

Southern Regional Model United Nations XVIII
Fostering a Culture of Peace for International Development
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Email: sc@srmun.org



Dear Delegates,

I would like to welcome you to the Eighteenth Southern Regional Model United Nations (SRMUN XVIII) and to the Security Council. My name is Randy Herman and I will be serving as your Committee Director. I have participated in six different Model UN conferences as a delegate and this is my second year serving on the SRMUN staff. I am a recent graduate from UNC-Greensboro and I specialize in the politics of the Former Soviet Union.

The Security Council carries the primary responsibility for maintaining the international peace and security. As such, it was deliberately made the most responsive and efficacious committee of the United Nations. Its membership and unique voting system also make it the most powerful. Within the UN system it is the highest honor for both individuals and nations to serve as a Security Council representative. We hope our SRMUN delegates share this sentiment. This year the selected topics help delegates appreciate the breadth of challenges dealt with by the Security Council at any given moment:

- I. Long Term Peacekeeping Missions and Withdrawal
- II. Non-Self-Governing Territories
- III. Sexual Exploitation by Peacekeepers
- IV. Human Rights and Forced Labor
- V. Peacekeeping in Cooperation with Regional Bodies

Each delegation will be required to submit a position paper outlining their nation's position on each of the five committee topics. Position papers should be single spaced and no longer than two pages. Given the number and complexity of topics for the Security Council, your position papers will need to exhibit both understanding of the issues and brevity of expression. In addition to stating your nation's position, the paper should also outline the actions your nation would like to see taken to address each topic. They should be strong and specific but also include ideas that the rest of the world can agree to.

All position papers must be submitted so SC@srmun.org no later than Midnight, EST on Friday, October 26th. More detailed specifications for position papers can be found on the SRMUN website, www.srmun.org.

I look forward to the opportunity to meet and work with you at this year's SRMUN. Feel free to contact me with questions or concerns between now and the beginning of the conference. Until then I wish you the best of luck.

Randy Herman
Director
SC@srmun.org

Sarah Donnelly
Director-General
DG@srmun.org

History of the United Nations Security Council

The Security Council is one of the five original and permanent organs of the United Nations, as established in the UN Charter.¹ It is the body responsible for international peace and security, and thus is substantially more powerful than any other UN body.² It can pass binding resolutions upon Member States and deploy peacekeeping forces to end or prevent conflicts.³ It can also recommend that the General Assembly suspend a Member State's membership privileges or be expelled from the United Nations.⁴ The Security Council consists of 15 members, five of which are permanent.⁵ The five permanent members are China, France, Russia, the United States, and the United Kingdom - the victors of WWII.⁶ The ten rotating members are elected by the General Assembly on the basis of regional blocs: three from Africa, two each from Asia, Latin America and the Caribbean, and Western Europe and one from Eastern Europe.⁷ The Security Council also has a rotating presidency, which changes every month according to the English alphabetical order of the states' names.⁸ Although the presidency is primarily an administrative position, it also carries some symbolic importance.⁹ During November of 2007, the Presidency will be held by Indonesia.¹⁰

Article 7 of the UN Charter, which was signed in San Francisco on June 26, 1945, called for the creation of a Security Council.¹¹ The first meeting of the Security Council took place on January 17, 1946 at Church House, London, only ten days after the first meeting of the UN General Assembly.¹² It was to meet there throughout the year before relocating to the new United Nations headquarters in Lake Success, New York.¹³ The original Security Council had eleven members: the five permanent members and six temporary members.¹⁴ Although its first meeting was only to adopt rules of procedure, it was not long before the Council had to deal with its first crisis and first deployment of UN forces.

Palestine was one of the states carved out of the Ottoman Empire at the end of WWI.¹⁵ Under British mandate, it had been an active target of Jewish immigration in the interwar period.¹⁶ Following the 1947 recommendation of the General Assembly that the territory ought to be partitioned into Jewish and Arab states, the State of Israel was declared on May 14, 1948.¹⁷ The next day neighboring Arab states sent in troops to support the Palestinian part of the population.¹⁸ A truce called by the Security Council took effect in June and established the force which would come to be known as the UN Truce Supervision Organization (UNTSO).¹⁹ The failure of the ceasefire led to the Security Council declaring the Palestinian situation a threat to international security in July.²⁰ Although a series of agreements was signed throughout the course of 1949, the war ended with Israel in control of much of the territory allocated to the Arab Palestine in the partition agreement and the remainder under the authority of Jordan and Egypt.²¹ In August 1949, the Security Council authorized UNTSO to supervise the terms of the armistice – those

¹ "UN Security Council: Background." UN Security Council. http://www.un.org/Docs/sc/unsc_background.html

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ "Membership of the Security Council." UN Security Council. <http://www.un.org/sc/members.asp>

⁶ Ibid.

⁷ Ibid.

⁸ "Security Council Presidency in 2007." UN Security Council. <http://www.un.org/sc/presidency.html>

⁹ Ibid.

¹⁰ Ibid.

¹¹ *Charter of the United Nations*. The United Nations. June 26, 1945. <http://www.un.org/aboutun/charter/>

¹² "UN Milestones." History of the United Nations. <http://www.un.org/aboutun/milestones.htm>

¹³ "The Story of the United Nations Headquarters." UN Fact Sheet 23. July 2006. <http://www.un.org/geninfo/faq/factsheets/FS23.HTM>

¹⁴ "UN Security Council: Background." UN Security Council. http://www.un.org/Docs/sc/unsc_background.html

¹⁵ *The Question of Palestine and the United Nations*. United Nations Department of Public Information. DPI/2157/Rev.1: November 2002. <http://www.un.org/Depts/dpi/palestine/>

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

terms remain in place to this day.²²

The first peacekeeping mission, meaning forces specifically under UN command deployed to prevent or end a specific conflict, was the United Nations Emergency Force (UNEF I), deployed in 1956 as a solution to the Suez Canal crisis and the seizure of the Sinai Peninsula by Israel.²³ UNEF I was dismantled in 1967 at the request of the Egyptian government.²⁴ War broke out again in 1967 and 1973, with the 1973 hostilities leading to the creation of the UN Disengagement Force (UNDOF) to supervise the peace agreement between Israel and Syria.²⁵ This force has also remained in place to the present day.²⁶

The other force deployed in the 1940's was UNMOGIP, the UN Military Observer Group in India and Pakistan²⁷. The independence of India and Pakistan from the British Empire in 1947 led to border disputes between the two new states, who both claimed the province of Kashmir.²⁸ Fighting ended in 1949, in part due to mediation by the UN Commission for India and Pakistan, and UNMOGIP was established to monitor the border and maintain the ceasefire.²⁹ Despite the resumption of hostilities in 1971 and the establishment of a slightly altered border in 1972, UNMOGIP has continued its operations to the present day.³⁰ Kashmir continues to be a disputed region and is a major source of friction between the two nuclear states.

Thus the first two major crises of the Security Council may be described as qualified successes. Although they failed to bring about the lasting peace and security that had been hoped for, timely action and mediation did manage to encourage a quick end to conflicts and prevent the worldwide escalation that many feared in the early Cold War period. As time goes on, the Security Council has become more confident and successful in the use of peacekeeping forces. For instance, ONUC (Opération des Nations Unies au Congo), the UN's first peacekeeping mission in Africa, was a massive operation which required UN forces to take the lead in staving off the complete disintegration of the Congo.³¹ From 1960 to 1964, essentially the first years of independence after decolonization, the Republic of the Congo was both protected against external aggression and kept internally stable through the operations of nearly 20,000 troops drawn from the contributions of African and Asian Member States.³²

Of the 61 peacekeeping missions that the Council has authorized since 1948, 45 have been completed successfully. The three current operations in the Middle East region (UNTSO, UNDOF and the UN Interim Force in Lebanon or UNIFIL) are all long-lived and deal with seemingly intractable problems, but they are the exception to the overall picture of UN peacekeeping today. Missions in Cyprus, Western Sahara and Kosovo are working toward definite and achievable changes in political geography which will hopefully follow the sort of successes seen in Namibia and East Timor.³³ Peacekeeping forces have had a positive impact on the development of democracy in El Salvador, Nicaragua, Guatemala, Cambodia and Sierra Leone.³⁴ Some of the current UN missions are political follow-up and observer missions rather than standing peacekeeping forces; the missions in Georgia, Burundi and East Timor are composed entirely of civilians.³⁵ UNAMA and UNIOSIL, in Afghanistan and Sierra Leone respectively, are not

²² Ibid.

²³ "First United Nations Emergency Force." Middle East UNEF.

http://www.un.org/Depts/dpko/dpko/co_mission/unef1backgr1.html

²⁴ Ibid.

²⁵ *The Question of Palestine and the United Nations*. United Nations Department of Public Information. DPI/2157/Rev.1: November 2002. <http://www.un.org/Depts/dpi/palestine/>

²⁶ Ibid.

²⁷ "UNMOGIP – Background." United Nations Military Observer Group in India and Pakistan.

<http://www.un.org/Depts/dpko/missions/unmogip/background.html>

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

³¹ "ONUC Background." Republic of Congo ONUC. <http://www.un.org/Depts/DPKO/Missions/onucB.htm>

³² Ibid..

³³ "UN Peacekeeping FAQ." United Nations Peacekeeping. <http://www.un.org/Depts/dpko/dpko/faq/q18.htm>

³⁴ Ibid.

³⁵ "Background Note – UN Peacekeeping Operations." United Nations Peacekeeping. May 31, 2007.

<http://www.un.org/Depts/dpko/dpko/bnote.htm>

even peacekeeping operations at all but are classified as political missions.³⁶ The Rand Corporation concluded in a 2005 survey that two-thirds of recent UN peacekeeping missions were successful, and that UN operations are more cost effective than US or other international military operations.³⁷

Questions remain, however, about the Council's effectiveness as an international body. Critics have questioned apparent inaction in cases of claimed genocide, such as in 1994 in Rwanda or the current situation in the Darfur region of Sudan. Others claim that the Security Council serves mostly to legitimize the use of force by the United States, as in Korea in 1950 or Iraq in 1991. Active groups within the United Nations have taken steps to expand the Security Council, either by adding more permanent members or by increasing the number of temporary members – both aiming to make the Council more representative of world opinion and less dominated by industrial powers. The challenge for the Security Council today is to simultaneously continue its efforts toward global stability while responding to criticism.

The current membership of the Security Council: BELGIUM, CHINA, CONGO, FRANCE, GHANA, INDONESIA, ITALY, PANAMA, PERU, QATAR, RUSSIAN FEDERATION, SLOVAKIA, SOUTH AFRICA, THE UNITED KINGDOM, THE UNITED STATES.

³⁶ Ibid.

³⁷ “UN Peacekeeping FAQ.” United Nations Peacekeeping. <http://www.un.org/Depts/dpko/dpko/faq/q18.htm>

I. Long Term Peacekeeping Missions and Withdrawal

Introduction

The ultimate goal of peacekeeping is to foster a stable society when United Nations (UN) forces eventually withdraw. Peacekeeping is, both by necessity and by design, intended to be a temporary action which will allow permanent peace agreements to be forged. Some recent examples, however, have shown that violence and instability can resume soon after the end of an apparently successful peacekeeping mission. Despite the UN's limited financial resources, some way must be found to ensure success in post-peacekeeping societies.

History of Peacekeeping

When the UN was originally conceived, it was envisioned as a powerful international body with a standing military force governed by a military committee that could intervene in nascent conflicts to prevent the sort of escalation that had led to the two world wars. For better or worse, internal opposition prevented this vision from developing and the task of keeping the peace was taken by default by the Security Council and a series of ad hoc peacekeeping forces cobbled together from national troops and sent into the field for the duration of a specific mission only. In the ensuing decades, the Security Council has greatly refined peacekeeping both in terms of creating more reachable goals and in managing forces to enable them to meet those goals. Thus, although today peacekeeping missions are created much more frequently than in the past, they also end more frequently and with a much greater rate of success.³⁸

The Case of East Timor

An important counterexample and a reason to rethink current and future peacekeeping missions is the tiny nation of East Timor. The former Portuguese colony of less than a million was a primarily Christian province in largely Muslim Indonesia from 1975 until it became independent in 2002.³⁹ With a high level of both religious (98% identifying as Catholic⁴⁰) and ethnic homogeneity and a unifying nationalism based on the resistance to Indonesian rule, East Timor was an ideal candidate for UN-sponsored nation building. Outbreaks of violence following the 1999 referendum on independence were put down by the International Force for East Timor (INTERFET), a UN force including troops from 18 different nations.⁴¹ The UN Transitional Administration in East Timor (UNTAET) administered the territory between 1999 and 2002, when it achieved full independence. This included a much reduced peacekeeping contingent as well as an international police force to investigate alleged atrocities during the period of violence.⁴² Following independence, UNTAET was replaced by the UN Mission of Support to East Timor (UNMISSET), a military and police operation designed to give support to the newly created East Timorese national military.⁴³ When the UNMISSET mandate expired in 2005 and UN forces largely left the country, the UN Office in Timor Leste (UNOTIL) was formed to continue to provide administrative support and supply police forces with technical advice.⁴⁴ In other words, from 1999 through 2006, East Timor received unprecedented support in gradually reduced amounts from the UN, powerful regional allies and the international community as a whole. The entire series of operations was a showcase example of current thinking on the right way for the world to support a new nation.

In February of 2006 an internal military dispute about regional discrimination escalated into a massive street conflict

³⁸ "United Nations Military, Police Deployment Reaches All-Time High in October." United Nations Department of Public Information. November 10, 2006. <http://www.un.org/News/Press/docs/2006/pko152.doc.htm>

³⁹ "East Timor." *The World Factbook*. Central Intelligence Agency. May 31, 2007. <https://www.cia.gov/library/publications/the-world-factbook/geos/tt.html>

⁴⁰ Ibid.

⁴¹ "UNTAET- Background." United Nations Department of Public Information. May 2002. <http://www.un.org/peace/etimor/UntaetB.htm>

⁴² Ibid.

⁴³ "UNMISSET – Background." United Nations Department of Public Information. <http://www.un.org/Depts/dpko/missions/unmiset/background.html>

⁴⁴ "UNMIT – Background." United Nations Department of Public Information. <http://www.un.org/Depts/dpko/missions/unmit/background.html>

in the capital of Dili, thus shattering the illusion of Timorese stability.⁴⁵ The violence ended only after military intervention by an international force led by Australia and the resignation of the Prime Minister.⁴⁶ Violence broke out again preceding the 2007 presidential election and many of those displaced by the violence of 2006 have yet to return to their homes.⁴⁷ While East Timor is far a failed state, it has yet to prove either stable or democratic as many had hoped. The outbreak of violence less than a year after the final withdraw of UN peacekeepers is worrying for the Security Council, which had previously considered East Timor to be one of its greatest success stories.

Conclusion

Although it remains to be seen what the long-term will hold for East Timor, the resumption of violence is a bad omen for countries like Kosovo and Afghanistan which had hoped to follow in East Timor's post-conflict footsteps. It has also forced the Security Council to rethink once again the problem of post-peacekeeping stability. If a country that is small, homogeneous and fairly safe from attacks by neighboring countries cannot remain stable after the departure of peacekeepers, that what hope is there for large, diverse or threatened states? Are peacekeeping missions forced to choose between eternally prolonging their mandate and withdrawing in failure, either of which is a violation of the purpose of peacekeeping in the first place? The Security Council, and those states which provide it with peacekeeping forces, must come up with a new standard for judging the proper time to withdraw – or risk invalidating the entire notion of UN peacekeeping.

II. Non-self-governing Territories

Introduction

The UN has long been involved with helping non-self-governing territories on the path to independence through the Trusteeship Council. Ending colonialism and encouraging stability in former colonies has been one of its longest running and most successful causes. As deadlines approach on some of the few remaining large non-self-governing territories, however, territorial claims make compromise difficult and threaten the possibility of post-colonial stability. How much of a role should the UN have in deciding the future of the world's remaining non-self-governing territories and what can it do to encourage peaceful solutions?

Non-self-governing Territories

The concept of non-self-governing territory is intimately tied to the UN list of Non-Self-Governing Territories, the first version of which was drafted in 1946 in pursuance to Chapter XI of the UN Charter. This chapter states that the UN General Assembly has responsibility to enforce respect for non-self-governing territories by those countries which govern them.⁴⁸ Since updated once a year, the list names the various non-self-governing territories of the world without giving any explicit definition. General Assembly Resolution 1541 attempts to define those territories which the General Assembly has an obligation to monitor under Article 73e of the UN Charter, in effect setting out the criteria for inclusion on the list.⁴⁹ The first and paramount principle is that non-self-governing territories are those "territories which were then (i.e. at the time of the Charter) known to be of the colonial type."⁵⁰ Once a territory "of the colonial type" has reached a full measure of self government, it is no longer included on the list. Other secondary criteria considered include geographical separation and cultural distinctness.⁵¹ The UN Charter obliges the General Assembly to monitor all non-self-governing territories to ensure equitable treatment for their citizens.⁵² Additionally, the General Assembly committed itself to self-determination for all non-self-governing territories in Resolution 1514 and established a special committee to oversee its implementation. Since that time more than 80 former non-self-governing territories have been established as independent states and many others

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Chapter XI. *Charter of the United Nations*. The United Nations. June 26, 1945. <http://www.un.org/aboutun/charter/index.html>

⁴⁹ 1514 (XV). *Declaration on the Granting of Independence to Colonial Countries and Peoples*. United Nations General Assembly. December 14, 1960.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

have been removed from the list due to change of constitutional status.⁵³

Western Sahara

The former Spanish colony of Spanish Sahara was once disputed by the countries of Morocco, Mauritania and the indigenous revolutionary group Polisario.⁵⁴ Mauritania has since withdrawn its claim to the territory, leaving the dispute between the Kingdom of Morocco and Polisario, which receives extensive support from Algeria.⁵⁵ Morocco physically controls the majority of the disputed territory and considers Western Sahara an integral part of its kingdom.⁵⁶ Its claim is supported by the Arab League and 25 states.⁵⁷ Polisario, meanwhile, has declared the Sahrawi Arab Democratic Republic on the territory it controls, which is recognized by 45 countries, has embassies in 13 countries and is a member of the African Union.⁵⁸ Its African Union membership caused Morocco to withdraw from that organization, making it the only African state which is not a member. A long-running military conflict over control of the territory was largely ended in 1991 with a UN-backed settlement plan calling for a referendum on the status of Western Sahara.⁵⁹ The United Nations Mission for the Referendum in Western Sahara (known by its French acronym, MINURSO) was established to maintain the ceasefire and help organize the referendum.⁶⁰ Despite planned actions in 1992, 1997 and 2003 the referendum has still not occurred and there are currently no plans to hold it in the near future.⁶¹ MINURSO monitors the cease fire and reports on its progress but is otherwise passive while awaiting a political breakthrough.

Kosovo

Formerly part of Yugoslavia, the territory of Kosovo is not included on the list of non-self-governing territories for historical reasons (it was not considered a colony at the time of the UN Charter) but it faces many of the same issues and challenges as Western Sahara. The majority-Albanian province is historically part of Serbia and has been so since Serbia was one of the constituent republics of Yugoslavia.⁶² During the breakup of that country after 1991, power in Serbia was seized by the nationalist Slobodan Milosevic, who consolidated power by mistreating or murdering non-Serb minorities.⁶³ In 1999 NATO intervened to enforce a previously agreed cease fire and established military authority over Kosovo.⁶⁴ Security Council resolution 1244 (1999) placed Kosovo under the authority of the UN Interim Administration Mission in Kosovo (UNMIK) while continuing to recognize Serbian sovereignty.⁶⁵ NATO forces continue to maintain a state of relative peace despite reprisal attacks by ethnic Albanians against the Serb minority and a major outbreak of ethnic violence in 2004.⁶⁶ Kosovo is also expected to reach a final status and the process toward such status was begun in 2005.⁶⁷ Despite the diametrically opposed positions of Serbia and the Kosovo Albanians, a comprehensive plan for the future status of Kosovo has been drafted by Martti Ahtisaari, the UN Special Envoy for the Future Status of Kosovo.⁶⁸ Both the Serbian government and some Kosovar groups have objected to its compromise position, calling into question the ability of the two sides to reach any compromise.

Conclusion

For the world's two biggest remaining disputed territories, decades of UN involvement and negotiations still leave

⁵³ "Historical Background." United Nations Trusteeship Council. <http://www.un.org/Depts/dpi/decolonization/history.htm>

⁵⁴ "Western Sahara." *The World Factbook*. Central Intelligence Agency. May 31, 2007. <https://www.cia.gov/library/publications/the-world-factbook/geos/wi.html>

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ "MINURSO – Background." United Nations Department of Public Information. <http://www.un.org/Depts/dpko/missions/minurso/background.html>

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² "Serbia." *The World Factbook*. Central Intelligence Agency. 31 May 2007. <https://www.cia.gov/library/publications/the-world-factbook/geos/rb.html>

⁶³ *Ibid.*

⁶⁴ "NATO Topics: NATO in Kosovo." North Atlantic Treaty Organisation. <http://www.nato.int/issues/kosovo/index.html>

⁶⁵ S/RES/1244. United Nations Security Council. June 10, 1999.

⁶⁶ "NATO Topics: NATO in Kosovo." North Atlantic Treaty Organisation. <http://www.nato.int/issues/kosovo/index.html>

⁶⁷ "UNMIK At a Glance." United Nations Interim Administration Mission in Kosovo. <http://www.unmikonline.org/intro.htm>

⁶⁸ "UNOSEK – The Status Proposal." United Nations Office of the Special Envoy for Kosovo. 26 March 2007. <http://www.unosek.org/unosek/index.html>

any final solution unseen. The best efforts of the international community cannot force a compromise among two sides with irreconcilable claims to territory. In such cases, ought the Security Council, as the body responsible for international peace, take action to ensure a final solution? What could the Security Council do, both morally and practically? Is it an acceptable long-term solution to merely leave disputed territories in political limbo, assuming they continue to be able to function? All of these questions require careful consideration if the UN is to continue to play a role in protecting the interests of current and future non-self-governing territories.

III. Sexual Exploitation by Peacekeepers

Introduction

The legacy of outgoing Secretary-General Kofi Annan was tarnished by two major scandals: Iraq's Oil for Food Program and allegations of sexual exploitation and abuse (SEA) by peacekeeping forces. In 2005 alone there were 340 allegations of sexual abuse by individuals employed by the Department of Peacekeeping Operations alone.⁶⁹ These allegations bring into question both the neutrality and the effectiveness of UN Peacekeepers. The UN's moral reputation is imperative to its ability to effectively be a force for peace in the world. Something must be done both to prevent sexual misconduct and to restore the UN's image in the world.

Sexual abuse allegations

The Secretary-General's bulletin *Special measures for protection from sexual exploitation and abuse*⁷⁰ defines sexual exploitation as "any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another." Although of course such acts are prohibited for all UN staff, peacekeeping is particularly prone to complaints due to the inherent power differential between civilians in a situation of crisis and armed, organized soldiers. For this reason the Department of Peacekeeping Operations (DPKO) is considered the UN organ primarily responsible for monitoring and reporting cases of SEA.

Although occasional allegations of sexual exploitation have occurred in the past, the world's attention was drawn to the issue in 2004, when a shocking number of complaints were lodged against peacekeepers in Bunia in the Democratic Republic of Congo (DRC). In contrast to the 53 total complaints lodged in 2003 (of which at least 22 were dismissed due to lack of evidence of allegations against people who were not actually UN staff)⁷¹, 24 complaints were lodged in April 2004 against members of MONUC (UN Organization Mission in the Democratic Republic of Congo).⁷² Because of the large number of complaints, their widespread nature and a number of inflammatory media reports, members of the UN Secretariat requested the Office of Internal Oversight Services (OIOS) to undertake an investigation. Upon their arrival they found a total of 72 complaints against MONUC staff, of which they were eventually able to confirm 20. However, they indicated that "sexual contact with peacekeepers occurred with regularity"⁷³ and that "the majority of the victims identified in the investigation were between 12 and 16".⁷⁴ This was in addition to the 121 other allegations of SEA by UN staff⁷⁵. As the General Assembly noted, "the increase in allegations [since 2003] is deeply troubling. It should be noted, however, that the recorded increase may result in part from the newly implemented measures to prevent and respond to sexual exploitation and abuse."⁷⁶ In

⁶⁹ A/60/861. *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General*. United Nations General Assembly. May 24, 2006.

⁷⁰ ST/SGB/2003/13. *Special measures for protection from sexual exploitation and sexual abuse*. United Nations Secretariat. October 9, 2003.

⁷¹ A/58/777. *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General*. United Nations General Assembly. April 23, 2004.

⁷² A/59/661. *Investigation by the Office of Internal Oversight Services into allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo*. United Nations General Assembly. January 5, 2005.

⁷³ *Ibid.* p. 1

⁷⁴ *Ibid.* p. 8

⁷⁵ A/59/782. *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General*. United Nations General Assembly. April 15, 2005.

⁷⁶ *Ibid.* p. 3

2005 the number again increased to 373.⁷⁷

What has been done

As referenced above, the Secretary-General's Bulletin *Special measures for protection from sexual exploitation and sexual abuse* was promulgated in 2003 and designed to clarify the standards for sexual conduct by UN staff. As the Bunia sexual abuse cases made clear, however, clear standards were not enough to deal with the problem. In late 2004 H.R.H. Prince Zeid Ra'ad Zeid Al-Husseini, the Permanent Representative of Jordan to the UN, was appointed the Secretary-General's Advisor on Sexual Exploitation and Abuse by UN Peacekeeping Personnel. In March 2005 he submitted a report titled *A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*, also known as the Zeid Report.⁷⁸ The findings of the report were supported by the General Assembly in Resolution 59/300.⁷⁹ This in turn led to the Department of Peacekeeping Operations' Comprehensive Strategy on Sexual Exploitation and Abuse, which focuses on a combination of prevention through improved training materials and enforcement through improved record-keeping.⁸⁰ Conduct and Discipline Teams, which oversee all allegations of misconduct by UN Peacekeepers, including SEA allegations, have been deployed in the majority of peace operations.⁸¹ Additionally, MONUC has put into place a number of mission-specific changes to reduce the risk of SEA. Nevertheless, it is clear that the problem has not yet been eliminated.

What needs to be done

Although much of the action to this time has been taken by the General Assembly, with the advice of the Secretary-General, the Security Council should have a role in enforcing SEA provisions as well. As the body responsible for the creation and renewal of peacekeeping operations, the Security Council is uniquely able to include provisions against sexual abuse in the original mandates of future missions and in resolutions renewing the mandates of current missions. It is also uniquely in a position to oversee more comprehensive actions against sexual abuse, such as the creation of a system of military police. Peacekeeping operations are a force for stability and peace in the world, but only if governments and populations continue to trust in the moral integrity of peacekeepers. It is up to the Security Council to take the lead in ensuring the continued effectiveness of its blue helmets.

IV. Human Rights and Forced Labor

Introduction

Forced labor is not only a violation of human rights, it is also a major threat to security in unstable regions of the world. The use of forced conscripts to swell the ranks of military forces in Southeast Asia and Sub-Saharan Africa destabilizes already troubled regions and endangers peace efforts. When these conscripts are children, which is too often the case, they are brought up with a culture of violence and unable to attend school, perpetuating the tendency of the disaffected to turn to violence as a solution. It also represents a provocative flouting of international law and UN treaties; widespread use of forced labor is a crime against humanity as defined by the Rome Statute.

Forced Labor

According to the International Labour Organization, a UN-associated body, at least 12.3 million people are in forced labor around the world.⁸² Since children are especially vulnerable, forced labor is most common in those aged 5 to

⁷⁷ A/60/861. *Special measures for protection from sexual exploitation and sexual abuse: Report of the Secretary-General*. United Nations General Assembly. May 24, 2006.

⁷⁸ A/59/710. *A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*. United Nations General Assembly. March 24, 2005.

⁷⁹ A/RES/59/300. *Comprehensive review of a strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*. United Nations General Assembly. June 30, 2005.

⁸⁰ "DPKO's Comprehensive Strategy on Sexual Exploitation and Abuse." United Nations. <http://www.un.org/Depts/dpko/CDT/strategy.html>

⁸¹ "About the Conduct and Discipline Teams." United Nations. <http://www.un.org/Depts/dpko/CDT/about.html>

⁸² "Special Action Programme to combat Forced Labour." International Labour Organization. <http://www.ilo.org/sapfl/index.htm>.

17, who compose roughly 8.4 million of the 12.3 million total persons.⁸³ Child laborers are often involved in dangerous or even life-threatening labor despite a specific prohibition on such activity in the ILO Convention No.182, “Convention on the Unconditional Worst Formed of Child Labour”. Globally, this includes an estimated 300,000 involved in military activities.⁸⁴ As Mari Tapiola, Executive Director of the ILO, said at a recent international conference on child soldiers, “these are damaged children, for life.”⁸⁵

Legal Aspects

Forced labor is of course morally repugnant and in violation of the principles of the UN Charter. This was made explicit with the Universal Declaration of Human Rights, which stated in Article 4: “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”⁸⁶ It is also a crime against humanity if “committed as part of a widespread or systemic attack directed against any civilian population” as defined by Article 7 of the Rome Statute of the International Criminal Court.⁸⁷ Although the Rome Statute is binding only on States Parties, it serves to illustrate the seriousness of forced labor and its establishment in international law. Thus the practice of forced labor is a violation of international treaty if practiced by any state and one enforceable by international law if practiced by a State Party to the Rome Statute.

Myanmar

Once a British colony, the country now known as the Union of Myanmar became independent in 1948 as the Union of Burma. The name was changed by a military junta known as the State Peace and Development Council that took power in 1989. The name Myanmar is not recognized by many countries, such as the United States, that do not accept the legitimacy of the ruling government, but is used by the UN. Myanmar is widely cited as one of the world’s worst violators of human rights. According to Human Rights Watch, a widely respected NGO, as much as 45% of the national military of Myanmar is composed of children under the legal minimum recruitment age of 18.⁸⁸ The majority of the military are forcibly conscripted or otherwise compelled into the armed forces, despite the SPDC’s claim that all soldiers are volunteers.⁸⁹ This conscription vastly increases the size of the national military. This, in combination with government by a military junta with a pervasive sense of persecution, makes Myanmar a destabilizing presence in the Southeast Asian region and thus a security threat.

So far, the international community has been unable to reach any consensus regarding the situation in Myanmar. In January 2007 a Security Council resolution calling for a release of political prisoners and an end to attacks on ethnic minorities was jointly vetoed by Russia and China. The vetoes came on the basis of China’s view that Myanmar’s problems were of an internal nature, and Russia’s view that human rights violations in the country were a matter for the Human Rights Council.⁹⁰ Similarly, the Association of Southeast Asian Nations (ASEAN) has been unable to decide on whether or not to take action against Myanmar’s human rights abuses.

Conclusion

Forced labor, and especially the use of forced labor in a military context, has the potential to be a destabilizing force and a threat to regional and international peace and security. In order for the Security Council to become involved, however, it must establish clear security standards by which the international community can determine whether or not a specific case is more than a domestic issue and merits international involvement. Clear standards would alleviate legitimate fears of the Security Council overstepping its bounds and becoming involved in the domestic affairs of countries, a clear violation of national sovereignty. Balancing national sovereignty and international security has always been a delicate act and doing so in the case of forced labor will require open dialog with the Security Council and the international community as a whole. The task facing the committee is to seek a consensus on the potential threat posed by the use of forced labor. In order to do so it would have to decide when, if ever, the

⁸³ “IPEC’s Strategy to Eliminate Child Labour.” International Labour Organization.
http://www.ilo.org/public/english/standards/ipecc/publ/download/factsheets/fs_ipeccstrategy_0303.pdf. March 2003.

⁸⁴ Ibid.

⁸⁵ “International Conference: Free Children from War.” International Labour Organization.
http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/20070205_conf_soldiers_en.pdf.

⁸⁶ *Universal Declaration of Human Rights*. The United Nations. December 10, 1948.

⁸⁷ *The Rome Statute of the International Criminal Court*. The International Criminal Court. July 1, 2002.

⁸⁸ “My Gun was as Tall as Me: Child Soldiers in Burma.” Human Rights Watch. 2002.
<http://hrw.org/reports/2002/burma/Burma0902.pdf>

⁸⁹ Ibid.

⁹⁰ “China and Russia veto US/UK- backed Security Council draft resolution on Myanmar.” *UN News Service*. January 12, 2007.

Security Council is willing to take action on this issue and what kind of action it may potentially be able to take, most likely in cooperation with other UN bodies. It would also have to set a standard to which all Security Council members could agree which would determine which nations are an international security threat.

VI. Peacekeeping in Cooperation with Regional Bodies

History

Between 1992 and 1995, the United Nations Security Council faced explosive growth in its peacekeeping responsibilities.⁹¹ While Article 24 of the United Nations Charter specifically delegates responsibility for the maintenance of international peace and security to the Security Council, it also specifies the importance of regional agencies in the maintenance of regional peace and security:

“Under the Charter, the Security Council has and will continue to have primary responsibility for maintaining international peace and security, but regional action as a matter of decentralization, delegation and cooperation with the United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization in international affairs...”⁹²

In addition, Article 33(1) and Article 52 (1) in Chapter VI and Chapter VIII respectively, state that parties to any dispute endangering international peace and security “shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice” and should “make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.”⁹³ Former Secretary-General Boutros Boutros-Ghali highlighted the importance of the synergy between international and regional agency cooperation in peace related operations in the 1992 publication, *An Agenda for Peace*, spawning the UN’s concept of a “regional-global security partnership.”⁹⁴

The Security Council has used regional bodies in peace operations in Liberia, Sierra Leone, Haiti, Croatia and its Eastern Slavonia region, Georgia, Tajikistan, Bosnia and Herzegovina, Cambodia and Papua New Guinea.⁹⁵ These cases have “all focused attention upon potential partnerships with regional, sub regional organizations, and/or arrangements in resolving complex emergencies, as envisaged in Chapter VIII of the UN Charter.”⁹⁶ The United Nations support for regional and sub-regional initiatives in Africa in particular has been emphasized given the successes the UN has had in the cases mentioned above. In 1998, the Security Council adopted Resolution 1197,

⁹¹ “Cooperation Between the United Nations and Regional Organizations/Arrangements in a Peacekeeping Environment: Suggested Principles and Mechanisms.” Lessons Learned Unit. Department of Peacekeeping Operations. United Nations. March 1999. <http://www.globalpolicy.org/security/peacekpg/region/0399cooperation.pdf>

⁹² A/47/277-S/24111, paras 63-65. *An Agenda for Peace: Preventive Diplomacy, peacemaking, and peace-keeping*. 17 June 1992. <http://www.un.org/Docs/SG/agpeace.html> and “Report on Sharing Responsibilities in Peace-Keepering: The United Nations and Regional Organizations.” Joint Inspection Unit. JIU/REP/95/4. Geneva 1995. http://www.unjui.org/data/reports/1995/en95_04.pdf and “The Work of the Sixth Committee at the Forty-Eighth Session of the UN General Assembly” by Virginia Morris and M.Christiane Bourloyannis-Vrailas *The American Journal of International Law*, Vol. 88, No. 2 (Apr., 1994), pp. 343-360

⁹³ Pg. 6

⁹⁴ “Update Report No. 3: The UN and Regional Organizations” 23 March 2007. http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.2616247/k.181C/Update_Report_No_3BRThe_UN_and_Regional_OrganisationsBR23_March_2007.htm.

⁹⁵ SG/SM/10647 SC/8835. “Let’s Take Partnership with Regional Bodies to New Level of Clarity, Practicality, Seriousness, Secretary General Tells Security Council.” 20 September 2006. Department of Public Information. <http://www.un.org/News/Press/docs/2006/sgsm10647.doc.htm> and “Cooperation Between the United Nations and Regional Organizations/Arrangements in a Peacekeeping Environment: Suggested Principles and Mechanisms.” Lessons Learned Unit. Department of Peacekeeping Operations. United Nations. March 1999. <http://www.globalpolicy.org/security/peacekpg/region/0399cooperation.pdf>

⁹⁶ Chapter VIII. *Charter of the United Nations*. The United Nations. 26 June 1945. <http://www.un.org/aboutun/charter/index.html> and “Cooperation Between the United Nations and Regional Organizations/Arrangements in a Peacekeeping Environment: Suggested Principles and Mechanisms.” Lessons Learned Unit. Department of Peacekeeping Operations. United Nations. March 1999. <http://www.globalpolicy.org/security/peacekpg/region/0399cooperation.pdf>

which stressed the need for the development of “a commonly accepted peacekeeping doctrine,...to share existing peacekeeping doctrine and concepts of operations with the OAU and sub regional organizations in Africa,...and encouraged the enhancement of consultation and coordination between the UN and the OAU... and between the UN and sub regional organizations in Africa and recognized that the nomination of joint Special Representatives may be useful to further those aims.”⁹⁷ The Security Council, as the international security body, struggles with the appropriate resources and expertise to address all the conflicts that continue to arise in Africa and, thus, African efforts to resolve Africa's conflicts have been embraced over the last few years. Several African initiatives have produced successful results, including AMIS in Sudan, and currently serve as examples of the possibilities for cooperation between African agencies and UN agencies.⁹⁸

The Sudan

In 2003, fighting between Sudanese Government forces and its allied Janjaweed militia groups and other armed rebels broke out in the Darfur region in Western Sudan. “More than 200,000 people are estimated to have died and at least two million displaced from their homes,” particularly to neighboring Chad, while the atrocities include the raping and murdering of innocent women and children and civilian aid workers.⁹⁹ In response the Security Council “imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in Darfur on 30 July 2004 with the adoption of resolution 1556,” and thus the Darfur Peace Agreement (DPA) was signed on 5 May 2006, calling for the termination of violence in the region.¹⁰⁰

Since 2004, the African Union Mission to Sudan (AMIS) held sole responsibility for conducting peace operations in Sudan, particularly focusing attention on ending the violence in the Darfur region. However, in August 2006 the Security Council adopted Resolution 1706 thus “authorizing the expansion of the United Nations Mission in the Sudan (UNAMIS) into Darfur.”¹⁰¹ However, after further consideration, the United Nations established the African Union Mission in Darfur (UNAMID) as a joint regional-global security partnership through Security Council Resolution 1769 on July 31, 2007. The purpose of this partnership is to assist AMIS in bringing peace to Darfur, particularly due to the increasing costs of operations in that region (the AU needs between \$23 to \$25 million a month to sustain its military force).

The initial mandate of the UNAMID operation was 12 months and it consisted of approximately 26,000 personnel to be deployed in October 2007.¹⁰² AMIS will merge with the UN contingent as of December 31, 2007. Although the force's full deployment is not expected before mid-2008, thus making UNAMID the first joint UN/AU force and the largest peacekeeping force since UNPROFOR in the former Yugoslavia and UNOSOM II in Somalia in the 1990s. Moreover, while it will be financed and aided by a multi-national contingent, it is intended to be composed mostly of African citizens to preserve its regional character.¹⁰³

The Sudanese government has vigorously opposed the plan to deploy UN troops to Darfur, only endorsing logistical support to AMIS by the UN, EU and NATO, which will inevitably lead to conflict due to the fact that the “UN will have overall command and the operational control of UNAMID and the entire operation will be funded through UN assessed contributions, estimated to cost more than \$2 billion in the first year.”¹⁰⁴

⁹⁷ S/RES/1197. *Resolution 1197*. United Nations Security Council. 18 September 1998.

<http://daccessdds.un.org/doc/UNDOC/GEN/N98/275/20/PDF/N9827520.pdf?OpenElement>

⁹⁸ The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa.” Report of the Secretary General on Africa. <http://www.un.org/ecosocdev/geninfo/afrec/sgreport/report.htm#peacekeeping>

⁹⁹ “Fact Sheet”. The United Nations and Darfur. http://www.un.org/News/dh/infocus/sudan/fact_sheet.pdf

¹⁰⁰ Ibid.

¹⁰¹ “UNAMID: AU/UN Hybrid Operation in Darfur” Peace Operations Fact Sheet Series 2007. The Henry L. Stimson Center. http://www.stimson.org/fopo/pdf/AU_UN_Hybrid_Fact_Sheet_Aug_07.pdf

¹⁰² “UN ‘hitting the target’ towards deployment of hybrid peace force in Darfur” UN News Centre. 7 August 2007. <http://www.un.org/apps/news/story.asp?NewsID=23447&Cr=sudan&Cr1=> and SG/SM/1110 SC/9090 AFR/1565 “Secretary General Urges All Parties to Remain Engaged, as Security Council Authorizes Deployment of United Nations African Union Mission in Sudan.” 31 July 2007 <http://www.un.org/News/Press/docs/2007/sgsm11110.doc.htm>.

¹⁰³ “Security Council Authorizes Hybrid UN-African Union operation in Darfur. 31 July 2007. UN News Centre. <http://www.un.org/apps/news/story.asp?NewsID=23379&Cr=sudan&Cr1>

¹⁰⁴ “UNAMID: AU/UN Hybrid Operation in Darfur” Peace Operations Fact Sheet Series 2007. The Henry L. Stimson Center. http://www.stimson.org/fopo/pdf/AU_UN_Hybrid_Fact_Sheet_Aug_07.pdf

Conclusion

UNAMID will be the first opportunity for the regional-global security partnership to run its course in Africa: “While the UN has on numerous occasions in the past relied on regional organizations for support in peacekeeping missions, the hybrid peacekeeping concept outlined for Darfur is unprecedented in nature.”¹⁰⁵ Undoubtedly, there will be political and operational challenges facing this joint peacekeeping force in Darfur. As is the case with the Security Council, funding and mandate are not always synonymous. This force could face being under funded, which would limit their ability to execute their mission successfully.

Additionally, while the Government of Sudan has tentatively agreed to the joint operation force, could it not refuse to follow through on its agreement and deny UNAMID its ability to conduct operations in Darfur? At an operational level, could the transfer of power from the current AMIS AU command to one of the UN cause several complications such as enforcing a new chain of command for the AU soldiers and merging new soldiers into an already cohesive force? Also, UNMIS will still be conducting operations in Darfur and as UNAMID establishes its resources and command and control, could there be a possibility that these two missions will not only overlap at times, but perhaps begin to counter each other.

¹⁰⁵ Ibid.