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Edited by Jared Genser and Bruno Stagno Ugarte

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## THE UNITED NATIONS SECURITY COUNCIL IN THE AGE OF HUMAN RIGHTS

*The United Nations Security Council in the Age of Human Rights* is the first comprehensive look at the human-rights dimensions of the work of the only body within the United Nations system capable of compelling action by its member states. Known popularly for its failure to prevent mass atrocities in Rwanda, the Former Yugoslavia, and Syria, the breadth and depth of the Security Council's work on human rights in recent decades are much broader and more nuanced. This book examines questions such as: How is the Security Council dealing with human rights concerns? What does it see as the place of human rights in conflict prevention, peacemaking, and peacekeeping? And how does it address the quest for justice in the face of gross violations of human rights? Written by leading practitioners, scholars, and experts, this book provides a broad perspective that describes, explains, and evaluates the contribution of the Security Council to the promotion of human rights and how it might achieve the goals it has articulated more effectively.

Jared Genser is Managing Director of Perseus Strategies, a law and consulting firm that focuses on human rights, humanitarian, and corporate social responsibility projects. Previously, Genser was a partner in the government affairs practice of DLA Piper LLP and a management consultant with McKinsey & Company. His pro bono clients have included former Czech Republic president Václav Havel and Nobel Peace Prize Laureates Aung San Suu Kyi, Liu Xiaobo, Desmond Tutu, and Elie Wiesel. He is the author of *The UN Working Group on Arbitrary Detention: Commentary and Guide to Practice* (2014) and a coeditor of *The Responsibility to Protect: The Promise of Stopping Mass Atrocities in Our Times* (2011). He is a recipient of the American Bar Association's International Human Rights Award and the Charles Bronfman Prize. He is also a member of the Council on Foreign Relations.

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# The United Nations Security Council in the Age of Human Rights

EDITED BY

**JARED GENSER**

Perseus Strategies

**BRUNO STAGNO UGARTE**

Security Council Report



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## Acknowledgments

The editors would like to begin by thanking the exceptional contributors for helping us assemble a stellar volume. The views expressed in each chapter represent the perspectives of its authors, do not necessarily represent the views of the editors, and may indeed even conflict with each other.

In addition, we want to thank Nicole Fearahn, Chris Fletcher, Duygu Senor, and Sara Birkenenthal for their superb editorial support.

For his part, Jared would like to thank his wife Lisa for her ongoing love and support, which enable him to pursue his passion for human rights. He would like to dedicate this book to his young children, Zachary and Alexandra, who are newly part of their successor generation, which the UN Charter says will need to work in their lifetimes to prevent the scourge of war.

Bruno would like to thank his wife Laetitia and three children, Lucca, Ludovico, and Luigi, for their understanding in relocating repeatedly from north to south, and for their enduring love. He also would like to thank Jared for the kind invitation to be part of this project.

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Abbreviations

ABC	Australian Broadcasting Corporation
AMIS	African Union Mission in Sudan
ANR	National Intelligence Agency
APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of South East Asian Nations
AU	African Union
BBC	British Broadcasting Corporation
CEDAW	Convention on the Elimination of Discrimination Against Women
CENI	National Independent Electoral Commission
CNDP	Congr�s National pour la Defense du Peuple
CNRT	National Council of Timorese Resistance
CPA	Comprehensive Peace Agreement (Sudan)
DDR	Disarmament, Demobilization, and Reintegration
DGRSS	Direction G�n�rale des Renseignements et Services Sp�ciaux
DoP	Declaration of Principles
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
DSRSG	Deputy Special Representative of the Secretary-General
EC	European Community
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
ETAN	East Timor Action Network
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
EUPOL	European Union Police Mission
FALANTIL	For�as Armadas de Liberta�o Nacional de Timor-Leste
FDLR	Forces D�mocratiques de la Lib�ration du Rwanda

FRY	Federal Republic of Yugoslavia
GAU	Gender Affairs Unit
GCC	Gulf Cooperation Council
GR	Garde Républicaine
HRC	Human Rights Council/Human Rights Committee
HRD	Human Rights Division
HRU	Human Rights Unit
IAEA	International Atomic Energy Agency
IBSA	India, Brazil, and South Africa
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICISS	International Commission for Intervention and State Sovereignty
ICJ	International Court of Justice
ICO	International Civilian Office
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IGAD	Intergovernmental Authority on Development
IHL	International Humanitarian Law
ILC	International Law Commission
INCHR	Independent National Commission on Human Rights
INTERFET	International Force for East Timor
JNA	Jugoslavenska Narodna Armija
JPTs	Joint Protection Teams
KFOR	Kosovo Protection Force
KLA	Kosovo Liberation Army
LAS	League of Arab States
LENI	National Intervention Legion (Légion Nationale d'Intervention)
LJSSD	United Nations Civilian Police, Legal and Judicial Systems Support
LSR	Laws of State Responsibility
LTTE	Liberation Tigers of Tamil Eelam
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MONUA	United Nations Observer Mission for Angola
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MOU	Memorandum of Understanding

*Abbreviations*

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MRC	Mouvement Révolutionnaire Congolais
MROP	Intervention to Maintain and Reestablish Public Order
NAM	Non-Aligned Movement
NAP	National Action Plan
NATO	North Atlantic Treaty Organization
NBC	National Broadcasting Company
NGO	Nongovernmental Organization
NIF	National Islamic Front
NMOG	Neutral Military Observer Group
OAS	Organization of American States
OASEA	Office for Addressing Sexual Exploitation and Abuse
OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
OHRM	Office of Human Resource Management
OIC	Organization of the Islamic Conference
ONUC	United Nations Organization in the Congo
ONUMOZ	United Nations Operations in Mozambique
ONUSAL	United Nations Observer Mission in El Salvador
OPAC	Optional Protocol to the Convention on the Rights of the Child
OSCE	Organization for Security and Co-operation in Europe
PBS	Public Broadcasting Service
PDF	Public Defence Forces Act
PNC	National Congolese Police
PRST	Presidential Statement
RCC	Revolutionary Command Council
RPF	Rwandan Patriotic Front
RS	Republika Srpska
RtoP/R2P	Responsibility to Protect
SAF	Sudan Armed Forces
SCU	Serious Crimes Unit
SFRY	Socialist Federal Republic of Yugoslavia
SLTRC	Sierra Leone Truth and Reconciliation Commission
SSLF	Southern Sudan Liberation Front
SSPG	South Sudan Provisional Government
SSR	Security Sector Reform
SWAP	System-Wide Action Plan
TCCs	Troop-Contributing Countries
TFG	Transitional Federal Government (Somalia)
TNC	Transitional National Council (Libya)

TNI	Tentara Nasional Indonesia
TOE	Team of Experts
TRC	Truth and Reconciliation Commission
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMET	United Nations Mission in East Timor
UNAMI	United Nations Assistance Mission in Iraq
UNAMID	AU/UN Hybrid Operation in Darfur
UNAMIR	United Nations Assistance Mission for Rwanda
UNAMSIL	United Nations Mission in Sierra Leone
UNAVEM	United Nations Angola Verification Mission
UNCHR	United Nations Commission on Human Rights
UNDOF	United Nations Disengagement Observer Force
UNEF	United Nations Emergency Force
UNFICYP	United Nations Peacekeeping Force in Cyprus
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNIMIT	United Nations Integrated Mission in East Timor
UNISFA	United Nations Interim Security Force in Abyei
UNITAF	United Nations Task Force
UNJHRO	United Nations Joint Human Rights Office
UNMIK	United Nations Interim Administration in Kosovo
UNMIL	United Nations Mission in Liberia
UNMIS	United Nations Mission in Sudan
UNMISSET	United Nations Mission of Support in East Timor
UNMISS	United Nations Mission in the Republic of South Sudan
UNMOZ	United Nations Observer Mission in Mozambique
UNOA	United Nations Office in Angola
UNOCI	United Nations Operations in Côte d'Ivoire
UNOMSIL	United Nations Observer Mission in Sierra Leone
UNOMUR	United Nations Observer Mission Uganda-Rwanda
UNOSOM	United Nations Operation in Somalia
UNOTIL	United Nations Office in Timor Leste
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
UNSMIS	United Nations Supervision Mission in Syria
UNTAC	United Nations Transitional Authority in Cambodia
UNTAES	United Nations Transitional Administration in Eastern Slavonia, Baranja, and Western Sirmium
UNTAET	United Nations Transitional Administration in East Timor

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*Abbreviations* xxiii

UNTSO	United Nations Troop Supervision Organization
UNV	United Nations Volunteer
UPF	Uganda Police Force
US	United States