NWMUN 2010

The Premier
Model United Nations Conference
in the Northwest

Background Guide:
Security Council

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October 1, 2010

Dear Delegates,

Welcome to the 2010 Northwest Model United Nations (NWMUN) Conference and the Security Council (SC). We are immensely pleased to present to you the background guide, written by your highly experienced and capable President, Janie Sacco, and Vice-President, Negheen Kamkar. We are 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 this year's Security Council are:

I.   Women, Peace And Security
II.   Peacebuilding In Nepal
III. The Situation In Chad And The Central African Republic

Every participating delegation is required to submit a position paper prior to attending the conference. NWMUN will accept position papers by **Sunday, November 7th at 11:59 pm Pacific Time. Please submit all position papers to: positionpapers@nwmun.org**. Please refer to the sample position paper on the NWMUN website for paper requirements and restrictions. 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.

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

Sincerely,

Janie Sacco	**Negheen Kamkar**	**Kristina Mader**
President, Security Council	Vice President, Security Council	Secretary-General
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History of the Security Council

The Security Council, established in 1945, is one of the principal organs of the United Nations defined by Article 7 of the United Nations Charter.[1] Chapter V of the Charter defines the composition and role of the Security Council, specifically:

> *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.[2]*

This is a fairly broad mandate, which has expanded considerably since the end of the Cold War to include unprecedented peacekeeping missions, human rights monitoring, counter-terrorism measures, and most recently even mitigation of the consequences of climate change. While reform of the Security Council is still a contentious issue, its centrality to the harmony of the international system has ensured that it retains a high degree of relevance.

Due to its preeminent position in the United Nations, the Security Council is the only whose resolutions are legally binding. There is debate as to what extent Security Council decisions are binding. For example, it is generally accepted that anytime Chapter VII of the Charter is invoked ("Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression"), the resolutions are indeed binding. However, most of the Council's work falls under Chapter VI ("Pacific Settlement of Disputes"), in which case the Council may be seen to be merely advisory in its resolutions and not legally binding. The potential for alternative interpretations within the international community should thus be remembered by delegates drafting resolutions.

The Security Council has five permanent members – the China, France, Russia, the United Kingdom, and the United States – each with veto power.[3] This means that if one of these Member States votes "No" on a substantive motion such as a resolution or amendment, the motion is not passed. Vetoes are used sparingly, however, especially since the end of the Cold War, so delegates representing permanent members should not be overly eager to wield what is considered an undiplomatic and even provocative instrument.[4]

The Security Council also has ten non-permanent members. Five of these members are elected each year for two-year terms by the General Assembly, and are divided between the geographical regions of the world to ensure a more equitable distribution of the seats. Africa holds three seats, Asia holds two, the Latin American and Caribbean group holds two, Eastern Europe has one seat and Western European and Other Group (WEOG) states hold two seats.[5] Of the African and Asian seats, one seat must be held by an Arab State; this designation alternates between the Arab and Asian blocs.[6] They are considered regional representatives and expected to take regional views into consideration during the course of their membership. Each Member State has one vote, and passage of any motion requires nine votes in favor; on

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[1] "United Nations Charter, Chapter III, Article 7". United Nations. http://www.un.org/aboutun/charter/index.html
[2] "United Nations Charter, Chapter V, Article 24". United Nations. http://www.un.org/aboutun/charter/index.html
[3] *Ibid.*
[4] "Changing Patterns in the Use of the Veto in the Security Council". Global Policy Forum. http://www.globalpolicy.org/security/data/vetotab.htm
[5] "Resolution 1991 (XVIII)." United Nations. http://www.un.org/depts/dhl/resguide/r18.htm
[6] *Ibid.*

substantive motions , passage must also gain either approval or abstention from each of the five permanent members.[7]

The Security Council has its own rules, which will be incorporated into our simulation.[8] The rules regarding the agenda and the Presidency of the Council will be ignored, however, to accommodate our simulation and NWMUN rules of procedure. Delegates should consider the following Security Council rules in particular:

- Rule 28, regarding the appointment of commissions and rapporteurs
- Rule 37, regarding invitations to non-Council delegates to sit with the Council
- Rule 38, regarding proposals from non-Council members
- Rule 39, regarding invitations to the Secretariat and other individuals to address the Council

Membership of the Security Council

Austria	Gabon	Russian Federation
Bosnia & Herzegovina	Japan	Turkey
Brazil	Lebanon	Uganda
China	Mexico	United Kingdom
France	Nigeria	United States

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[7] "United Nations Charter, Chapter V, Article 27". United Nations. http://www.un.org/aboutun/charter/index.html
[8] "Provisional Rules of Procedure of the Security Council". United Nations. http://www.un.org/Docs/sc/scrules.htm

I. Women, Peace and Security

"The Security Council also reaffirms the important role of women in all aspects of the prevention and resolution of conflicts, as well as in peacekeeping and peacebuilding and recognizes that a concerted and determined approach that addresses the root causes of conflicts also requires a systematic and comprehensive approach to women and peace and security issues."[9]

Introduction

The year 2010 marks the tenth anniversary of the passage of United Nations (UN) Security Council (SC) resolution 1325 (2000) on "Women, peace and security." This was the first resolution acknowledging women's contribution to international peace and security, and requiring women's participation in all aspects of peacemaking, peacekeeping, and peacebuilding.[10] Additionally, the Security Council in Resolution 1325 (2000) called upon UN agencies and member states to undertake a range of actions to increase the representation and participation of women in preventing, managing and resolving conflict, to ensure respect for and protection of women's rights, and to ensure women's security and wider needs are met in conflict-affected contexts.[11] Finally, the resolution also aims to facilitate the acquisition of the means to achieve these objectives, such as increased financial, technical and logistical support for gender-sensitive training efforts and the production of guidance and materials.[12]

Three other resolutions have subsequently been adopted by the Security Council, strengthening the normative architecture for protection of women's rights during and after conflict and for addressing their needs in the recovery and peace building period. Security Council resolutions 1820 (2008) and 1888 (2009) address the issue of widespread and systematic sexual violence as a tactic of warfare.[13] Security Council resolution 1889 (2009) seeks to strengthen the UN's commitment to engaging women in peace negotiations, in the governance and financing of post conflict recovery, and in peacebuilding initiatives.[14]

While these thematic resolutions represent a paradigm shift in how the UN (and regional and international security institutions) approaches the issue of peace and security from gender perspectives, the implementation of SCR 1325 has remained slow.[15] This guide will address several key areas of the women, peace and security agenda, including conflict prevention, peace processes, peacekeeping, post-conflict reconstruction, and justice and security sector reform. It is also important to note that this topic offers the Council the opportunity for innovating approaches to addressing women, peace and security through comprehensive and strategic action within its own working methods.

International Framework

A normative framework has emerged through adoption of resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and relevant presidential statements.[16] This framework builds on existing

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[9] United Nations, Security Council, *Statement by the President of the Security Council on "Maintenance of international peace and security" (S/PRST/2010/18)*, 2010, http://www.un.org/docs/journal/asp/ws.asp?m=S/PRST/2010/18.

[10] UNIFEM, *Women, War, Peace,* http://www.unifem.org/gender_issues/women_war_peace/.

[11] *Ibid.*

[12] *Ibid.*

[13] *Ibid.*

[14] *Ibid.*

[15] Security Council Resolution will be referred to with the abbreviation "SCR" throughout this background guide;

[16] Security Council Report, *Cross-Cutting Report: Women, Peace and Security,* 2010, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6239031/k.197D/CrossCutting_Report_No_2brWomen_Peace_and_Securitybr1_October_2010.htm.

international law protecting women and girls during armed conflict, and includes international humanitarian law, international human rights law, international criminal law and international refugee law.[17]

Convention on the Elimination of All Forms of Discrimination Against Women
Although CEDAW does not explicitly address women and conflict, the document provides the framework for international law defining women's rights in all areas of life.[18] Of the 192 UN Member States, 185 are party to CEDAW, which amounts to over 95% of all UN members.[19] The Convention prohibits discrimination against women, and states that "the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields."[20] This call for increased participation has been utilized by all levels of government and by NGOs as justification for increased women's involvement in peacebuilding and other post-conflict reconstruction activities.[21] The Optional Protocol to CEDAW came into force in 1999 and outlines the enforcement and compliance aspects of CEDAW.[22] The Protocol "allows non-State actors to submit written claims of violations of rights directly to the Committee that monitors CEDAW compliance."[23] In addition, it "gives the committee a mandate to investigate [alleged] violations of CEDAW in countries that are signatories to the Protocol."[24]

Beijing Platform for Action
The 1995 Fourth World Conference on Women in Beijing, China, produced another important document, the Beijing Declaration and Platform for Action (BPfA).[25] The BPfA, unlike CEDAW, is not a legally binding agreement, but rather a document containing recommendations and statements reached by consensus.[26] Signatories are, however, held accountable for their actions if they are not in accordance with the BPfA.[27] Chapter E of the BPfA is entitled "Women and Armed Conflict" and states that the "full participation [of women] in conflict prevention and resolution of all other peace initiatives [is] essential to the realization of lasting peace."[28]

Security Council Resolutions on Women, Peace and Security
In October 2000, the most important global commitment with regard to women's "participation in the maintenance of peace and security," was unanimously adopted by the UN Security Council.[29] According to UNIFEM, "resolution 1325 is a watershed political framework that makes women – and a gender perspective – relevant to negotiating peace agreements, planning refugee camps and peacekeeping operations and reconstructing war-torn societies. It makes the pursuit of gender equality relevant to every

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[17] *Ibid.*

[18] Paul, *Key International Policies and Legal Mechanisms: Women's Rights in the Context of Peace and Security,* 2004, http://www.international-alert.org/pdfs/key_international_policies.pdf.

[19] United Nations, *CEDAW: Ratifications and Successions,* http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.

[20] United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women,* 1976, http://www2.ohchr.org/english/law/cedaw.htm.

[21] Paul, *Key International Policies and Legal Mechanisms: Women's Rights in the Context of Peace and Security,* 2004, http://www.international-alert.org/pdfs/key_international_policies.pdf.

[22] United Nations, *Optional Protocol to the Convention on the Elimination of Discrimination against Women,* 1999, http://www2.ohchr.org/english/law/cedaw-one.htm.

[23] Paul, *Key International Policies and Legal Mechanisms: Women's Rights in the Context of Peace and Security,* 2004, http://www.international-alert.org/pdfs/key_international_policies.pdf..

[24] *Ibid.*

[25] *Ibid.*

[26] *Ibid.*

[27] *Ibid.*

[28] United Nations. Fourth World Conference on Women. *Beijing Platform for Action*, 1995, http://www.un.org/womenwatch/daw/beijing/platform/.

[29] *Ibid.*

single Council action, ranging from mine clearance to elections to security sector reform."[30] The resolution outlines actions that need to be taken by civil society, governments, and the UN, "to ensure participation of women in peace processes and improve the protection of women in conflict zones."[31]

To achieve this goal, the resolution focuses on four interrelated areas:
1) Participation of women in decision-making and peace processes;
2) Integration of gender perspectives and training in peacekeeping;
3) Protection of women;
4) Gender mainstreaming in UN reporting systems and programs.[32]

Resolution 1325 (2000) also directs special attention to the inclusion of women in disarmament, demobilization and reintegration (DDR) efforts due to the prevalence of violence, particularly sexual violence, in post-conflict situations during the DDR process.[33]

The second resolution on "Women, peace and security", Security Council resolution 1820 (2008), specifically addresses the protection of women from sexual violence in conflict and post-conflict situations.[34] The resolution itself reaffirms and recalls both SCR 1325 (2000) and the Beijing Declaration and Platform for Action and then moves on to specifically discuss sexual violence.[35] The resolution specifically discusses the use of rape as a weapon of war and urges states to protect women from such gender-based crimes.[36] The resolution suggests that women can be protected from such crimes through diverse peace-building processes, such as the inclusion of women in conflict resolution and prevention as well as an increase in the number of women in peacekeeping operations and security forces.[37]

The occurrence of sexual violence in post-conflict situations, not just during conflict itself, is a significant roadblock in the quest for sustainable peace. Post-conflict peace-building strategies as means to address sexual violence are vital; this is stressed within SCR 1820 as well as in the recent report of the Secretary-General on the implementation of Resolution 1820 over the past year.[38] Significant gaps in implementation, as highlighted by the Secretary-General and Member States during the recent open debate on SCR 1820, include combating impunity for perpetrators of sexual violence, the lack of accurate and timely data on incidences of sexual violence, and the lack of a strong, coordinated focal point for women, peace and security within the UN system, such as a Special Representative of the Secretary-General on women, peace and security.[39]

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[30] Strickland, *Peace Agreements as a Means for Promoting Gender Equality and Ensuring Participation of Women,* 2003, http://www.un.org/womenwatch/daw/egm/peace2003/reports/CASESTUDY.pdf.

[31] Klot, *Women and Peacebuilding,* 2007, http://www.un.org/peace/peacebuilding/Working%20Group%20on%20Lessons%20Learned/WGLLbackgroundpaper%2029.01.08.pdf.

[32] *Ibid.*

[33] UNIFEM, *Gender-aware Disarmament, Demobilization and Reintegration (DDR): A Checklist,* 2002, http://www.unifem.org/attachments/gender_issues/women_war_peace/GenderAwareDDR_AChecklist.pdf.

[34] International Association for Humanitarian Policy and Conflict Research, *Women, Gender & Peacebuilding Processes,* 2008, http://www.peacebuildinginitiative.org/index.cfm?pageId=1957.

[35] United Nations, Security Council, *Women and Peace and Security (S/RES/1820),* 2008, http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1820%282008%29.

[36] International Association for Humanitarian Policy and Conflict Research, *Women, Gender & Peacebuilding Processes,* 2008, http://www.peacebuildinginitiative.org/index.cfm?pageId=1957.

[37] UNIFEM, *Comparative Matrix of Women, Peace and Security Resolutions,* 2010, http://www.unifem.org/attachments/gender_issues/women_war_peace/UNSecurityCouncilResolutionsMatrix.pdf.

[38] United Nations, Security Council, *Women and Peace and Security (S/RES/1820),* 2008, Operative Para. 11, http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1820%282008%29.

[39] UNIFEM, *Comparative Matrix of Women, Peace and Security Resolutions,* 2010, http://www.unifem.org/attachments/gender_issues/women_war_peace/UNSecurityCouncilResolutionsMatrix.pdf.

The third resolution on "Women, peace and security" was adopted on 30 September 2009, partially in an effort to strengthen SCR 1820. Security Council resolution 1888 (2009), concentrates on the significance of women's leadership on gender-based issues and sexual violence in order to effectively address women's needs in conflict zones.[40] The key elements of this resolution include a request for the appointment of a Special Representative on Sexual Violence in Conflict in order to provide adequate leadership for coordinated efforts by the United Nations and host countries, specifically in regards to the inter-agency initiative United Nations Action Against Sexual Violence in Conflict.[41] The resolution also urges Member States to pay special attention to developing effective legal institutions to address impunity for perpetrators of sexual violence, and requests an annual report on the status, trends and concerns regarding parties of armed conflicts suspected of committing acts of sexual violence, and measures taken to prevent further offences.[42]

Security Council resolution 1889, adopted on 5 October 2009, pays particular attention to the involvement of women during the post-conflict and reconstruction periods and emphasizes the importance of an increase in the number of women among peace-building and peacekeeping personnel.[43] The key elements of this resolution includes the urging of actors involved in the planning for disarmament, demobilization and integration programs including the Peacebuilding Commission, to specially consider the needs of women associated with armed groups.[44] Additionally, it underlines that women are more than merely victims of armed conflict; they are significant actors in the conflict resolution process.[45]

Geneva Conventions
The four Geneva Conventions of 1949, and their two additional protocols of 1977, address the protection of civilians or non-combatants during armed conflict and have specific measures for the protection of women within the overall protection offered non-combatants.[46] This international humanitarian law regulates the conduct of armed conflict by defining who are combatants and non-combatants to the conflict and the responsibilities of combatants towards protecting civilians and non-combatants.[47] International humanitarian law is primarily concerned with the concepts of distinction, which refers to methods of warfare where reasonable distinction can be made between combatants and non-combatants with the purpose of minimizing civilian injury and death, and proportionality, the concept of accepting that some civilian casualties will occur when pursuing military objectives, but ensuring that these casualties are not excessive in relation to the anticipated military advantage.[48] Generally speaking, any direct attack on civilians, even if to pursue a military objective, is a violation of humanitarian law and considered a war crime or a crime against humanity.[49]

Rome Statute
In the last decade, these concepts have been expanded to address some of the particular crimes experienced by women and girls in armed conflict, such as rape, forced pregnancy, enforced prostitution,

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[40] United Nations, Security Council, *Women and peace and security (S/RES/1888/2009),* 2009,
http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/1888(2009).
[41] *Ibid.*
[42] *Ibid.*
[43] *Ibid.*
[44] Security Council Report, *Cross-Cutting Report: Women, Peace and Security,* 2010,
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6239031/k.197D/CrossCutting_Report_No_2brWomen_Peace_and_Securitybr1_October_2010.htm.
[45] UNIFEM, *Comparative Matrix of Women, Peace and Security Resolutions,* 2010,
http://www.unifem.org/attachments/gender_issues/women_war_peace/UNSecurityCouncilResolutionsMatrix.pdf.
[46] Security Council Report, *Cross-Cutting Report: Women, Peace and Security,* 2010,
http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6239031/k.197D/CrossCutting_Report_No_2brWomen_Peace_and_Securitybr1_October_2010.htm.
[47] *Ibid.*
[48] *Ibid.*
[49] *Ibid.*

trafficking and enslavement.[50] These crimes are addressed within definitions of war crimes, crimes against humanity and as components of the crime of genocide as well as torture.[51] Such crimes are included in the statutes of the International Tribunals for the former Yugoslavia and Rwanda, the statute of the Special Court for Sierra Leone and the Rome Statute of the International Criminal Court.[52]

Looking more closely at the Rome Statute, it is worth highlighting that specific acts against women are defined as a constituent element of the act of genocide, such as article 6(1)(d): imposing measures intended to prevent births within a group; crimes against humanity, under article 7(1)(g): rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; and war crimes under article 8(2)(b)(xxi): committing crimes upon personal dignity, in particular humiliating and degrading treatment and article 8(2)(b)(xxii): committing rape, sexual slavery, enforced prostitution, enforced pregnancy, enforced sterilization and any other form of sexual violence.[53]

A key element of the Rome Statute, and a key to addressing the issue of impunity for crimes committed against women in armed conflict, is the codification under Article 25 of direct and indirect command responsibility for violations of the Statute.[54]

United Nations System Action

After the adoption of Resolution 1325, the Security Council has held a number of open debate sessions on women, peace and security.[55] Member State statements often reaffirm the importance of women holding high-level positions and participating in peace processes, while in peacebuilding efforts the Council focuses its policy assertion on empowering local women's rights advocates of civil society and encouraging governments to include gender-sensitive policies in law and course of action.[56] Each peacekeeping operation has a gender specialist, which is an adviser or focal point that focuses on ensuring gender policy is implemented both within the mission's personnel and national post-conflict policy development.
The newly-formed UN Entity for Gender Equality and the Empowerment of Women, or "UN Women." was approved by the General Assembly on 2 July 2010. UN Women merges four separate women-focused agencies: Division for the Advancement of Women (DAW), International Research and Training Institute for the Advancement of Women (INSTRAW), Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) and the United Nations Development Fund for Women (UNIFEM).[57] This agency will be operational by January 2011 and is designed with two key functions: first, as a support in policy formation to international governing institutions such as the Commission on the Status of Women, and second, as a resource Member States and civil society on the implementation of international reform initiatives for gender equality.[58]

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[50] *Ibid.*

[51] *Ibid.*

[52] *Ibid.*

[53] *Ibid.*

[54] *Ibid.*

[55] United Nations, Security Council, *Report of the Secretary-General on Women and peace and security (S/2010/498)*, 2010, http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/498.

[56] United Nations, Secretary General, *Women's equal participation in conflict prevention, management and peace-building (E/CN.6/2004/10)*, 2003, http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.6/2004/10.

[57] UN Women, *About*, n.d., http://www.unwomen.org/about-un-women/.

[58] UN Women, *Press Release: UN Creates New Structure for Empowerment of Women*, 2010, http://www.unwomen.org/2010/07/un-creates-new-structure-for-empowerment-of-women/.

There are four strategic "entry points" which guide UN agencies in the area of governance, peace and security. These entry points are: (1) using *CEDAW* to frame new laws; (2) building partnerships for participation; (3) bringing equality into reconstruction; and (4) pursuing gender justice.[59]

System for Accountability on the Implementation of SCR 1325

One of the most important requests contained within Resolution 1889 is a request for the Secretary-General to propose a set of indicators to track the implementation of resolutions on women, peace and security, "which could serve as a common basis for reporting by relevant United Nations entities, other international and regional organizations, and Member States, on the implementation of resolution 1325 (2000) in 2010 and beyond."[60]

Indicators are signposts of change along the path to development by measuring trends and allowing policymakers and civil society to track progress towards intended results or targets, as well as risk factors which might prevent attainment of results.[61] Good performance indicators are critical for effective monitoring and evaluation, and help to:
1. Improve decision making for ongoing program and project management
2. Measure progress and achievements as understood by the different stakeholders
3. Clarify consistency between activities, outputs, outcomes and impacts
4. Ensure accountability to all stakeholders by demonstrating progress
5. Assess program, project and staff performance
6. Identify the need for corrective or remedial action.[62]

In the case of Resolution 1325, the production of a comprehensive set of indicators will be a key step towards fostering more concerted and coordinated action to implement the resolution, measuring the progress of current and future initiatives related to women, peace and security, and ensuring the accountability of the UN, member states and other international and regional organizations.[63]

In recent months, civil society has called for a comprehensive and transparent system of implementation on women, peace and security, which will "incorporates prevention, protection, empowerment and, where necessary, enforcement measures."[64] This system has several elements, and is being supported from within the UN system as one which has the potential to change the way women, peace and security obligations are realized both in policy and practice:

1. The system would build on and enhance existing monitoring procedures, act as an early warning system to prevent violence, and result in concrete consequences for flouting the Council's directives,
2. It would provide oversight and coordination, in addition to timely information and analysis, and could suggest steps to prevent imminent or further infractions.
3. Leadership within the Security Council is essential to ensuring that consistent and systematic attention is paid to Women, Peace and Security matters.

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[59] *Ibid.*

[60] UNIFEM, *Comparative Matrix of Women, Peace and Security Resolutions,* 2010, http://www.unifem.org/attachments/gender_issues/women_war_peace/UNSecurityCouncilResolutionsMatrix.pdf.

[61] United Nations, Security Council, *Report of the Secretary-General on Women and peace and security (S/2010/498),* 2010, http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/498.

[62] *Ibid.*

[63] NGO Working Group on Women, Peace and Security, *Briefing: A Comprehensive and Transparent System of Implementation for the United Nations' Obligations on Women, Peace and Security,* 2010.

[64] *Ibid..*

4.   This entails, *inter alia*, including these issues in all country-specific work, furthering implementation throughout the UN system, and within Security Council mandated field missions.

The Security Council has called for the creation of meaningful indicators on the implementation of Resolution 1325, and is expected, by the 10th Anniversary of 1325, to endorse the piloting of the indicators proposed by the Secretary-General to the Council, as requested in S/PRST/2010/8.[65] These indicators have been developed in coordination with a broad range of stakeholders and are ready to be piloted. [66]

To be useful to the Council, the information yielded by the indicators has to be analyzed and interpreted.[67] UN Women will be well-placed to carry out this technical work, given its mandate and the specific technical expertise the entity holds.[68] This work could be carried out through a dedicated women, peace and security unit within UN Women, tasked with collating and analyzing information from the field and providing this to the Security Council.[69] UN Women is expected to provide expertise for the regular reports for the Council, drawing on information provided by the indicators and other sources, and could provide technical support for briefings and debates on the outcome of the reports; it can also use the indicator information to give input on country-specific processes.[70]

The Council has a series of measures at its disposal to address violations of international law and the 1325 normative framework as well as reducing impunity for violations against women in armed conflict, including:[71]

- Briefings, both formal and informal, and Arria Formula meetings to provide early warning signals as information emerges from the analysis of indicators and other relevant sources;
- Security Council missions, which could also be taken on thematic issues, can allow direct communication between Council members and those who work for women's rights in conflict areas;
- The prioritizations of prevention and protection in peacekeeping mandates;
- Commissions of inquiry deployed to investigate and recommend action regarding violations of international law;
- Assessment of the use of gender-based violence crimes when considering new or existing sanctions;
- Deployment of "teams of experts" to assess national capacity to halt increasing violence aimed at civilians;
- The issuance of press statements to call attention to specific issues, such as the inclusion of women in reintegration programs;
- In addition, regular processes already in place may be enhanced to support the Women, Peace and Security agenda, including:
  - The Security Council's expert group on the protection of civilians in armed conflict should systematically review progress on the women-specific issues in its relevant Aide Memoire (S/PRST/2009/1);[72]

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[65] United Nations, Security Council, *Report of the Secretary-General on Women and peace and security (S/2010/498)*, 2010, http://www.un.org/docs/journal/asp/ws.asp?m=S/2010/498.

[66] *Ibid.*

[67] *Ibid.*

[68] *Ibid.*

[69] *Ibid.*

[70] NGO Working Group on Women, Peace and Security, *Briefing: A Comprehensive and Transparent System of Implementation for the United Nations' Obligations on Women, Peace and Security,* 2010.

[71] Security Council Report, *Cross-Cutting Report: Women, Peace and Security,* 2010, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6239031/k.197D/CrossCutting_Report_No_2brWomen_Peace_and_Securitybr1_October_2010.htm.

    o   The Children and Armed Conflict reporting mechanism, which provides for the collection of information and analysis on, *inter alia*, crimes of sexual violence in conflict against children, can provide insight on how information can be gathered on crimes against adults.[73]

Conflict Prevention, Peacebuilding and Post-conflict Reconstruction

There are often similar characteristics within countries that lead to violent conflict. These characteristics include low participation by women in government as well as the "formal" labor sector; restrictive cultures which condone and allow violence against women and other discriminatory practices; low levels of female literacy; increasing gender-specific human rights violations, specifically "rape, abductions, trafficking, domestic violence, sexual harassment, abuse by security forces, killings and disappearances of women, and elections-related violence"; weak or ineffective justice mechanisms which fail to prosecute perpetrators of violence against women or human rights violations; and significant shifts in "gender roles" and rewards within a community for aggressive behavior, hyper-masculinity, and the protection of traditional patriarchal structures.[74]

In addition, the "growth of discriminatory movements such as fundamentalism, and insensitive response by international actors"; "resistance" to the involvement of women in peace processes and negotiations; and a lack of support or ability to participate in civil society by women also contribute significantly to the probability of increased violence, and thus signal a need for international and national action not only to avert conflict, but also to ensure women become active in structures which will prevent the future outbreak of violence.[75]

Conflict Prevention
The role of women in conflict prevention is crucial, due to the fact that preventative measures have the ability to halt disputes prior to violent conflict.[76] Initiatives that support women's role in conflict prevention include local organizing carried out by women and also the full involvement and participation of women in decision-making roles not only in politics, but in the design of all preventative measures.[77]

Peacebuilding & Post-conflict Reconstruction
Post-conflict reconstruction efforts need to recognize the unique ways that conflict affects women, and the importance of taking advantage of the opportunity the post-conflict moment presents to address historical and root discrimination against certain sectors of the population, particularly women. Donors and funders not only need to ensure women are active in the decision-making process when identifying priorities and designing programs, but gender perspectives need to be integrated into all projects.[78] Additionally, in the aftermath of conflict, women are "uniquely placed to engage in the reconstruction effort" due to their position as lead caregivers in families and communities. International coordination is vital in this phase, particularly with local communities assessing priorities and needs; women's

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[72] United Nations, Security Council, *Statement of the President on "Protection of Civilians in Armed Conflict" (S/PRST/2009/1)*, 2009, http://www.un.org/docs/journal/asp/ws.asp?m=S/PRST/2009/1.

[73] United Nations, *Office of the Special Representative of the Secretary-General for Children and Armed Conflict,* http://www.un.org/children/conflict/english/index.html.

[74] *Ibid.*

[75] *Ibid.*

[76] UNIFEM, *Women War, Peace and Conflict Prevention and Early Warning*, http://www.unifem.org/gender_issues/women_war_peace/.

[77] *Ibid.*

[78] Institute for Inclusive Security, *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action,* 2003, http://www.huntalternatives.org/download/39_post_conflict.pdf.

organizations are crucial in this regard, serving as focal points and direct links with donors and national government efforts.[79]

Justice and Security Sector Reform

Justice and Security Sector Reform (SSR) is a crucial component of peacebuilding that is increasingly prioritized by governments due to its direct impact on sustainable peace. The "security sector" includes core security actors such as the armed forces and police, security management and oversight bodies, as well as justice and rule of law institutions and other civil society and private actors.[80] The process of SSR aims to "transform the security sector/system, which includes all the actors, their roles, responsibilities and actions – working together to manage and operate the system in a manner that is more consistent with democratic norms and sound principles of good governance, and thus contributes to a well-functioning security framework."[81]

Integrating gender into SSR strategies often has two parts: "addressing the needs and roles of women, men, boys and girls; and gender mainstreaming and promoting the equal participation of men and women."[82] These two strategies should be addressed in the assessment, planning, implementation, monitoring and evaluation of SSR programmes, in order for these processes to be effective in addressing human rights violations, including sexual violence. The security sector must be gender-responsive in order for society to rebuild in post-conflict situations, and protect and promote the rights of all citizens.[83]

Peace Processes

The adoption of a peace agreement signals the formal end of armed conflict and beginning of the development and implementation of a framework for political, legal, economic and social structures.[84] Peace agreements serve as the foundation for future economic, social and governance institutions, and therefore need to take into account the "gender-specific" consequences of armed conflict, as well as the different priorities men and women have, particularly as it relates to economic, social and cultural rights.[85]

Rarely do these peace agreements actually address these rights. In analyzing 27 agreements, UNDP discovered that only 6 agreements made any mention of women's rights (Burundi, Bosnia and Herzegovina, Darfur, Guatemala, Sierra Leone, and Somalia), while only 7 had provisions for health and 8 had provisions for social security and welfare.[86] Thus, given their fundamental role in defining women's potential participation as equal partners in society and also the peacebuilding effort, the importance of ensuring these agreements account for inequalities of the past, and prove to durable in the future cannot be underscored enough.[87] It should be noted that UN Security Council resolution 1325 does call upon actors to adopt a gender perspective when negotiating and implementing peace agreements.[88]

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[79] *Ibid.*
[80] DCAF, OSCE/ODHIR, UN-INSTRAW, *Gender and Security Sector Reform Toolkit,* 2008, http://www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=gender&lng=en&id=47331&nav1=4.
[81] *Ibid.*
[82] *Ibid.*
[83] *Ibid.*
[84] United Nations, Economic and Social Council, *Report of the United Nations High Commissioner for Human Rights (E/2008/76),* 2008, http://www.un.org/docs/journal/asp/ws.asp?m=E/2008/76.
[85] *Ibid.*
[86] Chr. Michelsen Institute, *Peace Processes and Statebuilding: Economic and Institutional Provisions of Peace Agreements,* 2007, p. 21, http://www.cmi.no/research/peacebuilding/statebuilding.pdf.
[87] United Nations, Economic and Social Council, *Report of the United Nations High Commissioner for Human Rights (E/2008/76),* 2008, http://www.un.org/docs/journal/asp/ws.asp?m=E/2008/76.
[88] Security Council, United Nations, *Resolution 1325 on "Women, Peace and Security" (S/RES/1325/2000),* 2000, http://www.un.org/docs/journal/asp/ws.asp?m=S/RES/1325(2000).

Peace agreements need to "ensure substantive equality for women and end discriminatory practices against them, including temporary special measures, to develop a just and equal society with security and protection for women and men."[89] In particular, these agreements should ensure women's equitable participation in democratic and policy processes in post-conflict societies, as well as address the allocation of the budget in areas which will ensure that women attain economic, social and cultural rights and also provide an amount of redress for pre-conflict inequalities.[90] In a recent study of the economic provisions in peace agreements, it was found that those related to reconstruction, physical reconstruction and education sectors were under-addressed and remained very general in content.[91] The key to successful implementation of provisions in peace agreements is specificity, so when provisions for crucial social services such as public education and hospitals are general, they will often get overlooked or not implemented fully.[92] Some specific recommendations are particularly relevant to women as they address the need for "sex-disaggregated data" which form the foundations of post-conflict socio-economic policies which protect social and economic rights of those who have previously been marginalized.[93] In addition, it is crucial that women are participants at the peace table, or that all sides as well as the mediators are aware of the implications for not having a gender perspective when writing the peace agreement.[94]

Barriers to women's participation in peace processes and the overall lack of inclusion of issues related to women's rights into peace agreements result from a variety of issues: a lack of understanding of how to create a space for discussion on these issues; little to no expertise on what these issues are; the lack of "legitimacy" or "importance" assigned to women's rights; and how these rights are key to issues discussed at the negotiation table. Security for women involved in the peace process is a major issue that is also rarely addressed – there is inherent danger in challenging the dominant forces within a country, whether those forces are armed or political, and thus physical safety must be a priority for organizers and facilitators of the peace process. As it is with every conflict, every peace process is unique, making it impossible to provide a "one size fits all" solution to women's participation and the inclusion of women's rights and concerns within agreements. Finally, one additional important barrier is the "invisibility issue": women's rights actors and women who are outside the traditional decision-making structures are often invisible to those participating in the talks, and thus unable to be taken seriously during formal peace talks.

Peacekeeping

The Security Council has the principal responsibility under the United Nations Charter of preserving international peace and security.[95] Although peacekeeping operations are not specifically mentioned in the Charter itself, the Security Council has developed the mandates of peacekeeping missions to address

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[89] United Nations, Economic and Social Council, *Report of the United Nations High Commissioner for Human Rights (E/2008/76),* 2008, http://www.un.org/docs/journal/asp/ws.asp?m=E/2008/76.

[90] *Ibid.*

[91] Chr. Michelsen Institute, *Peace Processes and Statebuilding: Economic and Institutional Provisions of Peace Agreements,* 2007, p. 24, http://www.cmi.no/research/peacebuilding/statebuilding.pdf.

[92] *Ibid.* p. 25.

[93] DAW, OSAGI, DPA, *Report of the Expert Group Meeting on Peace Agreements as a Means for promoting gender equality and ensuring the participation of women: a framework for model provisions,* 2003, http://www.un.org/womenwatch/daw/egm/peace2003/.

[94] Peace Building Initiative, *Economic Recovery Strategies & Peacebuilding Processes,* http://peacebuildinginitiative.org/index.cfm?pageId=1903.

[95] "United Nations Charter, Chapter V, Article 24". United Nations. http://www.un.org/aboutun/charter/index.html

threats to peace processes.[96] The United Nations Charter also provides for the legal foundation on which peacekeeping operations can be deployed; Chapter VII calls for action by the international community in response to 'breaches of the peace.'[97] Peacekeeping operations function under international humanitarian law, and missions are often deployed to uphold these laws, especially to protect civilians and victims of armed conflicts.[98]

Peacekeeping operations address a variety of conflicts across the globe. Peacekeepers are deployed by the Security Council, usually upon a state's approval, to monitor peace negotiations between countries or parties to intra-state conflicts. Peacekeeping missions, although primarily military-based operations, have a large team of experts that examine issues such as sustainable governance and human rights abuses.[99] The UN also depends on the contribution of military or police personnel to support missions in many different locations. Statistics recorded in early 2010 marked the number of troop-contributing countries (TCCs) at 115, with women comprising over 30% of civilian support personnel currently in the 6 peace operations worldwide.[100] Secretary-General Ban Ki-Moon has launched a global effort to increase the percentage of women serving in overall peacekeeping operation personnel to 20 percent by the year 2014.[101]

The United Nations Department of Peacekeeping (DPKO) has exemplified reform by expanding their definition of the term "protection" to encompass all efforts to strengthen the full exercise of rights promised to groups and persons under international humanitarian and human rights law.[102] The Independent Study on Protecting Civilians in the Context of UN Peacekeeping Operations (2009), jointly commissioned by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and DPKO, carefully outlines the necessary conditions identified by the study in order to protect civilian populations to the highest capacity.[103] The study also provides detailed recommendations for Member State action.[104] The report also includes a recommendation to the Security Council on the clear usage of Chapter VII of the United Nations Charter in its resolutions as a method of strengthening robust peacekeeping operations.[105]

Conclusion

Women's empowerment and respect for women's human rights is at the core of the women, peace and security agenda. Multiple international agreements and research demonstrate the importance of women's equal participation in peace and post conflict processes, yet the continued exclusion of women is significant.[106] The root causes of conflict in the 21st century – conflicts in which over 90% of casualties

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[96] United Nations Department of Peacekeeping Operations, Department of Field Support, *United Nations Peacekeeping Operations Principles and Guidelines*, 2008, http://www.peacekeepingbestpractices.unlb.org/Pbps/Library/Capstone_Doctrine_ENG.pdf.

[97] "United Nations Charter, Chapter VII". United Nations. http://www.un.org/aboutun/charter/index.html

[98] *Ibid.*

[99] United Nations, Department of Peacekeeping Operations, *About*, http://www.un.org/en/peacekeeping. /

[100] United Nations Department of Peacekeeping Operations, *Factsheet*, 2010, http://www.un.org/en/peacekeeping/documents/factsheet.pdf.

[101] United Nations, *Remarks at Meeting on The Global Effort to Increase the Participation of Women in United Nations Policing in Peacekeeping Operations*, 2010, http://www.un.org/apps/news/infocus/sgspeeches/search_full.asp?statID=842.

[102] DPKO, UN Action, UNIFEM, *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice*, 2010, http://www.unifem.org/materials/item_detail.php?ProductID=172.

[103] DPKO, OCHA, *Protection of Civilians in the Context of UN Peacekeeping Operations*, 2009, http://www.peacekeepingbestpractices.unlb.org/PBPS/Library/FINAL%20Protecting%20Civilians%20in%20the%20Context%20of%20UN%20PKO.pdf.

[104] *Ibid.*

[105] *Ibid.*

[106] United Nations, Security Council, *Report of the Secretary-General on enhancing mediation and its support activities (S/2009/189),* 2009, http://www.un.org/docs/journal/asp/ws.asp?m=S/2009/189.

are civilians – range from resource scarcity to human rights violations.[107] Although the causes vary widely around the world, one common denominator which can be found in all global conflicts is the disproportionately negative impact of conflict on women and girls.[108]

According to the 2008 study carried out by the UN Secretary-General, states worldwide "are failing to implement in full the international standards on violence against women. They are not challenging gender-based discrimination and are allowing crimes to be committed with impunity."[109] Indeed, the UN charges that "failing to hold perpetrators accountable not only encourages further abuses but also gives the message that violence against women is acceptable or normal."[110]

In the years following the adoption of Security Council resolution 1325 and other international initiatives, "significant steps have been made by state actors, women, women's organizations and civil society networks to strengthen women's roles in gender perspectives in peacebuilding and conflict prevention."[111] Examples of progress include "gender-sensitive action plans in disarmament, political, and humanitarian affairs and efforts to coordinate and build coherence in its women, peace, and security work," as well as the development and implementation of national action plans and regional strategies to address the needs of women in conflict.[112] Due in large part to the work of UNIFEM and related organizations over the past two decades, the global community has paid increased attention to the idea of women involved in non-traditional roles in the peace building process in recent years; these organizations' advocacy has been based on the premise that if women are to enjoy peace equally, they should be equal partners in making that peace.

Questions to Consider

- What options does the Security Council have for developing and enacting a comprehensive system of accountability on women, peace and security?
- What are the options in terms of financing efforts to promote women's involvement in all levels of decision-making?
- Are the current resources sufficient to effectively address this issue? Should additional bodies be created within the UN to support existing organizations, or current bodies be reorganized in an effort to make the UN system and its programs aimed at promoting gender equality more efficient?
- Are the current efforts to implement SC Resolution 1325 by mainstreaming a gender perspective into peacekeeping forces and peacebuilding effort succeeding? If not, why not?
- Do current efforts of the Council ensure the full and equal participation of women in the process of
  creating a constitution and developing a new judiciary in post-conflict situations?
- Does the work of the Council ensure that women's protection and participation is central to the design and reform of security sector institutions and policies, especially in police, military and rule of law components?[113]

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[107] *Ibid.*

[108] *Ibid.*

[109] United Nations, *Ending violence against women: from words to action: Study of the Secretary General*, 2006, http://www.un.org/womenwatch/daw/vaw/launch/english/v.a.w-consequenceE-use.pdf.

[110] *Ibid.*

[111] NGO Working Group on Women, Peace and Security, *An Effective Place at the Table: Women's Equal Participation in Peace Processes & Peacebuilding,* 2008, http://www.womenpeacesecurity.org/media/pdf-interactive_dialogue_2008.pdf.

[112] *Ibid.*

[113] NGO Working Group on Women, Peace and Security, *1325 Checklist for Mainstreaming Women, Peace and Security into Security Council Resolutions,* 2003, http://womenpeacesecurity.org/media/pdf-1325checklist.pdf.

II. Peacebuilding in Nepal

Introduction

In 2006, the Comprehensive Peace Agreement (CPA) was signed by the Government of Nepal and the Communist Party of Nepal (Maoist) (CPN-M), now the Unified Communist Party of Nepal-Maoist (UCPN-M), ending a ten year civil war that killed more than 16,000 people and displaced hundreds of thousands of civilians.[114] The internal conflict in Nepal began in 1996 when an insurgency by Maoists, members of the CPN-M, against the existing government spread from a small area in the Western region of Nepal to nearly every district in the country.[115] Although the peace process delivered measurable improvements to a country with a history of repeated and widespread violations of fundamental human rights, stagnant development, high poverty, and political instability has prevented an improvement in overall quality of life most civilians hoped they would receive.[116]

Sustainable peace in Nepal is elusive, and will only occur when the root causes of conflict, such as inequality and poverty, are addressed parallel to and within the implementation of peacebuilding programs grounded in respect for human rights, sustainable development practices, community-led initiatives and broad consultation with local actors.[117] The United Nations Mission in Nepal (UNMIN) is a key instrument within the peacebuilding process, and in light of the current political context and the gaps in implementation of certain elements of the CPA, particularly those related to human rights, justice and inclusion, the Security Council has before it both a challenge and opportunity to take action in a country that has seen too many years of conflict, and is in need of peace.

Background to the Conflict

The Nepalese Government has been unstable for the past 20 years, dealing with fractured political parties, ethnic conflict and deep divisions within the country; this instability has also been exacerbated by inequality and poverty.[118] Massive protests by coalition groups, dominated by the CPN-M, led to the 1990 establishment of a constitutional monarchy in the place of the Shah monarchy which had ruled for the past 200 years.[119]

Since then, the country has struggled with bureaucracy and inefficiency, lack of clear roles for the monarchy and elected bodies, and discontent within the army and amongst the civilians, thereby preventing the country from reaching its full potential. Despite its early promise, the new legislature of

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[114] AlertNet, *Nepal Peace,* 2009, http://www.alertnet.org/db/crisisprofiles/NE_INS.htm.

[115] Friedrich Ebert Stiftung, *Seminar on Role of Civil Society in Conflict Mediation and Peace Building in Nepal*, 2006, http://www.fesnepal.org/reports/2006/seminar_reports/report_CETS.htm.

[116] United Nations, Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her office, including technical cooperation, in Nepal (A/HRC/13/73),* 2010, p. 1, http://nepal.ohchr.org/en/resources/Documents/English/reports/HC/2010_HRC_Report_E.pdf.

[117] International Alert, *Donor Aid Priorities for Peacebuildign in Nepal's Post-Peace Settlement Transition,* 2006, p. 1. http://www.international-alert.org/pdf/Donor_Aid_Priorities_for_Peacebuilding_Nepal_post_peace_settlement_transition.pdf

[118] Bohara, et al, *Opportunity, Democracy, and The Exchange of Political Violence: A Subnational Analysis of Conflict in Nepal*, Journal of Conflict Resolution, Vol. 50, No. 1, 2006, pp. 108-128.

[119] The CPM-UNL is not related with the Maoist insurgency, there are numerous Communist Parties in Nepal with different ideologies and roles during the last twenty years.

Nepal was unstable during its early years and was unable to bring up the status of the poorer sections and lower castes of Nepali society. Nepal was separated into several rigid sub-castes or classes.[120] The Chetri, Bahun and Newar act as the three main sub-castes, dominating the civil service and military. The Tharu and Magar, despite being the third and fourth largest groups in Nepal, were placed at the bottom of the hierarchy, which has resulted in skepticism amongst these groups in particular regarding government reform, and leading to a strong reception for the Maoist insurgency.[121]

Nine members of the royal family were killed in 2001, including King Birendra, and by 2002, new King Gyanendra dissolved the Parliament and implemented a harsh "direct rule," imprisoning hundreds in an attempt to bring peace to the country.[122] From 2001 to 2005, King Gyanendra would appoint several Prime Ministers, however their inability to deal with the Maoist insurgency would force him to remove and appoint a new Prime Minister to try to solve the problem.[123] In February of 2005, he announced a state of emergency and assumed direct power over the Nepalese government, a move that was condemned by numerous countries, with donor countries cutting off aid.[124] The move would prove to be costly, as both Maoist and opposition groups would join forces to have massive demonstrations and strikes throughout Nepal.[125]

In April of 2006, King Gyanendra announced he would reinstate the Parliament.[126] Immediately afterwards, the new Parliament voted unanimously to curtail the King's powers.[127] Parliament and the Maoists agreed to a peace deal that would allow the Maoists to become part of a new interim government.[128] In the aftermath of the signing of this agreement, the three emerging parties, two Communist parties (one Maoist, the other Marxist-Leninist), and the mainstream Nepali Congress party, were forced to try to cooperate.[17] The first democratic elections of April 2008 would end with the Maoists gaining a plurality of the parliament, and after negotiations, United Communist Party of Nepal (Maoist) leader Prachanda would take over as the new Prime Minister of Nepal.[129] In May of 2008, the newly elected assembly voted to abolish the 240-year old monarchy, providing a major victory for the Maoists, and formally establishing itself as a Federal Democratic Republic under an interim constitution. Ram Baran Yadav of the Nepali Congress was elected as the first President of Nepal. His party currently has the majority in the Constituent Assembly, part of the unicameral legislative branch of the government.

The current unrest began in April 2009 with the questioning of army chief General Rookmangud Katawal regarding the recruitment of personnel by the Nepalese army in late 2008.[130] The recruitment policy, where Maoists were not integrated into the national military, was considered to be in direct violation of the CPA.[131] That matter in particular has remained at the forefront of the political crisis, and in July 2010,

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[120] These groups can be further divided into three main groups: Indo-Nepalese, Tibeto-Mongol and Indigenous Nepalese groups.

[121] Central Intelligence Agency, *Nepal,* n.d., https://www.cia.gov/library/publications/the-world-factbook/geos/np.html

[122] BBC News. "Timeline: Nepal." n.d., http://news.bbc.co.uk/2/hi/south_asia/1166516.stm

[123] *Ibid.*

[124] BBC, *Profile: Nepal's ex-king Gyanendra*, 2008, http://news.bbc.co.uk/2/hi/south_asia/4225171.stm.

[125] *Ibid.*

[126] BBC, *Nepal: Timeline,* n.d., http://news.bbc.co.uk/2/hi/south_asia/1166516.stm.

[127] *Ibid.*

[128] *Ibid.*

[129] BBC News. *Maoist Leader becomes Nepalese PM.* 15 August 2008. http://news.bbc.co.uk/2/hi/south_asia/7563816.stm

[130] Security Council Report, *July 2009: Update,* 2009, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.5263117/k.8F63/July_2009brNepal.htm.

[131] South Asia Analysis Group, *Nepal: Historic Peace Agreement Signed, but some problems continue."* 12 September 2006, http://www.southasiaanalysis.org//notes4/note353.html;

Telegraph Nepal, *No to Integration of Militias into Nepal Army: Defense Minister,* 2 June 2009, http://www.telegraphnepal.com/news_det.php?news_id=5526

the Supreme Court of Nepal ruled that "the matter of whether recruitment by the Nepal Army violated the peace agreements or not, was not within its jurisdiction, but rather fell under the purview of the Joint Monitoring Coordination Committee.[132]

At present, the Nepalese government is unable to independently provide adequate means of security for its citizens. Not only does it rely heavily on international aid, but it still remains unstable and unable to develop internal institutions. This issue is heavily dependent on the working relationship among the major political parties and the ability to formulate a solid Constitution in adherence to international standards.

On 13 September 2010, the Nepalese government and the UCPN-Maoist party signed an agreement in which they pledged to take up the remaining tasks of the peace process and complete them by 14 January 2011.[133] The parties also agreed to request the extension of the mandate of the United Nations Mission in Nepal (UNMIN) mandate for four months with no change and to complete the integration and rehabilitation of the ex-Maoist combatants within this timeframe.[134]

United Nations System Engagement in Nepal

The United Nations has been present in Nepal for more than forty years, and currently operates there via more than 15 agencies and programs, including the United Nations Development Programme (UNDP), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Population Fund (UNFPA), and the United Nations Children's Fund (UNICEF).[135] In addition to this, direct political support for the peace process is provided by the United Nations Mission in Nepal (UNMIN), which works in coordination with the myriad UN agencies through the United Nations Country Team (UNCT), which is supported financially in its work by the United Nations Development Assistance Framework for Nepal (UNDAF).[136]

The United Nations Mission in Nepal (UNMIN) is a special political mission mandated to support the political and peace process in Nepal.[137] UNMIN was established in Security Council resolution 1740 on 23 January 2007, and has been consistently renewed, most recently until 15 January 2011 through Security Council resolution 1939 (2010).[138] The mandate of the mission has "reflected a formal request from the Nepalese government," making the mission contingent upon continuing support from the Government of Nepal.[139] UNMIN's activities include arms control for the Nepal Army and the Unified Communist Party of Nepal-Maoist (UCPN-M), assisting all parties through a Joint Monitoring Coordinating Committee, monitoring the ceasefire arrangements, and providing technical assistance to the Election Commission in the planning, preparation and conduct of elections.[140] The mission has a

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[132] BBC, *Nepal: Timeline,* n.d., http://news.bbc.co.uk/2/hi/south_asia/1166516.stm.

[133] Security Council Report, *Update Report No. 2: Nepal,* 2010, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6236763/k.C1AB/Update_Report_No_2brNepalbr14_September_2010.htm.

[134] *Ibid.*

[135] United Nations Country Team, Nepal, *United Nations Development Assistance Framework for Nepal for 2008 – 2010,* 2007, Ch. 1.2, http://www.undp.org.np/uploads/publication/2008011514224299.pdf.

[136] United Nations Country Team, Nepal, *United Nations Development Assistance Framework for Nepal for 2008 – 2012: Annual Report 2009,* 2010, http://www.un.org.np/reports/UNCT/2010-09-08-UNDAF-Annual-Report-2009.pdf.

[137] UNMIN, *Mandate,* n.d., http://www.unmin.org.np/?d=about&p=mandate.

[138] UNMIN, *Homepage*, n.d., http://www.unmin.org.np/.

[139] Security Council Report, *September 2010: Nepal,* 2010, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6196117/k.1B9E/September_2010brNepal.htm.

[140] United Nations, Secretary General, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/17),* 2010, p.1, http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/17.

particular focus on the rights and concerns of women, children and traditionally marginalized groups, as well as on human rights in general.[141] UNMIN helped establish the UN High Commissioner on Human Rights (OHCHR) office in Nepal in 2005 to facilitate this goal, and continues to work to promote adherence to international human rights obligations in its work.[142]

Funding for development and peacebuilding in Nepal is obtained through several sources, including UN multi-donor trust funds, direct contributions, and humanitarian assistance on a bi-lateral basis.[143] The Peacebuilding Commission funds the UN Peace Fund for Nepal, directed through UNMIN, and focuses on activities which will support the political development of Nepal in order to prevent future conflict.[144] The UN Capital Development Fund is a program dedicated to donating money for the sole purpose of helping Nepal achieve the Millennium Development Goals.[145] Coherence amongst UN entities, in addition to clear priorities within UNMIN mandate renewals, is therefore crucial to the effective distribution of funds that support inclusive and sustainable peacebuilding.

Development of Basic Services

The pursuit of political stability and security alongside economic development is a central component of the peacebuilding process.[146] This process is made more challenging by the fact that in many post-conflict contexts, a country's infrastructure is partially or completely destroyed.[147] In a 16 April 2010 Presidential Statement on post-conflict peacebuilding, the Security Council stressed "the importance of delivering early peace dividends, including the provision of basic services, in order to help instill confidence and commitment to the peace process."[148] Within the specific context of Nepal, this becomes an even greater challenge as "extreme levels of poverty, inequality and malnutrition are both causes and consequences of the conflict," with access to resources unequal, and aid disbursement uneven.[149] The CPA commits all parties to "rapid economic recovery," which includes the delivery of services, such as health care, education and food; however, delivery of basic services continues to be hampered by the current political situation.[150]

According to its most recent report on the progress towards achieving the Millennium Development Goals (MDGs), Nepal is close to achieving "several" of the eight goals, particularly those related to poverty, education, health and environmental sustainability.[151] Poverty reduction has seen the most improvement, from 42% of the population living in poverty in 1996 to 25.4% in 1999, with 5% of that drop in the last five years alone.[152] Although this is a large improvement, the gains mask "significant disparities between ethnic, social and economic groups, amongst rural and urban populations and people living in the

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[141] United Nations Mission in Nepal, *Mandate,* n.d., http://www.unmin.org.np/?d=about&p=mandate.

[142] *Ibid.*

[143] *Ibid.*

[144] United Nations News, *Secretary-General declares Nepal eligible for UN Peacebuilding Fund*, 2007, http://www.un.org/apps/news/story.asp?NewsID=25176&Cr=nepal&Cr1.

[145] United Nations Capital Development Fund, *UNCDF: Nepal*, http://www.uncdf.org/english/countries/nepal/index.php.

[146] United Nations, Security Council, *Post-conflict peacebuilding (S/PRST/2010/7)*, 2010, http://www.un.org/Docs/journal/asp/ws.asp?m=S/PRST/2010/7.

[147] *Ibid.*

[148] *Ibid.*

[149] United Nations Peacebuilding Fund, *Priority Plan for Peacebuilding Fund (PBF): Nepal,* 2008, p. 3, http://www.unpbf.org/docs/Nepal_PBF_Priority_Plan.pdf.

[150] *Ibid.*

[151] UNDP, *Press Release: Nepal makes notable progress in MDGs, eradicating inequality and social exclusion remain major challenges,* 2010, http://www.undp.org.np/news/latestnews.php?NewsID=1275&showNews=1.

[152] *Ibid.*

mountains, in remote areas and on the plains."[153] The gap between the "haves" and "have-nots" is increasing, according to the report, suggesting that in order to address the issue, "the government should make the redistribution of benefits, social justice, and mainstreaming of marginalized populations and geographic areas it overarching goal."[154]

The recent initiative undertaken by Nepal's Resident Coordinator to develop a peace and development strategy further solidifies the linkage between development and sustainable peace, grounded in a successful, comprehensive peacebuilding process.[155] The strategy is focusing on longer-term commitments and "aspirations" contained within the CPA, "drawing at the same time on relevant development practices as they relate to peacebuilding support."[156] Though there is a long-term plan in place, short-term development faces issues that may prevent its success, including an immediate and a severe food shortage resulting in an estimated 2.5 million people facing extreme food insecurity.[157] The development priorities set out by various UN agencies engaged in Nepal include peacebuilding, development of the social sector, youth employment, strengthening the economic sector, and re-building both physical and electronic infrastructure.[158] In order to achieve these priorities in an equitable way amongst various sections of the population, it will be necessary for UN system actors to consider the priorities of marginalized peoples, specifically women, children, Dalits, Janajatis, Madhesis and people with disabilities, in their approach to each.[159]

Security, Justice and Human Rights

The signing of the Comprehensive Peace Agreement (CPA) on 21 November 2006 between Nepal's government and the CPN-M was welcomed as the signal that Nepal was no longer in the midst of active, armed conflict, but had entered a post-conflict phase, during which peacebuilding was the primary focus.[160] The CPA essentially "consolidated a series of commitments to human rights made in previous agreements and included many of Nepal's international obligations to respect, promote, and ensure human rights."[161] Two key elements of this peace process are constitution-building and the successful 2008 elections of the Constituent Assembly, as well as protection and promotion of fundamental human rights and development of a strong justice system.[162]

According to recent reports, "failure to address the systematic crimes committed during Nepal's ten-year civil war is threatening the peace process," and could derail the progress that has been made, threatening the complex, and fragile political situation already in existence.[163] Since the signing of the CPA, there

[153] *Ibid.*
[154] United Nations Development Programme, Nepal, *Annual Report: 2009,* 2010, http://www.undp.org.np/uploads/publication/2010071611045399.pdf.
[155] United Nations, Security Council, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/214),* 2010, p. 9, http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/214.
[156] *Ibid.*
[157] *Ibid.*
[158] United Nations Country Team, Nepal, *United Nations Development Assistance Framework for Nepal for 2008 – 2010,* 2007, Ch. 1.3, http://www.undp.org.np/uploads/publication/2008011514224299.pdf.
[159] *Ibid.*
[160] Human Rights Watch, *Waiting for Justice: Unpunished Crimes from Nepal's Armed Conflict,* 2008, p. 13, http://www.hrw.org/en/reports/2008/09/11/waiting-justice-0.
[161] *Ibid.*
[162] United Nations, Security Council, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process (S/2010/214),* 2010, p. 2, http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/214.
[163] International Crisis Group, *Nepal: Peace and Justice,* 2010, p. i, http://www.crisisgroup.org/~/media/Files/asia/south-asia/nepal/184%20nepal%20peace%20and%20justice.ashx.

has been not a single prosecution in civilian courts for any violations of human rights or abuses committed.[164] As is similar in many other conflict and post-conflict countries, a culture of impunity remains, which only serves to increase public distrust and provide further incentives for violence.[165] The courts have repeatedly instructed the Government of Nepal to move forward on "investigations into several conflict related cases," and while the Government has taken minimal steps to comply with such orders, "there have been no visible steps taken to hold accountable any individual responsible for grave violations of human rights abuses committed during or after the conflict," underlining the need for the issue of justice to be one of the highest priorities for all actors moving forward. [166]

This is the process of reconciliation, which is critical to unite people in the deeply divided societies, and ensures the transformation of protagonists' enemy images towards the realization of need for co-existence.[167] However, the process of reconciliation cannot be complete without justice for the victims of armed conflict and related crime.[168] Numerous civil society and government actors have alleged that the armed forces in Nepal's conflict have committed a number of atrocities and human rights crimes against the civilians during the armed conflict, and the perpetrators of human rights violations must be brought to trial in the competent court; these actors argue for the commissioning of a special international court so that there can be independent, speedy and neutral proceedings over the cases. [169] The process ensures justice to the victims on the one hand, while on the other, it ensures accountability of armed forces to the democratic values and principles of human rights.[170] Once the armed forces are accountable to the democratic system and to human rights, scholars and practitioners generally believe that they may refrain from committing violence in the future.[171]

Security Sector reform (SSR) is defined as a process of making the state's security apparatuses more responsible to citizens and their welfare.[172] The security sector comprises the armed forces, paramilitary, police, intelligence and secret services.[173] The management and oversight agencies under which these operate comprise executive and legislative bodies, judicial and law enforcement agencies, financing and auditing agencies and civil society.[174] The process of security sector transformation must deal with the legacies of violence, including delivery of justice to victims.[175] As a vital component of peace-building, security sector reform is required for rebuilding fractured relationships, and the plight for justice needs to be looked at as an integral part of the initiatives on security sectors transformation.[176]

Security actors in Nepal include both state providers and traditional and community-level organizations.[177] The latter have a long history of service provision at the local level, a role that was

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[164] *Ibid.*

[165] *Ibid.*

[166] United Nations, Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her office, including technical cooperation, in Nepal (A/HRC/13/73),* 2010, p. 3, http://nepal.ohchr.org/en/resources/Documents/English/reports/HC/2010_HRC_Report_E.pdf.

[167] DCAF and National Peace Campaign, *Nepal Security Sector: An Almanac,* 2009, http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=111243&nav1=5. *Ibid.*

[168] *Ibid.*

[169] *Ibid.*

[170] *Ibid.*

[171] *Ibid.*

[172] Kumar D., and Hari Sharma, *Security Sector Reform in Nepal: Challenges and Opportunities,* 2005, http://www.ssrnetwork.net/document_library/detail/5072/security-sector-reform-in-nepal-challenges-and-opportunities.

[173] *Ibid.*

[174] *Ibid.*

[175] DCAF and National Peace Campaign, *Nepal Security Sector: An Almanac,* 2009, http://www.dcaf.ch/publications/kms/details.cfm?lng=en&id=111243&nav1=5.

[176] *Ibid.*

[177] Watson, C. and Rebecca Crozier, *Security for Whom? Security Sector Reform and Public Security in Nepal,* International Alert, 2009, http://www.international-alert.org/pdf/IfP_Security_Sector_Reform_and_Public_Security_in_Nepal.pdf.

strengthened during the conflict.[178] Any SSR process needs to ensure that the roles played by a wide range of groups, and how they interact, are understood and taken into account if any change is to be effective and gain popular support.[179] Security service providers whose roles are to be assessed and reviewed include: the Nepal Army (90,000 personnel), the Armed Police Force (40,000 personnel), the Nepal Police (56,000 personnel) and political youth wings, including the United Communist Party of Nepal - Maoist (CPN-M) Youth Communist League (YCL) (around half a million members), the United Marxist Leninist Party (UML) Youth Force (YF) (numbers uncertain) and the Nepali Congress (NC) Tarun Dal (numbers uncertain).[180]

At present, the Nepalese police lack basic resources, remain poorly trained and equipped and have relatively few personnel compared to the population and terrain they are expected to serve.[181] In many districts, post-conflict reconstruction has hardly begun; a huge number of police posts have been re-established across the countryside but are operating from rented or borrowed accommodation.[182] However, several officers reiterated that lack of personnel or equipment was not their most pressing problem; the greater difficulty lies in the political and institutional context.[183] The police are part of the broader administrative framework and much of what they can or cannot do depends on the stance of home ministry officials, in particular the chief district officer.[184] This highlights the need for intensive training of management and leadership within the security sector, targeted at local and mid-levels to ensure that messages and protocols get passed down the ranks.[185]

Recruitment and diversity amongst the security sector remains a key issue in upcoming reform efforts. At present, only 5.28% of the 56,000 police personnel are female.[186] This massive imbalance only highlights how important it is to address security sector reform through a gender-sensitive and inclusive lens. In post-conflict situations such as Nepal, there are several suggestions and things to note when addressing women's role in security sector reform, including:

- Involve women's and men's organizations in security policy making and building the gender capacity of new security sector staff;
- Comprehensive reform of security sector institutions, including large-scale recruitment and training of security sector personnel, creates opportunities for the integration of gender issues:
- Provide gender training to all security sector personnel;
- Screen new personnel for human rights violations, including sexual and gender-based violence (SGBV);
- Integrate gender issues into the UN and other international organizations, and into bilateral actors' training of police, military, justice, penal and government staff;
- Recognize that the fluidity in gender roles during the armed conflict can create the space for increased female participation in the security sector, thus clear targets for female recruitment, retention and advancement should be set;
- Provide incentives for female ex-combatants to join the military and the police.[187]

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[178] *Ibid.*.

[179] *Ibid.*

[180] *Ibid.*

[181] International Crisis Group, *Nepal's Political Rites of Passage,* 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/nepal/194%20Nepals%20Political%20Rites%20of%20Passage.ashx.

[182] *Ibid.*

[183] *Ibid.*

[184] *Ibid.*

[185] *Ibid.*

[186] Pushkar, K., *Security Sector Reform in Nepal: A Discussion of Gender Dimensions with Reference to SCR 1325,* 2010, http://www.monitor.upeace.org/innerpg.cfm?id_article=686.

[187] DCAF, OSCE/ODIHR, UN-INSTRAW, *Security Sector Reform and Gender (Tool 1),* 2008,

The lack of accountability and the exclusion of marginalized groups, particularly women, from Nepal's institutions are undermining attempts to provide this basic security.[188] Reform of the security sector, however, is likely to threaten entrenched interests in an unusually-stratified society unless it is addressed consistently and comprehensively.[189] It is also crucial that international support for security sector reform adheres to the principles of local ownership and conflict-sensitivity, is coordinated and comprehensive, and delivered in line with international best practice such as the EU Concept on Security Sector Reform (2005), the OECD DAC Guidelines on Security System Reform and Governance (2005), and the Geneva Centre for the Democratic Control of the Armed Forces (DCAF) guidelines for integrating gender into SSR.[190]

Disarmament, Demobilization and Reintegration (DDR)

Disarmament, Demobilization and Reintegration (DDR) is a "complex process, with political, military, security, humanitarian and socio-economic dimensions which aims to address the post-conflict security challenge that arises from ex-combatants being left without livelihoods or support networks, other than their former comrades, during the critical transition period from conflict to peace and development."[191] DDR seeks to support ex-combatants' economic and social reintegration, so they can become stakeholders in peace, and although many challenges remain in developing and implementing DDR programs, "there is a growing consensus that a focus on former combatants in DDR programs is necessary and justified in order to build confidence and security in war-torn societies, thereby reducing the obstacles and blocks to broader recovery efforts."[192]

To achieve the security objectives of a DDR program, leaders give support to achieve full initial socio-economic reintegration of ex-combatants.[193] However, in the context of longer-term reintegration, a balance must be struck between supporting ex-combatants' specific needs and the needs of the wider community in order to prevent resentment.[194] Emphasis should be placed on moving quickly from ex-combatant-specific programs to community-based and national development programs.[195] Failure to do so will result in ex-combatants continuing to identify themselves as belonging to a special group outside society, holding back their effective reintegration into local communities.[196] DDR in Nepal involves the cantonment and identification of members of the People's Liberation Army (PLA), as well as debating military and civilian reintegration in a context of political transition.[197] To date, more than 1,484 men and women, verified minors and late recruits, discharged from Maoist cantonments in February 2010 have opted for the ongoing

http://www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=gender&lng=en&id=47331&nav1=4.

[188] Kumar D., and Hari Sharma, *Security Sector Reform in Nepal: Challenges and Opportunities,* 2005, http://www.ssrnetwork.net/document_library/detail/5072/security-sector-reform-in-nepal-challenges-and-opportunities.

[189] *Ibid.*

[190] *Ibid.*

[191] United Nations, Nepal Information Platform, *Disarmament, Demobilization, and Reintegration (DDR),* n.d., http://www.un.org.np/ddr/role.php.

[192] *Ibid.*

[193] *Ibid.*

[194] *Ibid.*

[195] *Ibid.*

[196] *Ibid.*

[197] Sanz, *Nepal (AMMAA, 2007-present)*, DDR 2009. Analysis of Disarmament, Demobilization and Reintegration (DDR) Programmes in the World during 2008. Bellaterra: School for a Culture of Peace, 2009, pp. 93-81 .http://escolapau.uab.cat/img/programas/desarme/mapa/nepal09i.pdf.

voluntary rehabilitation packages offered by the United Nations Interagency Rehabilitation Programme (UNIRP).[198]

A sizeable portion of those who have completed this training have either established their own businesses or have found jobs, supported in part by the business sector's increasing support for ex-combatants.[199] Acknowledging that the rehabilitation of ex-combatants is critical to sustainable peace and thus long-term economic development in Nepal, a September 23010workshop of private sector leaders in Kathmandu resulted in a display of willingness and openness towards providing support to ex-combatants, when and as required by the government and political parties.[200]

Female combatants made up approximately one-third of the Maoist's military wing, the People's Liberation Army (PLA). Nearly 1,000 women were among 3,000 former child soldiers discharged from the PLA in February 2009; however, the women, who were treated as equals in the PLA and bore arms are now encountering rejection from their communities and struggling with traditional female roles. Gender roles undergo massive change during conflict, with men and women taking on new responsibilities.[201] This can open up opportunities for women in public life, including within security institutions. Additionally, integrating security institutions and decision-making can prevent sexual and gender-based violence against ex-combatants during and after the DDR processes.[202] Despite recent efforts to address gender inequality through legislation, and the available policy options, women in Nepal are deeply limited in areas such as asset and property ownership, inheritance, income and employment conditions and political representation, as documented by the UN Population Fund.[203]

Conclusion

The peacebuilding process in Nepal is complex and largely dependent on creating a stable political situation, as well as support from the international community to achieve priorities determined by an inclusive, consultative process at the local level.[204] It has been widely recognized that there must be a widespread understanding and awareness amongst all actors of the central conditions for peace, including sustainable development, equitable economic recovery, accessible security and justice, protection and promotion of human rights, and well-resourced programs that have the necessary capacity and leadership to successfully contribute to sustainable peace.[205] The role of the Security Council in this issue is ongoing monitoring of the security situation in Nepal and its impact on the peacebuilding process, as well as the ongoing management of the United Nations (UN) Mission in Nepal and adjustment of its mandate as

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[198] United Nations Interagency Rehabilitation Programme, *Combatant turns into an independent entrepreneur,* 2010, http://www.undp.org.np/successstories/successstories.php?StoryID=140&showStory=1.

[199] International Alert, *Rehabilitation of Nepali ex-combatants: What role for the private sector?*, 2010, http://www.reliefweb.int/rw/rwb.nsf/db900SID/VVOS-89SPNU?OpenDocument&RSS20=02-P.

[200] *Ibid.*

[201] OECD/DAC, *Handbook on Security System Reform: Section 9: Integrating Gender Awareness and Equality,* 2009, http://www.oecd.org/dataoecd/4/52/42168607.pdf.

[202] DCAF, OSCE/ODIHR, UN-INSTRAW, *Security Sector Reform and Gender (Tool 1),* 2008, http://www.dcaf.ch/publications/kms/details.cfm?ord279=title&q279=gender&lng=en&id=47331&nav1=4.

[203] IRIN, *Reintegration challenges for Maoist female ex-combatants,* 2010, http://www.irinnews.org/report.aspx?ReportId=88806.

[204] International Crisis Group, *Nepal's Political Rites of Passage,* 2010, http://www.crisisgroup.org/~/media/Files/asia/south-asia/nepal/194%20Nepals%20Political%20Rites%20of%20Passage.ashx.

[205] International Alert, *Nepal,* n.d., http://www.international-alert.org/nepal/index.php.

needed. Additionally, the Council can serve as a layer of accountability that will ensure that the peacebuilding process in general aids Nepal in meeting its goals, and promotes a pluralistic society that embraces justice and equality.

Questions to Consider

- How can the Council support the political unification of Nepal under a single governmental system so that no parties will grow isolated enough to undermine the system?

- What role, if any, should the Monarchy be allowed to play in Nepal? Should the choice among options for the Security Council be contingent upon the type of government chosen by the Nepalese people?

- How can existing non-national armed forces be integrated into the national military rapidly enough to ensure that there is no further inter-party violence? Can this process be conducted quickly while still ensuring the de-politicization of each force being integrated, as well as the national army, in the process?

- How can the Disarmament, Demobilization and Reintegration (DDR) process for ex-combatants be implemented to take into account the interests of relevant underrepresented and marginalized groups? What policies should be adopted to ensure that women and members of marginalized sub-castes and classes are fully reintegrated into society?

III. The Situation In Chad And The Central African Republic

Introduction

The situation in Chad and the Central African Republic (CAR) has its roots in internal disputes, yet threatens the entire security and stability of the region. Both countries have faced armed conflict with opposition groups, and some of this conflict has spilled into each other's borders. The situation in both countries is exacerbated by the situation in Sudan, creating a complex, violent situation which disproportionately impacts civilians.

On 15 May 2010, the Security Council voted to begin the withdrawal of the United Nations Mission in the Central African Republic and in Chad (MINURCAT).[206] The mission, which covers both eastern Chad and the northwestern reaches of the Central African Republic, has a direct impact on the population's safety; its withdrawal could have significant consequences for the humanitarian situation, particularly with respect to the delivery of assistance, the maintenance of safe and secure humanitarian space and overall protection of human rights within the region.[207] The Security Council's decision was based largely on assurances by the Chadian government that it was ready to assume "full responsibility for the security and the protection of the civilian population in eastern Chad."[208]

The security and humanitarian challenges in eastern Chad and in the northwestern Central African Republic are many.[209] They existed with varying degrees of severity before the establishment of MINURCAT, have peaked and ebbed during its tenure and will no doubt continue to require sustained attention after the end of the Mission, given the precarious situation in the sub-region.[210] Nevertheless, the improved relations between Chad and the Sudan, the increasing effectiveness of the joint patrols along their common border, and the efforts undertaken by all governments have shown improvements.[211]

Situation in Chad

Since gaining independence in 1960, Chad has faced "recurrent violent conflict and political instability," hindering the emergence of strong State institutions and democratic governance in the country.[212] Successive military coups have contributed to a culture of violence, which prevails to this day, and a lack of political stability and insecurity have also seriously hampered economic development, despite prospects of high revenues from the new oil industry.[213]

The political climate has been volatile, despite attempts to achieve an inclusive government over the 996 – 2006 period, during which time President Idriss Déby Itno won three successive presidential elections.[214] One of the biggest factors in this conflict is the decision by President Déby in 2005 to "amend the constitution so that he could serve a third term as president."[215] Long portrayed by political

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[206] Amnesty International, *Chad: "We too deserve protection" : Human Rights Challenges as UN Mission Withdraws (AFR 20/009/2010)*, 2010, http://www.amnesty.org/en/library/info/AFR20/009/2010/en.

[207] *Ibid.*

[208] *Ibid.*

[209] United Nations, Security Council, *Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country (S/2010/295)*, 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/295.

[210] *Ibid.*

[211] *Ibid.*

[212] *United Nations, Security Council, Report of the Secretary-General on Chad and the Central African Republic pursuant to paragraphs 9 (d) and 13 of Security Council resolution 1706 (2006) (S/2006/1019), 2006,* http://www.un.org/ga/search/view_doc.asp?symbol=S/2006/1019.

[213] *Ibid.*

[214] *Ibid.*

[215] *Ibid.*

opponents and human rights NGOs in Chad as a corrupt politician operating under a patronage system, the actions prompted a resurgence of the civil war.[216] Members of the government and military outside the spoils system took up arms in order to capture a share of the new wealth.[217] The result was that members of the government and military then decided they would not gain from the revenues from oil fields and decided to "take up arms" in order to have their share of the profits.[218] From 1999 to 2006, fighting was intermittent, with deals made, and then broken, between the Government and rebel groups.[219] In 2006, fighting was exacerbated by the failing trust between Deby's loyal inner circle and malcontent public figures and military officials.[220]

In 2006, eight rebel factions united to form the United Front for Democratic Change (FUCD), based out of Darfur, Sudan, which the government of Chad has accused Sudan of funding and supporting.[221] In 2008, coup attempts made by FUCD and related groups threatened any "modicum of diplomacy" between the governments of Chad and Sudan, but in the past eight months, relations have improved significantly. On 15 January 2010, the Governments of Chad and the Sudan signed an agreement "with the view to normalizing their bilateral relations."[222] Furthermore, the governments agreed to "deny rebel groups the use of their territories and to work towards their disarmament," and as a result, "deployed a joint border force of 3,000 troops with a view to denying the cross-border movement of armed elements and stemming their criminal activities, to operate under joint command based for an initial period of six months in El Geneina, in Darfur, and then Abéché, in eastern Chad."[223]

Since 2003, nearly 255,000 refugees of the conflicts in Sudan have fled to Chad, exacerbating the tensions between the communities.[224] Chad continues to face political instability, as evidenced by the most recent attempts by rebel forces to overtake the capital in 2006 and 2008; along with political strife, Chad remains one of the poorest countries in the world, with 80% of Chadians living in poverty working as farmers or herders.[225] On the eve of elections to be held in 2011, Chad has a chance to escape the political and military crisis of the last five years. A lull in fighting between government forces and rebel groups and the easing of tensions with Sudan since the start of 2010 may bode well for a gradual return to "normality."[226]

As the conflict in Chad has evolved, it has become clear there are three "dimensions of conflict in Chad: (a) the outbreak of violence in the eastern part of the country between government forces and Chadian armed opposition groups, (b) inter-communal and ethnically based violence in the east, and (c) the Darfur conflict and tensions between Chad and Sudan along their common border, which has led to a

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[216] Interview with Reed Brody, HRW lawyer and Chad expert, *Newsweek*, Feb 5, 2008

[217] *Ibid.*

[218] *Ibid.*

[219] Ploughshares, *Armed Conflicts Report: Chad*, 2010, http://www.ploughshares.ca/libraries/ACRText/ACR-Chad.html#Background.

[220] United Nations, Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2010/217),* 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/217.

[221] Ploughshares, *Armed Conflicts Report: Chad*, 2010, http://www.ploughshares.ca/libraries/ACRText/ACR-Chad.html#Background

[222] United Nations, Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2010/217),* 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/217.

[223] United Nations, Security Council, *Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2010/217),* 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/217.

[224] Amnesty International, *Chad: "We too deserve protection" : Human Rights Challenges as UN Mission Withdraws (AFR 20/009/2010)*, 2010, http://www.amnesty.org/en/library/info/AFR20/009/2010/en.

[225] *Ibid.*

[226] International Crisis Group, *Chad: Beyond Superficial Stability,* 2010, http://www.crisisgroup.org/en/regions/africa/central-africa/chad/162-chad-beyond-superficial-stability.aspx.

proliferation of arms and cross-border banditry."[227] Addressing these root causes of conflict is essential if any semblance of "normality" is to be achieved for the civilians of the region.[228]

Situation in the Central African Republic

The history of the Central African Republic, a large and sparsely populated country, has been marked by "deep-rooted poverty, ethnic tension, pervasive political instability and armed conflict, including over the last 10 years."[229] The country has also been affected by its neighbors' instability, which led to refugee problems, as well as the porous border letting in rebel groups and weapons.[230]

Following a series of internal conflicts and mutinies in 1996 and 1997, sub-regional mediation efforts led to the establishment of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements in February 1997.[231] The Inter-African Mision was replaced in April 1998 by a United Nations peacekeeping operation, the United Nations Mission in the Central African Republic (MINURCAT).[232] Following the successful holding of elections in September 1999, MINURCA was withdrawn and replaced by the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA).[233] The Office continues to support efforts to consolidate peace and achieve national reconciliation.[234]

General François Bozizé Yangouvonda won presidential and legislative elections in May 2005.[235] Since that time, the fragile stability in the country has been weakened by emergence of an armed rebellion in both the north-west and the north-east of the country.[236] The rebel groups consist of supporters of former President Patassé and of elements formerly associated with President Bozizé who have turned against him.[237] Attacks against FACA, the CAR's armed forces, have occurred on a regular basis and the Central African Republic authorities are having difficulty maintaining law and order in several parts of the country.[238] The CAR authorities have accused the Sudan of providing support to rebel groups, a shared concern with the government of Chad, who had similar accusations in previous years.[239]

In December 2009, the Security Council released a Presidential Statement that called for the CAR to hold free and fair elections.[240] Along with that, the statement also stipulated that there would be the implementation of a peacebuilding office in the Central African Republic in order to address the political

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[227] United Nations, Security Council, *Report of the Secretary-General on children and armed conflict in Chad (S/2007/400)*, 2007, http://www.un.org/ga/search/view_doc.asp?symbol=S/2007/400.

[228] *Ibid.*

[229] United Nations, Security Council, *Report of the Secretary-General on Chad and the Central African Republic pursuant to paragraphs 9 (d) and 13 of Security Council resolution 1706 (2006) (S/2006/1019)*, 2006, http://www.un.org/ga/search/view_doc.asp?symbol=S/2006/1019.

[230] *Ibid.*

[231] *Ibid.*

[232] *Ibid.*

[233] *Ibid.*

[234] *Ibid.*

[235] *Ibid.*

[236] *Ibid.*

[237] *Ibid.*

[238] *Ibid.*

[239] *Ibid.*

[240] Security Council Report, *Central African Republic Update for June 2010*, 2010, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6068445/k.2E9F/June_2010brCentral_African_Republic.htm#docs

unrest in the region.[241] The Security Council continues to have a general consensus on the need to support peacebuilding in the CAR.[242]

The political situation in the CAR since December 2009 been characterized by efforts to implement the recommendations of the December 2008 inclusive political dialogue, particularly those relating to the Disarmament, Demobilization and Reintegration (DDR) program and preparations for transparent and credible presidential and legislative elections.[243] The overall security situation in the country remained volatile due to the ongoing internal rebellion in the north of the country, the activities of road bandits and poachers, the lack of significant progress in the DDR program, setbacks in the electoral process and the presence of foreign rebel elements, including those associated with the Ugandan Lord's Resistance Army (LRA) and the Chadian rebel leader General Baba Laddé's FPR group.
[244] Humanitarian operations have been hampered by the deterioration of security in certain areas as well.[245] The situation may deteriorate further worsen with the withdrawal of United Nations Mission in the Central African Republic and Chad (MINURCAT) from the north-eastern area of the CAR.[246]

In order to continue peacebuilding in the area the Security Council has chosen to focus on four key issues: the need to prevent a relapse into violent conflict, the need to hold free and fair elections, promoting good governance by establishing a rule of law, and better integrating Security Council and Peacebuilding Commission (PBC) actions.[247] The main focus of the Peacebuilding Commission is to establish free and fair elections and improving the political processes of the country.[248] The Security Council has been actively addressing the current situation in the CAR and will most likely continue to direct their efforts toward peacebuilding, as well as the prevention of further violent conflict.

United Nations Mission in the Central African Republic and Chad (MINURCAT)

At present, Chad is home to refugees from several regions of Africa. Over 240,000 refugees from the Darfur area of Sudan have fled to Chad since 2003, along with approximately 45, 000 refugees from the Central African Republic.[249] Within Chad, there have also been displacements as a result of the civil war in the country which has created tensions amongst the groups in the area.[250] The Security Council established the United Nations Missions in the Central African Republic and Chad (MINURCAT) peacekeeping mission in 2007.[251] This mandate was established via Resolution 1778 (2007), which stated that the situation between the border of Chad, the Central African Republic, and Sudan was a threat to international peace and security.[252] The mission's mandate focuses on three specific areas: security and

[241] *Ibid.*

[242] *Ibid.*

[243] United Nations, Security Council, *Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country (S/2010/295)*, 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/295.

[244] *Ibid.*

[245] *Ibid.*

[246] *Ibid.*

[247] Security Council Report, *Central African Republic Update for June 2010*, 2010, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6068445/k.2E9F/June_2010brCentral_African_Republic. htm#docs

[248] Security Council Report, *Central African Republic Update for June 2010*, 2010, http://www.securitycouncilreport.org/site/c.glKWLeMTIsG/b.6068445/k.2E9F/June_2010brCentral_African_Republic. htm#docs

[249] United Nations, Department of Peacekeeping Operations, *MINURCAT Background*, http://www.un.org/en/peacekeeping/missions/minurcat/background.shtml.

[250] *Ibid.*

[251] United Nations, Security Council, *Security Council Extends Mandate of United Nations Mission in Central African Republic (SC/9569)*, 2009, http://www.un.org/News/Press/docs/2009/sc9569.doc.htm.

[252] United Nations, Security Council, *The Situation in Chad and the Central African Republic (S/RES/1778/2007),* 2007,

protection of civilians, human rights and the rule of law, and regional peace support.[253] As of February 2010, there were 3,814 uniformed personnel present on behalf of the mission that were supported by 428 international civilian personnel, 504 local civilian staff, and 143 United Nations volunteers.[254]

Additionally, Security Council resolution 1861 (2009) authorized the deployment of a military component made up of European Union-led military forces (EUFOR) in Chad and the Central African Republic.[255] In addition to the deployment of EUFOR, MINURCAT establishes a maximum of 300 police officers, 25 military liaison officers, and 5,200 military personnel.[256] Though the resolution does not include a maximum of civilian personnel, it does stipulate that there should be an "appropriate number," which ostensibly refers to proportionality based on the military personnel count and the duties performed by the civilian personnel.[257]

MINURCAT works in partnership with the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA), formerly the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), in order to serve their mandate.[258] BINUCA, which was established on 1 January 2010 pursuant to the Statement of its President on 21 December 2009 (S/PRST/2009/35), works to ensure the security and protection of civilians, human rights and rule of law, and regional peace support.[259] Along with those mandates, it also authorizes MINURCAT to take all necessary measures in Chad and north-eastern Central African Republic to protect civilians, specifically refugees and internally displaced persons.[260] BINUCA and MINURCAT also work together to facilitate the delivery of humanitarian aid and protect UN forces in the region.[261]

Impact of the withdrawal on Chad
In January 2010, the Chadian government informed the UN Security Council by *note verbale* that it wanted MINURCAT to leave eastern Chad when its then current mandate expired on 15 March 2010.[262] Following intense discussions with Chadian authorities, the Security Council extended MINURCAT's mandate to 15 May 2010 and then further to 26 May 2010, while negotiations continued.[263] On 25 May 2010, the Security Council accepted the request of the Chadian government and passed Resolution 1923 (2010) setting out a timetable for the withdrawal of MINURCAT by 31 December 2010.[264]

The main objective developed by the Security Council for the remainder of the mission is for MINURCAT to continue to assist Chad's *Détachement Intègre de Sécurité* (DIS), a special local police unit, with its organization and training.[265] The first group of trained DIS officers were deployed in October 2008, and as of April 2010, approximately 800 had been deployed.[266] According to a report by

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http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1778%282007%29.

[253] *Ibid.*

[254] MINURCAT, *Facts and Figures,* 2010, http://www.un.org/en/peacekeeping/missions/minurcat/facts.shtml.

[255] United Nations, Security Council, *Security Council Extends Mandate of United Nations Mission in Central African Republic (SC/9569)*, 2009, http://www.un.org/News/Press/docs/2009/sc9569.doc.htm.

[256] *Ibid.*

[257] *Ibid.*

[258] MINURCAT, *Mandate,* http://minurcat.unmissions.org/Default.aspx?tabid=859.

[259] *Ibid.*

[260] *Ibid.*

[261] *Ibid.*

[262] Amnesty International, *Chad: Human Rights Challenges as the UN mission withdraws,* 15 July 2010, http://www.amnesty.org/en/library/asset/AFR20/010/2010/en/152630c8-8dd8-4470-a5c3-b4d0302614a3/afr200102010en.pdf

[263] *Ibid.*

[264] *Ibid.*

[265] MINURCAT, *Mandate,* http://minurcat.unmissions.org/Default.aspx?tabid=859.

[266] United Nations, Security Council, *Report of the Secretary-General on the United Nations Mission IN THE Central African Republic and Chad (S/2010/409),* 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/409.

the Secretary-General, refugee leaders have indicated that DIS patrols have contributed to an increased sense of security and allowed greater freedom of movement in and around the camps.[267] DIS also provides security escorts for humanitarian aid staff.[268] Recent UN reports point to a shortage of financial and human resources in the Chadian justice sector, a lack of basic court and prison infrastructure, among other shortcomings, in the east, which in turn hampers efforts to address the high level of criminality in the region.[269] MINURCAT, along with other UN agencies and international donors, has also supported a range of programs to restore its legal system in eastern Chad.[270] In addition, MINURCAT will focus on supporting efforts to relocate refugee camps away from the border and to contribute to the protection of civil rights in Chad.[271] MINURCAT will also help liaise with both Chad and Central African Republic security organizations.[272] In order to prepare for the departure of MINURCAT, the Chadian government has committed to submit a proposal for sustaining the DIS after the end of the mandate.[273] Nonetheless, mention of the full MINURCAT withdrawal has sparked apprehension over the possibility of the unstable country drifting back into war.[274]

Impact of the withdrawal on the Central African Republic

In early 2010, the government of the Central African Republic advised the United Nations "that the limited mandate of MINURCAT, as well as its size and its rules of engagement, had not met national and local expectations."[275] Concerned that internal security demands exceed the capacity of the national security forces, they reiterated the request made previously by President Bozizé that the United Nations and other international partners provide training and equipment to the national forces as part of the overall national security sector reform process.[276] Government officials within the country have consistently reinforced their belief that such an arrangement would be a more suitable approach than the deployment of international peacekeepers, as the national forces would operate with a higher tolerance of risk in performing their duties.[277]

A second option would focus on strengthening efforts to build State capacities for ensuring security and the rule of law in the medium to long-term, coupled with immediate measures to strengthen FACA capabilities in the north-eastern CAR.[278] Under this option, international assistance could be provided for the training and equipment of FACA and the Central African police force to enable them to provide security in the north-east.[279] This would be undertaken in the context of the longer-term security sector reform and DDR efforts.[280] This option could be complemented by a joint border patrol force of the governments of the Central African Republic and Chad, and implementation of the bilateral agreements for joint border patrols between the Sudan and the Central African Republic.[281] Such assistance could be provided on a bilateral or multilateral basis, including through the African Union or the Economic Community of Central African States, with the support of international donors.[282]

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[267] *Ibid.*
[268] *Ibid.*
[269] Ploch, *Instability and Humanitarian Conditions in Chad,* 2010, http://www.fas.org/sgp/crs/row/RS22798.pdf.
[270] *Ibid.*
[271] MINURCAT, *Mandate,* http://minurcat.unmissions.org/Default.aspx?tabid=859.
[272] *Ibid.*
[273] Ploch, *Instability and Humanitarian Conditions in Chad,* 2010, http://www.fas.org/sgp/crs/row/RS22798.pdf.
[274] *Ibid.*
[275] United Nations, Security Council, *Report of the Secretary-General on the situation in the Central African Republic and on the activities of the United Nations Integrated Peacebuilding Office in that country (S/2010/295)*, 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/295.
[276] *Ibid.*
[277] *Ibid.*
[278] *Ibid.*
[279] *Ibid.*
[280] *Ibid.*
[281] *Ibid.*
[282] *Ibid.*

The Security Council's decision to accept the withdrawal of MINURCAT has serious implications for the situation in the northern region of the Central African Republic.[283] The CAR authorities did not seek or agree to the withdrawal of the MINURCAT.[284] However, since the smaller mission in CAR is reliant on the larger main body of the mission in Chad, the decision to withdraw from Chad means that the mission in CAR has to withdraw as well. The security situation is still volatile in the northern part of the CAR and the population regularly experiences serious human rights abuses and violations at the hands of various actors, including members of armed opposition groups and members of the CAR security forces.[285] Other violations are committed during fighting between the CAR national army and armed opposition groups, as well as during ethnic clashes.[286] Attacks by Uganda's armed group, the Lord's Resistance Army (LRA), are also reported in the area.[287] The presence of Ugandan security forces in northern CAR – pursuing the LRA – give rise to further human rights and humanitarian concerns.[288] The insecurity and human rights violations in the northern part of the CAR have led to the displacement of the population within the country, as well as across the border into southern Chad and Cameroon.[289]

Influence of Natural Resources and the Conflict

With more complex roots going back 20 years or more, the present unrest in Chad is linked to oil revenues from an OECD export credit agency supported pipeline project.[290] The construction of the Cameroon-Chad pipeline was financed with guaranteed loans by the U.S. Export Import Bank and France's Coface to transport oil extracted from southern Chad to the Cameroon's Atlantic coast.[291] The project was met by staunch criticism by Amnesty International, who released a 2005 report stating the architects and financiers of the project neglected to enforce human rights conditionalities in the host state.[292]

The project is owned by a consortium consisting of Exxon Mobil, Petronais, and Cheveron. In 2006, a report by *What's New* uncovered information that the aforementioned companies were taking land from subsistence farmers without ensuring that compensation payments would make up for their livelihoods. Local authorities were reported to extort money from villagers upon receiving cash compensation from the oil companies. Pollution is said to of destroyed much of the existing farmers' crop yields. Currently, no study has further explored the matter regarding levels of pollution and the effects on the populace in southern Chad.[293]

When the Cameroon-Chad pipeline was in its planning stage in 2000, it was praised by the World Bank as "an unprecedented framework to transform oil wealth into direct benefits for the poor, the vulnerable and the environment."[294] At first, assurances that the money would not be recklessly spent like many resource extraction projects in Africa before with the signing of law 001/PR/99, which guaranteed 80 percent of oil

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[283] Amnesty International, *Chad: "We too deserve protection" : Human Rights Challenges as UN Mission Withdraws (AFR 20/009/2010)*, 2010, http://www.amnesty.org/en/library/info/AFR20/009/2010/en.

[284] *Ibid.*

[285] *Ibid.*

[286] *Ibid.*

[287] *Ibid.*

[288] *Ibid.*

[289] *Ibid.*

[290] OECD export credit supported pipeline is part of Chad's unstable political situation, ECA Watch, 2008, http://www.eca-watch.org/problems/africa/chad_unrest_and_ecas_31jan08.html

[291] *Ibid.*

[292] *Ibid.*

[293] *Ibid.*

[294] World Bank Suspension of Loans to Chad: What comes next?, Chadian Association for the Promotion and Defense of Human Rights and Environmental Defense, 2006, http://www.eca-watch.org/problems/africa/CHAD_ED_Statement_re_World_Bank_Suspension_9jan06.html

revenues were to be used for poverty-reduction programs.[295] While the law was mostly lauded, it became apparent that the law would not be upheld shortly after revenues began coming in.

The Chadian government does not control the revenues themselves directly, but instead revenues flow through a World Bank fund, which holds ten percent of the revenues for a Future Generations Fund and distributes the rest to the host country to enforce commitments on how the money is spent.[296] Yet once revenues began entering the Chadian government's coffers, problems with the initial spending model began to emerge. The oversight group officially charged with monitoring spending reported frequent malfeasance of public spending, "from overspending on office equipment to bungling or abandoning entire public works projects."[297] The influx of new funding financed a groundswell of corruption that ran rampant in the inner circles of the government. One such project was the construction of a water tower in the town of Moissala, which would pay the builder $360,000. But when monitors checked on its progress, they found no water tower, and no one in the local government had ever heard of the project.[298] The largest amount of money - $51 million between 2004 and 2006 - went to finance a new roads system throughout the country. Of that, $48 million was assigned to a foreign construction company and a company led by President Déby's brother, according to the oversight committee.[299]

The nature of the oil revenues spending is largely attributed to maintaining a patronage system in Chad that President Déby must rely on to maintain his power base. In the same fashion that funds have been used to benefit family members of the President, so too have funds been inefficiently used to extend patronage to bind former opponents to his rule.[300] This system extends to the coopting of former rebel leaders who are not only offered amnesty, but lucrative posts. As such, his use of bribery with military and rebel leaders has given Déby an upper hand despite the fragmentations of his Zaghawa power base and the numerous coup attempts.[301]

Humanitarian Issues

The United Nations currently maintains 12 refugee camps in eastern Chad and several in the south.[302] In addition to the estimated 250,000 Sudanese refugees, the camps provide shelter for some 73,000 refugees from the CAR and as many as 167,000 internally displaced Chadians.[303] The camps, and the host communities, struggle with shortages of water and firewood.[304] A great deal of the violence in the early stages of the ongoing conflict was orchestrated by the Janjaweed militia from Darfur. That was followed by violent conflict between various communities and ethnic groups within Chad. Insecurity increased whenever armed opposition groups launched campaigns against Chadian military forces, and gangs of bandits took advantage of this instability to carry out violent criminal attacks throughout the east, ranging from car-jacking vehicles belonging to UN and humanitarian agencies to committing acts of rape and other forms of violence against Darfuri refugee and displaced Chadian women and girls when they left refugee camps and displacement sites to search for water and firewood.

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[295] *Ibid.*

[296] Lydia Polgreen and Celia Dugger, Chad's oil riches, meant for poor, are diverted, New York Times, 2006, http://www.nytimes.com/2006/02/18/international/africa/18chad.html?pagewanted=1&_r=1

[297] *Ibid.*

[298] *Ibid.*

[299] *Ibid.*

[300] Claudia Frank and Lena Guesnet, Brief 41: The Influence of Petroleum on Conflict Dynamics in Chad, Bonn International Center for Conversation, 2009, http://www.bicc.de/uploads/pdf/publications/briefs/brief41/brief41.pdf

[301] Styan, David. 2008. "Hanging Chad. Rebels, oil and intervention." *Jane's Intelligence Review,* Vol. 20, No. 2, pp.14–17

[302] Instability in Chad Lauren Ploch, Analyst in African Affairs, June 19, 2009, http://assets.opencrs.com.offcampus.lib.washington.edu/rpts/RS22798_20090619.pdf

[303] United Nations, Security Council, *Report of the Secretary-General on the United Nations Mission IN THE Central African Republic and Chad (S/2010/409),* 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/409.

[304] *Ibid.*

When the violence and human rights violations erupted in eastern Chad in 2005, it quickly became clear that there was no protection for people living in the area. Chadian authorities showed neither the willingness nor the ability to take action to protect human rights in the region, long a neglected and marginalized area of the country, and there was no international military or police presence on the ground at that time to fill that void. [305]

As a result of a 2007 incident involving French aid workers, Chad reportedly tightened its oversight of nongovernmental organizations working in the country and increased travel restrictions.[306] Aid agencies contend that these restrictions have impeded the delivery of humanitarian assistance.[307] Refugee camps and the surrounding area have been frequently plagued by insecurity and violence, and some international humanitarian aid compounds have been looted and aid workers threatened or attacked.[308] Some groups have, at times, had to temporarily suspend operations.[309] The Director of the humanitarian group Save the Children, a French national, was killed in May 2008.[310] The UN had repeatedly pressed the government to allow a peacekeeping force to secure the borders with Sudan and the CAR, but President Déby opposed the proposals until June 2007, when the European Union offered to provide an EU peacekeeping force primarily composed of personnel from France, which has been Chad's strongest military ally and one of its largest bilateral donors.[311]

In order to address the humanitarian issues present in Chad, the Humanitarian Liaison Unit (HLU) was developed to interface between the humanitarian community and MINURCAT.[312] HLU carries out the three humanitarian objectives that were outlined in Security Council resolution 1778 (2007): to contribute to the protection of civilians, to contribute to the enlargement of humanitarian space and facilitating humanitarian activities, and to ensure an effective working environment between MINURCAT and the humanitarian community.[313] Following these tenets ensures that humanitarian groups are working along with the UN to stabilize the region.

HLU carries out day to day functions as a mediator, such as coordinating humanitarian support within MINURCAT, acting as focal point between humanitarians and the mission, working closely with the Office for the Coordination of Humanitarian Affairs (OCHA) on civil military coordination (CIMIC), and participating in meetings between MINURCAT and humanitarians.[314] The majority of human rights issues that are present in Chad and the Central African Republic have to do with the treatment of refugees and civilians.[315] The HLU also helps deal with these human rights issues.

Recent reports have found that security forces of Chad frequently acted independently of the government, torturing, beating, and raping people of Chad without legal response.[316] The judicial effectiveness of the

[305] *Ibid.*
[306] *Ibid.*
[307] Ploch, *Instability in Chad,* 2008, http://fpc.state.gov/documents/organization/110755.pdf.
[308] Ploch, *Instability in Chad*, 2009, http://assets.opencrs.com.offcampus.lib.washington.edu/rpts/RS22798_20090619.pdf
[309] Ploch, *Instability in Chad,* 2008, http://fpc.state.gov/documents/organization/110755.pdf.
[310] *Ibid.*
[311] *Ibid.*
[312] MINURCAT, *Humanitarian Issues,* http://minurcat.unmissions.org/Default.aspx?tabid=284.
[313] United Nations, Security Council, *Security Council Authorizes the Presence of Multidimensional Peacekeeping in Chad, Central African Republic Unanimously Adopting Resolution 1778 (2007) (SC/9127)*, 2007, http://www.un.org/News/Press/docs/2007/sc9127.doc.htm.
[314] MINURCAT, *Humanitarian Issues,* http://minurcat.unmissions.org/Default.aspx?tabid=284.
[315] IRIN, *Chad: Humanitarian Country Profile*, 2008, http://www.irinnews.org/country.aspx?CountryCode=TD&RegionCode=WA.
[316] *Ibid.*

country is poor, entailing long pre-trial and post-trial detention as well as arbitrary arrests.[317] Additionally, the Chadian government enforces strict limits on freedom of speech and the press.[318] Some of these humanitarian issues stem from the continued influx of refugees, which strains Chad's resources.[319] The UN continues to address the issue through support of organizations such as HLU, but the HLU alone is insufficient as currently structured to address Chad's humanitarian needs.

Meanwhile, the situation across the border in Darfur remains volatile, leading to the arrival of more than 5,000 Sudanese refugees in Chad in May 2010 alone. UN Under-Secretary-General for Humanitarian Affairs John Holmes visited both eastern Chad and Darfur in late May 2010 and noted that "the situation in the war-ravaged Sudanese region remains serious, as recent clashes between the Government and rebels have uprooted tens of thousands of people from their homes."

Understanding the current conflict in Darfur is essential to understanding the situation in Chad and the Central African Republic. Of the two and a half million people displaced because of the Darfur conflict, Chad has absorbed roughly 240,000 refugees.[320] In order to address the crisis in Darfur the African Union/UN Hybrid operation in Darfur (UNAMID) was established.[321] This peacekeeping operation was established via Security Council resolution 1769 in July of 2007, and was extended repeatedly, most recently by Resolution 1935 (2010) until 31 July 2011.[322] The core mandate of UNAMID is to protect civilians, but the mission also focuses on providing humanitarian assistance, monitoring and verifying implementation of agreements, and monitoring and reporting on the situation along the borders with Chad and the Central African Republic.[323]

Between 2005 and 2007, hundreds of attacks in the country's troubled border region with Sudan resulted in widespread killings, rape, destruction of villages, theft of livestock, and massive displacement. As the conflict in Darfur continues, more refugees will continue to flee to neighboring countries, creating a prolonged impact on both Chad and the Central African Republic. For many years now, the population of eastern Chad has suffered the consequences of armed conflict in Darfur including fighting between the Chadian army and Chadian armed opposition groups; inter-communal violence and banditry.

Conclusion

The situation in Chad and the Central African Republic is of great importance, and consists of numerous multi-faceted challenges. Foremost amongst these is instability within the government institutions in Chad and the Central African Republic, meaning that the governments have a limited ability to create conditions allowing for the sustainable return of the large number of IDPs and refugees remaining in the eastern part of the Chad. Additionally, fractured Chad-Sudan relations mean that a "genuine regional approach to addressing security remains elusive as the Darfur crisis continues."

Protection of civilians needs to be the main priority for all actors, with strong coordination amongst stakeholders; sustainable peace, or even an end to armed conflict, is not possible without true cooperation and action on the protection and empowerment of civilians. The Council has the obligation to ensure the

[317] IRIN, *Chad: Humanitarian Country Profile*, 2008, http://www.irinnews.org/country.aspx?CountryCode=TD&RegionCode=WA.
[318] *Ibid.*
[319] *Ibid.*
[320] United Nations, Department of Peacekeeping Operations, *UNAMID: African Union/United Nations Hybrid operation in Darfur*, http://www.un.org/en/peacekeeping/missions/unamid/.
[321] *Ibid.*
[322] United Nations, Security Council, *Resolution 1935 (2010) on "The situation in Chad and the Central African Republic" (S/RES/1935/2010),* 2010, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1935(2010).
[323] *Ibid.*

rights and concerns of refugees, IDPs, and all civilians are being protected while at the same time maintaining international peace and security. With the withdrawal of MINURCAT, the Council must ensure that whatever action it takes creates a comprehensive but flexible approach that addresses Chad and the Central African Republic separately, but understands how the two conflicts and actions taken in both relate to each other.

Questions to Consider

- How can the Council create sustainable long-term conditions for the voluntary return and resettlement of IDPs?

- What steps can the Council take in order to improve the capacity of the UN and government to provide the necessary security for refugees, IDPs, civilians and humanitarian workers with respect to international human rights standards?

- What are the options for regional cooperation which will contribute to an effective long-term solution to the challenges Sudanese refugees pose to the stability of Chad?

- What mechanisms currently exist to fund human rights protection efforts, and how can existing mechanisms better respond to the needs of the population?

- What options does the Council have in terms of regularly monitoring the situation in Chad and in the Central African Republic?

- How can a proper hand-over between MINURCAT's military and civilian components and Chadian authorities be ensured?