NMUN • NY

PEACEBUILDING COMMISSION
BACKGROUND GUIDE 2012

Written By: Juliane Bade, David Toscano, Dominika Ziemczonek, Claudia Sanchez

NMUN•NY

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1 - 5 April 2012 - Sheraton
3 - 7 April 2012 - Marriott

CONTACT THE NMUN

Please consult the FAQ section of nmun.org for answers to your questions. If you do not find a satisfactory answer you may also contact the individuals below for personal assistance. They may answer your question(s) or refer you to the best source for an answer.

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NMUN•NY 2012 Important Dates	
IMPORTANT NOTICE: To make hotel reservations, you must use the forms at nmun.org and include a $1,000 deposit. Discount rates are available until the room block is full or one month before the conference – whichever comes first. PLEASE BOOK EARLY!	
31 January 2012	• Confirm Attendance & Delegate Count. (Count may be changed up to 1 March) • Make Transportation Arrangements - DON'T FORGET! (We recommend confirming hotel accommodations prior to booking flights.)
15 February 2012	• Committee Updates Posted to www.nmun.org
1 March 2012	• Hotel Registration with FULL PRE-PAYMENT Due to Hotel - Register Early! Group Rates on hotel rooms are available on a first come, first served basis until sold out. Group rates, if still available, may not be honored after that date. See hotel reservation form for date final payment is due. • Any Changes to Delegate Numbers Must be Confirmed to: outreach@nmun.org • Preferred deadline for submission of Chair / Rapp applications to Committee Chairs • All Conference Fees Due to NMUN for confirmed delegates. ($125 per delegate if paid by 1 March; $150 per delegate if received after 1 March. Fee is not refundable after this deadline. • Two Copies of Each Position Paper Due via E-mail (See Delegate Preparation Guide for instructions).
NATIONAL MODEL UNITED NATIONS 2012	1 - 5 April – Sheraton New York 3 - 7 April - New York Marriott Marquis The 2013 National Model UN Conference 17 - 21 March & 24 - 28 March (both at Sheraton; Sun-Thurs)

POSITION PAPER INSTRUCTIONS

Two copies of each position paper should be sent via e-mail by 1 MARCH 2012

1. TO COMMITTEE STAFF

A file of the position paper (.doc or .pdf) for each assigned committee should be sent to the committee e-mail address listed below. Mail papers by 1 March to the e-mail address listed for your particular venue. These e-mail addresses will be active when background guides are available. Delegates should carbon copy (cc:) themselves as confirmation of receipt. Please put committee and assignment in the subject line (Example: GAPLEN_Greece).

2. TO DIRECTOR-GENERAL

• Each delegation should send one set of all position papers for each assignment to the e-mail designated for their venue: positionpapers.sheraton@nmun.org or positionpapers.marriott@nmun.org. This set (held by each Director-General) will serve as a back-up copy in case individual committee directors cannot open attachments.
Note: This e-mail should only be used as a repository for position papers.

• The head delegate or faculty member sending this message should cc: him/herself as confirmation of receipt. (Free programs like Adobe Acrobat or WinZip may need to be used to compress files if they are not plain text.)

• Because of the potential volume of e-mail, only one e-mail from the Head Delegate or Faculty Advisor containing all attached position papers will be accepted.

Please put committee, assignment and delegation name in the subject line (Example: Cuba_U_of_ABC). If you have any questions, please contact the Director-General at dirgen@nmun.org.

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UN Educational, Scientific and Cultural Organization	unesco.sheraton@nmun.org
African Union	au.sheraton@nmun.org
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Asia-Pacific Economic Cooperation	apec.marriott@nmun.org
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OTHER USEFUL CONTACTS

Entire Set of Delegation Position Papers	positionpapers.sheraton@nmun.org
(send only to e-mail for your assigned venue)	positionpapers.marriott@nmun.org
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THE 2012 NATIONAL MODEL UNITED NATIONS

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1 – 5 April (Sheraton) & 3 – 7 April (Marriott) • www.nmun.org

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Dear Delegates,

We are pleased to welcome you to the 2012 National Model United Nations (NMUN). The staff of the Peacebuilding Commission (PBC), which will be simulated for the first time this year at NMUN NY, is: Directors Juliane Bade (Sheraton venue) and David Toscano (Marriott) and Assistant Directors Dominika Ziemczonek (Sheraton) and Claudia Sanchez (Marriott). Juliane recently graduated from the University of Bonn, where she studied Political Science, International Law and Economics. This is her fourth year at NMUN and third on staff. David is currently coursing his senior year of studies in Law and International Relations at Universidad San Francisco de Quito in Ecuador. This is his fourth year at NMUN and third on staff. Dominika is a student at the University of British Columbia in Vancouver in her final year, double-majoring in International Relations and Political Science. This is her second year at NMUN and first year on staff. Claudia is from both Ecuador and Cuba, and graduated this year with an honors degree in Political Science from Vassar College and minors in Art History and Philosophy. This is her fourth year at NMUN and first year on staff.

The topics under discussion for the PBC at 2012 NMUN are the following:

1. Ensuring Political and Institutional Transition after South Sudan's Independence
2. The Role of Civil Society in Peacebuilding
3. Improving Transitional Justice Systems in Post-Conflict Situations

The PBC was established to promote the consolidation of durable peace in post-conflict societies. It is a consensus body, which requires all delegates to work closely together in order to compile a final report. While drafting your working papers, you will provide solutions for the improvement of the current situations in countries that have been affected by long periods of war and severe violence.

This background guide will serve as a brief introduction to the three topics. It is not meant to be the only source for your preparations, but should be used solely as the groundwork for your own analysis and research. To look deeper into the topics, please consult scholarly materials, including journals, international news, and the United Nations website. You will also need to familiarize yourself with the work and current operations of the PBC such as the Country-Specific Configurations and the Working Group on Lessons Learned.

Each delegation must submit a position paper. NMUN will accept position papers by March 1. Please refer to the background guide for a message from your Director-General explaining the NMUN position paper requirements and restrictions. Delegates' adherence to these guidelines is crucial. NMUN can be one of the most rewarding academic experiences of your college career. We hope that this year's conference will not only intrigue you to participate again, but also that you find it as beneficial as we have. If you have any questions regarding preparation, please feel free to contact any of the PBC substantive staff or the Under-Secretaries General for the Peace and Security Department, Sameer Kanal (Sheraton) and Hannah Birkenkötter (Marriott). Good luck in your preparation for the conference. We look forward to seeing you in April!

Sheraton Venue	*Marriott Venue*
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Message from the Directors-General Regarding Position Papers for the 2012 NMUN Conference

At the 2012 NMUN New York Conference, each delegation submits one position paper for each committee to which it is assigned. Delegates should be aware that their role in each committee affects the way a position paper should be written. While most delegates will serve as representatives of Member States, some may also serve as observers, NGOs, or judicial experts. To understand these differences, please refer to the Delegate Preparation Guide.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and should establish precise policies and recommendations about the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your State should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference. NGO position papers should be constructed in the same fashion as position papers of countries. Each topic should be addressed briefly in a succinct policy statement representing the relevant views of your assigned NGO. You should also include recommendations for action to be taken by your committee. It will be judged using the same criteria as all country position papers, and is held to the same standard of timeliness.

Please be forewarned, delegates must turn in entirely original material. ***The NMUN Conference will not tolerate the occurrence of plagiarism.*** In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and it may result in dismissal from Conference participation. Delegates should report any incident of plagiarism to the Secretariat as soon as possible.

Delegation's position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, however, delegations must have met the formal requirements listed below. Please refer to the sample paper on the following page for a visual example of what your work should look like at its completion. The following format specifications are **required** for all papers:

- All papers must be typed and formatted according to the example in the Background Guides

- Length must **not** exceed two single-spaced pages (one double-sided paper, if printed)

- Font must be Times New Roman sized between 10 pt. and 12 pt.

- Margins must be set at one inch for whole paper

- Country/NGO name, School name and committee name clearly labeled on the first page,

- The use of national symbols is highly discouraged

- Agenda topics clearly labeled in separate sections

To be considered timely for awards, please read and follow these directions:

1. **A file of the position paper** (.doc or .pdf format <u>required</u>) **for each assigned committee** should be sent to the committee email address listed in the Background Guide. These e-mail addresses will be active after November 15, 2011. Delegates should carbon copy (cc:) themselves as confirmation of receipt.

2. Each delegation should also send **one set of all position papers** to the e-mail designated for their venue: positionpapers.sheraton@nmun.org or positionpapers.marriott@nmun.org. This set will serve as a back-up copy in case individual committee directors cannot open attachments. These copies will also be made available in Home Government during the week of the NMUN Conference.

Each of the above listed tasks needs to be completed no later than **March 1, 2012 (GMT-5) for delegations attending the NMUN conference at either the Sheraton or the Marriott venue**.

PLEASE TITLE EACH E-MAIL/DOCUMENT WITH THE NAME OF THE COMMITTEE, ASSIGNMENT AND DELEGATION NAME (Example: AU_Namibia_University of Caprivi)

A matrix of received papers will be posted online for delegations to check prior to the Conference. If you need to make other arrangements for submission, please contact Amanda D'Amico, Director-General, Sheraton venue, or Nicholas Warino, Director-General, Marriott venue at dirgen@nmun.org. There is an option for delegations to submit physical copies via regular mail if needed.

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.

- Citation of relevant resolutions/documents

- General consistency with bloc/geopolitical constraints

- Consistency with the constraints of the United Nations

- Analysis of issues, rather than reiteration of the Committee Background Guide

- Outline of (official) policy aims within the committee's mandate

Each delegation can submit a copy of their position paper to the permanent mission of the country being represented, along with an explanation of the Conference. Those delegations representing NGOs do not have to send their position paper to their NGO headquarters, although it is encouraged. This will assist them in preparation for the mission briefing in New York.

Finally, please consider that over 2,000 papers will be handled and read by the Secretariat for the Conference. Your patience and cooperation in strictly adhering to the above guidelines will make this process more efficient and it is greatly appreciated. Should you have any questions please feel free to contact the Conference staff, though as we do not operate out of a central office or location, your consideration for time zone differences is appreciated.

Sincerely yours,

Sheraton Venue   *Marriott Venue*
Amanda D'Amico   Nicholas Warino
Director-General   Director-General
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Position Paper for the General Assembly Plenary

The issues before the General Assembly Plenary are: The Use of Economic Sanctions for Political and Economic Compulsion; Democracy and Human Rights in Post-Conflict Regions; as well as The Promotion of Durable Peace and Sustainable Development in Africa. The Mexican Delegation first would like to convey its gratitude being elected and pride to serve as vice-president of the current General Assembly Plenary session.

I. The Use of Economic Sanctions for Political and Economic Compulsion

The principles of equal sovereignty of states and non-interference, as laid down in the Charter of the United Nations, have always been cornerstones of Mexican foreign policy. The legitimate right to interfere by the use of coercive measures, such as economic sanctions, is laid down in Article 41 of the UN-charter and reserves the right to the Security Council.
Concerning the violation of this principle by the application of unilateral measures outside the framework of the United Nations, H.E. Ambassador to the United Nations Enrique Berruga Filloy underlined in 2005 that the Mexico strongly rejects "the application of unilateral laws and measures of economic blockade against any State, as well as the implementation of coercive measures without the authorization enshrined in the Charter of the United Nations."
That is the reason, why the United Mexican States supported – for the 14th consecutive time – Resolution (A/RES/60/12) of 2006 regarding the *Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba*.
In the 1990s, comprehensive economic sanctions found several applications with very mixed results, which made a critical reassessment indispensable. The United Mexican States fully supported and actively participated in the "Stockholm Process" that focused on increasing the effectiveness in the implementation of targeted sanctions. As sanctions and especially economic sanctions, pose a tool for action "between words and war" they must be regarded as a mean of last resort before war and fulfill highest requirements for their legitimate use. The United Mexican States and their partners of the "Group of Friends of the U.N. Reform" have already addressed and formulated recommendations for that take former criticism into account. Regarding the design of economic sanctions it is indispensable for the success to have the constant support by all member states and public opinion, which is to a large degree dependent the humanitarian effects of economic sanctions. Sanctions must be tailor-made, designed to effectively target the government, while sparing to the largest degree possible the civil population. Sanction regimes must be constantly monitored and evaluated to enable the world-community to adjust their actions to the needs of the unforeseeably changing situation. Additionally, the United Mexican States propose to increase communication between the existing sanction committees and thus their effectiveness by convening regular meetings of the chairs of the sanction committees on questions of common interest. An example is the case of negative spill-over effects of economic sanctions on neighboring countries, in which affected countries additionally need to be enabled to voice their problems more effectively, as addressed in the resolution *Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions* (A/RES/54/107). Non-state actors have in the last years tremendously grown in their political importance, especially with regard to the international fight against terrorism. Their position and the possibilities of the application of economic sanction on non-state actors is another topic that urgently needs to be considered.

II. Democracy and Human Rights in Post-Conflict Regions

As a founding member of the United Nations, Mexico is highly engaged in the Promotion of Democracy and Human Rights all over the world, as laid down in the *Universal Declaration on Human Rights (UDHR)* in 1948. Especially since the democratic transition of Mexico in 2000 it is one of the most urgent topics to stand for Democratization and Human Rights, and Mexico implements this vision on many different fronts.
In the Convoking Group of the intergovernmental Community of Democracies (GC), the United Mexican States uphold an approach that fosters international cooperation to promote democratic values and institution-building at the national and international level. To emphasize the strong interrelation between human rights and the building of democracy and to fortify democratic developments are further challenges Mexico deals with in this committee. A key-factor for the sustainable development of a post-conflict-region is to hold free and fair election and thus creating a democratic system. Being aware of the need of post-conflict countries for support in the preparation of democratic elections, the United Mexican States contribute since 2001 to the work of the International Institute for Democracy

and Electoral Assistance (IDEA), an intergovernmental organization operating at international, regional and national level in partnership with a range of institutions. Mexico's foreign policy regarding human rights is substantially based on cooperation with international organizations. The Inter American Commission of Human Rights is one of the bodies, Mexico is participating, working on the promotion of Human Rights in the Americas. Furthermore, the Inter-American Court of Human Rights is the regional judicial institution for the application and interpretation of the *American Convention of Human Rights*.

The objectives Mexico pursues are to improve human rights in the country through structural changes and to fortify the legal and institutional frame for the protection of human rights on the international level. Underlining the connection between democracy, development and Human Rights, stresses the importance of cooperation with and the role of the High Commissioner on Human Rights and the reform of the Human Rights Commission to a Human rights Council.

Having in mind the diversity of challenges in enforcing democracy and Human Rights, Mexico considers regional and national approaches vital for their endorsement, as Mexico exemplifies with its *National Program for Human Rights* or the *Plan Puebla Panama*. On the global level, Mexico is encouraged in working on a greater coordination and interoperability among the United Nations and regional organizations, as well as the development of common strategies and operational policies and the sharing of best practices in civilian crisis management should be encouraged, including clear frameworks for joint operations, when applicable.

III. The Promotion of Durable Peace and Sustainable Development in Africa

The United Mexican States welcome the leadership role the African Union has taken regarding the security problems of the continent. Our delegation is furthermore convinced that The New Partnership for Africa's Development (NEPAD) can become the foundation for Africa's economic, social and democratic development as the basis for sustainable peace. Therefore it deserves the full support of the international community.

The development of the United Mexican States in the last two decades is characterized by the transition to a full democracy, the national and regional promotion of human rights and sustainable, economic growth. Mexico's development is characterized by free trade and its regional integration in the North American Free Trade Agreement. Having in mind that sustainable development is based not only on economic, but as well on social and environmental development, President Vicente Fox has made sustainable development a guiding principle in the Mexican Development Plan that includes sustainability targets for all major policy areas.

The United Nations Security Council has established not less than seven peace-keeping missions on the African continent, underlining the need for full support by the international community. In post-conflict situations, we regard national reconciliation as a precondition for a peaceful development, which is the reason why Mexico supported such committees, i.e. in the case of Sierra Leone. The United Mexican States are convinced that an other to enhance durable peace in Africa is the institutional reform of the United Nations. We therefore want to reaffirm our full support to both the establishment of the peace-building commission and the Human Rights Council. Both topics are highly interrelated and, having in mind that the breach of peace is most often linked with severest human rights' abuses, thus need to be seen as two sides of one problem and be approached in this understanding.

As most conflicts have their roots in conflicts about economic resources and development chances, human development and the eradication of poverty must be at the heart of a successful, preventive approach. Lifting people out of poverty must be seen as a precondition not only for peace, but for social development and environmental sustainability.

The United Mexican States want to express their esteem for the decision taken by the G-8 countries for a complete debt-relief for many African Highly-Indebted-Poor-Countries. Nevertheless, many commitments made by the international community that are crucial for Africa's sustainable development are unfulfilled. The developed countries agreed in the *Monterrey Consensus of the International Conference on Financing for Development* (A/CONF.198/11) to increase their Official Development Aid (ODA) "towards the target of 0,7 per cent of gross national product (GNP) as ODA to developing countries and 0,15 to 0,20 per cent of GNP of developed countries to least developed countries". Furthermore, the United Mexican States are disappointed by the result of the Hong Kong Ministerial conference of the World Trade Organization, which once more failed to meet the needs of those, to whom the round was devoted: developing countries and especially African countries, who today, more than ever, are cut off from global trade and prosperity by protectionism.

With regard to the African Peer Review Mechanism, the United Mexican States want to underline that good governance is an integral part of sustainable development. Therefore, we support all efforts by African countries to make the mechanism obligatory to increase transparency and accountability in all African countries.

Committee History

"[T]here is increasing conviction that the international community can no longer afford to fail in shouldering its responsibility towards the populations in countries affected and emerging from conflict. We learned our lessons in many places and we promised to do better the next time. Let us insist that we will deliver on this promise."[1]

Introduction: Peace-building and the UN Peace and Security Framework

The concept of post-conflict peacebuilding emerged after the Cold War, at a time when the worldview on conflict, peace, and security was changing significantly.[2] In 1992, peacebuilding was defined as "[the] action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict."[3] This definition was further specified in the 2000 *Brahimi Report*, which stated that the scope of peacebuilding activities should be: holding "free and fair elections" to ensure the legitimacy of a post-conflict government; building governmental institutions, "upholding the rule of law and respect for human rights", and the promotion of national reconciliation.[4] Additionally, it recommended the establishment of Demobilization, Disarmament and Reintegration (DDR) programs, which call for "comprehensively disarming combatants, (…) providing them with opportunities for sustainable social and economic reintegration."[5] Peacebuilding has since evolved into a multifaceted process. It now incorporates transitional justice, the provision of basic services, education and employment.[6] Currently, peacebuilding also endorses the concept of Security Sector Reform (SSR), which aims to ensure the security of a country by reforming its military and police, and strengthening its legislative and judicial institutions.[7]
In his report, *An Agenda for Peace*, former Secretary-General Boutros-Ghali argued that, when preventive diplomacy fails and conflict breaks out, the UN must respond through the activities of peacemaking, peacekeeping, and peacebuilding.[8] It is only by acting in concert that these three activities can effectively halt conflict. Likewise, Ambassador Eugène-Richard Gasana of Rwanda, current chair of the Peacebuilding Commission (PBC), stated in his speech of January 2011: "peacekeeping and peacebuilding are two sides of the same coin."[9] This statement emphasizes the importance of coordinating both approaches to peace. Indeed, in recent years, peacekepeeing operations have given more importance to peacebuilding by incorporating targeted peacebuilding activities into their mandates.[10]

Institutionalizing Peacebuilding at the UN: History and Tasks of the Peacebuilding Commission

As early as 2000, the *Brahimi Report* mentioned the need for a body "to coordinate the many different activities that building peace entail[ed]."[11] In 2004, the *High-Level Panel on Threats, Challenges and Change* echoed the need to fill this "institutional gap" in peacebuilding, and brought forth the idea of creating a commission.[12] In 2005, Secretary-General Kofi Annan formally proposed the establishment of a Peacebuilding Commission under the United Nations (UN) Secretariat, with a corresponding Peacebuilding Support Office.[13] In the *Explanatory Note* to this report (second addendum), he explained the functions of the PBC in more detail, stating that the Commission would provide a forum for the local government, International Financial Institutions (IFIs), and other benefactors to exchange experiences and advice.[14] In the *2005 World Summit*, the international community came to the agreement

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[1] United Nations, *Statement by the Permanent Representative of Germany to the United Nations H.E. Dr. Peter Wittig on the occasion of the conclusion of his term of office as Chairperson of the Peacebuilding Commission*, 2011.
[2] United Nations Peacekeeping, *Post-Cold War Surge*.
[3] United Nations Secretary-General, *An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping*, 1992, p. 4.
[4] United Nations Panel on United Nations Peace Operations, *Report of the Panel on United Nations Peace Operations*, 2000, p. 7.
[5] United Nations Inter-Agency Working Group on Disarmament, Demobilization and Reintegration, *Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards*, 2010, p. 24.
[6] United Nations Peacebuilding Commission, *Report of the Peacebuilding Commission on its Fourth Session*, 2011.
[7] Global Facilitation Network for Security Sector Reform, *A Beginner's Guide to Security Sector Reform (SSR)*, 2007.
[8] United Nations Secretary-General , *An Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping*, 1992.
[9] United Nations, *Statement by H.E. Ambassador Eugène-Richard GASANA, Permanent Representative of the Republic of Rwanda to the United Nations. On the Occasion of his Election as Chairman of the Peacebuilding Commission*, 2011.
[10] United Nations General Assembly, *Report of the Special Committee on Peacekeeping Operations*, 2010, p. 18.
[11] United Nations, *Report of the Panel on United Nations Peace Operations*, 2000, p. 8.
[12] United Nations, *A more secure world: Our Shared responsibility. Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change*, 2004.
[13] United Nations General Assembly, *In larger freedom: towards development, security and human rights for all*, 2005.
[14] United Nations General Assembly, *In larger freedom: towards development, security and human rights for all: Explanatory Note by the Secretary-General*, 2005.

that there was a "need for a dedicated institutional mechanism to address the special needs of countries emerging from conflict."[15] Accordingly, in December 2005, the Security Council and the General Assembly passed concurrent resolutions, *S/RES/1645* and *A/RES/60/180*, creating the Peacebuilding Commission "as an intergovernmental advisory body" under both committees.[16] Moreover, Security Council resolution *S/RES/1646* ensured that the PBC would report to the Council as well as to the Assembly.[17] In the concurrent resolutions, the mandate of the PBC is "[t]o bring together all relevant actors, to marshal resources and to advise on, and propose integrated strategies for post-conflict peacebuilding and recovery."[18] The PBC makes recommendations, monitors progress, and garners financial support for peacebuilding.[19] To accomplish this, the PBC must work with other organizations. Among others, these include the UN Development Programme (UNDP), the UN Department for Peacekeeping Operations (UNDPKO), the UN Department for Political Affairs, and the UN Office on Drugs and Crime (UNODC).[20]

The Organizational Committee, the Working Group on Lessons Learned and Country-Specific Configurations
The PBC acts through three kinds of state-based bodies. The Organizational Committee is in charge of setting the PBC's agenda and adopts all of its decisions by consensus.[21] It consists of 31 members: seven members of the Security Council, seven members of the Economic and Social Council (ECOSOC), five of the top financial contributors to the UN, the five top troop contributing countries, and seven additional members to balance regional participation.[22] It considers cases upon recommendations about any country "on the verge of lapsing or relapsing into conflict."[23] The second important body of the PBC is the Working Group on Lessons Learned (WGLL), created "to analyze best practices and lessons on critical peacebuilding issues."[24] The WGLL gathers experts, PBC members, states transitioning out of conflict, and countries with past experience in post-conflict reconstruction.[25] Its research is widely disseminated at the PBC with the aim of promoting higher peacebuilding standards.[26]

Once the Organizational Committee has agreed that a country requires peacebuilding assistance, Country-Specific Configurations (CSCs) are set up.[27] In addition to the Organizational Committee members, CSCs involve representatives from the local governmental authority, regional representatives, and a representative of the Secretary-General.[28] It is here that the bulk of the PBC's work is done. Each CSC drafts a "Strategic Framework" for the state as its basis for action, establishing peacebuilding priorities, objectives, and risks.[29] The framework also sets benchmarks and periodically reviews its progress through a Monitoring and Tracking Mechanism.[30] CSCs are always created on the basis of "national ownership," "coordination," and "commitment" amongst all partners.[31] The PBC currently has CSCs for Burundi, the Central African Republic, Guinea, Guinea-Bissau, Liberia and Sierra Leone.[32]

The Peacebuilding Fund and the Peacebuilding Support Office
The Peacebuilding Commission works in tandem with two entities associated with the UN Secretariat. The Peacebuilding Support Office (PBSO) was created "to assist and support the Peacebuilding Commission, administer the Peacebuilding Fund (PBF), and serve the Secretary-General in coordinating UN agencies in their peacebuilding efforts."[33] The Peacebuilding Fund was created to provide monetary support for peacebuilding activities. Funded by

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[15] United Nations General Assembly, *Resolution 60/1:[World Summit Outcome]*, 2005.
[16] United Nations Security Council, *Resolution 1645*, 2005
United Nations General Assembly, *Resolution 60/180*, 2005.
[17] United Nations Security Council, *Resolution 1646*, 2005.
[18] United Nations General Assembly, *Resolution 60/180*, 2005, para. 2.
[19] United Nations Peacebuilding Commission, *Review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi*, 2009.
[20] United Nations Peacebuilding Commission, *Partners*.
[21] United Nations General Assembly, *Resolution 60/180*, 2005, para. 18.
[22] United Nations General Assembly, *Resolution 60/180*, 2005, para. 4.
[23] United Nations General Assembly, *Resolution 60/180*, 2005, para. 12.
[24] United Nations Peacebuilding Commission, *Report of the Peacebuilding Commission on its Second Session*, 2008, p. 12.
[25] United Nations Peacebuilding Commission, *Report of the Peacebuilding Commission on its Second Session*, 2008, p. 12.
[26] United Nations Peacebuilding Commission, *Report of the Peacebuilding Commission on its Second Session*, 2008, p. 12.
[27] United Nations Peacebuilding Commission, *Country-Specific Configurations*.
[28] United Nations General Assembly, *Resolution 60/180*, 2005, para. 7.
[29] United Nations Peacebuilding Commission, *Strategic Framework for Peacebuilding in Burundi*, 2007.
[30] United Nations Peacebuilding Commission, *Monitoring and Tracking Mechanism of the Strategic Framework for Peacebuilding in Burundi*, 2007.
[31] United Nations Peacebuilding Commission, *Strategic Framework for Peacebuilding in the Central African Republic 2009-2011*, 2009.
[32] United Nations Peacebuilding Commission, *Country-Specific Configurations*.
[33] United Nations Peacebuilding Commission, *Peacebuilding Support Office*.

donations from Member States and other organizations, the PBF can also finance other "[activities] designed to respond to imminent threats to the peace process."[34] Although the PBF prioritizes those countries on the Commission's agenda, any country can ask for monetary support from the fund. [35]

Conclusion: Assessing Success and the Challenges Ahead

To date, the PBC has helped to combat unemployment, corruption and drug trafficking.[36] It has also established "Gender Parity Programs" and fruitful donor conferences.[37] However, the PBC is subject to criticism. It has been argued that the PBC works "in an area already crowded with UN agencies," and that it lacks the institutional capacity to coordinate all of them.[38] Secretary-General Ban Ki-moon also identified certain issues in his July 2010 *Report on peacebuilding in the immediate aftermath of conflict*.[39] These include: the need for increased leadership and coordination in the field, "earlier attention and stronger planning capacities," and the importance of a gender approach to peacebuilding.[40] Additionally, he especially stressed the importance of adequately funding peacebuilding activities.[41] Similarly, the Special Committee on Peacekeeping Operations has noted the need for better coordination between the Commission and other UN bodies in the early planning stages.[42] Despite these challenges, the PBC remains as a fundamental UN organ in charge of overseeing the transition of a country from conflict to peace. In the face of the difficulties still facing the PBC, delegates must ask themselves: what can Member States do to improve the Commission's performance? Which elements should be given priority? What can be done to increase the role of women and to combat corruption? What other partners can the PBC work with? And finally: how to ensure proper national participation? Keeping these questions in mind will contribute to the success of the Commission's work.

Annotated Bibliography

Committee History

Bellamy, A. (2010). The institutionalization of peacebuilding: what role for the UN Peacebuilding Commission? In: O. Richmond. *Palgrave Advances in Peacebuilding, Critical Developments and Approaches* (pp. 193-212). Hampshire, United Kingdom: Palgrave Macmillan.
> *This essay by International Relations professor Alex J.Bellamy explains the political processes and concepts that spurred the creation of the Peacebuilding Commission. He discusses the importance of such a body within the UN system. Later, Bellamy makes a poignant criticism and concludes the text by reiterating the importance of the PBC and its capacities. His essay is very useful for understanding the limitations, as well as the possibilities of the PBC.*

United Nations. (2010). *Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict*. Retrieved on August 19, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=A/64/86
> *The Secretary-General's report on peacebuilding addresses a number of issues concerning the overall concept of peacebuilding. This document provides an in-depth analysis of these issues, most notably the role of women and the need for financial and administrative support. In the report, the Secretary-General capitalizes on the need for proper leadership and coordination of peacebuilding activities, stressing that a lack of efficient action in the post-conflict scenario can lead to a fallback in the reconstruction process.*

United Nations. (2010). *Review of the United Nations Peacebuilding Architecture.* Retrieved on August 15, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=A/64/868

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[34] United Nations Peacebuilding Fund, *Guidelines for Applying to the United Nations Peacebuilding Fund (PBF)*, 2009, p. 3.

[35] United Nations Peacebuilding Fund, *UN Peacebuilding Fund: Preventing a Relapse Into Violent Conflict.*

[36] United Nations Peacebuilding Commission, *Review of the outcome of the High-level Special Session of the Peacebuilding Commission on Sierra Leone*, 2010.

[37] United Nations Peacebuilding Commission, *Report of the Peacebuilding Commission on its Fourth Session*, 2011, p. 10.

[38] Bellamy, *The institutionalization of peacebuilding: what role for the Un Peacebuilding Commission?*, 2010, pp. 193-212.

[39] United Nations, *Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict*, 2010, pp. 5-6.

[40] United Nations, *Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict*, 2010, pp. 5-6.

[41] United Nations, *Report of the Secretary-General on peacebuilding in the immediate aftermath of conflict*, 2010, pp. 5-6.

[42] United Nations General Assembly, *Report of the Special Committee on Peacekeeping Operations*, 2010, p. 19.

This 2010 Review of the Peacebuilding Architecture is essential for understanding the current activities of the Peacebuilding Commission. Drafted by the Organizational Committee with the assistance of the UN Secretariat and other actors, the review raises a number of issues within the PBC. These include membership, the performance of the body, its interaction with partners, and the results in the field. Delegates should look to this document for guidelines on how to direct the PBC's activities in the future.

United Nations Secretary-General . (1992). *An Agenda for Peace. Preventive diplomacy, peacemaking and peace-keeping.* Retrieved on August 8, 2011, from http://www.unrol.org/files/A_47_277.pdf

This report is one of the basic documents for understanding UN Peace and Security. The concept of peacebuilding was first used in this document. In addition, the report contextualizes peacebuilding within the UN peace and security framework, complementary to peacemaking and peacekeeping. Understanding the relation between the three concepts can help delegates think more appropriately about the activities that precede and influence peacebuilding activities. Understanding this relation can also ensure that peacebuilding strategies do not fall short in preventing a relapse into conflict.

United Nations General Assembly. (2005). *In larger freedom: towards development, security and human rights for all: Explanatory Note by the Secretary-General.* Retrieved on August 19, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=A/59/2005/Add.2

The Secretary-General's Explanatory Note provides a detailed description of the purpose of the Peacebuilding Commission and its different activities, including its structure, best practices and the body's review process. In addition, the document provides a description of the Peacebuilding Support Office's functions, membership selection process, and the recurrence of its meetings. The Explanatory Note also makes a brief mention of the Peacebuilding Fund.

United Nations General Assembly. (2005). *Resolution 60/180.* Retrieved on August 3, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/180

This resolution is essential, as it is responsible for the creation of the Commission, along with Security Council resolution 1645. The document outlines the functions of the Peacebuilding Commission, as well as its scope of action. Delegates should look to this document as the cornerstone for the PBC's functions, and as a guideline of the proper language for discussing the Commission's activities.

United Nations Inter-Agency Working Group on Disarmament, Demobilization and Reintegration. (2010). *Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards.* Retrieved on September 14, 2011, from http://unddr.org/docs/Operational_Guide_REV_2010_WEB.pdf

Given that DDR is a crucial element of peacebuilding, and often one of the first steps taken for the peace process, full understanding of the process will be important. In the "Level 2" section, the document explains DDR in the context of post-conflict peacebuilding. Overall, the guide provides a detailed explanation on DDR and the processes it entails. This includes the role of different actors and organizations, as well as a step-by-step explanation of DDR activities. It also discusses issues of gender and the recruitment of children. The final section is also helpful, as it explains the relation between DDR and SSR, and DDR and Transitional Justice.

United Nations Peacebuilding Commission. (2011). *Chairperson's proposal for taking forward the recommendations of the report of the Co-Facilitators on the "Review of the United Nations Peacebuilding Architecture" Roadmap for actions in 2011.* Retrieved on August 10, 2011, from http://www.un.org/peace/peacebuilding/pdf/chairs_roadmap_review_implementation.pdf

This is the PBC's roadmap for implementing the changes suggested by the 2010 Review of the United Nations Peacebuilding Architecture. It describes the actions that the Commission will take to improve on each of the points raised by the 2010 review. This document will be useful as base-knowledge on the new guiding principles and priorities of the PBC as a whole.

United Nations Peacebuilding Commission. (2011). *Report of the Peacebuilding Commission on its Fourth Session.* Retrieved on August 7, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=A/65/701

The PBC's reports on each session are crucial for understanding the current activities of the Commission. As a report of the latest session, the Report on the Fourth Session has the most up-to-

date information on Country-Specific Configurations, the most recent partners of the Commission, and other peacebuilding activities. The report also provides an assessment of the issues facing the Commission and makes a number of recommendations for resolving them. Delegates should review all of the Commission's session reports as a way of understanding its activities and evolution.

United Nations Peacebuilding Commission. (2007). *Monitoring and Tracking Mechanism of the Strategic Framework for Peacebuilding in Burundi*. Retrieved on September 14, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=PBC/2/BDI/4

> *As Burundi was one of the first countries to come to the attention of the PBC, this document provides a solid base for understanding the early work of the Commission. Particularly, the document shows the functions of the Monitoring and Reporting Mechanism set up to review the progress of peacebuilding. Without a review process, peacebuilding efforts cannot improve. As such, the "Matrix" at the end of it shows benchmarks, accomplishments, and commitments, clearly mapping out the progress of peacebuilding activities.*

United Nations Peacebuilding Commission. (2009). *Strategic Framework for Peacebuilding in the Central African Republic 2009-2011*. Retrieved on September 20, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=PBC/3/CAF/7

> *Reviewing the Strategic Framework for each CSC is necessary to understand the PBC's priorities and capabilities. Each Strategic Framework presents a set of objectives, benchmarks and commitments, which clearly outline each actor's role in the peacebuilding process. Delegates should look at all of them to realize overarching objectives for the PBC as well as to understand the unique needs of each post-conflict nation. This particular Strategic Framework is relatively new in the Commission and, as such, will contain the latest peacebuilding policy.*

I. Ensuring Political and Institutional Transition After South Sudan's Independence

Introduction

The Sudan has experienced ongoing conflict since it was granted independence from the British on January 1, 1956.[43] Violence within the country has historically stemmed from a North-South divide that involves economic, ethnic, and religious tensions.[44] In 2005, with the negotiation and adoption of the Comprehensive Peace Agreement (CPA), parties in this conflict agreed that granting self-determination to the southern part of Sudan would ease tensions between the two sides and usher in a new era of peace for the Sudanese people.[45] From January 9 to 15, 2011, Southern Sudan held a referendum on whether the South should secede from the rest of the country.[46] With overwhelming support for secession, South Sudan became an independent state on July 9, 2011 and became a member of the United Nations (UN) on July 14, 2011.[47] Though the independence of South Sudan has brought hope of a more peaceful existence within the region, South Sudan must tackle enormous challenges to increase human security and national stability.[48] UN Secretary-General Ban Ki-moon has identified upcoming tasks for South Sudan, including expanding social services, strengthening institutions, and nation-building for a stable, peaceful state.[49]

History

After gaining control of then-separate North Sudan and South Sudan at the turn of the twentieth century, the British, with the cooperation of Egypt, passed the Closed Ordinances of the 1920s, creating separate administrations for both regions.[50] The United Kingdom continued to administer the North and the South separately because of cultural,

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[43] Daly and Holt, *A History of the Sudan*, 2000, p. 136.
[44] International Crisis Group, *Sudan Conflict History*, 2010.
[45] *Comprehensive Peace Agreement*, 2005, Ch. 2, Pt. 1.
[46] UN News Centre, *As South Sudan Celebrates Independence, UN Vows Support in Quest for Peace, Prosperity,* 2011.
[47] UN News Centre, *As South Sudan Celebrates Independence, UN Vows Support in Quest for Peace, Prosperity,* 2011.
[48] United Nations Security Council, *'Like any Newborn, South Sudan Needs Help,' Secretary-General Says*, 2011.
[49] United Nations Security Council, *'Like any Newborn, South Sudan Needs Help,' Secretary-General Says*, 2011.
[50] Machar Teny-Dhurgon, *South Sudan: A History of Political Domination – A Case of Self-Determination*, 1995.

ethnic, and religious differences.[51] The North is predominantly inhabited by Muslim Arabs who speak Arabic, while the population of the South is comprised of black Africans speaking tribal languages and English, most of whom are Christian or animist.[52] A series of conferences, including the Administrative Conference in 1946 and the Juba Conference of 1947, finalized the decision to create one administrative body for both North and South Sudan located in the northern city of Khartoum, with the majority of political power concentrated in the hands of Northern elites.[53] South Sudanese representatives were not given a say in the decisions of the conference, and this created a bitter legacy that set the foundation for over 50 years of internal conflict in the Sudan.[54] In 1956, the British granted independence to Sudan, leaving authority in the hands of the North.[55]

After independence a northern, Khartoum-based government took leadership of the country and ostracized the southern part of the country by reneging on promises to create a federal system, which would lead to greater regional autonomy, particularly in the South.[56] In response, the southern forces rebelled against the governing North, beginning a 17-year civil war, which ended in 1972.[57] In 1958, while in the midst of civil war, General Ibrahim Abboud overthrew the parliamentary regime in Khartoum in a *coup d'état*, as a result of civic frustrations over economic conditions and an ineffective parliamentary coalition.[58] Abboud's regime did not immediately honor its initial promises to return the country to a parliamentary democracy, but due to intensifying public pressure and rioting, the military regime stepped down in 1964.[59] The following parliamentary regimes were a string of coalitions that were unable to come to agreement on critical issues, including the creation of a permanent constitution.[60] The lack of progress led to popular dissatisfaction with the government and resulted in a second *coup d'état* in 1969, led by Colonel Gafaar Nimeiry.[61] Under Nimeiry, parliament and all political parties were abolished.[62] Though this action affected all Sudanese by restricting their political participation, it disproportionately affected the Southern Sudanese, who were not represented in the current government and did not share the Arab-Muslim culture held by many in the North, including President Nimeiry.[63]

In 1983, after a 10-year cessation of hostilities in the civil war, South Sudanese forces resumed conflict after the government declared a new "Islamicization" policy.[64] The policy included the introduction of Islamic law, as well as other directives that disregard religious and cultural distinctions held by many in the South.[65] The government did compromise with many of the rebel groups on some aspects of the Islamicization policy, but tensions remained between Northern and Southern groups, with fighting continuing until 2005.[66] In 2005, the Comprehensive Peace Agreement (CPA) was signed, granting the South autonomy for six years, after which a referendum on secession was to be held.[67] The CPA also stipulated a power-sharing agreement until the referendum could be held, to ensure that the South was represented in all matters of political importance.[68]

In 2009, the Southern Sudan Referendum Commission (SSRC) adopted the Southern Sudan Referendum Act of 2009.[69] The act provides a framework for the referendum process, including legal requirements and establishing the SSRC as the sole independent administrative body to manage the referendum process.[70] After over one year of campaigning and registration, the historic referendum took place January 9–15, 2011.[71] In total, 98.83% of voters

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[51] Machar Teny-Dhurgon, *South Sudan: A History of Political Domination – A Case of Self-Determination*, 1995.

[52] De Chand, *South Sudan Claims for Right of Self-Determination*, 1995.

[53] United Nations Office for the Coordination of Humanitarian Affairs, *Independence and the First Civil War*, 2006.

[54] Machar Teny-Dhurgon, *South Sudan: A History of Political Domination – A Case of Self-Determination*, 1995.

[55] Daly and Holt, *A History of the Sudan*, 2000, p. 136.

[56] Daly and Holt, *A History of the Sudan*, 2000, p. 139.

[57] Daly and Holt, *A History of the Sudan*, 2000, p. 176.

[58] Daly and Holt, *A History of the Sudan*, 2000, p. 148.

[59] Aff, *Politics in the Southern Sudan*, 1973, p. 172.

[60] Abbas, *Growth of Political Black Consciousness in Northern Sudan*, 1973, p. 41.

[61] Abbas, *Growth of Political Black Consciousness in Northern Sudan*, 1973, p. 42.

[62] Abbas, *Growth of Political Black Consciousness in Northern Sudan*, 1973, p. 42.

[63] Bell, J. Bowyer, *The Sudan's African Policy: Problems and Prospects*, 1973, p. 4.

[64] De Chand, *South Sudan Claims for Right of Self-Determination*, 1995.

[65] De Chand, *South Sudan Claims for Right of Self-Determination*, 1995.

[66] De Chand, *South Sudan Claims for Right of Self-Determination*, 1995.

[67] *Comprehensive Peace Agreement*, 2005, Ch. 2, Pt.1.

[68] *Comprehensive Peace Agreement*, 2005, Ch. 2, Pt. 1.

[69] *Southern Sudan Referendum Act 2009*, 2009.

[70] *Southern Sudan Referendum Act 2009*, 2009.

[71] Southern Sudan Referendum Commission, *Time Lines*, 2011.

voted in favor of secession, with 99.57% of Southern votes in favor and 76.77% of votes from other locations, including Northern Sudan, in favor of secession.[72] After confirming total votes and ensuring the election was legitimate, South Sudan became an independent country, after six years of autonomy, on July 9, 2011.[73]

Current Situation

Though conflict, both between the two Sudanese states and within South Sudan, has largely ceased, the instability and uncertain future of the newly-independent state may have ramifications for regional and global security.[74] Recognizing this, the Security Council created the United Nations Mission in the Republic of South Sudan (UNMISS) on July 9, 2011, the day of South Sudan's independence.[75] The creation of UNMISS brought the end of the previous peacekeeping mission in Sudan, the United Nations Mission in the Sudan (UNMIS), which was established in 2005.[76] The key mandate of UNMIS was to monitor and support the adherence to the CPA and uphold respect for basic human rights, as well as for the newly signed ceasefire agreement.[77] In carrying out these tasks, UNMIS was assisting Sudan's preparations for the future referendum and possible secession of the South by working to increase human security and stabilize the rule of law.[78] With the completion of the referendum process, and consequently South Sudan's secession, the UNMIS mandate was no longer compatible with the needs of South Sudan.[79]

UNMISS was created to help South Sudan with the specific challenges it now faces as a newly independent state and is mandated to: support South Sudan by assisting with state-building processes, including political transition and economic development; support the government of South Sudan in protecting the rights of its citizens and remaining accountable to the population; and aid the government in strengthening the security and justice sectors to ensure a peaceful and fair domestic climate.[80] Though there are no reports on UNMISS' progress at the time of this publishing, the Secretary-General has expressed hope that the mission will effectively support state-building efforts in South Sudan.[81]

Since its independence, South Sudan has experienced internal conflict between different ethnic and regional groups. In mid-August, a violent conflict broke out in Jonglei, the largest province in South Sudan, between different ethnic groups, resulting in approximately 600 deaths and over 1,000 wounded.[82] Violence broke out after large-scale cattle raids, amounting to the theft of approximately 30,000 cattle.[83] The violence has also led to the kidnapping of children and the displacement of over 26,000 people.[84] UNMISS peacekeepers have been sent to contain the violence, but the resettlement process must be deferred until basic protection can be assured for displaced persons.[85]

Problems of citizenship and statelessness are two critical challenges facing the governments of Sudan and South Sudan. The government of Sudan has restricted dual nationality; Sudanese nationals may now be stripped of their citizenship after adopting South Sudanese citizenship.[86] Many Southern Sudanese have been living and working in the North for years, but without the recognition as Sudanese nationals, they do not have basic rights and cannot acquire jobs or attend school.[87] Prolonged statelessness for these groups will lead to increased poverty and displacement, which could, in turn, exacerbate ethnic tensions and lead to cross-border violence.[88]

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[72] Southern Sudan Referendum Commission, *Southern Sudan Referendum Final Results Report,* 2011.
[73] UN News Centre, *As South Sudan Celebrates Independence, UN Vows Support in Quest for Peace, Prosperity,* 2011.
[74] United Nations Security Council, *Resolution 1996 (2011)*, 2011.
[75] United Nations Security Council, *Resolution 1996 (2011)*, 2011.
[76] United Nations Mission in the Republic of South Sudan, *Mission Home,* 2011.
[77] United Nations Security Council, *Resolution 1590 (2005),* 2005.
[78] United Nations Mission in the Sudan, *UNMIS Background*, 2011.
[79] United Nations Mission in the Sudan, *UNMIS Background*, 2011.
[80] United Nations Security Council, *Resolution 1996 (2011)*, 2011.
[81] United Nations Security Council, *Special Report of the Secretary-General on the Sudan*, 2011.
[82] UN News Centre, *Ban Calls on South Sudan to Restore Security after Deadly Ethnic Fighting*, 2011.
[83] UN News Centre, *Ban Calls on South Sudan to Restore Security after Deadly Ethnic Fighting*, 2011.
[84] UN News Centre, *Ban Calls on South Sudan to Restore Security after Deadly Ethnic Fighting*, 2011.
[85] UN News Centre, *UN Deploys Peacekeepers to Help Deter Violence in South Sudan's Jonglei State*, 2011.
[86] Reuters Africa, *Sudanese Risk Post-Independence Statelessness: UNHCR*, 2011.
[87] United Nations High Commissioner for Refugees, *Citizenship: Fact Sheet.*
[88] Reuters Africa, *Sudanese Risk Post-Independence Statelessness: UNHCR*, 2011.

South Sudan also faces massive challenges in providing basic services to its population in terms of health care, education and living standards. Sudan has consistently low rankings on Human Development Indicators (HDI), most of which are even lower for newly independent South Sudan.[89] Over half of the population of South Sudan lives below the poverty line, and without significant humanitarian aid, lack of basic necessities could lead to intrastate conflicts over equality and resources.[90]

Disputed border areas between Sudan and South Sudan may also be a source of future instability, and therefore they must be addressed in peacebuilding efforts. Blue Nile is a state within Sudan, though much of the area is surrounded by South Sudanese territory.[91] Blue Nile has come under attack by the Sudan People's Liberation Army (SPLA) sporadically since South Sudan's independence.[92] On June 29, 2011, Sudanese and South Sudanese officials signed the Framework Agreement, thereby forming a Joint Political Committee to address the border dispute and related issues in Blue Nile.[93]

Violence is also rampant in Abyei, another contested area that falls along the Sudan-South Sudan border.[94] In June 2011, after reports of rampant civilian violence in Abyei, the Security Council mandated a six-month peacekeeping force, the UN Interim Security Force for Abyei (UNISFA).[95] On September 12, 2011, representatives from Sudan and South Sudan established a joint oversight committee on Abyei.[96] Despite the progress that has been made in bringing involved parties to negotiate, violence within the province continues to displace civilians and threatens future peacebuilding efforts in the area.[97] Large numbers of Internally Displaced Persons (IDPs) not only present serious health risks to displaced persons as well as those in surrounding areas, but areas with large numbers of displaced persons are often sources of violent conflict.[98] If negotiations are not successful in addressing the central issues surrounding disputed border areas, increased violence may lead to greater destabilization and widespread hostilities between states.

The Peacebuilding Commission

The Peacebuilding Commission (PBC) was established on December 20, 2005, through General Assembly *Resolution 60/180* and Security Council *Resolution 1645* (2005).[99] It was created to help post-conflict societies rebuild and stabilize, by providing collaborative support and consultative services to these states.[100] Presently, the PBC has yet to engage in peacebuilding efforts in South Sudan; despite this, South Sudan could greatly benefit from engagement with the PBC as it works to strengthen and stabilize institutions and domestic political organization.[101] The PBC currently works with several other African states, and its expertise in this field could significantly ease political transition within South Sudan while minimizing transitional burdens for the government and the wider populace.[102]

The Peacebuilding Commission and Sierra Leone
Though the Peacebuilding Commission is very new, it has done significant work in a handful of post-conflict societies since its creation in 2006.[103] In particular, the PBC has done a great deal of work in Sierra Leone, a small West African country that experienced a devastating war from 1991-2002.[104] The PBC operation was created to help Sierra Leone implement a Disarmament, Demobilization and Reintegration (DDR) program for former combatants,

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[89] United Nations Development Programme, *Sudan: Country Profile of Human Development Indicators*, 2010.
[90] United Nations and Partners, *Sudan: UN and Partners Work Plan 2011*, 2011, p. 14.
[91] Africa Review, *Fighting Breaks Out in Disputed Sudan's Border Area*, 2011.
[92] Africa Review, *Fighting Breaks Out in Disputed Sudan's Border Area*, 2011.
[93] UN News Centre, *Ban Welcomes Accord on Sudan's Blue Nile and Southern Kordofan States*, 2011.
[94] Sudan Tribune, *Abyei Partners Launch Joint Oversight Committee*, 2011.
[95] UN News Centre, *UN Troops Move Into Disputed Sudanese Area of Abyei*, 2011.
[96] Sudan Tribune, *Abyei Partners Launch Joint Oversight Committee*, 2011.
[97] Africa Review, *Fighting Breaks Out in Disputed Sudan's Border Area*, 2011.
[98] Ek and Karadawi, *Implications of Refugee Flows on Political Stability in the Sudan*, 1991, p. 196.
[99] United Nations Peacebuilding Commission, *Mandate of the Peacebuilding Commission,* 2005.
[100] United Nations Peacebuilding Commission, *Mandate of the Peacebuilding Commission,* 2005.
[101] United Nations Department of Public Information, *With South Sudan's Independence Weeks Away, Deputy Secretary-General Says Economic and Social Council, Peacebuilding Commission Well Placed to Provide Support,* 2011.
[102] United Nations Peacebuilding Commission, *Peacebuilding Commission Agenda*.
[103] United Nations Peacebuilding Commission, *Peacebuilding Commission Agenda*.
[104] Permanent Mission of the Republic of Sierra Leone to the United Nations, *Invitation to the Peace Building Commission to Operate in Sierra Leone*, 2006.

to support the government in strengthening security and law enforcement sectors, and assist in providing consultative aid to Sierra Leone in other peacebuilding initiatives, including poverty reduction programs and building good governance norms.[105]

In the *Sierra Leone Peacebuilding Cooperation Framework*, which is the central guiding document for PBC involvement in Sierra Leone, the following areas were identified as priorities: youth employment and empowerment; justice and security sector reform; consolidation of democracy and good governance; capacity-building; and energy sector.[106] Roles and responsibilities for the Government of Sierra Leone and for the PBC and associated UN partners are written out in the Framework Agreement.[107] A good deal of the work done by the PBC involves fundraising for different projects and coordinating different UN partners and field experts to ensure that future work is based on sound and cohesive consultations.[108] The work of the PBC is highly dependent on host country cooperation; without equal effort from both UN bodies and the national government, little will be accomplished.[109] The challenges with the PBC agenda and its dependence on host country cooperation are exacerbated because the PBC does not have the power or the mandate to directly influence domestic policy on its own.[110] It is especially important for the national government to create strong domestic policy in order to achieve two of the central aims for the Sierra Leone operation: justice and security sector reform and capacity-building.[111]

In 2008, the Peacebuilding Commission conducted a review of the current operation in Sierra Leone.[112] One of the recommendations for the PBC and UN system partners included providing more support for current government initiatives in Sierra Leone by better integrating relevant UN programs in achieving these aims.[113] Another critical recommendation stressed the need for "funds and programmes to ensure that the United Nations system in Sierra Leone has adequate capacity to support the work of the Government and the Commission in a coherent and effective manner."[114] The 2010 progress report showed an increase in collaboration with international and regional partners such as the International Anti-Corruption Academy (IACA) and the Economic Community of West African States (ECOWAS), though the need for increased support financial and technical support from bilateral and multilateral partners continues to present challenges in the successful implementation of PBC programmes.[115]

The Peacebuilding Commission and South Sudan
The work of the PBC in Sierra Leone identifies challenges that may be helpful in drafting a framework for PBC operations in South Sudan. Before beginning an operation in South Sudan, the PBC and the South Sudanese government must agree to work in collaboration throughout the peacebuilding process, and the government must be capable and willing to uphold their responsibilities.[116] Another challenge the PBC will have to address is the commitment of UN collaborators and multilateral partners.[117] Monetary and technical support is especially crucial in the peacebuilding projects most needed in South Sudan, specifically security and justice sector improvements and widespread poverty-reduction, as these require massive amounts of capital and investment which the South Sudanese state lacks.[118] Priorities must be established based on immediate need and external impacts, and those projects must

[105] Permanent Mission of the Republic of Sierra Leone to the United Nations, *Invitation to the Peace Building Commission to Operate in Sierra Leone*, 2006.
[106] United Nations Peacebuilding Commission, *Sierra Leone Peacebuilding Cooperation Framework*, 2007.
[107] United Nations Peacebuilding Commission, *Sierra Leone Peacebuilding Cooperation Framework*, 2007.
[108] United Nations Peacebuilding Commission, *Sierra Leone Peacebuilding Cooperation Framework*, 2007.
[109] United Nations Peacebuilding Commission, *Sierra Leone Peacebuilding Cooperation Framework*, 2007.
[110] United Nations Peacebuilding Commission, *Sierra Leone Peacebuilding Cooperation Framework*, 2007.
[111] United Nations Peacebuilding Commission, *Sierra Leone Peacebuilding Cooperation Framework*, 2007.
[112] United Nations Peacebuilding Commission, *Conclusions and Recommendations of the Second Biannual Review of the Implementation of the Sierra Leone Peacebuilding Cooperation Framework*, 2008.
[113] United Nations Peacebuilding Commission, *Conclusions and Recommendations of the Second Biannual Review of the Implementation of the Sierra Leone Peacebuilding Cooperation Framework*, 2008.
[114] United Nations Peacebuilding Commission, *Conclusions and Recommendations of the Second Biannual Review of the Implementation of the Sierra Leone Peacebuilding Cooperation Framework*, 2008.
[115] United Nations Peacebuilding Commission, *Review of the Outcome of the High-Level Special Session of the Peacebuilding Commission on Sierra Leone*, 2010.
[116] United Nations Peacebuilding Commission, *Review of the Outcome of the High-Level Special Session of the Peacebuilding Commission on Sierra Leone*, 2010.
[117] United Nations Peacebuilding Commission, *Conclusions and Recommendations of the Second Biannual Review of the Implementation of the Sierra Leone Peacebuilding Cooperation Framework*, 2008.
[118] United Nations Department of Public Information, *Secretary-General, at South Sudan Independence Ceremony, Underscores Need for Civil War Foes to Reaffirm Common Heritage, Mutual Interdependence*, 2011.

be supported in earnest to hasten peacebuilding.[119] For example, though energy sector reform may be a source of revenue in the future, partners must first be willing to put forward capital and support for other projects, including anti-corruption initiatives and security sector reforms that will increase the successes of other peacebuilding initiatives, including energy sector projects.[120]

Humanitarian initiatives in Sudan in 2010 had a total estimated cost of $1.84 billion, but only 64% of the total was funded.[121] The large gap between projected costs and actual funding seriously restricts the extent to which vital programs can be established and utilized; the dire situation that South Sudan is currently in requires a greater amount of investment in the long-term peace and stability of the country.[122] The South Sudan-PBC partnership should encourage greater participation of regional organizations. As in Sierra Leone, regional organizations have a very salient interest and connection to stabilizing post-conflict societies and will continue to be community partners even after PBC involvement has ended.[123]

Future PBC plans must address issues of good governance and institution-building. Before being granted autonomy, the people of South Sudan were systemically underrepresented in the government, and the bulk of governance and administration resided in then-northern Sudan (now Sudan).[124] The establishment of institutional memory and continuity in South Sudan will be critical in establishing peace and good governance in the country.[125] The PBC must draw upon expert partners, such as the United Nations Technical Cooperation, Governance and Public Administration division to consult with the South Sudanese government on issues of good governance, democratic transition and institution-building.[126]

Conclusion

South Sudan faces significant challenges in becoming a peaceful and stable state. Humanitarian projects, including poverty reduction, clean sanitation projects, increased access to healthcare and expanding education, must be integrated into peacebuilding attempts to strengthen and protect the South Sudanese population.[127]

Border disputes must be successfully resolved, and PBC involvement in these disputes necessitates close coordination with UNMISS.[128] South Sudan should endeavor to build an amicable relationship with Sudan, especially as energy sector reform and development is pursued; building a strong diplomatic relationship will be critical in resolving border disputes and dissipating future cross-border conflict.[129] South Sudan faces a great deal of challenges in state-building and peacebuilding as a newly independent state.

When researching this topic, delegates should consider how the Sudanese and South Sudanese governments might work together to reach a solution to the problems of migration and citizenship. Given the domestic nature of immigration and citizenship policy, how might the Peacebuilding Commission assist South Sudan in the creation of fair and equitable policies? As funding problems perennially undermine the work of UN agencies, delegates should consider what strategies might be used to secure more funding for PBC projects in South Sudan. Finally, given the sensitive nature of domestic governance and institutional transition, what problems might arise with PBC involvement, and how might they be addressed?

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[119] Future Directions International, *Post-Independence Security Challenges for South Sudan,* 2011.
[120] Future Directions International, *Post-Independence Security Challenges for South Sudan,* 2011.
[121] United Nations and Partners, *Sudan: UN and Partners Work Plan 2011*, 2011, p. 9.
[122] United Nations and Partners, *Sudan: UN and Partners Work Plan 2011*, 2011, p. 9.
[123] United Nations Peacebuilding Commission, *Review of the Outcome of the High-Level Special Session of the Peacebuilding Commission on Sierra Leone*, 2010.
[124] Abbas, *Growth of Political Black Consciousness in Northern Sudan*, 1973, p. 42.
[125] UN News Centre, *As South Sudan Celebrates Independence, UN Vows Support in Quest for Peace, Prosperity,* 2011.
[126] UN News Centre, *As South Sudan Celebrates Independence, UN Vows Support in Quest for Peace, Prosperity,* 2011.
[127] United Nations Security Council, *'Like any Newborn, South Sudan Needs Help,' Secretary-General Says,* 2011.
[128] Sudan Tribune, *UNMISS Deploys Peacekeepers and Civilian Expert in Tension Area of Jonglei,* 2011.
[129] Sudan Tribune, *Sudan's Liberal Parties Call for Better Relations Between North and South*, 2011.

Annotated Bibliography

I. Ensuring Political and Institutional Transition After South Sudan's Independence

De Chand, David. (1995). *South Sudan Claims for Right of Self-Determination*. Retrieved August 27, 2011, from
http://www.africa.upenn.edu/Articles_Gen/de_chand.html
> *De Chand provides a concise historic background into Sudan's political climate and historic precedents that may affect South Sudan's state of independence. The piece gives a strong background into Sudanese history that supports understanding and analysis of the current situation in Sudan. De Chand also provides a strong argument in favor of South Sudan's independence, while noting potential challenges.*

International Crisis Group. (2010). *Sudan Conflict History*. Retrieved August 27, 2011, from
http://www.crisisgroup.org/en/key-issues/research-resources/conflict-histories/sudan.aspx
> *The International Crisis Group (ICG) Conflict History provides a succinct and accessible background to the main sources of conflict in Sudan, eventually leading to the CPA and South Sudanese independence. Because the history is brief, it provides key points for delegates to look for in Sudan's past, while suggesting issues that might be relevant in the current situation. The International Crisis Group also provides a more objective account of Sudanese Conflict History, which will provide delegates with necessary background information without clear political leanings.*

Southern Sudan Referendum Commission. (2011). *Southern Sudan Referendum Final Results Report*. Retrieved August 28, 2011, from
http://ssrc.sd/SSRC/newsphoto/708d033887aed71bd65e2d4d6d2730b0Final%20Results%20Report%2020110206%201512.pdf
> *The Southern Sudan Referendum Commission report details the results of the 2011 referendum, including turnout, vote count, and regional tallies. The report shows that voters not living in South Sudan were less in favor of secession, which might be cause for tension in the future. As well, differentiating regional tallies demonstrate regional the challenges in establishing clear border areas, and may predict areas of contention in the future.*

United Nations and Partners. (2011). *Sudan: UN and Partners Work Plan 2011*. Retrieved September 15, 2011, from
http://www.unsudanig.org/workplan/2011/docs/2011_Sudan_Workplan.pdf
> *The UN and Partners Work Plan for Sudan contains a number of useful statistics on the current conditions within Sudan. The Work Plan also reviews the projects and goals for the 2010 year, providing a reasonable guideline as to which projects will be feasible in the upcoming year, and what challenges may be anticipated. Most importantly, this document identifies some of the most critical needs facing Sudan, allowing delegates to better understand the current situation and therefore generate appropriate responses.*

United Nations General Assembly (2005). *Resolution 60/180.* Retrieved August 13, 2011, from
http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/60/180
> *This UN General Assembly resolution establishes the Peacebuilding Commission within the UN system with the mandate of assisting post-conflict societies rebuild their political, economic, and security institutions in making these states peaceful and prosperous in the long-term. The mandate does show flexibility according to the needs of the specific country, though it is important to recognize the limitations of the Peacebuilding Commission in moving forward with peacebuilding in Sudan.*

United Nations High Commissioner for Refugees. (n.d.). *Citizenship: Fact Sheet*. Retrieved August 27, 2011, from
http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/UNHCR%20fact%20sheet.pdf
> *Citizenship and immigration laws are highly complex, and often go through a good deal of evolution during their existence. Because South Sudan has not had its own citizenship policy before independence, the creation of a cohesive and equitable citizenship and immigration policy will be critical to maintain its borders and to protect its citizens. An inappropriate or discriminatory*

immigration policy could lead to unfavorable diplomatic repercussions with Sudan. This document will be critical in expanding delegates' understanding of citizenship, and provide insight into how South Sudan can address this new challenge.

United Nations Mission in the Republic of South Sudan (2011). *Mission Home.* Retrieved August 30, 2011, from http://www.un.org/en/peacekeeping/missions/unmiss/
> *The newly created UN Mission in the Republic of South Sudan (UNMISS) is an important feature of the country's current situation. Security concerns and related issues that are address by the PBC will have significant overlap with UNMISS, and it will be critical to identify areas of cooperation. In addition, the mission website is an important source of resolutions dictating mission mandate, and will also contain news about the current security situation in various parts of South Sudan.*

United Nations Peacebuilding Commission. (2007). *Sierra Leone Peacebuilding Cooperation Framework.* Retrieved September 19, 2011, from http://www.un.org/peace/peacebuilding/Country-Specific%20Configurations/Sierra%20Leone/SL%20Integr%20PB%20Strategy.pdf
> *Though the Sierra Leone Peacebuilding Cooperation Framework is not substantively related to the South Sudanese case, it does provide a very poignant example of the PBC mandate in practice, through the framework. In particular, the framework clearly distinguishes between the different roles and responsibilities of each partner in the framework, which shows not only the breadth and depth of the work done through the PBC, but also the amount of interdependence necessary to carry out PBC aims. This will provide delegates with a clear example of how PBC operations are carried out, and the various things that must be considered PBC project establishment.*

United Nations Security Council. (2011). *'Like any Newborn, South Sudan Needs Help,' Secretary-General Says.* Retrieved August 11, 2011, from http://www.un.org/News/Press/docs/2011/sc10323.doc.htm
> *This statement by the Secretary-General summarizes the main challenges that will be faced by South Sudan in this period of transition. The statement also includes briefings on current security aims for peacekeeping forces in South Sudan and potential challenges in achieving these goals. The document also contains statements made by other states' representatives, identifying problem areas, and pledging support.*

United Nations Security Council. (2011). *Resolution 1996 (2011) (S/RES/1996).* Retrieved August 30, 2011, from http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1996(2011))
> *This Security Council resolution establishes the United Nations Mission in the Republic of South Sudan and specifies its mandate and limitations. The resolution also establishes peacekeeping priorities, many of which overlap with the aims of the Peacebuilding Commission. This document will help clarify what action is currently being taken in South Sudan by UNMISS, what action is still missing, and how the PBC and UNMISS can collaborate in South Sudan.*

II. The Role of Civil Society in Peacebuilding

"Our times demand a new definition of leadership - global leadership. They demand a new constellation of international cooperation - governments, civil society, and the private sector, working together for a collective global good."[130]

Introduction

The report of the Secretary-General on the "Implementation of the United Nations Millennium Declaration" in 2004 highlighted the relevance of the collaboration of the UN with civil society. It says, "The Millennium Declaration explicitly recognizes the importance of factors [...] such as good governance, the role of the private sector and civil society."[131] It is also made clear in the report that in order to build up a stable government or strengthen democracy

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[130] Ban, *Speech at World Economic Forum, Davos, Switzerland*, 2009.
[131] United Nations General Assembly, *Report of the Secretary-General: Implementation of the United Nations Millennium Declaration (A/58/323)*, 2003, clause 50.

in a country, a strong civil society is indispensable.[132]

However, there is no universally accepted definition of civil society.[133] In the common understanding it comprises the general public, which is not part of the state or the market.[134] It represents and promotes the interests and values of the people.[135] The UN itself describes civil society as a "sphere of action independent of the state, within the realm of private sector and civil organizations, capable of stimulating resistance to and change in undemocratic regimes."[136] Today, boundaries between civil society and the state or market are indistinct; Civil Society Organizations (CSOs) include a wide range of actors such as non-governmental organizations (NGOs), community groups, women's organizations, trade unions, social movements, and advocacy groups.[137] They can act as complements to government actions and make sure social services are delivered properly and development programs are implemented.[138] They are especially important in regions where the state's influence is weak, such as during the aftermath of civil wars or natural disasters.[139]

With General Assembly *Resolution 60/1*, which adopted the 2005 World Summit Outcome, the international community decided to establish the Peacebuilding Commission (PBC).[140] According to the resolution, the main purpose of the Commission is "to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery."[141] This is also stated in Security Council *Resolution 1645*, which operationalized the PBC.[142] Furthermore, in its "Roadmap for Actions 2011," the PBC highlighted the importance of working together with civil society and recommends the consideration of mechanisms and approaches that could improve the cooperation.[143]

Strengths and Weaknesses of Civil Society

Until the 1990s, conflict management approaches in general concentrated on political elites and included only few actors; CSO participation was rather rare.[144] There was then a shift to conflict transformation approaches that focused mainly on the roots of the conflict; it was understood that CSOs, with their local knowledge of the situation and their closeness to the affected populations, could be beneficial and needed to play a key role.[145] Analysis has even shown that peace agreements that have come about with more intense civil society involvement are more likely to be sustainable.[146] By now, many countries and organizations have realized the importance of including all actors in peacebuilding processes and have adjusted their strategies to the new situation.[147] In Germany, for example, many governmental and non-governmental organizations have aligned to establish a joint working group to combine competencies, promote various peacebuilding approaches and strengthen the cooperation of all actors.[148] Furthermore, in 2003 then-Secretary-General Kofi Annan called a "Panel of Eminent Persons on United Nations-Civil Society Relations" to discuss the cooperation of the UN with non-state actors, and to find better ways to interact with civil society and include them in the organizations work.[149] Today, CSOs play a significant role in peacebuilding, especially by raising awareness of critical situations such as the armed conflict in Sudan, which attracted international attention after CSOs drew attention to it.[150] At the domestic level, non-state actors are

[132] United Nations General Assembly, *Report of the Secretary-General. Implementation of the United Nations Millennium Declaration (A/58/323)*, 2003, clause 89.
[133] World Health Organization, *Understanding Civil Society Issues for WHO*, 2002, p. 4.
[134] World Health Organization, *Understanding Civil Society Issues for WHO*, 2002, p. 4.
[135] World Health Organization, *Understanding Civil Society Issues for WHO*, 2002, p. 4.
[136] Economic and Social Council, *Definition of basic concepts*, clause 39.
[137] Centre for Civil Society, *Report on Activities July 2007-August 2008*.
[138] The World Bank, *Defining Civil Society,* 2010.
[139] The World Bank, *Defining Civil Society*, 2010.
[140] United Nations General Assembly, *Resolution 60/1*, 2005.
[141] United Nations General Assembly, *Resolution 60/1*, 2005, clause 98.
[142] United Nations Security Council, *Resolution 1645*, 2005.
[143] United Nations Peacebuilding Commission, *Chairperson's proposal for taking forward the recommendations of the report of the Co-Facilitators on the "Review of the United Nations Peacebuilding Architecture:" Roadmap for actions in 2011*, 2011, p. 1.
[144] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 8.
[145] Paffenholz, *Civil Society and Peacebuilding*, 2009, p. 24.
[146] Paffenholz, *Civil Society and Peacebuilding*, 2009, p. 23.
[147] The World Bank, *Civil Society and Peacebuilding. Potential, Limitations and Critical Factors*, 2006, p. 8.
[148] FriEnt, *Über Uns*.
[149] United Nations General Assembly, *Report of the Panel of Eminent Persons on United Nations-Civil Society Relations: We the peoples: civil society, the United Nations and global governance (A/58/817)*, 2004.
[150] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 8.

important in order to help to integrate the public into negotiation processes by presenting existing problems and informing the population.[151] Another crucial factor that led to the extended role of CSOs in peacebuilding is the fact that over 15 % of financial aid for developing countries is channeled through NGOs.[152]

However, there are still challenges to face. In some countries governments try to prevent civil society from gaining more importance.[153] They fear that NGOs could interfere with internal affairs or try to transfer Western concepts to their countries, which might supersede the local culture.[154] Furthermore, civil society often suffers from lack of adequate human and financial resources, as well as organizational shortcomings.[155] Some countries possess effective CSO networks or umbrella organizations, but most conflict-affected countries do not have those available.[156] In addition, there has not yet been enough support for effective consultation with civil society, other than professionalized and capital-city based NGOs.[157]

Functions of Civil Society
Civil society serves multiple purposes, with humanitarian aid being the most visible to the public.[158] For example, NGOs contributed actively to post-disaster relief after natural catastrophes including the earthquakes in Haiti or the tsunamis in Asia.[159] Civil society can also fulfill other functions, such as social cohesion, which means to strengthen the link among citizens from different backgrounds and thus overcome social cleavages.[160] Another task of civil society is the protection of citizen's lives or properties against the attacks of state or non-state actors, as well as mediation between the actors.[161] Furthermore, civil society is engaged in monitoring and early warning activities, which will help to raise awareness of grievances by observing state actions in fields such as human rights.[162] Other important functions civil society fulfills which can serve as an entry point for peacebuilding include public communication and advocacy to give people the chance to participate in peace processes and inform them about ongoing situations, and socialization to practice attitudes such as tolerance or non-violent conflict resolution.[163]

Civil society has been included in many peace agreements since 1990.[164] The 1992 Peace Agreement in El Salvador, for example, protects the role of civil society in humanitarian relief and demands a restoration of public administration without derogating NGOs and their work.[165] The Dayton Peace Agreement, which was concluded in 1995 in Bosnia, also requires parties to work together with civil society and use the assistance of NGOs when addressing the questions of refugees and internally displaced persons (IDPs).[166] CSOs there have contributed to peace education, strengthening the role of women and encouraging a constructive dialogue about the past and ways to come to terms with it.[167] Bosnian youth initiatives have also tried to involve future generations in the peace process in order to show them how to overcome apathy and be part of a change.[168]

However, the goals of civil society to overcome cultures of violence and create a surrounding of mutual trust and religious equality have not yet been achieved, as there is still tremendous inter-ethnic mistrust.[169] The international community has strengthened civil society in Bosnia in general; however, this strengthening has primarily benefitted large and urban NGOs, leaving smaller community-based organizations out.[170] Additionally, work of civil society

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[151] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 8.
[152] Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge*, 2006, p. 5.
[153] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 21.
[154] Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge*, 2006, p. 10-11.
[155] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 21.
[156] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 21.
[157] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 26.
[158] The World Bank, *Defining Civil Society*, 2010.
[159] The World Bank, *Defining Civil Society*, 2010.
[160] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 16-17.
[161] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 13-17.
[162] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 14.
[163] The World Bank, *Civil Society and Peacebuilding: Potential, Limitations and Critical Factors*, 2006, p. 14-16.
[164] Bell, *The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy*, 2007, p. 293.
[165] Bell, *The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy*, 2007, p. 298.
[166] Bell, *The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy,* 2007, p. 298.
[167] Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge*, 2006, p. 15.
[168] Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge*, 2006, p. 15.
[169] Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge*, 2006, p. 16.
[170] Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge*, 2006, p. 17.

has not yet been effectively linked to state-building strategies and other important peacebuilding activities.[171] In the 2005 Sudan Comprehensive Peace Agreement, it is explicitly mentioned that all parties shall foster civil society.[172] But despite the growing acceptance of the importance of civil society, there are still challenges. When it comes to the implementation of these accords, it remains a problem that the term "civil society" is not universally defined yet, because new groups emerge and abuse their status, thus undermining the role of civil society.[173]

Integrating Civil Society into the Work of the PBC

Even though the PBC has always highlighted the importance of working together with civil society, no concrete measures have been taken to truly integrate civil society into the Commission's work.[174] This is partly due to the fact that the Member States have very dissenting opinions about civil society participation.[175] To improve the situation, Member States of the PBC encouraged NGOs to continue to self-organize and draft proposals about the way they could be included in the Commission's work and benefit from it.[176]

Unfortunately, some countries have created barriers for civil society organizations to exist in their country. The Zambian Government, for example, passed the 2009 NGO Bill, which obliges all NGOs to register within 30 days after their formation.[177] Registration exposes NGOs to excessive, unwarranted controls and thus they are continuously confronted with bureaucratic obstacles, which can be debilitating for small organizations.[178] Furthermore, there are lengthy delays before it is clear if organizations have obtained permission to operate within the country, and as a result, their legal status during these delays is blurry.[179] An application can be rejected in the "public interest," and as there is no common definition of this term, NGOs that wish to register are dependent on the subjective discretion of political authorities.[180]

Actions of the Peacebuilding Commission to Integrate CSOs in Peacebuilding Activities
In theory, there are many possibilities for CSOs to interact with the PBC. They can offer input to political discussions in New York or monitor country-specific peacebuilding strategies.[181] In practice, however, the Member States still have the power and lead all actions of the PBC, deciding what role CSOs can play.[182] It was not until 2007 that the PBC published provisional guidelines for civil society participation in the Commission's meetings.[183] The PBC encourages CSOs to attend its meetings and contribute to its work.[184] CSOs are also allowed to take part in NGO informal briefings, and their input to national consultations on peacebuilding strategies in specific countries is claimed to be highly appreciated by the Commission.[185]

Still, this is not enough. The collaboration between the PBC and civil society needs to become even closer.[186] There should be further cooperation with the Peacebuilding Support Office (PBSO) and UN country teams on the ground to give CSOs the opportunity of bringing in their ideas for concepts and implementation strategies.[187] State governments should also be encouraged to work together with CSOs in order to gain wide support within their country.[188]

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[171] Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge*, 2006, p. 17.
[172] Bell, *The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy*, 2007, p. 302.
[173] Bell, *The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy*, 2007, p. 304.
[174] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 2-3.
[175] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 2-3.
[176] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 2-3.
[177] Elone, *Backlash Against Democracy: The Regulation of Civil Society in Africa*, 2010.
[178] Tiwana, *Zambia's new bill hijacks NGOs*, 2009.
[179] Elone, *Backlash Against Democracy: The Regulation of Civil Society in Africa*, 2010.
[180] Tiwana, *Zambia's new bill hijacks NGOs*, 2009.
[181] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 8.
[182] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 8.
[183] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 8.
[184] United Nations Peacebuilding Commission, *Civil Society Engagement*.
[185] United Nations Peacebuilding Commission, *Civil Society Engagement*.
[186] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 4.
[187] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 4.
[188] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 4.

CSOs also face other challenges to their participation. Their participation in projects of the Peacebuilding Fund (PBF) is uneven and has recently even declined, partly because it is burdensome for CSOs to engage.[189] Meetings are often called at short notice, so there is no time for wider consultations, and it is costly for civil society actors to get to the UN offices.[190] Even a taxi ride, which is not a burden for relatively well-paid staff at a Member State's mission, can be expensive for a local NGO worker.[191]

Participation of Women's CSOs in Peacebuilding
The involvement of women in peacebuilding is one of the priorities of the PBC.[192] The UN has always worked to strengthen the role of women; the PBC can play a significant role in directing attention to the needs of women in peacebuilding and promote gender-sensitive peacebuilding strategies.[193] As the founding resolutions of the PBC already include a mandate to address gender issues, the Commission plays an especially important role in integrating women's organizations in the peacebuilding process, particularly in its country-specific configurations.[194] So far, there are still many challenges remaining.[195]

Civil society partners can help in the process by promoting long-term agendas for women and peacebuilding.[196] The PBC Frameworks for Sierra Leone and Burundi are already drawing attention to women and gender issues and highlight the importance of including women in the peacebuilding process.[197] It is also important to establish a dialogue between indigenous women's organizations and operational activities of international actors.[198]

War has always had different effects on men and women. While women remain a minority of perpetrators of war, they usually suffer the greatest harm.[199] Girls and women in war-torn areas are often confronted with sexual violence that does not necessarily end with the termination of the conflict.[200] Unwanted pregnancies, sexually transmitted infections, and stigmatization are often consequences women have to deal with.[201] These effects can prevent women from obtaining education, becoming financially independent, or participating in political processes and peacebuilding activities.[202] Women are still underrepresented in peace processes and negotiations, as well as in national governance, especially at senior levels.[203] However, there has also been some progress made as there are more women in government today than ever before, the Rwandan parliament, for example, has the highest number of female representatives (56 %) worldwide since the 2008 elections.[204] The international community has realized the importance of women's participation and this led, for example, to the first all-female peacekeeping unit in Liberia.[205]

Another example of success in Liberia is the "Women of Liberia Peace Network" (WOLPNET), which was founded in 2003 by Liberian refugee women who organized sit-ins where the peace talks were held and demanded a ceasefire.[206] Through their actions, they built a strong bond and commitment to women's interests in the country.[207] Their goal was to fight against violence in Liberia, with special focus on violence against women and girls and to

[189] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 28.
[190] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 28.
[191] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 28.
[192] United Nations Peacebuilding Commission, *Provisional guidelines for the participation of civil society in meetings of the Peacebuilding Commission, submitted by the Chairperson on the basis of informal consultations*, 2007, clause 2.
[193] Klot, *Women and Peacebuilding*, 2007, p. 9-10.
[194] United Nations General Assembly / Security Council, *Report of the Secretary-General. Women's participation in peacebuilding*, 2010, clause 55.
[195] Klot, *Women and Peacebuilding*, 2007, p. 6.
[196] Klot, *Women and Peacebuilding*, 2007, p. 9.
[197] Klot, *Women and Peacebuilding*, 2007, p. 10-11.
[198] Klot, *Women and Peacebuilding*, 2007, p. 10-11.
[199] United Nations Women, *Women*, War and Peace.
[200] United Nations Women, *Women, War and Peace*.
[201] United Nations Women, *Women, War and Peace*.
[202] United Nations Women, *Women, War and Peace*.
[203] United Nations Women, *Women, War and Peace*.
[204] United Nations Women, *Facts and Figures on Democratic Governance*.
[205] United Nations Women, *Peacebuilding*.
[206] Insight on Conflict, *Women of Liberia Peace Network (WOLPNET)*.
[207] Insight on Conflict, *Women of Liberia Peace Network (WOLPNET)*.

improve the economic and political situation of women.[208] WOLPNET is still engaged in peacebuilding activities, education trainings, and microcredit operations.[209] It also cooperates with the national government by being an active member of the national Gender Based Violence Task Force.[210]

Case Study: Burundi

Burundi was one of the first two countries on the agenda of the PBC.[211] It has made great progress throughout the past ten years, and civil society played an important role in the transformation process.[212] The work of CSOs comprised fields such as human rights, anti-corruption, women and girls, capacity building, election monitoring, and education of the population.[213] Civil society groups organized a national consultation in August 2006, where a list of recommendations to the PBC was developed.[214] Among the suggestions were the promotion of permanent political dialogue between government, opposition groups, NGOs and the private sector; the establishment of transitional justice mechanisms; and the rebuilding of infrastructure, schools, and hospitals.[215] Furthermore, the CSOs discussed the promotion of human rights and education, and capacity-building which will support democratic institutions and good governance.[216] There are still tensions between civil society actors and government, but Burundian NGOs and other actors have shown a deep commitment and will to improve the situation in the country.[217]

Some projects of CSOs are even mentioned explicitly in the 2007 Priority Plan of the Burundi government, such as the "Burundi Leadership Training Programme" (BLTP), which was established by the Woodrow Wilson International Center for Scholars, a US-based public-private partnership that deals with global political questions.[218] From 2002 to 2008, the Center worked together with local partners through this program to support the creation of stable democratic governance.[219] Workshops were held to deliver communication tools and skills in non-violent problem solving, as well as helping with negotiation strategies and measures to build trust.[220] The Programme is funded by the World Bank's Post-Conflict Fund and the US Agency for International Development (USAID), and defines its main goal as creating a network of key leaders in Burundi to support the reconstruction efforts.[221]

Another important project in Burundi with civil society participation is the "Cadre de Dialogue et de Concertation" (Framework for Consultation and Dialogue in Burundi), which is supported by the PBC and the PBF.[222] National reconciliation is one of the most important goals in Burundi, and can only be achieved through continuous dialogue.[223] The project aims at establishing mechanisms to advance dialogue and interaction between government and civil society.[224] It also promotes the involvement of media in the peacebuilding progress to better inform the population, strengthen democracy, and restore trust in political actors.[225]

Conclusion

Non-state actors are becoming increasingly important in today's society; and politically interested individuals have more options to express their views through civil society mechanisms.[226] With civil society gaining more power, it is

[208] Insight on Conflict, *Women of Liberia Peace Network (WOLPNET)*.
[209] Insight on Conflict, *Women of Liberia Peace Network (WOLPNET)*.
[210] Insight on Conflict, *Women of Liberia Peace Network (WOLPNET)*.
[211] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 7-8.
[212] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 6.
[213] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 7-8.
[214] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 7-8.
[215] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 7-8.
[216] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 7-8.
[217] Hawkins Wyeth, *Getting the Peacebuilding Commission off the ground: Including Civil Society*, 2006, p. 7-8.
[218] Woodrow Wilson International Center for Scholars, *The Burundi Leadership Training Programme*, 2008.
[219] Woodrow Wilson International Center for Scholars, *The Burundi Leadership Training Programme*, 2008.
[220] Woodrow Wilson International Center for Scholars, *The Burundi Leadership Training Programme*, 2008.
[221] Woodrow Wilson International Center for Scholars, *The Burundi Leadership Training Programme*, 2008.
[222] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 30.
[223] United Nations Integrated Office in Burundi, *Burundi dialogue*, 2008.
[224] Action Aid, *CAFOD and CARE International, Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*, 2007, p. 30.
[225] United Nations Integrated Office in Burundi, *Burundi dialogue*, 2008.
[226] United Nations General Assembly, *Report of the Panel of Eminent Persons on United Nations-Civil Society Relations. We the peoples: civil society, the United Nations and global governance (A/58/817)*, 2004, clause 11.

becoming increasingly meaningful to include them in international strategies and enter into dialogue with them.[227] All in all, much has already been done to better integrate civil society into peacebuilding activities. The PBC has become an important forum for discussions about peacebuilding and development cooperation, trying to include all relevant actors.[228] However, there are still challenges remaining and the theoretical ideas are not always put into practice.

Despite CSOs' increasing involvement in peacebuilding, more work remains. How should strategies be developed to make sure all relevant actors are involved in the peacebuilding process? What can be done to strengthen the position of CSOs in general? How can the participation of women in peacebuilding be further encouraged? What can the PBC do in order to better integrate civil society into its work?

Annotated Bibliography

II. The Role of Civil Society in Peacebuilding

Action Aid, CAFOD, and CARE International. (2007). *Consolidating the Peace? Views from Sierra Leone and Burundi on the United Nations Peacebuilding Commission*. Retrieved August 15, 2011, from http://reliefweb.int/sites/reliefweb.int/files/resources/C4E201DB9B41CEF7C12573A2004B133C-actionaid_nov2007.pdf
> *This report gives a good insight into the work of the PBC. It concentrates on the activities in Burundi and Sierra Leone and can help delegates to understand how civil society can contribute to peacebuilding activities of the PBC. It also gives a more general view on peacebuilding in the 21st century with its opportunities and problems.*

Bell, C. and C. O'Rourke. (2007). The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy. *International Political Science Review,* vol. 28 (3): 293-324.
> *This article describes in which ways civil society has been included in different peace agreements and what influence that had on the conflict situations. It illustrates the diverse functions civil society can undertake and how its status has changed over the years. It will be interesting for delegates to see examples of civil society participation, as well as the difficulties it is still facing.*

Fischer, M. (2006). *Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenge.* Berghof Research Center for Constructive Conflict Management. Retrieved September 23, 2011, from http://www.berghof-handbook.net/documents/publications/fischer_cso_handbook.pdf
> *This source gives an excellent overview of the work of NGOs in conflict situations and the potential they have. It enriches the theoretic approach by using case studies such as Bosnia. Furthermore, it also outlines the skepticism that many non-state actors are still facing and thus gives a very balanced view on civil society, its advantages, and problems.*

Hawkins Wyeth, V. (2006). *Getting the Peacebuilding Commission off the ground: Including Civil Society.* Briefing Papers, FES New York. Dialogue on Globalization. Retrieved August 26, 2011, from http://library.fes.de/pdf-files/iez/global/50412.pdf
> *This study describes the advantages and problems of including civil society into the PBC's work. It gives a good understanding of the challenges that remain and how the international community can face them. It offers recommendations to overcome obstacles in general but also in specific cases such as Burundi and Sierra Leone. Furthermore, the role civil society should play is stressed out clearly.*

Klot, J. (2007). *Women and Peacebuilding.* Social Science Research Council. Commissioned by the United Nations Development Fund for Women (UNIFEM) and The Peacebuilding Support Office (PBSO). Retrieved August 26, 2011, from

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[227] United Nations General Assembly, *Report of the Panel of Eminent Persons on United Nations-Civil Society Relations. We the peoples: civil society, the United Nations and global governance (A/58/817)*, 2004, clause 16-21.
[228] Jenkins, *The UN Peacebuilding Commission and the dissemination of international norms*, 2008, p. 18.

http://www.un.org/peace/peacebuilding/Working%20Group%20on%20Lessons%20Learned/WGLLbackgroundpaper%2029.01.08.pdf

> This source focuses mainly on the work of women and women's organizations in the peacebuilding process. It highlights the progress that has been made and presents actions that have been taken. It gives a good knowledge of gender issues in peacebuilding strategies and shows where there is room for improvement. It also points out the gender mandate of the PBC.

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Paffenholz, T. (2009). *Civil Society and Peacebuilding.* Centre on Conflict, Development, and Peacebuilding, Working Paper No. 4. Retrieved August 15, 2011, from http://www.sfcg.org/programmes/forums/pdf/CCDP_Working_Paper_4-1%20a.pdf

> This paper gives an excellent overview on civil society in general and the role it plays in peacebuilding. It is thoroughly researched and shows the different functions civil society can have. It is a good starting point for delegates to get familiar with the topic and find out more about CSOs, its impact on peacebuilding and the factors that influence it.

United Nations General Assembly. (2004). *Report of the Panel of Eminent Persons on United Nations-Civil Society Relations. We the peoples: civil society, the United Nations and global governance (A/58/817).* Retrieved September 23, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=A/58/817

> This report illustrates how intense the UN deals with the topic of civil society. It will give delegates a better understanding of why civil society is important as an actor in peacebuilding and how it can be integrated into the work of the UN. It discusses ways to strengthen the role of NGOs within the UN system and highlights the developments that have been made so far.

United Nations General Assembly. (2005, October 24). *Resolution 60/1.* Retrieved August 15, 2011, from http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/60/1

> This resolution was essential for the establishment of the PBC. Therefore, all delegates should be familiar with it. It explains the main purposes of the PBC, further strengthens the role of civil society, especially in peacebuilding and stresses the importance for the UN to deal with this topic.

United Nations Women. (n.d.). *Women, War and Peace.* Retrieved August 26, 2011, from http://www.unifem.org/gender_issues/women_war_peace/

> This source will help delegates to better understand the role of women and women's organizations in peacebuilding activities. It shows how the UN tries to support the empowerment of women and why it is important to strengthen their participation. Further links on the website lead to specific examples of women's organizations in peacebuilding.

World Bank. (2006). *Civil Society and Peacebuilding. Potential, Limitations and Critical Factors.* Retrieved August 27, 2011, from http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1164107274725/3182370-1164110717447/Civil_Society_and_Peacebuilding.pdf

> In this report, especially the limitations of civil society participation are further explained. It has a rather critical approach, which makes it valuable for delegates in order to think of solutions. However, it also writes in detail about the functions CSOs have in peacebuilding and gives good examples of their work. All in all, it will help delegates to understand the difficulty of the topic.

III. Improving Transitional Justice Systems in Post Conflict Situations

''Assisting societies devastated by conflict or emerging from repressive rule to re-establish the rule of law and come to terms with large-scale human rights violations, especially within a context marked by broken institutions, exhausted resources, diminished security, and a distressed and divided population, presents a daunting challenge.''[229]

Introduction

Peacebuilding measures after conflict situations have the primary task to restore political and social order in societies where institutions have been devastated by mass violence. Traumatic episodes of human rights abuses, war crimes, and crimes against humanity, tend to neglect or destroy legal structures and the rule of law.[230] As a consequence, societies do not trust public institutions such as the judiciary or the police.[231] In many cases, these institutions serve as instruments of abuse and repression in post-conflict societies.[232] Although peace agreements are often concluded to put an end to armed violence, corrupted or inexistent political structures permit the continuation of chronic abuse, disorder, and impunity, with many war-time abuses simply continuing in post-conflict situations.[233] In addition, previous enmities between former combatants, victims, and other civilians further aggravate the instauration of durable peace.[234] Moreover, the distortion of information concerning past abuses, the maintenance of secrecy regarding past crimes, and the protection of perpetrators increase the perception of an unjust and volatile society, where a re-initiation of conflict and violence is possible.[235] In order to counter these threats, transitional justice is concerned with developing the necessary strategies in order to guarantee durable peace and the rule of law.

Defining Transitional Justice — A United Nations Approach

In his 2010 *Guidance Note* on the *United Nations Approach to Transitional Justice* (2010 Secretary-General's Guidance Note), the United Nations (UN) Secretary-General defined transitional justice as "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation."[236] In order to enhance the promotion of the rule of law, specialized UN bodies have included transitional justice in their policy agendas.[237] In 2004, the Security Council addressed the Secretary-General's Report (S/2004/616) on *The rule of law and transitional justice in conflict and Post-conflict societies*. This report emphasized that transitional justice measures could not be limited to judiciary initiatives but had to provide holistic approaches.[238] As stated by the Secretary-General, "it is now generally recognized, for example, that truth commissions can positively complement criminal tribunals, as the examples of Argentina, Peru, Timor-Leste and Sierra Leone suggest".[239] According to the PBC, the main goals of transitional justice are to "gain some level of justice for victims" and to "reinforce the possibilities for peace, democracy, and reconciliation".[240] Furthermore, the PBC has included policies and strategies regarding transitional justice on its country-specific configurations' agendas.[241] Additionally, the PBC's Working Group on Lessons Learned (WGLL) held a meeting on January 26, 2008 concerning *Justice in Times of Transition* (WGLL/2008/8). Highlighting lessons of past transitional justice experiences, the WGLL reaffirmed the importance of comprehensive and holistic approaches. This includes the involvement of civil society in peacebuilding processes,

[229] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 3

[230] Vité, *Re-establishing the Rule of Law under Transitional Administration*, 2005, p. 188.

[231] Vité, *Re-establishing the Rule of Law under Transitional Administration, 2005,* p. 188.

[232] Security Council, *The rule of law and transitional justice in conflict and post-conflict societies,* 2004, p. 10.

[233] Lambourne, *Post-Conflict Peacebuilding: Meeting Human Needs for Justice and Reconciliation*, 2004, p. 1; Security Council, *The rule of law and transitional justice in conflict and post-conflict societies,* 2004, p. 10.

[234] Lambourne, *Post-Conflict Peacebuilding: Meeting Human Needs for Justice and Reconciliation*, 2004, p. 5

[235] Van Zyl, *Promoting Transitional Justice in Post-Conflict Societies*, 2005, p. 210; Lambourne, *Post-Conflict Peacebuilding: Meeting Human Needs for Justice and Reconciliation*, 2004, p. 1.

[236] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 1.

[237] United Nations, *United Nations and the Rule of Law, Website & Document Repository*, 2011.

[238] Security Council, *The rule of law and transitional justice in conflict and post-conflict societies,* 2004, p. 9.

[239] Security Council, *The rule of law and transitional justice in conflict and post-conflict societies,* 2004, p. 9.

[240] PBC Working Group on Lessons Learned, *What is Transitional Justice? A Backgrounder,* 2008, p. 1.

[241] Peace Building Commission, *Statement of mutual commitments on peacebuilding in Liberia, 2010,* p. 7; Peace Building Commission, *Sierra Leone Peacebuilding Cooperation Framework,* p. 5, 2007

the consideration of local contexts, the protection of women's needs, and the coordination of strategies between the UN, local actors, donors, international organizations, NGO's, and governments.[242]

Elements of Transitional Justice—Peacebuilding Commission Experience

As affirmed by the Secretary General and by the WGLL, transitional justice consists of both judicial and non-judicial elements and processes.[243] While the former includes criminal proceedings and reparation to victims and their families through formal mechanisms, the latter aims at ensuring the right to truth, reconstruction of constitutional and institutional structures, and social reconciliation.[244] These elements are directly related and cannot be conceived independently of one another.[245]

Criminal Justice
The prosecution of individuals who committed atrocities during conflict is essential in transitional processes.[246] The main purpose is to punish those who are criminally liable for past crimes.[247] However, in recent years, criminal proceedings have increasingly included restorative justice elements. From a restorative justice perspective, criminal proceedings can contribute to restore victims' dignity and comfort, and to seek reparation mechanisms for victims.[248] By combating impunity, criminal tribunals promote the consolidation of the rule of law and the rebuilding of trust in government institutions.[249] In 2010, the Secretary-General emphasized the importance of "national investigative and prosecutorial capacities, an independent and effective judiciary, adequate legal defense, witness and victims' protection and support, […] human correctional facilities, [and] national legislation that is in conformity with international human rights law and international criminal law."[250] All these rule of law institutions are crucial to the efficiency and credibility of any criminal proceeding.

Several international treaties, including the *1948 Convention on the Prevention and Punishment of the Crime of Genocide*; the *1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment*, and the *Geneva Conventions* contain explicit obligations for states to put into place criminal proceedings.[251] These instruments equally contributed to the development of international criminal law.[252] International criminal law allows for the prosecution of individuals under international law and by an international tribunal if states fail to do so themselves.[253] In recent years, international criminal law and domestic criminal law have become increasingly interconnected.[254] This development is illustrated by an increasing number of so-called "hybrid" tribunals.[255] Since 2006, the UN has implemented these principles on various occasions, including through the PBC's efforts on Sierra Leone.[256]

With resolution *S/Res/1315* of August 14, 2000, the Security Council requested to create an independent special court in Sierra Leone.[257] The Statute of the Special Court for Sierra Leone (SCSL) establishes that the Court's

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[242] PBC Working Group on Lessons Learned, *Justice in Times of Transition. Chairs Summary,* 2008, p. 3.
[243] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 3; PBC Working Group on Lessons Learned, *Justice in Times of Transition. Chairs Summary,* 2008, p. 1.
[244] Greiff, *Transitional Justice, Security, and Development. Security and Justice Thematic Paper*, 2010, p. 2; Security Council, *The rule of law and transitional justice in conflict and post-conflict societies. Report of the Secretary-General,* 2004, p.4.
[245] PBC Working Group on Lessons Learned, *What is Transitional Justice? A Backgrounder,* 2008, p. 4.
[246] Huyse, *Transitional Justice and Reconciliation after Violent Conflict, Learning from African Experiences*, 2008, p. 4.
[247] Van Zyl, *Promoting Transitional Justice in Post-Conflict Societies*, 2005, p. 211
[248] PBC Working Group on Lessons Learned, *Background Note. Mechanisms for Justice in Times of Transition and Lessons Learned*, 2008, p. 1; Van Zyl, *Promoting Transitional Justice in Post-Conflict Societies*, p. 211.
[249] UN High Commissioner for Human Rights, *Rule of Law Tools for Post-Conflict State, Maximizing the Legacy of Hybrid Courts*, 2008, p. 10; Van Zyl, *Promoting Transitional Justice in Post-Conflict Societies*, 2005, p. 211.
[250] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 8.
[251] Greiff, *Transitional Justice, Security, and Development. Security and Justice Thematic Paper*, 2010, p. 3.
[252] PBC Working Group on Lessons Learned, *Background Note. Mechanisms for Justice in Times of Transition and Lessons Learned*, 2008, p. 2
[253] Teitel, *Transitional Justice,* 2002, p. 39.
[254] Teitel, *Transitional Justice,* 2002, pp. 39-40.
[255] UN High Commissioner for Human Rights, *Rule of Law Tools for Post-Conflict State, Maximizing the Legacy of Hybrid Courts*, 2008, p. 10
[256] Peace Building Commission, *Sierra Leone Peacebuilding Cooperation Framework,* 2007.
[257] Security Council, *Report of the Secretary General on the establishment of a Special Court for Sierra Leone,* 2000. p. 1; Security Council, *Resolution 1315 (S/RES/1315),* 2000.

applicable law includes both international and Sierra Leonean law, thus putting in place a hybrid court combining elements of domestic and international criminal law.[258] The Court is also composed of both international and Sierra Leonean judges.[259] Bringing justice closer to the people, the SCSL is the first international criminal tribunal located in the territory of the state where the crimes were committed.[260] In its 2007 *Sierra Leone Peacebuilding Cooperation Framework,* the PBC reiterated its commitment to "[s]upport the work of the Sierra Leone Special Court".[261] Nonetheless, the WGLL has recognized that criminal justice alone is not sufficient to guarantee durable peace. In fact, it was recognized that "without any truth-telling, institutional reform or reparation efforts, punishing a very limited number of perpetrators can be viewed as scapegoating or a form of political revenge.''[262]

Ensuring the Right to Truth
In order to advance the holistic approach of transitional justice, the PBC recognizes that processes through which societies investigate and establish an official truth about past traumatic events are essential.[263] These processes are mirrored and endorsed by an individual right to truth. First limited to a "right of families to know the fate of their relatives" (Article 32 *Additional Protocol I to the Geneva Conventions)*, and a right to truth for victims of enforced disappearance (Article 24 *International Convention for the Protection of All Persons from Enforced Disappearance*), a comprehensive right to truth exists nowadays.[264] This is supported by the 2006 *Report of the Office of the United Nations High Commissioner for Human Rights, Study on the Right to Truth* (E/CN.4/2006/91) which also reaffirms the protection provided by the applicable international treaties. The document endorses the *Updated Set of Principles for the Protection and Promotion of Human Rights through Action to combat Impunity* (E/CN.4/2005/102/Add.1), which recognizes that "[e]very people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes.''[265]

In accordance with these international instruments, several post-conflict societies have implemented truth commissions.[266] Among other examples, truth commissions were established in Guatemala, Peru, Chile, Argentina, South Africa, Liberia, and Sierra Leone.[267] In Guatemala, the Commission for Historical Clarification concluded that 23,671 people were victims of arbitrary execution; 6,159 were victims of forced disappearance; and 200,000 people died during the conflict.[268] In the case of Sierra Leone, the PBC emphasized that the truth commission's report had contributed to the achievements made on rebuilding the country, and that it continued to guide the process for recovery and stabilization.[269] Nonetheless, other experiences show that truth commissions' work also present flaws such as excluding testimonies of certain social groups or incurring on methodical miscalculations.[270] In the case of the Liberian Truth Commission, the PBC stated that the 2009 report "ha[d] been highly controversial and the public's understanding of its contents and its recommendations could be enhanced."[271] Finally, the WGLL has reaffirmed that truth commissions alone are insufficient: "Truth-telling, in isolation from efforts to punish abusers, reform institutions, and repair victims, can be viewed as nothing more than words."[272]

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[258] Security Council, *Statute of the Special Court for Sierra Leone*, 2002, art. 1 (1), 2-5.
[259] Security Council, *Statute of the Special Court for Sierra Leone*, 2002, art. 2, 3, 4, 5, and 12 (1).
[260] Security Council, *Report of the Secretary General on the establishment of a Special Court for Sierra Leone,* 2000, p. 3; Summa, *The Charles Taylor Trial and Legacy of the Special Court for Sierra Leone,* 2009, p. 1.
[261] Peace Building Commission, *Sierra Leone Peacebuilding Cooperation Framework,* 2007, p. 12.
[262] PBC Working Group on Lessons Learned, *What is Transitional Justice? A Backgrounder,* 2008, p. 4.
[263] PBC Working Group on Lessons Learned, *Justice in Times of Transition. Chairs Summary,* 2008, p. 2.
[264] UN High Commissioner for Human Rights*, Study on the Right to Truth, Report of the Office of the United Nations High Commissioner for Human Rights*, 2006, p. 4.
[265] Economic and Social Council, *Updated Set of principles for the protection and promotion of human rights through action to combat impunity,* principle 2, p. 7.
[266] PBC Working Group on Lessons Learned, *What is Transitional Justice? A Backgrounder,* 2008, p. 3.
[267] Farell, and Seipp, *Transitional Justice.Case Studies,* 2008.
[268] Farell, and Seipp, *Transitional Justice.Case Studies,* 2008, p. 13.
[269] Peace Building Commission, *Sierra Leone Peacebuilding Cooperation Framework,* 2007, p. 1.
[270] Crocker, *Truth Commissions, Transitional Justice, and Civil Society*, p. 4.
[271] Peace Building Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 7; Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, pp. 19-20.
[272] PBC Working Group on Lessons Learned, *What is Transitional Justice? A Backgrounder,* 2008, p. 4.

Reparations
Reparations were acknowledged by the Secretary-General as one of the core elements of transitional justice.[273] Traditionally, reparations are an integral part of restorative justice and do not focus on the criminal act, but on the harm and suffer that the victim experienced.[274] Following a holistic approach, the 2004 UN Secretary-General's Report recognized that reparation mechanisms require a combination of measures complementary to the proceedings of criminal tribunals and truth commissions.[275] Reparations can be achieved through a variety of manners that include material and symbolic actions.[276] The most common form of material reparation is through monetary compensation.[277] In addition, it can also consist of material and psychological assistance.[278] This includes compensation payments, pensions, bursaries, scholarships, trauma counseling, healthcare, housing subsidies, and rehabilitation of former detention centers.[279] Symbolic forms of reparation include governments offering official public apologies, building museums and memorials, and establishing days of commemoration.[280] For the WGLL, the "provision of reparations can be synchronized with goals for development and can generate a victim-sensitive approach to development planning."[281]

Constitutional and Institutional Reform
The implementation of transitional justice measures can be jeopardized by the lack of strong and solid institutions. As the WGLL recognizes, "[s]tates must take all necessary measures, including legislative and administrative reforms, to ensure that public institutions are organized in a manner that [guarantees] respect for the rule of law and protection of human rights."[282] This includes processes of reforming or drafting new constitutions.[283] These processes help to open channels for dialogue, reach consensus, determine the root causes of conflict, and prevent them to occur again in the future.[284] "In many post-war societies, the reform of a pre-war constitution is usually one big step forward towards national reconciliation, inter-group rehabilitation and the avoidance of the mistakes of the past."[285]

Nevertheless, constitutions alone do not guarantee that all problems in society will be solved.[286] Administrative and institutional reforms are essential elements of transitional justice as well. As the WGLL recognized during its 2008 session on *Justice in Times of Transition*, "[i]nstitutional reforms can change institutions that are responsible for violations into being institutions that promote and protect human rights".[287] Vetting processes, through which administrative officials responsible of gross human rights violations are removed, are common examples of institutional measures.[288] Similarly, military and police personnel responsible of atrocities are normally disbanded.[289] Finally, training public officials on the role of institutions in the consolidation of rule of law and the respect of human rights is a cornerstone of institutional reform initiatives.[290]

Case Study—Liberia after Fourteen Years of War

Liberia was engaged in a civil war from 1989 to 2003.[291] By the end of the armed conflict, around ten armed groups were involved in conflict.[292] Hostilities concluded when the Comprehensive Peace Agreement (CPA) was reached in

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[273] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 8.
[274] Uprimny and Saffon, *Transitional Justice, Restorative Justice and Reconciliation. Some Insights from the Colombian Case,* p. 4.
[275] Security Council, *The rule of law and transitional justice in conflict and post-conflict societies,* 2004, p. 9.
[276] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 8.
[277] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 8.
[278] Van Zyl, *Promoting Transitional Justice in Post-Conflict Societies*, 2005, p. 212-213.
[279] Van Zyl, *Promoting Transitional Justice in Post-Conflict Societies*, 2005, p. 212-213; PBC Working Group on Lessons Learned, *Justice in Times of Transition. Chairs Summary,* 2008, p. 2.
[280] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 8
[281] PBC Working Group on Lessons Learned, *Justice in Times of Transition. Chairs Summary,* 2008, p. 2.
[282] PBC Working Group on Lessons Learned, *Background Note. Mechanisms for Justice in Times of Transition and Lessons Learned*, 2008, p. 4
[283] Samuels, *Post-Conflict Peace-Building and Constitution-Making*, 2006, p. 2.
[284] Samuels, *Post-Conflict Peace-Building and Constitution-Making*, 2006, p. 2, 5.
[285] Bächler, *Conflict Transformation through State Reform,* 2001, pp. 7-8.
[286] Bächler, *Conflict Transformation through State Reform,* 2001, p. 8.
[287] PBC Working Group on Lessons Learned, *Justice in Times of Transition. Chairs Summary,* 2008, p. 2.
[288] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 9
[289] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 9
[290] United Nations, *Guidance Note of the Secretary General. United Nations Approach to Transitional Justice*, 2010, p. 9
[291] International Center for Transitional Justice, *Background: A Violent History, a Fragile Peace,* 2011.

2003. During the years of conflict, then President Charles Taylor allegedly committed gross violations of human rights, war crimes, and crimes against humanity, not only in Liberia, but also in neighboring Sierra Leone[293] As a result of the conflict, an estimated 250,000 to 270,000 people died, 850,000 sought refuge in neighboring countries, and 500,000 were displaced within the country.[294] The rule of law was inexistent and there was a lack of solid institutions, including the army, the police, and the judiciary. [295] On May 27, 2010, the Liberian Government requested the PBC to be included on its Country Specific Configurations agenda.[296]

In the interim period before Liberia was put onto the PBC's agenda, several transitional justice measures were implemented. Article XII of the 2003 CPA called for a Truth and Reconciliation Commission (TRC) in charge of examining the past, investigating the root causes of the conflict, and facilitating "genuine healing and reconciliation."[297] The mandate of the TRC included the collection of statements, public hearings, and research and investigations in order to create an accurate record of Liberia's history, identifying those involved in committing violations, and helping restore the human dignity of victims.[298] The final report of the Commission was released on December 2009.[299] Although the report served its purpose in various manners, it has been heavily criticized. Among others, it lacks evidentiary data to support its claims, there is an absence of explicit references to testimonial sources, and minorities such as women and children are not adequately considered.[300] The TRC was the result of a general debate between the creation of a criminal war tribunal and the establishment of a truth commission.[301] Many factions involved in past violence argued that a criminal tribunal could undermine the peace and reconciliation process.[302] While civil society called for punishing criminals, ex-military factions pushed for amnesty.[303]

While the situation in Liberia is not examined by an international tribunal, ex-president Charles Taylor is currently on trial in front of the SCSL.[304] Gus Kouwenhoven, one of Taylor's close associates, was convicted in the Netherlands in 2007 for committing war crimes.[305] In addition, Charles Taylor's son, Charles McArthur Emmanuel, was sentenced to ninety-seven years' imprisonment in a United States Federal Court for crimes of torture in Liberia.[306] The 2009 TRC's Report recommended the establishment of an extraordinary and domestic criminal tribunal and called for the prosecution of 182 individuals, including 38 that had cooperated with the TRC.[307] Finally, the TCR recommended vetting processes in the police, army, judiciary, and other public institutions.[308]

The Peacebuilding Commission Country-Specific Configuration: Liberia
The *Statement of mutual commitments on peacebuilding in Liberia* (PBC/4/LBR/2) is the central document that guides the PBC's activities in Liberia. It concentrates on strengthening the rule of law, supporting the security sector reform, and promoting national reconciliation. Regarding transitional justice measures, the PBC has set priority sectors that need immediate attention. This includes the improvement of access to formal justice.[309] The document also highlighted the need of "formal education and training systems to prepare and upgrade legal staff at all levels of the judicial system".[310] On corruption, the PBC points out that it is "unclear where civilians can lodge corruption

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[292] Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, p. 4.
[293] Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, p. 4; International Center for Transitional Justice, *Background: A Violent History, a Fragile Peace,* 2011.
[294] Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, p. 5.
[295] Peace Building Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 3.
[296] Peacebuilding Commission, *Request for the Peacebuilding Commission's Engagement with Liberia,* 2010.
[297] United States Institute of Peace, *Comprehensive Peace Agreement. Liberia,* 2003, Art. XII.
[298] James-Allen, Weah, and Goodfriend, *Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia,* 2010, p. 6.
[299] Peacebuilding Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 7.
[300] James-Allen, Weah, and Goodfriend, *Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia,* 2010, p. 6.
[301] Hayner, *Negotiating Peace in Liberia: Preserving the Possibility for Justice,* 2007, p. 15.
[302] Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, p. 19.
[303] Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, p. 19.
[304] International Center for Transitional Justice, *Background: A Violent History, a Fragile Peace,* 2011.
[305] Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, p. 23.
[306] Jaye, *Transitional Justice and DDR: The Case of Liberia Liberia,* 2009, p. 24.
[307] James-Allen, Weah, and Goodfriend, *Beyond the Truth and Reconciliation Commission: Transitional Justice Options in Liberia,* 2010, p. 6.
[308] Hayner, *Negotiating Peace in Liberia: Preserving the Possibility for Justice,* 2007, pp. 18-19.
[309] Peacebuilding Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 3.
[310] Peacebuilding Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 3.

complaints" against judiciary system officials.[311] The *Statement of mutual commitments* also highlights the necessity of a legislative review in order to guarantee the functioning of the dual justice system, which includes both customary and statutory laws. [312] On the TRC's 2009 report, the PBC states that it may "necessitate international political leverage to fulfill the original intent of the Comprehensive Peace Agreement, [and…] create an environment conducive to reconciliation."[313]

The progress of PBC's efforts in Liberia was included in the *Report of the Peacebuilding Commission on its Fourth Session* (A/65/701–S/2011/41). By January 28, 2011, the first PBC project was approved with the allocation of three million dollars for immediate implementation. The project comprises the transfer of security management from the UNMIL to the Government of Liberia.[314] In the field of constitutional reform, Liberians voted on a constitutional referendum on August 23, 2011.[315] The referendum contained three electoral amendments and one related to the retirement age for chief justices.[316] This set an important precedent for the legislative and executive election that were held successfully on October 11, 2011, with President Eilean Johnson-Sirleaf receiving 43% of the votes.[317] In order to guarantee the electoral process, the Security Council extended the mandate of the United Nations Mission in Liberia (UNMIL) for one more year.[318] Coordination efforts between the PBC and UNMIL are necessary for the achievement of the goals that were set forth in the *Statement of mutual commitments on peacebuilding in Liberia*.

Conclusion

Transitional justice systems in post-conflict societies incorporate a variety of complex elements. The combination and interaction of these elements is essential in order to build a sustainable peace. Moreover, transitional justice measures need to be adjusted to different cultures, past experiences, and other circumstances. It remains unclear to what extent international actors can and should be involved in transitional justice measures. How can the PBC improve its transitional justice actions within the current country-specific configurations? Which role should the PBC play in transitional justice measures, and what is the role of other UN bodies, regional, and international organizations for transitional justice initiatives? Can the PBC ensure coordination of various transitional justice measures undertaken on different levels? How to incorporate different local actors and develop operations by taking into account local contexts? How can transnational justice address gross violations of human rights, war crimes, and crimes against humanity? Is there a need for justice measures to be implemented close to the people? Additionally, the Liberian case shows that those who cooperated with the TRC and admitted their crimes fear now to be prosecuted. How to manage the contradiction between ex-combatants' cooperation, pardon, impunity, and justice? How can transitional justice measures solve this contradiction? How to elaborate and develop the holistic approach suggested by the Secretary-General in 2010? Answering these questions would constitute an important advancement in the transitional justice field, and the consolidation of the rule of law in societies that have suffered traumatic past experiences. It is the task of the Peacebuilding Commission to set the path for prosperity, sustainable peace, and development.

Annotated Bibliography

III. Improving Transitional Justice Systems in Post Conflict Situations

Hayner, P. (2007). *Negotiating Peace in Liberia: Preserving the Possibility for Justice*. International Center for Transitional Justice. Retrieved on September 20, 2011, from http://ictj.org/sites/default/files/ICTJ-Liberia-Negotiating-Peace-2007-English_0.pdf
> *The International Center for Transitional Justice provides various important documents related to transitional justice. Hayner's article provides an overview of the application of different transitional justice measures in the case of Liberia. The analysis of the case study is an opportunity*

[311] Peacebuilding Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 4.

[312] Peacebuilding Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 2.

[313] Peacebuilding Commission, *Statement of mutual commitments on peacebuilding in Liberia,* 2010, p. 7.

[314] Peacebuilding Commission, *Report of the Peacebuilding Commission on its Fourth Session*, 2011, p. 18.

[315] UN News Centre, *Liberians vote on constitutional changes seen by UN as milestone in peace process*, 2011.

[316] UN News Centre, *Liberians vote on constitutional changes seen by UN as milestone in peace process*, 2011.

[317] National Elections Commission, *Liberia 2011 Presidential and Legislative Elections*, 2011.

[318] UN News Centre, *Liberia: Stressing importance of elections, Security Council extends life of UN force,* 2011.

to understand how some measures connect to others. Additionally, it presents the debate about Truth Commissions versus Criminal Tribunals. Hayner shows the dynamics of reaching a complete and holistic approach towards transitional justice.

Huyse, L. (2008). Introduction: tradition-based approaches in peacemaking, transitional justice and reconciliation policies. In: L. Huyse, M Salter. *Transitional Justice and Reconciliation after Violent Conflict, Learning from African Experiences* (1-21). Stockholm, Sweden: International Institute for Democracy and Electoral Assistance. Retrieved on August 28, 2011, from http://www.betterpeace.org/files/IDEA_Traditional_Justice_Report_2008.pdf
  This book explores the experiences of African Countries in the implementation of transitional justice measures. In the introductory chapter, Huyse explores the relation between peacebuilding and transitional justice as a way for promoting the rule of law. Among other measures, special attention is given to truth commissions, criminal courts, and the way they contribute to achieving reconciliation.

Office of the United Nations High Commissioner for Human Rights. (2008). *Rule of Law Tools for Post-Conflict State, Maximizing the Legacy of Hybrid Courts*. New York and Geneva, NY and Switzerland: United Nations. Retrieved on September 2, 2011, from http://ictj.org/sites/default/files/UNHCHR-Global-Courts-Tools-2008-English.pdf
  The Office of the UN High Commissioner for Human Rights offers this book for the better understanding of the role that hybrid courts have played in transitional processes. It primarily focuses on their legacy, i.e. the lasting effects of the efforts and achievements that hybrid courts have achieved. As part of the legacy, this book provides an extensive analysis on the importance of the promotion of human rights, the rule of law, and the development of local legislation according to international legal standards.

Samuels, K. (2006). Post-Conflict Peace-Building and Constitution-Making. *Chicago Journal of International Law.* 6 (2): 1-20. Retrieved on September 15, 2011, from http://www.odi.org.uk/events/documents/143-background-paper-kirsti-samuels-post-conflict-peace-building-constitution-making-chicago-journal-international-law.pdf
  Constitutional reforms and constitution-building processes are essential in order to promote the rule of law. Basic mechanisms such as reparations, truth seeking, and criminal prosecution cannot effectively function if the state does not have a supreme normative instrument that determines the structure of political institutions. This article explores the main issues related to the importance of constitution making and the rule of law. The information is not limited to transitional justice, but it analyzes other areas of the peacebuilding field.

Thallinger, G. (2008). The UN Peacebuilding Commission and Transitional Justice. *German Law Journal.* 8 (7): 681-710. Retrieved on August 11, 2011 from http://www.germanlawjournal.com/pdfs/Vol08No07/PDF_Vol_08_No_07_681-710_Articles_Thallinger.pdf
  This article has two important parts that are essential for the understanding of the Peacebuilding Commission's role in transitional justice. The first part consists of a general explanation of the mandate of the Peacebuilding Commission and the exposition of the general functions and responsibilities of the Commission. It analyses the concepts of justice, peacebuilding, and transitional justice. In the second part, the article provides case studies for the better understanding of the different measures adopted in Sierra Leone and Burundi.

Teitel, R. (2002). *Transitional Justice.* New York: Oxford University Press.
  This book is essential for the understanding of transitional justice. The author provides a complete and deep analysis on the role that transitional justice plays in building the rule of law and establishing sustainable peace. Among other issues, the book explores criminal justice, reparatory justice, administrative justice, and constitutional justice dimensions. Additionally, the author develops the history of international criminal law and its applicability in different international and local tribunals.

United Nations Peacebuilding Commission. Working Group on Lessons Learned. (2008). *Concept Note "Justice in Times of Transition" Chair's Summary.* Retrieved on August 10, 2011, from http://www.un.org/peace/peacebuilding/pbc-lessons.shtml
  In addition to the work done by the PBC's country specific configurations, the Peacebuilding Commission established a Working Group on Lessons Learned, which concentrates on evaluating

peacebuilding initiatives carried out by the PBC. In 2008, the group specifically addressed the issue of transitional justice, taking into consideration previous work of the United Nation and the PBC. During this meeting, the working group discussed the concept of transitional justice and developed the elements necessary for the correct implementation and success of peacebuilding operations. Special attention is given to the notion of a holistic approach to transitional justice.

United Nations Organization. (2010). *Guidance Note of the Secretary General, United Nations Approach to Transitional Justice*. Retrieved on August 8, 2011, from http://www.unrol.org/doc.aspx?d=2957
> *Following up on the PBC's Working Group on Lessons Learned meeting, and the 2004 Report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict, Secretary-General Ban Ki-moon presented this Guidance Note. This is a key document since it contains the official UN policy towards and notion of transitional justice. It additionally determines the principles under which any measure related to justice in times of transition has to be oriented. This document serves as an important guidance to every United Nations body whose mandate is related to the rule of law, peace, and post-conflict societies.*

United Nations Peace Building Commission. (2007). *Sierra Leone Peacebuilding Cooperation Framework.* Retrieved on August 3, 2011, from http://www.un.org/peace/peacebuilding/Country-Specific%20Configurations/Sierra%20Leone/SL%20Integr%20PB%20Strategy.pdf
> *In order to establish and organize the activities and measures to be taken in any country, the PBC's country-specific configurations establish a general framework for their scope of action before starting any operation. This is the case for the efforts undertaken in Sierra Leone. This document contains the different measures taken by the Sierra Leonean Government and the Peacebuilding Commission. It is a necessary tool for understanding the dynamics of transitional justice measures.*

Uprimny, R and M Saffon. (N.D.) *Transitional Justice, Restorative Justice and Reconciliation. Some Insights from the Colombian Case.* National University of Columbia. Retrieved on September 17, 2011, from http://global.wisc.edu/reconciliation/library/papers_open/saffon.pdf
> *Although this article refers to the Colombian case, it offers a rich explanation of the different approaches to transitional justice. The authors explain the main difference between restorative justice and retributive justice. The understanding of these concepts is essential in order to study the different kind of transitional justice measures. The implementation of one strategy or the other will depend on the outcome that is desired by each society. These could vary by the implementation of retributive or restorative mechanisms. Delegates should use this document as the first insight to transitional justice studies.*

Van Zyl, P. (2005). Promoting Transitional Justice in Post-Conflict Societies. In: Bryden, A, H Hängg. *Security Governance in Post-Conflict Peacebuilding* (209-233).N.A: Geneva Centre for the Democratic Control of Armed Forces. Retrieved on August 9, 2011 from http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=18889
> *Van Zyl offers a general overview of all the issues concerning peacebuilding and transitional justice. The article has a complete explanation of the concept and elements of transitional justice systems. Starters in the study of this field will find an initial approach to all the issues necessary for doing further research.*

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Rules of Procedure
Peacebuilding Commission

Introduction

1. These rules shall be the only rules which apply to the Peacebuilding Commission (hereinafter referred to as "the Commission") and shall be considered adopted by the Commission prior to its first meeting.
2. For purposes of these rules, the Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Director-General, and are collectively referred to as the "Secretariat."
3. Interpretation of the rules shall be reserved exclusively to the Director-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, "President" shall refer to the chairperson or acting chairperson of the commission.

I. SESSIONS

Rule 1 - *Dates of convening and adjournment*
The commission shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

Rule 2 - *Place of sessions*
The Commission shall meet at a location designated by the Secretary-General.

II. AGENDA

Rule 3 - *Provisional agenda*
The provisional agenda shall be drawn up by the Secretary-General and communicated to the Members of the Commission at least sixty days before the opening of the session.

Rule 4 - *Adoption of the agenda*
The agenda provided by the Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting. Items on the agenda may be amended or deleted by the Commission by a two-thirds majority of the members present and voting.

The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, —those present and voting means those delegates, including observers, in attendance at the meeting during which this motion comes to a vote.

Rule 5 - *Revision of the agenda*
During a session, the Commission may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Permission to speak on a motion to revise the agenda shall be accorded only to three representatives in favor of, and three opposed to, the revision. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Commission so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Commission decides otherwise by a two-thirds majority of the members present and voting, be considered until a committee has reported on the question concerned.

For purposes of this rule, the determination of an item of an —important and urgent character‖ is subject to the discretion of the Secretariat, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Commission to be placed on the agenda. It will, however, not be considered by the Commission until a committee has reported on the question. The votes described in this rule are substantive vote, and, as such, observers are not permitted to cast a vote. For purposes of this rule, —the members present and voting ― means members (not including observers) in attendance at the session during which this motion comes to vote.

Rule 6 - Explanatory memorandum
Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

III. SECRETARIAT

Rule 7 - Duties of the Secretary-General

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Commission.

2. The Secretary-General shall provide and direct the staff required by the Commission and be responsible for all the arrangements that may be necessary for its meetings.

Rule 8 - Duties of the Secretariat
The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Commission, and shall distribute documents of the Commission to the Members, and generally perform all other work which the Commission may require.

Rule 9 - Statements by the Secretariat
The Secretary-General, or her/his representative, may make oral as well as written statements to the Commission concerning any question under consideration.

Rule 10 - Selection of the President
The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Commission for the duration of the session, unless otherwise decided by the Secretary-General.

Rule 11 - Replacement of the President
If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

IV. LANGUAGE

Rule 12 - Official and working language
English shall be the official and working language of the Commission.

Rule 13 - Interpretation (oral) or translation (written)
Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.

V. CONDUCT OF BUSINESS

Rule 14 – Quorum
The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Commission are present. The presence of representatives of a majority of the members of the Commission shall be required for any decision to be taken.

For purposes of this rule, members of the Commission means the total number of members (not including observers) in attendance at the first night's meeting.

Rule 15 - General powers of the President
In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules,

shall have complete control of the proceedings of the Commission and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference. For purposes of this rule, the President's power to —propose to the Commission entails her/his power to —entertain‖ motions, and not to move the body on his or her own motion.

Rule 16
The President, in the exercise of her or his functions, remains under the authority of the Commission.

Rule 17 - Points of order
During the discussion of any matter, a representative may rise to a point of order, which shall be decided immediately by the President. Any appeal of the decision of the President shall be immediately put to a vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

Such points of order should not under any circumstances interrupt the speech of a fellow representative. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, —the members present and voting‖ mean those members (not including observers) in attendance at the meeting during which this motion comes to vote.

Rule 18
A representative may not, in rising to a point of order, speak on the substance of the matter under discussion.

Rule 19 - Speeches

1. No one may address the Commission without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the question before the Commission, and the President may call a speaker to order if her/his remarks are not relevant to the subject under discussion.
3. The Commission may limit the time allowed to speakers and all representatives may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives favoring and two opposing such limits, after which the motion shall be put to the vote immediately. When debate is limited and a speaker exceeds the allotted time, the President shall call her or him to order without delay.

In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, if the President determines that the Commission in large part does not want to deviate from the limits to the speaker's time as it is then set, and that any additional motions will not be well received by the body, the President, in her/his discretion, and on the advice and consent of the Secretariat, may rule as dilatory any additional motions to change the limits of the speaker's time.

Rule 20 - Closing of list of speakers
Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate the President may announce the list of speakers and, with the consent of the Commission, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Commission.

The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Commission. A motion to close the speakers' list is within the purview of the Commission and the President should not act on her/his own motion.

Rule 21 - Right of reply
If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

For purposes of this rule, a remark that impugns the integrity of a representative's State‖ is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Commission by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.

Rule 22 - Suspension of the meeting
During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

Rule 23 - Adjournment of the meeting
During the discussion of any matter, a representative may move the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Commission shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Commission's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Commission.

Rule 24 - Adjournment of debate
A representative may at any time move the adjournment of debate on the topic under discussion. Permission to speak on the motion shall be accorded to two representatives favoring and two opposing adjournment, after which the motion shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. If a motion for adjournment passes, the topic is considered dismissed and no action will be taken on it.

Rule 25 - Closure of debate
A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Commission favors the closure of debate, the Commission shall immediately move to vote on all proposals introduced under that agenda item.

Rule 26 - Order of motions
Subject to rule 23, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:
  a) To suspend the meeting;
  b) To adjourn the meeting;
  c) To adjourn the debate on the item under discussion;
  d) To close the debate on the item under discussion.

Rule 27 - Proposals and amendments
Proposals and substantive amendments shall normally be submitted in writing to the Secretariat, with the names of twenty percent of the members of the Commission would like the Commission to consider the proposal or amendment. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Commission unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote

shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Commission for all purposes, including subsequent amendments.

For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Commission by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft report segment. After approval of a working paper, the proposal becomes a draft report segment and will be copied by the Secretariat for distribution to the Commission. These draft report segments are the collective property of the Commission and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.

Rule 28 - Withdrawal of motions
A proposal or a motion may be withdrawn by its sponsor at any time before voting has commenced, provided that it has not been amended. A motion thus withdrawn may be reintroduced by any representative.

Rule 29 - Reconsideration of a topic
When a topic has been adjourned, it may not be reconsidered at the same session unless the Commission, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

For purposes of this rule, those present and voting‖ means those representatives, including observers, in attendance at the meeting during which this motion is voted upon by the body.

VI. VOTING

Rule 30 - Voting rights
Each member of the Commission shall have one vote.

This rule applies to substantive voting on amendments, draft report segments, and portions of draft report segments divided out by motion. As such, all references to member(s) do not include observers, who are not permitted to cast votes on substantive matters.

Rule 31 - Request for a vote
A proposal or motion before the Commission for decision shall be voted upon if any member so requests. Where no member requests a vote, the Commission may adopt proposals or motions without a vote.

For purposes of this rule, proposal means any draft report segment, an amendment thereto, or a portion of a draft report segment divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.

Rule 32 - Majority required
1. Unless specified otherwise in these rules, decisions of the Commission shall be made by the majority of those members present and voting.
2. For the purpose of tabulation, the phrase "members present and voting" means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

All members declaring their representative States as "present and voting" during the attendance role call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.

Rule 33 - Method of voting
1. The Commission shall normally vote by a show of placards, except that a representative may request a roll

call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each present member shall be called in any roll call, and one of its representatives shall reply "yes," "no," "abstention," or "pass."

Only those members who designate themselves as present or present and voting during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying pass, must, on the second time through, respond with either yes or no. A pass cannot be followed by a second pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.

2. When the Commission votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Commission shall dispense with the procedure of calling out the names of the members.

3. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

Rule 34 - Explanations of vote
Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.

Rule 35 - Conduct during voting
After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

Rule 36 - Division of proposals and amendments
Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are involved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

For purposes of this rule, most radical division‖ means the division that will remove the greatest substance from the draft report segment, but not necessarily the one that will remove the most words or clauses. The determination of which division is most radical‖ is subject to the discretion of the Secretariat, and any such determination is final.

Rule 37 - Amendments
An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect perambulatory clauses.

Rule 38 - Order of voting on amendments
When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment,

the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

For purposes of this rule, furthest removed in substance means the amendment that will have the most significant impact on the draft report segment. The determination of which amendment is furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.

Rule 39 - Order of voting on proposals
If two or more proposals, other than amendments, relate to the same question, they shall, unless the Commission decides otherwise, be voted on in the order in which they were submitted.

Rule 40 - The President shall not vote
The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

VII. CREDENTIALS

Rule 41 - Credentials
The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

Rule 42
The Commission shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

VII. PARTICIPATION OF NON-MEMBERS OF THE COMMISSION

Rule 43 - Participation of non-Member States
1. The Commission shall invite any Member of the United Nations that is not a member of the Commission and any other State, to participate in its deliberations on any matter of particular concern to that State.
2. A committee or sessional body of the Commission shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State.
3. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

If the Commission considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation again. Delegates invited to the Commission according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Commission is no longer required.

Rule 45 - Participation of national liberation movements
The Commission may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

Rule 46 - Participation of and consultation with specialized agencies
In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Commission and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Commission or of the subsidiary organ concerned.

Rule 47 - Participation of non-governmental organization and intergovernmental organizations
Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the General Assembly and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Commission on the recommendation of the Bureau, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Commission on questions within the scope of the activities of the organizations.