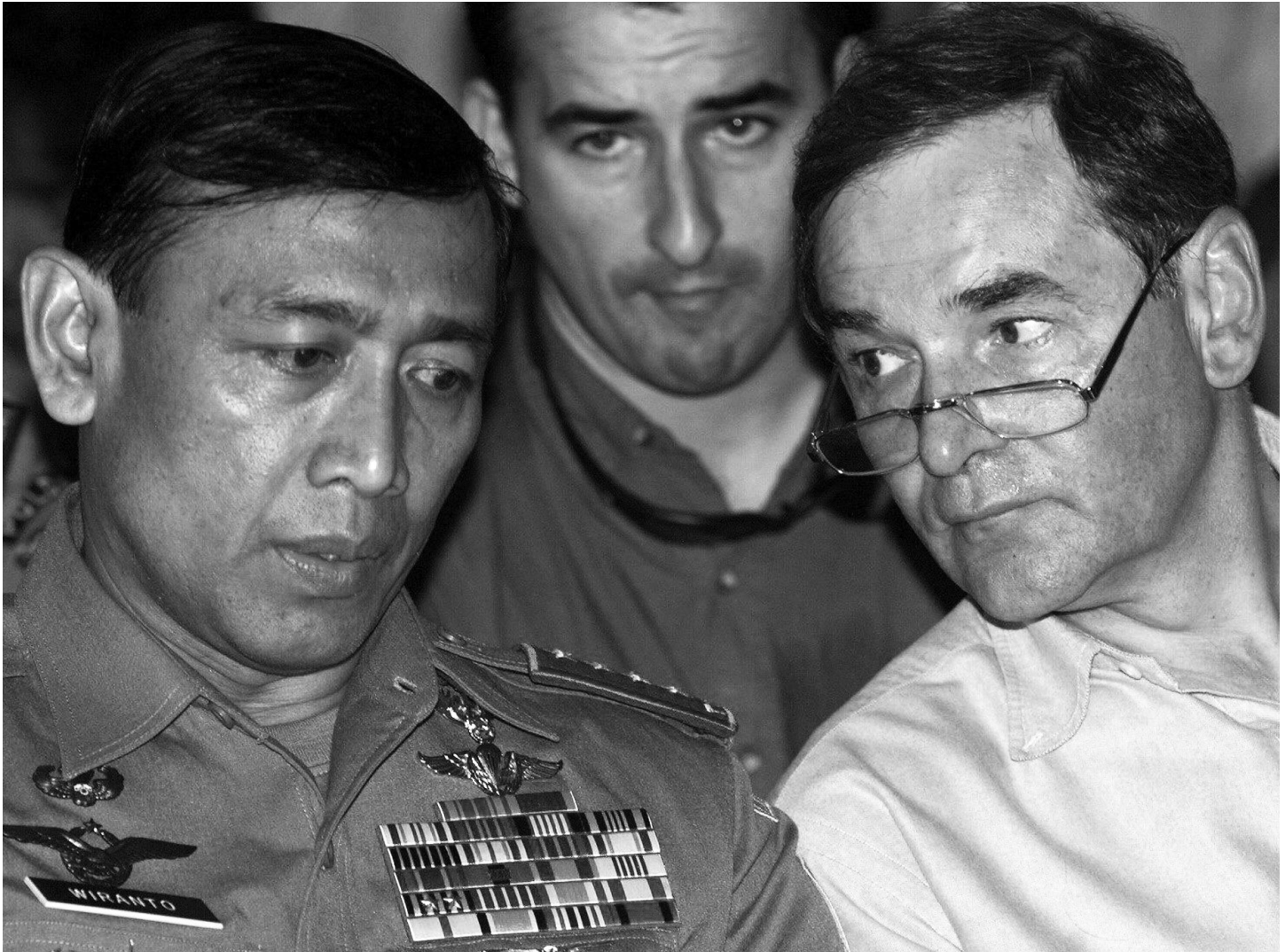


Human Rights and the Security Council—An Evolving Role



Security Council delegation member Ambassador Jeremy Greenstock (UK) and Indonesian Minister of Defence and Army Commander Wiranto during a working session in Dili, East Timor, on 11 September 1999. (Reuters)

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Human Rights and the Security Council—An Evolving Role examines the relationship between peace and security and human rights, and the role human rights have played in the thinking and action of the Security Council when it has been addressing conflicts worldwide. The report also examines the relationship between the Security Council and the parts of the UN system specifically focused on human rights, in particular the Human Rights Council and the High Commissioner for Human Rights. As in all of Security Council Report's publications, we

assess the effectiveness of the UN's top political organ in making an impact on the ground. One conclusion of the report is that human rights improvements are never just the success of one actor, and that the different actors can reinforce each other's contribution. We hope that this report will feed into key discussions currently underway, and will help generate a greater and more effective interaction between the different political and institutional actors, to the benefit of peace, security and human rights in countries threatened or affected by conflict.

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Human rights feature prominently in the Charter of the United Nations. Its preamble says that the “Peoples of the United Nations” are determined to save succeeding generations from the scourge of war and reaffirm faith in fundamental human rights. Promoting the respect for human rights is included among the purposes and principles of the organisation. Article 55 sees “universal respect for, and observance of, human rights” as integral to the “creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations”.

For decades, however, human rights were seen as being largely outside the scope of the Security Council and were seldom mentioned within its confines. Governments felt ambivalent about including a set of issues widely perceived as a matter of state sovereignty in their deliberations about international peace and security. But, after several decades when most items on the Council agenda had been conflicts between states, the nature of the situations the Council needed to address changed towards the end of the 1980s increasingly to internal conflicts. In these situations, human rights violations are often among the first warning signs of a looming conflict; they may be part of a conflict’s root causes; and they are almost invariably a feature of the conflict as such. A failure to accept human rights as an aspect of the reality which the Council needed to deal with would, for purely pragmatic reasons, considerably hamper the Council’s effectiveness.

Over the past quarter of a century or so, the Security Council has indeed significantly changed its attitude to human rights. From largely keeping human rights outside its scope, the Security Council today sees human rights as an important factor in the situations it is striving to address. Most missions created or authorised by the Council now have various human rights tasks in their mandates, and most missions have substantive human rights capacities or components. In addition, the Council has used or developed an impressive range of tools—such as commissions of inquiry, judicial mechanisms, visiting missions or sanctions—to achieve goals with an impact on human rights in different parts of the world.

This report will examine the evolution of the Council’s approach to human rights. It will also examine the relationship between the Security Council and the parts of the UN system specifically focused on human rights, in particular the Human Rights Council and its predecessor, the Commission on Human Rights, as well as the High Commissioner for Human Rights. As in all of Security Council Report’s publications, we will try to assess the effectiveness of the UN’s top political organ in making an impact on the ground. We will also strive to answer the question as to what extent other UN actors contribute to creating productive human rights synergies with the Security Council.

The case studies included in this report will help us assess how far the potential of the Security Council for preventing or stopping massive human rights violations is realised and see what opportunities might lie ahead.

The Early Years of the Security Council's Involvement with Human Rights

During the Cold War period, human rights were seen as a particularly sensitive topic that members were reluctant to pursue in the Council. However, while the end of the Cold War certainly created a new dynamic, human rights were not entirely absent from the Council even in the early decades. There were human rights references in several Council resolutions, including those on the situation in Hungary in 1956, in the Congo in 1961 and in the Dominican Republic in 1965.

Resolution 120 of 4 November 1956 was

prompted by the Soviet invasion of Hungary in October 1956. It stated that “a grave situation has been created by the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights” and asked the General Assembly to hold an emergency special session on the situation in Hungary. The resolution was formulated as a procedural decision, and thus the Soviet negative vote did not constitute a veto.

Starting in the early 1960s, several Council resolutions that were adopted in the

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context of decolonisation had strong human rights language, and some invoked the Universal Declaration of Human Rights.

The strongest human rights language in Council resolutions of the Cold War era concerned South Africa. Between 1963 and the late 1980s, the Council passed numerous resolutions that called on the government to take specific measures strictly dealing with the protection of human rights, such as the release of political prisoners (e.g. resolutions 181 and 182); stopping executions and granting amnesties for political prisoners (e.g. resolution 190); abolishing detention without charge, without access to counsel and without the right to a prompt trial (e.g. resolution 191); or commutations of death sentences or stays of execution concerning a specific prisoner (e.g. resolution 547).

In 1991, the Council named repression as a threat to international peace and security for the first time in resolution 688, condemning “the repression of the Iraqi civilian

population in many parts of Iraq... the consequences of which threaten international peace and security in the region”. (China abstained, as did India, while Cuba, Yemen and Zimbabwe voted against.)

In January 1992, the Security Council held its first summit-level meeting on the topic of the responsibility of the Security Council in the maintenance of international peace and security. Every head of state or government participating in the debate raised the issue of the appropriateness of the Council's addressing human rights; most were in full support. President Boris Yeltsin of Russia said that the “Security Council is called upon to underscore the civilized world's collective responsibility for the protection of human rights and freedoms”, while President George H. W. Bush of the US listed human rights among “the building blocks of peace and freedom”. Most members, as well as the Secretary-General, were strongly supportive of the Council's concern with human rights.

A few, however, expressed reluctance, foreshadowing the tension that would mark the Council's approach to human rights for several years to come. President Li Peng of China said that his country was “opposed to interference in the internal affairs of other countries using the human rights issue as an excuse”. India wanted the Council “to delineate the parameters that harmonise the defence of national integrity with respect for human rights”, while Zimbabwe cautioned that “great care has to be taken to see that these domestic conflicts are not used as a pretext for the intervention of big Powers in the legitimate domestic affairs of small States”.

A presidential statement adopted at the meeting merely acknowledged that human rights verification had become one of the “integral parts of the Security Council's effort to maintain international peace and security” and welcomed this development.

The Key UN Political Organ with a Focus on Human Rights

Of the six principal organs of the UN, the UN Charter sees the Economic and Social Council (ECOSOC) as the body with key responsibility for human rights. Article 68 of the Charter says that ECOSOC “shall set up commissions in economic and social fields and for the promotion of human rights”.

In 1946, indeed, the ECOSOC established its Commission on Human Rights (CHR), which first met in 1947 and then continued to meet in annual six-week sessions until 2005. The first several decades of the work of the only UN political body devoted solely to human rights were focused largely on creating a normative system (starting with the Universal Declaration of Human Rights in 1948), rather than on investigating, condemning or preventing human rights violations. Only in the late 1960s, largely due to the pressure coming from the young, newly independent African states and the pandemic human rights violations committed by apartheid South Africa and also by several Latin American dictatorships, did the CHR start discussing human rights violations in specific countries.

Over the next decades, the CHR began to develop tools with which to address such violations. In particular, it established a system

of the so-called special procedures, individuals (special rapporteurs or representatives) or teams (working groups) with a CHR mandate to investigate the human rights situation of a specific country or a specific aspect of human rights violations worldwide and to submit periodic reports on their respective topics. By the mid-1990s, the CHR created mechanisms to monitor and report on such problems as extrajudicial executions, disappearances, torture, arbitrary detention, racism, violations of freedom of expression, religious intolerance and human rights violations in more than a dozen countries (several of them in the midst or aftermath of a violent conflict and thus also likely to be on the Security Council agenda).

But in the early 1990s, the Commission started being seen as deficient in its ability to address all the mounting human rights problems. In particular, there were concerns that its time lag in reacting to crises, due to its operating through a single annual session, sometimes rendered it irrelevant as some acute problems had to wait for up to ten and a half months for the CHR to even begin to discuss them. In 1992, the CHR addressed this problem by deciding to hold its first special

session on an emergency situation, the violent conflict in the former Yugoslavia. From 1992 through 2000, it was able to hold a total of five emergency sessions: two on the former Yugoslavia, and one each on the Rwanda genocide, East Timor post-referendum violence and the violence related to the 2000 intifada in the occupied Palestinian territories. Yet the CHR continued to falter. The special sessions were rare and politically extremely hard to agree to. There was also a growing recognition by many actors that human rights could not be effectively dealt with in isolation from other key problems, in particular, from addressing peace and security.

The strongest of the many voices advocating an institutional change in the way the UN system addressed human rights was that of then-Secretary-General Kofi Annan. In his March 2005 report *In Larger Freedom*, prepared for the September 2005 World Summit, he recommended that the CHR be replaced with a higher-level body, no longer a subsidiary of the ECOSOC, and more nimble—a smaller but standing body, able to respond to developments immediately. In explaining the title of the report, Annan recalled that the drafters of the UN Charter “decided to

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create an organization to ensure respect for fundamental human rights, establish conditions under which justice and the rule of law could be maintained and 'promote social progress and better standards of life in larger freedom'. He also stressed that "while poverty and denial of human rights may not be said to 'cause' civil war, terrorism or organized crime, they all greatly increase the risk of instability and violence".

Annan articulated his thinking further when he addressed the Commission on Human Rights in April 2005. He told member states gathered in Geneva at the outset of what would be the CHR's last session: "My basic premise is that the main intergovernmental body concerned with human rights should have a status, authority and capability commensurate with the importance of its work. The United Nations already has

councils that deal with its two other main purposes, security and development. So creating a full-fledged council for human rights offers conceptual and architectural clarity".

In its final document, the September 2005 World Summit recognised that development, peace and security and human rights were interlinked and mutually reinforcing and decided to create a human rights council, asking the General Assembly to elaborate its mandate and all other modalities during the 60th session. The document stressed that the future Council should promote the effective coordination of the whole UN system with respect to human rights.

Following a few months of intense negotiations the General Assembly adopted resolution 60/251 in March 2006, which established the Human Rights Council. Although it stopped short of foreseeing direct links between the

HRC and the Security Council, it acknowledged that "peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being", and that "development, peace and security and human rights are interlinked and mutually reinforcing".

The key difference relevant to its potential interaction with and usefulness for the Security Council was that the new body would move away from meeting once a year and its very cumbersome procedure for emergency sessions. Since its launch in June 2006, it has held three regular sessions a year (March, June and September), totalling at least ten weeks. Furthermore, it has had a simplified procedure for holding emergency sessions in crises situations at any point of the year. As of this writing, the HRC has held 30 regular and 24 special (i.e. emergency) sessions.

The Secretariat

A small human rights division was set up at UN headquarters in New York in the 1940s. The division was moved in 1974 to Geneva and later upgraded to become the UN Centre for Human Rights. The move to Geneva, while allowing for an increase in staff, took human rights away from the political centre of the UN and, whether deliberately or not, resulted in a degree of marginalisation of human rights.

Around the time when the Commission on Human Rights started to operate in 1947, the creation of a post for the top UN human rights

official was first proposed. Over the next several decades, the concept evolved, using several models, such as a prosecutor, an ombudsperson, an advocate or a high-level coordinator. Most proposals argued for placing this official at UN headquarters. However, only after the end of the Cold War did any such plans become viable. The World Conference on Human Rights held in Vienna in 1993 recommended that the General Assembly create the post of High Commissioner for Human Rights. On 20 December that year, the Assembly in

its resolution 48/141 decided to create the post, at the rank of Under-Secretary-General, to "be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General". The resolution placed the post in Geneva (with a liaison office in New York). It did not address the High Commissioner's relationship with the Security Council, nor did it link the relevance of human rights to the maintenance of international peace and security.

The Security Council and Human Rights Information

From the point when the CHR started addressing violations in country-specific situations, there has always been an overlap in the situations which it and the Security Council were focused on. Even though until around the end of the Cold War there seemed to be very little interaction between the Security Council and the CHR, it was not entirely absent.

One interesting early example is the Council's addressing a complaint from Senegal about armed attacks perpetrated by Portugal along Senegal's border with Guinea-Bissau, then a Portuguese colony. During a meeting

on the matter on 13 July 1971, Somalia asked the Secretary-General to circulate to Council members a report with the findings of an Ad Hoc Group of Experts deployed by the CHR to investigate the situation. During a meeting two days later, several members referred to the CHR report.

This discussion also led to the Council's adapting for its purposes the investigative tool newly developed by the CHR, as it recognised the importance of having a sound factual basis for its action. Citing Article 24 of the Charter, one member urged the Council to

use "its investigative powers" and to conduct "an on-the-spot investigation". In resolution 294, adopted at the end of that meeting, the Council took note "of the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights concerning Portuguese acts of violence in Senegalese territory" and decided to urgently send a mission of its own members, assisted by their military experts, "to examine the situation" and make "recommendations aimed at guaranteeing peace and security in this region".

Fact-finding by the CHR grew considerably

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from the late 1980s on and became a tool readily available to the Security Council. An unusual aspect of the CHR/HRC fact-finding system, the special procedures, has been that the holders of these mandates have not been UN employees (only their expenses and their support staff have been paid by the UN) and have had editorial control over their reporting and statements. This has resulted on numerous occasions in frank and hard-hitting reporting, otherwise difficult to achieve in UN documents. Furthermore, special procedures could act with considerable speed. The Council, however, has made direct use of this tool only infrequently. It was not until the height of the Balkan war—following the 13–14 August 1992 CHR first emergency session, which adopted a resolution appointing a special rapporteur on human rights in the former Yugoslavia and, in an unusual move, asked the Secretary-General to make the Rapporteur's reports available to the Security Council—that the Council began receiving human rights information regularly. Subsequent CHR resolutions contained this request to the Secretary-General and as a result, between August 1992 and November 1996, the Council received 23 periodic reports on human rights violations in the former Yugoslavia, several of which were also issued as Security Council documents.

The receipt of specialised and timely human rights information about countries on the Council agenda, however, has been more of an exception than the rule. The genocide in Rwanda provides one very powerful example of why it is critically important for the Security Council to take advantage of the available human rights information about situations on its agenda. It also illustrates the preventive potential of human rights information. In April 1993, a year before the full eruption of genocide, the CHR Special Rapporteur on extrajudicial, summary or arbitrary executions, Bacre Waly Ndiaye, visited Rwanda to investigate the violence between the mainly Hutu government forces and the Tutsi-led Rwandese Patriotic Front. Peace talks were ongoing between the two sides since July 1992. An accord was signed in Arusha on 4 August 1993. Ndiaye's report was published on 11 August 1993. In it, he depicted in great detail an alarming situation with genocide looming and stressed that "human rights must be the prime concern of any system for monitoring or implementing of the agreements".

A few months later, in October 1993, the Security Council established the UN

Assistance Mission for Rwanda (UNAMIR) to help the parties implement the agreement, monitor its implementation and support the transitional authorities. Human rights were not mentioned in resolution 872, which established UNAMIR, and the operation had no human rights component. The first Council reference to the activities of the UN human rights system came two months after the April 1994 onset of genocide, in resolution 925 of 8 June, in which the Council welcomed the visit to Rwanda by the High Commissioner for Human Rights and took note of the 25 May appointment of a Special Rapporteur on human rights in Rwanda by a CHR emergency session. The resolution adopted at this session asked the Secretary-General to make the reports of the Special Rapporteur available to the Security Council. Thus, in 1994 and 1995, the reports of the Special Rapporteur on Human Rights in Rwanda were regularly transmitted to the Council by the Secretary-General and were issued as Security Council documents.

The resolution from the fourth special session of the CHR, in September 1999, asked the Secretary-General to establish an international commission of inquiry on violations of human rights in East Timor since the January 1999 announcement of the referendum on possible independence from Indonesia, and "to make the report of the international commission of inquiry available to the Security Council". The Secretary-General transmitted the full report in a 31 January 2000 letter to the president of the Security Council.

Information from the UN human rights investigative mechanisms, the special procedures, has since been included or referenced in some (though for different reasons not all) of the Secretary-General's periodic reports on the countries in question. But the full human rights reports have been forwarded to the Council only infrequently. The most secure way to ensure the forwarding is a mandate from the human rights political body to the Secretary-General, such as in the cases of the former Yugoslavia, Rwanda and East Timor. But over the years, there have been a variety of other procedural means that different actors have resorted to in order to formally present to the Security Council a human rights report. Examples include:

- On 7 April 1999, the permanent representative of the Netherlands (then an elected member of the Council) sent a letter to the president of the Security Council asking

him to circulate as a Council document a report by the CHR Special Rapporteur on Iraq.

- On 24 January 2003, the Secretary-General sent a letter to the president of the Security Council with an annex containing a report on the human rights situation in Côte d'Ivoire from a December 2002 emergency investigative mission (in a presidential statement, the Council had previously welcomed the plan to send the investigators).
- On 24 February 2003, a Note from the president of the Security Council contained a report from a human rights investigation into massacres and other serious human rights violations in the Democratic Republic of the Congo (DRC). The results of the investigation had been provided in an oral briefing by the High Commissioner for Human Rights on 13 February. During that meeting Cameroon, then an elected Council member, asked that the briefing be provided to the Council also in writing.
- On 12 May 2004, a letter from the Secretary-General to the president of the Security Council transmitted a report from a mission dispatched at the Secretary-General's request by the Office of the High Commissioner for Human Rights to investigate a wave of politically motivated killings and repression in Côte d'Ivoire in March of that year.

Since its establishment in 2006, the Human Rights Council (HRC) has referenced or welcomed Security Council resolutions in several of its resolutions but has stopped short of mandating that its investigators report regularly to the Security Council. In one particular area—the intersection of human rights with countering terrorism—the HRC mandated its Special Rapporteur and the relevant officials within the Office of the High Commissioner for Human Rights (OHCHR) to interact with the relevant subsidiary bodies of the Security Council. In its resolutions on the protection of human rights and fundamental freedoms while countering terrorism, the HRC has mandated its Rapporteur on the matter "to develop a regular dialogue and discuss possible areas of cooperation with... relevant United Nations bodies ... inter alia with the Counter-Terrorism Committee of the Security Council", as well as encouraged "the relevant human rights bodies including

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the High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to develop and improve cooperation and dialogue with the Security Council and its Counter-Terrorism Committee, including its Executive Directorate”.

So far, however, the flow of human rights information from the Human Rights Council to the Security Council has been modest, except via the Secretary-General’s periodic reports on different situations on the Council agenda that have regularly referenced the reports of the human rights special procedures. The 25 September 2014 resolution on Syria decided “to transmit all reports and oral updates of the commission of inquiry to all relevant bodies of the United Nations, including the General Assembly, and the Secretary-General for appropriate action”; thus in October, the Secretary-General sent the report to the president of the Security Council and asked that the document be circulated to Council members. The first HRC request for forwarding the human rights findings regularly to the Security Council also concerned Syria and came in March 2015, when the Human Rights Council decided in

resolution 28/20 “to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations”, and recommended “that the Assembly submit the reports to the Security Council for appropriate action”. The HRC also expressed its appreciation to the Commission of Inquiry for its briefings to members of the Security Council and recommended continuation of future briefings. Similar language was included in HRC resolution 30/10 of 1 October 2015. However, at press time no reports have so far been transmitted by the General Assembly.

The pattern that has emerged from examining the means for transmitting reports of the UN top human rights body to the UN body charged with the maintenance of international peace and security suggests that the most effective way is a direct mandate from the HRC to the Secretary-General.

There is, however, also a possibility of this initiative coming from members of the Security Council, as illustrated by the approach recently to the human rights situation in the Democratic People’s Republic of Korea (DPRK).

On 28 March 2014, the HRC adopted a resolution in which it welcomed the report of its commission of inquiry on human rights in

DPRK, and recommended “that the General Assembly submit the report of the commission of inquiry to the Security Council for its consideration and appropriate action in order that those responsible for human rights violations, including those that may amount to crimes against humanity, are held to account”.

Without waiting for the General Assembly to act, permanent representatives of three members of the Security Council—Australia, France and the US—sent a letter on 14 April to the Council’s president with a request to circulate an attached human rights report and issue it as a document of the Security Council. On 17 April, the same Council members organised an informal briefing by the members of the Commission of Inquiry, held under the Arria-formula (a format described below). An 11 July letter from the same three permanent representatives transmitted a non-paper summarising the briefing and the discussion that ensued. And on 22 December a procedural vote (with China and Russia voting against and Chad and Nigeria abstaining) placed the situation in DPRK on the agenda of the Security Council (for more details, see below, under The Security Council’s Discussions of Human Rights).

The Security Council’s Interaction with UN Human Rights Investigators

Over the years, as shown above, there has been a varying degree of reluctance in the Council to receive written human rights information. The reluctance to interact directly with human rights investigators has been considerably stronger. The Council has interacted directly with CHR- or HRC-mandated human rights investigators on several occasions, some of them repeatedly. But there were only four formal such encounters, three of them in 1992 and one in 2014.

Organising the first formal briefing by a human rights rapporteur was exceptionally politically challenging, as several members of the Council were adamantly opposed to holding such a meeting. On 7 August 1992, Belgium, France, the UK and the US each sent a letter to the president of the Security Council asking that the CHR Special Rapporteur on Iraq, Max van der Stoep, be allowed to address the Council. A meeting was indeed held on 11 August, but at the outset of that

session four Council members signalled their deep displeasure. The permanent representative of India was quite passionate about the issue. He argued: “Deviation from the Charter, in which the nations of the world have reposed their faith and support, could erode that confidence and have grave consequences for the future of the Organization as a whole. ... The Council ... cannot discuss human rights situations per se or make recommendations on matters outside its competence”. The other three members opposed were China, Ecuador and Zimbabwe.

Two more such meetings occurred before the end of 1992: on 13 November 1992, the Special Rapporteur of the CHR on the former Yugoslavia, Tadeusz Mazowiecki, was invited to brief the Council during a meeting on the situation in Bosnia and Herzegovina, and on 23 November of the same year, van der Stoep briefed the Council again during a meeting on the situation between Iraq and

Kuwait. In both cases, China and Zimbabwe re-stated their reservations about the Security Council’s focus on human rights.

The fourth and most recent instance of a human rights special rapporteur’s formal briefing to the Council occurred on 28 October 2014, when Chaloka Beyani, Special Rapporteur on the human rights of internally displaced persons (IDPs), briefed the Council during an open debate on women, peace and security, with a special focus on displaced women and girls.

All other interactions with human rights investigators appointed by the CHR or the HRC have been held under the Arria-formula format. Arria-formula briefings are generally very informative and allow for substantive interaction. However, they are not always attended by all Council members, and there is no record and usually no outcome. (For additional information on and an updated list of all Arria-formula briefings, please refer

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to SCR's website: <http://www.securitycouncilreport.org/un-security-council-working-methods/arria-formula-meetings.php>

The first Arria-formula briefing by a human rights mandate-holder most likely occurred in November 1999, given by Roberto Garretón, CHR Special Rapporteur on human rights in the DRC; he briefed the Council three more times during 2000 and 2001.

Special rapporteurs on Afghanistan and Burundi briefed Council members under the Arria-formula format in 2001 and 2002. Starting with a 22 March 2012 Arria-formula briefing by members of the HRC International Commission of Inquiry on Syria, Council members have been receiving regular human rights updates from the Commission (on 12 October 2012, 21 June 2013, 25 July 2014, 20 February and 12 November 2015). And, as mentioned earlier, on 17 April

2014, the Council was briefed on the human rights situation in the DPRK by members of the HRC Commission of Inquiry on human rights in the DPRK.

Thematic human rights investigators have briefed under the Arria-formula format as well. The CHR Special Rapporteur on violence against women briefed on 8 March 2002; the CHR Special Rapporteur on extrajudicial, summary or arbitrary executions briefed on Afghanistan (together with the country-specific mandate holder) on 6 November 2002; the HRC Special Rapporteur on the right to freedom of opinion and expression briefed on 13 December 2013; and the Special Rapporteur on the human rights of IDPs briefed on 30 May 2014.

Over the years, there have also been examples of Security Council subsidiary bodies meeting with the CHR/HRC mandate holders.

The 1267/1989 Al-Qaida Sanctions Committee and the 1373 Counter-Terrorism Committee (CTC) have met on several occasions with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. When creating this mandate through its resolution 2005/80 of 21 April 2005, the CHR mandated the Rapporteur “to develop a regular dialogue and discuss possible areas of cooperation with ...relevant United Nations bodies ... in particular with the Counter-Terrorism Committee of the Security Council”, and a subsequent resolution of the HRC contained similar language. The Rapporteur met with the Al-Qaida Sanctions Committee once each year from 2008 through 2012 and with the CTC in 2006 and 2008.

The Security Council's Interaction with the High Commissioner for Human Rights

The 1993 General Assembly resolution creating the post of the High Commissioner for Human Rights was silent on the issue of the new official's interaction with the Security Council. But by then the Council had already ventured into human rights issues on several occasions, had been briefed by human rights investigators and had acknowledged in its decisions links between repression and international peace and security. Proponents for the establishment of this post—member states, UN insiders as well as NGOs—had assumed that the newly-appointed Under-Secretary-General with a human rights mandate would become an immediate substantive interlocutor for the Security Council and that a mutually reinforcing working relationship would be established. Yet it took several years before the first direct contact occurred.

The reasons were complex; most but not all had to do with the reluctance on the part of the Council. The first High Commissioner, José Ayala Lasso, former permanent representative of Ecuador in New York, was not eager to pursue establishing a working relationship between his office and the Council. In fact, as an elected Security Council member in 1992, he had been one of the most vocal opponents of allowing a human rights

rapporteur to brief the Council, arguing that “human rights per se do not fall within the competence of the Security Council”.

Mary Robinson, former president of Ireland, succeeded Ayala Lasso and held the post from September 1997 to September 2002. Robinson launched an effort from the beginning of her term to establish direct contacts with the Security Council. After initial resistance on the part of some Council members, Robinson addressed the Council on 16 September 1999 at the invitation of Secretary-General Kofi Annan during the semi-annual debate on protection of civilians in armed conflict. She talked about human rights violations related to several situations on the Council's agenda, including Angola, Colombia, East Timor and Sierra Leone. “Conflicts almost always lead to massive human rights violations, but also erupt because human rights are violated due to oppression, inequality, discrimination and poverty”, she said. “The Security Council has a vital role to play, both at the prevention stage and, should that fail, in the deployment of peacekeepers to minimize the impact of conflict on civilians”.

That first meeting opened the way to eventual further contacts, though for several more years the acceptance of the participation of

the High Commissioner in Council meetings and the recognition of the High Commissioner's positive contribution to the Council's work were not universal, and occasionally suffered setbacks.

From 1999 through 2005, the High Commissioner (or the Deputy or Acting High Commissioner) was invited to meet with the Council either in a formal meeting or in consultations a total of 11 times. No meetings occurred in 2006 and 2008, and there was one in 2007. During that period, various Council members suggested hearing from the High Commissioner but encountered considerable resistance from their counterparts.

Things began to change in 2009, due to a sustained effort of an elected member, Austria. Serving on the Council in 2009-2010, Austria had the presidency of the Council in November 2009, when a periodic debate on protection of civilians in armed conflict was scheduled. The permanent representative decided to invite the High Commissioner as one of the briefers and secured the consent of all the members. Before the next protection of civilians debate was to be held in July 2010, the Austrian ambassador consulted informally with other members of the Council—in particular Russia and China, which had been most reluctant—and secured

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their consent to another briefing by the High Commissioner. From that point on, the High Commissioner started being invited regularly to the open debates on the protection of civilians in armed conflict.

What is more significant, the regular participation of the High Commissioner in the periodic open debates seems to have made Council members appreciate the usefulness of the High Commissioner as a resource in

Council work, and the number of interactions increased dramatically. From 1999 through 2009, the High Commissioner addressed the Council 13 times, either in formal meetings or in consultations. In the period from the beginning of 2010 through the end of 2015, the High Commissioner, the Deputy High Commissioner or the Assistant Secretary-General for Human Rights (a post created at the head of the New York Office in 2010) addressed the

Council 52 times, briefing repeatedly on situations such as Ukraine, Syria, Côte d'Ivoire or Burundi. In addition, the High Commissioner or his or her representatives met with the Council several times in informal formats, including retreats, workshops, Arria-formula briefings and expert-level briefings. (For more and fully updated information please refer to <http://www.securitycouncilreport.org/chronology/human-rights.php>.)

The Security Council's Discussions of Human Rights

To date, the Council has not held formal meetings with a stated focus on human rights. Its members have, however, on several occasions discussed human rights informally in retreats, workshops and Arria-formula briefings.

In March 2001, the Council held a two-day retreat outside New York at the initiative of the UK permanent representative at the time, Jeremy Greenstock, to specifically discuss human rights and the work of the Security Council. The High Commissioner for Human Rights, Mary Robinson, participated in the event, whose agenda was organised around three main topics: human rights and early warning; human rights in peacekeeping operations; and human rights in post-conflict situations. Ten of the 15 Council members attended, at the level of permanent representative or deputy permanent representative: China, Colombia, France, Ireland, Jamaica, Norway, Russia, Singapore, UK and US. Bangladesh, Mali, Mauritius, Tunisia and Ukraine were absent.

Human rights were also discussed during nearly all of the Finnish "Hitting the Ground Running" workshops held annually since 2003 to welcome into the Council its newly elected members. In 2008, the High Commissioner for Human Rights, Navi Pillay, was asked to be the keynote speaker at the dinner on the eve of the workshop, prompting a particularly rich discussion of human rights the following day (with the High Commissioner invited to stay on as a guest).

One of the topics discussed during the 2012 Secretary-General's annual retreat with the Security Council was the tools that the Security Council can use and different approaches it can take when confronting situations where there have been gross human rights violations and mass atrocities.

Occasionally, some of these discussions would focus again on the appropriateness of the Council's concerning itself with human rights and echo the controversies that had arisen in 1992 when human rights rapporteurs had been invited to brief the Council formally. For a few years, approximately 2005-2008, human rights would be brought up in the context of discussions over the so-called "encroachment" problem, wherein some members both on and outside the Council argued that the Security Council should not encroach on areas that traditionally had been seen as the domain of other UN bodies. This controversy seems to have abated with the gradual acceptance of the changing nature of conflicts the Council needed to address and thus of the need to change and modify its scope and tools.

Discussing human rights in specific countries as part of the broader debate regarding a specific situation on the agenda of the Council has been routine in the past several years. But adding a situation to the agenda largely or exclusively because of a human rights crisis has been always controversial and in three cases led to a rare procedural vote. (Procedural votes are not subject to the veto; for more and fully updated information please refer to SCR website <http://www.securitycouncilreport.org/un-security-council-working-methods/procedural-vote.php>). Since the end of the Cold War, there have been only 18 procedural votes. The four most recent procedural votes involved a situation with severe human rights violations:

- In July 2005, the UK, supported by non-Council members Australia, Canada and New Zealand, requested a briefing on Zimbabwe, after a wave of violent evictions by the army and the police left

more than half a million people homeless (S/2005/485, 489 and 490). A vote was taken on 27 July (China and Russia voted against) and a recorded private meeting was held on the same day. The item disappeared from the agenda in 2010.

- In September 2006, the US requested a briefing on Myanmar because of violent unrest and reports of grave human rights violations. A vote was taken on 15 September, with China and Russia voting against. Recorded meetings were held on 15 and 29 September 2006, 13 November 2007, 2 May 2008 and 13 July 2009. Since then, Myanmar has been occasionally discussed in consultations under "any other business".
- On 5 December 2014, permanent representatives of Council members Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the UK and the US wrote to the president of the Council asking that the situation in the DPRK be formally placed on the Council's agenda. A procedural vote on 22 December (with China and Russia voting against and Chad and Nigeria abstaining) placed the situation in DPRK on the agenda of the Security Council, marking the first time the Security Council had placed a situation on its agenda solely because of human rights violations committed in a country. Immediately following the vote, the Council received a public briefing on this topic from the Assistant Secretary-General for Human Rights and the Assistant Secretary-General for Political Affairs, followed by a public discussion.
- In a 3 December 2015 letter to the president of the Security Council Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the UK and the US

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requested a briefing on the situation in the DPRK by the representatives of the Office of the High Commissioner for Human Rights and by a senior Secretariat official. The meeting was held on 10 December and at its outset China requested a procedural vote to determine if the meeting

should proceed. China argued that the Security Council was not the right venue for discussing issues of human rights and that the human rights situation in the DPRK did not constitute a threat to international peace and security. Four members (Angola, China, Russia and

Venezuela) voted against and two (Chad and Nigeria) abstained. With nine members voting in favour, the meeting continued and included briefings by High Commissioner for Human Rights Zeid Ra'ad Al Hussein and Under-Secretary-General for Political Affairs Jeffrey Feltman.

The Security Council's Evolving Approach to Human Rights as a Theme

Examining the Council's approach to human rights over the decades, one phenomenon that becomes noteworthy in the early phase of this engagement is something that could be described as a certain "linguistic phobia". For several years starting in 1991, the Council was prepared to take action with considerable impact on human rights while at the same time some of its members had difficulties with using the term "human rights". One telling example is the Balkan conflict that loomed large on the Council agenda from late 1991 through 1995 (and remains on it, though with much less intensity, to this day). Even though the Council had already established a comprehensive human rights monitoring mission (in El Salvador, discussed in one of the case studies below) and created a peacekeeping operation with a human rights component (in Cambodia), it very persistently avoided using the term "human rights" in several of its Balkan-war related decisions. This was the case with resolutions establishing and developing further the mandate of the first UN-mandated peacekeeping operation with a protection of civilians mandate, the UN Protection Force, UNPROFOR. In its subsequent resolutions on the Balkan conflict, the Council often condemned violations of international humanitarian law (IHL), but references to human rights were rare and mostly appeared in the context of some of the 23 reports of the Special Rapporteur of the CHR that were regularly transmitted to the Council from 1992 to 1996.

Similarly, following the outbreak of the genocide in Rwanda in April 1992, the Council was mute on the massive violations of human rights and began using the term initially only in the context of the activities of the High Commissioner for Human Rights or the Special Rapporteur appointed by an emergency session of the CHR in May 1994.

Starting in the late 1990s, the Council began focusing on certain forms of human

rights violations, such as the impact of armed conflict on children (including their recruitment as soldiers), protection of civilians in armed conflict or sexual violence in conflict, in a thematic way and without explicitly resorting to human rights vocabulary. The Council started examining these serious conflict-related phenomena across the board, rather than placing each specific conflict on the agenda. The theme as such became the agenda item, and this afforded the Council a possibility of discussing both the serious human rights violations and relevant situations not on the Council agenda. The Council started holding periodic open debates on these thematic issues and created a complex normative system on these matters over the years through the adoption of a series of resolutions and presidential statements.

Given that each of the themes is essentially an aspect of the overall human rights situation, the potential impact of this approach on human rights protection in places where Council-authorized missions are deployed is considerable, though the Council has not always been consistent when applying principles agreed upon in the abstract to concrete situations. However, these principles have been codified in Council decisions, and they can and occasionally have been resorted to in addressing specific crises when there is enough of a sense of urgency and political will has been mobilised. (Since 2008, SCR has produced several reports examining in depth developments concerning the three key thematic issues—protection of civilians in armed conflict; children and armed conflict; and women, peace and security. All of these reports are available at www.securitycouncilreport.org.)

In the case of its thematic work on children and armed conflict and conflict-related sexual violence, the Council created special tools that help make the implementation of the relevant norms more likely.

Regarding children and armed conflict, starting with its first open debate on the topic, held on 29 June 1998, a key source of information for the Council had been the Special Representative of the Secretary-General on children and armed conflict, a post created by the General Assembly in 1996. The Council has been regularly briefed by the Special Representative and has expressed the appreciation of and support for the successive Special Representatives in numerous resolutions. In resolution 1612 of 26 July 2005, the Council decided to establish a working group consisting of all its members to review and comment on reports on children in armed conflict situations. In November that year, its Working Group on Children and Armed Conflict became operational. An interesting feature of this Council subsidiary body is that it occasionally reviews situations of children in armed conflicts that are not on the Council agenda as such. The working group has over the years ensured that appropriate language is included in Council mandates for peace operations and, among other things, has been issuing concrete recommendations aimed at alleviating conflict-related abuses against children, as well as engaging directly with governments through its chairperson.

Resolution 1820 of June 2008 stressed that "sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations" may constitute an impediment to international peace and security. In resolution 1888 of 30 September 2009, the Council decided to establish the post of a special representative of the Secretary-General with a mandate "to provide coherent and strategic leadership, to work effectively to strengthen existing United Nations coordination mechanisms and to engage in advocacy efforts, inter alia with governments, including

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military and judicial representatives, as well as with all parties to armed conflict and civil society” in order “to address, at both headquarters and country level, sexual violence in armed conflict.” Since the February 2010 appointment of the special representative, the representative has engaged with the Council on several occasions.

The Council has also created a device to help it address aspects of protection of civilians. In January 2009 it set up an informal expert group on the protection of civilians at the initiative and under the chairmanship of the UK. This group meets regularly prior to the renewal of relevant UN mandates, receiving briefings by OCHA on key protection

issues for consideration in the drafting of country-specific resolutions. These meetings are attended by expert-level Council diplomats whose portfolio includes the country under discussion, as well as those covering the thematic “protection of civilians” issue. China is the one Council member whose diplomats do not attend these meetings.

The Development or New Applications of Security Council Tools

The Council's constant adaptability and considerable creativity during much of its history has led to its using some of its existing tools or establishing new ones for functions with a significant impact on human rights. We will examine some of them in this section.

Human Rights Components in Peace Operations

Field missions in conflict and post-conflict areas constitute a key tool with a potential for significant and often quick impact on human rights. The very presence of outsiders perceived as the eye and arm of the international community has often had a considerable preventive impact. In some cases, however, the presence alone was not enough to stop some of the most extreme violations of human rights, and some were committed literally under UN watch, such as the 1994 genocide in Rwanda and the mass executions of civilian men in 1995 in the former Yugoslavia. The evolution over the past two decades towards specific human rights mandates and more specialised staffing within Council-established missions has considerably enhanced the protective impact of peace operations.

The first human rights component of a peace operation was established through resolution 693 of 20 May 1991, in which the Council mandated the UN Observer Mission in El Salvador (see case study, below, for more detail). The next peace operation with a human rights component was the UN Transitional Authority in Cambodia, established in resolution 745 of 28 February 1992. In April 1993, the General Assembly authorised the International Civilian Mission in Haiti (MICIVIH) deployed jointly by the UN and the Organisation of the American States (OAS) with a mandate to verify the respect for human rights and to investigate allegations of violations. When the UN Mission

in Haiti (UNMIH) was deployed in 1994, MICIVIH (as a joint mission with the OAS) was not integrated into UNMIH, but its head reported to the UN Special Representative of the Secretary-General, as well as to the Secretary-General of the OAS. (Human rights monitoring in Haiti continued through MICIVIH until April 2000.)

However, human rights components were to be a rarity in newly established missions for another several years. Thus, neither UNPROFOR in the former Yugoslavia established in late 1991 nor the UN Assistance Mission for Rwanda (UNAMIR) established in October 1993 had such components in their mandates, despite the fact that severe human rights violations were prevalent in both conflicts. Only around 1997, starting with the UN Observer Mission in Angola, did including a human rights component in a peace operation become more of a norm rather than an exception.

Today, nearly all peace operations have human rights-related tasks in their mandates, and 15 of the current 27 peace operations on five continents include a human rights component. Those without a human rights component tend to be older missions with predominantly or exclusively military mandates, such as the first UN peacekeeping operation, the UN Truce Supervision Organization, established in 1948 to monitor ceasefires and supervise armistice agreements in the Middle East, or the UN Disengagement Observer Force, established in 1974 following the agreed disengagement of the Israeli and Syrian forces in the Golan; or regional political missions, such as the UN Regional Centre for Preventive Diplomacy for Central Asia or the UN Regional Office for Central Africa. A notable exception in this context has been the UN Mission for the Referendum in Western Sahara (MINURSO), which does not include human rights

despite repeated attempts by different Council members to add it to MINURSO's mandate, due to staunch opposition from Morocco who has enjoyed the support of at least one of the permanent members.

Commissions of Inquiry

Under Article 34 of the UN Charter, the Council has the power to investigate “any situation which might lead to international friction”. Such investigations can be done through different mechanisms described in the Council's Provisional Rules of Procedure and include rapporteurs, committees or commissions appointed for a specific question. The Council has resorted to these tools on several occasions and at various times recommended the establishment of commissions of inquiry with a significant human rights mandate. Examples include the following:

- A commission of experts was established under resolution 780 of 6 October 1992 to examine information regarding violations of laws of war, “ethnic cleansing” and other practices by the warring parties against civilians in the former Yugoslavia. The commission laid the ground for the establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in May 1993 through resolution 827.
- On 1 July 1994 in resolution 935, the Council decided to establish a commission of experts to provide “conclusions on the evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide”. Subsequently, in November 1994, the Council established the International Criminal Tribunal for Rwanda (ICTR) through resolution 955.
- Through resolution 1012 of 28 August 1995, the Council established an international commission of inquiry into the

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1993 coup attempt in Burundi and into the massacres that followed, stressing the need “to eradicate impunity and promote national reconciliation in Burundi”. The commission’s report was forwarded to the Council by the Secretary-General on 25 July 1996 and eventually issued as a public document on 22 August.

- In a presidential statement of 25 May 2004, the Council condemned “the violations of human rights and international humanitarian law committed in Côte d’Ivoire” and expressed “its determination to ensure that those responsible for all these violations are identified and that the Ivorian Government brings them to justice”. It mandated the Secretary-General to establish a commission of inquiry to “investigate all human rights violations committed in Côte d’Ivoire since September 19, 2002, and determine responsibility”. The nearly 45,000-word commission report was submitted to the Council in December 2004. It was never made public, nor was it acted upon.
- Resolution 1564 adopted on 18 September 2004 mandated the establishment of an international commission of inquiry “in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable”. The commission submitted its report to the Secretary-General in January 2005, and he forwarded it to the Council on 31 January (S/2005/60). On 31 March 2005 in resolution 1593, the Council referred the situation in Darfur to the International Criminal Court.
- Following an 8 June 2006 letter from the Foreign Minister of Timor-Leste, José Ramos-Horta, to the Council asking it to establish an independent commission of inquiry into violent events that resulted in mass displacement of civilians earlier in the year, the Council, in resolution 1690 of 20 June, welcomed “the initiative of the Secretary-General to ask the High Commissioner for Human Rights to take the lead in establishing an independent special inquiry commission in response to the request” (S/2006/391). The Secretary-General transmitted the report to the Council on 18 October (S/2006/822). The Council

referenced the report in several resolutions when renewing the mandate of the UN Integrated Mission in Timor-Leste.

- Following a year of violent events in the Central African Republic (CAR), the Council decided on 5 December 2013 in resolution 2127 to “rapidly establish an international commission of inquiry for an initial period of one year, including experts in both international humanitarian law and human rights law, in order immediately to investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in CAR by all parties since 1 January 2013, to compile information, to help identify the perpetrators of such violations and abuses, to point to their possible criminal responsibility and to help ensure that those responsible are held accountable”. The commission’s report was submitted to the Council on 22 December 2014, and its members briefed the Council in an informal interactive dialogue on 20 January 2015. In resolution 2217, renewing the mandate of the Integrated Multi-dimensional Mission in the CAR, the Council noted with concern the findings of the report and mandated the mission to support the implementation of the relevant recommendations of the commission of inquiry as part of its human rights mandate.

Judicial Mechanisms

From the early 1990s on, the Council has seen promoting accountability for the gravest crimes, including individual responsibility for violations of human rights laws, as important in the efforts aimed at the maintenance of international peace and security. A new tool it created specifically for the purpose of promoting individual criminal accountability was the international tribunal. The Council has to date authorised the establishment of three such judicial bodies with a particular impact on human rights.

- Through resolution 827 of 25 May 1993, the Council established the ICTY. The Council expressed its grave alarm about the violations committed in the former Yugoslavia, including mass killings, massive and organised detention, rape of women and the practice of “ethnic cleansing”. The sole purpose of the court, according to the resolution, was to be “prosecuting persons responsible for serious violations of international humanitarian law

committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace”.

- On 8 November 1994, the Council in resolution 955 established the ICTR. It decided “to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994”. Among the resolution’s other elements, the Council also took note of the reports of the Special Rapporteur for Rwanda of the CHR.
- Responding to a June 2000 request from the president of Sierra Leone, the Council asked the Secretary-General in resolution 1315 of 14 August to negotiate with the country’s government an agreement for the creation of an independent special court with personal jurisdiction over persons who bear the greatest responsibility for crimes against humanity, war crimes and other serious violations of international humanitarian law committed during the civil war that tore the country during almost all of the 1990s.

Those responsible for gross violations of human rights in East Timor in connection with the 1999 referendum were brought to justice within the court system created by the UN Transitional Administration in East Timor (UNTAET), established by Council resolution 1272 of 25 October 1999. Both during and after the period of transitional administration, this was an exercise of domestic jurisdiction, but international judges sat on the Special Panels for Serious Crimes, and the Serious Crimes Unit responsible for conducting investigations and preparing indictments was headed by an international prosecutor. The Serious Crimes Unit was made part of the follow on mission to UNTAET, the UN Mission of Support in East Timor, established in 2002 through Council resolution 1410. In 2005, the Serious Crimes Unit was shut down with most of its functions being passed on to the domestic prosecutions system. By that time, the unit had produced 95 indictments and charged 440 individuals.

(For detailed analysis of the work of the Security Council on several such judicial

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mechanisms please refer to our August 2015 report “Rule of Law—The Institutional Framework: Criminal Courts and Tribunals” available at <http://www.securitycouncilreport.org/cross-cutting-report/cross-cutting-report-on-the-rule-of-law.php>.)

Council Visiting Missions

The Council has undertaken visiting missions for a number of purposes, including preventive diplomacy, gathering of first-hand information, supporting peace processes and mediation. In the period until the end of the Cold War, it resorted to this tool about a dozen times. From 1992 through 2015, the Council (either all of its members or a subset) has undertaken a travelling mission 51 times to at least 42 countries, three territories and several headquarters of international bodies, some of which it has visited repeatedly.

Prior to June 2001, all the missions undertaken consisted of some but not all Council members. Virtually all were to places that either were in the midst of an active armed conflict or were emerging from one. They all showed a sense of urgency—the trip would occur within a few weeks or sometimes days (and in one case, hours) of the decision to undertake it. Reports from the missions would often be written on the flight back and presented to the Council within days. In some cases, an oral report would be given immediately after the mission’s return and its recommendations promptly acted upon in Council decisions.

With their destinations being areas either ravaged by a bloody conflict or just emerging from it, nearly every mission brought back a wealth of human rights information, whether as part of the explicit mandate included in the mission’s terms of reference or by virtue of witnessing conditions on the ground and collecting testimonies, and certainly played a role in sensitising Council members to the human rights aspects of conflict.

Several, especially in earlier years when conflict-related human rights violations were not regularly addressed by the Council, resulted in concrete human rights recommendations. Examples include the following:

- The April 1993 mission to Bosnia and Herzegovina recommended several changes to the mandate of UNPROFOR with direct impact on civilians, in particular those in the UN-declared “safe areas”. Resolution 824 adopted in early May revised UNPROFOR’s mandate and asked for

regular monitoring of conditions in the safe-area towns.

- The August 1994 mission to Burundi recommended the deployment of human rights observers throughout the country. In a presidential statement in October, the Council recognised “the work of the High Commissioner for Human Rights and the office he has established in Burundi” and noted “the important role human rights monitors might play”.
- The February 1995 mission to Rwanda recommended that the government allow unimpeded access for UN human rights monitors throughout the territory.
- The September 1999 mission to Jakarta and East Timor resulted in a number of recommendations, incorporated into subsequent Council decisions, with a significant impact on the human rights situation on the ground. (The September 1999 Council mission to East Timor is discussed in greater detail in the East Timor case study below.)
- The July 2003 visit to West Africa raised human rights concerns with interlocutors in all the countries visited. The visit took place less than a month after the indictment of then-Liberian President Charles Taylor by the Special Court for Sierra Leone. In their contacts with top leaders of the countries in the region, members stressed the message that impunity for human rights abuses could not be tolerated. (Taylor stepped down as Liberia’s president in August 2003 and fled to Nigeria. He was arrested there and subsequently transferred to The Hague for trial in 2006. In 2012 he was found guilty of planning, aiding and abetting of crimes committed by rebel forces in Sierra Leone and received a 50-year prison sentence.)
- The May 2009 visit to the DRC occurred at the time when sexual violence had become one of the most endemic human rights violations, in particular in the eastern part of the country, with several former rebel leaders responsible for such crimes being incorporated into the country’s armed forces. The Council delegation raised specific cases of sexual violence committed by five high-ranking officers of the DRC armed forces in meetings with the country’s president and prime minister.

On certain occasions, a briefing from a mission would create an opportunity to discuss the situation in an open debate. One

example is the 17 May 2000 open debate on the DRC following the Council’s visit to the country from 3 to 8 May. Non-Council members from Africa, Asia and Europe participated in the discussion, and rampant human rights violations was one of the key topics addressed. (The Council’s approach to human rights in the DRC is discussed in greater detail in the DRC case study below.) Similarly, the presentation of the report from the Council’s 20–29 June 2004 mission to West Africa created an opportunity for an open debate with the participation of members from Africa, Asia and Europe, with several speakers addressing human rights. The presentation of the report from the 11–16 November 2006 mission to Afghanistan, which had a considerable human rights focus, also resulted in a debate in which these concerns were raised. A June 2010 mission to Afghanistan also provided the occasion for a debate in which representatives of non-Council member states from several regional groups participated and human rights concerns were raised by several speakers.

In some cases, the Council’s visiting missions provided an opportunity for action with direct human rights impact. The most far-reaching such situation was the 1999 trip to Jakarta and East Timor, described in detail in the respective case study. Other examples include strategically planned Council visits to areas in the immediate aftermath of an acute conflict, thus signalling to the parties that the international community was watching their behaviours closely.

Council missions have also spurred some spontaneous action on human rights matters. One such relatively recent situation occurred during the 18–19 May 2009 visit to eastern DRC and Kinshasa, referred to above. Initially, even though individual responsibility for serious human rights violations and ensuring that their perpetrators were brought to justice were mentioned in the mission’s terms of reference, these issues were not meant to feature prominently in the interaction with the authorities on the ground. However, after a visit to a hospital for rape victims in Goma and shaken by the lack of accountability for such crimes, members of the visiting mission decided on the spur of the moment to raise the names of five alleged perpetrators of sexual violence, all high-ranking officers within the DRC armed forces, in meetings with President Joseph Kabila and Prime Minister Adolphe Muzito the next day. Within weeks,

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all five officers were ordered to be relieved of their posts and judicial proceedings were initiated against three. (One was acquitted by a military court for lack of evidence, another presumably fled the country and the third, for whom there had already been an arrest warrant due to a rape conviction in Bukavu, continued commanding a battalion in Equateur province, where the commanding officer refused to transfer him to the military prosecutor.) On 5 July 2009, President Kabila announced a “zero-tolerance policy” within the Congolese Armed Forces with respect to lack of discipline and human rights violations, including sexual and gender based violence.

In more recent practice, Council missions, which now almost always include all 15 members, have tended to take much longer to organise (for example, a mission in response to the December 2013 coup in South Sudan took place in August 2014); their reports are often written several months after the trip (and in two cases—the 2011 mission to Sudan, Addis Ababa and Nairobi, and the 2012 mission to West Africa—nearly two years later); and oral reports by the missions’ leaders tend to be limited to just a briefing with no public discussion to follow. Several of the missions have had some human rights focus, but their impact as a tool contributing to the prevention of major human rights violations appears to have diminished.

For more detailed information on Council visiting missions please refer to SCR’s website: <http://www.securitycouncilreport.org/un-security-council-working-methods/visiting-mission.php>.

Sanctions

Sanctions have been an important tool, resorted to by the Council in numerous conflict situations and with a variety of purposes. These have included curtailing the ability of parties to arm themselves by applying arms embargoes; cutting off sources of income for insurgencies through commodity sanctions; or changing the behaviour of decision-makers through comprehensive economic sanctions, and later through individually targeted measures, such as travel bans or asset freezes.

Human rights violations have almost always been part of the overall landscape of the situation the Council was striving to ameliorate with the use of sanctions. Over the years, the Council has developed a sophisticated methodology for sanctions design and implementation, in particular when it moved

from comprehensive sanctions (which often had the effect of harming the general population) to imposing measures targeting individuals with decision-making power or displaying specific types of behaviours.

References to human rights violations can be found in the earliest instances of the Security Council’s use of sanctions. Resolution 253 of 29 May 1968, which imposed comprehensive economic sanctions on Southern Rhodesia, condemned “all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia”, and explicitly stated among its goals to “enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations”. Resolution 418 of 4 November 1977, which established comprehensive sanctions against the apartheid regime of South Africa, condemned “the South African Government for its resort to massive violence against and killings of the African people, including schoolchildren and students and others opposing racial discrimination” and “for its acts of repression”.

Some of the 11 sanctions regimes imposed during the 1990s had human rights language. For example, resolution 841 of 16 June 1993, which imposed a mandatory trade embargo on Haiti in the aftermath of a coup that overthrew a democratically elected government, expressed concern about “a climate of fear of persecution”, and resolution 1267 of 15 October 1999, which imposed sanctions in Afghanistan, reiterated “deep concern over the continuing violations of international humanitarian law and of human rights”.

By the late 1990s, the Council was moving towards more precise sanctions measures that would affect individuals rather than whole territories. Imposing such sanctions involved in most cases two steps: agreeing that particular actions would prompt the imposition of certain measures, with both the types of behaviours and the measures articulated in the resolution; and then agreeing on the list of individuals who would be placed under such sanctions. The latter step has usually been taken subsequently within the respective subsidiary body, the sanctions committee established to manage the particular set of sanctions.

Gradually, the Council has moved from referring to human rights in the preambular paragraphs of its sanctions resolutions to including human rights violations among the

criteria that might land an individual on a sanctions list. Of the 16 sanctions regimes currently in existence, eight have human rights violations among their listing criteria.

- Resolution 1572 of 15 November 2004 on Côte d’Ivoire imposed travel bans on individuals threatening peace and national reconciliation in Côte d’Ivoire, and “any other person determined as responsible for serious violations of human rights and international humanitarian law in Côte d’Ivoire on the basis of relevant information, [and] any other person who incites publicly hatred and violence”. Following a period of increased violence in the aftermath of the 2010 elections, resolution 1975 of 30 March 2011 restated that committing human rights violations constituted grounds for sanctions, and resolution 2000 of 27 July 2011 specifically mandated the peace operation in the country, the UN Operation in Côte d’Ivoire (UNOCI), “to bring to the attention of the Council all individuals identified as perpetrators of serious human rights violations and to keep the Committee established pursuant to resolution 1572 (2004) regularly informed of developments in this regard”.
- Resolution 1591 of 29 March 2005 on the conflict in Darfur imposed travel bans and asset freezes on individuals who “commit violations of international humanitarian or human rights law or other atrocities”, as designated by the sanctions committee based on information provided by sources that included the High Commissioner for Human Rights.
- In resolution 1698 of 31 July 2006 on the DRC, the Council decided that sanctions imposed originally in 2005 through resolution 1596 would also apply to “political and military leaders recruiting or using children in armed conflict in violation of applicable international law” and “individuals committing serious violations of international law involving the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement”. In its resolution 1807 of 31 March 2008, the Council extended the DRC sanctions criteria to also include individuals “committing serious violations of international law involving the targeting of children or women ... including ... sexual violence”.
- When imposing sanctions on Libya in resolution 1970 of 26 February 2011,

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the Council decided that travel bans and assets freezes would apply to individuals “involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya”. An annex to resolution 1970 contained the names of 16 individuals to whom the sanctions would apply and included human rights violations among the criteria for listing Libyan leader Muammar Qaddafi, Director of Military Intelligence Abdullah Al-Senussi and others.

- In July 2011, the Council added human rights violations to the criteria in the sanctions regime on Somalia and Eritrea. In resolution 2002, the Council decided that travel bans and assets freezes imposed in 2008 would also apply to individuals responsible for “violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction”.
- In resolution 2134 of 28 January 2014 on

the Central African Republic, the Council decided that travel bans and asset freezes could apply to “individuals involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals and abduction and forced displacement”.

- On 26 February 2014 in resolution 2140, the Council imposed sanctions on Yemen that include travel bans and asset freezes applicable to individuals engaged in “planning, directing or committing acts that violate applicable international human rights law or international humanitarian law or acts that constitute human rights abuses, in Yemen”.
- On 3 March 2015 in resolution 2206, the Council decided to impose sanctions on South Sudan, with travel bans and asset freezes to apply to individuals engaged in “planning, directing, or committing acts that violate applicable international

human rights law ... or acts that constitute human rights abuses, in South Sudan”, as well as those responsible for “targeting of civilians, including women and children, through the commission of acts of violence (including killing, maiming, torture or rape or other sexual violence)” or “conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law”.

However, when analysing Security Council sanctions it is important to distinguish between the theoretical possibility of sanctioning persons for human rights violations as articulated in a resolution, and applying sanctions in practice citing human rights violations among the reasons in specific listing cases, which is usually decided by consensus by the relevant sanctions committee. No individual has been listed solely on human rights grounds. Furthermore, the actual targeting has more often than not only taken place long after the adoption of the relevant sanctions resolution, and the human rights criteria have rarely been invoked in the narratives justifying the imposition of the measures.

Human Rights in Security Council Conflict Preventive Action

An increase in human rights violations has in numerous situations preceded the eruption of an acute conflict and as such could be considered an early warning that might allow for preventive action.

The Council has vowed on many occasions to strive to work on preventing conflicts from occurring or expanding. In some cases, indeed, it could be argued that a Council action (such as a visit to the scene, a prompt deployment of an operation, sustained attention to a mediation process or direct intervention with key decision-making actors) prevented a conflict from spreading or helped to end it. But what then-Secretary-General Javier Pérez de Cuéllar said on the occasion of the 40th anniversary of the UN holds true now after the UN has just turned 70. At a ministerial-level commemorative debate of the Council on 26 September 1985 titled “United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security”, Pérez de Cuéllar noted that, as “crises have frequently

been brought before the Council too late for preventive action, it would seem to follow that the Council might well establish a procedure to keep the world under continuing survey in order to detect nascent causes of tension” (S/PV.2608). However, the Council has continued to be resistant to approaching prevention in a sustained and consistent manner.

And, in particular, even with plenty of warning, the Council and the UN system more broadly were unable to prevent massive human rights violations even when there was a full-fledged peacekeeping operation on the scene, as in the cases of the 1994 genocide in Rwanda and the 1995 mass executions of male civilians in Srebrenica and other Bosnian towns designated by the UN as “safe areas”. Starting in the late 1990s, the UN underwent a few years of deep introspection, with several reports being written analysing what went so tragically wrong and what steps could be taken to prevent further such failures. Secretary-General Annan himself put forward two important reports emphasising the imperative

of prevention. The first in 1998 was focused primarily on Africa, which at the time was the site of the majority of conflicts. In his report titled *The causes of conflict and the promotion of durable peace and sustainable development in Africa*, Annan argued for the need for early warning and early action to achieve conflict prevention and highlighted the importance of human rights at every step of the prevention spectrum. In 2001, he published a report titled *Prevention of Armed Conflict* with 29 recommendations aimed at all the relevant actors. In one of the recommendations directed at the Council, he said: “I encourage the Security Council to consider innovative mechanisms, such as establishing a subsidiary organ, an ad hoc informal working group or other informal technical arrangement to discuss prevention cases on a continuing basis”.

In resolution 1366 adopted on 30 August 2001, the Council acknowledged “the lessons to be learned for all concerned from the failure of preventive efforts that preceded such tragedies as the genocide in Rwanda (S/1999/1257)

Human Rights in Security Council Conflict Prevention Action (con't)

and the massacre in Srebrenica (A/54/549)", and resolved "to take appropriate action within its competence, combined with the efforts of Member States, to prevent the recurrence of such tragedies". It went on to express "its willingness to give prompt consideration to early-warning or prevention cases brought to its attention by the Secretary-General", and encouraged the Secretary-General "to convey to the Security Council his assessment of potential threats to international peace and security ... in accordance with Article 99 of the Charter of the United Nations" (which gives the Secretary-General the authority to bring to the Council's attention any matter he deems threatening to the maintenance of international peace and security). Resolution 1366 also asked the Secretary-General "to refer to the Council information and analyses from within the United Nations system on cases of serious violations of international law, including international humanitarian law and human rights law and on potential conflict situations arising", and expressed "its determination to give serious consideration to such information and analyses regarding situations which it deems to represent a threat to international peace and security".

A year later the Council created its first and, to date, only mechanism with prevention of conflict as its stated goal, its Ad Hoc Working Group on Conflict Prevention and Resolution in Africa. The year of the launching of the AU, 2002, saw several initiatives in the Council, spearheaded by both African and non-African members, in efforts to address the fact that although the Council had been busy with Africa, dealing with nearly every conflict situation, it was not getting the desired results. The Working Group, which exists to this day and has been chaired by successive African Council members, was very active in its first four or five years, applying a methodology similar to that of the Peacebuilding Commission country-specific configurations in use today, allowing for a more deliberative and strategic approach to a situation under consideration. But in the last several years, the level of activity of the Ad Hoc Working Group has decreased sharply for reasons that seem unclear.

Shortly before the tenth anniversary of the Rwanda genocide, Secretary-General Annan floated the idea of "establishing a Special Rapporteur on the prevention of genocide, who would be supported by the High Commissioner for Human Rights, but would report directly to the Security Council—making clear

the link, which is often ignored until too late, between massive and systematic violations of human rights and threats to international peace and security." Then, at his monthly lunch with the Council on 11 March 2004, he informed the Council of his decision to appoint a Special Adviser on the prevention of genocide. In a 24 March memo to the Council describing the mandate, Annan cited resolution 1366 as the source of the mandate and said that the adviser would "act as an early-warning mechanism to me, and, through me to the Security Council, by bringing to our attention potential situations that could result in genocide" and "make recommendations to the Security Council, through me, on actions to prevent and halt genocide". In a 13 July letter to the president of the Council (which also made the 24 March memo public by including it as an attachment), Annan informed the Council about the appointment of his special adviser. The first holder of the mandate, Juan Méndez, briefed the Council twice in 2004: in consultations on Darfur on 30 September and in an open debate on justice and the rule of law on 6 October.

The world leaders gathered at the September 2005 World Summit said in the outcome document, "We fully support the mission of the Special Adviser of the Secretary-General on the Prevention of Genocide". And at a 14 September summit-level meeting, the Council further pursued the issue of prevention, adopting resolution 1625 in which it proclaimed "the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict and political and social crises in a comprehensive manner, including by promoting ... respect for and protection of human rights". It asked the Secretary-General to "provide to the Council regular reports and analysis of developments in regions of potential armed conflict". It stressed the need "of establishing effective comprehensive strategies of conflict prevention ... with special attention to ... developing policy measures to foster good governance and the protection of human rights in order to strengthen weakened or collapsed governance mechanisms and to end the culture of impunity". The resolution encouraged the Secretary-General to provide timely information to the Council, using his power under Article 99 of the UN Charter.

In practice, however, the Council's interaction with the Special Adviser has ebbed during the period following the 2005 World Summit. A briefing by Méndez scheduled for early October 2005 was cancelled due to a last-minute

vigorous objection by the US Permanent Representative, John Bolton. Méndez, who would be succeeded by Francis Deng in 2007, last briefed the Council on 14 November 2006, addressing a range of issues and situations.

Deng, in his five years in office, met with Council members three times in informal meetings. In January 2009 he met on the situation in the DRC; and in August 2009 and March 2011, on the general work of his office.

Adama Dieng, Deng's successor, addressed the Council once in 2013, on the situation in the CAR in an informal meeting co-organised by France and Rwanda. He then briefed the Council about the CAR situation in a formal meeting on 22 January 2014 and in an Arria-formula meeting convened by France and Nigeria on 14 March. On 2 May 2014 he briefed the Council on the situation in South Sudan. In 2015, he briefed on Burundi in consultations on 4 June and in a formal meeting on 9 November.

The Secretariat, overall, has continued to be reluctant to invoke Article 99, and there are huge sensitivities regarding the Council discussing issues that had not yet reached a stage of crisis and hence were not on the Council's agenda. During an open debate organised by Nigeria in July 2010 on preventive diplomacy, several member states highlighted the need for the Council to be alerted early to potential crises and reiterated the call for the Secretariat to act quickly on warning signs. Elected member Japan said, "In the light of the importance of drawing the attention of the Council to early-warning signs, I suggest that we might request the Secretary-General to provide Council members with a regular political and security briefing, focusing on potential risks of conflict erupting or recurring". Australia (not a Council member at the time) stressed that the "Council needs to open itself up more to receiving briefings from Department of Political Affairs (DPA) and other parts of the Secretariat on unfolding situations, and the broader membership needs to support such Council engagement". In its intervention, the UK suggested that "as a practical step, we should minimize the obstacles to action by improving the information flow between ... the Secretariat and the Security Council". The UK went on to elaborate that the "Security Council should hear, as a matter of course, from the Secretary-General and his senior staff when they have visited regions where potential conflict is a concern. ... We, the member states of the Council, must

Human Rights in Security Council Conflict Prevention Action (con't)

be ready to draw on the Secretariat's early-warning analysis and reporting on emerging conflicts". The UK also suggested that "the Secretary-General offer regular advice to the Council on potential emerging conflicts—a sort of horizon-scanning exercise".

During its next presidency, in November 2010, the UK organised the first "horizon-scanning", inviting the head of the DPA to brief Council members in consultations on emerging security issues in a number of countries, regardless of whether they were on the Council's agenda or not. During that first session, Council members spoke about issues of concern to them and brought up international peace and security concerns in various potential theatres. For the next few years, such monthly briefings were held by nearly all presidencies (including four permanent members, the US being the exception due to its unhappiness with the format). These briefings afforded an opportunity for the Council to discuss a number of situations that involved serious human rights violations either for the first time—such as the pre-2012 coup tensions in Guinea-Bissau, the situation in northern Mali or the worrying developments in Yemen—or to discuss on an urgent basis unfolding events in places such as Syria, Iraq or Libya. But the attempt at creating an early-warning mechanism has proven politically sensitive both among some Council members and among governments that found themselves the object of such early scrutiny, and starting in 2013, "horizon-scanning" briefings have subsided.

Addressing world leaders at the opening of the 68th session of the General Assembly in September 2013, Secretary-General

Ban Ki-moon announced a new initiative, "Human Rights up Front" or HRuF) that could have a considerable preventive impact. A 2012 internal review of the UN system's action with respect to massive civilian killings during the final stage of the civil war in Sri Lanka in 2010 (a conflict never formally discussed by the Security Council) had described the UN activities during that period as a "systemic failure". This harsh assessment in turn prompted the Secretariat to come up with an action plan aimed at ensuring that the lessons from the Sri Lanka tragedy will be learned and applied to other crises. The plan included six actions for the UN system to meet its preventive and protective responsibilities:

- integrating human rights into the lifeblood of staff so that they understand what the UN's mandates and commitments to human rights mean for their department, agency, fund or programme and for them personally;
- providing member states with candid information with respect to peoples at risk of, or subject to, serious violations of international human rights or humanitarian law;
- ensuring coherent strategies of action on the ground and leveraging the UN system's capacities in a concerted manner;
- adopting at headquarters a "One-UN approach" to facilitate early coordinated action;
- achieving, through better analysis, greater impact in the UN's human rights protection work; and
- supporting all these activities through an improved system of information management on serious violations of human rights and humanitarian law.

The Deputy Secretary-General briefed member states on the plan on 17 December 2013. The Council, as of press time, has not discussed HRuF initiative as such, but both the Secretary-General and some members referred to it during the 20 November 2015 discussion of the report from the High-level Independent Panel on Peace Operations.

In August 2014 the Council proclaimed once again its commitment to conflict prevention. In resolution 2171, it encouraged the Secretary-General to resort in this context to the use of Article 99 and expressed "its willingness to give prompt consideration to early-warning cases brought to its attention by the Secretary-General, including to the dispatch, in appropriate circumstances, of preventive political missions". It went on to acknowledge that serious abuses and violations of human rights "can be an early indication of a descent into conflict or escalation of conflict" and recognised the important role the Office of the UN High Commissioner for Human Rights and human rights briefings to the Council can "play in contributing to early awareness of potential conflict".

However, in the last several years, there have been no instances of the Secretary-General's invoking Article 99, nor have there been "horizon-scanning" briefings (the last "horizon scanning" briefing took place in the same month HRuF was launched, December 2013). There has been, it appears, an increased use of the "any other business" agenda item during consultations (which come at the initiative of a member state) to discuss urgent and fast evolving developments.

Case Studies

The five case studies (El Salvador, East Timor, the DRC, Afghanistan and South Sudan) have been chosen to show different Council approaches to human rights and the respective differing impacts on the ground of Council action. They also will show the role that addressing human rights has played

in the Council's overall dealing with each of these conflict situations.

El Salvador

The UN Observer Mission in El Salvador (ONUSAL), established in May 1991 through resolution 693, was the first

Council-mandated peace operation with a comprehensive human rights mandate. It was also the only situation in Council practice to date in which human rights were not only at the core of a peace accord but also in which the signing of a separate human rights accord preceded the final peace accord between the

UN DOCUMENTS ON EL SALVADOR Security Council Resolutions S/RES/832 (27 May 1993) expanded ONUSAL's mandate to also provide observation of the electoral process leading up to the 1994 elections. **S/RES/729** (14 January 1992) expanded ONUSAL's mandate to include monitoring of the implementation of the comprehensive peace agreement. **S/RES/693** (20 May 1991) mandated the UN Observer Mission in El Salvador to monitor the human rights situation in El Salvador. **Other S/21541** (14 August 1990) contained the agreement on Human Rights between the Government of El Salvador and FMLN.

Case Studies (con't)

parties. ONUSAL was an observer mission that was set up prior to the signing of the final peace accord and was seen by the parties as a confidence-building measure and a key step towards achieving the final settlement.

At the outset of the 1990s, El Salvador was emerging from a decade-long bloody civil war between the rebel Frente Farabundo Martí para la Liberación Nacional (FMLN) and government forces, a conflict that in addition to inflicting an extremely high combat-related toll on civilians was characterised by endemic human rights violations against communities and individuals suspected of sympathising with the rebel movement. The toll included tens of thousands of dead and 1.2 million peasants who were internally displaced or fled the country (out of an overall population of slightly more than 5.5 million). During a lengthy and complex internationally facilitated and mediated negotiating process, taking immediate and verifiable steps to curb human rights violations was seen as key to the achievement of a final accord and, ultimately, lasting peace. On 26 July 1990 in San José, Costa Rica, the two parties signed the Agreement on Human Rights, which referred to the establishment of a UN human rights verification mission with the purpose “to investigate the human rights situation in El Salvador as regards acts committed or situations existing ...and to take any steps it deems appropriate to promote and defend such rights”. Resolution 693 stressed the importance of the full implementation of the Agreement on Human Rights and established ONUSAL to “monitor all agreements concluded by the two parties, whose initial mandate in its first phase as an integrated peacekeeping operation will be to verify the compliance by the parties with the Agreement on Human Rights signed at San José on 26 July 1990”.

ONUSAL became operational in July 1991 (five months before the comprehensive peace accord was signed) and consisted of a staff of some 100, with 42 human rights observers, 16 police advisors, 15 military observers and the remainder including

political affairs officers, legal advisors and educators. The human rights tasks included active monitoring of the human rights situation, investigating specific cases of alleged violations of human rights, promotion of human rights, making recommendations to eliminate human rights violations and regular reporting to the Secretary-General and, through him, to the Security Council. ONUSAL's mandate was subsequently expanded, by resolution 729 in 1992, to include monitoring of the implementation of the comprehensive peace agreement and by resolution 832 in 1993 to also provide observation of the electoral process leading up to the 1994 elections. Following the election, in which the ruling party won and FLMN became the main opposition party, ONUSAL's mandate was terminated in 1995.

Seen from the perspective of nearly a quarter of a century, this first human rights mandate in a peace operation can probably be seen as one of the clearest Council success stories in terms of contributing to the maintenance of a lasting peace through addressing human rights early on in its engagement.

East Timor

East Timor, the eastern part of a small island off the coast of Australia that is home to some 800,000 people, had been a Portuguese colony for nearly 400 years when, following a bloodless revolution in that country, Portugal withdrew from the territory in 1975. East Timor declared independence and was almost immediately invaded by Indonesia, whose territory included the western part of the island. The population resisted, and a bloody, protracted guerrilla war ensued. Between 100,000 and 200,000 inhabitants of East Timor died due to conflict-related causes, combat, torture, starvation and disease, mostly in the early years after the invasion.

The Security Council had only a minimal engagement in that dispute. On 22 December 1975, it unanimously adopted resolution 384, regretting Indonesia's invasion, calling on it to withdraw and asking the

Secretary-General to send a special representative to East Timor to assess the situation and to submit the resulting recommendations to the Council. The resolution expressed grave concern about the loss of life and stressed the need for avoiding further bloodshed. Four months later, the Council adopted resolution 389 (with the US and Japan abstaining), acknowledging the receipt of the report of the special representative, restating the calls for Indonesian withdrawal and proclaiming that it was seized of the situation. But for the next two decades, the Council was anything but seized of the situation. In a decision taken in June 1976, the Council declined the Indonesian invitation to visit the territory and stayed mute on East Timor until 1999. However, the UN never recognised Indonesia's rule over East Timor, and between 1983 and 1999 the Secretariat facilitated negotiations between Indonesia and Portugal.

After the fall of Indonesian President Suharto, his successor, President B.J. Habibie, took all involved by surprise when he decided in early 1999 to offer the East Timorese a choice between “special autonomy” or independence. An agreement was then reached in the UN-facilitated talks between Indonesia and Portugal on 5 May on plans for a referendum, to be organised and supervised by the UN and held in August. Two days later, the Security Council adopted resolution 1236, welcoming the agreement and expressing its intention to make a prompt decision on the establishment of a UN mission as soon as it received the relevant proposal from the Secretariat. It also stressed that “during the interim period between the conclusion of the popular consultation and the start of the implementation of either option, an autonomy within Indonesia or transition to independence”, there needed to be “an adequate United Nations presence in East Timor”. This reference signalled an anxiety, later proven to be justified in spades, about violence that would most likely occur should the Timorese opt for independence.

In resolution 1246 of 11 June, the Council decided to establish the UN Mission in

UN DOCUMENTS ON EAST TIMOR [Security Council Resolutions S/RES/1264](#) (15 September 1999) authorised the establishment of a multinational force, with a mandate to restore peace and security in East Timor. [S/RES/1262](#) (27 August 1999) extended a mandate of UNAMET until 30 November 1999. [S/RES/1246](#) (11 June 1999) established UNAMET. [S/RES/1236](#) (7 May 1999) welcomed the agreement between Portugal and Indonesia on UN supervised referendum in East Timor. [S/RES/389](#) (22 April 1976) called on Indonesian withdrawal from East Timor. [S/RES/384](#) (22 December 1975) expressed regret about Indonesia's invasion, calling on it to withdraw and asking the Secretary-General to send a special representative to East Timor to assess the situation and to submit the resulting recommendations to the Council. [Security Council Presidential Statements S/PRST/1999/27](#) (3 September 1999) welcomed the holding of the referendum and called on all parties, both inside and outside East Timor, to respect the result of the popular consultation. [S/PRST/1999/20](#) (29 June 1999) called on all sides in East Timor to exercise restraint and asked UNAMET to follow reports of violent activity. [Security Council Letters S/1999/972](#) (6 September 1999) contained the terms of reference of the Security Council mission to East Timor. [S/1999/946](#) (5 September 1999) was from the president of the Council informing the members of the Council about the dispatched mission to East Timor. [Secretary-General's Report S/1999/862](#) (9 August 1999) was on East Timor. [Security Council Meeting Record S/PV.4043](#) (11 September 1999) was on situation in East Timor. [Other S/1999/976](#) (14 September 1999) was the report of the Security Council visiting mission to Jakarta and Dili, from 8 to 12 September 1999.

Case Studies (con't)

East Timor (UNAMET) with a mandate to organise and conduct the August referendum. It stressed that the government of Indonesia, which under the May agreement was the sole provider of security in East Timor, needed “to ensure that the popular consultation is carried out in a fair and peaceful way and in an atmosphere free of intimidation, violence or interference from any side and to ensure the safety and security of United Nations and other international staff and observers in East Timor”. The resolution also authorised the deployment within UNAMET of up to 280 civilian police officers to act as advisers to the Indonesian Police and, during the referendum itself, supervise the escort of ballot papers and boxes to and from the polling sites. Fifty military liaison officers deployed within UNAMET were to maintain contact with the Indonesian Armed Forces.

The situation on the ground was extremely volatile. Pro-integration militias, backed by Indonesian military, conducted extensive and often violent intimidation operations against supporters of independence, and UNAMET staff were threatened. The Council first expressed its concern on 29 June in a presidential statement, calling on all sides to exercise restraint and asking UNAMET to follow reports of violent activity. Following the Secretary-General’s decision to twice postpone the referendum by a few weeks, with the date ultimately set for 30 August, the Council extended UNAMET’s mandate until the end of September. The Secretary-General then wrote to the Council to express concerns about the interim period following the referendum (S/1999/862) regardless of its outcome and to suggest considerable revisions to the mandate and strength of UNAMET. On 27 August in resolution 1262, the Council authorised the new mandate until 30 November.

The referendum was held on 30 August in relative calm but with high tensions and incidents of violence both before and after the ballot day. Counting the ballot took the next three days and nights, and the results were simultaneously announced in New York to the Council by the Secretary-General and in East Timor’s capital, Dili, to the media by the head of UNAMET. The voters had overwhelmingly opted for independence. Ending his short remarks to the Council, Secretary-General Kofi Annan stressed that the UN would work with both governments (permanent representatives of Indonesia and Portugal had been invited by the Council president

to the meeting) “to ensure the implementation of the results of the consultation through a peaceful and orderly process”. He concluded by saying “let me also assure the people of East Timor that the United Nations will not fail them in guiding East Timor in its transition towards independence”.

Following the announcement, Council members went into consultations, and at 10:30 pm adopted a presidential statement welcoming the holding of the referendum and calling on “all parties, both inside and outside East Timor, to respect the result of the popular consultation”. The statement condemned the violence and, among other things, signalled that the Council was “ready to consider sympathetically any proposal from the Secretary-General to ensure the peaceful implementation of the popular consultation process”.

In East Timor, the moment the results were known, the pro-Indonesia militias went on a systematic rampage throughout the territory with scorched-earth tactics, burning houses, destroying much of the infrastructure and killing hundreds of people. The Indonesian security forces in most cases stood by and in some cases participated in the violence.

On Sunday, 5 September (the middle of a long Labour Day weekend in the US), Council president Ambassador Peter van Walsum (Netherlands) called consultations to discuss a range of options for Council action, including the idea of a Council mission to the scene. This possibility had been raised by the Secretariat just before the referendum but at that point was not acted upon by the Council. Now, when it seemed that urgent measures, including the deployment of an international force, would be needed, a Council mission seemed like a useful step in this direction. Members were generally supportive, but some felt there needed to be an express agreement from Indonesia to receive the mission. Van Walsum provides an interesting account of these hours on his website:

I was taken aback by this development because it might take days to obtain such an agreement from Jakarta. People were dying in East Timor, and every delay would cause a greater loss of life.

Luckily, my Indonesian colleague had just been spotted in the Delegates’ Lounge, so I quickly suspended the consultations and asked my deputy, Alphons Hamer, to invite Ambassador Wibisono to come to

the office of the Security Council President, next to our consultations room. There I explained the Security Council mission plan to him, adding that before proceeding with the plan some members of the Council would like to have an assurance that the mission would be received by the Indonesian government. As Wibisono was immediately ready to help I offered him the run of my desk and my telephone, and before long he was able to tell me that the mission was welcome in Jakarta and would be received by both Foreign Minister Alatas and President Habibie. After reopening the consultations I assured my colleagues that Jakarta was in agreement at the highest level, and the Council decided to dispatch the mission. (<http://www.petervanwalsum.com/english/#the-interventions-of-1999-kosovo-and-east-timor>)

On Labour Day Monday, the mission was constituted, consisting of five Council members—Malaysia, Netherlands, UK, Slovenia and Namibia, which was to lead it. Annan briefed the mission, and it departed for Indonesia a few hours later.

The situation on the ground was dramatic. In addition to their scorched-earth tactics and killing of an unknown number of civilians, the pro-Indonesian militias, with the acquiescence and sometimes support of Indonesian security forces, specifically sought to drive out all forms of international presence, including UNAMET, foreign media, election officials and diplomatic outposts. Within days, any international presence was possible only in Dili. UNAMET staff members were being withdrawn from the regions, mostly to Dili or in some cases to Darwin, Australia. The militias initially tried to prevent the evacuation of local staff, some of whom had already been targeted and killed, but the international staff refused to leave them behind. The UNAMET staff, both those evacuated from the different outposts as well as the Dili-based staff, all stayed in the Dili compound round the clock. A large number of IDPs sought shelter and a sense of safety in an adjacent school. Sustained automatic weapons fire nearby during one night prompted panic among the civilians, who started hurling themselves and their babies over a razor wire that divided the school from the UNAMET compound. They were taken in, and by Monday, the compound, under intense siege, became a shelter to up to 2,000 IDPs and hundreds of UNAMET’s own international and local

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staff, in addition to some foreign journalists and election observers.

With the situation in the compound becoming more tenuous by the hour, the head of UNAMET felt he had to recommend general evacuation. Many international staff were horrified by the prospect of leaving the IDPs behind and offered to remain on a voluntary basis; some 80, including the head of UNAMET, the police commissioner and the chief military liaison officer remained in the compound with the IDPs.

Back in New York, the Council received daily briefings, usually from Annan, on developments. Members varied in their degree of conviction that Indonesia would be willing and capable of taking effective steps to end the violence. East Timor was in the headlines and on front pages all over the world, and public-opinion pressure was growing. In Portugal, whose government had argued for an international force even before the referendum, there was tremendous public outcry, with the country coming to a halt on Wednesday, 8 September. In Lisbon, a human chain that counted among its links the country's Prime Minister, Antonio Guterres (who was to be the UN High Commissioner for Refugees from 2005 through 2015), circled the embassies of the permanent members of the Council, demanding action.

Within days, obtaining Indonesia's consent to international intervention became the top diplomatic goal, including for the Security Council mission. Upon its arrival in Jakarta, the mission initially found firm resistance to a foreign military presence. Top politicians insisted that Indonesian forces were capable of controlling the situation and indeed that the violence had subsided. During one such meeting that included the head of Indonesia's military, General Wiranto, a UN staff person accompanying the delegation received a phone call from the besieged compound in Dili and was able to pass on the phone, allowing the politicians to receive a live, eyewitness account of the increasing violence and the direct threat to the UNAMET compound and its occupants.

Members of the mission resolved to undertake a visit to Dili. Wiranto flew to Dili ahead of the mission, and by the time Council members arrived, the town was relatively calm, suggesting that the Indonesia military was capable of stemming violence when under direct orders from its top commander. The mission went to UNAMET and visited with the 80 UN staffers who had chosen to

remain and with the IDPs, whose number was at the time more than 1,000. The two visits (by Wiranto and the Council mission) on 11 September resulted in an unprecedented international solution to the IDPs' situation. The only sure way to guarantee their safety was an evacuation to Australia. The Australian government was prepared to conduct the airlift, contingent on the consent of Indonesia, and accept them as temporary refugees. Council members pressed for the Indonesians' agreement to the evacuation upon the mission's return to Jakarta. On 14 September, all IDPs and most of UNAMET's remaining international staff were flown to Darwin.

In New York, pressure for an international intervention grew. At a 10 September press conference, Annan foreshadowed what would become the concept of the responsibility to protect by stating that senior Indonesian officials risked prosecution for crimes against humanity if they did not consent to the deployment of an available multinational force.

The Council was discussing East Timor in daily consultations, but several member states at large that were in favour of the deployment of an international force (which Australia was prepared to lead, with several other nations ready to join) asked for an open debate on the crisis. After communicating with the Council mission, which had just returned to Jakarta from Dili, van Walsum decided to call a meeting for Saturday, 11 September. Annan, in his opening speech, insisted that "the individuals who have ordered and carried out these crimes must be held accountable" and pointed out that "the time has come for Indonesia to seek the help of the international community in fulfilling its responsibility to bring order and security to the people of East Timor". The nearly six-hour debate with more than 50 speakers from all regional groups conveyed a largely condemnatory message to Indonesia and urged it to agree to an international force. A few hours later, when it was already Sunday, 12 September in Jakarta, Indonesia's President Habibie told the Council delegation that he had just called Annan and requested international assistance in restoring peace and security in East Timor. He said he was sending his minister of foreign affairs, Ali Alatas, to New York to work out the details.

On Wednesday, 15 September, Alatas and the foreign ministers of Australia and Portugal participated in a meeting of the Council in which, having received the report from its mission, the Council proceeded to adopt

unanimously resolution 1264, which authorised the establishment of a multinational force with a mandate "to restore peace and security in East Timor, to protect and support UNAMET in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations."

The Council visit to Indonesia and Dili in September 1999 was its most direct and quickest engagement in a conflict situation. It undoubtedly contributed to saving many lives, thus playing both a conflict resolution and prevention role with a huge impact on the overall situation on the ground.

As mentioned above, the mission members directly and successfully lobbied for the evacuation of the IDPs. They prompted the head of Indonesia's military to visit the scene of violence, which resulted in an immediate reduction in violence and led to a chain of decisions that ultimately resulted in Indonesia's formal request for the deployment of an international force.

They also possibly played a role in defusing a volatile situation with regards to the anti-Indonesia Timorese resistance movement, Falintil, which refrained from entering combat in the post-referendum period. They met twice with its leader, Xanana Gusmão, who had been jailed in Jakarta, serving a life sentence, since 1992. Throughout the referendum period, Falintil leaders had been under tremendous pressure to take military action. Gusmão was firmly opposed to that and repeatedly communicated his views by telephone (Indonesian authorities had moved him to house detention in Jakarta, where communications were possible). The Council delegation first met with Gusmão (who subsequently went on to become the first president of the independent Timor-Leste) on 9 September. He pleaded with the members to save Timorese lives and also voiced his concerns about reports that the Indonesian Armed Forces were reportedly approaching the cantonment areas of Falintil. He told Council members that should this prove to be true, Falintil would have no choice but to defend itself. Members of the mission met with Gusmão after returning from Dili to brief him on the situation on the ground. According to the mission's report, "when it became evident that the Government was about to announce its willingness to cooperate with the international community, Mr. Gusmão was encouraged to issue a statement in measured and conciliatory terms".

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Most of all, with their presence in Jakarta, the visit to Dili and their meetings with the country's top leadership before and after their travel to East Timor, members of the Council delegation played an important role in convincing the Indonesian government that international intervention was needed to curb violence and restore law and order in the territory.

There are several aspects of the Council's approach to East Timor in the dramatic period from the referendum in late August until the establishment of the international stabilisation force for East Timor in September that are worth noting and, collectively, perhaps provide some lessons for what is needed for effective conflict mitigation and preventive action.

A feature that stands out is the clear sense of urgency among most Council members, resulting in several actions that were taken with unprecedented (and probably, until now, unsurpassed) speed.

The key individuals in leadership positions relevant to Council action—including its president, the Secretary-General and the leadership of the visiting delegation—were all able to coordinate and achieve synergies between their actions despite rapidly unfolding events, huge distances and different time zones. They were all proactive, able to think on their feet, and, most of all, seemed prepared to step into untested territories and take risks in order to minimise death and destruction.

The protective role spontaneously assumed by UNAMET, when it took in a crowd of displaced civilians despite the absence of a mandate to do so and a lack of appropriate conditions, was in part the UN's collective amends for the horrendous failures of Rwanda and Bosnia, but it also in some sense paved the way for a similar approach to be taken 14 years later in South Sudan.

The Democratic Republic of the Congo

The DRC (previously the Republic of Congo and then Zaïre) was the site of the first UN peacekeeping operation in Africa, the UN Operation in the Congo (ONUC) from 1960 to 1964. For the past 16 years, it has hosted what currently is the largest and most expensive UN peace operation, the UN Organization Stabilization Mission in the DRC (MONUSCO), a successor to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUC), with more than 23,000 personnel deployed and an annual budget of almost \$1.4 billion.

In the past two decades, the DRC has remained one of the most unstable countries in Africa, with millions of civilian deaths as an indirect result of the conflict and hundreds of thousands of civilians killed or wounded in the hostilities. Human rights abuses have been rampant throughout that period and have included killing, maiming, forced conscription of children and, with particular intensity, sexual violence committed by all the warring actors, including the country's own armed forces. Additionally, at different moments, usually in relation to electoral processes, there have been waves of political assassinations, brutal suppression of peaceful demonstrations and killings of journalists, largely attributable to the government.

The conflicts in the DRC have both been the result of and have had implications for the security situation in the whole vast region of central Africa. Following the 1994 genocide in Rwanda and the establishment of a new government there, some 1.2 million Rwandese Hutus—including elements that had taken part in the genocide—fled to the neighbouring Kivu regions of eastern DRC, then Zaïre. In October 1996, Rwanda and Uganda invaded the eastern DRC (then still called Zaïre), ostensibly in an effort to root out the remaining perpetrators of the genocide who

were hiding there, with a massive humanitarian crisis ensuing in the east of the country.

The Security Council took the unprecedented step—not repeated since—of authorising under Chapter VII a temporary multinational force with a uniquely humanitarian mandate. Under resolution 1080 of 15 November 1996, the force, led by Canada, was to “facilitate the immediate return of humanitarian organizations and the effective delivery by civilian relief organizations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire and to facilitate the voluntary, orderly repatriation of refugees by the UN High Commissioner for Refugees as well as the voluntary return of displaced persons”. Its duration would only be until 31 March 1997, to be followed by a UN peace operation. This plan, however, was aborted almost as soon as it was adopted and the multinational mission was never deployed, in part due to the rapidly changing situation on the ground and in part because of the changed international political dynamic.

A coalition comprising the Ugandan and Rwandan armies, along with Congolese opposition leader Laurent Kabila, eventually defeated dictator Mobutu Sese Seko (who had been in power for more than 30 years) and the Congolese army. These forces took the capital city of Kinshasa in 1997 and Kabila renamed the country the Democratic Republic of the Congo, becoming its president.

Reports regarding massacres and other atrocities committed against civilians during this last offensive were persistent and alarming. In March 1997, the High Commissioner for Human Rights asked the Special Rapporteur on human rights in Zaire/DRC—who since his appointment in 1994 by the Commission on Human Rights had visited the country and reported on it regularly—to undertake an emergency mission.

UN DOCUMENTS ON THE DRC Security Council Resolutions S/RES/2053 (27 June 2012) renewed MONUSCO's mandate until 30 June 2013. S/RES/1991 (28 June 2011) extended the mandate of MONUSCO until 30 June 2012. S/RES/1906 (23 December 2009) extended MONUC's mandate until 31 May 2010. S/RES/1888 (30 September 2009) strengthened efforts to end sexual violence against women and children in armed conflict. S/RES/1820 (19 June 2008) addressed sexual violence in conflict and post-conflict situations and asked the Secretary-General for a report by 30 June 2009 with information on the systematic use of sexual violence in conflict areas and proposals for strategies to minimise the prevalence of such acts with benchmarks for measuring progress. S/RES/1807 (31 March 2008) extended the sanctions regime on the DRC until 31 December. S/RES/1794 (21 December 2007) renewed MONUC until 31 December 2008. S/RES/1698 (31 July 2006) extended sanctions to individuals recruiting or targeting children in situations of armed conflict, expressed the intention to consider measures over natural resources and renewed the sanctions regime and the mandate of the Group of Experts until 31 July 2007. S/RES/1653 (27 January 2006) addressed conflict prevention and peaceful resolution of disputes in the Great Lakes region, requested the civilian protection in the Great Lakes report, welcomed the establishment of the PBC and underlined its potential importance for the Council's work in the region. S/RES/1596 (18 April 2005) expanded the arms embargo and added travel bans and assets freeze to the sanctions regime. S/RES/1493 (28 July 2003) imposed an arms embargo on all non-state entities in the DRC. S/RES/1468 (20 March 2003) condemned the massacres and other systematic violations of International Humanitarian Law and human rights perpetrated in the DRC, in particular sexual violence against women and girls as a tool of warfare. S/RES/1355 (15 June 2001) extended MONUC's mandate and further strengthened MONUC's human rights monitoring capacity. S/RES/1332 (14 December 2000) called for cessation of hostilities and asked the Secretary-General to strengthen MONUC's human rights component. S/RES/1258 (6 August 1999) authorised the deployment of 90 military observers to the DRC. S/RES/1080 (15 November 1996) welcomed the offers made by member states concerning the establishment for humanitarian purposes of a temporary multinational force to facilitate the immediate return of humanitarian organisations and the effective delivery by civilian relief organisations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in eastern Zaire.

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The rapporteur, Roberto Garretón, issued a short report on 2 April identifying more than 40 possible massacre sites and calling for further investigations. The CHR adopted a resolution mandating Garretón to lead a team composed also of its rapporteur on extrajudicial executions and a member of its Working Group on Disappearances to carry out a mission to investigate the allegations. The rebel forces holding the area of investigation and later, the Kabila government, adamantly rejected a team to be led by Garretón because of his previous report. After weeks of blockage, the Secretary-General stepped in, informing the Security Council on 8 July that he had decided to appoint an investigative team under his own authority to investigate alleged grave violations of human rights and international humanitarian law in the DRC.

The three-person team of investigators spent several months in the DRC, encountering many obstacles and being prevented from visiting some specific areas and sites. It was eventually withdrawn before it could complete a full investigation. The findings of the investigations the team did manage to conduct, submitted to the Council on 26 June 1998, prompted the Council to adopt a presidential statement in which it condemned “the massacres, other atrocities and violations of international humanitarian law committed in Zaire/Democratic Republic of the Congo, and especially its eastern provinces, including crimes against humanity and those other violations described in the Report of the Secretary-General’s Investigative Team”.

On the ground, meanwhile, the fighting continued. The foreign forces that helped Kabila reach Kinshasa did not leave the territory right away, and by 1998, Kabila began fearing annexation of the mineral-rich eastern part of the country by the two regional powers. He ordered Rwandan and Ugandan

forces to leave the DRC, which they did not do. Kabila’s government received military support from Angola, Zimbabwe and other regional partners. The ensuing conflict has often been referred to as Africa’s World War, with at some point nine countries fighting each other on Congolese soil.

The current, ongoing engagement of the Security Council in the DRC started after the Angola, DRC, Namibia, Rwanda, Uganda and Zimbabwe signed the Lusaka Ceasefire Agreement in July 1999. In the period since, the Council has adopted more than 50 resolutions on the DRC and, in terms of attempts to address the human rights situation, resorted to a record number of tools.

Immediately after the Lusaka Ceasefire, the Council adopted resolution 1258, authorising a small military observer mission and stressing the need for the safe and dignified return of displaced civilians to their home areas. It followed in November with the establishment of the UN Organization Mission in the DRC (MONUC), which would from the outset have human rights personnel and whose mandate would include assisting “in the protection of human rights, including the rights of children.” Subsequent resolutions renewing MONUC’s mandate would expand its human rights responsibilities to specify human rights monitoring, among other functions. In December 2000 in resolution 1332, the Council asked the Secretary-General to strengthen MONUC’s human rights component “including through active cooperation with the United Nations Human Rights Commission in a country-wide effort”. In resolution 1355 of June 2001, the Council mandated further strengthening of MONUC’s human rights monitoring capacity by expanding the civilian component of the mission in a way that would allow assigning human rights personnel to areas of

MONUC’s deployment. In 2008, the Office of the High Commissioner for Human Rights in the DRC, which pre-dated MONUC, was merged with MONUC’s human rights division to become the UN Joint Human Rights Office within the peace operation. In 2010 MONUC was succeeded by MONUSCO, a mission with a similar strength and mandate but whose name was meant to reflect a degree of progress in peacebuilding in the country, something the government was eager to have during the year marking 50 years of independence. The UN Joint Human Rights Office has continued to operate with MONUSCO.

During the early period of MONUC’s existence, the Council seems to have actively sought information on human rights in the DRC. For example, between November 1999 and May 2001, it met four times under the Arria-formula format with Garretón, the CHR Special Rapporteur on the DRC. It was also responsive to receiving information provided by human rights and humanitarian NGOs, such as Amnesty International, Human Rights Watch, Doctors without Borders (MSF) and Oxfam. This may have contributed to the gradual strengthening of the human rights mandate of the mission on the ground and informed the Council’s own travels to the field.

The Council’s 11 annual visits to the DRC, the first of which took place in May 2000, have become an important tool, sharpening its focus on human rights. Nearly each of these travelling missions has afforded members direct exposure to some of the aftermath of human rights crimes and the resulting suffering. This in turn most likely led the Council to make protection of civilians an overall key priority of its mandates in the DRC. It also helped the Council to appreciate the value of human rights aspects of MONUC’s mandate and led to its gradual enhancement and, ultimately, to the creation of the Joint

UN DOCUMENTS ON THE DRC (CONTINUED) **Security Council Presidential Statements** [S/PRST/2015/20](#) (9 November 2015) stressed the importance of neutralising armed groups in the DRC and expressed the Council’s concern that joint operations between the Congolese army and the Force Intervention Brigade in cooperation with the whole of MONUSCO had yet to resume. [S/PRST/2014/22](#) (5 November 2014) expressed the Council’s grave concern about the expulsion of the JHRO head and about the threat issued against other staff members in DRC. [S/PRST/2011/11](#) (18 May 2011) focused on stabilisation efforts in the DRC. [S/PRST/2010/17](#) (17 September 2010) called on the DRC to provide effective assistance to the victims of sexual abuse and for the DRC to put an end to impunity for gross human rights violations. [S/PRST/1998/20](#) (13 July 1998) condemned the massacres, other atrocities and violations of international humanitarian law. **Security Council Press Statement** [SC/10016](#) (26 August 2010) expressed Council members’ outrage at the mass rapes committed in Walikale. **Security Council Meeting Records** [S/PV.5915](#) (18 June 2008) was a briefing on the Council’s visiting mission to Africa from 31 May to 10 June 2008. [S/PV.4705](#) (13 February 2003) was a meeting on the situation in the DRC which contained a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations. **Other** [S/2013/110](#) (5 March 2013) was a letter from the Secretary-General to the presidents of the General Assembly and the Security Council transmitting the text of the human rights due diligence policy on UN support to non-UN security forces. [SC/10461](#) (28 November 2011) was the press release on the addition of Ntabo Ntaberi Shekato to the assets freeze and travel ban list by the DRC Sanctions Committee and with his leadership role in the attacks in Walikale territory from 30 July to 2 August, 2010 among the reasons for the sanctioning. [S/2009/623](#) (4 December 2009) was the Secretary-General’s report on MONUC which first outlined the concept of the human rights due diligence policy. [SC/9608](#) (3 March 2009) was the press release on the addition of four individuals to the assets freeze and travel ban list by the DRC Sanctions Committee. [S/2008/460](#) (15 July 2008) was the report of the Council’s visit to Djibouti (on Somalia), the Sudan, Chad, the DRC and Côte d’Ivoire, from 31 May to 10 June 2008. [S/2008/347](#) (30 May 2008) contained the terms of reference for the Council visiting mission to Africa from 31 May to 10 June 2008. [S/2003/216](#) (24 February 2003) was a report of the joint fact-finding mission on the situation in Ituri, presented to the Council by the High Commissioner for Human Rights. [S/2002/764](#) (16 July 2002) was a report of the joint fact-finding mission on the situation in Kisangani, presented to the Council by the High Commissioner for Human Rights. [S/1998/581](#) (29 June 1998) was the report of the Secretary-General’s Investigative Team in the DRC. [S/1997/617](#) (6 August 1997) was a letter from the Secretary-General informing about his decision to appoint an investigative team under his own authority in order to investigate alleged grave violations of human rights and international humanitarian law in the DRC.

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Human Rights Office, which has consistently monitored human rights violations throughout the country and produced regular reports, as well as establishing a thorough historic record of human rights violations from 1993 to 2003 in Zaïre and then the DRC.

In the course of its involvement with the DRC, the Council also grew to appreciate the importance of accountability for human rights violations and its direct connection to the likelihood of achieving a lasting peace. After receiving reports of large-scale atrocities—such as the 16 July 2002 report of the OHCHR on the situation in Kisangani, or the 13 February 2003 briefing by the High Commissioner for Human Rights on the situation in Ituri—the Council called in resolution 1468 (2003) for the military officers named in these reports to be brought to justice through credible processes and encouraged the establishment of a truth and reconciliation commission to determine responsibility for human rights violations. Resolution 1468 went on to ask the Secretary-General to enlarge the human rights component of MONUC to assist in the investigation of human rights violations and in particular to increase the number of human rights personnel and military observers specifically in Ituri. Following a November 2005 mission to DRC and other countries in Central Africa, the Council adopted resolution 1653 on 27 January 2006 addressing the Great Lakes region more broadly: encouraging countries, including the DRC, to strengthen and institutionalise respect for human rights, good governance and the rule of law; and to bring perpetrators of grave violations of human rights to justice.

One of the measures the DRC government adopted to deactivate various rebel groups was the reintegration of their fighters into the country's armed forces. Mounting reports of violence against civilians perpetrated by undisciplined DRC troops or by former rebels recently integrated into the Congolese army prompted the Council, when it renewed the mandate of MONUC on 21 December 2007 through resolution 1794, to call on the DRC to “establish a vetting mechanism to take into account when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the candidates' past actions in terms of respect for international humanitarian law and human rights”. Concerned with ongoing violations of

international human rights and humanitarian law committed against civilians by undisciplined members of the DRC military forces, in 2009 MONUC developed a policy paper setting out the conditions under which the Mission could provide support to the country's armed forces units. According to the Secretary-General's December 2009 report, the policy, which had been communicated to the government, specified that MONUC would not participate in or support operations with the DRC military units “if there are substantial grounds for believing that there is a real risk that such units will violate international humanitarian, human rights or refugee law in the course of the operation”. The Council endorsed this conditionality later that same month when it adopted its next resolution renewing MONUC. (This human rights conditionality was subsequently articulated by the Secretary-General as the “human rights due diligence policy on United Nations support to non-United Nations security forces”, to be implemented by all UN peacekeeping missions. The policy paper was transmitted to all member states on 25 October 2011 and was made public on 5 March 2013 in a letter from the Secretary-General to the presidents of the General Assembly and the Security Council.)

Sanctions have also become one of the tools used to address some of the persistent patterns of human rights violations in the DRC, as well as individual responsibility for the most egregious violations. The DRC was the first situation in which the Council decided to impose sanctions on those responsible for recruiting child soldiers or abusing children in conflict, and the first case in Council practice in which it identified targeting women with violence as grounds for sanctions. The Council first mandated sanctions against the DRC on 28 July 2003 in resolution 1493, initially imposing an arms embargo on all non-state entities in the country. Resolution 1596 of 18 April 2005 expanded the sanctions regime to include an assets freeze and travel ban on those designated by the Sanctions Committee. In resolution 1698 on 31 July 2006, the Council further expanded the sanctions regime to apply the coercive measures to individuals who recruited child soldiers and those committing serious violations of international law involving children. In resolution 1807, adopted 31 March 2008, it expanded designation criteria to include involvement in the targeting of women in situations of armed

conflict, including for sexual violence, abduction and forced displacement.

It was probably the scale of sexual violence and atrocities committed against women at various stages of the DRC conflicts that gave the Council an impulse to create a dedicated mechanism to address conflict-related sexual violence. Several studies—including by various UN agencies, the DRC Sanctions Committee Group of Experts and the High Commissioner for Human Rights—have shown that the numbers of sexual violence attacks in the DRC were staggering. In resolution 1807 in March 2008, mentioned above, the Council for the first time decided to add targeting of women for a range of violations, including sexual violence, as grounds for the imposition of individually targeted sanctions. While conflict-related sexual violence has not been limited to the DRC, it can probably be assumed that when, a few months later, the Council adopted resolution 1820 on 19 June—its first resolution specifically focused on sexual violence in conflict—its members must have had the DRC, which they had visited less than a month earlier, very much on their minds. In resolution 1888 on 30 September the next year, the Council asked the Secretary-General to “appoint a Special Representative to provide coherent and strategic leadership, to work effectively to strengthen existing United Nations coordination mechanisms and to engage in advocacy efforts ... in order to address, at both headquarters and country level, sexual violence in armed conflict”. Indeed, following her 2 February 2010 appointment to the post, Margot Wallström made the DRC one of her top priorities and the destination of her first field trip soon after. Her successor, Zainab Hawa Bangura, has kept the DRC among the top priorities of her office.

Despite the sometimes very direct engagement on the part of the Council, its resort to and development of a record number of tools and the deployment of what is today the largest and costliest peace operation, the DRC continues to be extremely unstable as a country, with poor governance and, in its vast eastern territory, rampant abuses of the civilian population by combatants on all sides and widespread human rights abuses, including torture, targeted killings and arbitrary arrest by the government. In its 9 November 2015 presidential statement, its last decision on the DRC at time of writing, the Council acknowledged with unusual candour that the achievements on the ground have not been

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particularly impressive when it admitted that “the Security Council notes some progress was made with respect to the security situation in eastern DRC over the last 14 years”.

The complexity of the conflict, the size of the territory and other crises competing for the Council’s attention all probably contribute to this state of affairs. But one phenomenon seems to be particularly visible in the Council’s approach to the DRC and may provide an explanation for the low return on the investment: The Council has displayed, in particular in the last five years or so, a puzzling lack of consistency in its approach to the DRC.

Following a decade of a high level of engagement—exemplified by the annual visits with complex, strategic and far-reaching agendas that included, in addition to fact-finding, elements of mediation, advocacy and intervention—the Council has adopted a less pro-active approach in the past several years. It has regularly discussed the DRC on the occasion of the presentation of the Secretary-General’s reports, but it has sprung into its old levels of activity and creativity with respect to the situation only in response to major setbacks on the ground, such as the mass human rights violations accompanying major military operations by the DRC military, some of them with the support of MONUC, in late 2009. The Council responded with resolution 1906, which proclaimed that MONUC’s support for the DRC forces would be conditioned on the latter’s compliance with international law. In another instance—one of the rebel groups’ takeover of the city of Goma in November 2012, which resulted in numerous civilian casualties and the displacement of more than 300,000 people—the Council reacted with changes to MONUSCO’s mandate, including the establishment of its intervention brigade.

Other examples of the recent lack of consistency, decisiveness and focus with respect to the DRC include:

- Having put in place a complex structure for sanctioning individuals and entities, the actual use of sanctions in the DRC by the Council and the DRC Sanctions Committee has been sporadic, inconsistent and untimely. For example, despite taking the step of establishing child soldiers’ recruitment and use and other violations against children as grounds for targeted sanctions in resolution 1698 (2006) and adding the possibility for sanctioning individuals on the grounds of sexual violence against women in resolution 1807 of

March 2008, the first practical use of these criteria occurred in 2009.

- In its annual renewals of the mandate, starting with resolution 1794 of 21 December 2007, the Council would call on the DRC authorities to vet candidates for official positions against their human rights background. Yet, despite persistent reports that several former rebel commanders with notorious human rights records had been incorporated into the DRC armed forces, the vetting process was not even mentioned in the terms of reference for its May 2008 visit to the DRC and subsequent oral and written reports. The subject of vetting was raised during the May 2009 trip, but referring to certain specific individuals was off limits in meetings with the country’s top leadership. In at least one case, this proved to be a very costly error. One of the former rebel commanders who was given leadership positions within the DRC military was Bosco Ntaganda, who had been indicted by the ICC for atrocities committed in 2002–2003. In 2012, Ntaganda defected from the DRC armed forces and went on to lead a rebel movement that later came to be known as M23. Resolution 2053, renewing MONUC’s mandate in June, stated that the Council “condemns recent mutiny led by Bosco Ntaganda and all outside support to all armed groups and demands that all forms of support to them cease immediately”. Later that year Ntaganda went on to lead a major offensive on the eastern city of Goma that caused numerous civilian casualties and displaced more than 300,000 people, which eventually prompted the Council to establish MONUSCO’s intervention brigade in March 2013. By then, Ntaganda had fled to Rwanda, and on 18 March he surrendered to the US embassy in Kigali. He is now in the custody of the ICC in The Hague.
- The Council was instrumental in the creation of a highly professional and strong human rights component in MONUC and then MONUSCO. It also, in resolution 1794 of 2007, acknowledged the undertaking by the Office of the High Commissioner for Human Rights of a major study to document human rights violations committed from 1993 through 2003 in Zaïre and later the DRC, and urged the government to cooperate with the study. However, when the study was completed in 2010—by which time the human rights

component of the mission and the DRC Office of the High Commissioner had merged into the UN Joint Human Rights Office (JHRO), which issued this massive report—it declined to discuss it. The report contained allegations of genocide committed by Rwandan forces, with others, against people of Hutu ethnicity in 1996 and other grave breaches of human rights and international humanitarian law committed by various government forces and groups. The DRC, Angola, Burundi, Rwanda and Uganda objected to the findings and conclusions of the mapping exercise, with Rwanda threatening to pull all of its troops out of UN peacekeeping missions if actions were taken based on the exercise. Following press leaks, the report was eventually released on 1 October 2010, yet the Council never discussed it.

- Some years later, the DRC government declared the head of the JHRO persona non grata—on 19 October 2014, the day after the office issued a report focusing on summary and extrajudicial executions and enforced disappearances committed against civilians by the Congolese National Police during Operation Likofi, conducted from November 2013 to February 2014 to combat criminal delinquency in Kinshasa. In that instance, the Council reacted forcefully and with relative speed in defence of the integrity of JHRO, issuing a presidential statement on 5 November in which it expressed its grave concern about the expulsion of the JHRO head and about the threat issued against other staff members. The statement went on to say that “the Security Council recalls that monitoring, reporting and follow-up on human rights violations and abuses and violations of international humanitarian law are fully part of MONUSCO’s mandate and expresses its full support to the Joint Human Rights Office”. Efforts to get the head of JHRO, Scott Campbell, reinstated to his post were unsuccessful.

There is also a particular case in which the different tools created to protect the human rights of the DRC civilian population, and especially its most vulnerable members, appear to have collectively failed or were deployed with a serious delay.

From 30 July through 2 August 2010, between 200 and 400 armed men from several rebel groups raided some 13 villages in North Kivu Province’s Walikale region and

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committed mass rape, numbering in the hundreds. Various mechanisms established by the Council specifically to prevent or mitigate atrocities failed. MONUSCO, whose top priority has been the protection of civilians with particular emphasis on prevention of sexual violence, had been deployed in the region, yet despite being aware of the events it did not play any role in preventing, stopping or promptly investigating the abuse. MONUSCO failed to communicate with New York, and nobody knew about the events until media reports appeared during the weekend of 21-22 August. The Council learned of the events on 23 August through the UN media spokesman, rather than directly. On 26 August, Council members expressed outrage in a press statement. They were briefed on 7 September, and on 17 September adopted a presidential statement calling on the DRC to provide effective assistance to the victims of sexual abuse and to put an end to impunity for gross human rights violations. It specifically referred to Walikale in its presidential statement on 18 May 2011, urging “swift prosecution of all perpetrators of human rights abuses”, and made similar calls in resolution 1991 adopted in June 2011. On 28 November 2011, the 1533 DRC Sanctions Committee added Ntabo Ntaberi Sheka, leader of the Mayi-Mayi Sheka armed group, to its travel ban and assets freeze list as a suspect in the Walikale events, citing his planning and ordering of attacks in Walikale territory from 30 July to 2 August 2010 among the reasons. An entity suspected of participating in the rapes, the Allied Democratic Forces, was added to the sanctions list in 2014. Overall, very little accountability has been achieved in the aftermath of the Walikale events and the case has seldom been mentioned in Council discussions after 2010.

The Walikale rapes and their aftermath is one more example of the Council’s lack of

consistency in its approach to the DRC. The tragedy occurred just over a year after the direct intervention with the DRC authorities during the Council’s May 2009 visit to the country regarding five military commanders responsible for sexual violence, which actually produced tangible results (described earlier). The Walikale wave of rampant sexual violence, however, did not produce a comparably forceful reaction.

Today, the DRC continues to experience very serious human rights violations, instability and poor governance, particularly in its eastern parts. The upcoming electoral process, failing forceful action, is likely to produce a new wave of politically motivated violence and other human rights abuses attendant during DRC electoral cycles.

Afghanistan

Afghanistan can hardly be viewed as a Council success story in its endeavours to maintain peace and security. Nor can it be considered a human rights success story, given the continued, rampant human rights violations and a high number of civilian casualties inflicted on the population by the different actors engaged in hostilities. Yet the work of the human rights unit of the UN Assistance Mission in Afghanistan (UNAMA) is an example of how human rights monitoring, reporting and promotion can be helpful to a peace operation on the ground for quite pragmatic reasons.

Afghanistan has experienced internal strife for most of the past four decades, though the Council’s engagement with this conflict ranged from non-existent to minimal until the September 2001 terrorist attacks by Afghanistan-based Al-Qaida. Human rights concerns, especially with respect to women’s rights, had been included in most of the occasional Council decisions related to Afghanistan during that period. Some historical background is

needed before analysing the role human rights engagement has played in the current phase of the Council’s approach to Afghanistan.

Following a 1973 coup led by Daud Khan that overthrew King Zahir Shah, and a 1978 coup by members of the People’s Democratic Party of Afghanistan (PDPA) that overthrew and killed Daud, the PDPA regime, opposed by an increasingly radical Islamic mujahedeen rebel movement, turned for help to the Soviet Union and eventually asked the Soviets to dispatch military force to the country. The Security Council’s initial engagement with the conflict in Afghanistan, following the Soviet forces’ entry on 26 December 1979, was a Council resolution calling for withdrawal that was blocked by the Soviet veto. In resolution 462 adopted on 9 January 1980 under the “Uniting for Peace” formula where there is no veto, the Council asked the General Assembly to take up the matter. Meanwhile, the war in Afghanistan continued, with the government forces supported by the Soviet military and the rebel mujahedeen receiving covert US support. The next time the Council considered Afghanistan was following the signing of the 1988 Geneva Accords, when it authorised a small good offices mission to assist in the implementation of the peace agreement.

For the next several years, the Council was disengaged from Afghanistan. Meanwhile, a new force, calling itself the Taliban and composed of young Afghans mainly educated in Pakistani religious schools, or madrasahs, emerged. The Taliban proceeded to take control of ever more Afghan territory, establishing an extremely strict Islamist regime, especially with respect to women, in the parts of the country it conquered. In September 1996, the Taliban captured the capital city of Kabul, took over a UN compound and executed several people who had taken refuge there, including the country’s former president,

UN DOCUMENTS ON AFGHANISTAN Security Council Resolutions S/RES/2189 (12 December 2014) welcomed the Afghanistan-NATO agreement to create the post-2014 Resolute Support Mission. S/RES/1943 (13 October 2010) extended ISAF’s mandate until 13 October 2011. S/RES/1890 (8 October 2009) extended the mandate for ISAF to 13 October 2010. S/RES/1833 (22 September 2008) extended ISAF’s authorisation until 13 October 2009. S/RES/1776 (19 September 2007) extended ISAF’s mandate until 13 October 2008 and encouraged ISAF and other partners to sustain their efforts, as resources permit, to train, mentor and empower the Afghan national security forces, in particular the Afghan National Police. S/RES/1746 (23 March 2007) renewed UNAMA’s mandate. S/RES/1662 (23 March 2006) renewed UNAMA’s mandate. S/RES/1510 (13 October 2003) expanded ISAF’s mandate beyond Kabul. S/RES/1401 (28 March 2002) created UNAMA. S/RES/1386 (20 December 2001) authorised the establishment of ISAF to provide security in Kabul. S/RES/1383 (6 December 2001) endorsed the Bonn Agreement on provisional arrangements until a permanent government could be re-established. S/RES/1378 (14 November 2001) supported efforts by the Afghan people to establish a new transitional broad-based multi-ethnic government and affirmed that the UN should play a central role in the establishment of this transitional government. S/RES/1363 (30 July 2001) established the monitoring mechanism: the Monitoring Group (MG) and the Sanctions Enforcement Support Team (up to 15 members with expertise in customs, border security and counter-terrorism). The MG was also tasked with offering assistance to states neighbouring Afghanistan to increase their capacity to implement the sanctions. S/RES/1333 (19 December 2000) strengthened the sanctions against the Taliban and imposed sanctions against Al-Qaida. S/RES/1267 (15 October 1999) established the Al-Qaida and Taliban Committee and its sanctions mandate. S/RES/1214 (8 December 1998) expressed grave concern at the ongoing conflict in Afghanistan and called on the Taliban and other factions to call a cease-fire and to resume negotiations. S/RES/1193 (28 August 1998) demanded that all Afghan parties stop fighting and resume negotiations without delay or preconditions. S/RES/1076 (22 October 1996) called on all parties in Afghanistan to stop fighting, and engage in political dialogue. The Council also denounced the discrimination against girls and women. S/RES/622 (31 October 1988) authorised a small good offices mission to assist in the implementation of the peace agreement. S/RES/462 (9 January 1980) invoked Uniting for Peace by calling for an emergency session of the General Assembly following a veto by the Soviet Union on a draft resolution that would have called on its forces to withdraw from Afghanistan.

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Mohammad Najibullah. On 22 October the Council adopted resolution 1076, calling on all Afghan parties to cease armed hostilities and seek a political solution. The resolution denounced “the discrimination against girls and women and other violations of human rights and international humanitarian law in Afghanistan”, and noted that this might have repercussions for relief and reconstruction programmes in Afghanistan.

In the next period, the Council received regular briefings in consultations from the Secretary-General on the situation in Afghanistan while the UN maintained the UN Special Mission to Afghanistan (UNSM), authorised by the General Assembly. The Council issued several presidential statements critical of the Taliban, calling on parties to negotiate, urging all actors’ cooperation with UNSM and expressing concerns about continuing violence and growing numbers of civilian casualties. Meanwhile, since approximately 1996, the Taliban had started providing safe haven in Afghanistan to an Islamist armed organisation whose name and that of its leader would very soon become synonymous with international terrorism: Al-Qaida and Usama bin Laden.

The next Council resolution on Afghanistan was adopted on 28 August 1998 in the aftermath of the simultaneous bombings of US embassies in Nairobi and Dar-es-Salam by Al-Qaida and the capture by the Taliban of the personnel of the Iranian consulate in the Afghan city of Mazaar-e-Sharif. Council members began to see with increasing clarity the links between the chaotic situation in Afghanistan and the growth of international terrorism. Resolution 1193 demanded that all Afghan parties stop fighting and resume negotiations without delay or preconditions. It also said that the negotiations needed to be “aimed at achieving a solution accommodating the rights and interests of all Afghans”. In December that year, the Secretary-General wrote to the Council about the possibility to establish within UNSM a mechanism to prevent gross human rights violations in Afghanistan and requested that the Council authorise the deployment of 12 civilian

monitors “whose primary objective would be to monitor the situation and, through their presence, seek to ...deter massive and systematic violations of human rights”. The Council responded with resolution 1214 authorising the deployment of the requested unit following an assessment mission that in turn would be deployed “as soon as security conditions permit”. The security situation, however, steadily deteriorated, accompanied by rampant human rights violations committed by all parties. UNSM’s civil affairs unit was only deployed in 2000, and its presence on the ground was short-lived because the Taliban demanded UNSM’s closure in May 2001.

Throughout this period until the 11 September 2001 Al-Qaida terrorist attacks in the US, the Secretary-General regularly reported on the precarious human rights situation, using the findings of the CHR special rapporteur and investigations by the teams sent by the Office of the High Commissioner for Human Rights. The Council mentioned its concerns about human rights violations, “particularly discrimination against women and girls” in the first two of its three resolutions adopted during this period—resolutions 1267 of 1999, 1333 of 2000 and 1363 of 2001—which imposed and refined sanctions against the Taliban in Afghanistan.

The 11 September 2001 events dramatically changed the situation in and dynamics surrounding Afghanistan. For the first several weeks following the start of the US military operation in Afghanistan on 7 October 2001, the Security Council held back from any pronouncements, leaving the military side to the US and the facilitating of a political process to the Secretary-General. On 14 November, in resolution 1378, the Council expressed its support for the efforts aimed at the establishment of a transitional administration in Afghanistan. It stressed that this administration as well as any eventual government “should respect the human rights of all Afghan people, regardless of gender, ethnicity or religion”, calling on all Afghan forces to adhere strictly to their obligations under human rights and humanitarian law. The day after the signing of an agreement in Bonn by

various Afghan parties, under UN auspices, the Council adopted on 6 December resolution 1383, in which it endorsed the agreement, called on all Afghan groups to implement it and declared its willingness to take further action to support the interim institutions and “in due course” the implementation of the agreement and its annexes.

In March 2002, the Council decided to establish, through resolution 1401, an integrated peace operation, UNAMA, to support the implementation of the Bonn agreement. The mission was to contain a human rights unit with an unusually strong mandate stemming directly from the Bonn agreement. Point 6 of Annex II to the Bonn Agreement, addressing the role of the UN during the interim period, read: “The United Nations shall have the right to investigate human rights violations and, where necessary, recommend corrective action. It will also be responsible for the development and implementation of a programme of human rights education to promote respect for and understanding of human rights.” Resolution 1401 furthermore hinted at a degree of conditionality in the provision of international assistance, saying that “recovery and reconstruction assistance ought to be provided... where local authorities contribute to the maintenance of a secure environment and demonstrate respect for human rights.”

These provisions remained essentially unchanged for two years and then were revised, when, following the January 2004 adoption of the Afghan constitution, the human rights unit was primarily charged with assisting the Afghan Independent Human Rights Commission. The implicit conditionality of aid envisaged in resolution 1401 never really took root, and individuals responsible for severe human rights violations went on to play significant political roles.

The situation on the ground was very complex. While the capital city of Kabul was relatively stable, fighting in several parts of Afghanistan continued and the US military Operation Enduring Freedom (OEF) was ongoing. In late 2001, the Council had authorised in resolution 1386 the establishment of a multinational International

UN DOCUMENTS ON AFGHANISTAN (CONTINUED) **Secretary-General’s Reports** S/2007/555 (21 September 2007) was on the situation in Afghanistan and its implications for international peace and security. S/2007/152 (15 March 2007) was on the situation in Afghanistan and its implications for international peace and security since 11 September 2006. **Security Council Letters** S/2010/353 (21 June 2010) transmitted the quarterly report on the operations of the International Security Assistance Force in Afghanistan covering the period from 1 November 2009 to 31 January 2010. S/2010/35 (19 January 2010) transmitted the quarterly report on the operations of the International Security Assistance Force in Afghanistan, covering the period from 1 August to 31 October 2009. S/1998/1139 (23 November 1998) was from the Secretary-General informing the president of the Council about the authorisation of deployment of 12 civilian monitors to Afghanistan. **Other** S/2006/935 (4 December 2006) was the report of the Council visiting mission to Afghanistan. **USEFUL ADDITIONAL RESOURCE** UNAMA Reports on the Protection of Civilians (2007-Present) <https://unama.unmissions.org/protection-of-civilians-reports>

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Security Assistance Force (ISAF) under the terms of the Bonn agreement to assist the interim authorities “in the maintenance of security in Kabul and its surrounding areas”. Nearly two years later, with the US-led OEF continuing, the Council authorised ISAF, by then under NATO command, to support the Afghan Transitional Authority and its successors in the maintenance of security in areas of Afghanistan beyond Kabul and its environs (resolution 1510 of 13 October 2003). The transition period of the international involvement outlined in the Bonn agreement was to conclude with the establishment of the Afghan parliament in late 2005. But by then, the 20,000-strong OEF and more than 9,000 NATO troops had not been able to create conditions of stability under which the Afghan central government could proceed unassisted. On the contrary, in late 2005 and early 2006, the Taliban and Al-Qaida fighting with the OEF was on the rise. Both NATO and the OEF increased their troop numbers.

On the political side, international actors and the new Afghan authorities entered into a new agreement, the Afghanistan Compact, a five-year plan adopted in London in February 2006. UNAMA’s mandate was renewed in March and again a year later. The situation had deteriorated further, and the number of foreign troops in Afghanistan (with OEF fighting insurgents and ISAF striving to ensure security in areas nominally controlled by the government) kept climbing. With international military operations intensifying, an increasingly alarming problem became the mounting civilian casualties, inflicted not only by the rebel forces but by the international troops, as well as a growing number of suicide bombers, previously unseen in Afghanistan.

The human rights unit of UNAMA continued to work on a range of issues, including forensic work to help locate massacre sites from the preceding period and to investigate ongoing human rights violations. The Secretary-General reported on these activities in his quarterly reports.

With the continuing growth in fighting and the resulting civilian deaths, UNAMA’s human rights unit started investigating incidents with high civilian casualties. Following ISAF Operation Medusa in Zhari and Panjwai districts in Kandahar in September 2006, during which ISAF was alleged to have killed 23 civilians, UNAMA interviewed witnesses and issued a public report in December that year, with a call on all parties to uphold

international humanitarian and human rights law and to ensure the protection of civilian life.

From 11 to 16 November 2006, the Security Council undertook a visit to Afghanistan (led by Japan) during which the problem of growing numbers of civilian casualties loomed large (for details about this and all other Security Council travelling missions please refer to http://www.securitycouncilreport.org/un-security-council-working-methods/atf/cf/%7B65BF9B6D27-4E9C-8CD3-CF6E4FF96FF9%7D/working_methods_security_council_visiting_mission.pdf). In the report from the mission (S/2006/935), its members urged “the Government and international community to sharpen their focus on human rights and protection of civilians, including through increased monitoring of adherence to international humanitarian and human rights law”. When the Council renewed UNAMA’s mandate in March 2007 through resolution 1746, however, it stopped short of explicitly mandating UNAMA to verify civilian casualties. This was a sensitive issue, as both OEF and ISAF operations had resulted in particularly high numbers of civilian casualties and the international forces were reluctant to have the numbers publicly released. Nevertheless, UNAMA, as part of its broader mandate, undertook the task of verifying civilian casualties. (By that time, the UN had already been playing this role in Iraq, publishing information about casualties from both insurgent and international coalition operations.)

At the time, while the Taliban and Al-Qaida were responsible for most civilian casualties, the number of civilian casualties inflicted by international forces was only slightly lower and was creating an increasingly hostile environment for all international actors in Afghanistan.

Only gradually, and following the publication of detailed documentation by UNAMA, did international forces begin to acknowledge the problem and eventually take steps to minimise the harm inflicted on the population. In his 15 March 2007 report to the Council (S/2007/152), the Secretary-General noted that “ISAF publicly stated that civilian casualties were its single biggest failure in 2006 and measures would be taken to reduce them”. In his 21 September 2007 report, he said that “extensive advocacy regarding the importance of independent verification efforts of incidents involving civilian casualties has resulted in increased support for independent reporting”. He also pointed to the impact this documenting activity was beginning to have on the international forces: “The leadership of international military forces

has reacted ... by announcing measures that will be taken to reduce the possibility of civilian casualties, and by conducting after-action reviews in cooperation with the Government of Afghanistan in cases where civilian casualties may have occurred”.

From mid-2008, UNAMA began to publish regular reports on civilian casualties, soon to be issued every six months in English, Dari and Pashto. The reports, published to this day, include the details, names, ages, dates of the incident and the attribution of responsibility for each victim. Based on the information collected on the ground and published by UNAMA, the quarterly reports of the Secretary-General to the Council from 2009 on have contained detailed comparative numbers of civilian casualties.

A closer look at UNAMA annual reports on civilian casualties for 2007 through 2014 shows a significant change in the patterns of responsibilities for the death toll inflicted on the population. Fighting in various parts of Afghanistan and the use of improvised explosive devices intensified during that period. According to UNAMA’s reporting, the number of civilians killed went up from 1,523 during 2007 to 3,699 during 2014. In 2007, killings attributed to anti-government elements (AGE) accounted for 46 percent of civilian deaths, whereas killings attributed to pro-government forces (comprising Afghan military, OEF and ISAF) was 41 percent. For the next several years, until 2012, the proportion of civilian killings by the combination of international and government forces decreased dramatically, with AGE-attributed fatalities accounting for 81 percent and those attributed to pro-government forces accounting for 8 percent. The absolute numbers of casualties, however, rose steadily from 2007 to 2011 (1,523 and 3,021, respectively); declined in 2012 to 2,754 and then started climbing again to 2,959 in 2013 and 3,699 in 2014 (the last full year for which the figures are available).

In the last two years for which full reporting by UNAMA human rights unit is available, 2013 and 2014, that trend slightly reversed, with 74 percent attributed to AGE and 11 percent to pro-government forces in 2013, and 72 and 14 percent, respectively, in 2014. ISAF, whose troops stood at around 40,000 in 2007 and at a high of 130,000 in 2011, began decreasing its numbers from 2012 on and ended its operation on 31 December 2014. (In September 2014, Afghanistan signed security agreements with the US and NATO, under

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which 9,800 US troops and at least 2,000 NATO soldiers remained in the country to train and advise Afghan security forces and conduct counter-insurgency operations. On 12 December 2014, the Council adopted resolution 2189 to welcome “the agreement between NATO and Afghanistan to establish the post-2014 non-combat Resolute Support Mission, which will train, advise and assist the Afghan National Defence and Security Forces”. The Resolute Support Mission consists of approximately 12,000 troops, primarily from the US.)

In addition to receiving the quarterly reports on UNAMA and annually renewing its mandate, from 2001 until 2014 the Council adopted, usually annually, a resolution authorising ISAF. Initially, the only reference to human rights concerned Afghan forces, which in resolution 1386 of 20 December 2001 were urged in one of the preambular paragraphs to adhere strictly to their obligations under human rights law, “including respect for the rights of women”. The next time the Council mentioned human rights in a resolution renewing the mandate of ISAF was in September 2007. In resolution 1776, the Council also expressed concern about civilian casualties and hinted for the first time that the international forces were inflicting some of them, by recognising “the robust efforts taken by ISAF and other international forces to minimize the risk of civilian casualties”. Similar language was included in resolutions reauthorising ISAF in 2008 and 2009. When reauthorising ISAF in 2010, the Council recognised “the importance of the ongoing monitoring and reporting to the United Nations Security Council, including by ISAF, of the situation of civilians and in particular civilian casualties”. It went on to urge “ISAF and other international forces to continue to undertake enhanced efforts to prevent civilian casualties including the increased focus on protecting the Afghan population as a central element of the mission”.

The example of the Council’s reacting to a particular aspect of human rights monitoring by a mission it had created shows the value of human rights reporting as a warning and preventive tool. Methodologically sound

reporting of the alarming civilian casualties inflicted by forces over which the Council had a degree of supervision led the Council both to formally acknowledge it as a problem and to urge changes in tactics and practices. And even before the Council began to include such calls in its resolutions, ISAF itself, by creating its Civilian Casualties Tracking Cell (later renamed the Civilian Casualties Mitigation Team), embarked on monitoring the civilian casualties it inflicted. Eventually, that led it to revise its tactics in order to minimise civilian casualties. In its report to the Council for the period August–October 2009, ISAF stated that “the Commander, with the endorsement of the North Atlantic Council, has refocused his campaign priorities on protecting the Afghan people” (S/2010/35), and in another report, covering the period from 1 November 2009 to 31 January 2010, it said that “ISAF continues efforts to improve communication and enhance transparency and accountability and the Commander ISAF continues to stress the importance of preventing civilian casualties and damage to infrastructure and property”.

The US had planned to reduce its force levels from the current 9,800 troops to a residual force of 1,000 troops by the end of 2016. However, on 15 October 2015, in the midst of the ongoing deterioration of the security situation in Afghanistan, US President Obama announced that the US would maintain a presence of 9,800 troops through most of 2016 to train Afghan forces and to conduct counter-terrorism operation, and that by the end of 2016 approximately 5,500 US troops would remain in the country.

The consistent human rights investigations and reporting by UNAMA has almost certainly resulted in a reduction in the casualties inflicted by international forces. It has also enhanced the credibility of the UN operation as a whole with the Afghan people, creating a less hostile environment for the mission’s work. The regular publication of UNAMA human rights reports critical of all actors present on the ground (the government, the armed opposition and the international forces) has also given UNAMA a reputation for being

even-handed and an opportunity to engage with a range of actors, including the Taliban. The latter has been particularly responsive to the regular reports by UNAMA on the treatment of conflict-related detainees in Afghan custody, given that these largely concerned captured Taliban fighters. But because of the perceived fairness of UNAMA’s human rights reporting, the Taliban has also occasionally engaged on other human rights problems, such as the treatment of women and children in Taliban-controlled areas. On the issue of civilian casualties, the Taliban leaders challenged the findings but were willing to engage in discussing the methodology. Some made public calls to their fighters about the need to minimise the hardships inflicted on civilians.

South Sudan

South Sudan is the UN’s youngest member. Its becoming a state, which culminated with a declaration of independence in July 2011, happened under a close and sustained UN watch, and was seen as an end of a decades-long bloody civil war between the northern and southern regions of Sudan. A January 2005 comprehensive peace agreement between the government and the Sudan People’s Liberation Movement/Army ended most of the hostilities and stipulated that self-determination for the people of southern Sudan would be determined through an internationally supervised referendum to be held six years later.

Throughout 2010, as the referendum neared, there were serious concerns about whether it would be held as planned and without violence. The Security Council focused its attention on the process and engaged with it. In addition to receiving regular briefings, in October 2010 it undertook a mission to Juba and Khartoum, the main focus of which was the upcoming plebiscite. In November, during its presidency, the UK organised a ministerial-level debate focused on the referendum. For the next several weeks, leading up to the plebiscite, members followed the developments on the ground with considerable apprehension. The conduct of the referendum (held from 9 to 15 January 2011)

UN DOCUMENTS ON SOUTH SUDAN Security Council Resolutions S/RES/2241 (9 October 2015) adjusted the mandate of UNMISS to support implementation of the “Agreement on the Resolution of the Conflict in the Republic of South Sudan”. S/RES/2223 (28 May 2015) renewed the mandate of UNMISS for six months. S/RES/2187 (25 November 2014) renewed the mandate of UNMISS for an additional six months. S/RES/2155 (27 May 2014) revised the mandate of UNMISS to focus on protection of civilians, facilitation of humanitarian access and human rights verification and monitoring. S/RES/2132 (24 December 2013) increased the military and police capacity of UNMISS. S/RES/2109 (11 July 2013) extended the mandate of UNMISS until 15 July 2014 and expressed concern about the October 2012 expulsion of an UNMISS human rights officer from South Sudan. S/RES/1999 (13 July 2011) recommended that South Sudan be admitted as a member of the UN. S/RES/1996 (8 July 2011) established UNMISS. Security Council Press Statement SC/11221 (17 December 2013) commended UNMISS on providing shelter and protection to the affected population of South Sudan. Security Council Letters S/2015/654 (19 August 2015) from the US to the president of the Security Council containing the text of the “Agreement on the Resolution of the Conflict in the Republic of South Sudan”. S/2011/418 (9 JULY 2011) was from the president of South Sudan, Salva Kiir, to the Secretary-General containing an application for South Sudan’s UN membership. .

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was generally peaceful and the outcome was an overwhelming vote for independence, with the date for the new nation to come into being set for 9 July 2011. The Council visited Juba again in May, where it met with key political figures, including incoming President Salva Kiir and Vice President Riek Machar.

On 13 July, the Council adopted a resolution recommending South Sudan's admission as a member of the UN. In his application letter to the Secretary-General transmitted two days earlier, South Sudan President Kiir stressed that his country would "support fully the United Nations and the enhancement of its role in promoting international peace, security and justice as enshrined in the principles and purposes of the Charter". In a ministerial-level debate held by the Council on 13 July, South Sudan's Vice President Machar referred to the letter and elaborated further, saying "the Republic of South Sudan will be a responsible member of the international community and will respect its obligations under international law. We are working to accede as quickly as possible to all relevant international conventions and treaties, not the least of which to those related to human rights". He thanked different member states which had contributed to the long process of his country becoming independent. He specifically recognised Germany, then an elected member of the Council and the chair of the Security Council Working Group on Children and Armed Conflict, stressing his appreciation for "in particular its advocacy with regard to the demobilization of child soldiers, which we also fully support". Most speakers during the debate conveyed a general sense of joy, optimism and high expectations.

The Council established a peace operation, the UN Mission in the Republic of South Sudan (UNMISS), through resolution 1996 adopted on 8 July, the eve of the country's independence. The mission had a strong human rights mandate: it was tasked to monitor, investigate, verify and report regularly on human rights and potential threats against the civilian population as well as actual and

potential violations of international humanitarian and human rights law. Resolution 1996 also stressed the importance of "a mission-wide early warning capacity".

The Council settled into a schedule of regular reports by the Secretary-General and briefings by the head of UNMISS, Hilde Johnson. In 2012 almost all briefings on South Sudan were held in consultations. In early 2013 the Council reverted to public briefings followed by consultations. This pattern continued until civil war erupted in South Sudan in December 2013, at which point the frequency of the Council's discussion of South Sudan intensified.

From the first Secretary-General's report on UNMISS on, the Council was receiving a picture of numerous and huge challenges on the ground with respect to the functioning of the new state and the UN mission itself. But there were also numerous security incidents between Sudan and South Sudan, and during the immediate post-independence period most of the Council's attention and energy went into trying to prevent a renewal of conflict between the two Sudans. This may in part explain why the implosion of South Sudan in mid-December 2013 took the Council largely by surprise.

In hindsight, there were early signs of the new state's problematic beginnings, many of which had human rights at their core. But they were largely missed by the Council, as it focused its attention on preventing the North-South conflict from fully reigniting.

In his 2 November 2011 report, the Secretary-General described numerous instances of intercommunal violence and raised concerns about the role played in this context by the new state's security apparatus. The same report also briefly mentioned an incident that took place in the second month of the young country's life. This incident was in fact considerably more serious than the report conveyed, and was the beginning of a pattern of hostility of the South Sudan's government towards UNMISS human rights monitoring activities. According to the report, "in August, UNMISS registered four incidents of South

Sudan Police Service violations against UN staff members, involving wrongful arrest, mistreatment and detention, including the assault and arbitrary detention of the UNMISS Chief Human Rights Officer on 20 August by the Service in Juba. A Government inquiry into the latter incident led to an official apology." The report does not mention that the officer sustained a beating that required five days of hospitalisation. The oral briefing related to this period did not mention the incident and the Council made no public comments thereon.

Serious instances of governmental interference with the work of UNMISS human rights staff, including harassment, detention and intimidation, continued, with threats to declare another Chief Human Rights Officer persona non-grata. In October 2012, a human rights officer was expelled from the country and despite numerous appeals from the mission, the government refused to reverse its decision. The expulsion case was described in the Secretary-General's reports on UNMISS of 8 November 2012, 8 March 2013 and 20 June 2013. The Council was briefed on the incident by the head of UNMISS on 28 November 2012 and by the High Commissioner for Human Rights Navi Pillay on 12 February 2013, during an open debate on the protection of civilians in armed conflict. Pillay cautioned that "the recent expulsion of a human rights officer by the South Sudanese Government, without any valid justification, sets a dangerous precedent that does not facilitate the mission's efforts to protect civilians." The Council reacted to the October 2012 expulsion on 11 July 2013 when in resolution 2109 it expressed "deep concern at the actions undertaken by the Government to expel one of UNMISS's human rights staff," and urged "the Government to reverse this decision".

There were also several deeply alarming internal political developments that could have signalled to the Council a possibility of the country's breakdown. In addition to several armed groups being active in South Sudan's territory, there were very deep splits within the government's top echelons.

UN DOCUMENTS ON SOUTH SUDAN (CONTINUED) [Security Council Meeting Records S/PV.7091](#) (24 December 2013) resolution 2132 was adopted and Secretary-General Ban Ki-moon briefed on the situation in South Sudan. [S/PV.7062](#) (18 November 2013) was a briefing on UNMISS by Special Representative of the Secretary-General and head of UNMISS Hilde Johnson. [S/PV.6917](#) (12 February 2013) was an open debate on the protection of civilians in armed conflict during which High Commissioner for Human Rights Navi Pillay spoke of the October 2012 expulsion of the UNMISS human rights officer. [S/PV.6874](#) (28 November 2012) was the briefing in which, among other things, the Council was told of the October 2012 expulsion of the UNMISS human rights officer. [S/PV.6583](#) (13 July 2011) was a high-level debate on South Sudan on the occasion of its independence. [Secretary-General's Reports S/2013/651](#) (8 November 2013) was the Secretary-General's last report on UNMISS before the breakout of violence in December 2013. [S/2013/366](#) (20 June 2013) was the Secretary-General's periodic report on UNMISS containing information about the October 2012 expulsion from the country of an UNMISS human rights officer. [S/2013/140](#) (8 March 2013) was the periodic report on UNMISS containing information about the October 2012 expulsion from the country of an UNMISS human rights officer. [S/2012/820](#) (8 November 2012) was the periodic report on UNMISS containing information about the October 2012 expulsion from the country of an UNMISS human rights officer. [S/2011/678](#) (2 November 2011) was the first report on UNMISS, containing a reference to the August 2011 assault on and arbitrary detention of UNMISS' Chief Human Rights Officer

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Things came to a head when on 23 July 2013 President Kiir dismissed his cabinet, including Vice President Machar, and removed 17 brigadiers from active duty in the country's armed forces. He also arrested several political and armed opposition leaders. This was followed by a major reshuffling of key leadership (when a new cabinet was formed in August, only five members from the former government were retained), while those arrested were amnestied. A detailed description of this series of events is included in the Secretary-General's 8 November 2013 report, though "cautious optimism" is expressed in the report's final observations. Briefing the Council on 18 November, Johnson stated that "the world's youngest nation is still travelling a bumpy road but there are also positive indications that the country can turn the corner". And referring to the events of July and August, she said: "despite initial concerns over the risk of instability following President Kiir's decision to dismiss his Cabinet and restructure the Government on 23 July, a smooth transition took place within both the executive and the legislative branches of Government following these changes. Members of the new Cabinet, with more technocratic ministers in key positions, have shown commitment to reform and are determined to improve performance and service delivery". She did, however, signal the mission's concerns regarding possible increase in attacks by armed opposition groups in the upcoming dry season which would increase the mobility of the insurgents as well as the South Sudan army's. She said "With that in mind, UNMISS has developed a series of contingency plans to address the emerging security threats and protection of civilians needs, especially in the high-risk state of Jonglei, the tri-state areas of Lakes, Unity and Warrap and Upper Nile state. The contingency plans provide for graduated responses to foster a safe and secure environment across the affected areas".

That contingency planning would be tested less than a month later, when fighting erupted on 15 December. Heavy fighting initially broke out in Juba among members of the army, and continued intermittently in the ensuing days in Juba and in various parts of the South Sudan territory. The fighting within the army appeared to be along Nuer-Dinka ethnic lines (Kiir is a Dinka; Machar is a Nuer). Almost immediately, there were reports of attacks on and killings of civilians,

targeted along tribal lines, and the appearance of various mass graves was recorded. Civilians started to flee and thousands sought protection at UN bases. When the Secretary-General briefed the Council on 24 December, he reported that 45,000 civilians were living in different UNMISS bases. "I am determined to ensure that UNMISS has the means to carry out its central task of protecting civilians", he told the Council.

Within a month, according to OCHA estimates, the violence had displaced roughly 468,000 people, while about 83,900 had sought refuge in neighbouring countries, including Uganda, Ethiopia, Sudan and Kenya. UNMISS bases became home to thousands of civilians fleeing for their lives. Both the government and the rebel armed forces recruited child soldiers (with UNICEF estimating their number to stand at 9,000 by May). In this context the July 2011 words of their respective leaders, Salva Kiir and Riek Machar, repudiating child recruitment, rang particularly hollow. Civilians fleeing areas with targeted killings against specific communities arrived at UNMISS compounds in Juba, Bor, Akobo, Bentiu, Malakal and Melut, and eventually also Wau.

Once the events unravelled on the ground in December 2013, the Council largely took its cue from the Secretariat. Two days into the conflict, while violence was spreading in a vicious cycle of inter-ethnic retaliatory attacks, members issued a press statement on 17 December commending UNMISS for providing "shelter, protection and humanitarian assistance to the affected people". In a preambular paragraph of resolution 2132, adopted on 24 December, the Council commended "the active steps taken by UNMISS to implement its mandate and give refuge in premises and other forms of assistance to the civilians caught in the fighting". It praised the mission's bold decision to open its gates to civilians seeking protection and followed the Secretary-General's recommendations with respect to UNMISS mandate adjustments, including adding explicitly to the UNMISS mandate a task it had been performing since December 2013, "to maintain public safety and security within and of UNMISS protection of civilians sites" when it renewed the mandate on 27 May 2014 through resolution 2155. It also called "upon the Government of South Sudan to ensure freedom of movement for IDPs, including those leaving and entering protection of civilians sites, and to

continue to support UNMISS by the allocation of land for protection of civilian sites". Similar language was repeated in subsequent UNMISS mandate renewals in 2014 and 2015. Resolution 2223 furthermore stressed "the sanctity of United Nations protection sites"; it underscored "that individuals or entities that are responsible or complicit in, or have engaged in, directly or indirectly, attacks against United Nations missions, international security presences, or other peacekeeping operations, or humanitarian personnel, threaten the peace, security and stability of South Sudan" and may be targeted by the sanctions the Council imposed under resolution 2206. When it adjusted the UNMISS mandate in October 2015 through resolution 2241, in order for UNMISS to support the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" signed in August by Kiir, Machar and other top opposition leaders, it restated the language regarding protection of civilians sites, including the reference to the possibility of the imposition of individually targeted sanctions in this context.

By opening their gates to civilians, UNMISS did what has not been done by the UN since 1999 when the mission in East Timor took into its compound in Dili the horrified civilians fleeing rampant violence. The scale and duration of the protective functions of UNMISS have been absolutely unprecedented and have posed entirely new challenges both for the mission and the UN as a whole. The "protection of civilians sites" have now been operating for over two years. They have undoubtedly saved thousands of lives, though the living conditions in many of the sites are extremely poor. The challenges included screening new arrivals for the presence of arms, ensuring safety inside, feeding, dealing with illnesses and other medical problems and addressing the logistical and legal aspects of numerous babies being born in UN bases, as well as facing accusations from the two sides that the UN was favouring the other side's civilians. The complexity and the scale of demands have put a huge strain on the mission and on the UN organisation more broadly.

The UN has done its utmost to save lives and protect human rights once the catastrophe started. But questions have been raised whether the crisis could have been anticipated or perhaps even avoided. If human rights violations are indeed the first warning

Case Studies (con't)

signs of a brewing crisis, South Sudan probably warranted a different approach and a more robust and focused effort aimed at conflict prevention.

At the same time, the example of South Sudan shows once again that the Council—even if it is not in the lead on developing a response—is pragmatic and capable of accepting new, sometimes never tested tools at very short notice. But it also shows the Council's inadequacy in terms of preventing or minimising the violence, suffering and destruction in a country it had so enthusiastically welcomed into the international community only a few years earlier.

It will probably be fair to say that the Council did not fully appreciate the warning

signs of the serious human rights violations early on in the life of the new country. And in particular, it did not fully appreciate that an especially strong hostility towards the mission's human rights staff signalled serious problems within the state apparatus. The Council's stronger response to the instances of attacks on the human rights staff of its own operation could have perhaps sent an important signal to the government and played a role in preventing the deterioration of the overall situation.

The Council was slow in undertaking a mission to the war-torn youngest UN member, visiting South Sudan in August 2014, after the visits by UN top officials, including the Secretary-General, the High

Commissioner for Human Rights and the Special Adviser on the Prevention of Genocide. During its mission, the Council delegation conveyed strong messages to the two key decision makers, President Kiir and former Vice President Machar, urging them to settle the conflict politically. The agreement was signed more than a year later, in August 2015.

At the time of writing, nearly 180,000 civilians remain in the six UNMISS protection of civilians facilities and many more have circulated in and out during the past two years. The implementation of the August 2015 agreement has continued to falter and peace and prosperity have remained an unrealised goal for South Sudan.

Council Dynamics

Among the permanent members, China and Russia have historically been more reluctant than their Western counterparts to include human rights concerns in the Council's outlook. In any given context, they would be supported by some of the elected members of the Council. A number of resolutions with strong human rights language were jointly vetoed by China and Russia in the past several years. These included the January 2007 draft resolution on Myanmar (S/2007/14), with Congo, Indonesia and Qatar abstaining; and the July 2008 draft resolution on Zimbabwe (S/2008/447), with Libya, South Africa and Viet Nam also voting against and Indonesia abstaining. Four draft resolutions on Syria that received the double veto—in October 2011 (S/2011/612), with Brazil, India, Lebanon and South Africa abstaining; in February 2012; in July 2012 (S/2012/538/Rev.2), with Pakistan and South Africa abstaining; and in May 2014 (S/2014/348)—had substantive human rights language. Russia alone vetoed the March 2014 draft resolution on Ukraine (S/2014/189), with China abstaining, and the July 2015 draft resolution commemorating the 1995 genocide in Bosnia and Herzegovina (S/2015/508), with Angola, China, Nigeria and Venezuela abstaining.

But even with their historic disinclination

to incorporate human rights into the Council's discourse, Russia and China have accepted their relevance in numerous Council decisions, and each has actively sought a briefing by the High Commissioner for Human Rights on at least one occasion: China, in May 2012, issued an official invitation for the High Commissioner to brief during an open debate on protection of civilians in armed conflict during its presidency; and Russia successfully argued for the need to receive a briefing in consultations on Libya in July 2012.

Securing the Council consensus to address human rights—in particular in the early post-Cold-War period—usually required a degree of activism. At different points, Council members committed to advancing the Council's attention to human rights made a specific situation their cause and worked proactively and strategically to pave the way to achieving the assent of their more reluctant colleagues. Elected members played a particularly important role in that process, by taking the lead to ensure that the overall Council approach to conflicts where human rights violations were widespread would address this aspect of the conflict. This dynamic could perhaps be explained by the fact that elected members, because of the short duration of their Council terms, have had a greater sense

of urgency and a strong motivation to see immediate impact. Human rights issues, in turn, are most effectively addressed early on, and if an intervention is successful, the impact is felt and seen immediately.

In the last few years, overall, the Council seems to be more prepared than was the case in the past to receive human rights information, but less prepared to take action such as making an emergency visit to the site of conflict, promptly dispatching human rights monitors to the field or having consistent and ongoing attention to accountability for human rights abuses. There are probably several factors contributing to this change in the dynamics. One of them may be that with the emergence of the penholder system, members other than the penholders are disinclined to make human rights in a particular conflict their cause, deferring to the lead country and its overall approach. Another factor contributing to the somewhat diminished pro-activity and a lesser sense of urgency may, ironically, be the general acceptance of the relevance of human rights to peace and security issues and the resulting perception of human rights becoming part of the Council routine and not an area in need of a champion amongst Council members.

Conclusions and a Look Ahead

The Council has undoubtedly come a long way in its evolution of the manner in which it treats human rights. After seeing human rights almost as a taboo for a number of decades, the Council now considers human rights as a part of the reality with which it needs to deal in its effort to maintain international peace and security.

The story of the evolution of the Council's approach to human rights also illustrates several of the most interesting features of the Security Council: its adaptability, pragmatism and creativity. Not all these features are seen at every point, and not every member displays them at any given moment, but it is safe to say that collectively, the Security Council is probably the most pragmatic and adaptable international body.

The Council's treatment of human rights provides one of the examples of its ability to accept the changing nature of the very phenomenon with which it works, i.e. conflict; and thus to modify one of its seemingly most inviolable tenets, i.e. that human rights fall strictly within states' sovereignty, and to invent or adapt its tools to better fit the changing nature of international peace and security.

Yet, looking at the various conflict situations, the Council's approach to them and the impact of this approach specifically on the human rights of the people living in the different countries, some more critical thoughts also come to mind.

A close examination of Council decisions and action with regard to human rights

suggests that its resort to the different tools and its follow-up have been uneven, and that a large proportion of human rights-related language in Council's resolutions is declaratory or hortative, rather than operative.

From looking at the different cases, it seems that meaningful human rights results on the ground in conflict situations are achieved when there is burden sharing both within the Council and among the different parts of the UN, maximising all resources. Follow-up and a close focus, sometimes for years at a time, are needed to produce lasting human rights improvements. Such long-term commitment is sometimes hard to maintain, especially when multiple crises compete for the Council's attention, and a sense of fatigue sets in when the conflict continues despite all the measures deployed.

It is also useful to appreciate that human rights improvements are never just one actor's success and that the different actors can reinforce each other's value added. In this context, what may often be useful is advocacy, not only from civil society alone, but also from concerned member states and across the different UN bodies. Internal advocacy within the different parts of the UN, aimed at achieving synergies, maximising the available resources and impact also appears to be a potentially useful tool.

Flexibility and creativity is key to finding ways to address human rights challenges and the Security Council with its almost limitless adaptability can in this context probably be

seen as a model by other bodies.

One final conclusion is that there is probably quite a high degree of unrealised potential within the Security Council for having a significant impact on human rights conditions in specific situations around the world. With the recent launch of the Human Rights up Front action plan and the overall culture of the UN changing toward prioritising human rights, promising opportunities might lie ahead.

At press time, of particular importance is the start in the Council of discussions of the recommendations submitted by the High-level Independent Panel on Peace Operations. The Panel placed human rights squarely at the core of UN peace and security action and made several recommendations highly relevant to Council's potential effectiveness in preventing or mitigating conflict-related human rights crises. In particular, it stressed the need for Council's focus on and engagement in emerging conflicts rather than operating in a reactive mode. It also emphasised the need for the Council to receive frank and timely information and assessments from the UN system, including specifically on human rights issues. During the Council's first discussion of the report held on 20 November 2015 several members spoke about those aspects of the Panel's report and about the Secretary-General's Human Rights up Front initiative. Those discussions will continue in the course of 2016 and human rights are likely to feature prominently in them.

UN Documents

Security Council Resolutions

[S/RES/2217](#) (28 April 2015) renewed MINUSCA's mandate at current authorised troop levels until 30 April 2016 and mandated MINUSCA to support, as part of its human rights mandate, the implementation of the relevant recommendations of the Commission of Inquiry.

[S/RES/2206](#) (3 March 2015) a sanctions regime for South Sudan.

[S/RES/2171](#) (21 August 2014) requested the Secretary-General to submit a report to the Council on actions taken to "promote and strengthen conflict prevention tools within the United Nations system" by 31 August 2015.

[S/RES/2140](#) (26 February 2014) expressed the

Council's strong support for the next steps of the political transition and established sanctions against those threatening the peace, security or stability of Yemen.

[S/RES/2134](#) (28 January 2014) renewed BINUCA's mandate, authorised an EU force to CAR and targeted sanctions.

[S/RES/2127](#) (5 December 2013) asked the Secretary-General to establish an international commission of inquiry in order to investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in CAR.

[S/RES/2002](#) (29 July 2011) extended the mandate of the Monitoring Group on Somalia and Eritrea for 12 months and expanded the criteria for targeted sanctions to include recruitment and use of children in armed conflict and targeting of civilians.

[S/RES/2000](#) (27 July 2011) renewed the mandate of UNOCI for 12 months.

[S/RES/1975](#) (30 March 2011) imposed sanctions on Laurent Gbagbo and his circle.

[S/RES/1970](#) (26 February 2011) referred the situation in Libya to the ICC, imposed an arms embargo and targeted sanctions (assets freeze and travel ban) and established a sanctions committee.

[S/RES/1888](#) (30 September 2009) strengthened efforts to end sexual violence against women and children in armed conflict and also established a post of the special representative of the Secretary-General on the issue.

[S/RES/1820](#) (19 June 2008) addressed sexual violence in conflict and post-conflict situations and

UN Documents (con't)

asked the Secretary-General for a report with information on the systematic use of sexual violence in conflict areas and proposals for strategies to minimise the prevalence of such acts with benchmarks for measuring progress.

[S/RES/1807](#) (31 March 2008) extended the sanctions regime on the DRC until 31 December 2008.

[S/RES/1698](#) (31 July 2006) extended sanctions to individuals recruiting or targeting children in situations of armed conflict, expressed the intention to consider measures over natural resources, and renewed the sanctions regime and the mandate of the Group of Experts until 31 July 2007.

[S/RES/1690](#) (20 June 2006) extended the UN Office in Timor-Leste (UNOTIL) until 20 August and requested a report with recommendations for a future UN presence by 7 August.

[S/RES/1625](#) (14 September 2005) was a declaration on the effectiveness of the Security Council's role in conflict prevention, reaffirming the need to adopt a broad strategy to conflict prevention, which addresses the root causes of armed conflict in a comprehensive manner, including by promoting sustainable development.

[S/RES/1612](#) (26 July 2005) set up the Council's Working Group on Children and Armed Conflict and highlighted the link between illicit trafficking in small arms and the use of child soldiers.

[S/RES/1593](#) (31 March 2005) referred the situation in Darfur to the International Criminal Court.

[S/RES/1591](#) (29 March 2005) created a committee and panel of experts and additional individually targeting measures.

[S/RES/1572](#) (15 November 2004) established an arms embargo and called for sanctions against individuals found to be obstructing the peace process, violating human rights, publicly inciting hatred and violence and violating the embargo.

[S/RES/1564](#) (18 September 2004) established the International Commission of Inquiry to investigate reports of violations of international humanitarian law and human rights law in Darfur.

[S/RES/1556](#) (30 July 2004) endorsed plans for AU protection force for Darfur and expressed full support for the AU-led ceasefire commission and monitoring mission in Darfur, requested the Secretary-General to assist the AU with planning and assessments for its mission in Darfur and requested monthly reports from the Secretary-General. The resolution also imposed an arms embargo on non-state actors in Darfur.

[S/RES/1410](#) (17 May 2002) established the UN Mission of Support in East Timor and stressed the importance of ensuring that those who committed serious crimes should be brought to justice.

[S/RES/1366](#) (30 August 2001) addressed the issue of DDR in UN peacekeeping and peacebuilding mandates and stated that preventing armed conflict was a major part of the Council's work.

[S/RES/1315](#) (14 August 2000) requested the Secretary-General to negotiate an agreement to create the Special Court for Sierra Leone.

[S/RES/1272](#) (25 October 1999) established UNTAET in East Timor.

[S/RES/1267](#) (15 October 1999) established the Al-Qaida and Taliban Committee and its sanctions mandate.

[S/RES/1012](#) (28 August 1995) established an international commission of inquiry into the 1993 coup attempt in Burundi and into the massacres that followed.

[S/RES/955](#) (8 November 1994) established the International Criminal Tribunal for Rwanda.

[S/RES/935](#) (1 July 1994) requested the Secretary-General to establish a commission of experts to obtain information regarding grave violations of international law in Rwanda.

[S/RES/925](#) (8 June 1994) extended the mandate of UNAMIR (Rwanda) for additional six months.

[S/RES/872](#) (5 October 1993) established UNAMIR in Rwanda.

[S/RES/841](#) (16 June 1993) imposed sanctions in connection with Haiti.

[S/RES/827](#) (25 May 1993) established the International Criminal Tribunal for the former Yugoslavia.

[S/RES/824](#) (6 May 1993) established safe areas in Bosnia and related UNPROFOR responsibilities.

[S/RES/780](#) (6 October 1992) asked the Secretary-General to appoint an international commission to provide recommendations on how to address the situation in the former Yugoslavia.

[S/RES/749](#) (7 April 1992) authorised full deployment of UNPROFOR.

[S/RES/745](#) (28 February 1992) established UNTA.

[S/RES/743](#) (21 February 1992) established UNPROFOR.

[S/RES/693](#) (20 May 1991) mandated the UN Observer Mission in El Salvador to monitor the human rights situation in El Salvador.

[S/RES/688](#) (5 April 1991) was on Iraq and stated that repression against civilian population within a state had consequences that could "threaten international peace and security in the region."

[S/RES/418](#) (4 November 1977) imposed a mandatory ban on all states from engaging in "any cooperation with South Africa in the manufacture and development of nuclear weapons".

[S/RES/294](#) (15 July 1971) regarded the compliant from Senegal about armed attacks perpetrated by Portugal along Senegal's border with Guinea-Bissau.

[S/RES/253](#) (29 May 1968) established the first Council sanctions committee to monitor the implementation of the sanctions measures in Southern Rhodesia.

[S/RES/203](#) (14 May 1965) was a resolution on the situation in the Dominican Republic.

[S/RES/191](#) (18 June 1964) related to the policies of apartheid by the Government of South Africa.

[S/RES/190](#) (9 June 1964) urged South Africa to cease prosecution of the opponents of apartheid policy.

[S/RES/182](#) (4 December 1963) called on South Africa to comply with resolution 181.

[S/RES/181](#) (7 August 1963) called on South Africa to abandon the policies of apartheid and discrimination.

[S/RES/161](#) (21 February 1961) was on the situation in the Congo following the killings of Congolese leaders Patrice Lumumba, Maurice Mpolo and Joseph Okito.

[S/RES/120](#) (4 November 1956) referred the situation in Hungary to the General Assembly.

Security Council Presidential Statements

[S/PRST/2004/17](#) (25 May 2004) asked the Secretary-General to establish an international commission of inquiry to investigate all human rights violations committed in Côte d'Ivoire since 19 September 2002 and determine responsibility.

[S/PRST/2002/42](#) (20 December 2002) welcomed the plan to deploy human rights investigative mission in Côte d'Ivoire.

[S/PRST/2002/2](#) (31 January 2002) made recommendations for achieving conflict prevention and resolution in Africa and noted that the Council would consider establishing a Working Group to monitor these recommendations.

[S/PRST/1994/60](#) (21 October 1994) was on the situation in Burundi.

[S/23500](#) (31 January 1992) was adopted following the first Security Council meeting on the level of heads of state on 31 January 1992.

Human Rights Reports Published as Documents of the Security Council

[S/2014/928](#) (19 December 2014) was the final report of the CAR Commission of Inquiry.

[S/2014/276](#) (14 April 2014) was a letter to the Council from Australia, France and the US transmitting the report of the commission of inquiry on human rights in the DPRK.

[S/2006/822](#) (17 October 2006) was a report of the Independent Special Commission of Inquiry for Timor-Leste.

[S/2005/60](#) (31 January 2005) was the report of the International Commission of Inquiry on Darfur to the Secretary-General.

[S/2004/384](#) (12 May 2004) was a report from a mission dispatched at the Secretary-General's request by the Office of the High Commissioner for Human Rights to investigate a wave of politically motivated killings and repression Côte d'Ivoire.

[S/2003/216](#) (24 February 2003) was a report of a fact-finding mission on the situation in Ituri (DRC) presented to the Council by the High Commissioner for Human Rights.

[S/2003/90](#) (24 January 2003) was a report on the human rights situation in Côte d'Ivoire from a December 2002 fact-finding mission by the Deputy High Commissioner for Human Rights.

[S/2002/764](#) (16 July 2002) was a report of the joint fact-finding mission on the situation in Kisangani (DRC) presented to the Council by the High Commissioner for Human Rights.

[S/2000/59](#) (31 January 2000) was the report of the CHR International Commission of Inquiry on East Timor.

UN Documents (con't)

[S/1999/389](#) (7 April 1999) was a report by the Special Rapporteur of the CHR on the situation in Iraq.

[S/1998/581](#) (29 June 1998) was a report of the Secretary-General's Investigative Team in the DRC.

[S/1996/931](#) (12 November 1996) was a periodic report on the situation of human rights in the former Yugoslavia submitted by the Special Rapporteur of the CHR on human rights situation in former Yugoslavia.

[S/1996/927](#) (12 November 1996) was a report by the Special Rapporteur of the CHR on the human rights situation in former Yugoslavia, covering human rights situation in Bosnia and Herzegovina following the elections as well as the situation of human rights in the former Yugoslavia.

[S/1996/903](#) (4 November 1996) was a report on the situation of human rights in the former Yugoslavia submitted by the Special Rapporteur of the CHR on human rights situation in former Yugoslavia.

[S/1996/902](#) (4 November 1996) was a report on human rights and forthcoming elections in Bosnia and Herzegovina submitted by the Special Rapporteur of the CHR on human rights situation in former Yugoslavia.

[S/1996/682](#) (22 August 1996) was a report of international commission of inquiry into the 1993 coup attempt in Burundi and into the massacres that followed established through Security Council resolution 1012 of 28 August 1995.

[S/1995/933](#) (7 November 1995) was the first report by Elisabeth Rehn who succeeded Mazowiecki as the Special Rapporteur of the CHR on human rights situation in former Yugoslavia.

[S/1995/801](#) (18 September 1995) was the last report by the Special Rapporteur of the CHR on the former Yugoslavia, Tadeusz Mazowiecki, submitted after his resignation in the aftermath of the Srebrenica and other July 1995 massacres and containing his analysis of the concept of safe areas.

[S/1995/597](#) (19 July 1995) was a report by the Special Rapporteur of the CHR on human rights situation in northern Bosnia and Herzegovina.

[S/1995/575](#) (14 July 1995) was a report by the Special Rapporteur of the CHR on the human rights situation in Bosnia and Herzegovina and Croatia following the increased hostilities in those territories.

[S/1995/80](#) (27 January 1995) was a special report on the media by the Special Rapporteur of the CHR on the situation in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and The Former Yugoslav Republic of Macedonia.

[S/1995/79](#) (26 January 1995) was a periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights.

[S/1994/1252](#) (4 November 1994) was report by the Special Rapporteur of the CHR on the general situation in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and The Former Yugoslav Republic of Macedonia.

[S/1994/967](#) (9 August 1994) was a report by the Special Rapporteur of the CHR on the situation in central

Bosnia and the Mostar area, Sarajevo, Mostar, Bihać, activities of international agencies and organisations, areas under the control of Bosnian Serb forces and The Former Yugoslav Republic of Macedonia.

[S/1994/743](#) (23 June 1994) was a report by the Special Rapporteur of the CHR which covered the situation in Gorazde.

[S/1994/265](#) (7 March 1994) was a report by the Special Rapporteur of the CHR on the general situation in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and The Former Yugoslav Republic of Macedonia.

[S/26765](#) (20 November 1993) was a report by the Special Rapporteur of the CHR on the situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, with specific reference to arbitrary executions and "ethnic cleansing", arbitrary detention, citizenship, evictions, destruction of property, the situation of the media, etc.

[S/26469](#) (28 September 1993) was a report by the Special Rapporteur of the CHR on human rights situation in former Yugoslavia.

[S/26415](#) (8 September 1993) was a report by the Special Rapporteur of the CHR which covered the situation in Mostar including "ethnic cleansing", arbitrary arrest and detentions, and civilians as targets of military attacks.

[S/26383](#) (30 August 1993) was a report by the Special Rapporteur of the CHR which covered the general situation in Sarajevo including the use of basic utilities as a weapon of war, the blocking of humanitarian aid, victimisation of those in need of special respect and protection, and the rapid disintegration of the rule of law.

[S/24809](#) (17 November 1992) was a report by the Special Rapporteur of the CHR, Tadeusz Mazowiecki, which covered the general situation in Bosnia and Herzegovina, Croatia, and Serbia with specific reference to destruction of religious sites and rape as a feature of "ethnic cleansing".

Secretary-General's Reports

[S/2009/623](#) (4 December 2009) was on MONUC which first outlined the concept of the human rights due diligence policy.

[A/59/2005](#) (21 March 2005) was the report In Larger Freedom: towards development, security and human rights for all.

[S/2001/574](#) (7 June 2001) was the first comprehensive report on conflict prevention.

[A/54/549](#) (15 November 1999) assessed the events dating from the establishment of the safe area of Srebrenica until the July 1995 massacres.

[S/1998/318](#) (13 April 1998) was on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa and emphasised the importance of DDR in peacekeeping missions, identified the proliferation of small arms as a threat to peace in Africa and urged the Council to address the issue of illicit arms trade.

Security Council Letters

[S/2015/931](#) (3 December 2015) was to the president of the Security Council from Chile, France, Jordan,

Lithuania, Malaysia, New Zealand, Spain, the UK and the US requesting a briefing on the situation in the DPRK by the representatives of the Office of the High Commissioner for Human Rights and by a senior Secretariat official.

[S/2015/446](#) (17 June 2015) was the report of the High-level Independent Panel on Peace Operations.

[S/2014/872](#) (5 December 2014) was from ten Council members requesting that the situation in the DPRK be formally placed on the Council's agenda without prejudice to the item on non-proliferation in the DPRK.

[S/2014/501](#) (11 July 2014) was from Australia, France and the US summarising the Council's Arria-formula meeting on the Col report on human rights in DPRK.

[S/2009/193](#) (8 April 2009) was from the Permanent Representative of Finland to the president of the Security Council containing the report from the sixth Annual Workshop for Newly Elected Members of the Security Council containing numerous references to the discussion of working methods.

[S/2006/742](#) (15 September 2006) was from the US requesting a meeting of the Council to discuss Myanmar.

[S/2005/490](#) (26 July 2005) was from the Permanent Representatives of Australia, Canada and New Zealand to the president of the Council requesting a briefing on violence in Zimbabwe.

[S/2005/489](#) (26 July 2005) was a follow up letter from the UK to the president of the Security Council requesting that the briefer at the previously requested briefing by Zimbabwe be Anna Tibaijuka, Special Envoy of the Secretary-General on human settlements, who had conducted a fact-finding mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina in Zimbabwe.

[S/2005/485](#) (26 July 2005) was from the UK to the president of the Security Council requesting a briefing on violence in Zimbabwe.

[S/2005/489](#) (26 July 2005) from the Permanent Representative of the UK to the president of the Council requesting a briefing on violence in Zimbabwe.

[S/2005/485](#) (26 July 2005) was from the Permanent Representative of the UK addressed to the president of the Council requesting a briefing on violence in Zimbabwe.

[S/2004/567](#) (12 July 2004) notified the Council about the appointment of the Special Adviser on the Prevention of Genocide.

[S/2000/786](#) (10 August 2000) was from the Permanent Representative of Sierra Leone to the president of the Security Council containing a 12 June 2000 request from the President of the Republic of Sierra Leone regarding the establishment of a special court for Sierra Leone.

[S/24396](#) (7 August 1992) was from the US requesting that the Security Council invite the CHR Special Rapporteur on Iraq, Max van der Stoep to address the Council.

[S/24395](#) (7 August 1992) was from the UK requesting that the Council invite the CHR Special Rapporteur on Iraq, Max van der Stoep, to address the Council.

UN Documents (con't)

[S/24394](#) (7 August 1992) was from France requesting that the Security Council invite the CHR Special Rapporteur on Iraq, Max van der Stoel, to address the Council.

[S/24393](#) (7 August 1992) was from Belgium requesting that the Security Council invite the CHR Special Rapporteur on Iraq, Max van der Stoel, to address the Council.

Security Council Meeting Records

[S/PV.7575](#) and [Resumption 1](#) (10 December 2015) was on human rights in the DPRK with briefings by High Commissioner for Human Rights Zeid Ra'ad Al Hussein and Under-Secretary-General for Political Affairs Jeffrey Feltman.

[S/PV.7564](#) (20 November 2015) was a briefing by the Secretary-General on his report "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations" followed by the Council's first discussion of the report.

[S/PV.7553](#) (9 November 2015) was on the situation in Burundi, including a briefing by the High Commissioner for Human Rights Zeid Ra'ad Al Hussein and by the Special Adviser on the Prevention of Genocide, Adama Dieng.

[S/PV.7353](#) (22 December 2014) was a procedural vote on the inclusion on the provisional agenda the item of the situation in the DPRK. The agenda was approved by a vote of 11 in favour, two against (China and Russia) and two abstentions (Chad and Nigeria). Following the procedural vote, Assistant Secretary-General for Human Rights Ivan Simonović and Assistant Secretary-General for Political Affairs Taya-Brook Zerihoun briefed.

[S/PV.7289](#) (28 October 2014) was the annual open debate on women, peace and security during which Chaloka Beyani, HRC Special Rapporteur on the human rights of internally displaced persons, was among the briefers.

[S/PV.7168](#) (2 May 2014) was a briefing by High Commissioner for Human Rights Navi Pillay and Special Adviser on the Prevention of Genocide Adama Dieng on their trip to South Sudan.

[S/PV.7098](#) (22 January 2014) was on CAR with a briefing by the Special Representative for the Secretary-General for Children and Armed Conflict.

[S/PV.6360](#) and [Resumption 1](#) (16 July 2010) was the open debate on the topic "Optimising the Use of Preventive Diplomacy Tools: Prospects and Challenges in Africa".

[S/PV.6354](#) (7 July 2010) was an open debate on protection of civilians after which the High Commissioner started being invited regularly to the open debates on the protection of civilians in armed conflict.

[S/PV.6351](#) (30 June 2010) was on Afghanistan.

[S/PV.6216](#) (11 November 2009) was periodic debate on protection of civilians in armed conflict during which the High Commissioner for Human Rights briefed the Council.

[S/PV.6161](#) (13 July 2009) was on Myanmar.

[S/PV.5885](#) (2 May 2008) was on the situation in Myanmar.

[S/PV.5777](#) (13 November 2007) was on the situation in Myanmar.

[S/PV.5581](#) (7 December 2006) was on the report of the Council visiting mission to Afghanistan.

[S/PV.5526](#) and [Resumption 1](#) (29 September 2006) was on the situation in Myanmar.

[S/PV.5526](#) (15 September 2006) was on the situation in Myanmar.

[S/PV.5052](#) (6 October 2004) was an open debate on the Secretary-General's report on the rule of law and had Juan Méndez, his Special Adviser on the Prevention of Genocide, among the briefers.

[S/PV.5005](#) (16 July 2004) was an open debate on the Security Council visiting mission to West Africa from 20 to 29 June 2004.

[S/PV.4705](#) (13 February 2003) was on the DRC with a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

[S/PV.4143](#) and [Resumption 1](#) (17 May 2000) was an open debate on the DRC following the Council's visit to the country from 3 to 8 May.

[S/PV.4046](#) (16 September 1999) was a semi-annual debate on the protection of civilians during which the High Commissioner for Human Rights (Mary Robinson at the time) addressed the Council for the first time.

[S/PV.3896](#) (29 June 1998) was the Council's first open debate on children and armed conflict.

[S/PV.3139](#) (23 November 1992) the Special Rapporteur on the human rights situation in Iraq, Max Van der Stoel, was invited to address the Council on the situation in between Kuwait and Iraq.

[S/PV.3134](#) (13 November 1992) Special Rapporteur of the Commission on Human Rights on the former Yugoslavia, Tadeusz Mazowiecki, was invited to address the Council during its consideration of the situation in Bosnia and Herzegovina.

[S/PV.3105](#) (11 August 1992) the Council decided for the first time to invite a Special Rapporteur of the UN Commission on Human Rights (Special Rapporteur on the human rights situation in Iraq Max Van der Stoel) to address the body during a meeting on the situation between Iraq and Kuwait.

[S/PV.3046](#) (31 January 1992) was the first Security Council meeting held at the level of heads of state.

[S/PV.2608](#) (26 September 1985) was on the responsibility of the Security Council in maintaining international peace and security.

[S/PV.1572](#) (15 July 1971) was a meeting regarding a complaint from Senegal about armed attacks perpetrated by Portugal along Senegal's border with Guinea-Bissau.

[S/PV.1570](#) (13 July 1971) was a meeting regarding a complaint from Senegal about armed attacks perpetrated by Portugal along Senegal's border with Guinea-Bissau.

Other

[S/2015/508](#) (8 July 2015) was a draft resolution to commemorate the anniversary of the Srebrenica genocide that was vetoed by Russia and Angola. China, Nigeria and Venezuela abstained.

[S/2014/348](#) (22 May 2014) was a draft resolution referring situation in Syria to the ICC.

[S/2014/189](#) (15 March 2014) was a draft resolution on Ukraine that was not adopted due to a veto by Russia.

[S/2013/110](#) (5 March 2013) was a letter from the Secretary-General to the presidents of the General Assembly and the Security Council transmitting the text of the human rights due diligence policy on UN support to non-UN security forces.

[S/2012/547/Rev.2](#) (17 July 2012) was the withdrawn Russian draft resolution renewing UNSMIS for three months.

[S/2012/77](#) (4 February 2012) was a vetoed draft Security Council resolution condemning the violence in Syria and supported the Arab League's 22 January decision to facilitate a Syrian-led political transition. Russia and China vetoed the draft resolution with all other Council members voting in favour.

[S/2011/612](#) (4 October 2011) was a vetoed draft Security Council resolution condemning the Syrian crackdown on protestors. Russia and China vetoed the draft resolution and Brazil, India, Lebanon and South Africa abstained.

[S/2010/288](#) (30 June 2010) was a report of the Security Council visiting mission to the DRC (13 to 16 May 2010).

[S/2009/303](#) (11 June 2009) was the report of the Security Council mission to Rwanda, the DRC and Liberia.

[S/2009/243](#) (13 May 2009) was a letter containing the terms of reference for the Security Council mission to Africa in May 2009.

[S/2008/447](#) (11 July 2008) was a draft resolution on the situation in Zimbabwe.

[S/2007/14](#) (12 January 2007) was a draft resolution on the situation in Myanmar which was vetoed by China and Russia.

[S/2006/391](#) (13 June 2006) was an 8 June 2006 request by Timor Leste to the Council asking it to establish an independent commission of inquiry into violent events that resulted in mass displacement of civilians earlier in the year

[S/2003/688](#) (7 July 2003) was the report of the Security Council mission to West Africa from 26 June to 5 July 2003.

[S/1999/1257](#) (15 December 1999) was the report by the independent inquiry commission on Rwanda set up by the Secretary-General concluding that information about human rights must be a natural part of the basis for decision-making on peacekeeping operations, within the Secretariat and by the Security Council.

[S/1999/976](#) (14 September 1999) was the report of the Security Council visiting mission to Jakarta and Dili from 8 to 12 September 1999.

[S/1995/164](#) (28 February 1995) was the report of the Security Council's visiting mission to Rwanda, which took place on 12 and 13 February 1995.

[S/1994/1039](#) (7 September 1994) was the report of the Security Council's fact-finding mission to Burundi, on 13 and 14 August 1994.

UN Documents (con't)

[S/25700](#) (30 April 1993) was the report of the Security Council visiting mission to former Yugoslavia, including Sarajevo and Srebrenica.

Documents of the Human Rights Council/Commission on Human Rights

[A/HRC/RES/30/10](#) (1 October 2015) was a resolution on human rights and the humanitarian situation in Syria.

[A/HRC/RES/28/20](#) (27 March 2015) was a resolution on human rights and the humanitarian situation in Syria.

[A/HRC/RES/27/16](#) (25 September 2014) was a Human Rights Council resolution on the human rights situation in Syria.

[A/HRC/RES/25/25](#) (28 March 2014) was a resolution welcoming the report of HRC commission of inquiry on human rights in DPRK and recommended that the General Assembly submit the report of the commission of inquiry to the Security Council.

[E/CN.4/RES/2005/80](#) (21 April 2005) was a resolution on the protection of human rights and fundamental freedoms while countering terrorism.

[2000/S-5/1](#) (19 October 2000) was a resolution on grave and massive violations of the human rights of the Palestinian people by Israel adopted at the fifth special session of the CHS.

[1999/S-4/1](#) (27 September 1999) was a resolution on human rights situation in East Timor adopted at the fourth special session of the CHS.

[S-4/1](#) (27 September 1999) was a Commission on Human Rights resolution that established an international commission of inquiry on violations of human rights in East Timor.

[E/CN.4/1996/6](#) (5 July 1995) was a report by the Special Rapporteur of the CHR which covers the situation in Western Slavonia following the 1 May 1995 Croatian offensive and the situation in Bosnia and Herzegovina, with specific reference to Sarajevo, violations occurring in safe areas, Banja Luka, central Bosnia and Herzegovina and Mostar.

[E/CN.4/1996/3](#) (21 April 1995) was a report by the Special Rapporteur of the CHR which covers the situation in Banja Luka with specific reference to developments prior to and immediately following February 1995, including forced labour and departure procedures.

[E/CN.4/1995/57](#) (16 January 1995) was a report by the Special Rapporteur of the CHR which covers Bosnia and Herzegovina, Croatia, the Federal

Republic of Yugoslavia and The Former Yugoslav Republic of Macedonia, with special reference to disappearances and field operations.

[E/CN.4/1995/54](#) (13 December 1994) was a report by the Special Rapporteur of the CHR which covers Bosnia and Herzegovina, Croatia, Federal Republic of Yugoslavia and The Former Yugoslav Republic of Macedonia, with specific reference to international activities.

[E/CN.4/1995/10](#) (4 August 1994) was a report by the Special Rapporteur of the CHR which covers the situation in central Bosnia and the Mostar area, Sarajevo, Mostar, Bihac, activities of international agencies and organisations, areas under the control of Bosnian Serb forces and The Former Yugoslav Republic of Macedonia.

[E/CN.4/1995/4](#) (10 June 1994) was a report by the Special Rapporteur of the CHR which covers the situation in Gorazde.

[1994/S-3/1](#) (25 May 1994) was a resolution adopted at the third special session of the CHS which requested the appointment of the Special Rapporteur to investigate the human rights situation in Rwanda.

[E/CN.4/1994/110](#) (21 February 1994) was a report by the Special Rapporteur of the CHR which covers the whole territory of former Yugoslavia, with special reference to the problem of disappearances, the situation of children, previous recommendations and their follow-up.

[E/CN.4/1994/47](#) (17 November 1993) was a report by the Special Rapporteur of the CHR which covers the situation in Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, with specific reference to arbitrary executions and "ethnic cleansing", arbitrary detention, citizenship, evictions, destruction of property, the situation of the media, etc.

[E/CN.4/1994/8](#) (6 September 1993) was a report by the Special Rapporteur of the CHR which covers the situation in Mostar including "ethnic cleansing", arbitrary arrest and detentions and civilians as targets of military attacks.

[E/CN.4/1994/6](#) (26 August 1993) was a report by the Special Rapporteur of the CHR which covers the general situation in Sarajevo including the use of basic utilities as a weapon of war, the blocking of humanitarian aid, victimisation of those in need of special respect and protection and the rapid disintegration of the rule of law.

[E/CN.4/1994/7/Add/1](#) (11 August 1993) was a report by the CHR Special Rapporteur on extrajudicial, summary or arbitrary executions regarding Rwanda.

[E/CN.4/1994/4](#) (19 May 1993) was a report by the Special Rapporteur of the CHR which covers "ethnic cleansing" by Bosnian Croat forces and arbitrary executions by Bosnia and Herzegovina government forces in the Vitez area.

[E/CN.4/1994/3](#) (5 May 1993) was a report by the Special Rapporteur of the CHR which covers "ethnic cleansing" of eastern enclaves, allegations regarding the government offensive of December/January 1993, forcibly displaced in east, forced recruitment, situation of Serbs in Tuzla.

[E/CN.4/1993/50](#) (10 February 1993) was a report by the Special Rapporteur of the CHR which covers the whole territory of former Yugoslavia with specific reference to executions, arbitrary detentions, rape, the situation of children, forced transfer of populations, attacks on non-military targets and the humanitarian crisis in Bosnia and Herzegovina.

[E/CN.4/1992/S-1/10](#) (27 October 1992) was a report by the Special Rapporteur of the CHR which covers second visit to the former Yugoslavia.

[1992/S-2/1](#) (1 December 1992) was a resolution on the human rights situation on the territory of former Yugoslavia adopted at the second special session of the CHS.

[E/CN.4/1992/S-1/9](#) (28 August 1992) was a report by the Special Rapporteur of the CHR which covers the policy of ethnic cleansing as regards Bosnia and Herzegovina, Croatia, Serbia and Montenegro as well as other human rights violations on the territory of former Yugoslavia.

[1992/S-1/1](#) (14 August 1992) was a resolution adopted at the first special session of the CHS which requested the appointment of the Special Rapporteur to investigate the human rights situation on the territory of former Yugoslavia.

General Assembly Documents

[A/RES/60/251](#) (15 March 2006) was a resolution that established the Human Rights Council.

[A/RES/60/1](#) (16 September 2005) was the 2005 World Summit Outcome Document.

[A/RES/51/77](#) (12 December 1996) asked the Secretary-General to appoint a Special Representative on the impact of armed conflict on children.

[A/RES/48/141](#) (20 December 1993) was a resolution that created the post of High Commissioner for Human Rights.

[A/RES/3/217 A](#) (10 December 1948) was Universal Declaration of Human Rights.

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