NWMUN 2011

**The Premier
Model United Nations Conference
in the Northwest**

Background Guide:
Reformed Security Council

NorthWest
2011 MODEL UNITED NATIONS

Northwest Model United Nations | November 18 – 20 | Seattle, WA

September 1, 2011

Dear Delegates,

Welcome to the 2011 Northwest Model United Nations (NWMUN) Conference and the United Nations Security Council. We are immensely pleased to present to you the background guide, written by your highly experienced and capable Director, Negheen Kamkar, and our Assistant Director, Aaron Raymond.

The entire Secretariat is very excited to work with you in November and appreciate the hard work and research you are undertaking in preparation for what we are confident will be a great conference!

The topics for the Security Council are:

   I. **Situation in the Middle East and North Africa**
   II. **Situation in Cote d'Ivoire**
   III. **Protection of fundamental human rights while countering terrorism**

Every participating delegation is *required* to submit a position paper prior to attending the conference. NWMUN will accept position papers until **Sunday, November 6th at 11:59 pm Pacific Time. Please submit all position papers to: positionpapers@nwmun.org**.

Please refer to the following pages for **Position Paper Requirements (p. 3)**, as well as an example position paper. Delegates' adherence to these guidelines is crucial, because it not only ensures a well-prepared committee, but is also a key component of the awards process.

Additionally, we have provided an **Overview (p. 8)** or "snapshot" of the committee you are serving on, with details regarding membership, mandate and other information. This is supplemental to the **Committee History and Background (p. 9)**.

We urge you to move beyond the background guide as you learn more about both the Member State you will represent and the topics we will be discussing. We've provided additional research guidance this year in the form of **Key Resources (p. 33)** we suggest you check out for each topic, as well as the regular **Bibliography (p. 35)** at the end of this guide.

The **Delegate Preparation Guide (www.nwmun.org)** should also be a document you read thoroughly, regardless of your Model United Nations experience, as it will provide key information for you regarding how NWMUN 2011 works. It is available as a separate document under the "Delegate Preparation" section of the NWMUN website.

We wish each of you the best as you prepare for this conference and committee. Please do not hesitate to direct any questions or concerns toward your Director or the Director-General. We look forward to meeting you at the conference!

Sincerely,

Negheen Kamkar   **Aaron Raymond**   **Kristina Mader**
Director,   Assistant Director,   Director-General
Security Council   Security Council   NWMUN 2011
sc@nwmun.org   sc@nwmun.org   dg@nwmun.org

Position Paper Guidelines

Your position paper should consist of a well-developed introduction and a summary of the position of your country on each of the topics to be discussed in your committee. It is important to remember that while you will have lots of information on your country's actions on a local or national level, you must discuss your country's position on an international level, particularly including suggestions for policies and future action that could be taken. Additional examples of high quality position papers are available on the NWMUN website.

Formatting
Position papers should be formatted using the following specifications:
1. Times New Roman
2. Size 10 – 12 font
3. Single spaced
4. 1 – 2 pages in length

Please Note: Anything over two pages will not be read, If your paper is longer than two pages, we will read only the first two pages of the document.

Submission Process
NWMUN will accept position papers until **Sunday, November 6th at 11:59 pm Pacific Time.**

1. Please **send each position paper in a separate e-mail to the committee** with the subject line: COUNTRY – COMMITTEE
   a. Example: BELARUS – HRC
   b. Example: TRINIDAD & TOBAGO - GA

2. Please **cc all position paper submissions** to **positionpapers@nwmun.org**.

General Assembly Plenary:	ga@nwmun.org	**Human Rights Council:**	hrc@nwmun.org
UN Development Programme:	undp@nwmun.org	**Security Council:**	sc@nwmun.org
Reformed Security Council	rsc@nwmun.org	**Conference on the Arms Trade Treaty:**	att@nwmun.org

Please Note: Delegates who have not submitted a position paper by the specified deadline will not be given consideration for awards. Position papers are also a portion of the evaluative process for delegation awards; failure of an individual delegate to submit a position paper, therefore, negatively affects his or her team's chances of winning a delegation award.

Content Requirements

Position papers should include, and will be evaluated, on the following items:

1. **Formatting** and presentation;

2. **Spelling and grammar** that is reflective of the level of education being pursued by attendees of the conference.

3. The content should include:
   a. **Background information on the topic** - why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's position on this topic within the UN and internationally.
   b. **International commitments -** your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country, or actions taken by international bodies previously that your country supports, to address the to address prior international agreements made by your country.
   c. **Specific and concrete proposals** for next steps on the topic, including priority sub-issues and how your committee can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph.

Research Tips

1. Look for statements made by your country – you will often find the exact position of your country within a speech that they have been made.
2. Look for the voting record of your country - indicating its support or lack of support for particular resolutions.
3. Look for recommendations made in Secretary-General reports or within resolutions that have been adopted by your committee or similar international bodies in order to identify the ways in which you can move forward or take action on the topic.

Key Resources

1. **UN Website "On the Record": http://www.un.org/depts/dhl/unms/**
   This website provides direct access to official documents reflecting the views of United Nations Member States.

2. **UN Website "Global Issues": http://www.un.org/en/globalissues/**
   This website offers an overview of some of the global issues we will be discussing at NWMUN, and links to other resources where you can get additional information.

3. **UN Bibliographic Information System (UNBISNET): http://unbisnet.un.org**
   UNBISNET is the primary documentation resource for the United Nations, containing nearly every UN document published since 1979 (and numerous pre-1979 publications as well). It includes the full text and voting records of a majority of resolutions from primary organs, and even contains speeches given by delegates in many cases.

Sample Position Paper Format

Delegation from
[Member State]
(Bold, Italicized, Times New Roman, Size 10-12)
(Bold, Times New Roman, Size 10-12)

Delegation from
[School]
(Bold, Italicized, Times New Roman, Size 10-12)
(Bold, Times New Roman, Size 10-12)

Position Paper for [Committee Name]
(Bold, Italicized, Times New Roman, Size 10-12, Centered)

Introductory sentence providing an overview of the topics. (Times New Roman, Size 10 – 12)

I. Topic One Title
(Bold, Italicized, Times New Roman, Size 10-12, Centered)

Paragraph #1: Background information on the topic, why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's action on this topic within the UN and internationally.
(Times New Roman, Size 10 – 12)

Paragraph #2: International commitments and your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country, or actions taken by international organizations such as this committee and supported by your country, to address prior international agreements made by your country (Times New Roman, Size 10 – 12)

Paragraph #3: Specific and concrete proposals for next steps on the topic, priority issues, and how your country can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph. (Times New Roman, Size 10 – 12)

II. Topic Two Title
(Bold, Italicized, Times New Roman, Size 10-12, Centered)

Paragraph #1: Background information on the topic, why your country thinks it is important, relevant national commitments and action on the issue. Remember to focus on national policies which influence your country's action on this topic within the UN and internationally.
(Times New Roman, Size 10 – 12)

Paragraph #2: International commitments and your country's support of specific resolutions, initiatives, conventions or treaties. Describe what actions have been taken by your country, or actions taken by international organizations such as this committee and supported by your country, to address prior international agreements made by your country (Times New Roman, Size 10 – 12)

Paragraph #3: Specific and concrete proposals for next steps on the topic, priority issues, and how your country can move forward on addressing the topic. This is the most important section of the position paper, and should be the longest paragraph. (Times New Roman, Size 10 – 12)

Example Position Paper

Delegation from
Canada

Represented by
College of Southwest Washington

Position Paper for the Economic and Social Council Plenary

The topics before the Economic and Social Council are: Promoting Economic and Social Gender Equality as a Means to Achieve Sustainable Peace; Implementing International Agreements to Ensure Global Public Health; and Promoting Sustainable Cities. Canada is committed to strengthening the role of ECOSOC on the issues before it, and looks forward to promoting enhanced cooperation amongst Member States in order to reach consensus and take concrete action.

I. Promoting Economic and Social Gender Equality as a Means to Achieve Sustainable Peace

In conflict and post-conflict societies, economic and social rights are often given lower priority than political and civil rights. In these cases, women are not treated equally, and are often the victims of gender discrimination, which manifests itself in violations of human rights such as rape, violence and displacement. The prevalence of these crimes is exacerbated by a lack of protection for women, who often do not possess the right to own land, have no means to receive adequate health care and have no access to justice.

Canada has long been a champion of women's economic, social, and cultural rights. As an original signatory of the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (CESCR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Canada has a formal commitment to gender equality and, more specifically, supports the explicit and systematic integration of a gender perspective into all peace-building and foreign aid initiatives. Canada continues to press for specific initiatives with concrete and measurable outcomes when addressing gender inequality. The Canadian International Development Agency (CIDA) has developed its own Framework for Addressing Gender Equality Results. This framework has been an important advance in assessing the effectiveness of its initiatives and has consistently provided CIDA with useful and relevant data. Canada recognizes the advancements made in Security Council resolution 1820 (2008), 1888 (2009) and 1889 (2009) to strengthen the original principals of Security Council resolution 1325 (2000). However, Canada firmly believes that ensuring the implementation of SCR 1325 (2000) at the national level is vital. That is why Canada suggests that the CEDAW committee issue recommendations to both the Security Council and ECOSOC on positive models for National Action Plans (NAP) for incorporating SCR 1325 (2000), a set of progress and impact indicators through which its implementation can be monitored, and benchmarks designed towards strengthening the principals of SCR 1325 (2000).

Canada recommends that the Commission on the Status of Women (CSW), along with the ECOSOC Committee on Non-Governmental Organizations (NGOs) reach out to local NGOs and civil society organizations (CSOs) to coordinate the monitoring of, and reporting on, the progress of these NAPs. CSW will then report its findings to ECOSOC, the Security Council, and the Secretary General. Canada urges for the adoption of benchmarks requiring 30% of UN-mandated peacekeeping forces and negotiating delegations be women. Canada also believes that while peacekeeping troops are vital to facilitating the cessation of hostilities, a separate unit with a specialized mandate is necessary to deal with the psychological and health issues of women that continue in post-conflict situations long after the violence is over. The specialized mandate will also lay the groundwork for legal procedures that may need to be taken to ensure just peace. Canada calls for the creation of this specially trained unit to be deployed in post-conflict situations, with a specific mandate to address sexual and gender based violence, help to eliminate impunity, and offer same-sex interviewers for rehabilitation purposes. The newly created unit will facilitate reconciliation and violence prevention.

II. Implementing International Agreements to Ensure Global Public Health

Effectively addressing global public health lies at the center of achieving the Millennium Development Goals (MDGs). Through agreements such as the Paris Declaration on AID Effectiveness, the Accra Agenda for Action

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(AAA), and global health initiatives such as the Global Alliance for Vaccines and Immunizations (GAVI), and the Global Fund to fight AIDS, TB, and Malaria, the international community has made significant progress in addressing the world's health concerns. Canada is focused on creating frameworks and resolutions that foster greater coordination, eliminate corruption and overlap, improve AID consistency, encourage the untying of AID, emphasize a focus on national health systems, and hold all the countries involved accountable for producing tangible and measurable results.

Canada has been a leader in the use of innovative funding mechanisms, such the Advance Market Commitment (AMC), which provides incentives for pharmaceutical companies to accelerate the development of vaccines and sell them at prices that poor countries can afford. This project, which is being implemented in coordination with the World Bank and GAVI, is expected to save an estimated 7.7 million lives by 2030. Canada will continue to urge its fellow member states to become more involved in the creation and implementation of such innovative funding mechanisms.

Especially now, due to the downturn in the global economy, where the world's poor are disproportionately suffering, there is a greater need for all donor countries to fulfill their Official Development Aid (ODA) commitments. Canada was the first country to fulfill its G8 commitment to double ODA in Africa by 2008, and throughout the world by 2010. This has been accomplished through both the African Health Systems Initiative (AHSI) and the Catalytic Initiative to Save a Million Lives. Canada has not only committed USD 450 million to these initiates, but with them has demonstrated its focus on both strengthening, and developing local ownership, of national health systems. Canada urges the implementation of year-by-year funding targets to ensure that ODA commitments for health initiatives are kept. Currently The Measles Initiative is facing a funding gap of $59 million for 2010, and the Global Fund to fight AIDS, TB, and Malaria is also facing a funding crisis of $5 billion for this year. These gaps in funding could cause millions their lives. Canada strongly urges it fellow member states to fulfill their commitments to these funds.

Canada is also a strong proponent of the International Health Partnership & Related Initiatives (IHP+). The Canadian International Development Agency (CIDA), through the IHP+ framework, is the chair of the Mozambique National AIDS Council (CNCS) and has made long-term financial commitments to IHP+. Canada believes that IHP + will not only prove to be extremely effective in addressing the issues of AID effectiveness, redundancy, and accountability, but will also go a long way towards creating a united front dedicated to improving global public health. Canada urges for the creation of new commitments that compel 15 Organization for Economic Co-operation and Development (OECD) countries to join in either bilateral or compact agreements through IHP+ by 2020.

The Reformed Security Council at NWMUN 2011

NWMUN works each year to create as accurate a simulation as is possible for our delegates. Therefore, we have developed some additional ways for delegates to interact within the simulation, including enabling delegates to take action other than passing resolutions on an issue. This section aims to provide additional, specific information for the Reformed Security Council at NWMUN 2011.

Briefings
While discussing a topic, Reformed Security Council delegates are able to receive briefings from representatives of relevant member states or UN subject matter experts. The specific thematic experts available will be announced on the NWMUN website, as well as at the beginning of the conference.

Mandate
The (Reformed) Security Council has primary responsibility, under the Charter, for the maintenance of international peace and security.

Functions & Powers
- To investigate any dispute or situation which might lead to international friction;
- To recommend methods of adjusting such disputes or the terms of settlement;
- To formulate plans for the establishment of a system to regulate armaments;
- To determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- To call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- To take military action against an aggressor, including through the establishment or extension of peacekeeping or political missions.

Outcome Documents
When taking action on a topic, the Reformed Security Council can adopt **resolutions**, and issue **presidential statements** and **press statements**.

Rules of Procedure
The Reformed Security Council uses the same rules of procedure as the Security Council. The Security Council has its own rules, which will be incorporated into our simulation and available to all delegates during the conference, as well as prior to the conference on our website.

Members of the Reformed Security Council at NWMUN 2011

Bosnia & Herzegovina	Gabon	Malaysia
Brazil	Germany	Morocco
Chile	Ghana	Nigeria
China	India	Portugal
Colombia	Japan	Russian Federation
Costa Rica	Kazakhstan	South Africa
Estonia	Kenya	United Kingdom
France	Lebanon	United States of America
	Zambia	

History and Background of the Reformed Security Council

Introduction

The United Nations (UN) was founded on 24 October 1945, at the end of World War II, replacing the League of Nations.[1] The Security Council (SC) is one of the primary organs of the UN, and was established with the intent of specifically addressing one of the main weaknesses of the League of Nations: its inability to react quickly in the event of a crisis.[2] The role of the Security Council is outlined in the United Nations Charter, Chapter V, Article 24:

> *"In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."[3]*

Working Methods

The powers and responsibilities of the Security Council have evolved over its 66 years of existence, thus in response the working methods of the Council have also changed. From the very beginning, it has had the distinction of being the sole organ of the United Nations with the power to make legally binding resolutions.[4] To this end, it has the power to take action ranging from investigating any situation threatening international peace, recommending procedures for the peaceful resolution of a dispute, calling upon member nations to implement economic sanctions on other nations, and enforcing its decisions through the use of military force.[5] In choosing the course of action to take, Security Council representatives are guided by the Charter of the United Nations, specifically chapters VI (Pacific Settlement of Disputes) and VII (Action with respect to threats to the peace, breaches of the peace, and acts of aggression).[6]

Some of the specific working methods the Security Council has considered or actively used include

- **Briefings:** These can be regular, open or closed. A subject matter expert is invited to come before the Security Council and give the delegates an in-depth briefing on the subject up for debate. Open briefings are made publically available, while closed briefings usually involve sensitive information that cannot be made public.[7]

- **Commissions of Inquiry**: Established by Security Council resolutions, a Commission of Inquiry sets up an organization to give the United Nations and in-depth report on what is happening during a crisis.[8]

- **Reporting:** By the Secretary-General, both regular and annual. The Secretary General prepares reports on the activities of the United Nations for the purpose of widespread distribution of information.[9]

- **Presidential statements:** The president of the Security Council is authorized to issue presidential statements, subject to the consensus of the other members of the council. These are often issued when the Council cannot reach consensus or are unable to pass a resolution because of a permanent member's veto, or threat thereof. These statements are similar in content to resolutions, but are not legally binding.[10]

- **Press Statements**: Similar to Presidential Statements, but intended specifically for the international press to keep the public informed on the thoughts of the Security Council.[11]

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[1] United Nations, *Basic Facts about the United Nations,* 2000.
[2] *Ibid.*
[3] United Nations, *Charter of the United Nations,* 1945, Chapter V, Art. 24. http://www.un.org/en/documents/charter/index.shtml
[4] United Nations, *Charter of the United Nations,* 1945, Chapter V, Art. 25. http://www.un.org/en/documents/charter/index.shtml
[5] *Ibid.,* Chapters VI, VII.
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] *Ibid.*
[11] *Ibid.*

- **Open debates**: These involve the Security Council and members of the international community, and cover specific issues that are often thematic but also on country or regional situations, such as the Middle East. The Security Council does not need to limit itself to existing members, including any number of additional delegates is acceptable.[12]

- **Resolutions**: The primary working method of the Security Council, delegates decide on a course of action and write it using the formal resolution format, and vote to approve or deny the resolution.
  - **Mandate Renewals**: Mandates to take action are normally given with a time limit before they come up for review. If a situation has not been resolved by the time its mandate will expire, the Security Council must write an additional resolution specifically to renew the mandate.[13]

- **Security Council missions**: Similar to commissions of Inquiry, but with a much broader mandate. Missions are often sent to areas where peace and security is a huge concern to give the Security Council a comprehensive picture of the situation.[14]

- **Arria Formula meetings**: The Arria formula enables a council member to invite other council members to an informal meeting, held outside the council chambers, and chaired by the inviting member. The meeting is called for the purpose of a briefing given by one or more persons, considered an expert in a matter of concern to the Council.[15]

- **Referral of Cases to the ICC:** The Security Council can refer cases to the International Criminal Court, even in situations where the ICC would not otherwise have jurisdiction. This power was first exercised in March 2005 with the adoption of Resolution 1593 regarding the situation in Darfur in 2002.[16]

- **Comprehensive mechanisms**: Often a single framework or working method is insufficient to address a global problem. In order to address issues that are endemic to every crisis and conflict, such as children in armed conflict, sexual violence and exploitation of women, the Security Council will sometimes enact sweeping resolutions intended to cover every aspect of policy from that point forwards, such as Security Council resolution 1960 (2010), which established a monitoring, analysis, reporting and assessment system on the issue of sexual violence in conflict.[17]

Subsidiary Bodies and Working Groups

Subsidiary bodies and working groups are established by Security Council resolutions, and exist to focus UN resources on enacting a UN mandate in regards to peace and security.[18] Essentially, when the top-level policymakers in the Security Council decide upon a course of action, subsidiary bodies are the next level in the organizational structure of the UN that is set up to make that decision a reality.[19] Additionally, working groups provide regular reports to the Security Council informing representatives of their activities.[20]

Currently, there exist committees on Counter-Terrorism and Weapons of Mass Destruction, ten different sanctions committees devoted to administering sanctions against countries specified by the Security Council, and working groups on peacekeeping, conflict prevention and resolution in Africa, additional measures on terrorism, children and armed conflict, documentation and other procedural questions, and international tribunals.[21]

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[12] *Ibid.*
[13] *Ibid.*
[14] *Ibid.*
[15] *Ibid.*
[16] *Ibid.*
[17] United Nations Security Council, *Women and peace and security (S/RES/1960),* 2010.
    http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1960%20(2010)
[18] United Nations Security Council, *Note by the President of the Security Council (S/2010/507),* 2010.
    http://www.un.org/en/sc/repertoire/Notes/S-2010-507.pdf
[19] *Ibid.*
[20] *Ibid.*
[21] Security Council Report, *Update Report No. 1 Security Council Subsidiary Bodies,* 2011.
    http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6476781/k.6B0F/Update_Report_No1brSecurity_Council_Subsidiary_Bodiesbr6_January_2011.htm

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Agenda of the Security Council
The primary responsibility of the Security Council remains the same as it was at the founding of the United Nations, ensuring prompt and effective action by the United Nations for the maintenance of peace and security. At any given time, there will be many issues that potentially threaten international stability, and the Security Council must prioritize its discussions to the issues which need the most attention.

While this is sometimes a highly political process, with many different countries having different ideas about what the most pressing situations are, the president of the Security Council has final authority on the setting of the Agenda.[22] The Security Council is given broad authority by the UN Charter in Chapter V, Article 30, in order to select its president, and this has taken the form of rotating once every month between members of the Security Council, both permanent and non-permanent.

Working with Regional Organizations
The United Nations and other international organizations routinely cooperate in issues of international importance. In cases where an existing international organization is already working towards a goal the Security Council has decided to pursue, the UN will sometimes work to integrate its efforts with the existing organizations rather than mandating the creation of an entirely new organization.

The United Nations will frequently seek assistance from, or provide assistance to, existing regional organizations such as the European Union, ASEAN, the African Union, and the Arab League. For example, when addressing the situation in Darfur with Security Council resolution 1769 (2007), Reports of the Secretary General on the Sudan, the Security Council elected to partner with the African Union in a hybrid aid mission. [23] The AU Peace and Security Council (PSC) in particular exists to address conflicts occurring in Africa.[24] The PSC is often the organization that initiates peacekeeping operations in Africa, but due to a lack of resources, will often hand off peacekeeping duties to the UN.[25]

Out of the total eight African initiated peacekeeping interventions since the end of the cold war, four have eventually been succeeded by UN-led peacekeeping missions and one in Darfur is currently led jointly. These operations have been in: Liberia (initially by ECOWAS and succeeded in 2003 by the UN Observer Mission in Liberia, UNOMIL); Sierra Leone (succeeded by the UN Mission in Sierra Leone in 1999); Côte d'Ivoire (2003-2004, succeeded in 2004 by the UN Mission in Côte d'Ivoire, UNOCI); Burundi (2003-2004, succeeded in 2004 by the UN Operation in Burundi, BONUB); and Darfur (2004-2007, succeeded by the UN-AU Hybrid Operation, UNAMID). The three cases in which the AU presence was not followed by a UN peacekeeping operation are in Guinea-Bissau (1999), Comoros (2008) and AMISOM in Somalia (2007 to date).[26]

Membership and Modifications to the Security Council for this Simulation

The Reformed Security Council (RSC) is a simulation of the Security Council *as it would be* if membership reform had already been implemented. For NWMUN 2011, the outcome of the debate over Security Council reform in the committees of NWMUN 2010, as well as NWMUN 2010's Security Council elections, will be used as the basis for the reforms implemented to create the Reformed Security Council's membership. The changes to the membership are summarized below.

The reforms enacted gave five countries permanent membership on the Security Council: Brazil, Germany, India, Japan, and South Africa. These permanent seats were created without the ability to veto; that power remains exclusively with the original five permanent members.

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[22] United Nations, *Charter of the United Nations,* 1945, Ch.V. http://www.un.org/en/documents/charter/index.shtml
[23] United Nations Security Council, *Reports of the Secretary-General on the Sudan (S/RES/1769)*, 2007.
    http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1769%20(2007)
[24] Security Council Report, *Special Research Report No. 2: Working Together for Peace and Security in Africa: The Security Council and the AU Peace and Security Council*, 2011.
    http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6769467/k.AE37/Special_Research_Report_No_2brWorking_Together_for_Peace_and_Security_in_Africa_The_Security_Council_and_the_AU_Peace_and_Security_Councilbr10_May_2011.htm
[25] *Ibid.*
[26] *Ibid.*

Secondly, five additional seats were added to the Council's rotating membership.

The Western European and Other Group (WEOG) did not gain any new rotating seats (as they gained yet another permanent member in Germany). In fact, the rotating seat previously held by Germany was reassigned to Latin America and the Caribbean, keeping WEOG's overall number of seats on the Council constant at five.

Africa, which previously had three seats, gained two rotating seats. These two seats, along with the rotating seat that became vacant due to South Africa's ascension to permanent membership, were filled by Ghana, Kenya and Zambia.

Latin American and Caribbean States gained one new non-permanent seat (at the expense of the Western European and Other Group). Additionally, this bloc had a vacancy to fill due to Brazil becoming a permanent member; the seats were filled by Costa Rica and Chile.

Eastern Europe, which previously had one rotating seat, gained another seat. This seat was filled by Estonia.

The Arab bloc, previously an informal collection of states, was formally recognized by the General Assembly, with two seats allocated to the group. One of these seats was filled by Lebanon, and the other was filled by Morocco.

Asia did not acquire any new rotating seats. However, the rotating seat held by India became vacant when India became a permanent member. Additionally, the rotating seat held by Lebanon became vacant when Lebanon was moved to one of the two newly-created Arab seats. These two vacancies were filled by Kazakhstan and Malaysia.

Thus, the reform to the Security Council's membership has led to the addition of ten countries to the Security Council, and the re-designation of four existing members. Japan was added as a permanent member. Ghana and Kenya were elected to Africa's two new seats. The new Eastern European seat was filled by Estonia. Asia's vacant seat from Lebanon's reassignment was filled by Malaysia. The new Arab seat was won by Morocco. Finally, the vacancies left by the ascension of Brazil, Germany, India and South Africa were filled, respectively, by Chile, Costa Rica, Kazakhstan, and Zambia. These ten states will join the fifteen members of the 2011 Security Council to form the membership of the NWMUN 2011 Reformed Security Council.

I. Situation in the Middle East and North Africa

Director-General's Note: This situation in Middle East and North Africa is expected to change between publication of this guide and the conference, thus please use this as a starting point in your research and utilize newer sources to provide you with the most updated information.

Introduction

On 17 December 2010, the act of self-immolation committed by Mr. Mohamed Bouazizi in Tunisia, "sparked a wave of spontaneous protest" across the country.[27] Within one month of the protests beginning in Tunisia, on 14 January 2011, President Zine El Abidine Ben Ali resigned his position, which he had held for 23 years.[28] The "rumblings of dissent" have since spread throughout the Middle East and North Africa (MENA) to more than ten countries. The populations in these countries, which include, Egypt, Lebanon, Saudi Arabia, Libya, Bahrain, Syria and Yemen, all of which face similar challenges in terms of economic stability and varying levels of repression of fundamental human rights, began protesting to demand freedom and support from their respective states for reform.[29] Egypt, for example, "witnessed approximately 1,000 strikes and other forms of industrial protest in 2009, and 300 labor strikes in the first half of 2010."[30] Two months after the Tunisia protests, and under pressure from widespread popular movement, in February 2011, Egyptian President Mubarak resigned his 30-year term in office.[31]

Many countries, however, still face dictatorial regimes that pose threat to international peace and security. In response to a corrupt presidential election since 2009 hundreds of Iranian street protestors remain imprisoned today while social opposition to President Ahmadinejad rises.[32] After six months of mass movements in Sana'a, Yemen, tensions between Sadiq Al-Ahmar supporters and government forces continue to rise while President Ali Abdullah Saleh refuses to follow through with a Gulf Cooperation Council agreement threatening nationwide security.[33] [34] Since 18 February 2011 the Bahrain protests in the Pearl Roundabout have led to a stalemate with the government and the imprisonment of "Shia activists" and anti government rebels on 23 June 2011.[35]

The situation in the Middle East and North Africa varies widely from country to country, thus it is important to not attempt to apply a "one-size-fits-all" solution to each country experiencing unrest or crisis.[36] The role of the Security Council in monitoring situations and preventing situations threatening international peace and security, as well as protecting civilians in times of crisis is important to consider, however, within the context of the situation of the region, specifically as it relates to the significant levels of violence targeting civilians in Bahrain, Yemen, Libya and Syria, resulting in "loss of life and other human rights violations."[37]

The Council has responded to some of these situations and not others, thus this topic aims to reflect upon the options the Security Council has, how to apply consistent criteria to certain actions, and ways in which to move forward in preventing, addressing and maintaining threats to international peace and security which are complex and reflect the challenges of the world today. The Security Council has a "genuine role in preventing violations" of human rights, and as such the current situation in the Middle East and North Africa warrants consideration.[38]

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[27] Office of the United Nations High Commissioner for Human Rights, *Report of the OHCHR Assessment Mission to Tunisia: 26 January – 2 February 2011,* 2011. http://www.ohchr.org/Documents/Countries/TN/OHCHR_Assessment_Mission_to_Tunisia.pdf; Gardner, *Arab Spring: Where it is now and where it may be going,* 2011. http://www.bbc.co.uk/news/world-middle-east-14080126; Rifai, *Timeline: Tunisia's Uprising*, 2011; Sadiki, *The Mathematics of the Arab Spring*, 2011. http://english.aljazeera.net/indepth/opinion/2011/05/2011531132934920499.html

[28] BBC, *Middle East protests: Country by country,* 2011. http://www.bbc.co.uk/news/world-12482311

[29] Blight, *The Path of Protest*, 2011. http://www.guardian.co.uk/world/interactive/2011/mar/22/middle-east-protest-interactive-timeline

[30] Ottoway, *Protest Movements and Political Change in the Arab World,* 2011. http://www.carnegieendowment.org/2011/01/28/protest-movements-and-political-change-in-arab-world/1xu

[31] Kirkpatrick, *Egypt Erupts in Jubilation as Mubarak Steps Down*, 2011. http://www.nytimes.com/2011/02/12/world/middleeast/12egypt.html?pagewanted=all

[32] Amnesty International, *Annual Report 2011 [Iran]*, 2011. http://www.amnesty.org/en/region/iran/report-2011

[33] Al Jazeera, *Thousands protest in Yemen amidst tensions,* 2011. http://english.aljazeera.net/news/middleeast/2011/07/2011729222356592642.html

[34] BBC News, *Yemen crisis: Saleh 'looking for better deal'*, 2011. http://www.bbc.co.uk/news/world-middle-east-13581138

[35] Al Jazeera, *Bahrain stability jeopardy*, 2011. http://english.aljazeera.net/programmes/insidestory/2011/06/201162411442930694.html

[36] Gardner, *Arab Spring: Where it is now and where it may be going,* 2011. http://www.bbc.co.uk/news/world-middle-east-14080126

[37] United Nations Security Council, *Protection of Civilians (S/PV.6531)*, 2011.

[38] *Ibid.*

International Framework

The United Nations (UN) Security Council has as its central functions to maintain international peace and security.[39] It can, therefore investigate any situation that may lead to international friction as supported by Chapter V, article 24.[40] There are two key elements of this topic which are important to highlight: 1) protection of civilians, and prevention of conflict.

Protection of Civilians
The human rights violations and political uproar in Libya set the initial framework for international assistance in the MENA region with Resolution 1973 (2011).[41] When situations of unrest or conflict arise, the Council investigates other events and situations, and then recommends military plans and/or economic sanctions to prevent and stop aggression.[42] For example, on 15 February 2011, in the aforementioned Resolution 1973 (2011), the Security Council referred the 'situation of Libya' to the International Criminal Court (ICC) Prosecutor regarding the no-fly zone, and called for the international community to aid the victim of the violence in Libya.[43] Following this resolution, multiple conferences were held by the Organization of the Islamic Conference, the African Union Peace and Security Council, and the Council of the League of Arab States. These parallel regional actions provide additional support for Security Council action that is grounded and endorsed by relevant regional bodies.

The Universal Declaration of Human Rights provides concrete international legal grounding for the human rights elements of this topic. This document defines how international law can protect individuals, "International human rights law lays down obligations which States are bound to respect … (and) assume obligations and duties under international law to respect, to protect and to fulfill human rights."[44] The document holds states accountable for this standard of protection, and it is the responsibility of the United Nations act on threats to international security or violations of human rights.[45]

Prevention of Armed Conflict
Article 99 of the UN Charter provides that the "Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security."[46] Historically, "this mandate has been used only very rarely, nevertheless, successive Secretary-Generals have taken at times active, independent roles in identifying concerns or potential threats to international peace and security and raising these informally with Council members in consultations."[47] Such briefings by the Secretary-General or his senior staff on actual or emerging security issues are therefore clearly grounded in the Charter.[48]

Ways in which to enable the United Nations, but specifically the Security Council to more effectively prevent conflict, include, "strengthening the Secretariat's early-warning capacities and by encouraging the Council to conduct early missions to conflict areas."[49] Additionally, ensuring that briefings and "horizon-scanning" is done more frequently, would enable the Council to address or take action on issues more quickly.[50]

Libyan Arab Jamahiriya

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[39] United Nations, *Security Council*, 2011. http://www.un.org/Docs/sc/
[40] United Nations, *Charter of the United Nations*, 2011. http://www.un.org/en/documents/charter/
[41] United Nations Security Council, *Situation in Libya (S/RES/1973)*, 2011.
      http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1973%20(2011)
[42] United Nations Security Council, *Functions and Powers*, 2011. http://www.un.org/Docs/sc/unsc_functions.html
[43] United Nations Security Council, *Situation in Libya (S/RES/1973)*, 2011.
      http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1973%20(2011)
[44] United Nations, *The Universal Declaration of Human Rights*, 2011. http://www.un.org/en/documents/udhr/
[45] United Nations, *Charter of the United Nations: Introductory Note*, n.d. http://www.un.org/en/documents/charter/intro.shtml
[46] Security Council Report, *January 2011: Conflict Prevention Briefings,* 2011.
      http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6453281/k.A5CC/January_2011brConflict_Prevention_Briefings.htm
[47] *Ibid.*
[48] *Ibid.*
[49] United Nations Security Council, *Repertoire of the Practice of the Security Council from 2000 – 2003: Role of the Security Council in the prevention of armed conflicts,* 2008. http://www.un.org/en/sc/repertoire/studies/general_studies.shtml#P
[50] Security Council Report, *January 2011: Conflict Prevention Briefings,* 2011.
      http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6453281/k.A5CC/January_2011brConflict_Prevention_Briefings.htm

The current crisis in Libyan Arab Jamahiriya (Libya) is complex, and of concern to the international community due to the alarming reports and verified cases of intentional targeting of civilians for violence amounting to alleged crimes against humanity.[51] The current situation within Libya is firmly rooted within the human rights context of the country itself – before the crisis – that includes the "economic disparities, manner of governance and general human rights issues."[52] Concerns have been raised regarding arbitrary arrest, systematic use of torture, lack of freedom of speech, and the continued imposition of the death penalty on children.[53] Libyans do enjoy the "highest literacy and educational enrollment rates in North Africa," including of female schooling, as well as nearly universal health care for children.[54]

The present situation began in earnest in February 2011 with protests calling for democratic reform and an end to the regime of President Colonel Muamar Abu Minyar al-Qadhafi.[55] First coming to power in 1969, Qadhafi is alleged to have personally ordered the bombing of Pan Am Flight 103 over Lockerbie, Scotland, which killed 259 people on board, as well maintaining a system of government that utilizes "fear, intimidation and incentives based on loyalty."[56]

In response to the protests of which began in February 2011, Qadhafi implemented harsh military strategies on peaceful protestors, a significant violation against human rights code and a trigger for the United Nations Security Council to consider taking action on the situation.[57] The Security Council adopted Resolution 1973, which "demands an immediate ceasefire and authorization for the international community to establish a no-fly zone over Libya. Security Council resolution 1973 (2011) ultimately reaffirmed resolution 1970 (2011), and in addition calls for the establishment of a no-fly zone.[58] The no-fly zone forbids military aircraft to fly in Libyan airspace, including Libyan aircraft that are used to attack civilians under military control. According to a report in Al-Jazeera, Libyan leader al-Qadhafi, called pro-democracy fighters in Benghazi "armed gangsters" and urged residents to attack them, saying: "You all go out and cleanse the city of Benghazi."[59]

In 2011, the Security Council adopted two key resolutions regarding the situation in Libya. On 26 February Resolution 1970 (2011), detailed the current situation in Libya, referred the situation in Libya to the ICC, imposed an arms embargo and targeted sanctions (assets freeze and travel ban). The resolution expressed "grave concern at the situation in the Libyan Arab Jamahiriya" and condemned the violence and use of force against civilians. In addition, given the shortage of resources and aid for the injured, for the resolution demanded that "Libyan authorities to adhere to and respect the human rights of their civilians and to provide access for aid."[60] On 17 March 2011, Security Council resolution 1973 (2011), was adopted with ten votes and five abstentions and authorized all necessary measures—excluding an occupation force—to protect civilians in Libya and enforce the arms embargo, imposed a no-fly zone, strengthened the sanctions regime, and established a panel of experts.[61]

Syrian Arab Republic

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[51] United Nations, *ICC issues arrest warrants for Libyan officials for alleged crimes against humanity*, 2011.
http://www.un.org/apps/news/story.asp?NewsID=38855

[52] United Nations Human Rights Council, *Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya (A/HRC/17/44),* 2011, p. 21.
http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.44_AUV.pdf

[53] *Ibid.*

[54] *Ibid.*

[55] *Ibid.*

[56] Al Jazeera, *Gaddafi ordered Lockerbie bombing,* 2011; United Nations Human Rights Council, *Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya (A/HRC/17/44),* 2011, p. 3. http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.44_AUV.pdf

[57] *Ibid.*

[58] United Nations Security Council, *Situation in Libya (S/RES/1973)*, 2011.
http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1973%20(2011)

[59] Al Jazeera, *UN authorizes no-fly over Libya*, 2011. http://english.aljazeera.net/news/africa/2011/03/201131720311168561.html

[60] United Nations Security Council, *Situation in Libya (S/RES/1970)*, 2011.
http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1973%20(2011)

[61] *Ibid.*

Beginning on 15 March 2011, "thousands of Syrians participated in public demonstrations" in the Syrian Arab Republic, raising grievances that were "centered on issues such as corruption, discrimination, freedom of expression, participation in public affairs and decision-making and the release of political prisoners."[62]

Although President President Bashar al-Assad has experienced greater popular support than other leaders in the region, as a result of the violent and repressive "reaction of the Syrian authorities to the incipient demonstrations, subsequent protests not only called for dialogue and reforms relating to these grievances." In addition, protestors, finding strength and support in greater numbers as the months wore on, "rejected the repressive tactics adopted by Syrian security forces, called for greater respect for fundamental human rights and freedoms generally, and demanded that far-reaching economic, legal and political reforms be undertaken on an urgent basis - in particular with respect to the 1963 State of Emergency, which allowed the suspension of fundamental rights and attributed broad and exceptional powers to the security forces."[63]

President President Bashar al-Assad ordered a military crackdown, and imposed harsh methods of control by opening fire upon the protestors in several cities across the country.[64] Reforms, such as the replacement of the Governor of Dana and the entire cabinet were attempted; however they were not adequate to quell the unrest.[65] As of mid-July 2011, more than "1,500 people have been killed, mostly protesters, and well over 10,000 people were reported to be in custody or missing."[66] The most brutal case of violence to date, occurred on 31 July 2011, when "Syrian forces bombed Hama and other restive cities, killing at least 75."[67] However, on 14 August 2011, 26 people were killed when Syrian military vessels assaulted the city of Latakia.[68] Additionally, there has been an "influx across [the] northern border [of Lebanon] in mid-May of an estimated 4,000 persons fleeing violence in Syrian towns close to the border.[69]

The Human Rights Council and the Security Council have both considered this issue on separate occasions. The Human Rights Council, on 4 April 2011, adopted Resolution S-16/1 on "The current human rights situation in the Syrian Arab Republic in the context of recent events," which requested a report by the UN High Commissioner on Human Rights, as well as an urgently dispatched mission to the Syrian Arab Republic.[70] This mission would "investigate all alleged violations of international human rights law and to establish the facts and circumstances of such violations and of the crimes perpetrated, with a view to avoiding impunity and ensuring full accountability."[71]

The United Nations Security Council, over the past several months, has been "hesitant" to take action on Syria, due to myriad reasons, including domestic policy, and the sense that the situation was not at the level necessary for Security Council action.[72] However, on 12 July 2011, in a press statement, read out by the President of the Council, Ambassador Wittig of Germany, responded to attacks against embassies in Damascus.[73] In the weeks following, Council members met to discuss the situation in Syria privately, and influenced by the violence occurring in Hama, in early August, made a presidential statement on 3 August 2011.[74] The statement "condemns the widespread violations of human rights and the use of force against civilians by the Syrian authorities" and called for an

[62] Human Rights Council, *Preliminary report of the High Commissioner on the situation of human rights in the Syrian Arab Republic (A/HRC/17/CRP.1)*, 2011. http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.CRP.1_Englishonly.pdf
[63] *Ibid.*
[64] New York Times, *Syria- Protests,* 2011. http://topics.nytimes.com/top/news/international/countriesandterritories/syria/index.html
[65] *Ibid.*
[66] *Ibid.*
[67] *Ibid.*
[68] Agence France-Presse, *26 dead as Syria ships, tanks blast city: activists*, 2011. http://www.google.com/hostednews/afp/article/ALeqM5gKQEojfUgTJHKNaNW9PVhvURA_6g?docId=CNG.ab71474d3d7fe13f1afc718e271c5332.7a1
[69] United Nations Security Council, *Sixteenth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2011/406),* 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=S/2011/406
[70] Human Rights Council, *The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1),* 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/RES/S-16/1
[71] *Ibid.*
[72] Security Council Report, *Update Report No. 2: Syria,* 2011. http://www.securitycouncilreport.org/site/pp.aspx?c=glKWLeMTIsG&b=7494091
[73] United Nations Security Council, *Security Council Press Statement on Embassy Attacks in Damascus (SC/10321),* 2011. http://www.un.org/News/Press/docs/2011/sc10321.doc.htm
[74] United Nations, *Syria: Security Council condemns rights abuses and use of force against civilians*, 2011. http://www.un.org/apps/news/story.asp?NewsID=39229&Cr=Syria&Cr1

"immediate end to all violence."[75] The statement additionally requests that the Secretary-General keep the Council members informed as to further developments.

Role of Regional Organizations in the Current Situation

The crackdown of military control over peaceful protesters in the MENA region has gained the attention and condemnation of the international community and the United Nations. Organizations such as NATO, the United Nations, and the European Union have played an important role in putting pressure, through the use of sanctions, against governments involved in repression of citizens whom are peacefully protesting.

Referring again to the situation in Libya, the Security Council laid the foundation for international condemnation against the Libya protests with Resolution 1973 (2011), which recognizes the condemnations of the League of Arab States, the African Union, the Organization of the Islamic Conference, and the Gulf Cooperation Council, of which include ad hoc committees on peace and security within each entity.[76] On 29 March 2011, NATO was an official protector of the no-fly zone according to a conference of 40 nations agreeing "to press on with the NATO-led aerial bombardment of Libya's forces until Qadhafi complied with the U.N. resolution to end violence against civilians."[77] The African Union is a 53-member organization that faced the challenge of upholding the ICC's arrest warrant against Gadhafi while attempting to "broker a settlement of the Libyan civil war, explaining its [final] decision the day before to disregard the arrest warrant against the Libyan leader".[78]

In general, it is important for the UN Security Council to work in partnership with the regional organizations that are relevant.

Conclusion

What many people will find most striking in the Middle East in year 2011 is the role of the 'citizen', and the impact a group of citizens has had on the entire system of government within many countries previously known for hosting repressive regimes. The United Nations Security Council has, as one of its responsibilities, the role of condemning systematic violations of human rights, "including killings; arbitrary detention; disappearances; and torture of peaceful demonstrators, human rights defenders, and journalists."[79] The Council can take concrete action, through demanding an immediate end to these abuses, and hold those responsible to account through referring the ICC or authorizing military action.[80] Another tool at its disposal is expressing support for investigative and fact-finding teams, whether through bodies such as the Human Rights Council, or regional organizations, seek information regarding the full scope in countries experiencing unrest. Finally, the Security Council can adopt targeted sanctions on officials responsible for the ongoing grave, widespread, and systematic violations of international human rights law in countries of concern. There are many ways in which the Security Council can take action on the situation in the Middle East, and as the body responsible for maintaining international peace and security, it has an obligation to do so, when the lives of civilians are being threatened.

Questions to Consider

As you prepare for the upcoming conference, allow the following questions guide you in your research on this topic:

- Do the current Security Council resolutions regarding the situation of the Middle East and North Africa region provide an efficient framework to address every country in the Middle East?

[75] United Nations Security Council, *The Situation in the Middle East (S/PRST/2011/16),* 2011.
   http://www.un.org/Docs/journal/asp/ws.asp?m=S/PRST/2011/16
[76] United Nations Security Council, *Situation in Libya (S/RES/1970)*, 2011.
   http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1970%20(2011)
[76] *Ibid.*
[77] Al Arabiya News, *Libya Troops Push Rebels Out; Powers Want Gaddafi out*, 2011. http://www.alarabiya.net/articles/2011/03/29/143398.html
[78] CBC News, *Gadhafi Indictment Hinders Peace: African Union*, 2011. http://www.cbc.ca/news/world/story/2011/07/02/world-african-union-gadhafi.html
[79] Human Rights Watch, *We've Never Seen Such Horror,* 2011. http://www.hrw.org/reports/2011/06/01/we-ve-never-seen-such-horror-0
[80] *Ibid.*

- How can the Security Council prioritize the need to prevent armed conflict while balancing a need to react to the current MENA protests?

- How can the council create a hybrid foundation for short and long-term plans that address issues such as youth unemployment, human rights violations, and political stability?

- What concrete options does the Council have at its disposal when addressing the situation in the Middle East?

II. The Situation in Cote d'Ivoire

Introduction

The security situation in Cote d'Ivoire, which had remained relatively stable in the years since the signing of the Ouagadougou Political Agreement (2007) which ended a five-year civil war. In recent months, however, political turmoil has shaken the country and undone many of the positive effects brought about by the earlier peace agreement.[81] The trigger for the current crisis was elections held in October 2010 and the run-off election results in 2011.[82] The small country, located in the western portion of Africa bordered by Sierra Leone, Mali, Burkina Faso and Ghana experienced high levels of violence when run-off election results which recognized Alassane Outarra as the winner of the elections, over the incumbent, Laurent Gbagbo, were disputed by Gbagbo.[83] His refusal to cede the office triggered reengagement by various fighting groups who had formerly been active during the first civil war from 2002 – 2007, causing concern that not only would civilians be once again the target of indiscriminate violence, including sexual and gender-based violence, but the country would return to a war torn state and the work done in the last three years would be lost.[84]

Given the country's strategic placement on the West African coast, stabilizing the situation and assisting in the reconciliation and rebuilding of the society is of utmost importance to not only related regional bodies, such as the African Union, but also the international community. Refugees from neighboring countries such as Liberia have been adversely affected during the violence, as have internally displaced persons (IDPs) within the country and Ivorian refugees who fled to neighboring countries during the conflict.[85] Many of these refugees and IDPs have yet to return home, and difficulty in doing so may lead to growing tensions to fuel another outbreak of violence. The Security Council has been involved in Cote d'Ivoire heavily since the mid-2000's and discussed the current crisis on a monthly basis since the outbreak of violence in November 2010.[86] As the United Nations' (UN)'s peacekeeping force, the United Nations Operation in Cote d'Ivoire (UNOCI) is likely to be a key force in returning stability and peace to the country, the Security Council must examine the current situation and determine the best course of action for Cote d'Ivoire and the West African coast.

History and Background

Following independence from France in 1960, Cote d'Ivoire emerged as one of the most stable countries in West Africa as a result of its strong economy and harmonious civil society.[87] The second President of Cote d'Ivoire, Henri Bedie, launched a xenophobic campaign that targeted Northern Muslims.[88] A coup organize by Mr. Guei overthrew Bedie in 1999, but the continued xenophobic stance held by Mr. Guei, led to the exclusion of his main rival,

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[81] *Ibid.*
[82] *Ibid.*
[83] BBC News, *Ivory Coast Election: Army Says It Has Sealed Borders*, 2010. http://www.bbc.co.uk/news/world-africa-11905971
[84] Security Council Report, *Update Report No. 3: Cote d'Ivoire,* 2011.
    http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6743367/k.B3EF/Update_Report_No_3brC244te_d8217Ivoirebr20_April_2011.htm
[85] UN Refugee Agency, *2011 UNHCR Country Operations Profile – Cote d'Ivoire*, n.d. http://www.unhcr.org/pages/49e484016.html
[86] United Nations Security Council, *Meetings conducted / Actions taken by the Security Council,* 2011.
    http://www.un.org/Depts/dhl/resguide/scact.htm
[87] BBC News, *Ivory Coast Country Profile*, 2011. http://news.bbc.co.uk/2/hi/country_profiles/1043014.stm
[88] *Ibid.*

Alassane Ouattara, from the 2000 elections. Mr. Guei was quickly removed from office, and his rival, Laurent Gbagbo, seized office as leader of the Ivorian Popular Front (FPI) without calling for new elections, refusing to recognize Ouattara as a legitimate opponent due to his foreign ethnicity.[89] Calls for new elections by Ouattara and his supporters led to outbreaks of large-scale violence throughout the country. To temper the outbreaks of politically-motivated violence, President Gbagbo initiated a power-sharing agreement that would give all political parties representation in parliament, including Ouattara's party, Rally of the Republicans (RDR).[90]

Despite these attempts at bringing stability back to Cote d'Ivoire, the tension and conflict came to a head in September 2002, when a rebellion was launched against the government, spearheaded by politically oppressed Muslims in the North of the country. The rebellion resulted in huge loss of life, and the social fabric of Cote d'Ivoire remains tense and divided over political rivalries and discrimination. The Economic Community of West African States (ECOWAS) began mediation efforts in October to help the different parties come to a ceasefire agreement, which was finalized and signed by President Gbagbo on October 17th 2002.[91] Though the signing of this peace agreement was an important step in bringing security back to Cote d'Ivoire, it failed to address the central issues behind the violence to establish a long-lasting peace. The Lome Talks began in on the 24th of October under the leadership of President Gnassingbé Eyadéma of Togo. Though some important agreements were made, such as President Gbagbo's concession to release and reintegrate imprisoned and exiled soldiers, the talks quickly fell apart and neither party was willing to continue negotiations.[92]

In January 2003 as hostilities in Cote d'Ivoire continued, the Security Council hosted a roundtable for all involved actors in the conflict in Linas-Marcoussis, France. The Linas-Marcoussis Agreement (2003) emphasized the importance of power-sharing in the country, and granted special powers to the Prime Minister, to be appointed by the President on recommendation and approval of all political parties.[93] Though the Linas-Marcoussis Agreement was considered a great success, the implementation of these strategies was thwarted by escalating violence within administrative centers and a lack of political will.[94] Small strides were made in the successful appointment of Prime Minister Seydou Diarra, but subsequent actions were stalled or weakened, preventing the measures from ceasing violence and stabilizing the nation. Subsequent resolutions, most notably UN Security Council resolutions 1643 (2005) and 1721 (2006) on "The Situation in Cote d'Ivoire" emphasized the necessity of the UNOCI mission and the Council's continued commitment to support power-sharing arrangements and political fairness and stability in Cote d'Ivoire.[95]

In 2007 after more deliberations and talks, President Gbagbo and other regional actors signed the Ouagadougou Political Agreement. In addition to re-establishing Ivorian citizens to ethnic minorities to ease civilian tensions, the agreement updated electoral processes, pledged to increase national defense and security efforts, and committed to reconciling and unifying the country after the damaging five-year conflict.[96] Though political cooperation was somewhat strained even after the implementation of the Ouagadougou Political Agreement, the agreement did succeed in reintegrating ethnic and religious minorities back into stable societies, and significantly tempering internal conflict.

The October 2010 election was accompanied by risks that fraudulent election processes or results could resume the conflict that erupted eight years ago. In anticipation of the elections, the Council passed the United Nations Security Council resolution 1911 (2010), extending UNOCI's mandate and increasing personnel from 7,450 to 7,950 to

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[89] *Ibid.*
[90] United Nations, *Cote d'Ivoire – MINUCI – Background*, 2004. http://www.un.org/en/peacekeeping/missions/past/minuci/background.html
[91] United Nations Security Council, *Report of the Secretary-General on Cote d'Ivoire* (S/2003/374), 2003.
http://www.un.org/Docs/journal/asp/ws.asp?m=S/2003/374
[92] *Ibid.*
[93] United Nations Security Council, *Annex I to the Letter Dated 27 January 2003 from the Permanent Representative of France to the United Nations Addressed to the President of the Security Council* (S/2003/99), 2003.
http://www.un.org/Docs/journal/asp/ws.asp?m=S/2003/99
[94] *Ibid.*
[95] United Nations Security Council, *The Situation in Cote d'Ivoire* (S/RES/1643), 2005.
http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1643%20(2005); United Nations Security Council, *The Situation in Cote d'Ivoire* (S/RES/1721), 2006. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1721%20(2006)
[96] United Nations Security Council, *Annex to the Letter Dated 13 March 2007 from the Secretary-General Addressed to the President of the Security Council (S/2007/144)*, 2007. http://www.un.org/Docs/journal/asp/ws.asp?m=S/2007/144

oversee the election process and mediate conflicts in case of increased violence.[97] In the months leading up to the election, the country was fairly peaceful and the international community was poised to receive a safe and legitimate election. In his progress report in October 2010, the Secretary-General states that the "calm political and security climate…and the spirit of compromise and consensus that has brought Cote d'Ivoire thus far are encouraging and bode well for the elections."[98] The elections took place on October 31st 2010 and were carried out legitimately and fairly, according to the independent elections observers.[99] The results that were announced on November 4th were divided between several parties, and the lack of a clear majority necessitated a run-off election. The run-off was held on November 28th amid escalating tensions and isolated violence between the two main candidates, Alassane Ouattara, and the incumbent Laurent Gbagbo.[100] The Independent Electoral Commission (IEC) declared that Ouattara was the winner by a slim margin, but the results were contested by the Constitutional Council, of which many members are ardent Gbagbo supporters.[101] The contested results led to an outbreak of violence throughout the country, despite increased UNOCI efforts and the United Nations Security Council resolution 1962 (2010) on "The Situation on Cote d'Ivoire" which urged all Ivorian parties to maintain calm and peace until dialogue and political cooperation could be achieved.[102] On April 11th 2011 after continued hostilities and increased international condemnation, Gbagbo surrendered and was arrested for ignoring electoral outcomes for several months.[103] Though the main electoral crisis was resolved, the underlying rivalries and tensions that fueled the conflict have yet to be addressed.

Regional Involvement

The Economic Community of West African States (ECOWAS) has been instrumental in providing peacekeeping support and a collaborative space for many West African countries to discuss security concerns and solutions for Cote d'Ivoire and the West African region. During Cote d'Ivoire's 2002 crisis, ECOWAS used the ECOWAS Mission in Cote d'Ivoire (ECOMICI) to stabilize the situation, and strengthen the force additionally by deploying 2,000 more peacekeepers.[104] The mission's main role during the crises was to enforce ceasefire agreements and to protect civilians and humanitarian missions from attack or harm. Since this time, ECOWAS has remained involved in helping maintain the security and stability of Cote d'Ivoire, and its involvement left it poised to play a crucial role in the 2010 election struggle. After both Gbagbo and Ouattara claimed victory in the 2010 election, ECOWAS organized a multilateral summit for all ECOWAS members, and facilitated negotiations between Gbagbo and Ouattara.[105] A follow-up communiqué expressed ECOWAS' support for the election results confirmed by the Independent Electoral Commission (IEC), and called for Gbagbo to step down and respect the voice for the Ivorian people.[106] The communiqué also invoked the use of sanctions on Cote d'Ivoire under Article 45 of the ECOWAS Protocol on Democracy and Good Governance, until the recognized election results were fully respected by all parties.[107] ECOWAS solidarity during the election crises played an important role in mitigating the crisis and enforcing that the lawful election results be respected by all Ivorian parties.

The African Union (AU) has played an important role in stabilizing crises in Cote d'Ivoire through mediation and dialogue. The AU's involvement in Cote d'Ivoire became more prominent in 2005, when it recommended to the UN Security Council that Cote d'Ivoire postpone its 2005 election for twelve months due to an unfavorable political

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[97] United Nations Security Council, *The Situation in Cote d'Ivoire (S/RES/1911)*, 2010.
    http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1911%20(2010)
[98] United Nations Security Council, *Progress Report of the Secretary-General on the United Nations Operation in Cote d'Ivoire* (S/2010/537),
    2010. http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/537
[99] United Nations Security Council, *Twenty-Sixth Progress Report of the Secretary-General on the United Nations Operation in Cote d'Ivoire*
    (S/2010/600), 2010. http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/600
[100] BBC News, *Ivory Coast Election: Army Says It Has Sealed Borders*, 2010. http://www.bbc.co.uk/news/world-africa-11905971
[101] *Ibid.*
[102] United Nations Security Council, *The Situation in Cote d'Ivoire (S/RES/1962)*, 2010.
    http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1962%20(2010)
[103] UN News Centre, *Cote d'Ivoire: Ban Warns Against Retribution Towards Gbagbo's Supporters*, 2011.
    http://www.un.org/apps/news/story.asp?NewsID=38082&Cr=Ivoire&Cr1
[104] IRIN News, *Cote d'Ivoire: ECOWAS Approved Beefed-Up ECOMICI Contingent*, 2003. http://www.irinnews.org/report.aspx?reportid=42992
[105] VOA News, *ECOWAS Set to Convene Summit Tuesday on Ivory Coast Crisis*, 2010. http://www.voanews.com/english/news/africa/ECOWAS-
    Set-to-Convene-Summit-Tuesday-on-Ivory-Coast-Crisis--111358534.html
[106] Economic Community of West African States, *Final Communiqué on the Extraordinary Session of the Authority of Heads of State and
    Government on Cote d'Ivoire*, 2010. http://news.ecowas.int/presseshow.php?nb=188&lang=en&annee=2010
[107] Economic Community of West African States, *Protocol A/SP1/12/02 on Democracy and Good Governance,* December 2001.
    http://www.comm.ecowas.int/sec/en/protocoles/Protocol%20on%20good-governance-and-democracy-rev-5EN.pdf

climate.[108] One of the terms of the Linas-Marcoussis Agreement was for an Ivorian election to be held in 2005; however, due to tensions within the country, the transition period deadline as set out in the agreement was not feasible, and the country was too unstable to undergo another election.[109] The African Union also showed its political support for the progress being made in Ivorian cooperation agreements while urging further action, as it did in the African Union's Communique on the Peace Process in Cote d'Ivoire (2005).[110] Following the 2010 election, the AU engaged with both presidential candidates to come to a cooperative settlement that would restore peace in Cote d'Ivoire.[111] When Gbagbo remained in power after election results were verified, the African Union suspended Cote d'Ivoire from participating in the African Union in any way.[112] Despite this suspension, after election results were accepted by the UN, ECOWAS, and many other state governments, the AU attempted to cooperate with Gbagbo by proposing a compromise that would let him retain some political power, but despite attempts Gbagbo flatly refused.[113]

United Nations Involvement

The United Nations has played a central role in Cote d'Ivoire since the first political crisis in the early 2000s. Following the violent outbreaks in 2002, the Security Council passed Resolution 1479 (2003), which created the United Nations Mission in Cote d'Ivoire (MINUCI).[114] The mandate of MINUCI was to support French and ECOWAS forces already operating in the region, and to oversee the implementation of the Linas-Marcoussis Agreement.[115] After an 11-month mission from May 2003 – April 2004, the Security Council adopted Resolution 1528 (2004), establishing the United Nations Operation in Cote d'Ivoire (UNOCI) to replace MINUCI.[116] Though UNOCI was initially mandated for only a year-long operation, it has been extended in the years since, and is still operating in Cote d'Ivoire today.[117] UNOCI's mandate when established, includes the elements of the former mission's mandate, as well as new roles in promoting disarmament, resettlement, demobilization, reintegration and repatriation efforts targeting former combatants, refugees, and IDPs.[118] To manage this expanded mandate, UNOCI was given a force of over 6,000 uniformed personnel, and a substantially larger budget than MINUCI.[119]

UNOCI has been crucial in managing the escalating crisis in Cote d'Ivoire over the past seven months. Shortly after the post-election violence exploded, the Security Council mandated an increased force in Cote d'Ivoire with Resolution 1951 (2010).[120] The resolution also permitted UNOCI forces to borrow supplies from the neighboring United Nations Mission in Liberia (UNMIL).[121] As the situation continued to escalate, the Security Council passed Resolution 1962 (2010) which grants discretionary powers to the Secretary-General to bolster current forces as needed.[122] Though increased UNOCI support was essential in managing the deteriorating security situation, violence

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[108] United Nations Security Council, *Deadline for Cote d'Ivoire Elections Unattainable, African Union Presidency* (SC/8522), 2005. http://www.un.org/News/Press/docs/2005/sc8522.doc.htm

[109] *Ibid.*

[110] African Union, *Communiqué on the Peace Process on Cote d'Ivoire (PSC/Min/Comm.(XXXIV)-(ii)),* 2005. http://www.africa-union.org/News_Events/Communiqu%C3%A9s/PSC%20Communique%2034e%20%20on%20Cote%20d'Ivoire%20Sirte%2003july05.doc

[111] African Diplomacy, *African Union Meets on Ivory Coast Crisis,* 2011. http://www.africandiplomacy.com/index.php?option=com_content&view=article&id=522%3Aafrican-union-meets-on-ivory-coast-crisis&catid=73%3Abridge-the-gap&Itemid=55&lang=en

[112] African Union, *Communiqué on the 252nd Meeting of the Peace and Security Council (PSC/PR/COMM.1(CCLII)),* 2010. http://www.africa-union.org/root/au/Conferences/2010/december/Communiqu%C3%A9%20of%20the%20252nd.pdf

[113] The Guardian*, Ivory Coast's Gbagbo Rejects Diplomats' Efforts to End Power Struggle,* 2011. http://www.guardian.co.uk/world/2011/mar/10/ivory-coast-gbagbo-diplomats-power

[114] United Nations Security Council, *The Situation in Cote d'Ivoire* (S/RES/1479), 2003. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1479%20(2003)

[115] *Ibid.*

[116] United Nations Security Council, *The Situation in Cote d'Ivoire (S/RES/1528),* 2004. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1528%20(2004)

[117] United Nations, *UNOCI Facts and Figures*, n.d. http://www.un.org/en/peacekeeping/missions/unoci/facts.shtml

[118] United Nations Security Council, *The Situation in Cote d'Ivoire (S/RES/1528),* 2004. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1528%20(2004)

[119] *Ibid.*

[120] United Nations Security Council, *The Situation in Cote d'Ivoire (S/RES/1951)*, 2010. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1951%20(2010)

[121] *Ibid.*

[122] United Nations Security Council, *The Situation in Cote d'Ivoire (S/RES/1962)*, 2010. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1962%20(2010)

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continued to escalate throughout the country.[123] Under mounting tensions and increasing threats against UNOCI forces, the Security Council passed resolution 1967 (2011) on "The Situation in Cote d'Ivoire" that increased UN police presence and transferred more military equipment from UNMIL to UNOCI.[124] The Security Council passed resolution 1981 (2011) on "The Situation in Cote d'Ivoire" which extends the mandate of UNOCI until July 31st 2011 to prevent new violent outbreaks and assist the country in peacebuilding.[125]

Peacekeeping played an important role in mitigating the conflict, but other UN bodies including the United Nations Human Rights Council (UNHRC) are currently carrying out humanitarian projects and conducting fact-finding missions to uncover more information about the crisis. A Human Rights Council report covering February 1st to May 30th 2011 found that human rights had been seriously abused during power struggles, and they continue to be violated even after the arrest of former President Gbagbo.[126] Further, the report found that attack and rape of civilians were carried out by both pro-Gbagbo forces and pro-Ouattara forces.[127] In response, the UN Human Rights Council established an Independent Commission of Inquiry to document human rights abuses with the intention of pursuing international justice for these crimes. [128]

The United Nations High Commissioner for Refugees (UNHCR) has also held an important role in assessing the human security situation in Cote d'Ivoire. During the crisis, the UNHCR assisted Ivorian refugees in neighboring Liberia by moving them to more secure camps with better supplies and infrastructure.[129] More recently, the UNHCR has focused on repatriating other refugees in Cote d'Ivoire back to their countries of origin, including many refugees from Liberia.[130] The UNHCR is currently attempting to return 322, 277 internally displaced people (IDPs) to their homes, though pockets of violence throughout the country are halting the process.[131]

Remaining Challenges and Next Steps

Security and Disarmament
Regional and United Nations involvement in the Cote d'Ivoire crisis has helped stabilize the country after the election crisis. Normality is slowly returning to the country, though there are still challenges to be overcome to create a lasting peace in Cote d'Ivoire and prevent similar crises from erupting in the following years.[132] Though fighting has largely ceased, there is still tension in Western parts of the country, where ethnic clashes exacerbated by the election crisis continue to be of concern.[133] Efforts to restore order throughout the country are met with significant personnel and equipment shortages; many local police officers and security officials abandoned their posts during the post-election violence, and many police stations were looted.[134] Though UNOCI peacekeepers are effective in helping stabilize the situation in Cote d'Ivoire, it is absolutely critical that the international community focus its efforts on rebuilding the weak Ivorian security and order sector.

Despite the decreased in widespread violence across the country, many civilians, particularly IDPs, are still being attacked by the Forces Republicaines de Cote d'Ivoire (FRCI), an armed group loyal to Alassane Ouattara.[135] The attacks are preventing many displaced persons from returning home, and even forcing some Ivoirians to seek refuge

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[123] United Nations Security Council, *Letter Dated 7 January 2011 from the Secretary-General to the President of the Security Council* (S/2011/5), 10 January 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=S/2011/5

[124] United Nations Security Council, *The Situation in Cote d'Ivoire* (S/RES/1967), 19 January 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1967%20(2011)

[125] United Nations Security Council, *The Situation in Cote d'Ivoire* (S/RES/1981), 13 May 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1981%20(2011)

[126] Navi Pillay, *Statement of Ms. Navi Pillay, United Nations High Commissioner for Human Rights on the Situation of Human Rights in Cote d'Ivoire*, 2011. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10831&LangID=E

[127] *Ibid.*

[128] *Ibid.*

[129] UN News Centre, *UN Agency Starts Moving Ivorian Refugees in Liberia to New Camp*, 2011. http://www.un.org/apps/news/story.asp?NewsID=37565

[130] UN News Centre, *UN Resumes Repatriation of Liberian Refugees from Cote d'Ivoire*, 2011. http://www.un.org/apps/news/story.asp?NewsID=38526&Cr=ivoire&Cr1

[131] UN Refugee Agency, *More than 300,000 People Still Displaced in Cote d'Ivoire: 200,000 Remain Overseas*, 2011. http://www.unhcr.org/4df7786d6.html

[132] United Nations Human Rights Council, *Report of the Independent, International Commission of Inquiry on Cote d'Ivoire (A/HRC/17/48)*, 2011. http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.48_Extract.pdf

[133] *Ibid.*

[134] *Ibid.*

[135] *Ibid.*

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and safety in other countries, including Liberia.[136] The presence of the FRCI is halting resettlement progress and undermining national efforts to secure and stabilize the country. All persons not in the security and defense forced must be disarmed immediately to cease current attacks on vulnerable civilians, and to prevent further attacks against individuals or the Ivoirian government.[137]

Justice and National Reconciliation
The international commission of inquiry on Cote d'Ivoire recommends that "those guilty of violating human rights and international humanitarian law are brought to justice." [138] The commission states that justice must be sought in order for the reconciliation of the country to be successful. President Ouattara has taken steps towards national reconciliation by restating his commitment to establish the Truth, Dialogue and Reconciliation Commission in the near future.[139] The current challenge facing the Ivorian government and the international community at large is determining the parameters in which the commission will operate. The goal of the commission is to reunite the country and build a stable foundation for future peace and prosperity, but these priorities must be balanced with seeking justice so neither goal is ignored.

Refugees and Internally Displaced Persons
Continuing instability and a lack of basic provisions is preventing many refugees and internally displaced persons (IDPs) from returning home. As of mid-June 2011, there are still 200,000 Ivorian refugees in neighboring states and over 320,000 internally displaced Ivoirians unable to return.[140] As many reports and academic writings suggest, long-term displacement of persons is positively correlated to ongoing violence and unresolved conflicts; in order for Cote d'Ivoire to unite the country and build a sustainable peace, it is crucial that all displaced Ivoirians are resettled efficiently and peacefully.[141] The report of the United Nations High Commissioner for Human Rights on the situation of human rights in Cote d'Ivoire (2011) suggests that the successful resettlement of Ivorian refugees and IDPs is a responsibility the international community must tackle in cooperation with the Ivoirian government.[142]

Many of the Ivorian refugees who fled during the post-election conflict poured into neighboring Liberia. Many of the refugees who have been in Liberia since late 2010 are still there, and as more refugees poured in through the borders in the past month, the large influx is heavily burdening Liberia.[143] Many Ivorian refugees remain close to the border, severely taxing the resources in that region, leading to food shortages and sever health and sanitation concerns.[144] The Liberian government is ill-equipped to deal with the large number of refugees, as the neighboring country still feels the effects of its recent war and is trying to resettle its own displaced and refugee populations.[145] The United Nations High Commissioner for Refugees (UNHCR) has resettled some refugees back in Cote d'Ivoire, but security concerns and the slow pace of disarmament in dangerous regions has slowed the pace of transfer and reintegration. Many of the refugees are not any safer in Liberia, however; armed mercenaries believed to be hired by Ivoirian belligerents are crossing into neighboring countries including Liberia and terrorizing local communities and Ivoirian refugees.[146] In order to begin a more rapid movement and reintegration process, Ivoirian and Liberian forces, with international support, must be deployed to increase disarmament efforts and border control. Refugees must be placed in safe camps that are secure against belligerent attacks. Though a lengthy resettlement process could

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[136] United Nations High Commissioner for Refugees, *More Than 300,000 Still Displaced in Cote d'Ivoire; 200,000 Remain Overseas*, 2011. http://www.unhcr.org/4df7786d6.html

[137] United Nations Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Cote d'Ivoire (A/HRC/17/49)*, 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/17/49

[138] *Ibid.*

[139] United Nations Security Council, *Annex to the letter dated 2011 from the Permanent Representative of South Africa to the United Nations Addressed to the President of the Security Council* (S/2011/350), 10 June 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=S/2011/350

[140] United Nations High Commissioner for Refugees, *More Than 300,000 Still Displaced in Cote d'Ivoire; 200,000 Remain Overseas*, 2011. http://www.unhcr.org/4df7786d6.html

[141] Governance and Social Development Resource Centre, *Recovering from Violent Conflict,* n.d. http://www.gsdrc.org/docs/open/CON73.pdf

[142] United Nations Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Cote d'Ivoire (A/HRC/17/49)*, 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/17/49

[143] United Nations Children's Fund, *Strained Resources for Refugees from Cote d'Ivoire and Their Hosts in Liberia*, 2011. http://www.unicef.org/emerg/liberia_57463.html

[144] *Ibid.*

[145] UN News Centre, *UN Resumes Repatriation of Liberian Refugees from Cote d'Ivoire*, 2011. http://www.un.org/apps/news/story.asp?NewsID=38526&Cr=ivoire&Cr1

[146] United Nations Security Council, *Update Report No.3: Cote d'Ivoire*, 20 April 2011. http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6743367/k.B3EF/Update_Report_No_3brC244te_d8217Ivoirebr20_April_2011.htm

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create conflicts between refugee and host populations, a rapid repatriation process may prevent the refugees from being safely and properly resettled. Improperly returned refugees may simply increase the amount of IDPs within Cote d'Ivoire, stalling national reconciliation efforts and increasing the risk of future violent conflict. Support to strengthen order and security sectors in both countries should be increased, with the aim of increasing security capabilities in the long term. Until police forces in both countries are fully able to prevent violence against refugees, the UNHCR may have to depend on external forces to protect camps during refugee repatriation.

The situation for IDPs within Cote d'Ivoire remains serious, despite decreases in overall numbers of displaced persons. Violence against IDPs is particularly prevalent in the western part of the country, where there is a history of traditional tribes carrying out violent attacks against newcomers to the area.[147] Reports of mass killings in western Cote d'Ivoire have raised human rights concerns and increased the urgency of IDP resettlement.[148] The Human Rights Council report of the independent, international commission of inquiry on Cote d'Ivoire sees the long-term displacement of persons as a threat to human rights, and strongly recommends a swift and long-term response to resettled IDPs.[149] Squalid conditions in IDP settlements have further raised concerns; cholera is sweeping the country, and the World Food Programme reports rising numbers of malnutrition.[150] Access to essential supplies and medicines to temper the humanitarian crises are extremely limited, as the fighting has damaged essential infrastructure. Security services, particularly in western Cote d'Ivoire must be increased to protect vulnerable IDP populations. Additionally, providing essential medicines, nutritious food, and access to clean water in safe and sanitary camps must become a priority. The resettlement process may take many months. Lingering security vacuums throughout the country continue to make some regions unsafe, and the illegal occupation of private property has prevented some displaced persons from returning home, increasing distrust and tension.[151] During this lengthy process of reconciliation and cessation of violence, IDPs must be protected until they can safely return to their homes.

Conclusion

The situation in Cote d'Ivoire has certainly improved since the arrest of Laurent Gbagbo and the establishment of a new government under Alassane Ouattara, but the country is far from achieving a lasting and stable peace. Ivoirian security forces are too weak to properly police areas and arrest perpetrators, and until the forces are rebuilt, justice and stability will be difficult to achieve. FRCI forces are continuing to carry out attacks on civilians despite harsh UNOCI condemnation. Ethnic tensions exacerbated by the electoral crisis have led to mistrust and tension among Ivoirian populations – until ethnic unity and cooperation is established, there is a constant threat that violence will break out again among different ethnic and political groups. The UNOCI force has remained in Cote d'Ivoire with support from UNMIL, but the increased troops and supplies but it has not assisted the Ivoirian government with pressing policing needs. Stability and cessation of civilian attacks are necessary preconditions for IDPs and refugees to return to their homes. Until an acceptable level of stability and security can be established, UNHRC is unable to assist IDPs and refugees, and unable to protect them from violence and deteriorating living conditions. Addressing these problems and stabilizing the country will take a great deal of communication and cooperation between the Ivoirian government and the international community.

Questions to Consider

As you prepare for the upcoming conference, allow the following questions guide you in your research on this topic:

- How can the Council promote unification between ethnicities and regions of the country to avoid future political stratification and conflict?

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[147] United Nations Department of Public Information, *Press Conference on Situation in Cote d'Ivoire by Assistant Secretary-General of New York Office of United Nations High Commissioner for Human Rights*, 11 April 2011. http://www.un.org/News/briefings/docs/2011/110411_Simonovic.doc.htm

[148] *Ibid.*

[149] United Nations Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Cote d'Ivoire (A/HRC/17/49)*, 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/17/49

[150] United Nations Security Council, *Top UN Official Tells Security Council Post-Electoral Crisis in Cote d'Ivoire Ended: Says 'I Remain Hopeful,' as Country Moves Towards Reconciliation, Reconstruction* (SC/10223), 13 April 2011. http://www.un.org/News/Press/docs/2011/sc10223.doc.htm

[151] United Nations High Commissioner for Refugees, *2011 UNHCR Country Operations Profile – Cote d'Ivoire, 2011*. http://www.unhcr.org/pages/49e484016.html

- How can the Council help create and maintain political stability while ensuring that political accountability and legitimacy remains in the hands of the Ivorian people?

- What are the primary security concerns in Cote d'Ivoire that must be addressed immediately? How can these be balanced with competing needs?

- How can national reconciliation efforts be balanced with bringing responsible parties to justice? How can the international community and the Security Council assist in achieving both aims?

- How can the Council create conditions to ensure the swift and safe return of IDPs and refugees?

- How can the Council work with the Ivoirian government to prevent belligerent groups like the FRCI from re-arming and targeting civilians and government stability?

III. Protecting Fundamental Human Rights while Countering Terrorism

Introduction

The terrorist attacks perpetrated in the United States on 11 September 2001 and in Spain on 11 March 2004 as well as other events elsewhere (Dar es Salaam, Nairobi, Tel Aviv, Istanbul, Casablanca, Mumbai, London) have demonstrated that transnational terrorism is a threat in every corner of the world. Indeed, the contest between states and terrorist organizations has taken center stage worldwide and is consequently the backdrop for international policy.

Terrorism, though an age-old phenomenon, has become a significant threat to international peace and security in recent years. Notwithstanding the indiscriminate violence and devastating effects resulting from terrorist acts, the proliferation of such acts has raised questions about the legal instruments available to the international community in combating terrorism.

This global problem requires a global response.[152] The urgent need to articulate this global response has given rise to a passionate debate vis-à-vis the best way of conducting international counter-terrorism efforts. The High Level Panel on Threats, Challenges and Change, convened upon the request of the United Nations (UN) Secretary-General, composed a report – *A More Secure World: Our Shared Responsibility*—wherein terrorism was described as an attack on "the values that lie at the heart of the Charter of the United Nations."[153] With terrorism striking at the central values of international society—including the respect of human rights and the rule of law—the inevitable question arises: Should the United Nations afford human rights to the enemies of human rights? And furthermore, how do we protect the rights of civilians while attempting to take action against terrorism.

International Legal Framework

The Security Council has, thus far, preferred not to include defining notes on what constitutes acts of terrorism in its resolutions.[154] In order to deduce some of the elements involved in terrorist acts one must observe the attacks which the Council expressly condemns. Beyond this cursory understanding of terrorism in the context of international law little can be derived from the Security Council actions responding to the global threat to peace caused by terrorism. The absence of a Security Council definition for terrorism ultimately leaves states to adopt definitions that may be divergent and contradictory. This creates the opportunity for States to abuse the flexible definition of terrorism in order to violate basic human rights under the guise of implementing Security Council actions to counter terrorism.[155]

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[152] International Summit on Democracy, Terrorism and Security, *The Madrid Agenda,* 2005. http://summit.clubmadrid.org/agenda/the-madrid-agenda.html

[153] United Nations General Assembly, *Follow-up to the Outcome of the Millennium Summit* (*A*/59/565), 2004. http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/565

[154] Giles-Carnero, *Terrorist Acts as Threats to International Peace and Security*, 2009, p.66.

[155] Kielsgard, *A Human Rights Approach to Counter-Terrorism*, 2006. http://www.cwsl.edu/content/journals/Kielagard.pdf

The Security Council has attempted to remedy this situation by putting forward a non-binding definition in Resolution 1566 (2004) wherein terrorism is defined as:

> *"Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate s population or compel a government or an international organization to do or abstain from doing any act, which constitute offences within the scope or and as defined in the international conventions and protocols relating to terrorism."[156]*

Nevertheless, this resolution does little to resolve the difficulties caused by the lack of a definition as to what constitutes a terrorist act. It should be remembered that this definition is non-binding so States retain the right to make and act upon their own definitions. This would suggest that the definition offered in Resolution 1566 can only be viewed as a guide for developing national counter-terrorism policies and constitutes only a part of the continued debate for a generally accepted and practicable international definition.

The appropriateness of formulating a universal definition on terrorism is itself the subject of frequent debate. Should the international community even strive for a universal definition or focus on event-specific condemnations of terrorism? Indeed, the CTC has adopted such an *ad hoc* approach, assessing each specific situation and avoiding a general definition.

The Security Council, in its resolution 1377 of 2001, declared "that acts of international terrorism constitutes one of the most serious threats to international peace and security in the twenty-first century."[157] In resolution 1624 from 2005, the Security Council pronounced that "all acts of terrorism irrespective of motivation, whenever and by whomever committed ... [are] one of the most serious threats to peace and security."[158] These declarations ought to be taken in the context of Article 39 of the Charter of the United Nations which states: "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Article 41 and 42, to maintain or restore international peace and security."[159]

The significance of classifying terrorism as one of the categories under Article 39 provides the legal basis upon which the Security Council is entitled to adopt mandatory obligations for States under Chapter VII of the Charter. In essence, it is this classification which gives the Security Council is coercive power for counter-terrorism initiatives. While the proclamation of terrorism as a threat to international peace affords the Security Council great latitude in its counter-terrorism initiatives, the absence of an international definition essentially affords national systems the authority to make decisions about which situations constitute an Article 39 threat to international peace.

The CTC, moreover, has indicated that one of the problems hampering its full operational capacity is the absence of a definition of terrorism.[160] Indeed, as long as it is left to States to define terrorism, he CTC will encounter difficulty when contemplating action against groups which are not considered terrorists under national records.[161] In the context of human rights, the operational problems of the lack of an international definition are exacerbated by the possibility that States, striving for their own interests, may be inclined to develop definitions of terrorism which permit counter-terrorism operations that infringe on basic human rights.[162] Thus, the lack of a practicable definition of terrorism which contributes to significant areas of uncertainty when discussing counter-terrorism measures in the context of human rights.

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[156] United Nations Security Council, *Threats to International Peace and Security Caused by Terrorist Acts (S/RES/1566)*, 2004. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1566%20(2004)

[157] United Nations Security Council, *Threats to International Peace and Security Caused by Terrorist Acts (S/RES/1377)*, 2001. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1377%20(2001)

[158] United Nations Security Council, *Threats to International Peace and Security: Security Council Summit 2005 (S/RES/1624)*, 2005. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1624%20(2005)

[159] United Nations, *Charter of the United Nations*, 1945, Art. 39. http://www.un.org/en/documents/charter/

[160] Marschik, *The Security Council's Role: Problems and Perspectives in the Fight against Terrorism*, 2006, p.71.

[161] A comparison between the lists of foreign terrorist organizations issued by the US State Department and the UK Home Office reveal the inconsistencies between the groups which the two countries consider to be terrorist organizations.

[162] Saul, *Definition of Terrorism in the UN Security Council 1985-2004*, 2005, pp.141-166.

UN Security Council Role in Counter-terrorism

A key element of the international community's response to terrorism has been the gradual development of the legal infrastructure of terrorism-related conventions and protocols. This legal regime offers the framework to address terrorist acts using a wide array of criminal justice mechanism.
On 12 November 2001 during Security Council Meeting 4413 the Secretary-General Kofi Annan declared that:

> *The United Nation is uniquely placed to facilitate cooperation between Governments in the fight against terrorism. The legitimacy that the United Nations conveys can ensure that the greatest number of States are able and willing to take the necessary and difficult steps—diplomatic, legal and political—that are needed to defeat terrorism.*[163]

International counter-terrorism is one of the matters on which the Security Council has begun to issue what are known as "thematic resolutions."[164] These resolutions convey rules and actions with worldwide relevance rather than responses to specific situation and are directed at all UN Member States. In this context, there are three relevant texts: Resolution 1269 (1999) which emphasizes the need to reinforce international co-operation on counter-terrorism while adhering to international conventions; Resolution 1377 (2001) which recognizes that terrorism is contrary to the purposes and principles of the Charter of the United Nations and finally, Resolution 1456 (2003) in which the Security Council furnishes an answer to the question raised earlier: Do we afford human rights to the enemies of human rights? Resolution 1456 addresses the issue, stating:

> *States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law.*[165]

The United Nations' counter terrorism efforts are build upon the uncompromising conviction that successful terrorism prevention efforts should comply with the spirit and standards of the rule of law, specifically the guarantees laid out in the *International Covenant on Civil and Political Rights* (ICCPR).[166] This approach is premised on the notion that terrorist acts can be successfully prevented and punished by legal mechanisms that faithfully incorporate human rights protection.

Former United Nations Secretary-General Kofi Annan addressed the perceived contradiction between combating terrorism and abiding by the existing human rights framework by saying:

> *Human rights law makes ample provision for counter-terrorist action, even in the most exceptional circumstances. But compromising human rights cannot serve the struggle against terrorism. On the contrary, it facilitates achievement of the terrorist's objectives—by ceding to him the moral high ground, and provoking tension, hatred and mistrust of government amongst precisely those parts of the population where he is most likely to find recruits. Upholding human rights is not merely compatible with successful counter-terrorism strategy. It is an essential element.*[167]

Nevertheless, there may be a disjuncture between the statement of the former Secretary-General and the implementation of counter-terrorism efforts. For example, the United Kingdom, having legislated the *Anti-terrorism, Crime and Security Act 2001*,[168] has officially derogate from Article 5 of the European Convention on Human Rights (ECHR) and Article 9[169] of the International Covenant on Civil and Political Rights (ICCP).[170] The *Anti-*

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[163] United Nations Security Council, *Threats to International Peace and Security Caused by Terrorist Acts (S/PV/4413)*, 2001.
    http://www.un.org/Docs/journal/asp/ws.asp?m=S/PV.4413
[164] Paz Andres-Saenz-de-Santa-Maria, *Collective International Measures to Counter International Terrorism*, 2009, p.95.
[165] United Nations Security Council, *Threats to international peace and security caused by terrorist acts (S/RES/1373),* 2001.
    http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1373%20(2001)
[166] *International Covenant on Civil and Political Rights,* 1966.
[167] UN Secretary General Kofi Annan, *A Global Strategy for Fighting Terrorism*, 2005.
    http://www.un.org/News/ossg/sg/stories/articleFull.asp?TID=3&Type=Article
[168] United Kingdom, *Anti-Terrorist, Crime and Security Act 2001,* 2001. http://www.legislation.gov.uk/ukpga/2001/24/contents
[169] United Kingdom, *Human Rights Act 1998*, Order 2001 No. 3644, 1998. http://www.iilj.org/courses/documents/TheHumanRightsAct1998.pdf

terrorism, Crime and Security Act 2001 has since been replaced with the *Prevention of Terrorism Act 2005* and the *Counter-Terrorism Act 2008.* These pieces of legislation came under heavy criticism from NGOs including Amnesty International,[171] Human Rights Watch[172] and JUSTICE.[173] The United Kingdom is by no means unique is its approach to countering terrorism. The antiterrorist legislation adopted by the United Kingdom illustrates the many difficulties involved in reconciling existing human rights law with counter-terrorism initiatives.

Yet the Secretary-General's call for a legal regime which neither diminishes human rights nor compromises security remains. Rather than a legal framework wherein either security or liberty must be augmented at the expense of the other, the underlying emphasis is that it is possible to produce synergy so that both measures to prevent terrorism as well as respect for human rights can be increased. Indeed, counter-terrorism and human rights are not mutually exclusive. Just as human rights require counter-terrorism measures to ensure that human rights can thrive, counter-terrorism measures likewise need human rights standards to ensure that their very purpose is not undermined.

Counter-Terrorism Committee (CTC) and Human Rights

The Counter-Terrorism Committee (CTC), composed of the members of the United Nations Security Council, is given the mandate of reviewing measures taken by states both to prevent and to punish acts of terrorism. It is incumbent upon all member states to ensure that their domestic counter-terrorism measures comply with human rights norms.

It is essential to emphasize that the legal authority to enforce measures against terrorism is the largely the responsibility of sovereign state. Indeed, no international tribunal exists with the competence to prosecute acts of terrorism.[174] However, it is the CTC that bears the responsibility of subjecting to international scrutiny domestic practices which are inconsistent with human rights conventions. Initially, employing a strict interpretation of the mandate of the CTC, the Chairman stated in 2002 that "monitoring [state] performance against other international conventions, including human rights law, is outside the scope of the Counter Terrorism Committee's mandate." Nevertheless, later developments acknowledge the inextricably link between human rights and counter-terrorism efforts. In order to incorporate human rights considerations into the mandate of the CTC, the Counter Terrorism Executive Directorate (CTED) was created. The Directorate is mandated to liaise with the UN High Commissioner for Human rights (OHCHR) in matters pertaining to counter-terrorism.

In recent years, however, the measures adopted by States to counter terrorism have themselves often posed serious challenges to human rights and the rules of law. Some states have engaged in torture and other ill-treatment to counter terrorism. Other states have returned persons suspected of engaging in terrorist activities to countries where they face the risk of serious human rights abuse. Indeed, the High Commissioner for Human Rights has expressed its "Profound concern at the multiplication of policies, legislations and practices increasingly been adopted by many countries in the name of the fight against terrorism, which negatively affect the enjoyment of virtually all human rights—civil, cultural, economic, political and social."[175]

The grave concerns articulated by the High Commissioner for Human Rights must be understood in the context of the Security Council's broad mandate. As an organ of the United Nations, the Security Council and its member states are bound by the Charter of the United Nations. Moreover, Article 24 (2) of the Charter demands that the Security Council acts in accordance with the purpose and principles of the United Nations when discharging its duties. Amongst these principles –namely, in Article 1(3)—is the promotion of and respect for human rights. Lest these obligations, enshrined in a document no less revered than the Charter of the United Nations itself, should seem

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[170] Michaelsen, *Derogating from International Human Rights Obligations in the 'War Against Terrorism'*, 2005.
http://www.cerium.ca/IMG/pdf/MICHAELSEN_2005_Derogating_from_International_Human_Rights_Obligations_in_the_War_Against_Terrorism.pdf

[171] Amnesty International, *Amnesty International's briefing on the Counter-Terrorism Bill 2008*, 2009.
http://www.amnesty.org/en/library/info/EUR45/010/2008/en

[172] Human Rights Watch, *UK: New terrorism law fundamentally flawed*, 2005. http://www.hrw.org/news/2005/03/14/uk-new-terrorism-law-fundamentally-flawed

[173] JUSTICE, *Briefing for House of Commons Debate*, 2011.

[174] The International Criminal Court, created in 1998 by the Treaty of Rome, is granted jurisdiction over the crimes of genocide, crimes against humanity, war crimes and the crime of aggression. Jurisdiction over acts of terrorism was rejected during the negotiation that resulted in the Court's creation.

[175] United Nations High Commissioner for Human Rights, *Effective Function of Human Rights Mechanisms (E/CN.4/2004/4)*, 2003.
http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/2004/4

empty words, there rests a great onus on the Security Council to ensure that such lofty commitments are reflected in its actions.

Evaluating the Consistency of Counter-terrorism Measures with Human Rights Obligations

The CTC transmitted to all Member States a series of standard questions, some of which made inquiries regarding the degree to which the measures to implement Security Council Resolution 1624 (2005) enacted by the member state complied with international human rights obligations.[176] While a number of States provided details apropos the specific provisions for human rights, often States answered the question by simply providing a list of human rights treaties which they had ratified,[177] issued a generic statement regarding human rights,[178] or neglected to answer the questions at all.[179]

Cognizant of the problems associated with the reporting regime, the CTC has placed less emphasis the task of collecting broad comparable data on an international scale in favor of country-specific analysis.[180] The tandem focus, therefore, is on exposing inconsistencies between domestic practices and human rights obligations as well as on encouraging the incorporation of human rights provisions into the domestic legal framework. [181]

Case Study: Sanctions Regime Pursuant to Resolution 1267

The Security Council Committee Established pursuant to Resolution 1267 (1999) – which concerns Al-Qaeda, the Taliban and associated individuals and entities—is charged with the duty of overseeing the implementation of sanctions imposed on Taliban-controlled Afghanistan for its support and harbor of the late Osama Bin Laden. Subsequent resolutions have modified the sanctions regime.[182] The sanctions regime calls for the compilation of a consolidated list of individuals to whom these sanctions are applied. Resolution 1267, adopted under Chapter VII without any specific reference to a territory or State, constitutes the first example of an open-ended resolution pertaining to sanctions. Legal scholars have questioned whether such a sanctions regime is compatible with the authority vested in the Security Council. Indeed, the sanctions regime is said to have a judicial or quasi-judicial character.[183] Indeed, the auto-investiture of the Security Council with such authority erects inconsistencies with the legal structure outlined in the Charter.[184] Article 41 does not envisage the Security Council making legal determinations and Article 92 clearly identifies the International Court of Justice as the principal judicial organ of the United Nations.

Notwithstanding the questions apropos the competence of the Security Council to establish such a sanctions regime, human rights concerns are particularly prevalent with regards to the procedural justice of the sanctions regime itself, namely the absence of effective means for an individual to challenge a listing decision[185] In response to the legal concerns the Security Council, on 29 June 2010, held a discussion on the promotion and strengthening of the rule of law in the maintenance of international peace and security wherein the body debated the efficiency and credibility of the sanctions regime.[186] Nevertheless, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has identified the sanctions regime pursuant to Resolution 1267 as compromising due-process rights for individuals suspected of terrorist activities and terrorist links, as well as the

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[176] United Nations, *UN Counter-Terrorism Committee*, n.d. http://www.un.org/en/sc/ctc/
[177] See for example the report submitted by the Seychelles (S/2006/545).
[178] See for example the report submitted by Bahrain (S/2007/772) and China (S/2006/470).
[179] See for example the report submitted by the Republic of Korea (S/2006/445).
[180] United Nations Security Council Counter Terrorism Committee, *Country Reports*, n.d.
[181] United Nations Security Council, *Letter dated 18 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council (S/2006/989)*, 2006. http://www.un.org/Docs/journal/asp/ws.asp?m=S/2006/989
[182] Resolutions 1333(2000), 1390 (2002), 1455 (2003), 1526 (2004) 1617 (2005), 1735 (2006), 1822 (2008) and 1904 (2009).
[183] De Wet, *The Chapter VIII Powers on the United Nations Security Council,* 2004.
[184] Harper, *Does the United Nations Security Council have the competence to act as court and legislature?*, n.d.
[185] Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights, *Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights: Assessing Damage, Urging Action,* 2008. http://ejp.icj.org/IMG/EJP-Report.pdf
[186] United Nations Security Council, *Statement by the President of the Security Council on "The promotion and strengthening of the rule of law in the maintenance of international peacfe and security" (S/PRST/2010/11)*, 2010. http://www.un.org/Docs/journal/asp/ws.asp?m=S/PRST/2010/11

families of such individuals.[187] Heeding the Special Rapporteur's criticisms, the Security Council has undertaken the task of reforming the sanctions regime. In an endeavor for greater consistency with human rights obligations, reforms have included the dissemination of reasons for the listing,[188] notification of the listed individual,[189] a review of all listings,[190] de-listing procedures, and the establishment of an Ombudsperson to address requests of individuals and entities seeking clarification regarding the sanctions regime.[191]

Recalling the newfound quasi-judicial role of the Security Council, the Special Rapporteur has argued that the listing process, due to the indefinite freezing of assets of those listed, is tantamount to a criminal charge.[192] Moreover, it has been further noted that listings and delisting age often the results of political decisions taken by diplomatic representatives and based on evidence not necessarily evenly shared between the deciding States.[193] Both the listing and delisting process do not meet the legal standards of a fair and public hearing by a competent, independent and impartial tribunal,[194] as called for in Article 14 of the ICCPR.[195]

Furthermore, the Ombudsperson is not mandated to make recommendations to the CTC and cannot overturn a listing decision once made. Additionally, de-listing decisions are undertaken confidentially by the consensus of the Security Council Committee established pursuant to Resolution 1267, a political rather than judicial body.[196] Furthermore, the Ombudsperson continues to depend on the willingness of States to disclose information, as States can choose to withhold information in order to safeguard their security and other interests. Lastly, it falls within the purview of the CTC to determine whether the Ombudsperson's report is to be published in full and whether information is fully disclosed to petitioners of the Ombudsperson.[197]

Conclusion

Given the continued assertion vis-à-vis the theoretical compatibility between human rights and counter-terrorism measures and the difficulties associated with translating this notion into practice, the opportunity to revisit the fundamental basis between counter-terrorism measures and human rights again presents itself. There are various avenues which Member States can take in order to implement mechanisms which ensure that counter-terrorism actions undertaken by the Security Council reflects the tandem aims of promoting and protecting human rights, as identified in the United Nations Global Counter-terrorism Strategy. Perhaps the foremost task in addressing the matter stems from the lack of clarity. Considering the systematization of Resolutions 1373 (2002), 1624 (2005) and 1267 (1999) in order to develop a synthesized counter-terrorism framework may prove a fruitful course. With specific regard to the case study, incorporating due process guarantees into the existing sanctions regime pursuant to resolution 1267 (1999) may be a matter for the body to examine. To protect fundamental human rights while countering terrorism presents a multifaceted challenge for the international community which involves divergent understandings of human rights, raises crucial questions regarding the extent to which human rights ought to be

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[187] United Nations General Assembly, *Promotion and Protection of human rights: Human rights situation and report of special rapporteurs and representatives, (*A/63/223) para.16., 2008. http://www.un.org/Docs/journal/asp/ws.asp?m=A/63/223; United Nations General Assembly, *Saint Lucia: Report of the Working Group on Universal Periodic Review,* (A/HRC/17/6/)2 paras. 33-36, 2011. http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/17/6

[188] United Nations Security Council, *Threats to international peace and security caused by terrorist acts, (S/RES/1822)*, 2008. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1822%20(2008)

[189] United Nations Security Council, *Threats to international peace and security caused by terrorist acts (S/RES/1735)*, 2006. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1735%20(2006)

[190] United Nations Security Council, *Threats to international peace and security caused by terrorist acts (S/RES/1822)*, 2008. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1822%20(2008)

[191] United Nations Security Council, *Threats to international peace and security caused by terrorist acts, (S/RES/1904)*, 2009. http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1904%20(2009)

[192] United Nations General Assembly, *Promotion and Protection of human rights: Human rights situation and report of special rapporteurs and representatives, (*A/63/223) para.16., 2008. http://www.un.org/Docs/journal/asp/ws.asp?m=A/63/223

[193] United Nations General Assembly, *Promotion and protection of human rights; Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (A/65/258)*, 2010. http://www.un.org/Docs/journal/asp/ws.asp?m=A/63/223

[194] United Nations General Assembly, *Promotion and Protection of human rights: Human rights situation and report of special rapporteurs and representatives, (*A/63/223) para.16., 2008. http://www.un.org/Docs/journal/asp/ws.asp?m=A/63/223

[195] *International Covenant on Civil and Political Rights*, 1966. http://www2.ohchr.org/english/law/ccpr.htm

[196] United Nations General Assembly, *The situation in Central America: progress in fashioning a region of peace, freedom, democracy and development (A/65/582),* 2010. http://www.un.org/Docs/journal/asp/ws.asp?m=A/65/582

[197] *Ibid.*

applied, and opens discussion regarding the potential inconsistency between international law and domestic practices.

The discussion surrounding the protection of fundamental human rights while countering terrorism is as much a debate about the legal edifice upon which international human rights law is premised as it is about the mechanisms employed to combat terrorism. This provides the opportunity for deliberation regarding both the implementation of counter-terrorism policy in the context of human rights as well as the underlying legal concepts—such as the universality of human rights—which are challenged by terrorist activities.

Key Resources

These resources are "must reads" for delegates doing research on this topic and provide general, yet comprehensive information on the issues at hand. We recommend exploring these resources in addition to reading the background guide and reading through the Bibliography.

International Agreements & UN System

Charter of the United Nations: http://www.un.org/en/documents/charter/index.shtml

Core International Human Rights Instuments: http://www2.ohchr.org/english/law/

United Nations Conventions on Terrorism:
http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_en.xml&menu=MTDSG

United Nations Global Issues: http://www.un.org/en/globalissues/

United Nations System of Organizations: http://www.unsystem.org/

History and Background of the Reformed Security Council

Security Council Report, *Security Council Working Methods – A work in progress?*
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.5906427/k.91B7/Special_Research_Report_No_1brSecurity_Council_Working_MethodsA_Work_in_Progressbr30_March_2010.htm

Security Council Report, *Update Report No. 1 Security Council Subsidiary Bodies:*
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6476781/k.6B0F/Update_Report_No1brSecurity_Council_Subsidiary_Bodiesbr6_January_2011.htm

Security Council Report, *Special Research Report No. 2: Working Together for Peace and Security in Africa: The Security Council and the AU Peace and Security Council:*
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6769467/k.AE37/Special_Research_Report_No_2brWorking_Together_for_Peace_and_Security_in_Africa_The_Security_Council_and_the_AU_Peace_and_Security_Councilbr10_May_2011.htm

I. Situation in the Middle East and North Africa

Al Jazeera Spotlight on Syria, Libya, and the Arab Awakening [Web Site]:
http://english.aljazeera.net/indepth/spotlight/

Amnesty International, *Middle East and North Africa* [Web Site]:
http://www.amnesty.org/en/region/middle-east-and-north-africa

BBC News, *Arab Uprising* [Articles / Web Site]:
http://www.bbc.co.uk/news/world-middle-east-12813859

Carnegie Endowment for International Peace, *Carnegie Middle East Center* [Web Site]:
http://carnegie-mec.org/?lang=en

Human Rights Watch, *Middle East and North Africa* [Web Site]:
http://www.hrw.org/en/middle-east/n-africa

International Crisis Group, *Middle East & North Africa* [Articles / Web Site]:
http://www.crisisgroup.org/en/regions/middle-east-north-africa.aspx

Security Council Report, *Middle East Issues* [Web Site]:

http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2400787/k.B73F/Publications_on_Middle_Eastern_Issues.htm

UN News Centre, *News Focus: Winds of change – North Africa & the Middle East* [Articles / Web Site]:
http://www.un.org/apps/news/infocusRel.asp?infocusID=129&Body=North+Africa&Body1=protest

UN Office of the High Commissioner for Human Rights, *Middle East and Northern Africa Region* [Web Site]:
http://www.ohchr.org/EN/countries/MENARegion/Pages/MenaRegionIndex.aspx

US Institute of Peace, *Eye on the Middle East and North Africa* [Report]:
http://www.usip.org/publications/eye-the-middle-east-and-north-africa

II. Situation in Cote d'Ivoire

Amnesty International, *Côte D'Ivoire* [Web Site]:
http://www.amnesty.org/en/region/cote-divoire

Human Rights Watch, *Côte D'Ivoire* [Web Site]:
http://www.hrw.org/africa/cote-divoire

International Crisis Group, *Côte D'Ivoire* [Web Site]:
http://www.crisisgroup.org/en/regions/africa/west-africa/cote-divoire.aspx

Security Council Report, *Côte D'Ivoire* [Web Site]:
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.2400691/k.F1DC/Publications_on_C244te_dIvoire.htm

Unite Nations, *United Nations Operation in Côte D'Ivoire* [Web Site]:
http://www.un.org/en/peacekeeping/missions/unoci/

III. Protection of fundamental human rights while countering terrorism

Amnesty International, *Security with Human Rights* [Web Site]:
http://www.amnesty.org/en/campaigns/security-with-human-rights

UN Office of the High Commissioner for Human Rights, *Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism* [Web Site]:
http://www.ohchr.org/EN/Issues/Terrorism/Pages/SRTerrorismIndex.aspx

UN Office of the High Commissioner for Human Rights, *Human Rights, Terrorism and Counter-terrorism* [Report]:
http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf

Human Rights Watch, *Counterterrorism* [Web Site]:
http://www.hrw.org/en/category/topic/counterterrorism

Secuirty Council Counter-Terrorism Committee, *Protecting Human Rights While Countering Terrorism* [Web Site]:
http://www.un.org/en/sc/ctc/rights.html

UN Action to Counter Terrorism, *Protecting Human Rights While Countering Terrorism* [Web Site]:
http://www.un.org/terrorism/human_rights.shtml

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I. Situation in the Middle East and North Africa

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