened for any previous misconduct on UN missions by their home Member States, and they must also attest that they have no instances of misconduct on their record. This screening was mandated in the *Policy on Human Rights Screening of United Nations Personnel* (2012), but Member States apply the screening process inconsistently, limiting the utility and veracity of these screenings. Additional preventive measures in the field include: limiting peacekeepers’ freedom of movement, enforcing curfews, requiring uniforms to be worn at all times, no-contact policies with the local population, and banning travel to certain areas.

The UN has a zero-tolerance policy on sexual exploitation. Most missions have non-fraternization policies as well, since any sexual conduct with civilians would likely have a large power differential, making free and full consent difficult to obtain. Victims of misconduct often choose not to report; this can be due to their ignorance of reporting methods, fear of stigma, and concerns that the allegation will be ignored. Shifting the reporting burden to peacekeepers is one strategy the UN is using to close the gap. UN personnel, including peacekeepers, are given No Excuse cards, which detail policies on sexual misconduct. UN personnel are required to report misconduct, or risk being considered complicit in the misconduct themselves. Peacekeepers are trained in reporting methods, which include an e-mail address, a hotline, a locked complaint box, in-person complaint to the CDT, or a complaint to OIOS. All personnel undergo an online course in preventing and reporting sexual misconduct.



Discipline and Enforcement

Accountability for UN peacekeepers differs depending on if they are military or civilian personnel, with troop-contributing states having jurisdiction over military staff and the host state or third parties having jurisdiction over civilians. Although UN staff has immunity under the General Convention, they are held accountable to the Staff Regulations and Rules and orders from the Secretary-General through the previously described misconduct process. UN Volunteers are granted General Convention immunity under SOFAs, while UN contractors are bound both by local law and the organization’s rules for contractors. Policy and military observers are covered by the General Convention but they also sign an undertaking, which binds them to the policies and rules of the peacekeeping mission. DPKO has outlined guidelines for both military and police observers in *Directives for Disciplinary Matters Involving Civilian Police Officers and Military Observers*, which explains the standards of conduct and explains the application of immunity does extend to this particular category.

There are five categories of discipline for misconduct: internal disciplinary actions including warnings or formal reprimands; retraining; repatriation; criminal proceedings; or financial liability for damages. The investigative procedures for police, military observers, and peacekeepers from troop-contributing states are identical. Each Head of Mission is required to appoint someone to handle reports of abuse by peacekeepers. If the Head of Mission finds that there is substance to the allegations, a board of inquiry meets to discuss the subject and the Head of Mission notifies DPKO, which notifies the troop-contributing state. After the board of inquiry has completed its fact-finding mission, it reports back to the Head of Mission, who makes a decision regarding penalties. The Head of Mission then has the option to recommend firing the peacekeeper(s) from the mission, at which point the troop-contributing Member State’s permanent mission would be notified.

If a peacekeeper is accused of sexual misconduct, their paychecks are suspended until the investigation is complete. If an investigation finds that sexual misconduct occurred and the Head of Mission repatriates the peacekeeper, all withheld paychecks are put into a trust fund for supporting victims. While Member States are encouraged to collect DNA samples from peacekeepers accused of sexual misconduct, they are not required to do so, which makes it more difficult to link peacekeepers to crimes and potentially hold them criminally accountable.

UN investigative entities like OIOS are required to complete investigations into misconduct within six months, and troop-contributing states are expected to do the same. In urgent cases, the time frame may be shortened to 90 days. UN peacekeeping missions are required to make quarterly reports on allegations of sexual misconduct, which are compiled and delivered to the press by the UN Deputy Spokesperson. There are also annual quality assurance exercises, which take inventory of all current open cases of misconduct, including sexual assault allegations. One of these exercises found that between 2016-2017, 574 allegations were filed against peacekeepers, 459 of which were allegations of sexual exploitation and abuse; of these cases, only 30 individuals have been jailed.

Since 2007, Member States that enter into a MoU with the UN and send peacekeepers must pursue action in cases where one of their peacekeepers is charged. Member States are required to notify their national authorities and the Secretary-General of any accusation of misconduct against peacekeepers raised by the UN, but there is no enforcement mechanism in place if Member States fail to comply. In 2012, OIOS found that only 50% of Member States in these circumstances notified their national authorities as outlined in the MoU, and few prosecutions have taken place.

Strengthening and Implementing Accountability Mechanisms

In response to recent discussions about the conduct of UN peacekeeping personnel, various actors within the UN system are seeking ways to strengthen accountability mechanisms. One approach being taken by the Under-Secretary-General for Peacekeeping Operations is to conduct predeployment evaluations on military units to ensure that they understand conduct requirements and have basic military competency. A database of troop-contributing states’ legal frameworks is being created at the behest of the Secretary-General. Recently, DFS added quarterly and annual accountability reporting tools and made a website dedicated to conduct and discipline which shares information on case matters and on new initiatives. In addition, Secretary-General Antonio Guterres created a High-Level Task Force on improving the UN’s response to sexual exploitation and abuse. This task force is composed of high- ranking members of the



UN system and is mandated to create a comprehensive strategy to improve the UN's response to sexual misconduct.

A 2017 Secretary-General report outlines the UN's plan to improve the response to sexual abuse committed by peacekeepers. The strategy rests on four pillars: centering survivors in the process, ending impunity, creating partnerships with civil society and third parties, and developing more transparent communication. The report identifies patriarchal structures and gender inequality as the root causes of sexual abuse, which the report considers to be gendered violence. Actions to implement the strategy include: appointing Field Victims' Rights Advocates in high-misconduct missions, requiring all agency heads to certify that they have reported all allegations, developing a policy on balancing confidentiality with disclosing information to national authorities, creating a tool to screen UN personnel that have been dismissed due to allegations of sexual violence, developing a compendium of national laws on sexual exploitation, and creating a new policy requiring all staff to find an affidavit annually to confirm they understand UN standards of conduct and the consequences for violating them.

In 2018, the Secretary-General announced Action for Peacekeeping in which UN peacekeeping partners will be brought together to develop a set of principles and commitments to improve peacekeeping policies and processes. Additionally, on the invitation of the Secretary-General, 90 Member States have joined the Compact on Preventing Sexual Exploitation and Abuse as part of the Action for Peace initiative. It includes commitments from the Secretary-General and Member States to vet potential peacekeepers for past misconduct, facilitate investigations, collect and test DNA samples, and otherwise hold peacekeepers accountable.

Conclusion

Due to immunity under the General Convention and the limited action taken by some Member States in prosecuting their own peacekeepers, accountability for misconduct has been unreliable and inconsistent. The few rules that exist are poorly enforced and carry little heft. All of these things must be accounted for when attempting to reform conduct, discipline, and accountability mechanisms in peacekeeping. By understanding the current international bodies involved, the international documents that frame the issue, the status quo of training and discipline, and suggestions of what should be changed, C-34 make support the UN in operating peacekeeping missions that act with integrity and justice.

Further Research

As delegates continue their research, they should consider the following: Have any peacekeepers from your Member State been accused of misconduct and what was the result? Does your Member State have an agreement with the Secretary-General on holding troops accountable? What prevention and accountability mechanisms do individual Member States have in place, and how can the UN support their enforcement? How do Member States train peacekeepers differently than others? How can the UN add consequences to the rules it has created for Member States? What new standards can the UN apply to troops? What tools can be used to support the reform of conduct, discipline, and accountability procedures for all levels of UN peacekeeping personnel?

Annotated Bibliography

Deschamps, M., et al. (2015). *Taking Action on Sexual Exploitation and Abuse by Peacekeepers*. Retrieved 21 August 2018 from: https://peaceoperationsreview.org/wp-content/uploads/2015/12/CAR_sexual_exploitation_Independent_Review_Report.pdf

This source is an independent review of the UN's response to allegations of sexual misconduct by peacekeepers in the CAR. It provides a critical third-party perspective of the problems with how the UN handles allegations. Further, this document provides an extensive list of dispositional, strategic, and operational changes that could be made to improve the UN's response. Delegates interested in a deeper understanding of the topic will find this document to be an informative guide on what sexual misconduct has previously occurred in peace operations.

Petrova, M. (2015). *Criminal Misconduct and Sexual Offenses Committed by UN Personnel During Peacekeeping Missions*. Beyond Intractability. Retrieved 22 August 2018 from: <https://www.beyondintractability.org/library/criminal-misconduct-and-sexual-offenses-committed-un-personnel-during-peacekeeping-missions>

This source provides an overview of the UN's current accountability mechanisms, proposes solutions, and outlines remaining challenges. It also contextualizes these efforts in the history of misconduct in peacekeeping. This source critiques both the UN and Member States in a way that exposes challenges C-34 must be prepared to face. It is an invaluable source for any delegate wishing to understand the problem holistically from a third-party perspective.

Sheeran, S., et al. (2014). *Peacekeeping and Accountability – International Law Programme Meeting Summary*. Chatham House. Retrieved 6 July 2018 from:

https://www.chathamhouse.org/sites/default/files/field/field_document/20140528PeacekeepingAccountability.pdf

This is a summary of an event held by Chatham House. During the event, four experts on peacekeeping discussed the challenges on holding peacekeepers accountable, providing an analytical perspective that is both academic and objective. This source provides a critical third-party perspective on misconduct in peacekeeping. It also includes policy critiques and suggestions for changes. Delegates will find this source to be a useful summary of challenges and possible solutions.

United Nations, Department of Field Support, Conduct and Discipline Unit. (n.d.). *Conduct in UN Field Missions – Our Mandate* [Website]. Retrieved 8 July 2018 from: <https://conduct.unmissions.org/mandate>

This website outlines the mandate to address conduct in United Nations field missions. In addition to presenting the mandate, it briefly states in what ways UN personnel are trained and responsible for when acting on behalf of the United Nations. In order to properly address accountability, conduct, and discipline in peacekeeping, it is integral for delegates to understand the mandate and how the Department of Peacekeeping Operations is able to respond. To do so, this source is great starting point for delegates to begin.

United Nations, General Assembly, First session. (1946). *Convention on the Privileges and Immunities of the United Nations (A/RES/22 (I))*. Adopted on the report of the Sixth Committee (A/43). Retrieved 11 September 2018 from: [http://undocs.org/A/RES/22\(I\)](http://undocs.org/A/RES/22(I))

This Convention grants immunity to the UN under international law. This immunity is extended to UN employees acting in their official capacity, including peacekeepers. This immunity is a major barrier to holding peacekeepers criminally accountable for their actions. Delegates would do well to familiarize themselves with this source in order to understand the ongoing issues with accountability of peacekeeping personnel that commit misconduct. Because C-34 does not have the power to change the Charter of the United Nations, delegates must be prepared to work within the immunity framework the Charter of the United Nations lays out.

United Nations, General Assembly, Fifty-ninth session. (2005). *A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (A/59/710)* [Report]. Retrieved 22 August 2018 from: <https://undocs.org/A/59/710>

This source is the Zeid Report, which describes the extent of sexual misconduct by peacekeepers and includes recommendations for its amelioration. It includes a description of the means of accountability at the time of publication. Many of the recommendations made in the Zeid report have been implemented as policy. This is a critical document for discovering the progress made in the last decade and understanding the new policies that have been adopted. It can be considered the most influential

document in addressing peacekeeper misconduct to date, making it necessary reading for delegates

United Nations, General Assembly, Seventy-second session. (2017). *Implementation of the recommendations of the Special Committee on Peacekeeping Operations: Report of the Secretary-General (A/72/573)*.

Retrieved 5 July 2018 from: <https://undocs.org/A/72/573>

This is a report by the Secretary-General to the UN General Assembly. It gives a holistic overview of the current state of peacekeeping reform, including accountability, conduct, and discipline as well as other topics like budgetary concerns and peacekeeper mortality. It also explains the specific outcomes of previous requests made by C-34. Delegates will find it helpful for understanding the UN's current understanding of accountability, conduct, and discipline in peacekeeping, particularly section IV on People-Centered Operations.

United Nations Peacekeeping. (n.d.). *Standards of Conduct* [Website]. Retrieved 8 July 2018 from:

<https://peacekeeping.un.org/en/standards-of-conduct>

This website provides an overview of standards of conduct for UN peacekeepers, as well as the UN's strategy for preventing misconduct. More importantly, this web page shows what the UN prioritizes in addressing these situations. The page includes details of the UN's zero-tolerance policy regarding sexual exploitation and abuse. It also has links to the legal frameworks individual Member States have laid out for their own troops.

Delegates will find this web page to be a good place to start their research due to its succinct overview of the rules peacekeepers are intended to follow.

United Nations Secretariat. (2003). *Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)*. Retrieved 8 July 2018 from: www.undocs.org/ST/SGB/2003/13

This is a bulletin by the Secretary-General addressing misconduct by peacekeeping personnel. This binding document prohibits UN employees from violating human rights, including by committing acts of sexual misconduct. It establishes a reporting hierarchy but does not describe specific consequences for misconduct, stating only that the Head of Mission should take appropriate action. Delegates will find it to be key to understanding the historical context of the topic and attempts to address misconduct.

United Nations, Secretary-General. (2018). *Secretary-General's remarks to Security Council High-Level Debate on Collective Action to Improve UN Peacekeeping Operations*. Retrieved 14 September 2018 from:

<https://www.un.org/sg/en/content/sg/statement/2018-03-28/secretary-generals-remarks-security-council-high-level-debate>

This address by Secretary-General Antonio Guterres to the Security Council highlights recent efforts to reform peacekeeping. It emphasizes some of the concerns the Security Council must prioritize in addition to peacekeeper misconduct, including peacekeeper deaths and missions without clear end dates. Any delegate wishing to understand the political complexities behind peacekeeper misconduct will find this document to be a useful source.

United Nations, Security Council, 7643rd meeting. (2016). *United Nations Peacekeeping Operations (S/RES/2272 (2016))* [Resolution]. Retrieved 22 August 2018 from: [http://undocs.org/S/RES/2272\(2016\)](http://undocs.org/S/RES/2272(2016))

This resolution by the Security Council supports and affirms the decision of the Secretary-General to expel peacekeeping forces accused of sexual abuse from their country of service. It also asks that the Secretary-General continue this practice. Notably, this document openly recognizes that misconduct is under-reported, and identifies misconduct as a critical issue to be addressed, which delegates will find useful when crafting draft resolutions. This document provides delegates with an excellent example of a set of policy changes which have not yet been fully implemented

