

Southern Regional Model United Nations XX  
*Enhancing Global Commitments to Human Rights and Equality*  
November 19-21, 2009  
Atlanta, GA  
Email: [sc@srmun.org](mailto:sc@srmun.org)



Dear Delegates,

I would like to welcome you to the Southern Regional Model United Nations (SRMUN). Now in its twentieth year, SRMUN is a unique opportunity for college students to develop their speaking, writing and diplomatic skills in an environment of education. My name is Randy Herman and, along with Assistant Director Kathleen Jennings, I will be guiding the work of the Security Council at the conference in November. This is my seventh year participating in Model UN and my third year on staff.

The Security Council has a unique role within the United Nations system. As the committee responsible for maintaining international peace and security, the Security Council has both the extraordinary power to pass resolutions that are binding as a matter of international law and the extraordinary responsibility for authorizing and supervising the use of military force. It also abides by unique rules for voting and I urge you to familiarize yourself with these prior to the conference. The Security Council has an open agenda and may discuss any topic it chooses. We have, however, prepared background guides on the following topics as suggestions:

- I. Human Rights Violations in Myanmar
- II. Women in Peace and Security
- III. The Situation in Cyprus
- IV. Increasing Port Security to Combat Terrorism
- V. Creating Sustainable Relations in Regards to Georgia and the Russian Federation

Each delegation is required to submit a position paper covering any three topics which that country considers to be of the greatest importance to international peace and security. These three topics need not be among the five suggested and may be phrased in any way the delegation considers best frames the issue. Position papers should be not longer than 2 pages in length and single spaced. The objective of the position paper is to convince and persuade the members of your committee that the approach outlined in your paper is the best course of action. The position papers are therefore critical in providing insight into not only the policies and positions of each country, but should also provide insight into the direction each country will undertake in providing solutions to the challenges of this body.

Delegates are encouraged to use the position papers as an opportunity to state what your country plans to accomplish in this committee. Strong, well developed position papers are an excellent foundation for conference preparation. It is important to ensure all sides of each issue are adequately addressed and presented in a clear and concise manner that is easy for your audience to understand. More detailed information about how to write position papers can be found at the SRMUN website ([www.srmun.org](http://www.srmun.org)). **Position papers MUST be submitted by October 23, 11:59pm EST to the SRMUN website. Instructions for uploading your position paper can be found on the SRMUN website.**

I look forward to the opportunity to serve as the Director for the Security Council during the 2009 Southeast Regional Model United Nations. I wish you all the best of luck and look forward to working with each of you. Please feel free to contact Elizabeth, myself or Kathleen if you have any questions.

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## History of the Security Council

The Security Council is one of the original organs of the United Nations established under Chapter V Article 24 of the UN Charter. It is primarily responsible for preventing and responding to war.<sup>1</sup> As such, this body is considered one of the most powerful and influential within the United Nations.<sup>2</sup> The Council aims to maintain peace by making recommendations or requirements to states to enable them to reach a peaceful agreement, undertake investigations or mediations or in cases where fighting has already broken out, send in peace-keeping forces into the conflict areas in an attempt to restore peace.<sup>3</sup> Under Chapter VI of the UN Charter, the Security Council may make recommendations for the procedures of settlement between states.<sup>4</sup> The most significant power of the Security Council is granted under Chapter VII of the UN Charter. According to Chapter VII Article 41, the Security Council may enforce decisions by “partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”<sup>5</sup> Under Article 42, if such economic sanctions are ineffective, the Security Council “may take such action by air, sea, or land forces to as may be necessary to maintain or restore international peace and security. Such actions may include demonstrations, blockade, and other operations...of Members of the United Nations.”<sup>6</sup>

The Security Council is composed of 15 states, which includes five permanent and ten rotating members. The allied victors of World War II, including the United States, the United Kingdom, the Union of Soviet Socialist Republics (Russian Federation), France and the Republic of China were appointed as permanent members because their great-power status enabled them to take on a special responsibility for providing international stability in the postwar period.<sup>7</sup> The five permanent members of the Security Council have the ability to veto any action by voting no.<sup>8</sup> Under General Assembly (GA) Resolution 1991A, it was decided that the ten non-permanent members of the council would be elected according to the following criteria: three from African states; two from Asian states; one from Eastern European states; two from Latin American and Caribbean states; and two from Western European and other states.<sup>9</sup> After the expiration of the two-year term of non-permanent member states, they are not eligible for immediate re-election.<sup>10</sup> Each state has an opportunity to hold the position of Security Council President for one month.<sup>11</sup> The presidency is determined in alphabetical order. Austria will hold the presidency in November 2009.<sup>12</sup>

The first meeting of the Security Council took place on January 17<sup>th</sup> 1946.<sup>13</sup> On January 25<sup>th</sup> 1946, the Security Council passed its first resolution which dealt with the issue of a Military Staff Committee. The Council decided that the committee would be made up of the Chiefs of Staff of the permanent members or their representatives.<sup>14</sup> Much of the Security Council’s early resolutions addressed policy issues and made recommendations to states on how to maintain peace.<sup>15</sup> In 1947, the procedure of the Council changed with the tensions produced by the partition of Palestine and the creation of an Arab state and a Jewish state.<sup>16</sup> Security Council Resolution 50 adopted on May 29, 1948 called for the cessation of hostilities in Palestine. As such, the United Nations Truce Supervision Organization (UNTSO) was authorized by the Security Council to supervise the truce and later monitor the Armistice Agreement

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<sup>1</sup> “Global Politics in a Changing World” Richard Mansbach and Edward Rhodes

<sup>2</sup> “UN Security Council: Background.” UN Security Council. [http://www.un.org/Docs/sc/unsc\\_background.html](http://www.un.org/Docs/sc/unsc_background.html)

<sup>3</sup> Ibid

<sup>4</sup> “Charter of the United Nations.” United Nations. <http://www.un.org/aboutun/charter/index.shtml>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> “Membership of the Security Council.” UN Security Council. <http://www.un.org/sc/members.asp>

<sup>8</sup> “Charter of the United Nations.” United Nations. <<http://www.un.org/aboutun/charter/index.shtml>>

<sup>9</sup> “Membership” Global Policy Forum <http://www.globalpolicy.org/security/membership/mem2.htm#membership>

<sup>10</sup> “Membership of the Security Council.” UN Security Council. <http://www.un.org/sc/members.asp>

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> “UN Milestones.” History of the United Nations. <http://www.un.org/aboutun/milestones.htm>

<sup>14</sup> “Military Staff Committee” UN Security Council

<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/036/64/IMG/NR003664.pdf?OpenElement>

<sup>15</sup> “Security Council Resolutions – 1946” UN Security Council <http://www.un.org/documents/sc/res/1948/scres48.htm>

<sup>16</sup> “Middle East – UNTSO – Background” United Nations Truce Supervision Organization  
<http://www.un.org/Depts/dpko/missions/untso/background.html>

between Israel and its Arab neighbors, which still exists to this day.<sup>17</sup> The authorization of peacekeeping forces by the Security Council continued in 1956 with the breakdown of the agreement between Israel and Egypt. As a result, the First United Nations Emergency Force (UNEF I) was deployed to the Middle East and ensured the final withdrawal of Israeli forces from Palestine in March 1957.<sup>18</sup>

Aside from its monumental role in peacekeeping, the Security Council imposes sanctions, peace talks, summits, mediations, and negotiations to enforce international law.<sup>19</sup> These sanctions are intended to persuade rulers to change their military, economic, or human rights policies, in order to end wars, civil conflicts or other crises that threaten international peace and security.<sup>20</sup> Since August 6<sup>th</sup> 1990, the Security Council has maintained comprehensive economic sanctions on Iraq.<sup>21</sup> These sanctions followed Iraq's invasion of Kuwait. Within four days, Security Council Resolution 661 was adopted barring imports and exports, with the exception of medical and humanitarian supplies and forbidding foreign investments in Iraq with the goal of pressing Iraq to withdraw.<sup>22</sup> After Iraq's forced withdrawal from Kuwait, Resolution 661 was redefined on April 3, 1991, under Security Council Resolution 687. This new resolution sought to eliminate Iraq's weapons of mass destruction and delivery systems; the return of prisoners of war and property taken during the Gulf War, established the principle of compensation for war damage and demand that Iraq refrain from terrorism.<sup>23</sup> Recent protests from humanitarian organizations and NGOs about the civilian suffering caused by these sanctions have led to renewed discussion on Iraq's sanctions.<sup>24</sup> The seeming influence of Non-Governmental Organizations (NGOs) on the discourse of the Security Council began with the new role of NGOs in the area of peace and security.<sup>25</sup> Since the end of the Cold War, "NGOs have been present, struggling to feed the hungry, care for the sick, shelter the homeless and protect the vulnerable."<sup>26</sup> For the Council to end conflicts successfully, it had to seek more than formal peace agreements between opposing parties.<sup>27</sup> Rather, the ability of the Council to build peace depended on economic and social development, respect for human rights, disarmament, and other areas of NGO expertise.<sup>28</sup>

In line with the change in factors destabilizing international peace, the Security Council on November 29, 1999, added the item "Role of the Security Council in the Prevention of Armed Conflicts" to its agenda.<sup>29</sup> This was in response to concerns by the Secretary-General about the role of the United Nations in dealing with the effects of conflicts rather than the causes.<sup>30</sup> The Secretary-General informed the Council that without their renewed commitment to effective prevention, the United Nations would not be able to strengthen successfully its capacity for "preventive diplomacy, preventive disarmament, preventive deployment and both pre-conflict and post-conflict peace building."<sup>31</sup> In his suggestions to the Council, the Secretary-General repeated the responsibility of the Council as laid out in the Council's Charter. Recalling the Council's responsibility to "investigate any dispute, or any situation which might lead to international friction or give rise to a dispute" and "endanger the maintenance of international peace and security," the Secretary-General encouraged the use of more fact-finding missions to resolve the issue of armed conflicts.<sup>32</sup>

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<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> "Sanctions" Global Policy Forum <http://www.globalpolicy.org/security/sanction/theindex.htm>

<sup>20</sup> Ibid

<sup>21</sup> "Iraq Sanctions: Humanitarian Implications and Options for the Future" Global Policy Forum <http://www.globalpolicy.org/security/sanction/iraq1/2002/paper.htm#note1>

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> "NGOs and the Security Council" Global Policy Forum <http://www.globalpolicy.org/security/ngowgrp/gpfpaper.htm#background>

<sup>26</sup> Ibid

<sup>27</sup> Ibid

<sup>28</sup> Ibid

<sup>29</sup> "Role of the Security Council in the prevention of armed conflict" Security Council [http://www.un.org/Depts/dpa/repertoire/96-99/CHAPTER%208/Thematic/96\\_99\\_8\\_Thematic\\_46\\_Role%20of%20the%20SC%20in%20the%20prevention%20of%20armed%20conflicts.pdf](http://www.un.org/Depts/dpa/repertoire/96-99/CHAPTER%208/Thematic/96_99_8_Thematic_46_Role%20of%20the%20SC%20in%20the%20prevention%20of%20armed%20conflicts.pdf)

<sup>30</sup> Ibid

<sup>31</sup> Ibid

<sup>32</sup> Ibid

Complaints about the geographic unbalance and under-representation of states have led to attempts by the General Assembly in the last decade to reform the Council.<sup>33</sup> There have been suggestions of the need for new permanent members with the emergence of new 'world-powers' such as Japan and India.<sup>34</sup> Calls have also been made to make the Council more transparent and accountable by reforming its procedures and working methods.<sup>35</sup> Much of the calls for transparency and accountability began in the early 1990s in response to the Council's controversial action in Iraq and inaction in Rwanda.<sup>36</sup> Today, the Council faces not only changes in the threats to international peace and stability with the rise of terrorism and civil war, but also faces a growing distrust of its policies and the ability of its permanent members to put global interests before their state interests.<sup>37</sup>

The Current Membership of the Security Council: AUSTRIA, BURKINA FASO, CHINA, COSTA RICA, CROATIA, FRANCE, JAPAN, LIBYAN ARAB JAMAHIRIYA, MEXICO, RUSSIAN FEDERATION, TURKEY, UGANDA, UNITED KINGDOM, UNITED STATES, VIETNAM

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<sup>33</sup> "Security Council Reform" Global Policy Forum <http://www.globalpolicy.org/security/reform/index.htm>

<sup>34</sup> Ibid

<sup>35</sup> Ibid

<sup>36</sup> Ibid

<sup>37</sup> Ibid

## I: Creating Sustainable Relations in Regards to Georgia and the Russian Federation

### *Introduction*

On the night of 7 August 2008, the military forces of Georgia entered the self-proclaimed Republic of South Ossetia in violation of the Security Council-brokered balance of forces in the region.<sup>3839</sup> In response, Russian troops, which had been deployed to South Ossetia as peacekeepers after an earlier conflict, moved to repel the Georgians near the South Ossetian capital of Tskhinvali and simultaneously crossed over into Georgian territory proper.<sup>40</sup> On 9 August, Russian forces collaborated with military forces of another secessionist region, the Republic of Abkhazia, in opening up a second front in the upper Kodori Valley in the western part of Georgia.<sup>41</sup> The upper Kodori Valley was then occupied by Abkhazian forces in 12 August.<sup>42</sup> Russian naval forces blockaded the Georgian Black Sea coast and Russian paratroopers landed deep within Georgia proper.<sup>43</sup>

On 12 August, after diplomacy by French President Nicolas Sarkozy, acting as President of the European Union (EU), the belligerents agreed to a six-point ceasefire agreement.<sup>44</sup> This was followed on 26 August by a formal recognition of both South Ossetia and Abkhazia by the Russian Federation.<sup>45</sup> Other countries, including the other members of the Commonwealth of Independent States (CIS) have not followed suit and have pointed to numerous Security Council resolutions upholding the territorial integrity of Georgia.<sup>46</sup> On 28 August the Parliament of Georgia terminated its support for the CIS peacekeeping mission in those territories as well as its membership in the CIS.<sup>47</sup> The CIS formally terminated the peacekeeping mission on 10 October.<sup>48</sup> A year later, tensions remain high and Russia continues to occupy Georgian territory outside the borders of Abkhazia and South Ossetia.<sup>49</sup>

### *Background*

The territory that is now Georgia was acquired by the Russian Empire from Persia in 1801.<sup>50</sup> Never fully pacified, Georgia declared its independence in May 1918 in the midst of the Russian Revolution.<sup>51</sup> While the new government in Tiflis pursued land reform and sought the protection of the British Empire, the Bolsheviks built up a base of support among the ethnic minority Ossetians and Abkhazians.<sup>52</sup> Although the Soviet government recognized the independence of Georgia in May 1920, it launched an invasion in February 1921 that led to Georgia's

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<sup>38</sup> Charles King. "The Five-Day War: Managing Moscow After the Georgia Crisis." *Foreign Affairs*. November/December 2008. pp 2-11.

<sup>39</sup> Michael Schwartz, Anne Barnard, and C. J. Chivers. "Russia and Georgia Clash Over Separatist Region." *The New York Times*. 8 August 2008. Online at <http://www.nytimes.com/2008/08/09/world/europe/09georgia.html>.

<sup>40</sup> Ibid.

<sup>41</sup> S/2008/631. *Report of the Secretary-General on the Situation in Abkhazia, Georgia*. United Nations Security Council. 3 October 2008. p 2.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid. p3.

<sup>45</sup> Ibid.

<sup>46</sup> Charles King. "The Five-Day War: Managing Moscow After the Georgia Crisis." *Foreign Affairs*. November/December 2008. pp 2-11.

<sup>47</sup> S/2008/631. *Report of the Secretary-General on the Situation in Abkhazia, Georgia*. United Nations Security Council. 3 October 2008.

<sup>48</sup> S/2009/69. *Report of the Secretary-General on the Situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008)*. United Nations Security Council. 3 February 2009.

<sup>49</sup> S/2009/254. *Report of the Secretary-General pursuant to Security Council Resolutions 1808 (2008), 1839 (2008) and 1866 (2009)*. United Nations Security Council. 18 May 2009.

<sup>50</sup> David MacKenzie and Michael W. Curran. *A History of Russia, the Soviet Union and Beyond*, 6<sup>th</sup> ed. Belmont, CA: Wadsworth/Thomson Learning. 2002, p.287.

<sup>51</sup> Orlando Figes. *A People's Tragedy: The Russian Revolution 1891-1924*. New York: Penguin Books. 1996: p.714.

<sup>52</sup> Ibid.

federalization with Armenia and Azerbaijan and later incorporation in the USSR.<sup>53</sup> The invasion and brutal repression of Georgia were largely at the instigation of Stalin, at the time the Soviet Commissar for Nationalities and himself an ethnic Georgian.<sup>54</sup>

Geographically, the Soviet Union was composed of a confusing array of administrative divisions, with boundary lines often deliberately drawn to ensure that every unit (Republic, Autonomous Republic, Oblast, etc.) contained within it at least one ethnic minority region.<sup>55</sup> When Georgia became an independent state, with the collapse of the Soviet Union in 1991, it used its new-found authority to restrict the autonomy that the ethnic minority Ossetians and Abkhazians had previously enjoyed. In order to prevent the two minority regions from breaking away from Georgia, as Georgia itself had broken away from the Soviet Union, the Constitution of the new republic specifically mentions the two regions in Article 1.1.<sup>56</sup>

### ***Conflict in South Ossetia***

The Autonomous Soviet Socialist Republic of South Ossetia had already declared its intention to seek independence from the Georgian Soviet Socialist Republic in 1990.<sup>57</sup> With the collapse of the Soviet Union, armed conflict broke out between Georgians and Ossetians.<sup>58</sup> A cease-fire was negotiated by the Conference on Security and Cooperation in Europe (CSCE, later to become the OSCE) on 24 June 1992.<sup>59</sup> OSCE and CIS peacekeepers jointly enforced the cease-fire and the Georgian authorities under President Eduard Shevardnadze allowed considerable autonomy in the region.<sup>60</sup>

### ***Conflict in Abkhazia and establishment of UNOMIG***

Fighting between Georgians and Abkhazians began in the summer of 1992.<sup>61</sup> With the intervention of the CSCE and the United Nations, a cease-fire was signed on 27 July 1993.<sup>62</sup> Under the recommendation of the Secretary-General, the Security Council with Resolution 858 established a UN mission, United Nations Observer Mission in Georgia (UNOMIG), comprising 88 military observers for the purpose of monitoring the cease-fire and the status of the Abkhazian capital, Sukhumi.<sup>63</sup> Fighting resumed in September 1993, but on 14 May 1994 the two sides signed the UN-brokered Agreement on a Ceasefire and Separation of Forces (Moscow Agreement), agreeing to allow CIS peacekeepers to occupy Abkhazia under the supervision of UNOMIG.<sup>64</sup>

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<sup>53</sup> Ibid., p. 715.

<sup>54</sup> Ibid., p. 798.

<sup>55</sup> David MacKenzie and Michael W. Curran. *A History of Russia, the Soviet Union and Beyond*, 6<sup>th</sup> ed. Belmont, CA: Wadsworth/Thomson Learning. 2002, pp. 7-8.

<sup>56</sup> *The Constitution of Georgia*. Georgia. As amended 27 December 2006. Online at [http://www.parliament.ge/files/68\\_1944\\_951190\\_CONSTIT\\_27\\_12.06.pdf](http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf).

<sup>57</sup> "Regions and territories: South Ossetia." *BBC News*. 13 May 2009. Online at [http://news.bbc.co.uk/1/hi/world/europe/country\\_profiles/3797729.stm](http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3797729.stm).

<sup>58</sup> Ibid.

<sup>59</sup> 17-CSO/Journal No. 2 Annex 2. *Personal Representative of the CSCE Chairman-in-Office for Georgia*. Conference on Security and Cooperation in Europe Committee of Senior Officials. 13 December 1992. Online at [http://www.osce.org/documents/mg/1992/11/21953\\_en.pdf](http://www.osce.org/documents/mg/1992/11/21953_en.pdf).

<sup>60</sup> "Regions and territories: South Ossetia." *BBC News*. 13 May 2009. Online at [http://news.bbc.co.uk/1/hi/world/europe/country\\_profiles/3797729.stm](http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3797729.stm).

<sup>61</sup> "Georgia – UNOMIG – Background." United Nations Observer Mission in Georgia. <http://www.un.org/Depts/dpko/missions/unomig/background.html>

<sup>62</sup> Ibid.

<sup>63</sup> S/RES/858. United Nations Security Council. 24 August 1993.

<sup>64</sup> "Georgia – UNOMIG – Background." United Nations Observer Mission in Georgia. <http://www.un.org/Depts/dpko/missions/unomig/background.html>



## ***The Rose Revolution***

In 2003, among allegations of corruption, the Shevardnadze government was overthrown in a largely non-violent revolution.<sup>65</sup> His successor, Mikheil Saakashvili, declared his intention to restore the unitary Georgian state by establishing Georgian control over Abkhazia and South Ossetia.<sup>66</sup> He also worked to increase Georgian diplomatic ties with the European Union and the United States and sought Georgian membership in the North Atlantic Treaty Organization (NATO).<sup>67</sup> His aggressive stance toward the two autonomous regions and his deliberate orientation of Georgia away from Russian influence were among the factors which led to the 2008 conflict.<sup>68</sup>

## ***Aftermath of the 2008 War***

Following Russia's 26 August 2008 recognition of South Ossetia and Abkhazia, Georgia's Parliament, on 28 August, declared the two territories to be illegally occupied by Russia.<sup>69</sup> At the same time, Georgia severed its relations with the Russian Federation.<sup>70</sup> Although Russia's stance has been supported by a number of leftist Latin American countries, only Nicaragua has extended formal recognition of Abkhazia and South Ossetia, which it did on 4 September.<sup>71</sup> On 9 September Russia and Abkhazia established formal relations.<sup>72</sup> On 4 November, Russia ratified treaties with South Ossetia and Abkhazia, which it considers to be the basis of future military deployments in those regions.<sup>73</sup> Following OSCE negotiations on 22 December, the organization, of which Russia is a member, announced that it was unable to reach consensus on a renewal of the mandate for the OSCE mission in Georgia.<sup>74</sup> The mandate expired 31 December 2008 although a smaller contingent of twenty observers remained in Georgia until 30 June 2009.<sup>75</sup> On 20 April 2009 Russia signed agreements with South Ossetia and Abkhazia guaranteeing the protection of those respective regions' "borders" for a period of five years.<sup>76</sup>

## ***Expiration of UNOMIG Mandate***

In his 18 May 2009 report to the Security Council, the Secretary-General recommended "a comprehensive and in-depth review, in consultation with the parties and international stakeholders, of the role of the Mission" and called for "an agreement on a revised security regime."<sup>77</sup> The UNOMIG mandate had already been twice renewed for four-month periods, in October 2008 and February 2009.<sup>78</sup> On 12 and 15 June 2009 the Security Council met to consider the future of UNOMIG, including a resolution to further extend the mandate, which was set to expire 15

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<sup>65</sup> "How the Rose Revolution Happened." *BBC News*. 10 May 2005. Online at <http://news.bbc.co.uk/2/hi/europe/4532539.stm>.

<sup>66</sup> Mikheil Saakashvili." *The New York Times*. 5 May 2009. Online at [http://topics.nytimes.com/top/reference/timestopics/people/s/mikheil\\_saakashvili/index.html](http://topics.nytimes.com/top/reference/timestopics/people/s/mikheil_saakashvili/index.html).

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> S/2008/631. *Report of the Secretary-General on the Situation in Abkhazia, Georgia*. United Nations Security Council. 3 October 2008. p. 3.

<sup>70</sup> Ibid.

<sup>71</sup> "Nicaragua Recognizes Independence of South Ossetia and Abkhazia." *The New York Times*. 4 September 2008. <http://www.nytimes.com/2008/09/04/world/americas/04iht-georgia.4.15904253.html>.

<sup>72</sup> Ibid. p. 4

<sup>73</sup> S/2009/69. *Report of the Secretary-General on the Situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008)*. United Nations Security Council. 3 February 2009. p. 3.

<sup>74</sup> Ibid.

<sup>75</sup> "Mandate." *OSCE Mission to Georgia*. <http://www.osce.org/georgia/13203.html>.

<sup>76</sup> S/2009/254. *Report of the Secretary-General pursuant to Security Council Resolutions 1808 (2008), 1839 (2008) and 1866 (2009)*. United Nations Security Council. 18 May 2009. p. 3.

<sup>77</sup> Ibid. p. 10-11.

<sup>78</sup> "Russia vetoes extension of UN mission in Georgia." *UN News Centre*. 15 June 2009. <http://www.un.org/apps/news/story.asp?NewsID=31151&Cr=georgia&Cr1=>

June, for a two-week period.<sup>79</sup> This resolution was vetoed by Russia, whose Ambassador explained, “There's no sense in extending it since it's built on old realities.”<sup>80</sup> On 16 June the Secretary-General began the process of withdrawing the mission, saying through a spokesperson that he “regrets that the Security Council has been unable to reach agreement on the basis of a package of practical and realistic proposals he submitted.”<sup>81</sup> Since the OSCE mission ceased its operations on 30 June 2009, the only international forces in Georgia are EU monitors with no real authority to prevent a renewal of hostilities.<sup>82</sup>

### ***Committee Directive***

Russia has succeeded in removing all international forces and observers from Abkhazia and South Ossetia by using its legitimate and internationally respected authority in various international organizations, including the UN. Given the obvious tensions between Russia and Georgia, however, the potential for renewed violence remains high. The Security Council must find a way to continue to monitor the situation that will have the consent of Russia and be prepared to again return to the region if its peacekeeping expertise unfortunately becomes necessary. Aside from providing continued peace in the area, what course of action can be taken to ensure that human rights, for the citizens affected, is upheld?

## **II: Women in Peace and Security**

### ***Introduction***

The issue of women's security has been an ongoing concern for the United Nations, topping the list of priorities within the category of human rights. The United Nations is tasked with finding solutions to protect women in conflict zones as a matter of enhancing global commitments to human rights and equality. The Security Council is charged with the important and difficult job of addressing the matter of women in peace and security while outlining clear courses of action for the international community in areas such as reducing sexual violence as an act of war, security for civilians in conflict zones, and increasing women's participation in post conflict resolutions. On 24 April 2009 Security Council Deputy Secretary-General (DSG) Asha-Rose Migiro stated in her announcement concerning the continued support for the work of women in peace and security, “Have no doubt -- our work in this area is of vital importance to millions of women, girls, men and boys across the world.”<sup>83</sup>

Like many, DSG Migiro is concerned with the limited implementation of existing Security Council Resolutions aimed at women in peace and security. These resolutions, which include Resolution 1325 and 1820, have called for new levels of participation and defined the rights of women in shaping their own future and prosperity by overcoming and surviving conflict. However; as Deputy Secretary-General Migiro points out, there is much left to be achieved. The Security Council needs to work closer than ever with women's groups such as Women's International League for Peace and Freedom and the United Nations Development Fund for Women who are already supporting women's rights in conflict areas to truly achieve the success the United Nations would like to see.

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> “Statement attributable to the Spokesperson for the Secretary-General on today's Security Council meeting on UNOMIG.” Office of the Spokesperson. 15 June 2009. <http://www.un.org/apps/sg/sgstats.asp?nid=3923>.

<sup>82</sup> “Russia blocks UN's Abkhazia role.” *BBC News*. 16 June 2009. <http://news.bbc.co.uk/2/hi/europe/8102097.stm>.

<sup>83</sup> Migiro, Asha-Rose. *Protection, Participation, Prevention: Deputy Secretary-General Spells out Keys to Implementing Landmark Resolutions on Women, Peace, Security*. UN Department of Public Relations. New York. 24 April, 2009.



## ***Recent Resolutions***

There have been many attempts by the United Nations to address the problems facing women's security and their ever-evolving role in peace. Only in the last decade has the Security Council taken decisive action on the plight of women in conflict. It wasn't until the war in the Balkans and repeated violence against women in African war zones that the Security Council decided to take a decisive stand on the issue. Years of work went into the process from witness testimony, to advocacy groups, and some Member State governments. In 2000, the Security Council unanimously passed Resolution 1325, the first ever Security Council document to specifically address the impact of conflict on women.<sup>84</sup> This document was the start of a major effort by the Security Council to highlight the important role of women in peace and security.

Resolution 1325 calls for the involvement of more women in United Nations peace building efforts in addition to the appointment of women on all levels of state efforts to maintain peace and rebuild after a conflict. This document highlights the role of women and gender in the role of building peace and the different effects conflict has on women and girls. Since its inception in 2000, Resolution 1325 has been the basis for many efforts at supporting women's roles in building security after conflict.<sup>85</sup> The United Nations Development Fund for Women (UNIFEM) took the lead in implementing resolution 1325 by releasing a comprehensive report, "Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace building" in 2000. This report is one of the most important and comprehensive documentations on the effect of women in war, rebuilding after conflicts, and begin addressing rape as a war crime.<sup>86</sup>

Within just five years of its adoption, Resolution 1325 was translated into 70 languages and put into practice in UN missions around the world. The United Nations Development Fund for Women reported that in 2005 Resolution 1325 was actively serving women around the world as a tool for achieving new levels of government participation, democratization, and post conflict peace resolutions.<sup>87</sup> There are several accounts of women being successfully promoted in peacekeeping processes and post-conflict rebuilding. Cases such as Rwanda who's population was greatly altered by genocide in the mid-90s. Post-conflict women who were the majority played a vital role in rebuilding and recently a special government organization has been created to study and manage the role of women in the rebuilding of the state.<sup>88</sup> Currently, Resolution 1325 is being used by groups such as Human Rights Watch and Amnesty International to urge member state governments to continue the efforts made and to effectively use their states' authority to support women's roles in peace and security.<sup>89</sup>

The efforts of Resolution 1325 received crucial support in 2008 with the adoption of Resolution 1820, which condemned the act of rape and sexual violence as a tactic of war and possible war crime. In response to the recent trend of using sexual violence against civilians in times of conflict the UN Security Council called for a halt to all sexual violence against women and warned that using sexual violence could be punishable by international law. The resolution also calls for stricter reporting on sexual violence, increased monitoring of UN peacekeeping forces to help reduce sexual violence against civilians, and the continued involvement of women on all levels of peace

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<sup>84</sup> SC RES1325. *Women and Peace and Security*. United Nations Security Council. 2000.

<sup>85</sup> Ibid.

<sup>86</sup> Bishnu Raj Upreti, *Women's Role in Nepal's Peace Process*, (2008) Swiss National Center of Competence in Research North-South.

<sup>87</sup> "Security Council Resolution 1325 Turns 5." United Nations Development Fund for Women. 31 October, 2005.

<sup>88</sup> Bishnu Raj Upreti, *Women's Role in Nepal's Peace Process*, (2008) Swiss National Center of Competence in Research North-South.

<sup>89</sup> *UN Security Council Resolution 1325: Recognizing Women's Vital Roles in Achieving Peace and Security*. Joint Written Submission with Amnesty International USA to the House Foreign Affairs Committee, Subcommittee on International Organizations, Human Rights, and Oversight. Human Rights Watch. 14 May, 2008.

negotiation and implementation.<sup>90</sup> This resolution was the result of an out cry from the international community over the crimes committed against women in African conflicts such as Rwanda and Darfur as well as the mid-90s conflict in the Balkans. These events led the UN to declare sexual crimes against women in conflict having reached “unspeakable and pandemic proportions.”<sup>91</sup>

While the resolution was adopted unanimously by the Security Council, its full weight has yet to be tested. As crimes against women continue in war-torn regions of the world, Resolution 1820 has yet to be fully explored in the international community. Warning of sanctions and condemnation of warring factions that use rape and sexual violence as a tactic of war is only the first step.<sup>92</sup> While the UN is hopeful that it will be effective and have a profound impact on the lives of women in the same way as Resolution 1325, it has yet to be put to the test in international law and conflicts.<sup>93</sup>

### ***Cooperation of Women in Peace and Security***

There are many groups outside the Security Council working toward these goals as well. The oldest partner and advocate for women’s involvement in peace and security is the Women’s International League for Peace and Freedom. They were the first NGO to receive consultative status with the UN in 1948.<sup>94</sup> Currently, WILPF is sponsoring the PeaceWomen project, a project aimed at supporting and advising policy from the Security Council on Resolutions 1325 and 1820.<sup>95</sup> One of the largest groups is the NGO Working Group on Women, Peace, and Security established in 2000. It is comprised of representatives from numerous NGOs ranging from human rights groups to advocates of reducing the small arms trade. This working group actively monitors and supports the goals of Resolution 1325 and works with the United Nations, member states, and civil society to achieve new levels of participation for women through organization programs and advocacy.<sup>96</sup> These groups include but are not limited to Amnesty International, International Alert, and Femmes Africa Solidarite.<sup>97</sup>

Another important partner in promoting peace and security for and by women is the United Nations Development Fund for Women (UNIFEM). Created in 1976, UNIFEM has established four major principles to focus on in promoting development for women. Two of these goals, ending violence against women and supporting women’s leadership in governance and post-conflict reconstruction, are at the heart of the Security Council’s work on women and peace. Around the world UNIFEM assists populations of women and girls in their community to help ensure that the major pillars of UNIFEM are put into effect through programs geared toward those groups and their particular conflict.<sup>98</sup> In Afghanistan UNIFEM along with the Afghan Women Judges Association are working to bring better representation of women to the upper court levels. While juvenile and family courts are most often headed by women there is little representation in the more powerful upper level courts where regional and national laws are ruled upon. Ultimately, they would like to have a female justice in the Supreme Court to interpret Shari’a

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<sup>90</sup> SC RES 1325. *Women and Peace and Security*. United Nations Security Council, 2000.

<sup>91</sup> “Ban leads call for greater efforts to end ‘silent war’ of sexual violence in conflict” UN News Center, 19 June 2008  
<http://www.un.org/apps/news/story.asp?NewsID=27080&Cr=rape&Cr1=&Kw1=violence+against+women&Kw2=&Kw3>

<sup>92</sup> Ibid.

<sup>93</sup> “Security Council Resolution 1820: Women, Peace and Security.” Stop Rape Now. June 2008.  
<http://www.stoprapenow.org/pdf/Security%20Council%20Resolution%201820.pdf>

<sup>94</sup> Women’s International League for Peace and Freedom, 2009. <http://www.wilpf.int.ch/>

<sup>95</sup> PeaceWomen Project, 2009. < <http://www.peacewomen.org/>

<sup>96</sup> “About NGO Working Group on Women, Peace, and Security,” NGO Working Group on Women, Peace, and Security. 2009.  
<http://www.womenpeacesecurity.org/about/>

<sup>97</sup> “Members,” NGO Working Group on Women, Peace, and Security. 2009. <http://www.womenpeacesecurity.org/>

<sup>98</sup> “Governance, Peace and Security at a Glance.” UNIFEM. 2009.  
[http://www.unifem.org/gender\\_issues/governance\\_peace\\_security/](http://www.unifem.org/gender_issues/governance_peace_security/)

law for women. To achieve this UNIFEM and AWJA are lobbying to UN officials, Parliamentarians, the Afghan government and has proposed six possible women to fill this role.<sup>99</sup>

### ***Conclusion***

There are many issues still to be faced by the international community on women in peace and security. Many international bodies are cooperating and pairing with national governments and UN bodies to further the mission of women. Some of the issues at the forefront of the area are the plight of women in post-conflict reconstruction and the implications and implementation of Resolution 1820.

Despite the successful implementation of 1325 in many countries there is still the problem of access to the rights laid out in Resolution 1820. Though there were many cases of rape being listed as a war crime in the international community before Resolution 1820, since its adoption it has not been used as a basis for prosecution or as evidence in cases against leaders, armed groups, or other factions of violent conflicts.

Increased security and stability allows women and girls to continue receiving education, basic resources, and a life in a safe community. These factors are the basic needs of a community if women are expected to be able to take part in future efforts at achieving and maintaining peace.<sup>100</sup> Areas of discussion on these issues could include further discussion on peacekeeping roles and protection of women in refugee settlements. In addition to the security of these women, discussion must address security for groups of civilian women still in conflict areas.

### ***Committee Directive***

As there are already two major resolutions addressing women in peace and security, the committee should focus their discussion on successful implementation of these two resolutions. To supplement this discussion, ideas about additional plans of action on the matters of involving women in peace sustainability and societal reconstruction should be addressed. In addition to continued cooperation, the Security Council must create a feasible approach to promoting these resolutions in states experiencing conflict and especially those that have the potential for disturbances in peace and society. Furthermore, the Security Council should focus on peacekeeping missions and women in more detail. While resolutions have included clauses about the integrity and rights of women in regard to peacekeeping forces it is also important to discuss the positive role those forces can play in securing normality. Some topics that must be covered in a resolution include: engaging non-state actors in policies against sexual violence, building trust in peacekeeping and reconstruction mechanisms, gender balance amongst peacekeeping personnel, and the emphasis on peacekeeping missions to protect civilians and aid resources trying to reach them.

## **III: The Situation in Cyprus**

### ***Introduction***

Since 1974, the island nation of Cyprus has been divided into two parts.<sup>101</sup> The internationally recognized and ethnically Greek Republic of Cyprus is a member of the United Nations and the European Union, while the self-declared Turkish Republic of North Cyprus, consisting of the northern third of the island, has been under occupation by Turkish troops for 35 years.<sup>102</sup> A United Nations-administered zone between the two sides, extending all the way

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<sup>99</sup> "Advocating for Women's Participation in Afghanistan's Supreme Court" UNIFEM, 2006.

[http://www.unifem.org/gender\\_issues/voices\\_from\\_the\\_field/story.php?StoryID=425](http://www.unifem.org/gender_issues/voices_from_the_field/story.php?StoryID=425)

<sup>100</sup> Isobel Coleman, *Post-Conflict Reconstruction: The Importance of Women's Participation*. Testimony before US Congressional Human Rights Caucus. March 11, 2004.

<sup>101</sup> "Cyprus-UNFICYP-Background." United Nations Peacekeeping Force in Cyprus.

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

<sup>102</sup> Ibid.

across the island and right through the middle of the capital and largest city, Nicosia, was established in 1974 as a buffer zone and is called the Green Line.<sup>103</sup> Years of negotiations have failed to reach a final political solution that would be satisfactory to both sides including a 2004 referendum on reunification which was soundly rejected by the Greek side even as Turkish Cypriots approved it.<sup>104</sup> Following the election of a new Greek Cypriot President, Demetris Christofias, in June 2008, there has been renewed hope for the achievement of a political solution in Cyprus.<sup>105</sup> His personal chemistry with the Turkish Cypriot leader, Mehmet Ali Talat, seems to have opened up the possibility for a negotiated solution in the near future.<sup>106</sup> As UN Secretary-General Ban Ki-Moon noted in his most recent report, however; “the need to...deliver results becomes more pressing” as time goes by without the population seeing any meaningful changes.<sup>107</sup>

## **Background**

The Republic of Cyprus gained independence from the United Kingdom on 16 August 1960.<sup>108</sup> The Constitution, written by Britain with input from representatives of Greece and Turkey, provided for a Greek President and a Turkish Vice-President, each with absolute veto authority.<sup>109</sup> It also included the text of the Treaty of Guarantee between Cyprus on the one hand and Greece, Turkey, and the United Kingdom on the other allowing any of the three “guaranteeing Powers” to “take action” to restore the constitutional order. Archbishop Makarios III was elected the first President of Cyprus, thus serving as both a spiritual and political leader.<sup>110</sup> The complex system of proportional representation and reserved positions proved to be unworkable in practice and violence broke out between the Greek and Turkish communities in 1963 after President Makarios put forward a number of Constitutional amendments to reduce the power of the Turkish Cypriots.<sup>111</sup> On 4 March 1964, at the suggestion of Cyprus, the Security Council passed Resolution 186, recommending the creation of the United Nations Peacekeeping Force in Cyprus (UNFICYP).<sup>112</sup> Its mission was “to use its best efforts to prevent a recurrence of fighting and , as necessary, to contribute to the maintenance and restoration of law and order.”<sup>113</sup>

## **Breakdown of the Constitutional Order**

In July 1974, Greek Cypriots, under the influence of the military junta then in power in Greece, staged a coup against the Makarios government with the express purpose of seeking unification (*enosis*) with Greece.<sup>114</sup> The Turkish government invaded the island in the name of the Constitution, which specifically forbids “union with any

<sup>103</sup> Ibid.

<sup>104</sup> Gerald Butt. “Analysis: Cyprus Result Adds to EU Woes.” *BBC News*. 24 April 2004. <http://news.bbc.co.uk/2/hi/europe/3656553.stm>.

<sup>105</sup> S/2009/248. *Report of the Secretary-General on the United Nations operation in Cyprus*. United Nations Security Council. 15 May 2009.

<sup>106</sup> Kirsty Hughes. “Cyprus Unity Hopes Rekindled.” *BBC News*. 9 June 2008. <http://news.bbc.co.uk/2/hi/europe/7444113.stm>

<sup>107</sup> S/2009/248. *Report of the Secretary-General on the United Nations operation in Cyprus*. United Nations Security Council. 15 May 2009. p. 11.

<sup>108</sup> “Cyprus-UNFICYP-Background.” United Nations Peacekeeping Force in Cyprus. <http://www.un.org/Depts/dpko/missions/unficyp/background.html>.

<sup>109</sup> *Constitution of the Republic of Cyprus. Appendix D, Article 1*. Republic of Cyprus. 16 August 1960. Online at <http://www.cyprus.gov.cy/portal/portal.nsf/AII/C44572D7363776ACC2256EBD004F3BB3?OpenDocument>.

<sup>110</sup> “The President of the Republic.” Republic of Cyprus. <http://www.cyprus.gov.cy/portal/portal.nsf/AII/5DFE1EEEF01C97C8C2256EBD004F3C5B?OpenDocument>.

<sup>111</sup> “Cyprus-UNFICYP-Background.” United Nations Peacekeeping Force in Cyprus. <http://www.un.org/Depts/dpko/missions/unficyp/background.html>.

<sup>112</sup> Ibid.

<sup>113</sup> S/5575. *Resolution of 4 March 1964*. United Nations Security Council. 4 March 1964.

<sup>114</sup> “Cyprus-UNFICYP-Background.” United Nations Peacekeeping Force in Cyprus. <http://www.un.org/Depts/dpko/missions/unficyp/background.html>.

other state.”<sup>115</sup> Fighting continued until 16 August, by which time the Turkish forces controlled approximately one-third of the island.<sup>116</sup> UN-sponsored peace talks with input from the UK, Turkey and Greece led to a *de facto* end to fighting even though the two sides never signed a formal cease-fire agreement.<sup>117</sup> UNFICYP's mandate was expanded to include maintaining the cease-fire and patrolling the buffer zone, known as the Green Line, between the two sides.<sup>118</sup> It also strictly maintains the military status quo as it was at the time of the end of fighting.<sup>119</sup>

### ***Human Rights and Missing Persons***

As a result of the fighting and subsequent closing of the *de facto* border, approximately 142,000 Greek Cypriots and 45,000 Turkish Cypriots were displaced from their homes.<sup>120</sup> In addition, nearly 2,000 individuals were reported missing and could not be located.<sup>121</sup> To deal with the latter situation, a Committee on Missing Persons (CMP) was established in 1981.<sup>122</sup> It is jointly staffed by Greek and Turkish Cypriots and run by a committee consisting of one Greek Cypriot, one Turkish Cypriot, and one appointee of the International Committee of the Red Cross.<sup>123</sup> As of 2009, the CMP had exhumed the remains of 530 individuals and identified 161, whose remains have been returned to their families.<sup>124</sup> UNFICYP provides humanitarian support to Greek Cypriots and Maronites living in the north and periodically visits Turkish Cypriots in the south.<sup>125</sup> It also transports mail across the border and assists individuals living in the Green Line area with utility connections and farming assistance.<sup>126</sup> An agreement on allowing displaced persons to return to their homes must be part of the larger negotiations concerning a final end to the conflict.

### ***Political Developments Since 1974***

Despite prolonged negotiations and the efforts of UN Secretaries-General Kurt Waldheim, Kofi Annan and Ban Ki-Moon, among others, the two sides have yet to agree to a permanent settlement. In 1983 the Turkish-occupied area declared itself the Turkish Republic of Northern Cyprus (TRNC).<sup>127</sup> This declaration has been recognized only by Turkey and was decried by the Security Council.<sup>128</sup> On 1 May 2004, Cyprus became a member of the European Union.<sup>129</sup> Although intense negotiations were held between the two sides starting in 1999 and a referendum on

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<sup>115</sup> *Constitution of the Republic of Cyprus. Appendix B, Article 1.* Republic of Cyprus. 16 August 1960. Online at <http://www.cyprus.gov.cy/portal/portal.nsf/All/C44572D7363776ACC2256EBD004F3BB3?OpenDocument>.

<sup>116</sup> Ibid.

<sup>117</sup> “Cyprus-UNFICYP-Background.” United Nations Peacekeeping Force in Cyprus. <http://www.un.org/Depts/dpko/missions/unficyp/background.html>

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> “Cyprus.” Internal Displacement Monitoring Centre. [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/D3F74A4AB400E593802570B8005A6EA2?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/D3F74A4AB400E593802570B8005A6EA2?OpenDocument)

<sup>121</sup> “CMP Fact Sheet.” Committee on Missing Persons in Cyprus. June 2009. [http://www.cmp-cyprus.org/media/attachments/CMP/CMP%20docs/CMP%20Fact%20Sheets/CMP\\_Fact\\_Sheet\\_Jun09.pdf](http://www.cmp-cyprus.org/media/attachments/CMP/CMP%20docs/CMP%20Fact%20Sheets/CMP_Fact_Sheet_Jun09.pdf)

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> “Cyprus-UNFICYP-Background.” United Nations Peacekeeping Force in Cyprus. <http://www.un.org/Depts/dpko/missions/unficyp/background.html>.

<sup>126</sup> Ibid.

<sup>127</sup> “Cyprus.” *The CIA World Factbook*. <https://www.cia.gov/library/publications/the-world-factbook/geos/CY.html>.

<sup>128</sup> Ibid.

<sup>129</sup> “Turkish Cypriot Community.” *European Commission*. [http://ec.europa.eu/enlargement/turkish\\_cypriot\\_community/index\\_en.htm](http://ec.europa.eu/enlargement/turkish_cypriot_community/index_en.htm).

reunification was prepared, it was rejected by the Greek side.<sup>130</sup> All of Cyprus is thus technically a part of the EU although EU law is officially suspended in the northern part pending a final political solution.<sup>131</sup>

Since June 2008, there has been increased momentum on the long-stalled negotiations.<sup>132</sup> This is largely due to the personal interaction between the President of Cyprus Demetris Christofias and the *de facto* President of TRNC Mehmet Ali Talat.<sup>133</sup> Already this working relationship has led to the reopening of Ledra Street, a major Green Line crossing in the center of Nicosia which was seen for many years as a symbol of the island's division.<sup>134</sup> On 3 September 2008, the two sides officially opened up formal negotiations on the creation of a bizonal federation to end the long-standing conflict.<sup>135</sup> Between then and 15 May 2009, the time of Secretary-General Ban's most recent report on the subject, they met a total of 27 times.<sup>136</sup> On 22 December 2008 they issued a joint statement expressing their commitment to a lasting settlement.<sup>137</sup>

### ***Conclusion***

Currently it appears that Cyprus may be closer to a political solution than at any other time since 1974. Negotiations are actively underway on key final status issues and the leaders on both sides have publicly committed to reaching an agreement. As Secretary-General Ban cautions, however, “while areas of significant divergence may be fewer, most are nonetheless fundamental, reflecting the challenge of translating the agreed objective of a bizonal, bicomunal federation with political equality into a functional united Cyprus.”<sup>138</sup>

### ***Committee Directive***

Although talks continue to move forward, Secretary-General Ban has expressed his concern that the pace of progress needs to increase in order for the population of Cyprus to remain vested in the outcome. The Security Council can play a role in encouraging these talks while continuing to support the security situation and provide humanitarian aid through UNFICYP. Steps to reopen crossings, facilitate the return of internally displaced persons, and encourage direct interaction between Greek and Turkish Cypriots may increase the likelihood of a peace agreement. In addition, the Security Council can craft creative incentives to reward the two sides for cooperation. This historic opportunity to repair a fractured nation should not be allowed to pass by.

## **IV. Increasing Port Security to Combat Terrorism**

### ***Introduction***

Since the attacks on the United States on 11 September 2001, the international community has come together and has taken a strong stance against terrorism. While there have been many acts on behalf of Member State

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<sup>130</sup> Gerald Butt. “Analysis: Cyprus Result Adds to EU Woes.” *BBC News*. 24 April 2004.

<http://news.bbc.co.uk/2/hi/europe/3656553.stm>.

<sup>131</sup> “Turkish Cypriot Community.” *European Commission*.

[http://ec.europa.eu/enlargement/turkish\\_cypriot\\_community/index\\_en.htm](http://ec.europa.eu/enlargement/turkish_cypriot_community/index_en.htm).

<sup>132</sup> S/2008/353. *Report of the Secretary-General on the United Nations Operation in Cyprus*. United Nations Security Council. 2 June 2008.

<sup>133</sup> S/2008/744. *Report of the Secretary-General on the United Nations Operation in Cyprus*. United Nations Security Council. 28 November 2008.

<sup>134</sup> *Ibid.*

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

<sup>136</sup> S/2009/248. *Report of the Secretary-General on the United Nations Operation in Cyprus*. United Nations Security Council. 15 May 2009.

<sup>137</sup> *Ibid.*

<sup>138</sup> *Ibid.* p. 9.



governments and international bodies condemning and enhancing security measures against terrorism, it is still a major threat to international peace and security. One area that has been greatly under-represented in anti-terrorism discussion, amongst international bodies, is that of port security. While many Member State governments, such as the United States, United Kingdom and Japan have enacted serious initiatives domestically and regionally to try and initiate port security measures, there has yet to be major consideration by a collaborative international body.<sup>139</sup> The Security Council has put a special importance on combating terrorism, and the issue of port security continues to be of great concern and stands to be an issue that should be addressed by the Council in a resolution.

The Security Council created the Counter Terrorism Committee in 2001. This committee has promulgated four international counter-terrorism legal instruments since then, but it has yet to create and enforce serious security initiatives in port and maritime safety. Despite the existing international protocols and conventions, there are no uniform enforcement or mutual agreements between states to seriously enforce these statutes.<sup>140</sup> The issue of terrorism can only be handled by the organization of states working to take action together and work toward a better global community. Cooperation between states to combat terrorism should not be prompted only by an attack on civilian populations. It is crucial that the international community work together to address this impending threat before an attack occurs.

### ***Security Council Presence***

In September 2001 the United Nations Security Council passed Resolution 1373, which calls upon Member States to take action to fight terrorist groups and prevent acts of terror. Resolution 1373 calls for states to cooperate on intelligence sharing and enforcement of laws against terrorist organizations. This should be achieved through cooperation between Member States on upholding UN suggested Intel sharing, international law, and through a global approach to security in accordance with UN Maritime protocols.<sup>141</sup> This resolution marked the first major act of the Security Council against modern terrorism and its many varied forms. This resolution also created the Security Council Counter-Terrorism Committee, which is responsible for the implementation of the resolution.<sup>142</sup>

Resolution 1373 was followed by Resolution 1523 (2004) which established the Counter-Terrorism Committee Executive Directorate (CTED). CTED directs and steers the committee with an executive council comprised of all 15 Security Council members.<sup>143</sup> Resolution 1624, passed in 2005, called upon Member States to prevent terrorists' activity in their states by making it illegal to provide safe havens for those guilty of terrorism.<sup>144</sup>

In the Security Council's support of combating terrorism there are 16 international laws or instruments providing basis and support for the actions of the Council. These laws, conventions and protocols cover a large area of terror-related laws and preventative measures. Most important, in the case of port security, are the Maritime Convention of 1988 and the Protocol to the Maritime Convention adopted in 2005. These two instruments are the major basis for security measures involving maritime practices and ships. The Maritime Convention established a legal regime responsible for maritime navigation and outlawed forced or unlawful seizures of a ship or violent acts that could impede with the navigation of the ship.<sup>145</sup> The Protocol, passed in 2005, further details the precautions against using maritime vessels as possible tools for an act of terror. It includes a prohibition against transporting persons who have

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<sup>139</sup> M.D. Greenburg, *Maritime Terrorism: Risk and Liability*. (2006) Santa Monica: RAND Corporation.

<sup>140</sup> Ibid.

<sup>141</sup> SC RES 1373. United Nations Security Council 2001.

<sup>142</sup> Ibid.

<sup>143</sup> SC RES 1523. United Nations Security Council. 2004.

<sup>144</sup> SC RES 1624. United Nations Security Council 2005.

<sup>145</sup> *Convention for the suppression of unlawful acts against the safety of maritime navigation*. United Nations Treaty Series. 1988. <http://www.un.org/sc/ctc/pdf/conventions/Conv8.pdf>

committed or intend to commit acts of terror or transporting materials that are destined to be used in a dangerous act, and it instates a procedure for the boarding of individuals convicted of acts of terror on a ship.<sup>146</sup>

In addition to the Counter-Terrorism Committee there is the International Maritime Organization (IMO), which serves as the UN body responsible for overseeing maritime standards and issues. Established in 1948, in Geneva, Switzerland, it was initially called the Inter-Governmental Maritime Consultative Organization (IMCO). While adopted in 1948 the IMCO was inactive for the next ten years and only first met 1959.<sup>147</sup> The name was later abbreviated in 1982.<sup>148</sup> The IMO is based out of the United Kingdom and comprised of 168 Member States. On the issue of port security, the leading document of safety codes and procedures is the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), which was instated and amended between 1974 and 2002. The convention outlines port security standards such as: port facility security plans, port facility security officers and specific safety equipment. Under this convention, ports are required to run on a similar security level system and provide a link between vessels and the port, which allows appropriate signals to be communicated to dictate security in the port based on the needs of the ship. It also mandates that ports relate certain safety requirements, which are communicated between ports and home governments.<sup>149</sup> IMO issued safety measures are set up to ensure that ports are protecting their home country from dangerous cargo and persons that might use a sea port as a point of entry into the country or as a gateway to other ports. It also mandates that governments run regular analysis of port security systems and plans to determine the need for additional security officers and plan amendments. Under the convention, contracting governments must designate government authorities that are responsible for implementing and overseeing the requirements laid out in the document.<sup>150</sup>

Following 11 September 2001 and the creation of SOLAS, there were still grave security concerns that were not yet handled, despite new efforts to reduce the possibilities of terrorist attacks. To combat this problem the IMO created the Global Programme on Maritime and Port Security, which is a 2.5 million dollar program that began in 2002 and continued until 2004. The Programme's work included wide ranging national and regional conferences on practical port security and employee training. The program also instated new infrastructure to help with the overwhelming demand for technical assistance in port security management. The Train-the-Trainer program was developed to train instructors in technical and other maritime and port security procedures so that there were qualified trainers in participating states.<sup>151</sup> Despite these efforts, the IMO concluded in May 2004 that fewer than 6% of world seaports followed the prescribed safety protocols and standards. Furthermore, only a small number of ship security plans were approved by the IMO.<sup>152</sup>

### ***Developments Since 2004***

Since the new safety protocols laid out in SOLAS in 2004, there has been little major international activity on port security. The IMO has been consistently working to enforce existing policies and procedures in ports around the world to help reduce the risk of terrorism. While much of the world's attention has shifted to piracy as the largest danger on the sea, it is still a grave concern to Member States to maintain high standards of port security. In 2006 a great deal of attention was brought to the sale of P & O Ports, a British company that maintained ports around the world, to Dubai Ports World (DPW). DPW, based out of Dubai, United Arab Emirates, ended up selling its American port assets to an American company to help ensure that safety standards would be upheld to U.S.

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<sup>146</sup> *Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation*. United Nations Security Council Counter Terrorism Committee. 2005. <http://www.un.org/sc/ctc/laws.html#10>

<sup>147</sup> "Introduction to the IMO." International Maritime Organization. 2002. <http://www.imo.org/>

<sup>148</sup> Ibid.

<sup>149</sup> *International Convention for the Safety of Life at Sea*. International Maritime Organization 1974.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Jamie Holguin. "U.N.: Port Security Not Seaworthy" Associated Press, CBS News. 24 May 2004. <http://www.cbsnews.com/stories/2004/05/25/terror/main619510.shtml>

standards. This change of ownership led to additional port safety laws passed in the United States in late 2006.<sup>153</sup> Singapore and Japan continue to be leaders in Asia for port security. As early as 2004 Singapore was denying ships access that did not meet IMO safety standards and was one of the few major world ports to pass IMO safety standards.<sup>154</sup>

Currently, work on port security is discussed annually at the International Conference on Maritime and Port Security. Initiated in 2006, this conference pools representatives from shipping companies, national governments, the IMO, and port authorities. Matters of international trade in relation to security are discussed and seminars, presentations, and discussions are facilitated by a variety of sponsors.<sup>155</sup>

### ***Future Challenges***

Despite the international attention recently centered on maritime security, there is little reform and discussion on threats to port security. The largest challenge is in monitoring the international container shipment industry, without which over 50 percent of the world would starve from the unavailability of food goods. A terrorist attack on a major world port could seriously damage world trade and economics and affect millions of people involved in the manufacturing, consumer processing, shipping, and port industries. With millions of containers circulating the globe on hundreds of thousands of ships, it is a daunting, if not impossible, task to monitor them all. This provides many opportunities for goods destined for acts of terror to infiltrate the global shipping network.<sup>156</sup>

The largest concern is that a nuclear weapon or materials could be transported without detection. With the technical knowledge of weapon construction more readily available than ever, it is of grave concern to the Security Council to address the possibility of a nuclear weapon entering a state through a sea port. This is not limited to traditional nuclear weapons but also other weapons of mass destruction (WMD) and/or components to create a destructive device. Everytime a container is handled in the shipping process there is a potential vulnerability to the cargo and safety of the transport. There is common knowledge of the industry's lack of security and ports' inability to monitor containers, and it is, therefore, a very vulnerable area of international security.<sup>157</sup>

### ***Committee Directive***

The matter of port security stands as an imperative topic, which has been under-represented on the Security Council Agenda. While there are many issues to address in combating terrorism, port security is a major issue that if not properly addressed could leave the global community extremely vulnerable. It is imperative for the safety of Member State citizens, the global economy and world trade processes that the shipping industry and seaports of the world remain safe and reliable points of entry to any state. Any action by the Security Council must address several key points: creating more detailed and uniform safety requirements for container inspection and tracking, as well as, revising safety protocols for ship and port emergencies as laid out in SOLAS. It is important to keep in mind the changes made and those that are still problematic after the 2004 IMO report, which discovered 94% of ports were not in compliance with existing standards. A resolution should include measures to prevent further failure at safety standard compliance. Also a noteworthy area of concern to be addressed is the safety of the geographic perimeter of the port. As security starts with controlling what gets into a port of origin, detailed standards for safety on the ground and areas surrounding a port need to be addressed. It is important that the Security Council not only address the issue of port security, but continue to address combating terrorism in a way that makes port security a priority. A

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<sup>153</sup> M.D. Greenburg, *Maritime Terrorism: Risk and Liability*. (2006) Santa Monica: RAND Corporation.

<sup>154</sup> Jamie Holguin. "U.N.: Port Security Not Seaworthy" Associated Press, CBS News. 24 May 2004.  
<http://www.cbsnews.com/stories/2004/05/25/terror/main619510.shtml>

<sup>155</sup> "3<sup>rd</sup> International Conference on Maritime and Port Security." Maritime and Port Security Nantes-France.  
<http://www.nantes2009-maritimeportsecurity.com/welcome.php?lang=en>

<sup>156</sup> John F. Frittelli, et al. *Port and Maritime Security Background and Issues*. (2003) New York: Novinka.

<sup>157</sup> Ibid.

resolution on port security will not stand alone but must be able to be implemented in tandem with other anti-terror resolutions.

## **V: Human Rights Violations in Myanmar**

### ***Introduction***

Since 1962, the Union of Myanmar (also known as Burma) has been under the control of a military dictatorship. According to Human Rights Watch, the ruling junta known as the State Peace and Development Council (SPDC) ruthlessly denies basic freedoms and imprisons political activists, of which there are more than 2,100 as of March 2009.<sup>158</sup> It also mistreats ethnic minorities, who make up about a third of the population.<sup>159</sup> Children are frequently forced into conflict in both government and rebel military forces<sup>160</sup> and sexual violence is prevalent.<sup>161</sup> Following the landing of Cyclone Nargis on 2 May 2008, the SPDC refused to allow aid workers into the devastated countryside despite nearly 140,000 deaths and over 2 million in need of basic food and shelter.<sup>162</sup> The respected Non-Governmental Organization (NGO) Freedom House ranks Myanmar as among the least free countries in the world, at the level of North Korea or Sudan.<sup>163</sup> A 2009 report by Special Rapporteur on the situation of human rights in Myanmar Tomas Ojea Quintana to the UN Human Rights Council found violations of four core elements of human rights and declared that the SPDC “must honor its international human rights obligations, and cannot invoke provisions of its domestic law as justification for its failure to comply with them.”<sup>164</sup>

### ***Background***

A military coup by General Ne Win in 1962 overthrew the democratic government of Burma. Although power has changed hands within the military several times since then, it continues to rule the country, most recently in the form of the SPDC under the control of Senior General Than Shwe. Elections held in 1990 resulted in an overwhelming victory for the National League for Democracy (NLD), but the elected parliament was not allowed to take its seats.<sup>165</sup> NLD leader Aung San Suu Kyi, the most famous of Myanmar's political prisoners, has been under house arrest intermittently since 1989 and is currently undergoing a trial which will probably result in further detention.<sup>166</sup> Pro-democracy demonstrations led by activists and Buddhist monks in 2007 were brutally repressed, an action that was denounced by the Security Council in a Presidential Statement.<sup>167</sup> An attempt to pass a resolution calling on Myanmar to stop the mistreatment of ethnic minorities and release political prisoners, however, was vetoed by Russia and China in January 2007.<sup>168</sup> Since then, there has been no serious consideration of the problems in Myanmar by the Security Council and efforts to promote human rights have been led by other United Nations committees and international organizations. The disaster of Cyclone Nargis in May 2008 occurred only days before a planned referendum on a new Constitution, which enshrines basic rights and calls for national elections in 2010.

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<sup>158</sup> “Burma.” *World Report 2009*. Human Rights Watch. 14 January 2009. <http://www.hrw.org/en/node/79297>

<sup>159</sup> Ibid.

<sup>160</sup> S/2009/278. *Report of the Secretary-General on children and armed conflict in Myanmar*. United Nations Security Council. 1 June 2009.

<sup>161</sup> “Burma.” *World Report 2009*. Human Rights Watch. 14 January 2009. <http://www.hrw.org/en/node/79297>.

<sup>162</sup> Ibid.

<sup>163</sup> “Tables and Graphs.” *Freedom in the World 2009*. Freedom House. 12 January 2009. [http://www.freedomhouse.org/uploads/fiw09/FTW09\\_Tables&GraphsForWeb.pdf](http://www.freedomhouse.org/uploads/fiw09/FTW09_Tables&GraphsForWeb.pdf).

<sup>164</sup> A/HRC/10/19. *Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana*. United Nations Human Rights Council. 11 March 2009. p. 19.

<sup>165</sup> “Why is Burma's junta afraid of Suu Kyi?” *BBC News*. 19 May 2009. <http://news.bbc.co.uk/2/hi/asia-pacific/8050262.stm>.

<sup>166</sup> “UN Chief Calls for Burma Releases.” *BBC News*. 3 July 2009. <http://news.bbc.co.uk/2/hi/asia-pacific/8131869.stm>.

<sup>167</sup> S/PRST/2007/37. United Nations Security Council. 11 October 2007.

<sup>168</sup> S/PV.5619. United Nations Security Council. 12 January 2007

The Constitution passed in a reported landslide, but the government has been slow to respect its most basic provisions and many observers consider it merely a fig leaf to confer legitimacy on the military regime.<sup>169</sup>

### ***Human Rights Council***

The Human Rights Council was created in 2006 to replace and address the deficiencies of the Commission on Human Rights.<sup>170</sup> Composed of 47 states, it conducts a Universal Periodic Review in which the human rights situation of every UN Member State is reviewed once every four years.<sup>171</sup> It can also create a specific review process, called a Special Procedure, to address either thematic or country-specific human rights concerns.<sup>172</sup> Myanmar is one of the eight current country mandates and is investigated by Special Rapporteur Tomas Ojea Quintana.<sup>173</sup> He visited the country on 3-7 August 2008 and 14-19 February 2009 and submitted a report on his findings on 11 March 2009.<sup>174</sup> He concluded that “[t]he situation of human rights in Myanmar remains challenging” and that the government of Myanmar should “complete the four core human rights elements indicated...before the elections in 2010.”<sup>175</sup>

The four core elements are: review of national legislation in accordance with the new Constitution and international obligations, progressive release of prisoners of conscience, reform of the armed services, and reform of the judiciary.<sup>176</sup> A similar report was submitted earlier to the United Nations General Assembly.<sup>177</sup> In response, the Human Rights Council passed a strongly-worded resolution calling on Myanmar to release all political prisoners, end impunity for human rights violators, protect the rights of women and children, end the recruitment and use of child soldiers, recognize the rights of minorities, bring domestic legislation in accordance with the new Constitution, reform the judiciary, and ensure free and fair elections in 2010.<sup>178</sup> Unfortunately, however, the Human Rights Council has no authority to enforce its recommendations and must rely on moral authority to influence Member States.

### ***Working Group on Children and Armed Conflict***

In 2005 the Security Council created a Working Group on Children and Armed Conflict, composed of representatives from all 15 members of the Security Council.<sup>179</sup> Created in reaction to reports of widespread conscription of children into national and rebel armies as well as abuse of children in areas of conflict, the working group hears reports from the UN Secretary-General on 18 situations of concern and prepares recommendations to the Security Council on measures to protect children.<sup>180</sup> Myanmar is one of the listed situations of concern and has

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<sup>169</sup> Kate McGeown. “Did the cyclone change Burma’s junta?” *BBC News*. 4 May 2009. <http://news.bbc.co.uk/2/hi/asia-pacific/8029611.stm>.

<sup>170</sup> A/RES/60/251. *Human Rights Council*. United Nations General Assembly. 3 April 2006.

<sup>171</sup> “Universal Periodic Review.” United Nations Human Rights Council. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx>.

<sup>172</sup> “Special Procedures of the Human Rights Council.” United Nations Human Rights Council. <http://www2.ohchr.org/english/bodies/chr/special/index.htm>.

<sup>173</sup> “Myanmar.” United Nations Office of the High Commissioner for Human Rights. <http://www.ohchr.org/EN/countries/AsiaRegion/Pages/MMIndex.aspx>.

<sup>174</sup> A/HRC/10/19. *Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana*. United Nations Human Rights Council. 11 March 2009.

<sup>175</sup> *Ibid.* p. 18.

<sup>176</sup> *Ibid.*

<sup>177</sup> A/63/341. United Nations General Assembly. 5 September 2008.

<sup>178</sup> A/HRC/10/L.28. *Situation of Human Rights in Myanmar*. United Nations Human Rights Council. 20 March 2009.

<sup>179</sup> S/RES/1612. United Nations Security Council. 26 July 2005.

<sup>180</sup> “Security Council Working Group.” Office of the Special Representative of the Secretary-General for Children and Armed Conflict. <http://www.un.org/children/conflict/english/securitycouncilwg.html>

been the subject of several reports, most recently on 1 June 2009.<sup>181</sup> That report found “grave violations against children” and reported that “severe restriction of access by the Government...continues to limit the ability of the country task force and its partners to monitor and report on [those] violations.”<sup>182</sup> It found violations by the national army (Tatmadaw Kyi), as well as nine different non-State entities and reported that efforts to communicate and forge agreements with non-State military forces had been blocked by the SPDC.<sup>183</sup>

After reviewing Secretary-General Ban Ki-Moon's previous report of 6 December 2007, in July 2008, the working group recommended that the Security Council transmit a letter to Myanmar urging the government to open up restricted areas to the UN country task force, to take basic steps to protect witnesses, and to prosecute individuals known to be recruiting or conscripting children into the armed forces.<sup>184</sup> This recommendation was not acted upon and conditions have not changed substantially.<sup>185</sup>

### **Secretariat**

Since May 2007, Secretary-General Ban Ki-moon has been represented in Myanmar by former Under-Secretary-General for Political Affairs Ibrahim Gambari, now the Special Adviser to the Secretary-General on Myanmar.<sup>186</sup> Mr. Gambari has made several visits to Myanmar to negotiate for the release of political prisoners and encourage political reform, but the US-based Non Governmental Organization (NGO) Human Rights Watch has criticized his efforts, saying he made “no progress” during 2008.<sup>187</sup>

In July 2009, Secretary-General Ban Ki-moon made a personal visit to Myanmar at the request of the SPDC, but was refused access to Aung San Suu Kyi, and was unable to negotiate the release of any prisoners.<sup>188</sup> Secretary-General Ban stated that the Myanmar government “has lost a unique opportunity to show its commitment to a new era of political openness” and said it must make significant changes “if the elections in 2010 are to be seen as credible.”<sup>189</sup> Following the failed visit, U.K. Prime Minister Gordon Brown announced that his government was considering new sanctions against Myanmar and threatened the country with “increased isolation”.<sup>190</sup>

### **Conclusions**

Since 2007, the Security Council has been unable or unwilling to take action on known human rights abuses in Myanmar. Both the Russian Federation and China have explained their resistance to discussing the issue by referring to the Security Council's mandate to protect international peace and security. In vetoing the January 2007 resolution, the delegate of China said, “the Myanmar issue is mainly the internal affair of a sovereign state. The current domestic situation in Myanmar does not constitute a threat to international or regional peace and security.”<sup>191</sup>

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<sup>181</sup> “Developments in Myanmar.” Office of the Special Representative of the Secretary-General for Children and Armed Conflict. <http://www.un.org/children/conflict/english/myanmar.htm>

<sup>182</sup> S/2009/278. *Report of the Secretary-General on children and armed conflict in Myanmar*. United Nations Security Council. 1 June 2009.

<sup>183</sup> Ibid.

<sup>184</sup> S/AC.51/2008/8. *Conclusions on children and armed conflict in Myanmar*. United Nations Security Council. 25 July 2008.

<sup>185</sup> S/2009/278. *Report of the Secretary-General on children and armed conflict in Myanmar*. United Nations Security Council. 1 June 2009.

<sup>186</sup> “Secretary-General Designates Ibrahim Gambari to Continue ‘Good Offices’ Mandate on Myanmar.” United Nations Department of Public Information. 22 May 2007. <http://www.un.org/News/Press/docs//2007/sga1069.doc.htm>.

<sup>187</sup> “Burma.” *World Report 2009*. Human Rights Watch. 14 January 2009. <http://www.hrw.org/en/node/79297>.

<sup>188</sup> “Burma junta leader snubs UN chief.” *BBC News*. 4 July 2009. <http://news.bbc.co.uk/2/hi/asia-pacific/8134061.stm>.

<sup>189</sup> “Myanmar's human rights record matter of 'grave concern,' says Ban.” *UN News Centre*. 4 July 2009. <http://www.un.org/apps/news/story.asp?NewsID=31364&Cr=myanmar&Cr1=>.

<sup>190</sup> “UK threatens new Burma sanctions.” *BBC News*. 4 July 2009. <http://news.bbc.co.uk/2/hi/asia-pacific/8134634.stm>.

<sup>191</sup> S/PV.5619. United Nations Security Council. 12 January 2007. p 2.



The Russian delegate elaborated that, “the problems in Myanmar...are being considered within the framework of other bodies of the United Nations system...Duplication of their efforts by the Security Council would be counterproductive.”<sup>192</sup> In the past two years, however, the efforts of the Human Rights Council, the Secretariat, and numerous other bodies including the International Labor Organization (ILO) and United Nations Children's Fund (UNICEF) have proven ineffective at resolving human rights issues in Myanmar. Only the Security Council possesses the binding authority to deliver real changes and promote democracy in the country.

### *Committee Directive*

If the Security Council is to take action in resolving outstanding human rights issues in Myanmar, it must find a way to address the concerns of those Member States who see human rights as an internal concern with no impact on international peace and security. A carefully tailored resolution might deal narrowly with preparations for the country's 2010 elections or with refugee issues in neighboring Thailand, for instance. The recent snubbing of Secretary-General Ban may also provide some impetus to take action against the recalcitrant regime. Whatever the solution, it is clear that present efforts are having little or no effect on the military government. Creative thinking will be necessary to find a new way forward for the people of Myanmar.

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<sup>192</sup> Ibid. p. 6.