Southern Regional Model United Nations
Ensuring Peace and Security in a Turbulent Global Environment: Fostering Prosperity and Forward Movement
April 10-12, 2014
Charlotte, NC
Email: sc_charlotte@srmun.org

Dear Delegates,

It is an honor to welcome you to the United Nations Security Council (UNSC) for the Southern Regional Model United Nations Conference (SRMUN) Charlotte 2014. My name is Monique Atherley and I will serve as your Director for Security Council along with my Assistant Director, Joel Fitzgerald. We have worked diligently with our Director-General Punit Patel on this background guide in order to create a document that not only heightens your awareness of the issues at hand, but will also serve as a great resource to your conference preparation. As alumni from the SRMUN program we hope to help you create a Model UN experience at this conference that will be memorable and a jump-start to your future work in leadership and advocacy at your campuses and in your communities.

Security Council is one of six main bodies of the United Nations. Empowered by Article 24 of the United Nations Charter, the main goal of the UNSC is the maintenance of peace and security in the global community. The Security Council is the primary international body designated to respond to crises around the world. The Council does so through peacekeeping operations, collaborating with judiciary entities to maintain accountability for egregious violations in the global community, and holding special sessions to develop binding documents that require action from all Member States. As an appropriate and relevant theme to Security Council, the SRMUN Charlotte 2014 Conference focuses on *"Ensuring Peace and Security in a Turbulent Global Environment"*. The topics you will discuss solutions for in committee encompass both age long battles of security and accountability, as well as entertain new-age areas of vulnerability that need to be appropriately addressed. The topics for Security Council at SRMUN Charlotte 2014 are:

I. Cyber Security: The Threat of Cyber Terrorism and Cyber Warfare on International Peace and Security
II. Coordinating Global Accountability between the Security Council, the International Criminal Court, and the International Court of Justice
III. Addressing the Role of the Security Council in Civil Conflict

Every delegation must submit a position paper addressing each of the topics listed above and only those listed above. Position papers should not be longer than 2 pages in length and single-spaced. A proper position paper should provide insight into your countries position, history, and statement of goals for the topic. The objective of the position paper is to convince and persuade the members of your committee that the approach in your paper is the best course of action. Therefore, the position papers are critical in providing insight into not only the policies and positions of each country, but should also offer insight into the direction each county will undertake in providing solutions to the challenges of this body. 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). **All Position papers MUST be submitted by 11:59 p.m EST. on Friday, March 21, 2014, via the online submission system on the SRMUN website.**

I am excited for the opportunity to serve as your dais for the Security Council during the 2014 Southern Regional Model United Nations in Charlotte. I wish you all the best of luck in your conference preparation and look forward to meeting and working with each of you. Please feel free to contact Punit, Joel, or myself if you have any questions.

Again, Welcome to the Security Council and Happy Researching!

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History of the United Nations Security Council

The United Nations Security Council (UNSC) is one of six primary organs, which derives its powers and responsibilities from the United Nations Charter Article V and is tasked with maintaining and protecting international peace and security, often including handling new and urgent crises and acting to ensure long lasting international stability and peace.[1] Only the Security Council's resolutions center on matters of peace and security are binding, requiring action and making declarations that pertain to all Member States of the UN.[2] The UNSC's history is tied directly to the history of the UN and the Assembly itself. On June 12, 1941 in the midst of World War II, several Allied Member States including Great Britain, Canada, and Australia signed the Inter-Allied Declaration.[3] This Declaration is a critical historical landmark in the establishment of the UN, setting the stage for international cooperation and peacekeeping. The sentences below convey the general message of the Declaration:

> *"The only true basis of enduring peace is the willing cooperation of free peoples in a world in which, relieved of the menace of aggression, all may enjoy economic and social security. It is our intention to work together, and with other free peoples, both in war and peace, to this end."* [4]

In addition to the Inter-Allied Declaration, several other key agreements including the Atlantic Charter of 1941 and the Declaration by United Nations of 1942, contributed to the ideas established in the 111 articles which together form the United Nations Charter, drafted at the San Francisco Conference in 1945. [5] The Charter was unanimously adopted on June 25, 1945 and officially ratified by the five permanent members of the Security Council and a majority of other signatories on October 24, 1945.[6] Shortly after the UN Charter was ratified, the UNSC met in London for the first time On January 17, 1946, officially adopting its rules of procedure and setting the stage for future actions.[7]

Membership and Voting

Considering the various special procedures and unique rules that cause this committee to vastly differ from any other committee at our conference, we have provided an addendum to the Security Council, located in the delegate resource section of the SRMUN website (www.srmun.org). In order to gain a firm understanding of how the committee will run at this conference, we ask that each delegate be familiar with this resource.
Article 23 of the UN Charter establishes the UNSC and designates membership.[8] The Council is made up of fifteen members with the Presidency of the Council rotating monthly.[9] Membership includes ten rotating members elected by the General Assembly for a two-year term and five permanent members with veto power, also referred to as "the great Power unanimity."[10] Article 27 outlines voting procedures, establishing that a majority vote of nine is required to pass all procedural and non-procedural matters, with all substantive matters additionally requiring affirmation from all permanent members of the UNSC.[11] If even one of the five permanent members casts a negative vote on a resolution, the resolution is not approved. An abstention is not considered a negative vote, and therefore if a resolution obtains the

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[1] "Functions and Powers," The United Nations. http://www.un.org/en/sc/members/ (accessed September 12, 2013).

[2] *Ibid.*

[3] The United Nations, *The Declaration of St. James's Palace.* http://www.un.org/en/aboutun/history/saint-james.shtml (accessed September 12, 2013).

[4] *Ibid.*

[5] "History of the United Nations," The United Nations. http://www.un.org/en/aboutun/history/1941-1950.shtml (accessed September 12, 2013).

[6] *Ibid.*

[7] *Ibid.*

[8] "Selected Articles of the UN Charter Related to the Security Council," United Nations Security Council. http://www.un.org/en/sc/about/methods/selectcharter.shtml (accessed September 12, 2013).

[9] "U.N. elects 5 new Security Council members," *USA Today.* http://www.usatoday.com/story/news/world/2013/10/17/un-security-council-members/3002599/ (accessed October 17, 2013).

[10] "Functions and Powers," The United Nations. http://www.un.org/en/sc/members/ (accessed September 12, 2013).

[11] "Selected Articles of the UN Charter Related to the Security Council," United Nations Security Council, http://www.un.org/en/sc/about/methods/selectcharter.shtml (accessed September 12, 2013).

required nine affirmative votes without any permanent member negative votes, the resolution is adopted and considered binding.[12]

Discussion on the effectiveness of the UNSC and potential reform to both the number of members and the veto power occurs both informally and formally among Member States.[13] It can be noted that certain regions are underrepresented and that there are major players in the international community that do not have permanent membership on the council. In addition to Member States, the UN Secretary General Ban Ki Moon publically endorses the reform of the UNSC, though acknowledges the complexities of such reform, noting that "Member States have not been able to agree" on the specifics of the reform.[14] General Assembly resolution 48/26 (1993) established a working group responsible for considering all questions related to increase in the membership of the UNSC, but while reform has been debated, it is unlikely that any change to the membership of the Council will occur as this would require an amendment to the Charter and all five permanent members would have to unanimously consent to this change.[15]

Funding

The Security Council secures its funding from the UN Regular Budget, composed of both obligatory funding and voluntary contributions.[16] The UN has a separate Peacekeeping Budget that is similar to the UN Regular Budget but solely finances peacekeeping missions.[17] The UNSC makes decisions about the location and duration of peacekeeping operations, yet the responsibility for financing UN Peacekeeping operations is the collective responsibility of all Member States, with Article 17 of the Charter requiring each Member State to pay their share of the peacekeeping bill.[18] The Secretary General submits the budget proposal and ultimately the budget must be reviewed and approved by the General Assembly (GA) Fifth Committee and endorsed by the GA as a whole.[19]

Powers and Duties

Article 24 of the UN Charter designates the UNSC with "maintaining international peace and security" as its primary responsibility.[20] Generally, when an issue of conflict is brought forth to the UNSC, the Council must first decide if the matter is a threat to international peace. Once a threat is established and investigated, the Council agrees upon a method of reaching a settlement between the parties in question.[21] The Secretary General is often called upon to mediate or negotiate conflicts between parties, or Council members sometimes travel to areas of conflict to do so directly.[22] Although the Council has the power to establish peacekeeping forces and decide when and where a UN Peacekeeping operation should be deployed, peacekeeping troops are historically organized and controlled by the Secretary General.[23] The Council monitors the work of UN Peacekeeping missions on a regular basis through periodic reports from the

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[12] "Voting System and Records," *United Nations Security Council*, http://www.un.org/en/sc/meetings/voting.shtml (accessed October 10, 2013).

[13] Jonas von Freiesleben, "Reform of the Security Council," Citizens for Global Solutions, http://globalsolutions.org/files/public/documents/ManagingChange-1.pdf (accessed October 18, 2013).

[14] "UN Security Council faces reform calls following inaction on Syria," *The Jerusalem Post*, September 18, 2013. http://www.jpost.com/International/Calls-to-reform-Security-Council-after-its-inability-to-act-on-Syria-326427

[15] Dan Sarooshi, "Security Council," Global Policy Forum. http://www.globalpolicy.org/security-council/32932.html

[16] "The UN Budget Process," Better World Campaign. http://www.betterworldcampaign.org/issues/funding/the-un-budget-process.html (accessed October 17, 2013).

[17] *Ibid.*

[18] "Financing Peacekeeping," United Nations Peacekeeping. http://www.un.org/en/peacekeeping/operations/financing.shtml (accessed October 17, 2013).

[19] *Ibid.*

[20] "Selected Articles of the UN Charter Related to the Security Council," United Nations Security Council. http://www.un.org/en/sc/about/methods/selectcharter.shtml (accessed September 12, 2013).

[21] "Peace and Security," United Nations: Peace and Security, http://www.un.org/en/globalissues/peacesecurity/ (accessed October 18, 2013).

[22] *Ibid.*

[23] "Role of the Security Council," The United Nations. http://www.un.org/en/peacekeeping/operations/rolesc.shtml (accessed September 12, 2013).

Secretary General and by holding special UNSC sessions to discuss specific operations.[24] Typically all peaceful measures, such as cease-fires, settlement talks, and deployment of peacekeeping troops, are exhausted first before moving on to other means of action.[25] As a last resort, the UNSC may call on Member States to apply economic sanctions and has the authority to take necessary military action against an aggressor.[26]

In addition to the primary responsibilities of the UNSC, the Council also has the authority to recommend admission of new Members to the UN, to recommend the appointment of the Secretary General to the General Assembly, and elect Judges of the International Court of Justice (ICJ) in conjunction with the Assembly.[27] Another power of the UNSC, as outlined in Article 29, is the ability of the Council to create subsidiary bodies as necessary to aid in carrying out the Council's mandate.[28] Current subsidiary organs include the military staff committee and the Peacebuilding Commission (PBC).[29]

Historically, the UNSC has dealt with hard security topics such as terrorism, non-proliferation, and cross-border invasions. [30] Over time, the role of the UNSC has evolved to deal with other security related issues including human rights, women & children, and even discussions regarding the role of climate change in peace and security.[31] UNSC Resolution 1674 (2006) is one of the defining moments that changed the scope of the Security Council. This resolution outlines the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, committing the Council to take action to protect civilians in armed conflict.[32]

As of January 1, 2014, the Member States of the United Nations Security Council are:
CHINA, FRANCE, THE RUSSIAN FEDERATION, THE UNITED KINGDOM, AND THE UNITED STATES OF AMERICA.

Rotating members:

ARGENTINA, AUSTRALIA, CHAD, CHILE, LITHUANIA, LUXEMBOURG, NIGERIA, THE REPUBLIC OF KOREA, RWANDA and SAUDI ARABIA

I: Cyber Security: The Threat of Cyber Conflict on International Peace and Security

"It's the great irony of our Information Age -- the very technologies that empower us to create and to build also empower those who would disrupt and destroy. And this paradox -- seen and unseen -- is something that we experience every day."[33]
– President of the United States of America, Barack Obama

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[24] *Ibid.*

[25] "Peace and Security," United Nations: Peace and Security, http://www.un.org/en/globalissues/peacesecurity/ (accessed October 18, 2013).

[26] *Ibid.*

[27] Dan Sarooshi, "Security Council," Global Policy Forum. http://www.globalpolicy.org/security-council/32932.html

[28] "Selected Articles of the UN Charter Related to the Security Council," United Nations Security Council. http://www.un.org/en/sc/about/methods/selectcharter.shtml (accessed September 12, 2013).

[29] "Subsidiary Organs," The United Nations. http://www.un.org/en/sc/subsidiary/ (accessed September 12, 2013).

[30] "Thematic and General Issues," Security Council Report. http://www.securitycouncilreport.org/thematic-general-issues.php (accessed October 17, 2013).

[31] "Energy, Climate and Natural Resources," Security Council Report. http://www.securitycouncilreport.org/energy-climate-and-natural-resources/ (accessed October 17, 2013).

[32] S/RES/1674. Adopted by the Security Council at its 5430th meeting, on 28 April 2006. United Nations Security Council. April 26, 2006. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/331/99/PDF/N0633199.pdf?OpenElement

[33] "Remarks by the President on Securing Our Nation's Cyber Infrastructure," The White House, May 29, 2009, www.whitehouse.gov/the-press-office/remarks-president-securing-our-nations-cyber-infrastructure

Introduction

Over the last few decades, the digital revolution has increasingly connected people, businesses, and Member States rapidly, efficiently, and at a relatively in-expensive cost. More than five billion phone messages and 294 billion e-mails are sent daily, and as society has developed and adapted to new technologies, information and communication technologies (ICTs) have merged into the fabric of daily life as vital components of nearly every modern service.[34] They are commonly seen in transportation services, banking and commerce, and daily business interactions, making digital infrastructure just as important as physical infrastructure.[35] As people, businesses, and Member States accept and become dependent on ICTs, they become vulnerable to cyber-attacks.[36] Cyber-attacks are used for a variety of purposes and by various actors including Member States, Member State sponsored groups, criminal groups, individual hackers, and terrorist organizations.[37]

At their most basic level, computers do three main tasks: store, process, and communicate information, and at higher levels they perform complex combinations of these tasks.[38] Cyber-attacks take advantage of the way computers, networks, and software work and can be used to create an atmosphere of fear in a population. Different categories of cyber conflict include cyber war, terrorism, espionage, acts of protests called "hacktivism", and cyber-crime.[39] They have potential to cause loss of life, financial losses, and can cause a massive disruption in effective business and government processes for a period of time.[40] In 1998, Ethnic Tamil guerrillas overloaded Sri Lankan embassies with 800 e-mails a day over a two-week period.[41] These emails read, "We are the Internet Black Tigers and we're doing this to disrupt your communications," resulting in what is considered by intelligence authorities as the first known terrorist attack on a Member States' information systems.[42] On the other hand, Member States sometimes control access to the internet in order to suppress protests by limiting digital freedoms. Cyber espionage can simply involve monitoring the activity of foreign parties, or may involve the theft of industrial technology and Member States or international organization secrets and classified information.[43]

As technology has advanced, the use of cyberspace has taken new forms and cyber threats are some of the most serious economic and national security challenges Member States face in today's digitalized world. In recent years there has been a series of publicized cyber events showcasing the increased threat of cyber-attacks. These events offer insight into the great lengths that can be taken to terrorize others. For example in 2008, as Russia moved troops and tanks into Georgia, Georgian government websites simultaneously experienced crippling cyber-attacks.[44] This event is one of the first examples of political and military strategy that integrates offensive cyber operations with military ground operations.[45] In 2008, terrorists in Mumbai used not only guns and grenades, but also utilized Globalized Positioning Satellite (GPS) devices and phones using voice-over-the-Internet to coordinate and carry out acts of terror.[46] These instances provide a glimpse of present day and future warfare, with cyberspace as a medium used to support

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[34] *Cyber Security in the European Union.* European Parliamentary Research Service, December 11, 2013, http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130658/LDM_BRI%282013%29130658_REV1_EN.pdf

[35] *Ibid.*

[36] *Ibid.*

[37] *Ibid.*

[38] Mark M. Pollitt, "Cyberterrorism – Fact or Fancy?" *Georgetown University*, http://www.cs.georgetown.edu/~denning/infosec/pollitt.html

[39] "Confronting the Cyber Threat," Council on Foreign Relations, May 23, 2011, http://www.cfr.org/technology-and-foreign-policy/confronting-cyber-threat/p15577

[40] *Ibid.*

[41] "Cyber Terrorism – 'Testimony before the Special Oversight Panel on Terrorism,'" Dorothy E. Denning, May 23, 2000, http://www.terrorism.com/documents/denning-testi mony.shtml

[42] *Ibid.*

[43] *Ibid.*

[44] Paulo Shakarian, Jana Shakarian, Andrew Ruef, "Introduction to Cyber-Warfare: A Multidisciplinary Approach," Newnes, 2013.

[45] *Ibid.*

[46] *Ibid.*

conventional methods as well as the potential for cyber weapons directly targeting civilian infrastructure of enemy Member States.

Cyberspace is governed jointly between civil society, the private sector, and governments; therefore solutions to address cyber-attacks must be approached from multiple perspectives with involvement by all stakeholders.[47] As a preventative measure, cyber security is an important challenge for Member States, but it is also a big concern for companies, agencies, and organizations. Private firms play a large role in the critical national infrastructure of almost every Member State for that reason and due to the shared role in internet governance there is some debate on what exactly the role of Member State governments should be in developing cyber defenses and how much responsibility government has to protect private firms.[48] While the Chinese government has routinely denied the accusations of attempting to steal Western corporate secrets, a recent report released in February 2013 by Mandiant, an American cyber security firm claims that an elite division of the people's liberation army (PLA) is responsible for stealing large amounts of intellectual property from Western companies over a number of years.[49] Mandiant is the firm that also traced the hacking of the New York Times in 2013 back to Chinese government officials.[50] With the increasing ability to infiltrate mobile devices and laptops, many companies are concerned about employee's personal devices bringing unwanted malware into the company network. McAfee, a large security software company, advised employees that if any employee device were to be inspected at the Chinese border, it would be permanently prohibited from being connected to the McAfee network.[51] A vice president at McAfee, Simon Hunt, stated, "We just wouldn't take the risk."[52] Considering that a firm that develops and sells cyber security software feels easily at risk, imagine what kind of risk could be incurred by networks that are less guarded and with fewer defenses against cyber threats from Member States and criminal organizations alike.

Cybercrime

History

More than a third of the world's total population had access to the Internet in 2011, a number that has since been steadily increasing.[53] With an increasingly digitalized world, it only makes sense that the level of cybercrime rises proportionately as individuals and criminal organizations take advantage of new ways to gain information and profit. Cybercrime black markets thrive on the use of malware and botnets (see appendix A for definitions) designed to harvest personal and financial information, which can be used to turn a profit directly.[54] As cybercrime levels rise, the world is experiencing major economic and demographic changes; more than mere coincidence, as economic and socio-economic factors play a major role in crime trends.[55] By 2050, the world's urban population will nearly be double what it is today, growing to an estimated six billion.[56] Severe income disparity and chronic fiscal imbalances top the World Economic Forum's 2012 Global Risk Report, and polling indicates that on a global level people feel that standards of living are falling.[57] Global unemployment levels are on the rise, particularly among younger populations – a disconcerting reality

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[47] *Ibid.*

[48] "Cyber-warfare: Hype and fear," *The Economist*, December 8, 2012, http://www.economist.com/news/international/21567886-america-leading-way-developing-doctrines-cyber-warfare-other-countries-may

[49] "Cyber-security: War on terabytes," *The Economist*, February 2, 2013, http://www.economist.com/news/finance-and-economics/21571152-banking-has-gone-electronic-it-has-also-become-vulnerable-war-terabytes

[50] *Ibid.*

[51] Nicole Perlroth, "Traveling Light in a Time of Digital Thievery," The New York Times, February 10, 2012. http://www.nytimes.com/2012/02/11/technology/electronic-security-a-worry-in-an-age-of-digital-espionage.html?pagewanted=all&_r=0 (Accessed on October 3, 2013).

[52] *Ibid.*

[53] *Comprehensive Study on Cybercrime*. United Nations Office on Drugs and Crime. February 2013. http://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf

[54] *Ibid.*

[55] *Outlook on the Global Agenda 2011*. World Economic Forum. 2011. http://www.weforum.org/reports/outlook-global-agenda-2011

[56] *Ibid.*

[57] *Global Risk Report 2012*. World Economic Forum. 2012. http://www.weforum.org/reports/global-risks-2012-seventh-edition

considering that research from the London Metropolitan University shows that a large number of unemployed persons with well-developed computer skills can serve as a recruitment pool for criminal organizations.[58]

Cybercrime has a direct detrimental economic impact on both Member State governments and the private sector, and with economic disparity comes an inherently increased risk for conflict.[59] In the context of international peace and security, it is essential to address cybercrime as it is often used as a method of generating funding and resources that may be used to support further crimes that may lead to destabilization and therefore increase the risk of conflict.[60] Over the past decade significant progress has been made towards developing both regional and international frameworks, agreements, and tools with the purpose of combating cybercrime. In order to continue to address cybercrime it must be measured; however, cybercrime is typically more difficult to define and identify than other types of crime, and statistics systems are generally inadequate to allow for detailed national comparison.[61] The borders that divide and separate Member States do not necessarily exist in the digital world and thus cyber-attacks must be addressed on more than just one level.

Legislation

The United Nations Office on Drugs and Crime (UNODC) research indicates that Member States that incorporate cybercrime prevention strategies as part of their national cyber security strategies are more effective overall in combating cybercrime.[62] Some of the most common preventative techniques incorporated into national strategies include awareness raising, international cooperation, and capacity training for law enforcement.[63] Member States that include public-private partnerships in cybercrime prevention strategies have also shown more successful at preventing and dealing with cybercrime attacks.[64]

Local, national, and international laws and frameworks are necessary in combating cyber-attacks. According to the UNODC, while more than two-thirds of countries in Europe report sufficient legislation, more than two-thirds of countries in Africa, the Americas, Asia and Oceania report that laws are either not sufficient at all or are only partly sufficient in addressing cybercrime.[65] UNODC has identified five major international actors who have developed instruments to help Member States legislate issues involving cybercrime, including the European Union (EU), the Shanghai Cooperation Organization, intergovernmental African organizations, the League of Arab States (LAS), and the United Nations (UN). Commonalities lie in the concepts and methods developed by all of these groups, but there are also some major substantive differences. There are four binding cybercrime agreements: the Council of Europe Convention on Cybercrime, the LAS Convention on Combating Information Technology Offenses, the Commonwealth of Independent States Agreement on Cooperation in Combating Offences related to Computer Information, and the Shanghai Cooperation Organization Agreement in the Field of International Information Security. [66] To date, only 82 Member States have signed or ratified one of these binding cybercrime agreements.[67] UNODC research indicates that in general, Member States that have signed or ratified one of the above agreements have multilateral provisions and national criminal and procedural law revolving around cybercrime that are considered relatively effective.[68]

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[58] "Organised Crime in the Digital Age," BAE Systems Detica and John Grieve Centre for Policing and Security, London Metropolitan University, 2012. http://www.baesystemsdetica.com/uploads/resources/ ORGANISED_CRIME_IN_THE_DIGITAL_AGE_EXECUTIVE_SUMMARY_FINAL_MARCH_2012.pdf

[59] *Comprehensive Study on Cybercrime*. United Nations Office on Drugs and Crime. February 2013. http://www.unodc.org/ documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf

[60] *Ibid.*

[61] *Ibid.*

[62] *Ibid.*

[63] *Ibid.*

[64] *Ibid.*

[65] *Ibid.*

[66] *Ibid.*

[67] *Ibid.*

[68] *Ibid.*

The most common forms of international cooperation in cybercrime investigations include extradition, joint legal assistance, recognition of foreign judgments, and informal sharing of information between law enforcement agencies.[69] Both formal and informal methods exist for requesting information with a physical location in another Member State. Cloud computing allows for convenient, on-demand access to a pool of shared computing resources such as software, applications, servers, and networks, allowing for services such as software delivery and storage over the internet; greatly increasing the amount of information available to investigators.[70] As cloud based computing technology gains momentum, investigators are more frequently gaining access to extra-territorial data (whether knowingly or not) without the consent of the Member State in which the data is physically located.[71] There are several main hurdles that hinder the efficacy of international cooperation in investigations of cybercrime, including but not limited to "multiple informal law enforcement networks, varying cooperation language and safeguards found in different multilateral frameworks and agreements, lack of enforcement of reasonable response time to requests for information, and a lack of agreement on direct access to extraterritorial data."[72] The multiple regional and international agreements and resolutions regarding cybercrime reflect the diversity of national laws and cultural norms in terms of criminalization, jurisdiction, and cooperation mechanisms, but also create some difficulty in investigations into criminal activity in cyberspace.

Human Rights Concerns

Privacy is a critical consideration in criminal investigations. International human rights standards require that laws give an adequate clarification of the circumstances in which authorities are legally allowed to use certain investigative measures with required safety nets in place to prevent abuse.[73] According to UNODC research, 75 percent of Member States surveyed reported that safeguards protecting privacy and preventing the abuse of investigative powers are built into their national legislation.[74] For the most part these standards are respected, however, they are difficult to enforce in certain circumstances. Research suggests that between 30 to 70 percent of cybercrime acts involve a transnational dimension, causing some major concern with investigations and protection of privacy, including the unpredictable nature of law enforcement access to data, gaps or overlying jurisdiction, and issues of sovereignty.[75] Fortunately, international law does take these issues into account and provides precedent for both territory-based and nationality based jurisdiction. When jurisdictional conflict arises despite international frameworks and precedent, it is often resolved through diplomatic discussions between the involved Member States.[76]

A recurrent theme in cyberspace discussions is the balance of individual digital freedom and privacy with government and private sector desire for increased security through regulations and increased cyber intelligence sharing.[77] A think-tank called Freedom House reports that restrictions on the internet are increasing in 20 of the 47 States it surveys.[78] Governments have increased regulatory efforts in light of the increasing use of social media and its relation to recent protests and uprisings. The use of criminal law to regulate internet access and use should be closely scrutinized in order to make sure the laws respect the right of freedom of expression. Current international human rights standards provide protection of many freedoms, yet require criminalization for some extreme forms of expression such as incitement, genocide, hate crimes, terrorism, and war propaganda.[79]

Cyber Terrorism and Hacktivism

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[69] *Ibid.*

[70] Timothy Grance, Peter Mell, "The NIST Definition of Cloud Computing," United States of America Department of Commerce: National Institute of Standards and Technology, September 2011, http://csrc.nist.gov/publications/nistpubs/800-145/SP800-145.pdf

[71] *Ibid.*

[72] *Comprehensive Study on Cybercrime*. United Nations Office on Drugs and Crime. February 2013. http://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf

[73] *Ibid.*

[74] *Ibid.*

[75] *Ibid.*

[76] *Ibid.*

[77] "Internet freedom," The Economist, April 20, 2013.

[78] "Free to choose, The Economist, October 6, 2012. p. 70-71.

[79] *Comprehensive Study on Cybercrime*. United Nations Office on Drugs and Crime. February 2013. p. 168. http://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf

Criminals carry out many cyber-attacks, but more sophisticated attacks are often the work of States either directly or by proxy through Member State sponsored organizations.[80] Attribution (see appendix A) is the act of detecting the source of an attack; a complicated and time consuming process, and therefore many government officials hesitate to publically blame another Member State without significant proof.[81] China is well known as the most active transgressor of hacking into Western business networks to obtain trade secrets and data, and Russia and Iran are also active in carrying out cyber-attacks.[82] Although the United States of America (USA) denies any involvement, research indicates that the USA and Israel almost certainly played a part in creating the Stuxnet worm discovered in 2010 and it is widely believed that the Flame virus, discovered in 2012 and designed to strike at Iran by infecting computers in its oil ministry, comes from the same source as the Stuxnet worm.[83]

An important distinction that must be made is that between "hacktivism" and cyber terrorism. Hacktivism is a term that combines hacking (see appendix A) and activism. Although seen as politically motivated, hacktivists use similar tools to achieve their objectives, they do not intend to kill, injure, or inspire terror among civilians.[84] For example, Eastern European hacktivists sent mass email messages with viruses to both private and public sector institutions in North Atlantic Treaty Organization (NATO) Member States during the operation in Kosovo which aimed to remove Serbian forces.[85] The line between hacktivism and terrorism sometimes blurs, for example, if the Eastern European hacktivists had managed to attack and disrupt systems such as electric power networks, hospitals, and transportation systems this may be considered terrorism.[86] Cyberterrorism is an attractive option for terrorist organizations for a few reasons namely it is cheaper for a skilled hacker to create damaging code than to buy weapons and plan physical attacks, it is more anonymous, harder to trace to the source, and there are myriad potential targets for cyber attacks.[87]

The UN and the Security Council (SC): Dealing with Cyber Concerns

Although the UNSC in and of itself has very little history in dealing with conflict in cyberspace, the UN as a whole has discussed it in myriad forums as an item of critical importance. At a 2011 Economic and Social Council (ECOSOC) panel discussion, former President of ECOSOC, Mr. Lazarous Kapambwe, stated, "Cyber security is a global issue that can only be solved through global partnership. It affects all of our organizations and the UN is positioned to bring its strategic and analytic capabilities to address these issues."[88]

The UN so far has taken a multilateral approach to addressing cyber threats. A specialized agency called the International Telecommunication Union (ITU) deals with most ICT related concerns.[89] The International Multilateral Partnership Against Cyber Threats (IMPACT) is a part of the ITU designed specifically to address cyber security by providing Member States with resources to deal with cyber threats in addition to being the responsible body for assisting the UN bodies and organizations with protecting themselves from cyber-attacks.[90] The General Assembly (GA)

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[80] "Cyber-warfare: Hype and fear," The Economist. December 8, 2012, http://www.economist.com/news/international/21567886-america-leading-way-developing-doctrines-cyber-warfare-other-countries-may

[81] *Ibid.*

[82] *Ibid.*

[83] *Ibid.*

[84] "Cyberterrorism: How Real is the Threat?" The United States Institute of Peace, December 2004, http://www.usip.org/sites/default/files/sr119.pdf

[85] *Ibid.*

[86] *Ibid.*

[87] *Ibid.*

88 "Cybersecurity: A global issue demanding a global approach," United Nations Department of Economic and Social Affairs, December 12, 2011, http://www.un.org/en/development/desa/news/ecosoc/cybersecurity-demands-global-approach.html, (accessed November 30, 2013).

[89] International Multilateral Partnership Against Cyber Threats, www.impact-alliance.org/home/index.html

[90] *Ibid.*

of the UN has also passed several resolutions addressing cyber security, including resolutions about combating criminal misuse of information technology.[91]

In September of 2001, the SC established Resolution 1373, declaring terrorism as "a threat to international peace and security."[92] The resolution imposes on Member States binding obligations including the prevention and suppression of financing terrorist acts, the exchange of information in order to prevent terrorist attacks, and criminalization of activities related to terrorism.[93] It also established the Counter Terrorism Committee (CTC), with a mandate to monitor and implement the resolution.[94] While not specific to cyber terrorism, the SC certainly has set a precedent in taking action on matters of terrorism, and has the right and the responsibility of making sure that the intricacies involved with handling cyber terrorism are addressed.

Case Study: Cyber Warfare – Software Exploits, Botnets and Stuxnet

The USA's Pentagon Cyber Commander, General Keith Alexander, warned the Senate Armed Services Committee on 12 March 2013 that groups sponsored and funded by States are increasing efforts to steal and destroy data by use of cyber tools purchased in underground online markets.[95] According to a University of Maryland black market expert, Venkatramana Subrahmanian, there is a big market for packets of computer codes, called "exploits", that help hackers penetrate computer systems by exploiting design flaws in computer software.[96] Criminals can utilize exploits to steal money and data.[97] Furthermore, what is even more concerning is the damaging opportunity provided to terror groups and Member States who would otherwise be unable to attack another Member States' or organization's computer systems.[98] With more than two-dozen black market online forums and at least a dozen covert brokers, criminal and terror organizations can purchase these exploits with relative ease.[99] While the underground markets for exploits are widespread, there is also a legitimate legal market for these exploits, and research from the Netherlands Defense Academy shows that more than half of exploits are bought legally from businesses rather than from freelance hackers.[100]

The use of cyber attacks to aid Russian military operations in Georgia in 2008 represents another disconcerting application of cyber tools in warfare.[101] This instance represented the first large scale cyber attack occurring at the same time as a major conventional military operation, and provided some insight into how botnets can be used as a cyber weapon.[102] A botnet is a network of malware-infected computers controlled by Command and Control servers that send orders through communication channels to achieve a designated purpose.[103] Botnets have many purposes, for example, they can be used in Distributed Denial of Service (DDOS) attacks against a target or even as a form of cyber espionage

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[91] Xingan Li, "International Actions against Cybercrime: Networking Legal Systems in the Networked Crime Scene," Webology, 2007, www.webology.org/2007/v4n3/a45.html

[92] S/RES/1373. "Adopted by the Security Council at its 4385th meeting." United Nations Security Council. September 28, 2001. www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20(2001).pdf

[93] *Ibid.*

[94] *Ibid.*

[95] "Cyber-Security: The Digital Arms Trade," The Economist, March 30, 2013, www.economist.com/news/business/21574478-market-software-helps-hackers-penetrate-computer-systems-digital-arms-trade

[96] *Ibid.*

[97] *Ibid.*

[98] *Ibid.*

[99] *Ibid.*

[100] *Ibid.*

[101] Paulo Shakarian, Jana Shakarian, Andrew Ruef, "Introduction to Cyber-Warfare: A Multidisciplinary Approach," Newnes, 2013.

[102] *Ibid.*

[103] Pierluigi Paganini, "Botnets and cybercrime – Introduction," Infosec Institute, April 8, 2013, http://resources.infosecinstitute.com/botnets-and-cybercrime-introduction/

by stealing sensitive information from a target.[104] On 7 August 2008, one day before the start of the Russian military ground campaign, Russian hackers targeted Georgian news and government websites utilizing botnets to carry out DDOS attacks, flooding and overwhelming the servers and effectively limiting the ability of the government to connect with sympathizers internationally and to communicate online during the fighting with Russia.[105] Shortly after the initial attacks, Russian hackers expanded their targets to include financial institutions, businesses, educational institutions, western media, and even a Georgian hacker website using DDOS attacks and widely distributed spam emails to Georgian politicians.[106] An interesting factor of the cyber attacks on Georgia in 2008 is that they were carried out by Russian organized crime organizations, with no evidence that the attacks were State sponsored or commissioned.[107]

In response to these new age threats, the European Parliament is considering passing legislation that would provide some measure of control over the export and sale of exploits due to their potential use as digital weapons.[108] Former American National Security Agency (NSA) computer scientist Dave Aitel suggests that new laws seeking to control or stop the trade of exploits are likely to be ineffective considering that legal systems would not even agree on which code is good and which is bad, and many legal experts suggest that exploits are merely a form of knowledge expressed in computer language, and therefore should be protected by free speech laws.[109] Aside from freedom of speech issues, tracking down exploits is nearly impossible, as secrecy is inherently a part of the software design, sale, and use: the code creators must keep the code design secret in order to prevent the potential victim from identifying and fixing the vulnerabilities the exploits use to infiltrate computer systems.[110]

With some Member States pushing for legal control and regulation of exploits, others utilize and benefit from software exploits. In 2010, it was discovered that a computer worm called Stuxnet, reportedly designed by Israel and the USA, attacked Iran's nuclear facilities utilizing four main exploits. Security and cyber experts widely agree that Stuxnet is perhaps the most technologically advanced and sophisticated malicious software program designed specifically for a cyber attack to date.[111] Research from the Swedish Defense Research Agency (SDRA) shows that at least one of these exploits was likely purchased rather than developed by the State or States responsible for the attack.[112] Matt Georgy, the head of a technology at a firm called Endgame that specializes in selling exploits, attributes the strong market and high prices to the demand from defense contractors, Member States, and non-State actors that see cyberspace as a "new battle domain."[113]

The Stuxnet worm that infiltrated Iran's uranium enrichment centrifuges is certainly an example of this new battle domain and the intricacies and complexities involved with applying international law to cyberspace. According to the Tallinn Manual on the International Law Applicable to Cyber Warfare, produced by a group of 20 independent legal experts at NATO's request, "Acts that kill or injure persons or destroy or damage objects are unambiguously uses of force", suggesting that Stuxnet was an act of force prohibited under the UN Charter; however, the manual does not

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[104] *Ibid.*

[105] http://www.nytimes.com/2008/08/13/technology/13cyber.html

[106] Paulo Shakarian, Jana Shakarian, Andrew Ruef, "Introduction to Cyber-Warfare: A Multidisciplinary Approach," Newnes, 2013.

[107] John Markoff, "Before the Gunfire, Cyberattacks," The New York Times, August 12, 2008, www.nytimes.com/2008/08/13/technology/13cyber.html?_r=0

[108] Gallagher, Ryan, "NSA Paid French Hacker Company for Software Exploits, Contract Reveals," Slate, September 17, 2013. http://www.slate.com/blogs/future_tense/2013/09/17/nsa_paid_french_hacker_company_vupen_for_software_exploits.html

[109] "Cyber-Security: The Digital Arms Trade," The Economist, March 30, 2013, www.economist.com/news/business/21574478-market-software-helps-hackers-penetrate-computer-systems-digital-arms-trade

[110] *Ibid.*

[111] http://www.eset.com/us/resources/white-papers/Stuxnet_Under_the_Microscope.pdf

[112] "Cyber-Security: The Digital Arms Trade," The Economist, March 30, 2013, www.economist.com/news/business/21574478-market-software-helps-hackers-penetrate-computer-systems-digital-arms-trade

[113] *Ibid.*

specifically designate the worm as an "armed attack".[114] An armed attack constitutes use of counterforce and the Geneva Convention's laws of war would thus be applicable.[115]

Conclusion

In developed Member States, computer technology and information systems control most of the society's vital infrastructure including healthcare, government, and other sectors, which if crippled could potentially prove devastating. International organizations, Member States, civil society organizations and the private sector are all stakeholders and have taken various steps to address cyber security. In addition to cyber security concerns, applying the standards of current international human rights doctrines to cyberspace can be difficult for a number of reasons; including anonymity of some internet users and difficulty in the attribution of cybercrime and certain cyber activities.

Despite recent advancements in cybercrime agreements and the recent increase in public awareness due to high profile media publications regarding cyber security, there are still some key obstacles the international community faces today. One obstacle for developing Member States is a decreased capacity to deal with cybercrime, with an estimated 70 percent of specialized law enforcement officers lacking both the proper computer equipment and the computer skills to address these crimes.[116] Other obstacles preventing successful prosecution of cybercriminals include a lack of sufficient legal frameworks, difficulty in attributing acts to individuals, and delays in obtaining information due to current international cooperation procedures.[117] There are multiple frameworks for addressing cyber security in national legislatures, yet none are universally accepted and the varying frameworks sometimes create confusion and can hinder cooperation between Member States when attempting to address cyber concerns.
Consider the difficulties involved in attribution of cyber attacks, which have become increasingly decentralized and complex. For example, hackers in North Korea could be infiltrating USA systems using networks in Iceland to activate software that lives on computers in France. Furthermore, the computers in France could be storing data on Russian or Chinese servers. As a result, complex jurisdiction issues arise with most cyber attacks crossing multiple, invisible and nebulous boundaries.

Cyber warfare does not fit neatly into the framework of armed conflict that currently exists and is not easy to adapt to the international laws and standards for conventional modes of conflict. While cyber warfare seems limited to mostly supportive functions currently, such as the actions taken by Russia in 2008 against Georgia, there is potential for an escalation in the use of cyber tools during war and even warfare fought entirely in cyberspace. When it comes to improving cyber-security, some stakeholders believe that the best defense is offense. In other words, the best way to fight cybercrime and cyber-attacks is to obtain the ability to retaliate destructively enough to create a disincentive to attacking in the first place. To this end, it is also worth considering that improving methods of attribution of cyber-attacks should be given high priority. Other stakeholders argue that if focus was placed on fixing security flaws in software, there would be fewer entry points for hackers to gain access to systems. Ultimately, all three aspects of cyber security are important. Member States are a lot less likely to carry out a cyber-attack if they are likely to be traced back to them, and fear of being held accountable or retaliated against can be a large deterrent. Overall, improving resilience of critical national infrastructure and important economic and industrial services to cyber-attacks is imperative.

Committee Directive

Understanding the uncharted territory the global community is embarking on within this subject matter, there is some debate over terminology related to cyber security. Debate should not be distracted by the varying and multiple definitions of cyber jargon, and therefore appendix A provides a list of various definitions to help delegates understand the technical terminology found throughout the background guide.

The UN must have international legal instruments in place to deal with cyber security issues. The SC has played a major role in providing legally binding obligations on UN Member States to enforce measures against the proliferation of nuclear, chemical and biological weapons, yet the UNSC has seemingly taken a back seat to issues surrounding cyber weapons. What role should the SC, a leading voice in conventional international conflicts, take in addressing cyber

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[114] Kim Zetter, "Legal Experts: Stuxnet Attack on Iran Was Illegal 'Act of Force,'" Wired, March 25, 2013, www.wired.com/threatlevel/2013/03/stuxnet-act-of-force/

[115] "Tallinn Manual on the International Law Applicable to Cyber Warfare," NATO Cooperative Cyber Defence Centre of Excellence, http://issuu.com/nato_ccd_coe/docs/tallinnmanual?e=5903855/1802381

[116] *Comprehensive Study on Cybercrime*. United Nations Office on Drugs and Crime. February 2013. p. 166 http://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf

[117] *Ibid.*

conflict? What should be considered an act of war in the digital world? What circumstances justify SC involvement in regulating or enforcing UN Member States' use of the internet without infringing on national sovereignty and individual freedoms? With the debate between privacy, security, and individual freedom of expression in the digital world taking such prominence, it is important to analyze the instruments that are currently in place to protect freedom of expression. How can these instruments be applied to cyberspace while balancing the need to protect online services and individual privacy?

The complex nature of cyber crimes and attacks makes tracing the origin of said attacks extremely difficult. Should Member States be required to cooperate and assist in investigations of cyber-attacks and crimes? The current and future potential escalation in the use of cyber weapons in conflicts between Member States is certainly a concern the UNSC must address. In order to begin addressing such a complex issue, the international community must clarify and agree on how to apply the legal framework of war to cyberspace. Real warfare is regulated by widely accepted international law that has evolved over 150 years, with more or less rigidly set standards determining when and by whom force can and cannot be used.[118] While NATO's cyber defense center has published the Tallinn Manual as a framework for applying existing international laws and standards broadly to cyberspace, many experts doubt that the manual would be considered legitimate by large parts of the world and therefore not recognized by many Member States and non-State actors.[119] How could the UNSC or UN in general provide more legitimacy to current standards of international law as applied to cyberspace? How can the UNSC take an active role in molding international standards of war to online conflicts? When does a State-sponsored cyber attack such at Stuxnet become an act of war? Cyber attacks often cause unnecessary harm and suffering by innocent civilians who are protected under the laws of armed conflict.[120] How can the UNSC and international community uphold the laws of armed conflict and protect critical civilian infrastructure such as hospitals and schools? In addition, the laws of armed conflict limit who can engage in war to "lawful combatants", including government authorized soldiers and third party irregular forces wearing distinctive emblems recognizable from a distance, carrying their arms openly, and commanded by a government officer. [121] Botnets and other cyber weapons are controlled by third parties that do not fall under the category of "lawful combatants" as described above. Should botnets and other cyber forces be legally classified as unlawful combatants? At what point is it acceptable for the victims of cyber attacks to respond with conventional weapons and attacks?

Appendix A: Definitions

The following definitions provide a basic understanding of the terms discussed in this background guide. These definitions are not universally accepted and are necessarily narrow in order to differentiate each definition from other kinds of computer and cyber abuse.

Cyber terrorism: "The premeditated, politically motivated attack against information, computer systems, computer programs, and data which results in violence against noncombatant targets by sub national groups or clandestine agents"[122]

Cybercrime: Cybercrime is often referred to and defined by a collection of acts. Some common acts include unauthorized access to a computer system, interference with a computer system or data, and any computer-related act intended to create personal or financial gain or harm.[123] For the purpose of this background guide, cybercrime is considered "the use of information resources and (or) the impact on them in the informational sphere for illegal purposes".[124]

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[118] Apply international law to cyber-warfare? Good Luck. Economist March 23, 2013, page 67.

[119] *Ibid.*

[120] "We Need New Rules for Cyberwar," Judy R. Westby, March 1, 2013, www.nytimes.com/roomfordebate/2013/02/28/what-is-an-act-of-cyberwar/we-need-new-rules-of-engagment-for-cyberwar

[121] *Ibid.*

[122] Mark M. Pollitt, "Cyberterrorism – Fact or Fancy?," Georgetown University. http://www.cs.georgetown.edu/~denning/infosec/pollitt.html

[123] *UN Manual on the Prevention and Control of Computer Related Crime*. The United Nations, 1994. http://www.uncjin.org/Documents/EighthCongress.html

[124] "Agreement in the Field of International Information Security," The Shanghai Organization of Cooperation, June 16, 2009, http://cis-legislation.com/document.fwx?rgn=28340

Botnets: Throughout the last five years the reported use of botnets to conduct cybercrime acts is rising. The term botnet is derived from the words robot and network, and is an interconnected network of computers, remotely controlled and typically infected with malware. Botnets can be used for a plethora of acts including Dedicated Denial of Service (DDOS) attacks, spam, stealing information, and delivering other malicious software.[125]

Dedicated Denial of Service Attack (DDOS): An attack often carried out by a botnet, consisting of a stream of request targeting a specific web server with the goal of causing serious slowdown or complete blockage.[126]

Hacking: The illegal access of systems by exploitation of vulnerabilities in software.[127]

Phishing: A technique with the purpose of deceiving internet users into sharing personal information, often through fake websites designed to imitate legitimate websites.[128]

Malware: malicious software that is unintentionally installed with the purpose of collecting and transmitting personal information. Types of malware include **Trojans**, which steal information or provide access, **viruses,** which replicate and contaminate other programs, and **worms** that are able to replicate and move between systems.[129]

Attribution: "detecting an enemy's fingerprints on a cyber attack", or finding the origin and source of cyber activity.[130]

II. Coordinating Global Accountability between the Security Council, the International Criminal Court, and the International Court of Justice

"… If we cannot agree even on this, then it will show that the United Nations is incapable of enforcing the most basic of international laws".   *- President Barack H. Obama to the UN General Assembly*[131]

Introduction

At this critical juncture in history, the need for accountability has become more apparent. In recent months, the authority, power, and purpose of the United Nations (UN) has often been called into question due to the lack of perceived action and impact in pressing matters. The image of the UN is drastically changing and many view it as an entity that should be bypassed if adequate action and response is necessary. Negative sentiments, viewpoints, and positions held by members of the global community highlight the gaps in accountability processes and mechanisms. Therefore, it becomes imperative to review the relationships and the effectiveness of currently established protocols in order to strengthen them and generate impactful change necessary in a culture of desperation and violence. The most basic form of accountability is found in the Rule of Law applied at national and international levels.[132] Its concept calls for a system of governance, as opposed to one absolute ruler, that maintains ideals of justice, fairness, and protection of rights.[133] If the Rule of Law is respected, protected, and maintained, it will trickle down into effectively protecting

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[125] "Botnet Fact Sheet, National Cyber Security Alliance," Stay Safe Online, https://staysafeonline.org/ncsam/resources/botnet-fact-sheet

[126] "Cyber security in the European Union," European Parliamentary Research Service, December 11, 2013, http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130658/LDM_BRI(2013)130658_REV1_EN.pdf

[127] *Ibid.*

[128] *Ibid.*

[129] Ibid.

[130] "Cyber-warfare: Hype and fear," The Economist. December 8, 2012. http://www.economist.com/news/international/21567886-america-leading-way-developing-doctrines-cyber-warfare-other-countries-may

[131] "Remarks by President Obama in Address to the United Nations General Assembly," The White House, September 24, 2013, http://www.whitehouse.gov/the-press-office/2013/09/24/remarks-president-obama-address-united-nations-general-assembly (Accessed October 9th, 2013)

[132] United Nations Rule of Law. What is the rule of law? http://www.unrol.org/article.aspx?article_id=3 (Accessed October 9th, 2013)

[133] *Ibid.*

human rights and economic development and attaining lasting peace in post-conflict situations.[134] As described by the UN in 2004, the Rule of Law is defined as

> *A principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.[135]*

There are a number of international entities established that work in conjunction to promote the Rule of Law and to reprimand, sanction, and adjudicate violators who commit gross injustices in the international community – the United Nations Security Council (UNSC), International Criminal Court (ICC), and International Court of Justice (ICJ). The instances in which these entities are to interact are written into global governing documents. For instance, Article 36, Clause 3 of the Charter of the UN acknowledges that the "Security Council could refer a legal dispute to the International Court of Justice"[136] and Article 13 allows "referrals to International Criminal Court for situations not necessarily under their jurisdiction."[137] Additionally, Chapter 14 of the Charter outlines the purpose of the International Court of Justice. This Chapter not only acknowledges that the ICJ may be contacted by the Council for legal advice in Article 96; Article 94, Clause 2 gives UNSC authorization to "enforce Court rulings" if there is non-compliance or decision power on whether or not the judgment issued is appropriate through recommendations or decisions.[138] As three important mechanisms in security for our global community, we must be able to streamline processes to enhance overall effectiveness in attaining peace.

Global Governance and the Concept of Accountability

In efforts to increase efficiency in organizations, the concept of accountability has become a key factor for professional forward movement. Heavily encompassing transparency, one of the main themes of the global community is "to find process that balance the needs of stakeholders in its decision-making processes and activities" while striving to deliver on its intended purposes and commitments.[139] In common interactions, accountability is initiated through establishing the basic standards and expectations for operation and providing a framework that can be referred to if there is any deviation or issues that arise. Being that standards and expectations will vary by entity, there is no set design or formula. The organization One World Trust, who works on both the Global Accountability Report and Project Framework, notes that "organizations that focus on accountability find that it leads to increased credibility and legitimacy with stakeholders, stronger governance structures and increased learning and innovation."[140] Accountability in simpler terms can be viewed as whom your organization and its task are responsible to. Stakeholders in their various forms are whom an organization is responsible to as they "can be affected or are affected by an organization's policies and/or actions."[141] Examples of initiatives promoting higher levels of accountability in the global community include the Global Accountability Project Framework (GAP) and Global Accountability Report (GAR).[142] The GAP emphasizes particular points that are important when improving accountability to stakeholders, and can in turn be used by stakeholders who desire accountability reform as needed.[143] The GAR is an assessment of the world's most powerful organizations and their accountability to which they affect through examining participation, transparency, evaluation, and complaint and

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[134] United Nations Rule of Law. United Nations. http://www.un.org/en/ruleoflaw/ (Accessed October 9th, 2013)

[135] Ibid.

[136] United Nations Charter Chapter VI: Pacific Settlement of Disputes. United Nations. http://www.un.org/en/documents/charter/chapter6.shtml (Accessed October 11th, 2013)

[137] Rome Statute of the International Criminal Court, 17 July 1998 International Committee of the Red Cross http://www.icrc.org/ihl/WebART/585-13?OpenDocument (Accessed October 11th, 2013)

[138] United Nations Charter Chapter XIV. The International Court of Justice http://www.un.org/en/documents/charter/chapter14.shtml (Accessed October 9th, 2013)

[139] Principles of Accountability http://www.oneworldtrust.org/globalaccountability/principles-accountability (Accessed October 9th, 2013)

[140] Principles of Accountability http://www.oneworldtrust.org/globalaccountability/principles-accountability (Accessed October 9th, 2013)

[141] *Ibid.*

[142] Global Accountability Report (GAR), One World Trust. http://www.oneworldtrust.org/globalaccountability/gar (Accessed October 9th, 2013)

[143] Principles of Accountability, One World Trust. http://www.oneworldtrust.org/globalaccountability/principles-accountability (Accessed October 9th, 2013)

response mechanisms.[144] Through focusing on these aspects, organizations can "give an account to, take account of, and be held to account by stakeholders".[145] The GAR also "provides a common frame of reference on accountability and extends the basic principles of democracy to the global level."[146] The Report also highlights areas of reform, as well as entities that are vastly leading or greatly lacking in maintaining accountability.[147] This framework system is one of many developing examples of instruments that can be used to measure transparency and effectiveness in organizations regardless of size or purpose.

On an international scale, discussions of global accountability must also be entertained with the idea of "global governance" due to the vast interdependence between politics and economics in developing an integrated global market.[148] In order to support where the global community is heading in reference to the collaboration and engagement across economic and political borders, there must be accountability mechanisms for all entities serving as a regulatory control.[149] Furthermore, global governance looks to extend to Member States as well as sovereign states and serve as a "source of legitimacy and authority" for the UN; thereby filling a gap in democratic legitimacy from the Organization to the global community.[150] In turn, the UN has also debated the topic of accountability among the Secretariat responsibility and functions to serve as an example of what is expected of its global partners. Listed in the Charter, accountability is a priority of the UN Secretariat and its adjacent Agencies, Funds and Programs, and includes tasks such as "achieving objectives and high-quality results in a timely and cost-effective manner, responsible stewardship of funds and resources, and implementing and delivering on all mandates in compliance with all resolutions, regulations, rules and ethical standards."[151]

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[144] *Ibid.*

[145] *Ibid.*

[146] Principles of Accountability, One World Trust. http://www.oneworldtrust.org/globalaccountability/principles-accountability (Accessed October 9th, 2013)

[147] *Ibid.*

[148] Anderson, Kenneth. *"Accountability" as "Legitimacy": Global Governance, Global Civil Society and The United Nations* American University Washington College of Law Washington College of Law Research Paper No. 2011-28 pp. 841-842; 854

[149] *Ibid.*

[150] *Ibid.*

[151] Accountability in UN Secretariat, United Nations. http://www.un.org/en/hq/dm/pdfs/RFS_Accountability.pdf (Accessed December 22nd, 2013)

History

Relationships between the UNSC, ICC, and ICJ

The concept of accountability in this context far surpasses maintaining and fulfilling general mandates; it is looking at holding individuals responsible for egregious human rights violations and other international crimes.[152] Although written into international doctrine, there are many discrepancies within the responsibilities, overlaps, and interactions between the UNSC, ICC, and ICJ. Chapter Five of the UN Charter entrusts the UNSC with the power and responsibility of maintaining international peace and security, which has proven to be no easy feat. With fifteen Member States in membership, The Council works on addressing and taking action on violations that harm basic human, environmental, or economic rights and privileges. Under their powers issued through the Charter, UNSC is to determine if there are any "threats to the peace, breaches of the peace, or acts of aggression"[153] and decide on a number of responses, including sanctions and the use of force, to maintain or restore peace and security as needed.[154]

Chapter Fourteen of the UN Charter provides the framework for the International Court of Justice. Known as the World Court, the ICJ is the main judicial organ of the UN; it provides opinions to the UN and specialized agencies and decides disputes between Member States who are willing to participate in judicial resolution.[155] This dual jurisdiction is known as advisory jurisdiction and jurisdiction in contentious cases.[156] Since participation is voluntary, Member States must abide by any rulings issued by the Court.[157] The General Assembly and Security Council elect the fifteen judges in leadership over the court.[158] The ICJ will present the UNSC with contentious cases that one party states that the other side failed to meet the obligation agreed upon.[159] With Article 35 of the Statute of the Court identifying access of Member States to the Court, the Security Council has the autonomy to determine access for those who are not party to the Statute, "with the proviso that in no case shall such conditions place the parties in a position of inequality before the Court."[160]

The Rome Statute of 1998 established The International Criminal Court.[161] The Statute delineates "the crimes falling within the jurisdiction, the rules of procedure, and the mechanisms for States to cooperate with the ICC."[162] The Court is independent of the UN, but maintains a collaborative relationship with the UN[163]; and has four main organs (Presidency, Judicial Divisions, Office of the Prosecutor, Registry) and Offices of Public Counsel for Victims and for the Defense.[164] With 122 parties to the Rome Statute, the ICC is "a court of last resort and tries those accused of the most serious crimes

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[152] "The Rule of Law: The Security Council and Accountability - Executive Summary:, Security Council Report. http://www.securitycouncilreport.org/cross-cutting-report/the-rule-of-law-the-security-council-and-accountability.php (Accessed October 12th, 2013)

[153] Chapter Seven - United Nations Charter, United Nations http://www.un.org/en/documents/charter/chapter7.shtml (Accessed October 9th, 2013)

[154] The ICC and the UN Security Council. The Global Campaign to Ratify Kampala Amendments. http://crimeofaggression.info/role-of-the-icc/the-icc-and-the-un-security-council/ (Accessed October 11th, 2013)

[155] The International Court of Justice, United Nations. http://www.un.org/Overview/uninbrief/icj.shtml (Accessed October 10th, 2013)

[156] Jurisdiction, International Court of Justice. http://www.icj-cij.org/jurisdiction/index.php?p1=5 (Accessed October 10th, 2013)

[157] *Ibid.*

[158] *Ibid.*

[159] How the Court Works, International Court of Justice. http://www.icj-cij.org/court/index.php?p1=1&p2=6 (Accessed October 9th, 2013)

[160] Contentious Jurisdiction, International Court of Justice. http://www.icj-cij.org/jurisdiction/index.php?p1=5&p2=1 (Accessed October 9th, 2013)

[161] What is the Rome Statute? International Criminal Court. http://www.icc-cpi.int/en_menus/icc/about%20the%20court/frequently%20asked%20questions/Pages/3.aspx (Accessed October 11th, 2013)

[162] *Ibid.*

[163] *Ibid.*

[164] Structure of the Court, International Criminal Court. http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/Pages/structure%20of%20the%20court.aspx (Accessed October 10th, 2013)

of international concern, namely genocide, crimes against humanity, crimes of aggression, and war crimes."[165] There is a unique relationship between the Council and ICC because the ICC is an "independent judicial institution and the Security Council regularly discusses issues and themes relevant to the mandate and activities of the Court."[166] The ICC will not entertain a case that is already under national investigation or prosecution, unless there is just cause of corruption or improper behavior.[167] Under the Rome Statute, the SC can refer a situation to the ICC for investigation without required consent from the Member State or suspend an investigation for a one-year period as needed.[168] If a case or situation is referred by a Member State or initiated by a Prosecutor, the UNSC must be informed and given a timeframe to determine the status or classification of the incident that occurred.[169]

Rule of Law

Rule of Law has protocols at each level of governance. In order to be effective, Rule of Law requires "adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency."[170] Primarily, one of the aims in the Preamble of the Charter of the UN is "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained."[171] Furthermore, the Charter is comprised of important aspects for relations between Member States and works hand in hand with The Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States to promote rule of law in Member States.[172] Nationally, Rule of Law stands within the body's Constitution or equivalent document and serves as the framework, policies, and processes of security, governance, justice, and human rights; as well as outlining the development and establishment of these systems.[173] Having overarching values of "respect for sovereign equality of Member States, the fulfillment in good faith of international obligations; the need to resolve disputes by peaceful means;" rules of international law are encompassing and applicable to both UN as a whole as they are to Member States.[174]

Additionally, Rule of Law is an item of large international coordination. As an agenda item since 1992 and increasing interest since 2006, there have been a number of resolutions adopted by the General Assembly in its last five sessions (A/RES/61/39, A/RES/62/70, A/RES/63/128, A/RES/64/116, A/RES/65/32).[175] For enforcement, there is both a Rule of Law Coordination Group and Rule of Law Unit, serving as the group's Secretariat; the group focuses on coordination, while operation is the responsibility of the individual UN bodies.[176] Working under the direction and authority of the Secretary-General since 2007, membership in the Rule of Law Group includes the leaders from a number of UN entities: the Department of Political Affairs (DPA); the Department of Peacekeeping Operations (DPKO); Office of the High Commissioner for Human Rights (OHCHR); the Office of Legal Affairs (OLA); United Nations Development Programme (UNDP); the Office of the United Nations High Commissioner for Refugees (UNHCR); the United Nations Children's Fund (UNICEF); the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women); and the United Nations Office on Drugs and Crime (UNODC).[177] Some of the tasks the Group undertakes are

[165] ICC at a glance, International Criminal Court. http://www.icc-cpi.int/en_menus/icc/about%20the%20court/icc%20at%20a%20glance/Pages/icc%20at%20a%20glance.aspx (Accessed October 9th, 2013)

[166] Security Council, The Coalition for the International Criminal Court (CICC) http://www.iccnow.org/?mod=sc (Accessed October 11th, 2013)

[167] *Ibid.*

[168] The ICC and the UN Security Council, The Global Campaign to Ratify Kampala Amendments http://crimeofaggression.info/role-of-the-icc/the-icc-and-the-un-security-council/ (Accessed October 11th, 2013)

[169] *Ibid.*

[170] United Nations Rule of Law. United Nations. http://www.un.org/en/ruleoflaw/ (Accessed October 9th, 2013)

[171] United Nations Rule of Law. United Nations. http://www.un.org/en/ruleoflaw/ (Accessed October 9th, 2013)

[172] *Ibid.*

[173] *Ibid.*

[174] *Ibid.*

[175] UN Engagement. United Nations Rule of Law http://www.unrol.org/article.aspx?article_id=4 (Accessed October 12th, 2013)

[176] Rule of Law Coordination and Resource Group. United Nations Rule of Law. http://www.unrol.org/article.aspx?article_id=6 (Accessed October 12th, 2013)

[177] *Ibid.*

"assisting in the development of overall strategies for rule of law assistance; maintaining a clearing house of information about who in the UN provides what rule of law assistance; and acting as a resource for the Peacebuilding Commission and Peacebuilding Support Office."[178]

The Security Council conducted a number of thematic debates regarding Rule of Law, and resolutions were adopted on the protection of civilians in armed conflict, children in armed conflict, and women and security.[179] Particularly in 2010 under the Presidency of Mexico, UNSC's debate discussed the promotion and strengthening of the Rule of Law in the maintenance of peace and security.[180] This debate was preceded by debates in 2003, 2004, and 2006 on the subject and from concept note (S/2010/322) focused on "international justice and the peaceful settlement of disputes, the efficiency and credibility of sanctions, and the promotion of the rule of law in conflict and post-conflict situations." [181] The Rule of Law was called to be the center of the Council's response to threats to peace and security in order to prioritize security and create standard access to justice and legal protection.[182] In this debate, "the special role of the ICJ in the peaceful settlement of disputes before intractable conflict and post-conflict situations arise" was accentuated, and Deputy Secretary-General Asha-Rose Migiro stated that "strengthening the relationship between the Council and the Court will fortify the Rule of Law."[183]

The Montreal Convention in the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)

During the 1990s, there was a large public issue of jurisdiction between the ICJ and UNSC. The case was submitted to the ICJ in 1992 by Libya, who stated the United States did not have the right to force Libya to surrender two nationals who were suspects in the bombing of Pan Am flight 103.[184] Occurring in December 1988 over Lockerbie, Scotland, 270 people died, including the 259 passengers and crew and 11 people on the ground.[185] Libya's argument focused on returning the suspects to be tried on their national soil as authorized by the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971 Montreal Convention).[186] The United States raised objections concerning the jurisdiction of the Court, the admissibility of the Libya request, and finally regarding the issue becoming moot as the UNSC addressed it in resolutions.[187] Through authority from the UN Charter, the resolutions in question – S/RES/748 and S/RES/883 – "have priority over all rights and obligations arising out of the Montreal Convention."[188] The United States also "contended that there was no legal dispute with Libya on the Convention"; the issue raised was of "a threat to international peace and security resulting from State-sponsored terrorism" and if it was to be in the ICJ's jurisdiction, it needed to be resolved fully.[189] In 1998, the ICJ found it had jurisdiction to hear the case brought by Libya against the United States of America regarding the incident.[190] The Court's judgment found that "the Parties differ on the question whether the destruction of the Pan Am aircraft over Lockerbie is governed by the Montreal Convention", as well as the interpretation and application of Article 7 of the Convention and Article 11 (referring to place of prosecution and

[178] *Ibid.*

[179] United Nations Rule of Law http://www.un.org/en/ruleoflaw/ (Accessed October 12th, 2013)

[180] The Security Council debates the rule of law. United Nations Rule of Law. http://www.unrol.org/article.aspx?article_id=104 (Accessed October 12th, 2013)

[181] *Ibid.*

[182] *Ibid.*

[183] *Ibid.*

[184] Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America). International Court of Justice. http://www.icj-cij.org/docket/index.php?pr=173&code=lus&p1=3&p2=3&p3=6&case=89 (Accessed December 20th, 2013)

[185] *Ibid.*

[186] *Ibid.*

[187] *Ibid.*

[188] *Ibid.*

[189] *Ibid.*

[190] Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America). International Court of Justice. http://www.icj-cij.org/docket/index.php?pr=173&code=lus&p1=3&p2=3&p3=6&case=89 (Accessed December 20th, 2013)

assistance with criminal proceedings, respectively).[191] The claims made by Libya were also found admissible because it did not "undo the Council's actions or supersede the relevant decisions of the Security Council" as the United States argued it did.[192] Additionally, it was found that one of the UNSC resolutions was adopted after Libya's initial application for the issue to go to the ICJ and the other did not "form a legal impediment to the admissibility as it was a recommendation without binding effect"; therefore, the Court always had jurisdiction over this decision.[193]

Current Situation

The ICJ and Security Council Decisions

Although the UNSC is authorized to enforce rulings issued by the ICJ at its request, some peculiarity arises in determining the binding nature of UNSC decisions. In comparison to the UNGA with powers of decision for organizational means from the UN Charter, Security Council's powers are for operational means in order to fulfill its task of maintaining international peace and security.[194] It is still being decided if UNSC decisions have an overriding binding effect over ICJ rulings, an effect that includes operational matters (ratione materiae) and all Member States (ratione personae).[195] Ratione Materiae is '"the binding effect of SC resolutions belonging to the realm of international peace and security and includes enforcement"; and Ratione Personae is "an SC decision that may bind all UN Member States, including 'those members of the Security Council which voted against it and those Members of the UN who are not members of the Council.'"[196] Opposed from its recommendations, Security Council decisions have binding force – particularly determined by factors such as "the language used in it, the discussions leading to it, the Charter provisions invoked, and the purpose for establishing it."[197] However, a "provisional finding displayed UNSC decisions have an overriding normative power capable of pre-empting obligations flowing from traditional sources of international law."[198] If this preliminary finding is buttressed in the results of this research, ratione materiae coupled with an overriding binding force will cause the power of the Security Council to become greater, and potentially more disruptive; and UN Law/decisions will have greater weight over international law/treaties.[199] The findings of this debate will be influential to UNSC as it may open its scope of power, potentially directly affect its influence, and further prompt its necessity to "truly act on the behalf of all Member States."[200]

Crimes of Aggression

With an amendment in 2010, the Security Council has a vital role in defining and determining what is considered an act of aggression.[201] A crime of aggression as defined in the Kampala Amendments is "the planning, preparation, initiation or execution by a person in a leadership position of an act of aggression."[202] Furthermore, an act of aggression is "the use of armed force by one Member State against another Member State without the justification of self-defense or authorization by the Security Council"; what actions are considered as an act of aggression (e.g. invasion by armed forces, bombardment and blockade) are outlined in General Assembly Resolution 3334 (1974).[203] In the Rome Statute,

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[191] *Ibid.*

[192] *Ibid.*

[193] *Ibid.*

[194] *Ibid.*

[195] "The Legal Effects of Resolutions of the UN Security Council and General Assembly in the Jurisprudence of the ICJ". Marko Divac Öberg The European Journal of International Law (2005), Vol. 16 No. 5, 879–906

[196] *Ibid.*

[197] *Ibid.*

[198] *Ibid.*

[199] "The Legal Effects of Resolutions of the UN Security Council and General Assembly in the Jurisprudence of the ICJ". Marko Divac Öberg The European Journal of International Law (2005), Vol. 16 No. 5, 879–906

[200] *Ibid.*

[201] The ICC and the UN Security Council, The Global Campaign to Ratify Kampala Amendments http://crimeofaggression.info/role-of-the-icc/the-icc-and-the-un-security-council/ (Accessed October 11th, 2013)

[202] The Crime of Aggression. The Coalition for the International Criminal Court (CICC) http://www.iccnow.org/?mod=aggression (Accessed December 21st, 2013)

[203] *Ibid.*

Article 5 acknowledges acts/crimes of aggression as one of the core crimes under the ICC's jurisdiction; however it has been unable to exercise its jurisdiction due to lack of definition.[204] After the adoption of the Kampala Amendments to the Rome Statute in June 2010 in Kampala Uganda, the issue of definition was addressed, and a system of how crimes of aggression would be handled was established.[205] The one caveat that exists is that "the Court will not be able to exercise its jurisdiction over the crime until after 1January 2017, when a decision is to be made by Member States Parties to activate the jurisdiction."[206] Under the new system, the ICC Prosecutor can probe into a crime of aggression by following the same activation for other cases under the Statute– a referral of the situation by the UNSC.[207] Outside of SC referrals, Article 15 states the Prosecutor can only seek its own motion for investigation (*proprio motu*) or investigate off a State referral into a crime of aggression after:[208]

1. *Ascertaining whether the Security Council has made a determination of the existence of an act of aggression and waiting for a period of 6 months;*
2. *Determining where that situation concerns an act of aggression committed between States Parties; and*
3. *The Pre-Trial Division of the Court has authorized the commencement of the investigation.[209]*

It is important to note that although provisions have been made in order to appropriately respond to crimes of aggression, "Non-State Parties have been explicitly excluded from the Court's jurisdiction into a crime of aggression when committed by that Member State's nationals or on its territory."[210] This therefore makes it difficult to partner with Non-States that may need assistance to address gross violations. Finally, it is clearly outlined that decisions made regarding acts of aggression by bodies outside of the Court (such as UNSC) will be independent from the Court's findings and will not be factored in.[211]

Solely examining the work on the subject of Crimes of Aggression, it is easy to see that there is large room for collaboration, but larger room for concerns to be lost in overlap. Although the Court's jurisdiction varies by mechanism of referral, cases from the UNSC are "unbounded by geography."[212] However, although both bodies handle Crimes of Aggression in some means, the ICC can subject individuals to the jurisdiction of the Court, which includes non-signatories to the treaty.[213]

Referrals

There have been a number of referral situations with the ICC and ICJ, and where applicable the Security Council has stepped in to support both entities.[214] The UNSC referred situations for possible prosecution to the ICC in 2005 in

[204] *Ibid.*

[205] *Ibid.*

[206] *Ibid.*

[207] The Crime of Aggression. The Coalition for the International Criminal Court (CICC) http://www.iccnow.org/?mod=aggression (Accessed December 21st, 2013)

[208] *Ibid.*

[209] *Ibid.*

[210] *Ibid.*

[211] *Ibid.*

[212] What Should be the Relationship between the International Criminal Court and the United Nations Security Council in the Crime of Aggression?. Review of International Law and Politics (RILP) http://www.turkishweekly.net/article/327/what-should-be-the-relationship-between-the-international-criminal-court-and-the-united-nations-security-council-in-the-crime-of-aggression.html (Accessed December 21st, 2013)

[213] What Should be the Relationship between the International Criminal Court and the United Nations Security Council in the Crime of Aggression?. Review of International Law and Politics (RILP) http://www.turkishweekly.net/article/327/what-should-be-the-relationship-between-the-international-criminal-court-and-the-united-nations-security-council-in-the-crime-of-aggression.html (Accessed December 21st, 2013)

[214] University of California, Irvine, School of Law International Justice Clinic THE COUNCIL AND THE COURT: Improving Security Council Support of the International Criminal Court http://councilandcourt.org/files/2013/05/The-Council-and-the-Court-FINAL.pdf?bcsi_scan_96404f7f6439614d=0&bcsi_scan_filename=The-Council-and-the-Court-FINAL.pdf (Accessed December 21st, 2013)

Darfur and in 2011 in Libya.[215] In 2013, the MONUSCO peacekeeping force, as another reference used for the United Nations Organization Mission in the Democratic Republic of the Congo, was authorized by the UNSC in the Democratic Republic of the Congo (DRC) to work with the government and arrest individuals who had warrants issued by the ICC.[216] In response to war crimes, crimes against humanity, and genocide, the UNSC created ad-hoc tribunals focused on accountability in the Former Yugoslavia (ICTY) and Rwanda (ICTR), thereby providing an example of UNSC's engagement in the international justice process.[217] The Tribunals sought to "prosecute persons for grave violations of international law" and "emphasize individual culpability rather than state or group responsibility."[218] These mechanisms were a first step towards accountability against these injustices, and a means to "contribute to the restoration and maintenance of peace" as stated in S/RES/827 (1993) that established the ICTY.[219] Committed to effectiveness, the UNSC "obligated all UN Member States to cooperate fully with the Tribunal and to take any measures necessary to ensure their domestic authority to implement Tribunal orders or requests for assistance."[220] Measures included financial, personnel, or other in-kind contributions to assist the Tribunal in achieving its tasks.[221] The establishment of these Tribunals demonstrated the SC's role in attain justice and their "expectations of compliance and support."[222]

Notably in 2012, there was the first ever UNSC discussion focused on building support behind the ICC.[223] However, there were members of the global community that hoped this dialogue would also be a place to discuss inconsistencies with SC referrals.[224] The first time UNSC acted on its referral authority was in the situation in Darfur and again with the situation in Libya, which is a significant six-year gap in addressing and adjudicating situations past the Council level.[225] Furthermore, there are governments who insist that referrals may contaminate on-going investigations, causing more detriment than help.[226] Additionally, another large concern that erupted regarding referrals processes surrounds financial obligation and responsibility. There are discrepancies between Article 13 of the Rome Statute implying that Member States/parties would not be responsible for costs incurred with the referral process and Article 115 that states expenses for the Court "would be provided by the UN subject to the approval of the General Assembly."[227] Acknowledging Article 115, there is an understanding as to where there could be "disappointment in the Council's failure to authorize UN funding in the Sudan and Libya situations."[228] Certainly, there is room for improvement to guarantee powers of the SC are properly utilized and that there is no impunity for violators.[229]

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[215] *Ibid.*

[216] *Ibid.*

[217] *Ibid.*

[218] *Ibid.*

[219] *Ibid.*

[220] University of California, Irvine, School of Law International Justice Clinic THE COUNCIL AND THE COURT: Improving Security Council Support of the International Criminal Court http://councilandcourt.org/files/2013/05/The-Council-and-the-Court-FINAL.pdf?bcsi_scan_96404f7f6439614d=0&bcsi_scan_filename=The-Council-and-the-Court-FINAL.pdf (Accessed December 21st, 2013)

[221] *Ibid.*

[222] *Ibid.*

[223] *Ibid.*

[224] "UN Security Council: Address Inconsistency in ICC Referrals", Human Rights Watch http://www.hrw.org/news/2012/10/16/un-security-council-address-inconsistency-icc-referrals-0 (Accessed December 20th, 2013)

[225] *Ibid.*

[226] *Ibid.*

[227] University of California, Irvine, School of Law International Justice Clinic THE COUNCIL AND THE COURT: Improving Security Council Support of the International Criminal Court http://councilandcourt.org/files/2013/05/The-Council-and-the-Court-FINAL.pdf?bcsi_scan_96404f7f6439614d=0&bcsi_scan_filename=The-Council-and-the-Court-FINAL.pdf (Accessed December 21st, 2013)

[228] *Ibid.*

[229] "UN Security Council: Address Inconsistency in ICC Referrals", Human Rights Watch http://www.hrw.org/news/2012/10/16/un-security-council-address-inconsistency-icc-referrals-0 (Accessed December 20th, 2013)

Mechanisms for Response

Sanctioning and Target Sanctions

As a punitive follow through in the referral process and addressing egregious violations of human rights and peace and security, sanctioning is used "to apply pressure on a Member State or entity to comply with the objectives set by the Security Council without resorting to the use of force."[230] By definition, sanctions are "part of a law that is designed to secure enforcement by imposing a penalty for violation of the law or offering a reward for its observance."[231] Security Council utilizes sanctioning as a vital means to enforcing decisions; with such responsibility it is imperative that measures are monitored.[232] Through Article VII of the Charter, "enforcement measures range from economic and trade sanctions, and/or other sanctions not involving the use of armed force to international military action such as arms embargoes, travel bans, financial or diplomatic restrictions."[233]

Although its purpose is to assist with enforcement, a number of Member States and organizations express concern over the negative impact of sanctioning on vulnerable areas and populations.[234] Developed in 2000, the temporary Informal Working Group on General Issues of Sanctions looked to address some of these issues in "general recommendations on how to improve the effectiveness of UN sanctions."[235] Their report to Security Council (S/2006/997) had both recommendations and best practices on how to improve the sanctioning process.[236] As a result, UNSC adopted Resolution 1730 (2006) developing a Security Council Subsidiary Organs Branch and Resolution 1904 (2009) developing the Office of the Ombudsperson within the Secretariat to "ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them."[237] Furthermore, subsequent decisions were more refined in its design, application, and implementation of sanctions.[238] This includes the installation of target sanctions that are aimed at particular actors and humanitarian exceptions in UNSC resolutions.[239] Examples of target sanctions include the freezing of assets and blocks on financial transactions of entities whose behavior triggered sanctions, as seen in the situation of conflict diamonds and their funding from the trade of diamonds for arms and similar items in Africa. [240]

Transitional Justice

While trying to maintain accountability in an unclear structure, Member States such as Tunisia, Peru, and Nepal are turning to transitional justice to adjudicate large human rights abuses.[241] Over the last three decades, the role and engagement of Transitional Justice in international law has emerged. The legal footing for Transitional Justice occurred through the Inter-American Court of Human Rights decision in 1988 on Velásquez Rodríguez v. Honduras, a case surrounding a forced disappearance[242], citing all Member States have four fundamental obligations in the area of human

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[230] "Security Council Sanctions Committees: An Overview", United Nations http://www.un.org/sc/committees/index.shtml (Accessed October 8th, 2013)

[231] Sanction", The Free Dictionary http://legal-dictionary.thefreedictionary.com/sanction

[232] "Security Council Sanctions Committees: An Overview", United Nations http://www.un.org/sc/committees/index.shtml (Accessed October 8th, 2013)

[233] *Ibid.*

[234] *Ibid.*

[235] *Ibid.*

[236] *Ibid.*

[237] "Security Council Sanctions Committees: An Overview", United Nations http://www.un.org/sc/committees/index.shtml (Accessed October 8th, 2013)

[238] *Ibid.*

[239] *Ibid.*

[240] *Ibid.*

[241] What is Transitional Justice? International Center for Transitional Justice. http://ictj.org/about/transitional-justice (Accessed October 9th, 2013)

[242] "The European Court of Human Rights' Jurisprudence on Issues of Forced Disappearances" Human Rights Brief A Legal Resource for the International Human Rights Community Volume 8 Issue 3 http://www.wcl.american.edu/hrbrief/08/3juris.cfm American University Washington College of Law

rights.[243] The four obligations are "to take reasonable steps in the prevention of human rights violations, conduct investigations of violations after occurrence, imposing sanctions on those responsible and ensuring reparations for victims."[244] These principles have been highlighted in many other decisions and documents implemented by the European Court of Human Rights, Human Rights Committee, and in the development of the ICC.[245] Transitional justice encompasses measures implemented by Member States to remedy human rights abuses that have changed the course of history.[246] These measures, both judicial and non-judicial, include truth commissions, reparations programs, criminal prosecutions, and various types of institutional reforms.[247] Transitional Justice focuses on "recognizing the rights of the victims, promoting civic trust, and strengthening the democratic rule of law" and overall achieving justice in times of transition in post-conflict situations.[248] Victims of large-scale human rights abuses have the right to closure after those horrific events, including being disclosed to the truth, seeing their attackers punished, and receiving restitution.[249] Additionally, Member States must work towards preventative steps to ensure that the greater society and communities also impacted through these injustices are protected from future violations.[250] To attain justice in efforts to yield peace, Member States need to seek "reform of entities or institutions that were either involved in or incapable of preventing the abuses"; therefore leading to development of Transitional Justice Policies.[251]

According to the International Center for Transitional Justice, there are four consistent elements of a Comprehensive Transitional Justice Policy.[252] Criminal prosecution aims to adjudicate the persons most responsible and reparations provide either material or symbolic returns - cash payments, health services, public apologies, or days of remembrance.[253] To fix the systems, Transitional Policies convene investigative processes such as truth commissions to determine "patterns of abuse, recommend changes and help understand the underlying causes of serious human rights violations".[254] And finally, Transitional Justice policies plan to appropriately reform institutions, particularly armed forces, police and courts, to deconstruct structural abuses and potential for the recurrence of human right violations.[255] In acknowledging the impact on life in these injustices, it is noted that many Member States have added a form of memorialization, honoring the victims through creating venues where homage can be paid.[256]

Conclusion

As we have moved forward as a global community, we have become more adept to responding on a case-by-case basis to what is thrown at us. The UNSC, ICC, and ICJ have taken significant steps towards improving their individual processes and responding to new age threats to peace and security; but strides have proven futile because there are still significant gaps that leave our community vulnerable. Since unsuccessful referrals and the strength of decisions have come into question, so have a number of concerns regarding jurisdiction. The only way we can strengthen enforcement is to develop a sense of gravity behind these massive violations and coordinate for accountability across the global

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[243] What is Transitional Justice?. International Center for Transitional Justice. http://ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf (Accessed October 12th, 2013)

[244] What is Transitional Justice?. International Center for Transitional Justice. http://ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf (Accessed October 9th, 2013)

[245] *Ibid.*

[246] *Ibid.*

[247] *Ibid.*

[248] *Ibid.*

[249] What is Transitional Justice? International Center for Transitional Justice. http://ictj.org/about/transitional-justice (Accessed October 9th, 2013)

[250] *Ibid.*

[251] *Ibid.*

[252] *Ibid.*

[253] *Ibid.*

[254] What is Transitional Justice? International Center for Transitional Justice. http://ictj.org/about/transitional-justice (Accessed October 9th, 2013)

[255] *Ibid.*

[256] *Ibid.*

community. Global accountability is a progressive response to ending siloed processes of adjudication and reprimand. Working within silos is ineffective to achieving global accountability and governance because it lacks in transparency; there needs to be more definition and consistency in the protocol. Consistency comes in the form of "sustained attention beyond resolutions and statements; mutual respect for the independence and roles of one another; and broadening support in the UN General Assembly as a supplement to Council engagement."[257] Definition will seek "transparency within the bounds of diplomatic and case/investigation specific requirements."[258] Definition and consistency will address the many grey areas created when cases are dropped or forgotten due to lack of consistency while they trickle to the next level. Integrating the two concepts to make a comprehensive framework will allow for more dialogue and working groups to ensue to focus on the cooperative efforts of the entities' individual tasks in order to achieve the peace and security owed to the community it serves.

Committee Directive

Noting that the three entities have all moved forward in their own respects, delegates are encouraged to examine what can be done to streamline the case submission/referral process between UNSC, ICJ, and ICC, as well as the cases they work on interdependently. Seeing that their relationships and interactions are sometimes very causational – what needs to change or be maintained in the relationship between these three entities and what type of relationship should be in order to maintain functionality? With Security Council small in number and mighty in scope containing a number of designees with massive power, what affect do non-parties to the Rome Statue and ICJ have on the collaborative efforts between the UNSC and ICC or ICJ when action needs to be taken? Finally, using the example of developing accountability structures, delegates need to ponder on what can be developed to measure if the current referral processes serve as a deterrent for criminal and destructive behavior and how will it is utilized?

III: Addressing the Role of the Security Council in Civil Conflict

"If every ethnic, religious, or linguistic group claimed statehood there would be no limit to fragmentation, and peace, security, and economic well being for all would become more difficult to achieve"[259]
- Former UN Secretary-General Boutros Boutros-Ghali, 1992

Introduction

As the number of Member States increase within the international community and attempts to address respective issues of internal civil conflict, the United Nations Security Council (UNSC) must look to reevaluate current assistance mechanisms and provisions that will continue to ensure safety and security worldwide. This becomes especially important in light of the civil conflicts that have emerged within the past decade, resulting in the UNSC passing S/RES/2086 in January 2013, recommitting the UNSC to, "[pursue] the important role of multidimensional peacekeeping missions to: assist host Member States in developing critical peacebuilding priorities…"[260] In keeping with the United Nations (UN) Charter, the UNSC continues to strive to fulfill this goal, "to save succeeding generations from the scourge of war..." with mechanisms listed in The Charter's seventh chapter and carried out through the establishment of Peacekeeping Operations.[261] When addressing the topic of civil conflict, it is important to realize that civil conflict differs from that of civil war. Civil conflict has evolved into a multifaceted concept, regarding issues from economics and politics to geographic and ethnic influences.[262] Conflict prevention strategies are tools of peace-building, "aimed at preventing the outbreak, the recurrence or continuation of armed conflict and therefore encompasses a wide range of political, developmental, humanitarian and human rights programmes and mechanisms," working in conjunction with,

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[257] University of California, Irvine, School of Law International Justice Clinic THE COUNCIL AND THE COURT: Improving Security Council Support of the International Criminal Court http://councilandcourt.org/files/2013/05/The-Council-and-the-Court-FINAL.pdf?bcsi_scan_96404f7f6439614d=0&bcsi_scan_filename=The-Council-and-the-Court-FINAL.pdf (Accessed December 21st, 2013)

[258] *Ibid.*

[259] A/47/277. Report of the Secretary General; An Agenda for Peace. General Assembly Plenary. June 17, 1992. http://www.un-documents.net/a47-277.htm

[260] S/RES/2086. *United Peacekeeping Operations*. United Nations Security Council. January 21, 2013. p. 1. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2086(2013)

[261] *Charter of the United Nations*. The United Nations. June 26, 1945. http://www.un.org/en/documents/charter/

[262] "Conflict Prevention: A Guide." Creative Associates International. www.creativeassociatesinternational.com/CAIIStaff/Dashboard_GIROAdminCAIIStaff/Dashboard_CAIIAdminDatabase/resources/ghai/understanding.htm

"impartiality and the use of force only in self-defence…[as] the bedrock principles of peacekeeping." [263][264] Civil war itself is also very difficult to conceptualize. The legal definition states that civil war is "a non-international armed conflict" and yet they contain inter-state elements, "such as a state supporting a non-state within another state, or a none-state actor fighting a state from the territory of another state."[265] However, discrepancies aside, the two concepts are interlinked in a cause-and-effect outcome.

The UNSC has the international authority in regards to resolving inter- and intra-state conflict. Per Chapter 1: Meetings of its *Provisional Rules of Procedure*, the UNSC meets twice a year, or as often as, "the President…deems necessary… at the request of any member of the Security Council…[should] a dispute or situation [be] brought to the attention of the Security Council under Article 35 or under Article II of the Charter." [266] Having established UN Peacekeeping Operations (UNPKO's) in 1948, to uphold the Armistice Agreement between Israel and its neighbors in the Middle East, meetings may certainly be called to order to recognize current events deemed important by this body. [267] Since then, 68 UNPKO's have been deployed around the world, and as civil conflicts have evolved, so too do the studies and employed methods remain dynamic and evolving, so as to best address the prevention of any further occurrences. [268] These operations are conducted in line of enforced humanitarian laws enacted from the two Hague Peace Conferences of 1899 and 1907, respectfully that codified "the civilization" of war, resulting in the Hague Conventions. The Geneva Convention of 1949 furthered the protection of "prisoners of war, civilians, and victims of warfare," by adding additional, "protection of victims in internal conflicts."[269] In order to address the civil conflict as it is now, the UN now takes a multi-disciplinary approach to the matter, with the UNSC addressing aspects of conflict prevention and peacebuilding with the implementation of two critical internal mechanisms that now streamline these efforts. Based on recommendations made by the 2005 World Summit, the UN has instituted two internal reforms, the UN Peacebuilding Commission (PBC) of 2005 and UN Peacebuilding Fund of 2006.[270] Working in conjunction with the Economic and Social Council (ECOSOC), "the Peacebuilding Commission will consider matters on the Security Council's agenda brought before it by that body."[271] Per its Mandate as stated in Resolutions' S/RES/60/180 and S/RES/1645, the PBC "[is] to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery," so as to avoid a relapse into conflict. [272] The UN Peacekeeping Fund, now managed primarily by the Peacebuilding Support Office, is a fund by the Secretary General that, at the respective Member State's level," support[s] activities, actions, programmes, and organisations…between the national Government and the UN."[273] The prevention of civil conflict is an effort shared between the UNSC and other UN bodies, Member States, and Non-Governmental Organizations (NGO's) and is thus a matter that is ultimately a reflection of the international community.

Civil Conflict

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[263] S/PRST/2001/5. *Statement by the President of the Security Council*. The United Nations Security Council. February 20, 2001. http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SPRST%202001%205.pdf

[264] A/55/305–S/2000/809. *The Brahimi Report on UN Peace Operations*. United Nations General Assembly. August, 2000. p. ix. http://www.un.org/ga/search/view_doc.asp?symbol=A/55/305

[265] Dorte Andersen, et al. "Challenges to Civil War Research: Introduction to the Special Issue on Civil War and Conflicts," *Journal on Ethnopolitics and Minority Issues in Europe* (October, 2009). http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2009/1-2009-Intro-Andersen-Barten-Jensen.pdf

[266] S/96/Rev.7. *Provisional Rules of Procedure: Chapter 1*. The United Nations Security Council. December 17, 1980. http://www.un.org/en/sc/about/rules/chapter1.shtml

[267] "History of peacekeeping," United Nations Peacekeeping. www.un.org/en/peacekeeping/operations/history.shtml

[268] *Ibid.*

[269] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 20. http://www.worldwatch.org/system/files/EWP146.pdf

[270] A/59/HLPM/CRP.1/REV.2. The 2005 World Summit. The United Nations General Assembly. September, 2005. http://www.un.org/ga/59/hlpm_rev.2.pdf

[271] *Ibid.*

[272] S/RES/1645. United Nations Security Council. December 20, 2005. p. 2. http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1645%20(2005)

[273] "Who we are," The United Nations Peacebuilding Fund, http://www.unpbf.org/who-we-are/ (accessed November, 2013).

Both developed and developing Member States face a unique set of challenges incurred through localization and globalization that sometimes leads to the genesis of civil conflicts. Understanding the shift from interstate to intrastate conflicts in these contexts as they affect territorial and national concepts is critical as we address the issue today.[274] Prior to the Cold War, armed conflicts on the global scale were interstate wars, involving two or more state parties.[275] Since 1946, the international community saw a shift from interstate war to intrastate wars happening internally within a State.[276] Of the 150 conflicts that eventually became large civil wars, a few of the conflicts started nearly two decades ago.[277] Six civil conflicts that have drawn international attention: Liberia, Libya, Pakistan, Russian Federation (Caucus Emirates), Syria, and Yemen began as recently as 2000.[278] This major shift on the study of civil conflict highlights two major key points. First, the international community saw "violence between sovereign Member States become less likely...and violence within societies [had] become commonplace," shifting from interstate war to internal war.[279] Second, the nature of conflict resulted from changes brought on by stress factors accumulating from a number of factors such as: social, economic, demographic, and environmental pressures that "may trigger the collapse of entire societies, destabilize neighboring Member States…and prompt foreign intervention."[280] When governments, "show themselves unable or unwilling to deal with these accelerating pressures, they stand to lose legitimacy," and therefore groups collect themselves, that may then clash with the existing government to bring about change.[281] This posed a real challenge to the approximately 140 Member States that received "instant" sovereignty in the aftermath of the decolonization movement during the 1960s.[282] As these newborn Member States attempted to accommodate to the "triple appeal" of self-determination, ethnicity, and group rights, they grappled with, "internal divisions, and political fragility, that come with the process of state-building.[283][284] As this happens, intrastate wars become dually problematic, evolving into complex humanitarian emergencies. The first of which occurred during the 1967-1970 Nigerian Civil War, in which the precedent was set for defying the wishes of a central government in modern times.[285] This incident gave way to expanding the study of civil conflict, giving breadth to what constitutes a complex humanitarian emergency, that internal conflict: displaces people on a large scale, brings about the collapse of political, socio- and economic institutions, violence against noncombatants, and interrupted production and trade of goods.[286]

What Defines Civil Conflict?

It is easier to frame the development of civil conflict if we pose the timeline of events in this order: first via environmental conditions, then economic development, movements within the social strata, and finally political involvement. For developing Member States with economies reliant on agriculture, the start of civil conflict "depends on the ways in which environmental transformation translates into the social, economic and political realms…the

[274] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 42. http://www.worldwatch.org/system/files/EWP146.pdf (accessed November, 2013).

[275] *Ibid.*

[276] "How to Stop Fighting, Sometimes," *The Economist* (November, 2013), http://www.economist.com/news/briefing/21589431-bringing-end-conflicts-within-states-vexatious-history-provides-guide

[277] *Ibid.*

[278] "Inner Turmoil," *The Economist* (November, 2013), http://www.economist.com/content/inner-turmoil

[279] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 19. http://www.worldwatch.org/system/files/EWP146.pdf (accessed November, 2013).

[280] *Ibid. p. 7.*

[281] *Ibid. p. 41.*

[282] *Ibid.*

[283] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 10. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf (accessed October, 2013).

[284] *Ibid. p. 9.*

[285] *Ibid.*

[286] *Ibid. p. 13.*

harmful impacts will be felt highly unevenly by different social strata, communities and Member States."[287] The lacks of natural resources are one important variable in identifying the ideologies behind the politics of civil wars.[288] When Member States utilize resources for investment and consumption, the opportunity costs of resources dedicated to supporting violence is higher.[289] Another way to look at this is to say, when the utility of the population is increased, the cost of fighting is higher, and therefore less likely of happening.

The lack of economic progression spiraling downward forces the populace to move into societal and political divisions, which will find form in competing religious and ethnic differences.[290] In light of the most recent civil conflicts, religiously divided societies "are more prone to intense conflict than Member States…[with] conflicting claims to resources, based on interest groups or language divisions."[291] So long as the Member State currently maintains a proportional system of democracy, which is very inclusive and provides for fair rights and civil liberties, we see low levels of repression that also influences the opportunity cost of war; in this case, rebellion.[292] This is important, as proportional representation can prevent ethnic civil wars from being generated because of religious differences, due to the fact that all groups are represented equally regardless of their size. If a Member State is of the majority party of governance, the formations of segmented parties are forced, with larger groups and less representation.[293] Unfortunately, when this is the case, a Member State may experience the type of civil conflict that has been described earlier, an ethnically oriented civil war.[294] Ethnic war is defined as, "an episode of violent conflict between governments, and national, ethnic, religious, or other communal minorities (ethnic challengers), in which the challengers seek major changes in status."[295] The reason why civil conflicts, as intrastate wars, are now more prone to receiving international attention is because they possess elements of the interstate war, with adverse effects transgressing national boundaries.[296] In a study by the High Commissioner of the United Nations High Commission for Refugees (UNHCR), three factors are attributable as to why Member States will not support intervention in a civil conflict: hosting refugee populations, the large bill associated with providing asylum, and a negative blurring of the importance of asylum.[297]

Prevention and Restoration Mechanisms

The Prevention of Civil Conflict keeps in mind protecting those individuals that are considered noncombatants, and therefore the most affected by armed conflict. During conflict, women become the bearers of the culture that their men are fighting to defend…[holding] economies together and keep[ing] communities functioning."[298] However, we must take this one step further as noncombatants include people who are affected by becoming displaced (refugees) or becoming targets of near genocide.[299] For example, the 1994 genocidal violence in Rwanda where "extremist Hutu leaders recruited primarily uneducated, unemployed youth into militias against [the] ethnic Tutsi" serves as an early

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[287] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 40. http://www.worldwatch.org/system/files/EWP146.pdf (accessed November, 2013).

[288] *Ibid. p. 39.*

[289] *Ibid. p. 40.*

[290] Ibid.

[291] *Ibid. p. 29.*

[292] *Ibid. p. 35.*

[293] *Ibid. p. 36.*

[294] *Ibid.*

[295] *Ibid. p. 37.*

[296] *Ibid.*

[297] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 17. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf (accessed October, 2013).

[298] *The DAC Guidelines: Helping Prevent Violent Conflict*. Development Assistance Committee. The Organisation for Economic and Co-operation and Development. Paris, France. 2001. p. 25. http://www.oecd.org/dac/incaf/1886146.pdf

[299] "Violating Displaced Persons' Human Rights and Impairing The Quality of Human Resources," The Journal of Applied Business Research, March/April 2012, http://journals.cluteonline.com/index.php/JABR/article/viewFile/6846/6921

example of civil conflict and is one of the first instances in which the term "genocide" is defined.[300] As this relates to the topic at hand, the carrying out of genocide has become a number one concern of civil conflict; it is "the deliberate and systematic destruction of a racial, political, or cultural group."[301] An example of the attempt by the international community to come together in the prevention of complex emergencies such as this can be found when the Commonwealth of Independent States (CIS) led the focus on helping the UNHCR 1996 Conference on Refugees and Migrants.[302] This conference attempted to address preventive measures aimed at reassuring minorities, "in a sustained campaign…to promote human rights and provide economic and other incentive so that people will not become refugees for incidents of violence."[303] Out of these efforts evolved two closely linked concepts: common security and comprehensive security.[304]

Common security states that, for one Member State to be secure, its opponents (or neighbors), must also feel secure.[305] Comprehensive security seeks to address issues stated earlier (social inequality, environmental degradation, etc.), which are key in determining potential civil conflict.[306] The key to the Prevention of civil conflicts is, "the willingness of sovereign Member States not to threaten or use force in resolving their differences."[307] To this end, the international community has developed a set of non-violent resolutions to conflict. These are carried out through short-term and long-term practices via negotiated benchmarks regarding political, transparent, and coordinated conditions for aid and sanctions.[308] Short-term prevention "requires immediate interventions to prevent the escalation and spread of mass violence"; whereas long-term prevention seeks resolution "over an extended period of time…[for] any nation to resolve internal conflicts peacefully and fairly, by due process."[309] Quite recently, there was a new addition to these non-violent resolution mechanisms, which addresses medium-term prevention. According to the UNHCR, establishing "equal protection for all ethnic, religious, cultural, and other groups is vital" to security and addressing the abuse of human rights as it will assist with the early indication needed for response.[310] Thus, the UN agreed to a formula that reconfirmed the right of all states to conduct their internal affairs without fear of foreign interferences (Charter, 2.7), but gave the UNSC power to mandate forceful action in cases in which the most powerful members agree that there is a threat to international peace and security (ch. 7).[311] Since the 1990s, responses of the international community to what are defined as complex humanitarian emergencies came the combinations of protection and relief functions, sudden mass movements of people, and the transformation of traditional refugee camps into staging areas for military operations against the Member State from which the refugees had fled.[312]

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[300] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 10. http://www.worldwatch.org/system/files/EWP146.pdf (accessed November, 2013).

[301] *Ibid.*

[302] UNHCR publication for CIS Conference (Displacement in the CIS) - The CIS Conference on Refugees and Migrants," United Nations High Commissioner for Refugees, May 1, 1996. http://www.unhcr.org/3b5588884.html

[303] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 5. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf (accessed October, 2013).

[304] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 47-48. http://www.worldwatch.org/system/files/EWP146.pdf (accessed November, 2013).

[305] *Ibid. p.47.*

[306] *Ibid.*

[307] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 4 http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf (accessed October, 2013).

[308] *The DAC Guidelines: Helping Prevent Violent Conflict.* Development Assistance Committee. The Organisation for Economic and Co-operation and Development. Paris, France. 2001. p. 27. http://www.oecd.org/dac/incaf/1886146.pdf

[309] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 4. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf (accessed October, 2013).

[310] *Ibid.*

[311] *Ibid.*

[312] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p.13. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf (accessed October, 2013).

United Nations Security Council Peacekeeping Operations

The UN Peace Keeping Operation (PKO) entails three principle activities – conflict prevention and peacemaking, peacekeeping, and peace building.[313] Peacemaking is preemptive and addresses conflicts in progress, attempting to bring them to a halt using tools of diplomacy and mediation.[314] Peacekeeping is a 50-year-old enterprise that has evolved rapidly in the past decade from a traditional, primarily military model of observing ceasefires and force separations after interstate wars to incorporate a complex model of many elements and entities, both military and civilian, working together to build peace in the dangerous aftermath of civil wars.[315] Peacebuilding is a term of more recent origin that defines "activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations and promoting conflict resolution and reconciliation techniques."[316] The UN has faced a pressing need to establish a more effective strategy for short term and long term conflict prevention therefore peace keeping and peacebuilding are inseparable terms in defining the elements of peace; peacekeepers work to maintain a short term secure local environment while peace building works for a long term self-sustainable environment.[317] The UNSC and the General Assembly (GA) Special Committee on Peacekeeping Operations has recognized and acknowledged that peace-building specifically is a complex operation which requires the UN system to identify the fundamental deficiencies in peace building strategies and recommended the Executive Committee on Peace and Security (ECPS) to present a plan to strengthen those strategies and implement programs that support them.[318] A "shift in the use of civilian police in peace operations to maintain the rule of law and respect for human rights and helping communities coming out of a conflict to achieve national reconciliation" is one example of such strategies already supported by the GA panel.[319]

Over the last decade, the UN failed on many occasions to meet challenges posed by civil conflict; but is continually moving forward toward having stronger impact in the absence of institutional change. In particular, issues and errors with tasks in the 1990's have served as the catalyst to add more structure and purpose to PKOs.[320] First in 1991, the UNSC mandated that the UNHCR "protect, assist, and reintegrate two million Kurds in northern Iraq under dangerous circumstances with only 500 UN guards for protection."[321] The numbers alone exposed that the UN still had some "inadequate emergency response capabilities and inability to coordinate such a large and complex operation."[322] Due to the extremely uneven ratio of protectors to protectees, the UNSC "determined that the flow of refugees posed a threat of sufficient magnitude to warrant internal action" and established "safe havens" as an answer to the battle and concern of putting safety ahead of assistance or assistance ahead of safety.[323] Vulnerabilities were further revealed during the efforts in Bosnia in 1992, which were highly unsuccessful.[324] To tackle this unique encounter, a Protection Force (UNPROFOR) was established with the intended purpose of delivering relief to victims of war.[325] However, because of an unclear mandate, the UNPROFOR caused more detriment than solution. Since no specific peace agreement existed, the UNPROFOR functioned under a limited mandate of traditional peacekeeping operations and had "no mandate to

[313] A/55/305–S/2000/809. *The Brahimi Report on UN Peace Operations*. United Nations General Assembly. August, 2000. p. ix. http://www.un.org/ga/search/view_doc.asp?symbol=A/55/305

[314] *Ibid.*

[315] *Ibid.*

[316] *Ibid.*

[317] *Ibid.*

[318] *Ibid.*

[319] *Ibid*.

[320] *Ibid.*

[321] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 57. http://www.worldwatch.org/system/files/EWP146.pdf (accessed November, 2013).

[322] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 27. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf (accessed October, 2013).

[323] *Ibid. p. 19.*

[324] *Ibid.*

[325] *Ibid.*

protect the actual victims."[326] UNSC resolution S/RES/770 (1992) called "all measures necessary" to be taken, which was distorted and taken literally causing "robust" and forceful execution of its missions.[327] [328] The expectation was to "adhere to the principles of impartiality, secure the consent of the local authorities, and restrict its mission to providing security for those delivering humanitarian relief."[329] These ills that were carried out allowed for manipulation of those serving as administrators of aid and "the undermining of the effectiveness and credibility of intergovernmental organizations."[330] This "preventative protection" became an obvious abuse of human rights, as it forced more suffering on victims, who were already extremely vulnerable.[331] These instances clearly demonstrated that peacekeeping operations were run on an ad-hoc basis and without coming to consensus on what needed to be achieved as a global community, operations would continue to be ineffective overall.[332] Policies in regards to security not only needed to focus on the military issues, but all the corresponding social, economic, demographic, environmental factors, and potential human rights violations that cause the conflict.[333]

Case Study

United Nations Operation In Somalia (UNOSOM) I and II in Somalia

Power struggle and clan clashes throughout Mogadishu, Somalia arose between supporters of interim President Ali Mahdi Mohamed and Chairman of the United Somali Congress General Mohamed Farah Aidid in 1991 after the fall of President Siad Barre.[334] Somalis were divided upon supporting one or the other leader and along with several groups of bandits within the Member State, chaos immediately magnified. Severe malnutrition and diseases already afflicted half of the Somali population.[335] An estimate of 300,000 people died while 1.5 million people were at risk leading another one million seeking refuge in neighboring countries.[336] Destruction, political chaos, and looting constrained the delivery of humanitarian supplies, and threatened stability in the rest of the Horn of African region.[337] These instances further threatened international peace and security in the area.[338]

In support of the International Committee of the Red Cross (ICRC) and NGOs on the ground, the UN humanitarian efforts were fully engaged in Somalia by March 1991.[339] However, a surging call for a peaceful political solution brought together the then-UN Secretary General Javier Pérez de Cuéllar, the Organization of African Unity (OAU), the League of Arab States (LAS), and the Organization of the Islamic Conference (OIC) to meet to discuss peace keeping and building efforts.[340] Secretary General Cuéllar sent Under Secretary General of Political Affairs James O.C. Jonah to

[326] *Ibid.*

[327] S/RES/770. "Resolution 770 (1992)," United Nations Security Council, August 13, 1992. www.nato.int/ifor/un/u920813a.htm

[328] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 19. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf   (accessed October, 2013).

[329] *Ibid*.

[330] *Ibid.*

[331] *Ibid.*

[332] Michael Renner, "Ending Violent Conflict," The World Watch Institute, April 1999, p. 53.   http://www.worldwatch.org/system/files/EWP146.pdf (accessed November, 2013).

[333] John Stremlau, "People in Peril: Humanitarian Action, and Preventing Deadly Conflict," Carnegie Commission on Preventing Deadly Conflict, May 1998, p. 19. http://carnegie.org/fileadmin/Media/Publications/PDF/People%20in%20Peril.pdf   (accessed October, 2013).

[334] "Somalia - UNISOM I Background," The United Nations, www.un.org/en/peacekeeping/missions/past/unosom1backgr2.html

[335] *Ibid.*

[336] *Ibid.*

[337] *Ibid.*

[338] *Ibid.*

[339] *Ibid.*

[340] *Ibid.*

visit Somalia in attempts to initiate talks regarding national reconciliation.[341] To begin the peace-building effort, the UNSC passed resolution S/RES/733 after unanimous support of national reconciliation, which placed an embargo on arms trade in order to establish peace and security.[342] Representatives of the interim President Ali Mahdi and General Aidid met with the LAS, OAU, and OIC at the UN Headquarters for a peace talk and yielded a number of peace effort documents.[343] First a ceasefire agreement was shaped, which allowed humanitarian assistance and military observers to monitor the assistance efforts.[344] Additionally, S/RES/746 further dispatched a technical team to Somalia to monitor ceasefire mechanism and the operational establishment of humanitarian assistance.[345] In conjunction with S/RES/733 and S/RES/746, the UNSC unanimously adopted S/RES/751, which created the United Nations Operation In Somalia (UNOSOM).[346] To further the efforts of UNOSOM, incoming Secretary General Boutros Boutros-Ghali had asked to consult with Somali parties for national reconciliation and unity with the efforts of LAS, OAU, and OIC Furthermore, S/RES/751 established a committee of the UNSC in Somalia to oversee the previously made arms embargo and its effectiveness.[347][348] Fifty unarmed UN military personnel and 500 security personnel were deployed in Somalia to oversee this operation and ensured humanitarian assistance and activities were delivered.[349] Supplementary technical teams were dispatched in Somalia to alleviate the accelerating famine and drought situation especially to assure that World Food Programme (WFP) and United Nations Children's Fund (UNICEF) deliveries were successful. The UNSC deployed additional personnel to increase the strength of UNOSOM totaling 4,219 all ranks.[350]

Regardless of the numerous strides taken, the absence of a central government divided the Member State into rival militias and deteriorated the peace works in Somalia by limiting the convoy of humanitarian efforts.[351] The UNSC discussed several options to continue to strengthen the efforts of UNOSOM and deploy more personnel, which led to the passing of resolution S/RES/794.[352] Under Chapter VII of the UN Charter, which allows the UNSC to "determine the existence of any threat to the peace, breach of the peace, or act of aggression and make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security."[353] Following the passing of S/RES/794, the UNSC also deployed the Unified Task Force (UNITAF) headed by the United States of America (US) working in union with the UN to expand their operations in major relief centers in Somalia and monitor the delivery and success of humanitarian relief.[354] At the same time, Secretary General Ghali led a national reconciliation and unity the preparatory meeting with the participation of LAS, OAU, and OIC as well as 14

[341] *Ibid.*

[342] S/RES/733. "Implementing an Arms Embargo on Somalia," United Nations Security Council, 1992, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/733(1992)

[343] *Ibid.*

[344] "Repertoire of the Practice of the Security Council," United Nations Security Council, www.un.org/en/sc/repertoire/89-92/Chapter%208/AFRICA/item%2006_Somalia_.pdfp.314

[345] S/RES/746. United Nations Security Council, 1992 http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/746(1992)

[346] "Somalia - UNISOM I Background," The United Nations, http://www.un.org/en/peacekeeping/missions/past/unosom1backgr2.html

[347] *Ibid.*

[348] S/RES/751. United Nations Security Council, 1992, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/751(1992)

[349] *Ibid.*

[350] "Somalia - UNISOM I Background," The United Nations, http://www.un.org/en/peacekeeping/missions/past/unosom1backgr2.html

[351] *Ibid.*

[352] S/RES/794. United Nations Security Council, 1992 http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/794(1992)

[353] Charter VII: Action with respect to threats to the peace, breaches, of peace, and acts of aggression http://www.un.org/en/documents/charter/chapter7.shtml

[354] "Somalia - UNOSOM I," The United Nations, www.un.org/Depts/DPKO/Missions/unosomi

Somali political movements.[355] Three agreements were concluded and signed at this meeting: the General Agreement of January 8, 1993; the Agreement on Implementing the Cease-fire and on Modalities of Disarmament, and the Agreement on the Establishment of an Ad Hoc Committee for the conference on national reconciliation.[356][357][358]

Although the operation of UNITAF was successful since the initial deployment sending 37,000 troops in Somalia, security was still not fully established in all of Somalia.[359] In response, US Secretary General Admiral Jonathan T. Howe (Ret.) was asked to oversee the transition from UNITAF to UNOSOM II, an initiative with goals to continue to uphold the ceasefire and oversee humanitarian efforts for the stability and security of Somalia.[360] UNOSOM II was established under S/RES/814 to make sure that UNTAF establishes its mandate and most importantly to reconstruct political, economic, and social reality.[361][362] Lieutenant-General Çevik Bir from Turkey was appointed Force Commander of UNOSOM II.[363] Violence did not cease under UNISOM II as civilians often broke out into war with Somali military thus in its effort to work towards peace Secretary General Ghali as well as Somali leaders held peace and reconciliation talks in different parts of Somalia.[364] Many Somalian leaders were not in support of the 1993 and 1994 agreements, thus the UNSC reduced the security force and urged the leaders to establish a unified government.[365]

UNOSOM I and II have brought Somali to recover and reconstruct its nation along side with the necessary emergency relief.[366] The UN agencies and NGOs were determined to continue humanitarian operations in Somalia. The highlight and eventual withdraw of the UNOSOM aided Somalia caught through its civil wars, famine, and to reestablish its foundations.[367] Humanitarian activities especially saved millions of lives of Somalis.[368] By March 1995, there were 46 district courts, 11 regional courts and 11 appeals courts, which were all functioning because the UN had helped with funds, training, and rebuilding of infrastructure.[369]

Conclusion

The causes of civil conflicts arise from a culture of pressure and change in the government by groups of people within a Member State. Fundamentally, the UNSC's role in any operation is to assist a collapsed institution in recovery, rehabilitation, and reconstruction for a long lasting peace through strongly developed structures. Taking an analytical look at how the UNSC has handled civil conflicts in the past may present an opportunity to learn how to better handle civil conflicts that present serious challenges to international peace and security. It is essential that as a Global Community we respond accordingly to the various wrenches thrown by civil conflicts. Noting the purpose of Peacekeeping as stated in S/RES/2086, compliance with international norms and the UNSC's decisions are crucial in

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[355] *Ibid.*

[356] "General Agreement on Tariffs and Trade," United States Institute for Peace, January 8, 1993,
http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/somalia_01081993_gen.pdf

[357] "Agreement on Implementing the Ceasefire and on Modalities of Disarmament," The United Nations, January 15, 1993,
http://peacemaker.un.org/somalia-implementingdisarmament93

[358] "Agreement on the establishment of an ad hoc committee. January 15, 1993, http://www.peaceau.org/uploads/ad-hoc-committee-somalia-1993.pdf

[359] "Somalia - UNOSOM I," The United Nations, www.un.org/Depts/DPKO/Missions/unosomi

[360] *Ibid.*

[361] S/RES/814. United Nations Security Council, March 26, 1993,
http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/814%281993%29

[362] "Somalia - UNOSOM I," The United Nations, www.un.org/Depts/DPKO/Missions/unosomi

[363] "United Nations Operations in Somalia II," The United Nations, http://www.un.org/Depts/DPKO/Missions/unosom2p.htm

[364] *Ibid.*

[365] *Ibid.*

[366] *Ibid.*

[367] *Ibid.*

[368] *Ibid.*

[369] *Ibid..*

order to build peace in post-conflict situations.[370] Without increased financial support and renewed commitment on the part of Member States, the UN will not be capable of executing the critical peacekeeping and peacebuilding tasks that assigned to it in coming months and years.[371] The prevention of civil conflict must come from "the willingness of sovereign states," not through threats or use force in resolving their differences.[372] The UNSC must make sure to take the necessary steps that will continue to ensure safety and security worldwide and intensifying or diversifying tactical efforts to reach the end goal of long lasting peace.

Committee Directive

Keeping in mind that civil conflicts vary from area to area, delegates are encouraged to look at this issue through the following lenses as it pertains to their particular interests. First, what is enforcement, what role does it serve in alleviating civil conflict, what mechanisms have been used, and which have proven the most effective? Second, how effective has the UNSC been in mediating conflict and opening up dialogue in instances of civil conflict? Additionally, what influence and/or power is exerted by developed Member States to block how the Security Council or the UN takes action in instances of civil conflict? What other strides should the UNSC take other than the already existing preventative measures to ensure a Member State is self-sustainable after initial peace efforts such as Peacekeeping Operations? Ultimately, we hope that delegates will closely examine how can partnerships between the UNSC and other organizations (including regional organizations) can be more effective in acting to prevent and end civil conflict.

Technical Appendix Guide

I: Cyber Security: The Threat of Cyber Conflict on International Peace and Security

David Hancock, "Embarrassing Revelations Abound in Leaked U.S. Cables," CBS News, http://www.cbsnews.com/news/embarrassing-revelations-abound-in-leaked-us-cables/
This news story is on the release of information from United States "cable conversations." The incident involved confidential communication leaked through a "leak website" (WikiLeaks) discussing different political leaders, their interactions, and their opinions of their involvement in the global community. This resource is interesting as it highlights a recent misuse in Internet technologies and displays a breech in cyber security that can be damaging to international diplomacy.

Timothy Farnsworth, "China and Russia Submit Cyber Proposal," Arms Control Today, November 2011, http://www.armscontrol.org/act/2011_11/China_and_Russia_Submit_Cyber_Proposal
This article from Arms Control Today focuses on a proposal submitted to the General Assembly by China and Russian Federation for an International Code of Conduct for Information Security. The proposal called for the defined role of national government in reducing cyber threats, particularly its rights and responsibilities. This resource is helpful as it distinguishes the difference between information security and cyber security; in addition it serves as an example of actions taken by certain Member States to address the issues surrounding the complex world of information and cyber security.

Andrew Foltz, "Stuxnet, Schmitt Analysis, and the Cyber 'Use-of-Force' Debate," Joint Force Quarterly, Issue 67 (2012) http://www.ndu.edu/press/lib/pdf/jfq-67/JFQ-67_40-48_Foltz.pdf
This essay published by the National Defense University Press focuses on the use of force as referred to in the United Nations Charter and its threshold regarding attacks of the cyber or electronic nature. This document discusses the Schmitt Analysis and its factors that determine if a cyber operation is being used as an armed force. This resource is helpful as it divulges more information regarding the detrimental Stuxnet worm and provides greater context of why cyber attacks are an issue for debate within the United Nations (UN).

"International Cyberspace Law Research Guide," Georgetown Law Library, http://www.law.georgetown.edu/library/research/guides/cyberspace.cfm
This Georgetown Law Library research guide provides a database of resources that delegates can navigate through to understand regional agreements, foreign law, and international law and their various applications to cyberspace. Both

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[370] S/RES/2086. *United Peacekeeping Operations*. The United Nations Security Council. January 21, 2013. p. 1. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2086(2013)

[371] A/55/305–S/2000/809. *The Brahimi Report on UN Peace Operations*. United Nations General Assembly. August, 2000. p. 1. http://www.un.org/ga/search/view_doc.asp?symbol=A/55/305

[372] "The UN DPKO Civil Affairs Handbook," The United Nations, p. 68   http://www.un.org/en/peacekeeping/documents/civilhandbook/Civil_Affairs_Handbook.pdf

electronic and print resources are referenced which discuss several key issues presented in the background guide including cybercrime, privacy, human rights and individual cyber freedoms, and cyberwarfare.

Tim Maurer, "Cyber norm emergence at the United Nations - An Analysis of the Activities at the UN Regarding Cyber-security," Harvard Kennedy School Belfer Center for Science and International Affairs, September 2011, http://belfercenter.ksg.harvard.edu/files/maurer-cyber-norm-dp-2011-11-final.pdf
This paper discusses the increase in cyber functioning and realties in an E-world. Cyber attack is broken down on two fronts based on the realm in which they are used most frequently: the politico-military Cyber-warfare and the economically detrimental cybercrime. This document will be helpful as it gives background as to understanding the normalcy behind cyber functioning, its adjoining and necessary security measures, and relative UN entities and documents of International Law.

 "NATO and Cyber Defence," North Atlantic Treaty Organization, http://www.nato.int/cps/en/SID-10061380-EB1D9454/natolive/topics_78170.htm?
This article discusses cyber security and defense from the North Atlantic Treaty Organization's (NATO) standpoint. The NATO's policy regarding cyber defense, its expectations, actors, and its role in other security policies are drawn out with some detail. This website is helpful as it draws out action taken from a regional body and provides examples of solutions that may apply to and work for the greater international community.

Michael N. Schmitt, "Cyberspace and International Law: The Penumbral Mist of Uncertainty," *The Harvard Law Review,* http://www.harvardlawreview.org/issues/126/march13/forum_1000.php
This Harvard Law Review article argues that there is an existing cybersecurity infrastructure built into international law standards. Schmitt argues that Member States have a "sovereign right to exercise control over cyberinfrastructure and activities on their territory, as well as to protect them from harmful actions." It provides examples including cases from the International Court of Justice (ICJ) and discusses in more depth international law principles and how they apply to cyberspace. Delegates who have minimal background with international law and for delegates with a more advanced understanding of international law, this article serves as a great resource to further understanding in the subject.

A/68/98. "Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security," The United Nations General Assembly. www.un.org/ga/search/view_doc.asp?symbol=A/68/98
This UN General Assembly resolution is the most up to date report by a Group of Governmental Experts (GGE) which discusses the important of ICTs within the United Nations and the international community and examines the role which the UN should play in governing ICTs to ensure that abuse of these technologies is limited and that international standards are set to ensure the protection. This report can aid delegates in better understanding and appreciating how International Law and especially the UN Charter are not only applicable, but also imperative in maintaining peace and security in the ICT environment.

The Cyber Index: International SecurityTrends and Realities. United Nations Institute For Disarmament Research, 2013. http://www.unidir.org/files/publications/pdfs/cyber-index-2013-en-463.pdf
This publication provides an extensive list of the various cybersecurity actions taken at all levels: national, regional, and international. The goal of the publication is to assist diplomats and policymakers alike to understand the complexities surrounding cyberspace issues. The study will help delegates because it explains certain approaches addressing some of the misconceptions surrounding these issues, which threaten to escalate tensions and potentially cause conflict between Member States. Delegates will benefit from this study because it provides facts and analysis of the many challenges to and opportunities for action to stability and security in cyberspace in the international community.

"Developments in the field of information and telecommunications in the context of international security," United Nations Office of Disarmament Affairs, http://www.un.org/disarmament/topics/informationsecurity/
This webpage provides a list of resolutions, reports and actions taken by the United Nations since information security was placed on the UN agenda in 1998, when the Russian Federation first introduced a draft resolution in the General Assembly Disarmament and International Security. Delegates can read through past UN documents regarding ICTs and information security and assess how the discussion and technology has evolved since 1998 in order to gauge how to better address the myriad issues surrounding cyber security as it continues to evolve.

II. Coordinating Global Accountability between the Security Council, the International Criminal Court, and the International Court of Justice

"The Contribution of the International Court of Justice to International Humanitarian Law," International Committee of the Red Cross, http://www.icrc.org/eng/assets/files/other/irrc_850_chetail.pdf
This article discusses the overall contributions of the International Court of Justice on International Law, particularly in the arena of human rights and humanitarian concerns. The stances taken by Judges of the Court, as well as the different

aspects between humanitarian or general international law are displayed. This document will be helpful because it provides an analysis of the impact that the ICJ has had the judiciary for the UN and perspective into understanding of some its rulings.

"Office of the Prosecutor," International Criminal Court, http://www.icc-cpi.int/en_menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/Pages/office%20of%20the%20prosecutor.aspx
This website is that of the Office of the Prosecutor of the International Criminal Court (ICC). A vital tool in ICC investigations and the referral process, the site lists who the members of the office are and their corresponding tasks. This resource is helpful as it lists the current investigations being carried out, and what areas are enduring preliminary examinations regarding alleged crimes.

International Non-Governmental Organizations Accountability Charter (INGO Accountability Charter). http://www.ingoaccountabilitycharter.org/
This website is for the International Non-Governmental Organizations Accountability Charter. The Charter was developed by a number of large NGOs to display their commitment to transparency and accountability. This collection of pages and information can provide a closer example of an accountability system that can be developed and implemented for UN organizations.

Lawrence Moss, "The UN Security Council and the International Criminal Court: Towards a More Principled Relationship." *International Policy Analysis* - Friedrich-Ebert-Stiftung Global Policy and Development, 2012, http://library.fes.de/pdf-files/iez/08948.pdf
This document from the Friedrich Ebert Foundation discusses the history of the relationship between Security Council and the ICC. It is part of their "UN Security Council in Focus" series that focuses on both issues on the agenda and potential reform. This resource will be helpful as it discusses topics such as deferrals and other failed referral situations, as well as giving another insight into the work done between the Security Council and ICC and what their potential relationship could be.

"Project on International Courts and Tribunal," Project on International Courts and Tribunal, http://www.pict-pcti.org/index.html
This website is for the Project on International Courts and Tribunals (PICT), which is a project examining the different courts and legal structures dealing with international and regional law. The PICT project looks at themes of ethics, independence, and legal and procedural issues, and bodies for arbitration such as the International Center for Settlement of Investment Disputes. Examining this project will provide an example of one of a few organizations convening to determine the efficacy of the legal structures in place and opening up dialogue on how to improve them.

Michael Scharf, "The ICC's Jurisdiction Over Nationals of Non-Party States: A Critique of the U.S. Position," *Law and Contemporary* Problems, 2001, http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1201&context=lcp
Although an older article, this resource discusses the curveball of Non-Party States in the work of the ICC. Written a year after the United States became a signatory to the Rome Statute, it discusses both international jurisdiction and the concept of universal jurisdiction through the Rome Statute. This resource will assist in understanding where Member States who are not party to the Rome Statute fall in the reprimand and accountability processes of egregious crimes and in the reform process of the system overall.

"Global Partnership for Social Accountability," The World Bank, http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:23506461~pagePK:220503~piPK:220476~theSitePK:228717~isCURL:Y,00.html
This collection of websites is information on the Global Partnership for Social Accountability sponsored through the World Bank. A main goal for the Global Partnership is to improve development and to aid with country-level reform and transparency. As another example of an accountability mechanism within UN-related entities, the Global Partnership could shed light on how to reach Member States at their level on the road towards a creating a global accountability system.

Eric Zubel, "The Lockerbie Controversy: Tension Between The International Court of Justice and the Security Council." Annual Survey of International & Comparative Law 5, August 25, 2010, http://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1045&context=annlsurvey
This article particularly focuses on the Pan Am Flight 103 bombing over Lockerbie, Scotland and its surrounding controversy in great detail. It develops the basis for all the supplemental investigations that led to the acknowledgment of the issue in jurisdiction. This document will be helpful as it provides a more in-depth discussion of the incident and offer perspective on what has been changed or not since this very public overlap and discrepancy.

III. Addressing the Role of the Security Council in Civil Conflict

"Agreement between the Government of Sudan and the United Nations Concerning the status of the United Nations in Sudan," The United Nations Mission in Sudan, http://unmis.unmissions.org/Portals/UNMIS/Documents/General/sofa.pdf
This document is a peace agreement made with the Government of Sudan and the United Nations in United Nations Mission in Sudan (UNMIS) established under the Security Council. It presents the mission of UNMIS in Sudan and its terms and conditions. This is a case that exemplifies to students the kind of actions and steps that the United States can make towards peace. It gives detailed "who, what, where, when, why and how" conditions of UNMIS in Sudan which further helps students visualize and understand the kind of authority that Security Council has.

Dmitriy Gershenson, "Sanctions and Civil Conflict," International Monetary Fund, May 2001, http://www.imf.org/external/pubs/ft/wp/2001/wp0166.pdf
This paper elaborates on the effects of sanctions, imposed on the opposing group in conflict, on the resources of economy and how they work and affect a nation. It explains "weak" sanctions as those that actually hurt the challenger and "strong" sanctions as those that push the opponent to surrender and further explains the impact of both. This paper will offer a profound understanding of sanction as another method of to peacemaking.

Marta Reynal-Querol, "Ethnicity, Political Systems, and Civil Wars," Journal of Conflict Resolution, February 2002, http://www.econ.upf.edu/~reynal/conflict_resolution.pdf (accessed, October, 2013).

This document is an in depth study of the causes of social and ethnic conflict. It further explains that in social and ethnic conflict, the role of democracy must take place in order of peace. This document will help students grasp the roots and different reasons behind the causes of civil wars. It will further give students a new understanding of the role of democracy in peace building.

Mary Ellen O'Connell, "Continuing Limits on UN Intervention in Civil War" Indiana Law Journal: Vol. 67: Issue. 4, Article 3, 1992,
This article briefly brings to light the limitations that the UN Charter has on Security Council decisions in interference of international affairs of Member States. It further reviews through examples of Iraq and Yugoslavia civil wars the effects of using military intervention with consent. This article will assist students in understanding the certain conditions of Security Council through past examples of Civil Wars in the use of military interventions as a way to settle political situations. Additionally, it will help students comprehend if international intervention is an effective peaceful solution.

"A Manual of Issues and Entry Points," Organization for Economic Co-operation and Development – Preventing Conflict and Building Peace, 2005,
This detailed document produced by the DAC Network on Conflict, Peace and Development Co-operation (CPDC) helps individuals who work on conflict and conflict affected countries with shared knowledge and experience to improve conflict prevention. It further presents many peace-building concepts for reconciliations, stability and justice post conflict. This document is extremely resourceful in finding other preventative measures for a self sustainable nation as it goes in depth with steps and concepts of peace building and peace keeping both in short and long term.

Stephen Stedman, "Implementing Peace Agreements in Civil Wars: Lessons and Recommendations for Policy Makers," 2001,
http://peacemaker.un.org/sites/peacemaker.un.org/files/ImplementingPeaceAgreementsinCivilWars_IPI2001.pdf
This paper is an analytical reflection of the challenges when implementing peace agreements for long-term peace building. It explains 2 findings: strategies used in one area of the world cannot be assumed to work in another; and different cases of peace operations differ in terms of how difficult the environment is and the responsibility of the international actors. This paper will help students understand the appropriate strategies to use for longstanding peace and security. Furthermore, it will assist students to comprehend that international actors also play a big part in their commitment in implementing these peace agreements for future security and not just strategies for ending war.

"UN Coordination Mechanisms for Peace Strategies," The United Nations Development Programme, http://web.undp.org/evaluation/documents/thematic/conflict/annex6.pdf
This brief document explains different peace strategies that the United Nations can use in the UN system to work together. It defines the different systems of the UN including the Security Council, what they can do and where they can fall short. It further outlines the types of mechanisms that can be taken at a country level. This document will give students a concise understanding of UN mechanisms that can be used for peace strategies.

Nicholas Waddell and Phil Clark, "Courting Conflict? Justice, Peace, and the ICC in Africa," Royal African Society, 2008,
http://www.lse.ac.uk/internationalDevelopment/research/crisisStates/download/others/ICC%20in%20Africa.pdf
These essays explain the ICC's difficulties in pursuing justice in the focus of violence in Africa. It shows the rather difficult steps that the ICC faces in implementing peace in within recently independent African nations and the ways around approaching these problems. These essays will help students understand the roles and challenges of the ICC in implementing peace in Africa and the idea of their work beyond.