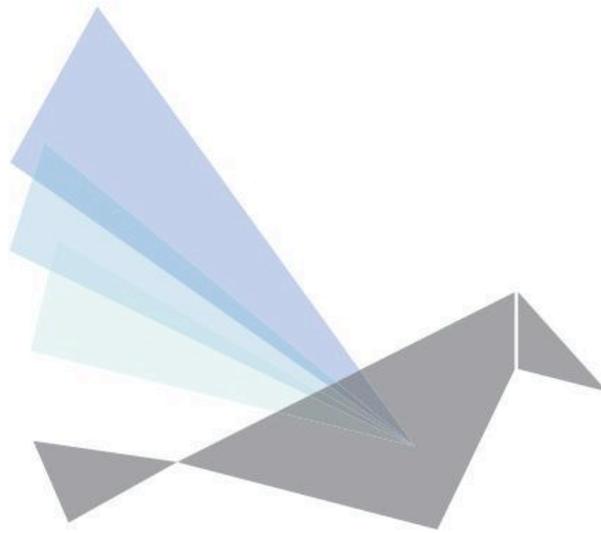


# Department of Peace & Security



HOPE  
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## National Model United Nations Marriott Venue

April 3 – April 7, 2012



These summary documents offer an impression of the variety of resolutions and reports approved by delegates at NMUN-NY 2012. Thank you for all your hard work!

- The NMUN Secretariat

Please note: If you do not see a particular document, please keep in mind:

1. There are two venues (Sheraton and Marriott); be sure you are looking at the documents for the venue you attended.
2. Codes used once adopted in committee may be different than the draft resolution codes.
3. Only documents adopted in committee are presented.

# Conference on the Arms Trade Treaty

## Committee Staff

Director	Sonia Patel
Assistant Director	Thecla Prentiss
Chair	James Nelson
Rapporteur	Elena Leonhardt
Rapporteur	Jenna Beigel

## Agenda

1. Scope
2. Parameters/Criteria
3. International Cooperation and Assistance
4. Victim's Assistance
5. Implementation
6. Verification
7. Final Provisions

## Draft Treaty Segments adopted by the committee

<b>Document Code</b>	<b>Topic</b>	<b>Vote (Y/ N/ Abstention/ Non-Voting)</b>
ATT/DTS/1/1	Scope	120/13/12/5
ATT/DTS/2/1	Parameters/Criteria	87/25/30/8
ATT/DTS/3/1	International Cooperation and Assistance	125/0/12/13
ATT/DTS/4/1	Victim's Assistance	89/30/27/4
ATT/DTS/5/2	Implementation	71/32/44/3
ATT/DTS/6/2	Verification	115/12/23/0
ATT/DTS/7/1	Final Provisions	135/2/13/0

## Summary Report

The Conference on the Arms Trade Treaty (CATT) met for the first time on Tuesday, April 3, 2012 at 8:00 pm. The CATT is a treaty-writing committee in which all topics are discussed at once; therefore no agenda-setting was necessary. The seven topics on the agenda were: Scope, Parameters / Criteria, International Cooperation and Assistance, Victims' Assistance, Implementation, Verification, and Final Provisions. Because all segments were discussed simultaneously, negotiations and working paper-writing started immediately. For formal caucus, the speaker's time was set at ninety seconds. The session ended at 10:00 pm.

On Wednesday, April 4, 2012 at 2:00 pm, discussion on all segments continued. In the evening session, seven working papers were submitted: A1 and A2 for Scope, B1 for Parameters/Criteria, C1 for International Cooperation and Assistance, D1 for Victims' Assistance, E1 for Implementation, and F1 for Verification. Later in the evening the speaker's time was reduced from ninety to sixty seconds by vote of the body to increase efficiency in the body. The session ended at 10:00 pm.

On Thursday, April 5, 2012 fourteen additional drafts were submitted in the morning. A3 for Scope, B2 for Parameters / Criteria, C2, C3, and C4 for International Cooperation / Assistance, D2, D3, D4 for Victims' Assistance, E2 and E3 for Implementation, F2 and F3 for Verification, and G1 and G2 for Final Provisions, but A2 and C2 were later withdrawn. In the afternoon and evening sessions, the delegations made revisions and began merging papers. A1 and A3 were merged to one paper, A13, for Scope, all remaining C papers for International Cooperation / Assistance merged into C134, and D2 and D4 were also synchronized into D24. In the evening working paper A13 became ATT/DTS/1/1 and three amendments were proposed, but none were proposed for C134 which became ATT/DTS/3/1, nor for B1 which became ATT/DTS/2/1. The 102 sponsors and signatories signed onto this draft showed the dedication of the body to reach consensus. Despite the hard work during informal sessions, the committee was able to hear 116 speakers throughout the day. Before session ended at 10:00 pm, a motion to close the speakers' list failed by a slim majority.

On April 6, 2012, the body met at 8:30 am and worked diligently on merging and completing the remaining working papers. In the morning, working paper B2 became ATT/DTS/2/2, E1 became ATT/DTS/5/1, and F2 ATT/DTS/6/1. Near the end of the session, seven more working papers were accepted as Draft Treaty Segments: 4/1, 4/2, 4/3, 5/2, 5/3, 6/2, 7/1. Two amendments were submitted for ATT/DTS/1/1. One amendment was also submitted for ATT/DTS/2/1, and three amendments were submitted for ATT/DTS/3/1. That afternoon, all Draft Treaty Segments were put up to a vote. For ATT/DTS/1/1, one friendly and one unfriendly amendment passed; afterwards, the segment became ATT/TS/1/1. The body went through all other segments. It passed ATT/DTS/2/1 with one unfriendly amendment into ATT/TS/2/1. ATT/DTS/3/1 passed with one unfriendly amendment into ATT/TS/3/1. ATT/DTS/4/1, ATT/DTS/5/2, ATT/DTS/6/2, ATT/DTS/7/1 passed into ATT/TS/4/1, ATT/TS/5/1, ATT/TS/6/1, and ATT/TS/7/1. With the vote complete, within the committee, the treaty is ready to be voted upon by the General Assembly.

Committee: Conference on the Arms Trade Treaty

1 *The States Parties to this Treaty,*

2  
3 *Recognizing* the legitimate political, security, economic, and commercial interests of states in the  
4 import, export, and transfer of conventional arms and related items;

5  
6 *Recognizing* that the absence of commonly agreed international standards for the transfer of  
7 conventional arms and their diversion to the illicit market are contributory factors to armed  
8 conflict, serious violations of international human rights and international humanitarian law,  
9 gender-based violence, the displacement of people, transnational organized crime, terrorism, and  
10 the illicit trade in narcotics, thereby undermining peace, reconciliation, safety, security, stability,  
11 and sustainable social and economic development;

12  
13 *Mindful* of the need to prevent the diversion of conventional arms from the legal into the illicit  
14 market;

15  
16 *Recognizing* the need to prevent, combat, and eradicate the irresponsible and illicit trade of  
17 conventional arms and related items, and the responsibility of all states to effectively regulate  
18 and control the import, export, and transfer of conventional arms and related items;

19  
20 *Recognizing* that existing national, regional, and sub-regional best practices on the import,  
21 export, and transfer of conventional arms can play an important role in furthering the goals and  
22 objectives of an Arms Trade Treaty;

23  
24 *Recognizing* the sovereign right of states to determine any regulation of internal transfers of arms  
25 and national ownership exclusively within their territory, including through national  
26 constitutional protections on private ownership;

27  
28 *Recognizing* that states may adopt more restrictive measures than those provided in the Arms  
29 Trade Treaty;

30  
31 *Guided by* the purposes and principles enshrined in the Charter of the United Nations, and  
32 reaffirming state parties' respect for and commitment to international law;

33  
34 *Reaffirming* the inherent right of all states to individual or collective self-defense in accordance  
35 with Article 51 of the United Nations Charter;

36  
37 *Recalling* the commitment and right of all states to mutual political independence, sovereign  
38 equality, and territorial integrity, and acknowledging that peace and security, development, and  
39 human rights are the foundations for collective security;

40  
41 *Reaffirming* the right of self-determination of all peoples, taking into account the particular  
42 situation of peoples under colonial or other forms of alien domination or foreign occupation, and  
43 recognizing the rights of peoples to take legitimate action in accordance with the Charter of the  
44 United Nations to realize their inalienable right of self-determination;

45  
46 *Acknowledging* the right of all states to manufacture, develop, acquire, import, export, transfer,  
47 and retain conventional arms and related items and capabilities for self-defense and security  
48 needs and in order to participate in peacekeeping operations in accordance with the United  
49 Nations Charter, which does not create any obligation for states to do so and which must be  
50 exercised in accordance with international law;

51  
52 *Reiterating* the general prohibition against the use of force and threat of use of force and the  
53 principles of the peaceful settlement of disputes and non-interference in the internal affairs of  
54 states, as embodied by Article 2 of the United Nations Charter;

55  
56 *Recalling* the obligations of all states to comply with United Nations Security Council decisions,  
57 in particular arms embargoes and sanctions;

58  
59 *Recognizing* that disarmament, non-proliferation, and arms control are essential for the  
60 maintenance of international peace and security;

61  
62 *Recognizing* that the control and regulation of the import, export, and transfer of conventional  
63 arms and related items are without prejudice to the priorities accorded to nuclear disarmament  
64 and weapons of mass destruction and conventional disarmament;

65  
66 *Reaffirming* their rights and obligations under international law, including international human  
67 rights law and international humanitarian law;

68  
69 *Have agreed as follows:*

70  
71 Article 1: Scope

72  
73 The following items to be included for regulation under the treaty.

- 74  
75 1. For the purpose of this Treaty, all conventional weapons included in subsection (a) shall  
76 include any items which fall within the following categories as outlined in the 7  
77 subsections of the UN Register for Conventional Arms:  
78  
79 a. Battle Tanks: Tracked or wheeled self-propelled armored fighting vehicles with high  
80 cross-country mobility and a high-level of self-protection, weighing at least 16.5  
81 metric tons unladen weight, with a high muzzle velocity direct fire main gun of at  
82 least 75 millimeters caliber.  
83  
84 b. Armored Combat Vehicles: Tracked, semi-tracked or wheeled self-propelled vehicles,  
85 with armored protection and cross-country capability, either: (a) designed and  
86 equipped to transport a squad of four or more infantrymen, or (b) armed with an  
87 integral or organic weapon of at least 12.5 caliber or a missile launcher.  
88  
89 c. Large-caliber artillery systems: Guns, howitzers, artillery pieces, combining the  
90 characteristics of a gun or a howitzer, mortars or multiple-launch rocket systems,

91 capable of engaging surface targets by delivering primarily indirect fire, with a  
92 caliber of 75 millimeters and above.

- 93
- 94 d. Combat aircraft: Fixed-wing or variable-geometry wing aircraft designed, equipped  
95 or modified to engage targets by employing guided missiles, unguided rockets,  
96 bombs, guns, cannons or other weapons of destruction, including versions of these  
97 aircraft which perform specialized electronic warfare, suppression of air defense or  
98 reconnaissance missions. The term "combat aircraft" does not include primary trainer  
99 aircraft, unless designed, equipped or modified as described above.
- 100
- 101 e. Attack helicopters: Rotary-wing aircraft designed, equipped or modified to engage  
102 targets by employing guided or unguided anti-air, air-to-surface, air-to-  
103 subsurface, or air-to-air weapons and equipped with an integrated fire control and  
104 aiming system for these weapons, including versions of these aircraft which perform  
105 specialized reconnaissance or electronic warfare missions.
- 106
- 107 f. Warships: Vessels or submarines armed and equipped for military use with a standard  
108 displacement of 500 metric tons or above, and those with a standard displacement of  
109 less than 500 metric tons, equipped for launching missiles with a range of at least 25  
110 kilometers or torpedoes with similar range:
- 111
- 112 i. Missiles and missile launchers: (a) Guided or unguided rockets, ballistic or  
113 cruise missiles capable of delivering a warhead or weapon of destruction to a  
114 range of at least 25 kilometers, and means designed or modified specifically  
115 for launching such missiles or rockets, if not covered by categories I through  
116 VI. For the purpose of the Register, this sub-category includes remotely  
117 piloted vehicles with the characteristics for missiles as defined above but does  
118 not include ground-to-air missiles. However, ground-to-air missiles are  
119 included in Article I, Section 1, L. (b) Man-Portable Air-Defense Systems  
120 (MANPADS).
- 121
- 122 g. For the purposes of this Treaty, the term "Small Arms" shall refer to:
- 123
- 124 i. Weapons that are designed for use by an individual, such as revolvers, self-  
125 loading pistols, rifles, carbines, sub-machine guns, assault rifles, and light  
126 machine guns.
- 127
- 128 ii. For the purposes of this Treaty Small Arms shall not include Antique weapons  
129 produced before 1899.
- 130
- 131 h. For the purposes of this document, the term "Light Weapons" shall refer to the:
- 132
- 133 i. Weapons designed for use by a group of two to three persons, such as heavy  
134 machine guns, hand-held under-barrel and mounted grenade launchers,  
135 portable anti-aircraft guns, portable anti-tank guns, recoilless rifles, portable  
136 grenade launchers of anti-tank missiles and rocket systems, portable launchers

137 of anti-aircraft missile systems, and mortars of a caliber of less than 100  
138 millimeters.  
139

140 i. For the purposes of this Treaty, the technological weapons shall include:  
141

142 i. All armaments designed to destroy or impede technological infrastructures or  
143 technological abilities,  
144

145 ii. Regulated, reported, and monitored through an individual armament method  
146 pertaining to detailed information upon the function, use, identification, and  
147 quantity of the weapon(s), with further adherence and compliance to the  
148 standards set forth by the Arms Trade Treaty,  
149

150 j. Dual-use goods:  
151 i. Armaments that have explicit internal and external security use capabilities  
152 and potentials in which fall under the privy of subsections (a) – (j) of Article  
153 one of the Arms Trade Treaty,  
154

155 ii. Regulated, reported, and monitored through an individual armament method  
156 pertaining to detailed information upon the function, use, identification, and  
157 quantity of the weapon(s), with further adherence and compliance to the  
158 standards set forth by the Arms Trade Treaty,  
159

160 k. Ammunition, building upon the definition in the Nairobi Protocol namely, “the  
161 complete round or its components, including cartridge cases, primers, propellant  
162 powder, bullets or projectiles, that are used in a small arm or light weapon, provided  
163 that those components are themselves subject to authorization” in addition to the  
164 necessary ammunition for Article 1.1 a-f of this Treaty.  
165

166 l. Munitions, specifically all ammunition products. This includes confined gaseous,  
167 liquid, and solid propellants, explosives, pyrotechnics, smokes and incendiaries, bulk  
168 explosives, rockets, guided and ballistic missiles, ground-to-air missiles, bombs,  
169 warheads, mortar rounds, grenades, mines, torpedoes, depth charges, cluster  
170 munitions, dispensers, demolition charges, and devices and components thereof. This  
171 list does not include protective equipment such as shield, helmets, face shields/masks,  
172 and Kevlar or other protective body armor.  
173

174 m. Parts and components and the electronic systems used for the direct manufacturing of  
175 weapons listed in Article 1:  
176

177 i. Specifically for the explicit purpose of manufacturing or producing weapons  
178 or critical parts of weapons included in the treaty.  
179

180 ii. Critical components of weapons included in the treaty, which are those  
181 without which no weapon can fire. This includes trigger mechanisms, firing  
182 pins, barrels, and cartridges.

- 183  
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- iii. Weapons grade technologies, specifically those items produced to meet the standards of military use. Such items include computers, other electronic devices, lasers, etc:
    - 1. Global Positioning Systems (GPSs) manufactured specifically for weapons and weapons grade systems included in the treaty such as missile systems.

192 Article 2: Activities

193  
194 1. Activities covered by this Treaty include:

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228
- a. Brokering, defined as arranging the movement or transaction of items listed in Article 1 across borders of states parties between 2 or more parties.
  - b. Transfer, defined as any weapon outlined in Article 1 crossing borders of states parties beginning from the time of manufacturing to the appropriate end-user authorized by the national authority:
    - i. Import defined as the transfer of items under Article 1 into internationally agreed-upon borders of States' parties as the designated end-user.
    - ii. Export defined as the transfer of items included in Article 1 out of a border of states parties with the destination of an intended end-user.
    - iii. Re-export defined as the movement of items from the original intended end-user to a new end-user.
    - iv. Trade with Non-State Actors defined as the activity of trading arms with actors without recognition as a nation State by the international community.
    - v. Transit defined as the status of a shipment in movement between the exporting state and the intended end-user state.
    - vi. Trans-shipment, defined as the process by which items are transferred through one or more states not identified as the intended end-user or the original exporter.
    - vii. Leases, gifts, and loans specifically for the purpose of producing or acquiring conventional weapons included in the treaty.
    - viii. Technology transfer, defined as the transfer of those technologies that are used solely in the manufacturing and maintenance of the conventional weapons outlined in Article 1, respecting a State Party's right to sovereignty.

229 c. Manufacture under foreign license defined as the manufacture of conventional  
230 weapons as listed in Article 1 to be transferred into another State party's border from  
231 a State not party to this Treaty, understanding that manufacturing is included within  
232 the definition of transfer in Article 2.

233  
234 d. Tracing, as defined in the Nairobi Protocol, as the systematic tracking of small arms  
235 and light weapons, from manufacturer to purchaser, for the purpose of assisting the  
236 competent authorities of State Parties in detecting, investigating and analyzing illicit  
237 manufacturing and illicit trafficking.

238  
239 2. States Parties to this Treaty are invited to report on a voluntary basis the financial  
240 transactions covered by Article 1 and 2.

241  
242 Article 3: Criteria

243  
244 1. The inherent right to individual and collective self-defense by states, as defined in  
245 Chapter VII, Article 51 of the Charter of the United Nations is reaffirmed. All states have  
246 the right to protect their sovereign territory as well as the citizens therein from  
247 infringement and abuse.

248  
249 2. States Parties shall authorize all international transfers of arms as defined by the scope,  
250 and carried out in accordance with states' obligations under relevant international laws,  
251 which include but are not limited to:

252 a. Existing and future United Nations (UN) Charter obligations.

253 b. Existing and future sanctions adopted by the UN Security Council.

254 c. Existing and future arms trade embargos enacted by the UN Security Council.

255 d. The Geneva Conventions and their Additional Protocols:

256 i. Geneva Protocol I Relating to the Protection of Victims of International  
257 Armed Conflicts.

258 ii. Geneva Protocol II Relating to the Protection of Victims of Non-  
259 International Armed Conflicts.

260 iii. Geneva Protocol III Relating to the Adoption of an Additional Distinctive  
261 Emblem.

262 e. UN Convention on the Prevention and Punishment of the Crime of Genocide.

263  
264 3. States must not transfer arms in situations where the transfer would violate existing  
265 prohibitions on the manufacture, possession, use and transfer of arms, including:  
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- 275 a. Customary laws prohibiting the threat or use of force in international relations.  
276  
277 b. Prohibitions on the intervention in the domestic affairs of another state.  
278  
279 c. Any relevant treaty, bilateral agreement, or regional agreement to which a state is  
280 bound.  
281
- 282 4. States Parties shall not distribute, participate in the distribution of, or grant export  
283 licenses of arms if there is an apparent risk that the state of final destination will use the  
284 arms in a manner contradictory to international laws. States Parties shall deny the transfer  
285 of arms based on the following:  
286
- 287 a. The existence of solid and credible evidence of illegal aggression against another  
288 state or attempted forceful violation of territorial integrity.  
289
- 290 b. The likelihood of the arms being used for reasons other than for a state's  
291 legitimate national security. These include but are not limited to:  
292
- 293 i. The facilitation of terrorist activities.  
294
- 295 ii. The facilitation of large-scale violent and/or organized crime, including  
296 transnational crimes.  
297
- 298 iii. The provocation of armed conflicts and aggravation of existing tensions or  
299 conflicts in the country of final destination.  
300
- 301 5. State Parties to the Treaty agree to refrain from engaging in the previously specified arms  
302 transactions with the following non-state actors:  
303
- 304 a. Terrorist Groups, as defined in Security Council Resolution 1624 as, "groups  
305 where there is credible and relevant information giving serious reasons for  
306 considering that they have been guilty of such conduct".  
307
- 308 b. Groups engaging in transnational organized crime as defined by the United  
309 Nations Convention on Transnational Organized Crime.  
310
- 311 c. Rebel Groups, defined in this treaty as violent groups operating outside the  
312 jurisdiction or approval of sovereign states.  
313
- 314 d. Separatist Groups, defined in this treaty as a group with the stated goal of the  
315 violation of territorial integrity by violent means.  
316
- 317 6. States Parties agree to promote a higher level of transparency in the treaty by:  
318

- 319 a. Not engaging in trade of arms in accordance to the scope with other States Parties  
320 who refuse to disclose reports on their international trade of arms as outlined in  
321 the section on implementation and verification.  
322
- 323 b. Trading arms only in combination with end-user certificates. States Parties agree  
324 to use end-user certificates in an effort to increase the transparency of the arms  
325 trade and to avoid diversion of arms into the illicit market.  
326

327 Article 4: International Cooperation  
328

329 1. States Parties shall encourage and facilitate international cooperation, including the exchange  
330 of information, on a bilateral and multilateral basis, regarding the implementation and  
331 application of this Treaty.  
332

333 2. To facilitate cooperation and information exchange, States Parties shall cooperate through  
334 national points of contact established under the United Nations Office on Disarmament Affairs  
335 (UNODA) to work in collaboration with States Parties, which shall, inter alia, act as the liaison  
336 for sharing of reports and best practices between the State Parties, on all matters related to the  
337 implementation of this Treaty.  
338

339 3. States Parties shall enhance the effectiveness of legal and administrative systems through the  
340 sharing of States Parties legislative procedures, to improve cooperation and implement the  
341 provisions of the treaty, enabled by international, regional, sub-regional, and bilateral discussion  
342 and cooperation.  
343

344 Article 5: International Assistance:  
345

346 1. Each State Party, in fulfilling its obligations under this Treaty, upon entry into force as stated  
347 in the final provisions of the Treaty, may provide or receive assistance through cooperation  
348 between, international, regional, and national organizations. States Parties may provide  
349 assistance, on a voluntary basis, necessary to implement the provisions of this treaty within  
350 States unable to implement the Treaty's obligations, by considering the following measures:  
351

352 a. Through the exchange of information and knowledge on the best practices used  
353 concerning legislative, legal, and administrative aspects of this Treaty in order to ensure  
354 its effective and efficient implementation.  
355

356 b. States Parties may, consistent with their legal and administrative systems, exchange  
357 relevant information and sharing of best practices on the transfer criteria espoused in  
358 Article 2.  
359

360 2. International assistance should be provided to States Parties, in a position to do so, through  
361 financial, technical, and legislative assistance, such as:  
362

363 a. Workshops related to the sharing of best practices and training of government officials  
364 and personnel, established by all relevant international, regional, sub-regional, bilateral,

365 and national organizations, to fully develop the necessary legal provisions required to  
366 implement the provisions of the treaty through:

367  
368 i. Training on the development of national arms legislation to better implement  
369 the necessary provisions of the treaty.

370  
371 ii. Sharing of best practices of existing and future advancements on intelligence  
372 between all relevant international, regional, sub-regional, and bilateral sources  
373 related to the necessary developments of the provisions of the treaty.

374  
375 iii. To fully implement the treaty through the exchange of information between  
376 the highest competent authorities at the international, regional, sub-regional, and  
377 bilateral levels to establish the distribution of necessary knowledge on the  
378 maintenance and development of competent national personnel as States Parties  
379 see fit.

380  
381 iv. Provide sharing of best practices related to stockpile management strategies  
382 from all relevant international, regional, sub-regional, and bilateral organizations  
383 and States Parties to fully implement the provisions of the treaty.

384  
385 b. The voluntary distribution, by States Parties willing and able to do so, of necessary  
386 technical equipment to assist in record keeping and report sharing, under the provisions  
387 of the treaty in order to increase transparency in the implementation and verification of  
388 the treaty.

389  
390 c. Coordination and collaboration between all relevant Non-Governmental Organizations  
391 (NGOs) and States Parties to share best practices on strategies related to the  
392 implementation of the treaty provisions to assist States Parties in the maintenance of  
393 territorial integrity, training of the highest competent authorities, and collaborate to  
394 encourage transparency, peacekeeping, security, and development.

395  
396 d. In order to maintain States Parties territorial integrity, all States Parties in a position to  
397 do so, shall provide financial, logistical, and technical assistance to each willing State  
398 Party highest competent law enforcement officials in an effort to encourage development  
399 and capacity building to better implement the provisions of the treaty.

400  
401 e. The necessary materials and equipment to detect any mechanisms that impede the  
402 implementation of the provisions of the treaty, to maintain States Parties territorial  
403 integrity through voluntary contributions by all willing and able States Parties to those  
404 States Parties in need, upon their request, in a rapid and transparent manner under the  
405 supervision of the UNODA.

406  
407 3. To encourage cooperation among States Parties in collaboration with the Implementation  
408 Support Unit, assistance through all relevant international, regional, sub-regional, and bilateral  
409 organizations to all willing States Parties through a standardized reporting template in order to

410 accurately and effectively support States Parties efforts in submitting reports to better implement  
411 the provisions of the treaty.

412  
413 4. States Parties are encouraged to prioritize assistance to those States Parties that are not able to  
414 fulfill the provisions of this Treaty in multiple consecutive years, despite best efforts to do so  
415 within their capacities.

416  
417 5. States Parties without the adequate resources, that are not recipients of assistance to fully  
418 implement the provisions of the treaty, shall not be subject to penalty as a result of non-  
419 compliance due to the lack of adequate resources.

420  
421 Article 6: Victims' Assistance

- 422  
423 1. Victims of armed conflict are defined as:
- 424 a. All men, women, and children suffering from international armed conflict,  
425 whether physically, psychologically, or through economic loss.
  - 426 b. In particular those suffering from gender-based violence.
- 427  
428 2. Victims' assistance is voluntary in accordance with existing international law and  
429 international humanitarian law and includes, but is not limited to, public awareness and  
430 education programs, capacity building systems, financial aid, socioeconomic  
431 reintegration of victims, and psychological rehabilitation.
- 432 a. Using the Nairobi Protocol as an example, public awareness and education  
433 programs will be the responsibility of regional, national and international  
434 institutions that will provide public information on small arms control.
  - 435 i. The Human Rights Council (HRC) shall work toward creating public  
436 awareness of those affected.
  - 437 ii. Public awareness campaigns will also help to facilitate the surrender and  
438 destruction of Small Arms and Light Weapons (SALWs).
  - 439 iii. Cooperation within the already existing United Nations (UN) bodies is  
440 enhanced, including the World Health Organization's (WHO) Department  
441 on Violence and Injury Prevention, and the United Nations Development  
442 Programme's (UNDP's) Bureau for Crisis Prevention and Recovery  
443 (BCPR) created by the Armed Violence Prevention Programme (AVPP).
  - 444 iv. Examples of public awareness outlets include, but are not limited to, the  
445 following: radio, newspapers, TV, social media, Internet, posters, and  
446 theatre.
  - 447 v. Logistics for such public awareness and education programs will be  
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455

456 monitored and advanced by recognized UN Non-Governmental  
457 Organizations (NGOs), national aid agencies, Human Rights Council for  
458 disabled people, and Inter-Governmental Organizations (IGOs), while  
459 supported by States Parties:

460 a. A one-time panel of voluntary experts in conjunction with the HRC  
461 will establish suggested universal criteria for public education and  
462 awareness programs.  
463

464 b. Financial aid can be used for sheltering displaced persons, health services, and food  
465 provisions.  
466

467 c. Capacity building systems include communication facilitating programs,  
468 transportation systems, and staff.  
469

470 d. Socioeconomic reintegration includes education programs, job training, and language  
471 training.  
472

473 e. Psychological rehabilitation comprises psychological support, and counseling  
474 services.  
475

476 3. Implementation Support Unit (ISU) will create a comprehensive contact list for UN  
477 recognized NGOs.  
478

479 4. Each State Party is encouraged to accept assistance for any and all victims of armed  
480 conflict within their jurisdiction, thereby recognizing victims' rights while maintaining  
481 national sovereignty.  
482

#### 483 Article 7: State Responsibilities 484

485 1. All Member States which enter into this Treaty shall endeavor to implement appropriate  
486 domestic legislation, which shall regulate the licensing of international arms transactions so that  
487 the above provisions in Parameters and Criteria are respected. Implementation of the treaty will  
488 primarily take place at the national level.  
489

490 a. Licensing Standards. All arms transactions falling under the jurisdiction of this  
491 treaty must be licensed by the participating state party.  
492

493 i. The state is required to follow the Parameters and Criteria of this Treaty when  
494 considering the granting of a license, and should deny a license if the destination  
495 state is in contravention to the responsibilities to uphold international law and  
496 international humanitarian law.  
497

498 ii. Arms transaction licenses shall be required to contain both an end-use and end-  
499 user agreement, which shall contain verifiable information on the end-location of  
500 transfer of the arms transaction as well as the end-use intention of the transaction.  
501

502  
503           iii. Marking and tracking of all items to be included in the scope.  
504

505           iv. The purpose of this treaty is not to restrict the legal domestic ownership of  
506 arms. However, this clause shall not prohibit Member States from enacting  
507 legislation affecting the domestic sale and transfer of arms within a Member  
508 State. Licensing of ownership or transfer of conventional arms at the domestic  
509 level is a prerogative reserved for individual Member States.  
510

511           b. Enforcement Standards. All states must enforce customs regulations along their  
512 sovereign borders, along appropriate entry and exit checkpoints into the nation, as  
513 sea ports and airports which receive international traffic, and shall furthermore  
514 enforce the requirement for a license in order to export or import arms specified  
515 within the scope of this Treaty.  
516

517           i. This Treaty shall only require that participating states constitute a customs  
518 program regulating an exchange or persons and items between the territory of one  
519 sovereign state with another, as well an exchange or persons and items which  
520 enters or departs from an international zone—such as international waters,  
521 international airspace, and space both within and beyond geocentric orbit.  
522

523           ii. The personnel enforcing the customs program must be reasonably equipped  
524 with appropriate detection equipment, as well as measures designed to detain and  
525 disarm violating individuals who attempt to transfer arms illicitly across borders  
526 without prior appropriate licensing.  
527

528           c. Appropriate Standards and Penalties against and Contravention, as well as  
529 Penalties against Negligence or Corruption by Enforcement Officials.  
530

531           i. States shall establish reasonable and appropriate penalties at the national level  
532 aimed at prosecuting illicit traffickers. State parties have discretion in defining the  
533 best national standards for penalizing transgressions, provided that such standards  
534 are consistent with the principles of Human Rights, which this document  
535 embodies.  
536

537           ii. States shall take all reasonable and appropriate measures to combat domestic  
538 corruption, which can impede international laws, international humanitarian  
539 rights, and relevant treaties.  
540  
541

542 Article 8: The Implementation Support Unit (ISU)  
543

544           1. The purpose of the ISU will be to provide implementation and application support for  
545 state parties. The ISU will be created under and overseen by the UNODA. The body will  
546 include a diverse representation of different regions, with selected representatives who  
547 serve for a period of five years. The number of ISU representatives and staff will change

548 to meet the needs of the treaty and its state parties. The ISU will be responsible for the  
549 following actions:

- 550
- 551 a. International cooperation administration, which will partner state donations with  
552 states that request assistance, in particular those categories of assistance listed in  
553 International Cooperation and Assistance.
- 554
- 555 b. Record keeping will be completed by the ISU as specified above, in particular annual  
556 reports as described in Article 1 section c. The ISU will be responsible for publishing  
557 statistics based on reports from member states. The purpose of record keeping will be  
558 to verify compliance by state parties to the Treaty, and this is further defined in the  
559 Verification section.
- 560
- 561 c. Designating and maintaining relations with national points of contact, which exist for  
562 the purpose of report submissions, recording arms transfers information, and  
563 maintaining contact with the ISU. State parties may use the same national points of  
564 contact as those designated for the UNODA.
- 565
- 566 d. Encouraging and assisting the domestic monitoring and registration of stockpiles of  
567 arms and ammunitions which are not already registered and safeguarded by the  
568 Member States, especially in former conflict zones, to avoid the diversion of arms  
569 into the illicit market. The ISU will keep the information on stockpiles confidential.
- 570
- 571 e. Financing for ISU will determined by the UNODA, as it falls under UNODA's  
572 jurisdiction.
- 573
- 574 f. Disbursement of financing, in particular international aid directed through the ISU to  
575 states requesting assistance, shall be determined through assessed criteria by the ISU.
- 576
- 577 g. International support through the creation of recommended guidelines for state parties  
578 on the following topics:
- 579
- 580 i. A comprehensive list of NGOs and other relevant civil society organizations with  
581 associated contact information for the purpose of providing assistance for  
582 implementation, application, and verification of the Treaty within national  
583 boundaries. These lists may be used by state parties seeking assistance with issues  
584 that are relevant to the success of the Treaty, including resources for victims  
585 assistance.
- 586
- 587 ii. Guidelines for risk assessment, which state parties are recommended to utilize for  
588 the purpose if ensuring that the Treaty is effective and universally implemented.
- 589
- 590 iii. Timelines of implementation of the treaty within national legislature for different  
591 state parties will be created as requested. This is a form of assistance provided by the  
592 ISU for states that may have less national legislature or capacities related to the

593 regulating the transfer of arms so that such states will be able to meet the  
594 requirements of the treaty at a pace that is fair and not overly burdensome.  
595

596 Article 9: Verification  
597

- 598 1. The United Nations shall establish an independent Implementation Support Unit (ISU), as  
599 described in the Implementation Section of the Treaty.  
600
- 601 2. States Parties shall submit reports to the ISU for purposes of sharing information and  
602 promoting transparency. The information gathered from these reports will be released by  
603 the ISU on a yearly basis to Member States containing aggregate statistics from the reports  
604 and will maintain on record for a minimum of fifteen (15) years in both electronic and  
605 physical form.  
606
- 607 3. One hundred and eighty (180) days after ratification States Parties shall submit an initial  
608 report to the ISU. This initial report shall contain the progress of each State Party in  
609 implementing internal legislative systems concurrent with the Treaty and aggregation of  
610 data in order to provide a basis for future analysis.  
611
- 612 a. Annual reports shall be composed of two sections and information detailed in these  
613 reports shall include, but will not be limited to:  
614
- 615 i. Measures States have taken to implement the Treaty.  
616
- 617 ii. Aggregate information on:  
618
- 619 a. All licenses associated with activities that fall under the scope of the  
620 Treaty including import, export, brokering, transit and transshipment, as  
621 well as authorization details on final recipients and intermediary  
622 locations of arms by quantity, type, and value.  
623
- 624 b. Number of items, which fall under the scope, that have been approved  
625 for transfer.  
626
- 627 c. Form of protection for storage of ammunitions.  
628
- 629 d. Form of protection for weapons storage facilities.  
630
- 631 e. Manufacturer of items included in Scope.  
632
- 633 f. Serial number of items included in Scope.  
634
- 635 g. Denial of transfers.  
636
- 637 b. Should the ISU identify discrepancies between state annual reports and transfers as  
638 reported by others, the ISU will facilitate open dialogue with the State Parties

639 involved. In the event that discrepancies are not resolved through dialogue with the  
640 ISU, the ISU will forward reports to the Secretary General and the Secretariat.  
641

642 c. States will be required to submit reports and are allowed exceptions as defined in the  
643 Implementation section for information that may pose a threat to the sovereignty and  
644 national security of a state.  
645

646 d. The ISU shall report on the status of report making and implementation,  
647 development, and enforcement at an annual conference of the treaty which member  
648 states would be able to attend by proxy.  
649

650 4. States Parties shall develop verifiable records on the implementation of the provisions of  
651 this Treaty within Member States' respected sovereign borders in accordance with the  
652 Scope as well as Parameters and Criteria.  
653

654 5. States Parties shall assure that transfers of any items included in the scope, and of any  
655 quantity are received by the intended party through the use of end-user certificates, as  
656 specified in the Implementation.  
657

658 6. States Parties to this treaty shall record, tabulate, and report all transfers of conventional  
659 arms, which cross international borders and are specified within the scope of this Treaty to  
660 national points of contact.  
661

662 i. The reporting of end-user certificates should include information regarding  
663 the exporter, intended party, purchasers, country of final destination, type and  
664 quantity of items traded, and the specific use and purpose of arms.  
665

666 ii. The recorded information will be available to States Parties and other entities  
667 approved by the ISU to receive such information.  
668

669 iii. The recorded information, other than that already reported for licenses, should  
670 include the following:  
671

672 a. The type and model of conventional arms manufacturer and serial  
673 number.  
674

675 b. Date of entry or exit from a state's sovereign territory.  
676

677 c. Specific location of entry or exit from a state's sovereign territory and;  
678

679 d. Mode of travel.  
680

681 iv. If the entry or departure is by air or sea, identification of the aircraft and/or  
682 ship should be provided, and if the entry or departure is by land vehicle, the  
683 license plate and registration number should be provided.  
684

- 685 v. If a company or corporate entity is transferring the arms, as opposed to a  
686 private individual, then the company should be identified.  
687
- 688 vi. Reports will go to both the ISU and the Office for Documentation Services  
689 (ODS) with inclusion of various specifics and implementation outlines.  
690
- 691 vii. Appropriate aggregate and consolidated summaries of this information  
692 provided by designated record keeping bodies shall be posted into public  
693 domain.  
694
- 695 viii. Participating states are not required to disclose the specific personal identity  
696 of any individual transporting conventional arms. Participating states are  
697 however encouraged to cooperate and facilitate investigations by international  
698 organizations such as INTERPOL when any illicit arms transfers are  
699 suspected.  
700
- 701 ix. When a license for export has been granted, national authorities at points of  
702 departure shall, especially in the case of transport by sea and air, immediately  
703 inform relevant national authorities to acquire their permission as necessary.  
704 The licensing of conventional arms transportation should be confirmed and  
705 accepted on both ends of a transaction before a transfer takes place.  
706
- 707 x. Brokering activities shall also be included in terms of registering brokers,  
708 licensing of broker activities, disclosure of all brokers and their location in  
709 any export or import licensing. A broker is here defined as a liaison in the  
710 selling and transferring of armaments.  
711

712 Article 10: Database  
713

714 1. States Parties to this Treaty agree to establish a complementary database in collaboration  
715 within the UNODA database already in existence. The Restricted Access Branch (RAB)  
716 database shall contain information on all verified entities in the form of EUCs that will be  
717 deposited in the ISU. These entities include, but are not limited to the following that may  
718 engage in lawful arms trade on the international level:  
719

- 720 i. Brokers.  
721
- 722 ii. Corporations.  
723
- 724 iii. Individuals.  
725

726 b. The new branch shall use a relational model database as is typical for international  
727 organizations. Further specifications shall be deferred to United Nations Information  
728 Technology Services (UNITES).  
729

730 c. This database will be a two-tiered model:

731  
732 i. RAB: information submitted by member states to the UNODA shall be verified  
733 by the ISU, and shall be protected at the highest levels of classification.  
734

735 a. Information submitted under this tier will include details on allowed and  
736 disallowed arms transfers as well as the entities as defined above that  
737 have been part of said transfers.  
738

739 b. Only States Party to this Treaty shall have access to the restricted  
740 branch.  
741

742 ii. Unrestricted Access: the UNODA shall update its existing database with non-  
743 sensitive information as submitted by States Parties. This database shall  
744 remain public access.  
745

746 Article 11: Signature, Accession, Ratification,  
747

- 748 1. This Treaty shall be open to all States for signature. Any State Party which does not sign  
749 the Treaty before its entry into force in accordance with Article 2, paragraph 1, may  
750 accede to it at any time.  
751
- 752 2. This Treaty shall be subject to ratification by signatory States according to their  
753 respective constitutional processes. Instruments of ratification and accession shall be  
754 deposited with the Secretary-General of the United Nations, designated as depository.  
755
- 756 3. The depository will subsequently notify all current signatory States, acceding States, and  
757 States Parties of the date of deposit and dates of signature for their instruments of  
758 ratification and shall provide receipts to said States Parties for the purpose of  
759 transparency and accountability.  
760
- 761 4. All States Parties shall acknowledge the binding agreement of the aforementioned  
762 provisions and refrain from undermining the purpose of the Treaty.  
763

764 Article 12: Entry into Force  
765

- 766 1. This Treaty shall enter into force on the thirtieth day following the date of deposit of the  
767 forty-fifth instrument of ratification to the Depository of this Treaty.  
768
- 769 2. For each State Party ratifying the Treaty after the deposit of the forty-fifth instrument of  
770 ratification, the Treaty will enter into force on the thirtieth day after deposit by such  
771 States Parties of its instrument of ratification or accession.  
772
- 773 3. Upon entry into force, States Parties shall report to the ISU all activities included and  
774 specified within the Treaty in order to meet the provisions and mandates within. This  
775 shall occur no later than 180 days after entry into force.  
776

- 777 4. In the event that a State Party is unable to meet the obligations and recommendations laid  
778 out within the Treaty due to fundamental change of circumstances that interfere with the  
779 well-being or functionality of the State, States Parties shall receive all due consideration  
780 when adjusting to the demands placed upon it.  
781

782 Article 13: Amendments, Review Processes  
783

- 784 1. All States Parties shall have the right to propose amendments to the Treaty. Amendments  
785 shall enter into force for each State Party accepting them after the amendment has been  
786 approved by a 2/3 majority of States Parties to the Treaty.  
787  
788 2. A meeting of States Parties shall occur annually for the purpose of discussing minor  
789 obstacles to international implementation, facilitating international cooperation, and will  
790 also be used to set the agenda for the Review Conference, which shall take place every  
791 five years.  
792  
793 3. A Review Conference of States Parties and relevant NGOs forming a multilateral General  
794 Conference shall occur every five years in order to review the status, scope, and  
795 effectiveness of the Treaty. Such an agenda shall include but not be limited to:  
796  
797 a. Revisions or additions to the scope of the Treaty that do not diminish the current  
798 language or scope of the Treaty,  
799  
800 b. Proposed amendments and annexes,  
801  
802 c. Revisions related to the duration of the Treaty,  
803  
804 4. A special session of the General Conference shall be assembled in the event of a  
805 declaration of a withdrawal by a State Party in order to assist in the establishment of the  
806 facts and in conjunction with the Permanent Court of Arbitration.  
807

808 Article 14: Reservations  
809

- 810 1. Signatories and acceding States Parties shall have the right to deposit instruments of  
811 ratification or accession with reservations. Reservations shall be granted contingent on  
812 the basis that such reservations do not undermine or seek to circumvent the main  
813 objectives of the Treaty.  
814

815 Article 15: Duration and Withdrawal  
816

- 817 1. This Treaty shall be of unlimited duration.  
818  
819 2. Each State Party to this Treaty shall, in exercising its right to national sovereignty, have  
820 the right to withdraw from the Treaty due to fundamental change of circumstances related  
821 to the subject matter of the Treaty or if a State Party believes that the Treaty violates the  
822 supreme interests of its country.

- 823  
824 3. States Parties shall submit a writ of intent to the Secretary General of the United Nations  
825 of their intent to withdraw from the Treaty and shall submit an explanatory report within  
826 90 days of their declaration to withdraw.  
827  
828 4. Withdrawal shall occur one year after the submission of the declarative report to the  
829 Secretary General of the United Nations and States Parties to the Treaty.  
830

831 Article 16: Dispute Settlements, Arbitration Clause  
832

- 833 1. States Parties shall seek to resolve disputes by peaceful means using multilateral  
834 negotiations and also by remaining conscious of Article 2.3 of the United Nations  
835 Charter.  
836  
837 a. The parties should decide between institutional and ad hoc arbitration.  
838  
839 b. The parties should select a set of arbitration rules and use the model clause  
840 recommended for these arbitration rules as a starting point.  
841  
842 c. Absent special circumstances, the parties should not attempt to limit the scope of  
843 disputes subject to arbitration and should define this scope broadly.  
844  
845 d. The Permanent Court of Arbitration will select the composition and also the  
846 numbers of impartial and independent arbitrators. The Permanent Court of  
847 Arbitration will also select the place of arbitration. This selection should be based  
848 on both practical and juridical considerations.  
849  
850 e. The Permanent Court of Arbitration in conjunction with the disputing States  
851 Parties will specify the language of arbitration.  
852

853 Article 17: Language  
854

- 855 1. This Treaty, the English, Russian, French, Spanish, Chinese, and Arabic texts of which  
856 are equally authentic, shall be deposited with the Depository archives. Duly certified  
857 copies of the Treaty shall be transferred from the Depository to the governments of the  
858 signatory and acceding States at the request of said States.

# International Criminal Court

## Committee Staff

Director                      Alexandra Samii  
Registrar                     Maria Gaetskaya

## Agenda

1. The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi
2. The Prosecutor v. Thomas Lubanga Dyilo of the Democratic Republic of Congo

## Verdicts

<b>Agenda item</b>	<b>Verdict</b>
The Prosecutor v. Saif Al-Islam Gaddafi and Abdullah Al-Senussi	Guilty
The Prosecutor v. Thomas Lubanga Dyilo of the Democratic Republic of Congo	Not guilty

## **Trial Chamber**

### **Before Judges:**

Judge Jennifer Bernardo  
Judge Grant Miller  
Judge Vincent Giasson-Gagné  
Judge Caroline Brouillette  
Judge Berta Boknik  
Judge Megan Piersol  
Judge Tiffany Clark  
Judge Katherine Salinas

### **Judgment of:**

**The Prosecutor v. Saif Al-Islam Gaddafi and  
Abdullah Al-Senussi**

**THE PROSECUTOR**

**V.**

**SAIF AL-ISLAM GADDAFI AND ABDULLAH AL-SENUSSI**  
*[Case No. ICC-01/11-01/11]*

**JUDGMENT**

### **Counsel for the Prosecution:**

**Lyndon Goddard, Lenecia Kirkwood-Lewis**

### **Counsel for the Accused:**

**Mikaela Ellenwood, Sarah El-Saeed**

### **Counsel for the Victims:**

**Obiobodo Onyeozili, Jorge A. Nieto Jiménez**

## Chapter I: Introduction

On June 27 2011 the International Criminal Court's Pre-Trial Chamber issued arrest warrants for Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi for designing a state policy targeting civilians in contravention of the Rome Statute. However, Muammar Gaddafi was reported dead on October 20, 2011. Upon reception of his death certificate, the Prosecution requested to withdraw the warrant of arrest against him on November 15, 2011. Pre-Trial Chamber I decided thus to terminate the case against Muammar Gaddafi on November 22, 2011 and maintain the cases against Saif Al-Islam Gaddafi and Abdullah Al-Senussi.

At the time of the arrest warrant, Saif al-Islam Gaddafi was acting as the *de facto* Prime Minister of Libya and Abdullah Al-Senussi was the head of Military Intelligence for Gaddafi's Libyan regime.

Saif Al-Islam Gaddafi is allegedly criminally responsible as indirect co-perpetrator and Abdullah Al-Senussi is allegedly criminally responsible as indirect perpetrator, for two counts of crimes against humanity: Murder, within the meaning of Article 7(1)(a) of the Statute and persecution, within the meaning of Article 7(1)(h) of the Statute.

## Chapter II: Findings of the Chamber

The Court has jurisdiction over the present case under the Rome Statute.

Indeed, pursuant to Article 13 (b) of the Rome Statute stating that the Court may exercise its jurisdiction with respect to a crime as referred to in Article 5 in accordance with the provisions of this Statute, if a situation is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations, the Court has jurisdiction over the case.

As on February 26<sup>th</sup>, 2011 the UN Security Council unanimously adopted Resolution 1917 in order to refer the situation in the Libyan Arab Jamahiriya to the Office of the Prosecutor, the International Criminal Court has jurisdiction in order to conduct a trial for the The Prosecutor v. Saif al-Islam Gaddafi and Abdullah Al-Senussi case.

Moreover the present case is admissible under the Rome Statute. Indeed, Article 17 (1) (a) of the Rome Statute states that in regard to paragraph 10 of the Preamble and Article 1 of the Statute, the Court shall determine that a case is inadmissible if the case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution.

Taking into account the objections of admissibility respectfully submitted by the Defense Counsel, the willingness of the internationally recognized National Transitional Council of Libya (hereinafter: NTC) to investigate and prosecute Saif Al- Islam Gaddafi (hereinafter: First Defendant) was acknowledged by this Court. Despite their genuine willingness, insufficient evidence was provided in order to establish Libya's ability to conduct a thorough investigation.

Furthermore, the evidence suggests that should a trial be held in Libya, the First Defendant would face the charges of rape and murder resulting in a possible death sentence. Rule 11 of the Rules of Procedure for the International Criminal Tribunal for Rwanda sets the Precedent that a case shall only be referred back by a Trial Chamber if *inter alia* "the death penalty will not be imposed or carried out". Hence, the International Criminal Court finds the present case admissible.

In regard to the contextual elements, the necessary contextual elements have been satisfied upon agreed evidence that has been submitted to this Court. Pursuant to article 7 (1) of the Statute the contextual elements are “(i) a widespread or systematic attack (ii) directed against any civilian population”. Regarding the nature of the attack only one of the characteristics in question needs to be proven. In the *Bashir*-case, the Prosecutor v. Omar Hassan Ahmad Al Bashir, *Decision on the Prosecution’s Application for Warrant of Arrest against Omar Hassan Ahmad Al Bashir* (ICC-02/05-01/09, PTC I, 4 March 2009), the Court found that the term *systematic* refers to the “organized nature of the acts of violence and to the improbability of their random occurrence”. Further in the *Katanga*- case, Katanga et al., *Decision on the Confirmation of the Charges* (ICC - 01/04-01/07, 30 September 2008), the term *systematic* has been understood as either an organized plan in furtherance of a common policy, which follows a regular pattern and results in a continuous commission of acts or as a *patterns of crimes* such that the crimes constitute a *non- accidental repetition of similar criminal conduct on a regular basis*. The deliberations of Pre-Trial Chamber I that led to the arrest warrant demonstrated the coordinated nature of the patterned and premeditated attacks carried out against protestors in various cities throughout Libya as delineated in paragraph 36-39. Given the systematic aspect of the attack this contextual requirement is satisfied.

In Article 50 (1) of the First Additional Protocol of the Third Geneva Convention a civilian is defined as any person who does not belong to one of the categories of persons referred to in Article 4 (A) (1), (2), (3) and (6) of the Third Convention and in Article 43.

Article 4 states that prisoners of war *inter alia* are members of the armed forces, of other militias or of other volunteer corps, including those of organized resistance movements. Similarly, Article 43 defines armed forces to a conflict as all organized armed forces, groups and units which are under a command responsible to a Party for the conduct of its subordinates. Pursuant to Article 50 (1) of the Additional Protocol to the Third Geneva Convention, in case of doubt a person shall be considered a civilian.

Although the Defense sought to characterize the protestors as combatants in an armed conflict with Pro- Gaddafi forces, the Court has come to the conclusion that a more accurate classification of the dissidents is a predominantly civilian population which likely included some non- civilians. As such the second contextual element is also satisfied.

For the purpose of this ruling, the Court refers to Article 7(1)(a) of the Rome Statute to define the acts of murder when committed as part of a “widespread or systematic attack directed against any civilian population, with knowledge of the attack...”

Therefore, in order to establish the committal of crimes against humanity, specifically murder, it is necessary to define the scope of the action allegedly perpetrated by Defendants One and Two.

It was found by the Court the *actus reus*, to kill or cause death, was fully realized in the actions of the Defendants. The first Element of Crime was demonstrably established through the presentation of facts as tendered by the Counsel in their statements to the Court.

Pre-Trial Chamber I found reasonable grounds to believe Libyan Security Forces were responsible for willfully killing Civilian demonstrators at multiple occasions using different methods such as, but not limited to: tear gas, live ammunition, and firing of automatic weapons as cited in paragraphs 36, 37, 38, and 39 of Pre-Trial Chamber I.

As for the *mens rea* element of this Trial, the Court concludes Defendant One as privy to actions which led to the murder of civilians and, therefore due to his position and statements made during

the period in question, Defendant One possessed general, if not specific, knowledge which links him demonstrably to the actions of the Security Forces. For the Court, this point confirms the mental element of this case.

As the head of military intelligence of Libya, it is clear to the Court that Defendant Two had significant and specific knowledge of the attacks, their scope, and the damage incurred to the Libyan civilian population throughout the period in question. Statements presented in the pre-trial phase of this proceeding, noting specifically paragraph 87 of Pre-Trial Chamber conclusions as well as Evidence 3 of agreed-upon Evidence A, which labels Defendant Two as the head of military intelligence and its subsidiary bodies, strongly suggest a willful intention to kill.

As related in the contextual elements, the pattern of violent attacks from Security Forces against protestors followed a consistent *modus operandi* (Paragraph 33 of Pre-Trial Chamber) with the additional aspect of a cover-up campaign, demonstrating the deliberate nature of a concerted strategy of the state apparatus to quell and discipline, by any means, any opposition to the Gaddafi regime.

It has been cited through multiple sources that the victims of the acts of murder committed by the Defendants were directed against peaceful demonstrators, therefore satisfying the criteria for the presence of civilians in the casualties. Calling to mind A/HRC/17/44, Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, which established indiscriminate attacks against civilians by Government Forces and “a failure to take sufficient precautionary steps to protect civilians.”

In regards to the population involved in these protests, the Court has concluded that since doubt exists as to the composition of the protest group, article 52 (3) of the Third Geneva Convention should be invoked, and the group henceforth be labelled as civilians.

As for the nexus of the attack, Defendant One's knowledge can be inferred through his position in the Libyan government, by virtue of control over crucial parts of the state apparatus, had the powers of a *de facto* Prime Minister (PTC, par. 72)

On the other hand, Defendant Two's knowledge can be inferred to his position, by virtue of control over the armed forces under his command that were deployed in the city of Benghazi in order to suppress civilian demonstrations (PTC, par. 84)

Regarding the acts of persecution, pursuant to Article 7 (1) (h) of the Statute the *actus reus* of persecution encompasses the following elements, all of which the Court has found to be present in this case: (i) the intentional and severe deprivation of fundamental rights contrary to international law (ii) against any identifiable group or collectivity (iii) on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law (iv) in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court.

It is concluded by this Court that there was a deprivation of the fundamental rights of life, liberty and security of persons in relation to acts of murder, torture and arbitrary imprisonment, as described in the findings of the Pre-Trial Chamber and in additional evidence submitted to the Court. Furthermore, it has been demonstrated that the attacks were carried out against actual or perceived opponents to the Gaddafi Regime on the basis of their political opinion.

In regard to the Right to life, as discussed above the Pre-Trial Chamber found reasonable grounds to believe that the Security Forces, under the command of the Defendants, were responsible causing

the death of numerous civilians. (paragraphs 36-39)

Evidence has been provided to the Court regarding the Right to liberty and provides proof that the Gaddafi Regime engaged in “arrests and detentions carried out in a ‘blanket’ fashion targeting suspected opposition supporter or regions viewed as being opposed to the regime, rather than being related to the commission of criminal acts or other security- related reasons.” (Evidence Package A, No.2) It is the finding of the Court that blanket arrests or detentions based solely on the presumption of political opposition without further evidence of security concerns constitutes an arbitrary exercise of state power.

Moreover, protestors were deprived of the Right to security of persons. As outlined in the findings of the Pre-Trial Chamber, protestors were subjected to various methods of torture, including “tying electric wires around their genitals and then turning electricity on” and “tying their feet with a rope connected to a stick and then turning the person upside down and whipping him with an electric wire.” (para. 46) Given the *jus cogens* prohibition against torture, such conduct clearly demonstrates a violation of the fundamental human right to security of person.

Concerning the *mens rea* of the offense of Persecution, it must be proven that the defendants demonstrated intent and knowledge to carry out the deprivation of rights of an identifiable group based upon at least one of the grounds enumerated in Article 7 (1) (h) of the Statute. The Court has found that the subjective element has been satisfied concerning both defendants, as inferred by their respective positions within the military and political hierarchy of the Gaddafi Regime. As discussed in relation to the charge of murder, it cannot be established that the first defendant as *de facto* Prime Minister was too far removed from the actual perpetration of the acts described above; therefore, the Court is convinced that at least a *dolus directus* 2<sup>nd</sup> degree has been established. Furthermore as the acts which constituted a violation of human rights were carried out in furtherance of a state policy of deterring and quelling political dissent, the discriminatory element of *mens rea* has also been made out. For his part, the Second Defendant’s position as Head of Military Intelligence which created a superior-subordinate relationship between himself and the Security Forces, directly connected him to the actual execution of the relevant acts establishing his knowledge and intent of the aforementioned acts enforcing the discriminatory state policy.

As previously discussed in relation to the offense of murder, the nexus between the crime and the contextual elements of crimes against humanity can be established due to the Defendants’ indisputable awareness of the context in which the acts occurred, given their positions within the Libyan command.

In regard to the criminal responsibility of Gaddafi, all elements required in Article 25 (3) of the Rome Statute are present excepted article 25 (3) (b), which concerns the order, solicitation or induction of the crime. However, in regard to the Elements of the Crime footnote number 6, " a policy which has a civilian population as the object of the attack would be implemented by State or organizational action. Such a policy may, in exceptional circumstances, be implemented by its deliberate failure to take action, which is consciously aimed at encouraging such attack. The existence of such a policy cannot be inferred solely from the absence of governmental or organizational action." Therefore as the Elements of the Crime specify that a policy may be implemented “by a deliberate failure to take action, which is consciously aimed at encouraging such attack”. The Court therefore concludes that defendant One satisfies all the requirement elements that establish him as an indirect co-perpetrator of crimes against humanity as outlined by this Court case.

For the Defendant Two, all the elements required in Article 25 (3) are satisfied. Evidence as stated in PTC findings par. 84 and 89, establishing the presence of the defendant’s exercise of control over

the armed forces under his control [...] as well the “existence of a chain of command”, which in turn establishes the defendant concrete control over the commission of the crimes”. Consequently, the Court finds that defendant Two fulfills all the elements necessary to be considered liable as indirect perpetrator of crimes against humanity in question.

Pursuant to Article 31 (1) (c), the exclusion of criminal responsibility by self-defense requires an imminent threat and proportionality. In regards to the existence of an imminent-threat, sufficient evidence was presented to show that no imminent threat existed during temporal limits of this case. By his own admission, it is presented in evidence that the First Defendant showed no fear for his position or for his life. He demonstrated no intention of leaving this position. Defendant One answers “no” to the question of Amanpour (ABC News Reporter) “Do you think they’ll get rid of you,” and to the question “are you afraid at all”, answers “afraid of what?”

The Court finds that there is no proportionality in comparing the parties represented in this case. During attacks, protesters were said to have thrown stones (PTC par. 38 (5)) whereas, per example, according to evidence, the Libyan armed forces used GRAD rockets into civilian inhabited areas. In many instances, cited in Evidence, unarmed civilians were left in compromising situations in which there is sufficient evidence that the civilians were undoubtedly unarmed or in circumstances where it was safe to assume that they were most likely unarmed. Even in situations where they might have been armed, proportionality of means was not established. For instance, the Court does not find that the use of stones, as described in PTC par. 38 (5) cannot be equated to the use of heavy artillery by security forces.

Furthermore, under the requirements for duress found in Article 31 (1) (d), in order to establish duress, an imminent threat that would cause serious bodily harm against that person or another person, and the person acts necessarily and reasonably to avoid this threat, provided that the person does not intend to cause a greater harm than the one sought to be avoided. Thus, the threat of duress is greatly diminished due to the lack of imminent threat and proportionality. Moreover, Defense counsel was unable to present sufficient evidence to establish duress.

### Chapter III: Verdict

For the foregoing reasons, the Court unanimously finds Saif Al-Islam Gaddafi

On the charge of indirect co-perpetrator of murder as a crime against humanity  
**Guilty;**

On the charge of indirect co-perpetrator of persecution as a crime against humanity  
**Guilty.**

For the foregoing reasons, the Court unanimously finds Abdullah Al-Senussi

On the charge of indirect perpetrator of murder as a crime against humanity  
**Guilty;**

On the charge of indirect perpetrator of persecution as a crime against humanity  
**Guilty.**

## **Chapter IV: Sentence**

This Court sentences the First Defendant, Saif Al-Islam Gaddafi, to 30 years imprisonment for the charge of murder and 15 years imprisonment for the charge of persecution, to be served concurrently, in accordance with Article 78 (3) of the Statute.

This Court sentences the Second Defendant, Abdullah Al-Senussi, to 30 years imprisonment for the charge of murder and 30 years imprisonment for the charge of persecution, to be served concurrently, in accordance with Article 78 (3) of the Statute.

## **Annex I: Decision on Reparation**

Pursuant to Article 75 and 79, this Court finds the following reparations to be appropriate in the present case:

A rehabilitation of victims for physical injuries and mental wellbeing;

Reparations to victims and their families through the trust fund provided for in Article 79 of the Rome Statute.

International Criminal Court, April 7 2012,

Presiding Judge Alexandra Samii

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Judge Jennifer Bernardo

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Judge Grant Miller

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Judge Vincent Giasson-Gagné

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Judge Caroline Brouillette

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Judge Berta Boknik

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Judge Megan Piersol

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Judge Tiffany Clark

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Judge Katherine Salinas

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## **Trial Chamber**

### **Before Judges:**

Judge Jennifer Bernardo  
Judge Grant Miller  
Judge Vincent Giasson-Gagné  
Judge Caroline Brouillette  
Judge Berta Boknik  
Judge Megan Piersol  
Judge Tiffany Clark  
Judge Katherine Salinas

**Judgment of:**                      **The Prosecutor v. Thomas Lubanga Dyilo**

**THE PROSECUTOR**

**V.**

**Thomas Lubanga Dyilo**

***[Case No. ICC-01/11-01/11]***

## **JUDGMENT**

**Counsel for the Prosecution:**  
**Lyndon Goddard, Lenecia Kirkwood-Lewis**

**Counsel for the Accused:**  
**Mikaela Ellenwood, Sarah El-Saeed**

**Counsel for the Victims:**  
**Obiobodo Onyeozili, Jorge A. Nieto Jiménez**

## Chapter I: Introduction

On March 3, 2004, the Congolese government authorized the International Criminal Court to investigate and prosecute "crimes within the jurisdiction of the Court allegedly committed anywhere in the territory of the DRC since the entry into force of the *Rome Statute*, on 1 July 2002". On June 23, 2004, the Prosecutor announced publicly that he would start an investigation on the DRC conflict. On January 12, 2006, the Prosecutor seized the Chamber in order to issue a warrant of arrest against Mr. Thomas Lubanga Dyilo. On February 10, 2006, the Pre-Trial Chamber I (PTC) found there were reasonable grounds to believe that Lubanga was criminally responsible for the war crimes of "conscripting and enlisting children under the age of fifteen years and using them to participate actively in hostilities". On March 17, 2006, PTC I announced publicly the warrant of arrest. Mr Thomas Lubanga Dyilo was thus no longer in custody in DRC but was in custody of the ICC. Mr Lubanga is charged with three counts of war crimes during 2002-2003 for recruiting, enlisting, and using children under the age of 15 to participate actively in hostilities.

## Chapter II: Findings of the Chamber

The charges against Thomas Lubanga Dyilo (hereinafter: The Defendant) pursuant to Articles 8 (2) (b) (xxvi) and Article 8 (2) (e) (vii) of the Rome Statute, are as follows: the conscription, enlisting and use of children under the age of fifteen in an armed conflict. Conscription entails the forcible recruitment of children under the age of fifteen, whereas enlisting involves the acceptance of voluntary recruits under the age of fifteen in armed hostilities. The use of children to participate in armed hostilities entails their involvement in any supporting role relating to the situation.

Although both the Prosecution and Defense Counsel acknowledged that children under the age of fifteen may have been involved in the Ituri conflict, no link was proven between the conduct and the Defendant. Hence, the Court finds that insufficient evidence has been brought forward to establish the *actus reus* of the charges against the Defendant beyond a reasonable doubt.

Given the fact that the objective element was not established, it is unnecessary to engage in a discussion concerning the *mens rea* of the events.

### **Chapter III: Verdict**

For the foregoing reasons, the Court unanimously finds Thomas Lubanga Dyilo

Unanimously on the charge of conscription, enlisting and the use of children under the age of fifteen in armed hostilities

**Not guilty.**

International Criminal Court, April 7 2012,

Presiding Judge Alexandra Samii

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Judge Jennifer Bernardo

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Judge Grant Miller

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Judge Vincent Giasson-Gagné

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Judge Caroline Brouillette

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Judge Berta Boknik

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Judge Megan Piersol

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Judge Tiffany Clark

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Judge Katherine Salinas

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# Peacebuilding Commission

## Committee Staff

Director                      David Toscano  
Assistant Director        Claudia Sanchez  
Chair/Rapporteur        Nicole Thiessen

## Agenda

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

## Reports adopted by the commission:

<b>Document Code</b>	<b>Topic</b>	<b>Vote (Y/ N/ Abstention/ Non-Voting)</b>
PBC/1/1	Ensuring Political and Institutional Transition After South Sudan's Independence	Adopted by Acclamation

## Summary Report

The Peacebuilding Commission (PBC) held the annual session of its Organizational Committee to consider the following agenda items: Ensuring Political and Institutional Transition After South Sudan's Independence, Improving Transitional Justice Systems in Post-Conflict Situations, and The Role of Civil Society in Peacebuilding. The session was attended by representatives of 27 States and one observer state. As the session opened, it became clear that the issue of most immediate importance for the members of the Commission was the transition of South Sudan out of conflict and the establishment of peacebuilding activities in the country.

Seven major Working Groups were identified on the second session, dealing with the topics of Border Security; Justice Sector Reform; Reintegration of Ex-Combatants; Infrastructure and Development; Citizenship and Statelessness; and Economic Solutions for South Sudan. All of these proposals required the creation of a Country-Specific Configuration for South Sudan under the purview of the PBC, and such a proposal was thus developed. Aware that the different proposals would have to be integrated into a single final report, the different Working Groups maintained constant and open communication with each other, in order to avoid contradictions or duplication of efforts.

By the end of the sixth session, and taking note of the different Working Groups' efforts to coordinate with each other, the Member States of the Commission were given the option of combining their different proposals into a single draft report and later adopting the document as a whole. At the beginning of the seventh session, all Member States adopted this idea with no opposition, and the various Working Groups began negotiations to join their papers.

It was agreed that the creation of a Country-Specific Configuration for South Sudan would be the first decision of the Commission, under which all other proposals would be developed. Following, the issues previously mentioned were addressed in different sections of a single draft report. This draft report strongly emphasized the importance of women's rights, truth and reconciliation, national ownership and the inclusion of the civil society.

By the end of the final session, the Commission produced a 15-page draft report elaborating on the above mentioned issues, recommending effective solutions to be adopted and implemented by the PBC and the General Assembly. This draft report was adopted by acclamation by the PBC at the end of the 8<sup>th</sup> session.

Code: PBC/1/1

Committee: Peacebuilding Commission

Subject: Ensuring the Political and Institutional Transition after South Sudan's Independence

Sponsors: The Peacebuilding Commission

## 1 **I. Introduction**

### 3 **A. ESTABLISHING A COUNTRY-SPECIFIC CONFIGURATION IN SOUTH SUDAN**

- 5 1. The Comprehensive Peace Agreement signed by Sudan's authorities and Sudan's People  
6 Liberation Army in 2005 paved the way to a referendum on South Sudan's independence.  
7 Unfortunately, the creation of the independent state of South Sudan did not automatically  
8 appease these tensions. Conflicts among various South Sudanese tribes are frequent. The  
9 marking of the borders between North and South is yet to be unchallenged and some violent  
10 disputes over natural resources are still ongoing, especially in the region of Abyei. The  
11 Security Council (SC) even decided to set-up a six-month peacekeeping mission in the region  
12 of Abyei after reports of "rampant violence" were brought to its attention.  
13
- 14 2. As evidenced by General Assembly's resolution *A/RES/65/308*, Member States of the United  
15 Nations strongly support the creation of an independent South Sudan and therefore must  
16 pledge to support this new state in its political and institutional transition to ensure that it  
17 becomes a self-sustaining state.  
18

### 19 **B. BORDER SECURITY**

- 21 3. Peacebuilding had its first main introduction to the international community in the 1992  
22 Report of the former Secretary-General Boutros Boutros-Ghali titled *An Agenda for Peace*.  
23 This document outlined the importance of strengthening the security sector which can guide  
24 PBCs work in strengthening border security in South Sudan. Due to the extreme conflict in  
25 the region, it is difficult to implement development initiatives without also establishing peace  
26 in the region and reducing armed forces through demobilization, disarmament, and  
27 reintegration (DDR) initiatives which will enable stronger border security.  
28
- 29 4. Recently, the *Istanbul Programme of Action* was put forth by the General Assembly to  
30 address the immediate needs of vulnerable states, specifically Landlocked Least Developed  
31 Countries (LLDCs). The *Istanbul Programme of Action* focuses on many aspects of  
32 development necessary for LLDCs, one main priority being security development. Since  
33 South Sudan is an LLDC it is important for them to develop security in order to further  
34 establish and maintain peace in the region  
35
- 36 5. The African Union (AU) has worked extensively in fostering agreement between Sudan and  
37 South Sudan through regional cooperation. In that regard, the AU High Level  
38 Implementation Panel (AUHIP) has created an *Agreement on the Demarcation of the*  
39 *Boundary and Related Issues* which was worked on with Sudan and South Sudan to further  
40 solidify the 2005 *CPA*.  
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42 **C. CITIZENSHIP AND STATELESSNESS**

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6. The PBC fully supports the *Universal Declaration on Human Rights (UDHR)*, specifically Article 15 which states that no one can be denied citizenship. Sudan currently has legislation in place to prevent dual citizenship and therefore will not recognize people who hold South Sudanese citizenship while living in Sudan, which results in a loss of civil liberties, including employment for these populations and prevents free travel between borders, displacing thousands.
7. Statelessness is a major contributor to poverty, which in turn is a root cause of poverty, civil unrest, and internal and external tensions. When a large number of people lose their nationality, they lose the protection and provision for basic human rights by the state. In order to address this, the UN has hosted the *Convention on the Status of Stateless Persons* and the *Convention on the Reduction of Statelessness*. The latter of which placed the issue of statelessness under the mandate of the UN Refugee Agency (UNHCR), who is now in charge of implementing these conventions.
8. The AUHIP worked closely with the Governments of South Sudan and Sudan to negotiate a *Framework Agreement on the Status of Nationals of the Other State*. This document contains agreement on free movement of persons and employment, which have been a major source of conflict in the region.

**D. SOUTH SUDAN HUMANITARIAN AND SOCIAL SOLUTIONS**

9. Sudan is also a major actor in the formation of lasting peace in South Sudan because if relations between Sudan and South Sudan take a turn for the worst, the Sudanese region may collapse back into conflict between the two states in question. This would only be a drawback for future peacebuilding endeavours.
10. The Report of the Secretary-General on Women’s Participation in Peacebuilding, discussed in (A/65/354) emphasizes that young people and women should be considered as one of the most relevant actors in the Peacebuilding processes. The report analyses the needs of women’s participation in preventing, resolving and recovering from conflict. Therefore, addressing the specific needs of marginalized groups, especially women and youth, is crucial for effective reintegration and peacebuilding processes, as they face different obstacles to reintegration.

**E. ECONOMIC SOLUTIONS FOR SOUTH SUDAN**

11. Before the separation of the South Sudan and Sudan, Sudan was the sixth fastest-growing economy in the world, however, after the independence of South Sudan, both nations’ economies suffered greatly. Sudan lost seventy-five percent of its oil reserves, and South Sudan lost access to a port from which to export its goods, as well as vital infrastructure needed to support a stable economy.

87 12. Currently, South Sudan suffers from hyperinflation due to ongoing economic tensions  
88 between Sudan and South Sudan. South Sudan has been forced to cease oil production after  
89 suffering a loss of \$815 million in oil at the hands of Sudan. In addition to the  
90 aforementioned loss, neither state has been willing to agree on a set amount for future transit  
91 fees. Furthermore, The PBC recognizes that the goal of peacebuilding is to produce a strong  
92 state, which requires a stable and diverse economic base.  
93

## 94 **F. INFRASTRUCTURE, SECURITY AND JUSTICE SECTOR REFORM**

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96 13. South Sudan, as the newest member of the United Nations (UN), is in need of major  
97 infrastructure development. With only sixty kilometers of paved roads available for usage  
98 throughout the entire country, South Sudan is limited to the amount of humanitarian aid and  
99 basic necessities it receives from other states and organizations. Without access to basic  
100 services, South Sudan is likely to fall back into conflict and jeopardize the peacekeeping  
101 initiatives that have been enacted by the United Nations Mission in South Sudan. While there  
102 are many factors that may lead to a relapse into conflict, infrastructure development, with  
103 assistance from the international community, can provide stabilization and can promote and  
104 protect sustainable peace in the future.  
105

106 14. Since 1980, more than 30 Truth and Reconciliation Commissions have been set up to address  
107 post-conflict rehabilitation. Specifically, South Africa and Argentina were successful in  
108 creating purely independent TRCs, without a force from the UN. These TRCs worked on  
109 collaboration with national justice systems to best assist their people. TRCs at their base have  
110 four main goals: 1) the creation of an historical register of facts; 2) to obtain justice for the  
111 victims; 3) the facilitation of national reconciliation; and, 4) the prevention of future abuses  
112 and violations.  
113

114 15. The UN Department of Political Affairs (DPA) is currently engaged in various types of rule  
115 of law activities through its oversight of political missions and its role in conflict prevention.  
116 The mandate of the DPA includes strengthening of national justice systems, supporting  
117 human rights and transitional justice systems, and monitoring Rule of Law.  
118

## 119 **II. Mandate:**

### 120 121 **General Background**

#### 122 123 **A. ESTABLISHING A COUNTRY-SPECIFIC CONFIGURATION IN SOUTH SUDAN**

124  
125 16. In December 2005, the Security Council and the General Assembly passed concurrent  
126 resolutions, *S/RES/1645* and *A/RES/60/180*, creating the Peacebuilding Commission (PBC)  
127 “as an intergovernmental advisory body” under both committees. Moreover, Security  
128 Council resolution *S/RES/1646* ensured that the PBC would report to the Council as well as  
129 to the Assembly. The mandate of the PBC is “[t]o bring together all relevant actors, to  
130 marshal resources and to advise on, and propose integrated strategies for post-conflict  
131 peacebuilding and recovery” as well as to aid the creation of sustainable and lasting peace in

132 post-conflict situations. The responsibility of this body is to make recommendations, monitor  
133 progress, and to garner financial support for peacebuilding.

134  
135 17. The Peacebuilding Commission recognizes the strong will of the people of South Sudan to  
136 achieve self-determination during the 2011 referendum which created an independent South  
137 Sudan by a vote of 98.83%.

138  
139 18. As stated by *A/RES/1645*, the PBC's mandate calls for the inclusion of "all relevant actors"  
140 and the importance of increasing the coordination between actors in peacebuilding activities.

141  
142 19. The Peacebuilding Commission has been mandated to establish Country-Specific  
143 Configurations (CSC) to rightly place these countries on the agenda in such a manner as to  
144 coordinate, oversee and monitor institutional reform, development, human rights and national  
145 ownership of the peacebuilding process.

146  
147 20. Country-Specific Configurations have proved very successful in Burundi, Sierra Leone,  
148 Guinea, Guinea-Bissau, Liberia and Central African Republic. CSCs have been particularly  
149 effective in Liberia, transferring security management from the United Nations Mission in  
150 Liberia (UNMIL) to the Government of Liberia. In Burundi, the PBC supported the creation  
151 of the "Cadre de Dialogue et de Concertation".

## 152 153 **B. BORDER SECURITY**

154  
155 21. The PBC plans to work in accordance with the priorities established in *A/RES/63/1* titled  
156 Political Declaration on Africa's Development Needs passed by the General Assembly in  
157 2008, which linked development, peace and security and declared them "interlinked and  
158 mutually reinforcing."

159  
160 22. The PBC fully supports the initiative of strengthening the security sector and ensuring  
161 legitimate politics in agreement with the Peacebuilding and Statebuilding Goals as  
162 established in the *Monrovia Roadmap on Peacebuilding and Statebuilding* of 2011 and as  
163 further adopted by the *Busan Declaration*. The PBC feels that implementation of these goals  
164 is essential in creating coordinated and effective measures to enable a sustainable and lasting  
165 peace.

166  
167 23. The PBC works to follow up on UN Department of Peacekeeping Operation's (DPKO)  
168 missions, and must start looking at the current efforts being done in South Sudan. As stated  
169 in a report by the DPKO titled *DDR in Peace Operations*, "we have also seen that DDR is  
170 just as crucial for peacebuilding, as reflected by the increasing references to DDR tasks in  
171 integrated peacebuilding missions." Considering the PBC was mandated to bring together all  
172 relevant actors, the PBC's coordination with DDR efforts is an essential tool to pave the way  
173 for sustainable peace.

## 174 175 **C. CITIZENSHIP AND STATELESSNESS**

176

- 177 24. The PBC fully supports the *UDHR*, specifically Article 15 which states that no one can be  
178 denied citizenship.  
179
- 180 25. The Peacebuilding Fund (PBF) has allocated two million dollars to the United Nation’s  
181 Development Programme, the International Labour Organization, and the International  
182 Organization for Migration to aid state responsiveness to the needs of returning southerners.  
183 This project will be crucial in reducing the violence along the border through facilitation of  
184 movement of persons, who often are stateless persons. However, the PBC recognizes the  
185 limited funding available and the need for increased finances to the PBF.  
186

#### 187 **D. SOUTH SUDAN Humanitarian and social Solutions**

188

- 189 26. The United Nations Mission in the Republic of South Sudan has already given much aid to  
190 S. Sudan in the form of economic help for growth and monetary viability, ways for border  
191 monitoring in disputed regions, provided attention for internally displaced persons and  
192 refugees, calls for a cease of violence amongst rebels, supports disarmament, vies for  
193 “regional coordination”, seeks to be consistent with S. Sudan’s national priorities,  
194 “encourages the incorporation ... of HIV prevention, treatment, care, and support, including  
195 voluntary and confidential counseling and testing programs in the mission”, and many has  
196 already enacted many other important aspects of reform in South Sudan that have potential to  
197 contribute greatly to the development of South Sudan as a nation.  
198
- 199 27. The Peace Building Commission is fully convinced that women and youth are fundamental  
200 actors in the South Sudanese transitional justice process and they should be included in civil  
201 society and in Peacebuilding efforts.  
202
- 203 28. In line with the PBC’s WGLL concerning Justice in Times of Transition, (WGLL/2008/8),  
204 the PBC reaffirms the importance of comprehensive and holistic approaches to  
205 peacebuilding, including the involvement of civil society organizations (CSOs), the  
206 consideration of local contexts, and the protection of women’s needs.  
207

#### 208 **E. ECONOMIC SOLUTIONS FOR SOUTH SUDAN**

209

- 210 29. In 2005, the Peacebuilding Commission (PBC) was created by resolutions *S/R/1645* and  
211 *A/RES/60/180* in a joint action of the Security Council and the General Assembly with the  
212 mandate to assist willing host states in peacebuilding endeavors, to create stable and  
213 comfortable environments for their citizens. This is solely based on the willingness of the  
214 host nation to accept the PBC’s help through Country-Specific Configurations that allow  
215 each case to be addressed in a specific and effective manner.  
216

#### 217 **F. INFRASTRUCTURE, SECURITY AND JUSTICE SECTOR REFORM**

218

- 219 30. The mandate of the Peacebuilding Commission (PBC) is to bring together all relevant actors  
220 and resources in post-conflict situations in order to ensure a peaceful transition and the  
221 establishment and continuation of States’ stability. The PBC has a history of involvement in  
222 post-conflict situations, including Burundi, Sierra Leone, Guinea, Guinea Bissau, and the

223 Central African Republic. Additionally, the PBC has established a monetary fund to endow  
224 the Peacebuilding activities. Noting the success of previous missions, the PBC is uniquely  
225 qualified to intercede and advise on behalf of Sudan and South Sudan.  
226

227 31. The 2009 Secretary-General's report on *Peacebuilding in the Immediate Aftermath of*  
228 *Conflict* highlighted the importance of having immediate response initiatives under the five  
229 key areas of peacebuilding. These five key areas are: safety and security, political processes,  
230 provision of basic services, economic revitalization, and country-specific needs. The PBC  
231 has shown that all of these areas are of equal importance and must be implemented so each  
232 peacebuilding operation is successful.  
233

234 32. The PBC notes the importance of the Peacebuilding Fund (PBF) for its short-term and long-  
235 term projects. The Immediate Response Facility, which enables fast action by the PBF, and  
236 the Peacebuilding and Recovery Facility, a fund that countries can apply for long-term aid,  
237 are integral parts to initiating development of infrastructure to promote and protect  
238 sustainable peace.  
239

240 33. According to the mandate of the PBF, Priority Four is to support projects that rebuild basic  
241 infrastructure, such as energy, transportation, safe drinking water and proper sanitation.  
242 Projects totaling approximately US\$35 million were approved in this area by October 2011.  
243 In 2011, the PBF allocated US\$4.5 million on South Sudan, representing 1.4% of its total  
244 budget.  
245

### 246 **III. Conclusions and Recommendations**

#### 247 **A. ESTABLISHING A COUNTRY-SPECIFIC CONFIGURATION IN SOUTH SUDAN**

248 34. The Commission recommends the creation of a Country-Specific Configuration (CSC) for  
249 South Sudan. The CSC would consist of a forum destined to include all relevant stakeholders  
250 to this conflict.  
251  
252

253 a. Such stakeholders would include governmental representatives of South Sudan,  
254 countries in the region engaged in the post-conflict process, and other countries that  
255 are involved in relief efforts and/or political dialogue, as well as relevant regional and  
256 subregional organizations. The CSC will also include Sudan as a special consultant,  
257 as this state is a crucial part of the solution. All states with substantive financial,  
258 military and humanitarian contributions to the peacebuilding efforts, all acting UN  
259 representatives and force commanders heading United Nations Mission in the  
260 Republic of South Sudan (UNMISS), and any other relevant UN representatives and  
261 all relevant regional and financial institutions may also participate on a voluntary  
262 basis.  
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265 b. The CSC should reconvene every six months. Prior to these meetings, the CSC will  
266 gather briefings from the field. After the meetings, the CSC will disseminate reports  
267 to the Security Council and General Assembly. Such reports will identify areas of  
268 success and areas in need of improvement and will create recommendations based on

269 the information gathered. These reports would also be published on the Commission’s  
270 website for large-scale access.  
271

272 35. The CSC will establish, in close partnership with South Sudan’s government, a strategic  
273 framework that will outlay the roadmap for peacebuilding in South Sudan for a 5-year  
274 renewable mandate. Inspired by previous strategic frameworks of Liberia and Sierra Leone,  
275 the South Sudanese CSC will focus on such objectives as follows:  
276

- 277 a. Support security sector reform by creating training programs for the military and the  
278 police forces and encourage the integration of victims, ex-combatants and specialized  
279 personnel to achieve a complete DDR process;  
280
- 281 b. Enhance border security by implementing the already-established agreements  
282 regarding the marking of the borders as previously established in the CPA;  
283 addressing, through collaborative dialogue between Sudan and South Sudan, the issue  
284 of citizenship and statelessness;  
285
- 286 c. Push for economic empowerment and national capacity-building by promoting the  
287 establishment of socio-economic, physical and political infrastructures aligned with  
288 national development goals; encouraging multilateral and bilateral agreements for  
289 development; empowering local citizens through training sessions on irrigation  
290 techniques and other agricultural-related activities by promoting relationships with  
291 neighbor nations and fully involving itself in economical regional initiatives.  
292
- 293 d. Promote national reconciliation by establishing a Truth and Reconciliation  
294 Commission (TRC) for South Sudan; empowering CSOs, specifically those  
295 representing women and youth, to foster inclusiveness in decision making as well as  
296 the process’ accountability to the South Sudanese people.  
297

298 36. In addition to the CSC, the PBC wishes to establish, under its direction, local coordination  
299 centers in key zones of tension like Abyei, South Kordofan and Blue Nile regions, in an  
300 effort to accurately account for local needs and empower local Civil Society Organizations  
301 (CSOs). These local coordination centers will also effectively contribute to the reconciliation  
302 process in acting as an information-sharing medium with the local CSC. These centers,  
303 created under the purview of the South Sudanese CSC would be called “Peacebuilding  
304 Points” (PBPs) and would work in close partnership with the African Union.  
305

- 306 a. The Peacebuilding Fund will be in charge of the financing of human capital and  
307 technical resources. In order to deliver this financing, PBC staff shall be tasked with  
308 creating a clear result matrix in order to meet the PBF criteria for its short funding  
309 timeline (18 to 24 months). Since the project would eventually outlast this timeline,  
310 either a national planning framework or a UN framework (such as a UN Development  
311 Assistance Framework) should be developed by the PBC and its partners.  
312
- 313 b. The PBC calls upon the African Union (AU) to provide working spaces within each  
314 region. These centers would be a primary point of contact with the local communities.

315 They would identify and empower effective and relevant CSOs able to contribute to  
316 peacebuilding efforts. Finally, using AU's expertise, knowledge of the region and  
317 experience and lessons learned, they would issue briefings to CSCs before periodic  
318 meetings.  
319

320 37. By creating both the CSC and local coordination centers, the PBC will empower local and  
321 regional communities and promote an "africanization" of the peacebuilding process. This  
322 will allow for a rapid and sustainable transition from international frameworks to nationally-  
323 owned institutions.  
324

## 325 **B. BORDER SECURITY**

326

327 38. The PBC recommends upholding the rule of law, as this will be essential in the long-term  
328 maintenance of peace and security, especially along the border of Sudan and South Sudan.  
329 PBC also encourages cooperation with all relevant actors including:  
330

331 a. The PBC's Working Group on Lessons Learned in the areas of Rule of Law and the  
332 Secretary-General's *Guidelines on the Rule of Law in Post-Conflict Societies* should  
333 be used as a framework for policy direction in border security efforts. Specifically, it  
334 would be important to consult the WGLL's Chair Person Summary on *Resource*  
335 *mobilization for peacebuilding priorities and improved coordination among relevant*  
336 *actors* which aims to reallocate resources and policy to development of rule of law,  
337 which will directly result in the improvement of the security sector.  
338

339 b. The PBC requests financial and technical assistance from the United Nations Rule of  
340 Law Unit (UNROL) to aid in the implementation of these priorities and guidelines.  
341 The UNROL will be able to implement its police training centers in South Sudan to  
342 provide further support in the security sector with a special emphasis on border  
343 control. These will strengthen government capacity to establish and maintain peace  
344 along the border.  
345

346 39. The PBC encourages increased cooperation with United Nations agencies, the governments  
347 of South Sudan and Sudan, civil society organizations, and the AU, specifically the AUHIP  
348 to work towards implementing the already established agreements regarding border  
349 demarcation, as previously established in the *CPA*.  
350

351 40. Coordination between the United Nations Mission in South Sudan (UNMISS) and other  
352 United Nations peacebuilding and development efforts is essential. It is important that  
353 UNMISS receive increased financial, technical, and logistical assistance to fully implement  
354 its mandate and facilitate the transition from peacekeeping to peacebuilding. Increased  
355 financial contributions to the PBF will also improve the ability of this body to allocate  
356 financial resources to ensure peacebuilding projects full implementation.  
357

358 41. The disarmament, demobilization, reintegration process for the militias operating in the  
359 Sudan region will be essential to reducing and eliminating the violence along the border  
360 between Sudan and South Sudan. It is important to further implement and enhance South

361 Sudan's DDR Commission. It is important to create opportunities that provide ex-combatants  
362 means for gainful employment and facilitate the reintegration process into the post-conflict  
363 society. This will strengthen the economy of South Sudan and Sudan and address the root  
364 causes of poverty and underdevelopment to create a platform for peace and security.  
365

366 42. The PBC further recommends that all efforts in the political and institutional transition after  
367 South Sudan's independence are coordinated with and follow the framework of the *Monrovia*  
368 *Roadmap on Peacebuilding and Statebuilding's* 5 goals on Peacebuilding and Statebuilding  
369 (PSGs), specifically in the achievement of PSG 1 and 2 on creating legitimate politics and  
370 security.

371  
372 43. The PBC encourages increased cooperation between the General Assembly's 1<sup>st</sup> Committee  
373 and the Security Council on issues of the DDR process to better address these challenges and  
374 achieve global and integrated solutions.  
375

### 376 **C. CITIZENSHIP AND STATELESSNESS**

377  
378 44. The PBC encourages increased coordination with the UNHCR in accordance with their  
379 mandate to protect stateless persons and reduce the instances of statelessness. It is imperative  
380 to protect the human rights of stateless persons who are not recognized by the government.  
381

382 45. The PBC recommends increased cooperation between Sudan and South Sudan to implement  
383 the criteria for citizenship as established in the Convention on the Status of Stateless Persons  
384 and the Convention on the Reduction of Statelessness to be in alignment with international  
385 norms and standards. This will allow for dual citizenship in both countries which will greatly  
386 reduce the number of stateless persons residing in the region.  
387

388 46. The PBC further recommends both South Sudan and Sudan continue working with the  
389 AUHIP to fully ratify and implement the *Framework Agreement on the Status of Nationals of*  
390 *the Other State* to enable free movement of persons between the two states and improve  
391 employment opportunities and protection of basic human rights as mentioned in the *UDHR*.  
392

### 393 **D. SOUTH SUDAN HUMANITARIAN AND SOCIAL SOLUTIONS**

394  
395 47. From research and existing UN operations, the PBC would like to outline some possible  
396 initiatives for Peacebuilding in the case that South Sudan becomes a CSC. A major emphasis  
397 of this CSC would be on the people and their needs because the needs of the people must be  
398 met before lasting peace is to ensue. The PBC views the establishment of a CSC for South  
399 Sudan as the umbrella for many aspects of institution and peacebuilding. We believe that if  
400 we are to facilitate not only the betterment of internal affairs in South Sudan but also the  
401 improvement of Sudan-South Sudan relations will ultimately be able to effectively build the  
402 foundations of burgeoning institutions in South Sudan as a collective.  
403

404 a. Considering that the right to food was established in the *UDHR* we recommend the  
405 FAO to explore limitations on the tariffs of food imports into South Sudan because of  
406 currently heightened food prices. When South Sudan becomes a CSC, we will be

407 able to collect further information on food prices and we can gain the insight  
408 necessary to be able to make food affordable and available to the people of South  
409 Sudan. This information will be related to the FAO for the purpose of further  
410 exploration and investigation. This is important to the peacebuilding process because  
411 when people are forced into desperation for lack of food, they are significantly less  
412 inclined to vie for peace.

413  
414 b. Education for ethnic and cultural tolerance and any further actions that will lessen  
415 ethnic unrest in South Sudan particularly is highly recommended. It has also come to  
416 the PBC's attention that because the division between ethnic groups is drastically  
417 wide, we must not forget to ensure the inclusion of all ethnic groups in meetings with  
418 South Sudan's CSOs for fair representation.

419  
420 c. Encourages the international community to increase the focused aid to existing  
421 refugee camps in South Sudan with the purpose of providing a safe and secure  
422 environment in line with international human rights norms. This will be done in the  
423 form of: medicine, trained doctors, food aid, clean water, sanitation, and security.  
424 This aid should come from the international community as well as from local and  
425 international NGOs, and the UN High Commission on Refugees.

426  
427 d. The PBC would like the United Nations High Commission on Refugees to become  
428 highly involved in the CSC by regulating the potential dangers in various  
429 communities throughout South Sudan. Collaboration with UNMISS and the  
430 proposed South Sudan CSC will help the UNHCR to be more successful in this cause.

431  
432 48. In cooperation with the United Nations Development Program (UNDP), the PBC encourages  
433 the creation of open discussion platforms where CSOs, women and youth can gather to  
434 address issues concerning human rights, reintegration, and the rehabilitation processes in  
435 areas of conflict. The participation of external agents such as UN representatives will be well  
436 received to achieve a global cooperation.

437  
438 a. The PBC believes these discussion platforms should encourage the relevant actors to  
439 voice their interests to UNMISS which would facilitate discussions between victims,  
440 with a special focus on women and youth, civil society organizations, NGOs, local  
441 leaders and receiving society.

442  
443 b. The PBC recommends that discussion platforms would primarily be conducted in  
444 hotspots of conflict, such as Abyei, South Kardofan, Pibor and Blue Nile where the  
445 majority of violent conflict has occurred. The UNMISS would determine a location  
446 within the provinces that does not endanger participants and is accessible.

447  
448 c. The PBC recommends that these forums are held in the aforementioned provinces  
449 every four months for a period of five years. Evaluations should be conducted bi-  
450 annually by a UN agency, with the possibility of expanding forum locations after the  
451 first year.

452

453 d. The outcome of these forums would be a substantive document on the experiences,  
454 concerns and hopes for the reintegration and peacebuilding process in South Sudan.  
455 These forums would work to include and empower local people, especially women  
456 and youth, who are afforded the opportunity to voice their concerns. The PBC  
457 recommends that these documents would be sent to the government protect the  
458 interests of women and youth victims in reintegration process whilst empowering  
459 them, enhance the efficiency of peacebuilding initiatives by receiving feedback, and  
460 increase the accountability of South Sudanese peacebuilding initiatives to the  
461 population. The PBC reaffirms the leadership role that the state of South Sudan  
462 should play in peacebuilding efforts, and believes that this document should work to  
463 support government initiatives, not undermine them.  
464

## 465 **E. ECONOMIC SOLUTIONS FOR SOUTH SUDAN**

466

467 49. The purpose of the following section of the report is to strengthen the economy of South  
468 Sudan. In order to accomplish this purpose the PBC suggests the following actions: First,  
469 focus strengthening the skilled workforce within South Sudan and Sudan. Second, ensure  
470 that the government and people of South Sudan receive compensation for the violation of the  
471 agreement between the two Sudanese states over the change in Sudanese currency. Third,  
472 encouraging and fostering a stronger environment for foreign investment within Sudan and  
473 South Sudan. These actions are aimed at providing a strong economic foundation for a  
474 sovereign, self-reliant South Sudan state.  
475

476 50. The PBC encourages the South Sudanese and Sudanese governments to negotiate, through  
477 the already organized negotiations facilitated by the African Union, the return of the  
478 estimated 800,000 South Sudanese workers that currently lack citizenship to the South  
479 Sudanese state. This skilled labor force is imperative to the development of the South  
480 Sudanese infrastructure as well as their economy and sound governance.  
481

482 51. The PBC proposes that Civil Society Organizations (CSOs), such as labor unions, collaborate  
483 with each other to provide necessary vocational training under the direction of the PBC.  
484 These efforts endeavor to assist in vocational training programs aimed at guiding the local  
485 population in overcoming unemployment and thus, diversifying the economy.  
486

487 a. The PBC will provide the forum to coordinate the training of the population by the  
488 CSOs (including Non-Governmental Organizations (NGOs)) in order to ensure equal  
489 opportunity and efficiency. The PBC also encourages Member States to provide  
490 technical experts in order to assist with vocational training and engineering projects in  
491 fields where these CSOs may lack the expertise. This will improve the South  
492 Sudanese economy and infrastructure. Furthermore, we encourage international CSOs  
493 to participate in this effort.  
494

495 b. These vocational programs sponsored by the PBC would include construction,  
496 medical, police, judicial personnel and other technical skills that are essential to  
497 providing basic services for the South Sudanese people.  
498

- 499 c. The PBC will coordinate and promote close cooperation between the state  
500 government and CSOs on development projects to provide or improve roads,  
501 electricity, water sanitation, telecommunications, clinics and hospitals as well as the  
502 University of South Sudan. This will provide the basic services conducive to a  
503 productive economy and a comfortable lifestyle.  
504
- 505 52. The PBC recommends that the FAO directly assist in the agricultural vocational training  
506 programs for the South Sudanese people, which will urge the diversification of the South  
507 Sudanese economy. We further recommend that the FAO assist the Sudanese people in  
508 farming techniques in arid regions. The PBC will also oversee vocational training programs  
509 in the Sudanese state aimed at providing workers with the necessary infrastructure to allow  
510 agriculture within the Sudanese region, specifically irrigation projects.  
511
- 512 53. Due to the financial situation in which the South Sudanese were left after their independence  
513 from Sudan and recognizing the agreements reached between South Sudan and Sudan over  
514 the issue of currency; the PBC encourages the state of Sudan to honor their previous currency  
515 for a limited time, agreed upon by the PBC, AU, South Sudan and Sudan, in order to  
516 maintain financial stability. These negotiations will allow the residents and the government of  
517 South Sudan to be compensated for the funds lost in the violation of the agreement made  
518 between Sudan and South Sudan.  
519
- 520 54. Furthermore, the PBC finds it necessary to encourage both Sudan and South Sudan to ease  
521 trade restrictions and allow foreign investors to enter both countries to promote employment,  
522 fund projects within the country, and allow both countries to reduce their oil dependencies.  
523
- 524 a. The PBC suggests that the host nations of foreign investors of South Sudan to  
525 cooperate once a year on studies concerning the impact of foreign investment on the  
526 South Sudanese economy and its population.  
527
- 528 b. We also suggest that Member States provide more troops to UNMISS (United  
529 Nations Mission in South Sudan) in order to reach its maximum deployment strength.  
530 This will provide a safe environment conducive to the progress of foreign  
531 investments.  
532

## 533 **F. INFRASTRUCTURE, SECURITY AND JUSTICE SECTOR REFORM**

534

- 535 55. The PBC encourages the utilization of the Global Partnership for Effective Development Co-  
536 operation, as called for in the Busan Declaration, recommending North-South, South-South  
537 and triangular cooperation, in order to ensure effective development assistance. To this end,  
538 the PBC further encourages increased multilateral and bilateral agreements between South  
539 Sudan and their development partners to promote international cooperation and assistance  
540 while improving physical, social, and political infrastructure.  
541
- 542 56. The PBC calls for the implementation of the African Union's Post-Conflict Reconstruction  
543 and Development Policy (PCRD), which addresses the needs of States at risk of becoming

544 failed states, by enacting socio-economic development projects in South Sudan, such as the  
545 development of water security, health services, and educational institutions.  
546

547 57. In accordance with the *Political Declaration on Africa's Needs* in 2008, the PBC requests  
548 that all aid be provided in alignment with the goals of Africa's New Partnership for  
549 Development's (NEPAD) Programme of Action, ensuring that all aid is applied to national  
550 development plans to foster national ownership within South Sudan. Further, the PBC  
551 requests technical assistance from the Capacity Development Office, under the United  
552 Nations Department of Economic and Social Affairs, to strengthen government capacity  
553 when dealing with financial management of national infrastructure projects.  
554

555 a. Underlining Article 23 of the *Political Declaration on Africa's Needs*, the PBC  
556 supports the 10-year capacity program for the African Union to promote a conflict-  
557 free Africa.  
558

559 b. The PBC recommends that a long-term national strategy be initiated by South  
560 Sudan's authorities in order to create a priority list for development, institutional  
561 reform and capacity-building, similar to Zambia's *Vision 2030*. To this end, the PBC  
562 strongly urges the application of the Ownership, Partnership, Expertise and Nimble  
563 (OPEN) initiative created in the independent report of the senior advisory group  
564 titled: *Civilian Capacity in the Aftermath of Conflict*; to "strengthen national  
565 development plans on basic safety and security, inclusive political processes, basic  
566 services, core government functionality, and economic revitalization".  
567

568 58. The PBC encourages collaboration between the African Capacity Building Foundation and  
569 South Sudan to assess the financial needs of the State, in order to effectively deliver the  
570 necessary aid and promote the development of physical infrastructure and capacity-building.  
571

572 59. The PBC calls upon the United Nations Operations Projects Services (UNOPS) to work in  
573 alignment with South Sudan's national priorities in implementing development projects  
574 related to security (i.e. building police stations) to promote the rule of law within national  
575 capacity development.  
576

577 60. The PBC acknowledges the need for the improvement of training mechanisms within the  
578 judicial system, including technical assistance to the courts such as fact finding, and the  
579 verification of testimonies and evidence. Emphasis should especially be placed on the respect  
580 for international law. Additionally respect for States' sovereignty should be maintained, with  
581 both the new training efforts, and with already existing judicial officials. Judicial sector  
582 training should be done through the cooperation of the PBC and the DPA. Under the DPA  
583 Mediation Support Unit, national governments and justice systems will receive appropriate  
584 training to lead their people. The PBC strongly urges the UN Rule of Law Unit and the UN  
585 Rule of Law Coordination and Resource Group to coordinate and fund rule of law initiatives  
586 in South Sudan, specifically within the justice and security sectors and policy developments  
587 to promote and protect rule of law.  
588

- 589 61. An emphasis should be placed on the UNMISS Demobilization, Disarmament and  
590 Reintegration (DDR) programme.  
591
- 592 a. There is additionally a need for a cease-fire agreement within and between Sudan and  
593 South Sudan, including a cessation of inter-militia fighting.  
594
  - 595 b. The PBC recommends the police and military mandates should be differentiated at a  
596 national level, with defined mandates being written for both police and military  
597 forces. The National governments in collaboration with their respective UN Missions  
598 will be responsible for defining these mandates. Specifically, training of both forces  
599 should be done through the UNITAR. Police forces should be responsible for internal  
600 affairs and receive appropriate training from UNMISS. Additionally, the PBC requests  
601 that UNESCO conduct cultural-sensitivity workshops with both police and military  
602 forces in an effort to maintain cultural and ethnic awareness. Military forces should  
603 address external security, with training received from UNMISS. Additionally, any  
604 training in the area of border security should be addressed in the manner suggested in  
605 Report Segment: Border Security.  
606
  - 607 c. There is also a need for continued reintegration of current militias into military forces  
608 and civil service, including employment in the private and public sector.  
609
- 610 62. The PBC understands that the Sudanese and the South Sudanese justice systems must be  
611 strengthened in order to address victim's needs. Ensuring security of victims with protection  
612 programs can guarantee the stability within both States. Therefore the PBC recommends the  
613 creation of INSPIRE, the Initiative for South Sudanese Political and Institutional  
614 Rehabilitation with the inclusion of a Truth and Reconciliation Commission. Acknowledging  
615 that the involvement of civil society in conflict resolution is essential to ensure sustainable  
616 peace, the creation of a truth commission is necessary to reconcile individuals after conflict  
617 and increase social cohesion after cultural or ethnic tensions. INSPIRE would be responsible  
618 for:
- 619 a. Psychological assistance such as victim's assistance, counseling, and social  
620 reintegration assistance.  
621
  - 622 b. Post TRC measures to enhance the effectiveness of rehabilitation efforts, including  
623 distribution of the outcome and lessons learned from INSPIRE through feasible  
624 multi-media means with the national governments, as well as continued cooperative  
625 dialogue between Sudan and South Sudan.  
626
  - 627 c. Integration of women's involvement in both the provision of testimonies and  
628 evidence.  
629
- 630
- 631 63. The PBC requests that INSPIRE be funded through both the Peacebuilding Fund and the  
632 Global Compact. Additionally, monetary support from the African Union (AU) will be  
633 appreciated. Voluntary donations from individuals, corporations and addition  
634 organizations will also be accepted.

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64. The INSPIRE initiative will be organized by an executive board consisting of judges, lawyers, legal scholars, as well as local community, and tribe members and leaders, chosen by the PBC, and considering suggestions from Sudanese and South Sudanese civilians. These board members would serve on a temporary basis of two years, until local Sudanese and South Sudanese civilians can operate INSPIRE independently. The executive board will be responsible for selecting local leaders and civilians to be appointed to the TRC Commission. These individuals will listen to testimony from victims while allowing perpetrators to request amnesty from prosecution in exchange for testimony. These members will additionally serve as the members of the investigation and research team. The South Sudanese government should empower their TRC to grant amnesty to those who committed abuses during times of conflict, as long as the crimes were politically motivated, proportionate, and there is full disclosure by the person seeking amnesty. This will help prevent political retributions and permanent division within States.
65. The INSPIRE investigation and research team will trace the sources of reports of human rights violations and present its findings to government officials and local authorities in South Sudan. Furthermore, claims of human rights violations, including crimes against humanity, will be brought before the corresponding government officials to determine the need for more investigation. The INSPIRE team will work in tandem with the national government to ensure that human rights violations, including crimes against humanity, will be addressed in a legitimate, legal manner. The INSPIRE team will then create a report based on material gathered, and should including transcripts of victims' testimonies.
66. The PBC strongly encourages Sudan to enact its own INSPIRE initiative in the same form of the South Sudanese program. The PBC understands that Sudan can greatly benefit from a rehabilitation and reconciliation program, considering the close ties the two States have with each other.

# Security Council A

## Committee Staff

Director                      Eva Helena Hernik  
Chair                            Aly Waleed El Salmay

## Agenda

1. Nuclear Disarmament and Non-Proliferation
2. Enhancing Efficiency and Credibility of UN Sanctions
3. Managing peace, Security and Prosperity in the South China Sea
4. Humanitarian Concerns in the Democratic People's Republic of Korea

## Resolutions adopted by the committee

<b>Document Code</b>	<b>Topic</b>	<b>Vote (Y/ N/ Abstention/ Non-Voting)</b>
SCA/1/1	Nuclear Disarmament and Non-Proliferation	Acclamation
SCA/1/2	Nuclear Disarmament and Non-Proliferation	Acclamation
SCA/1/3	Nuclear Disarmament and Non-Proliferation	Acclamation
SCA/1/4	Nuclear Disarmament and Non-Proliferation	Acclamation
SCA/3/1	Managing peace, Security and Prosperity in the South China Sea	Acclamation
SCA/3/2	Managing peace, Security and Prosperity in the South China Sea	Acclamation
SCA/4/1	Humanitarian Concerns in the Democratic People's Republic of Korea	adopted

Code: S/RES/1/1  
Committee: Security Council  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Recognizing* the many steps the Security Council has already taken towards finding a diplomatic  
2 solution to the proliferation crisis involving the Islamic Republic of Iran,

3  
4 *Gravely concerned* with Iran's non-compliance with the Nuclear Non-Proliferation Treaty  
5 (NPT), Security Council resolutions S/RES/1737, S/RES/1747, S/RES/1803, S/RES/1929, and  
6 S/RES/1984,

7  
8 *Noting with alarm* by Iran's lack of cooperation with the International Atomic Energy Agency's  
9 (IAEA) recommendations in prior reports, specifically GOV/2012/9 point F and G,

10  
11 *Expressing confidence* in the international community's ability to resolve the continually  
12 escalating tensions with regards to or involving Iran's nuclear program by diplomatic means,

13  
14 *Viewing with appreciation* Iran's desire to resume negotiations on April 13 and 14 of 2012,

15  
16 *Recalling* the topics of negotiation presented to Iran on June 14 2008 and attached in Annex IV  
17 of S/RES/1929 of June 9 2010,

18  
19 *The Security Council,*

- 20  
21 1) *Reaffirms* the need to achieve progress with Iran on the initiatives contained in the  
22 aforementioned proposal specifically pertaining to:  
23  
24 a) Suspension of enrichment-related and reprocessing activities pursuant to  
25 S/RES/1803 operative clauses 15 and 19 (a);  
26  
27 b) Reestablishment of confidence in the peaceful nature of their nuclear program by  
28 opening nuclear facilities to IAEA inspectors;  
29  
30 c) Compliance with agency safeguards regarding heavy water related projects in  
31 point F of GOV/2012/9;  
32  
33 2) *Recommends* that the Member States designated in Annex IV of S/RES/1929 and Iran  
34 consider a realistic and viable time-frame regarding the implementation of the stated  
35 measures in their scheduled nuclear talks with Iran;  
36  
37 3) *Declares* that following the results of the peaceful talks, should Iran fail to show good  
38 faith in attempting to commit to comply with these guidelines, further measures will be  
39 discussed by the Council;  
40  
41 4) *Decides* to remain seized of the matter.

Code: SCA/1/2  
Committee: Security Council  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of*  
2 *nuclear weapons, as well as of the need of all States to contribute to this end,*

3  
4 *Recalling Article 26 of the Charter of the United Nations which establishes the framework for*  
5 *world peace through the creation of weapons system controls,*

6  
7 *Reaffirming the importance of the Nuclear Non-Proliferation Treaty (NPT) and the need for the*  
8 *implementation of all its provisions,*

9  
10 *Emphasizing the importance of Article VII of the NPT, which allows the establishment of*  
11 *regional treaties to assure the total absence of nuclear weapons in their respective territories,*

12  
13 *Recalling with satisfaction the success of the African Nuclear Weapons Free Zone Treaty and the*  
14 *Latin American Nuclear Weapons Free Zone Treaty,*

15  
16 *The Security Council,*

- 17  
18 1) *Stresses the importance of holding mediated, bilateral and multilateral discussions*  
19 *between any Member State that experiences international tension due to nuclear*  
20 *materials, to identify stress points which enhance these tensions, by:*  
21  
22 a. *Requesting the Secretary General to appoint an actor to work within an area of*  
23 *conflict regarding nuclear disarmament and non-proliferation, such as, but not limited*  
24 *to, an actor who is a non-stake holder regarding the conflicting region and who is*  
25 *experienced in mediating conflict and establishing Nuclear Weapons Free Zones*  
26 *(NWFZ);*  
27  
28 b. *Establishing confidence building measures, through appointed mediators with the*  
29 *goal of creating NWFZ within conflicting regions, such as the Middle East and East*  
30 *Asia;*  
31  
32 2) *Brings to the attention of Member States, that are non-party to the NPT, the imperative*  
33 *nature of :*  
34  
35 a) *Understanding that all states, which possess nuclear material, have an inherent*  
36 *responsibility that comes with the possession of nuclear materials and that they are*  
37 *under the continuous attention of the international community;*  
38  
39 b) *Emphasizing the necessity of equal responsibility regarding nuclear disarmament and*  
40 *non-proliferation;*  
41  
42 3) *Invites the States Parties NPT Review Conference and the International Atomic Energy*  
43 *Agency (IAEA) to discuss the expansion of the IAEA to improve the level of*

- 44 transparency within the international community regarding nuclear materials, by  
45 furthering equality among all Member States;  
46
- 47 4) *Encourages* discussions on how best to achieve the universal ratification of the  
48 Comprehensive Nuclear Test Ban Treaty (CTBT);  
49
- 50 5) *Decides* to remain seized of the matter.

Code: SCA/1/3  
Committee: Security Council A.  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Reaffirming* the rights of all Member States to pursue peaceful nuclear energy programs,  
2

3 *Bearing in mind* the importance of Member States adopting domestic laws regarding the  
4 regulation of nuclear material within their borders in accordance with United Nations (UN)  
5 mandates and international agreements,  
6

7 *Recalling S/RES/1540*, that provides a framework for adopting policies regarding the  
8 safeguarding of nuclear materials,  
9

10 *Recognizing* the actions taken by the Proliferation Security Initiative (PSI) as an international  
11 effort against nuclear terrorism, which focuses on intercepting the illicit transport of nuclear  
12 materials,  
13

14 *Aware of* the threat to global security posed by the insufficient control and unsafe destruction of  
15 nuclear materials, particularly the dangers of said materials falling into the hands of terrorists or  
16 non-state actors,  
17

18 *Recognizing* the immediate need to enhance mechanisms in place that enable Member States in  
19 possession of energy- or weapons-related nuclear material to scale back their nuclear programs,  
20

21 *Calling attention* to the United Nations Environmental Program (UNEP) Year Book 2012, that  
22 highlights the need for a consistent nuclear decommissioning process,  
23

24 *Realizing* the benefits of international nuclear fuel banks, responsible for the containment and  
25 distribution of spent nuclear fuel,  
26

27 *Noting with satisfaction* the exploration of new and innovative technologies that improve the  
28 safety and lessen the environmental impact of developing nuclear energy,  
29

30 *Expressing* its satisfaction with the productive and cooperative nature of the 2012 Nuclear  
31 Security Summit,  
32

33 *The Security Council*,

34  
35 1) *Calls upon* Member States who wish to develop peaceful nuclear energy programs to  
36 adopt domestic agendas within the guidelines of the Nuclear Non-Proliferation Treaty  
37 (NPT), International Atomic Energy Agency (IAEA), and the Nuclear Energy Agency  
38 (NEA);  
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40 2) *Urges* Member States to take actions to ensure the security and protection of all forms of  
41 nuclear materials, through:  
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- a. Complying with *S/RES/1540*, which addresses non-cooperation with non-state actors who may seek access to nuclear material;
  - b. Adopting domestic laws that require adequate and modern nuclear security systems for sites housing nuclear materials, as required by *S/RES/1540*;
  - c. Working in concordance with regional and domestic law enforcement agencies to combat the efforts of proliferation facilitators of non-state actors, as referenced in the Convention on the Physical Protection of Nuclear Material (CPPNM);
  - d. Cooperating with, and recognizing international organizations and initiatives that contribute to the safety and security of nuclear materials;
- 3) *Strongly suggests* Member States to develop an expanded body of information pertaining to the fast, safe, and efficient decommissioning of nuclear reactors through:
- a. Working with the international nuclear industry to innovate and develop new technological methods to create a "smarter" decommissioning process;
  - b. Expanding the IAEA's international decommissioning network to facilitate exchanges of technical expertise and information among states;
  - c. Ensuring that nuclear reactors are designed for efficient and safe decommissioning;
  - d. Developing multilateral initiatives and the sharing of technical expertise aimed at the safe transfer of former weapons-grade nuclear reactors to peaceful energy-creating reactors, with the example of the United States' National Nuclear Initiative;
- 4) *Endorses* the creation of additional international nuclear fuel banks modeled after the Russia-established Nuclear Fuel Bank in Siberia, operating under the auspices of the IAEA, by:
- a. Enabling States that possess nuclear enrichment technology to voluntarily donate enriched fuel to States that lack the capacity to power their own nuclear reactors;
  - b. Providing a reserved supply of fuel for power reactors to non-nuclear States, reducing the need for such States to develop enrichment programs that could potentially produce dual-use nuclear technologies;
- 5) *Determines that* Member States develop and implement innovative and efficient nuclear technology in order to create safer and cleaner nuclear energy systems;
- 6) *Invites* Member States to participate in the Nuclear Security Summit of 2014, to be held in the Netherlands;
- 7) *Decides* to remain seized of the matter.

Code: SCA/1/4  
Committee: Security Council  
Subject: Nuclear Disarmament and Non-Proliferation

1 *Reaffirming* the Treaty on the Non Proliferation of Nuclear Weapons (NPT), Security Council  
2 Resolution 1540 regarding the Security of Nuclear Materials, and all other resolutions, treaties  
3 that regulate nuclear proliferation,  
4

5 *Emphasizing* the dangers posed by the possession of nuclear weapons as well as the potential  
6 dangerous nature of other forms of nuclear materials and technology,  
7

8 *Recognizing* the importance of the NPT in maintaining international peace and security,  
9

10 *Stressing* that one of the principal incentives for joining and remaining a member of the NPT is  
11 to gain access to invaluable cooperation and aid in the areas of nuclear technology, expertise and  
12 materials for peaceful purposes,  
13

14 *Understanding* the Security Council's inability to directly adjust the NPT beyond  
15 recommendations for review and modification,  
16

17 *Noting with concern* that the Comprehensive Nuclear Test-Ban Treaty (CTBT) has not yet  
18 entered into force due the lack of ratification by Annex II States,  
19

20 *Recognizing* the sovereign right of Member States to develop nuclear energy as an alternative  
21 energy source as mandated in Article 4 of the NPT,  
22

23 *Recalling* the creation of the Nuclear Weapons Free Zone (NWFZ) in Latin America and the  
24 Caribbean in 1969, the South Pacific NWFZ of 1985, Southeast Asia NWFZ of 1995, the  
25 African NWFZ of 1996, the Central Asia NWFZ of 2006,  
26

27 *Welcoming* future cooperation in the 2012 Finland Conference in regards to the possible creation  
28 of new NWFZ,  
29

30 *Further recalling* S/RES/687 of 1991 and NPT/CONF.2010/50 that state the importance of a  
31 NWFZ in the Middle East,  
32

33 *The Security Council,*  
34

- 35 1) *Suggests* that all Member States Party to the NPT consider methods to universalize the  
36 Model Additional Protocol (based on INFCIRC/540) designed by the International  
37 Atomic Energy Agency (IAEA) Board of Governors in 1997;  
38
- 39 2) *Stresses* the need to clarify the consequences of withdrawal from the NPT pursuant to  
40 Article 2 and Article 3 Paragraph 2 of the NPT, which address the cessation of nuclear  
41 cooperation with Members not Party to the NPT;  
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- 3) *Proposes* that the NPT consider the following propositions for additions to Paragraph 1 of Article X of the NPT:
    - a. In the event that a Party to the NPT wishes to withdraw from the Treaty, they must provide a notice to the Security Council and all other Parties to the NPT at least 6 months in advance, thus extending the current requirement by 3 months;
    - b. All notifications of withdrawal are considered as a new statement of intention and must fulfill the time requirements outlined above, regardless of whether a state has taken back a past NPT withdrawal notice;
    - c. The Security Council, having received such a notice, will immediately seize itself of the matter and call upon the Party in question to discuss their concerns with the Council;
    - d. The Council will use all diplomatic means of negotiation to address these concerns in order to help the state seeking to withdraw to reconsider their decision and find an alternative to their withdrawal;
  - 4) *Calls for* an incentive system developed by the IAEA for greater transparency and confidence building including but not limited to facilities, stockpiles and storage;
  - 5) *Recommends* that all Member States and IAEA representatives participate in the conference in Finland in 2012 for the promotion of the Nuclear Weapons Free Zone in the Middle East, and while there:
    - a) Present NWFZ treaties in order to share information and efficient practices with states that are attempting to regionally create their own;
    - b) Participate in multilateral discussions with a UN appointed mediator of boundary assignment for NWFZ between states involved in the creation of the zones;
    - c) Develop bilateral and multilateral confidence building measures between Middle Eastern States in order to create an environment favorable to negotiations;
  - 6) *Recommends* that all Member States participate in dialogue regarding the NPT and consider the signing and ratifying of regulations put forth in the CTBT;
  - 7) *Further recommends* the immediate resumption of negotiations on a Fissile Materials Cut-Off Treaty (FMCT);
  - 8) *Invites* Member States to participate in the next Nuclear Security Summit in 2014 which will be held in the Netherlands in order to adopt the conclusions reached at the Nuclear Security Summit of 2012 in South Korea;

- 88 9) *Recommends* the active participation of Nuclear Weapons States on the Conference on a  
89 NWFZ in the Middle East in 2012 and encourages their consideration of a potential  
90 Protocol regarding security assurances which would create an atmosphere of confidence  
91 and fertile ground for successful negotiations;  
92  
93 10) *Decides* to remain seized of the matter.

Code: SCA/3/1  
Committee: Security Council  
Subject: Maintaining Peace and Security in the South China Sea

1 *Fully convinced* that economic integration and prosperity is the first step to reaching security and  
2 stability,  
3  
4 *Appreciating* how past cooperation between States in the South China Sea (SCS) continues to aid  
5 peace and acknowledging that such regional cooperation is the best way of ensuring lasting  
6 regional peace and stability in future,  
7  
8 *Recalling* the principles stated in Articles 123 and 74 of the United Nations Convention on the  
9 Law of the Sea (UNCLOS), which provide a legal framework for the cooperative regional  
10 agreements,  
11  
12 *Reaffirming* the importance of preserving the sea-lanes of communication and the freedom of  
13 flight and navigation within the SCS region,  
14  
15 *Highlighting* the importance of the Declaration on the Conduct of Parties in the South China Sea  
16 (DOC), as agreed upon by the Member States of Association of Southeast Asian Nations  
17 (ASEAN) and the People's Republic of China,  
18  
19 *Further affirming* the outcomes of the DOC in their capacity to reduce threats of escalating  
20 tensions in the region and fortify peaceful means of cooperation,  
21  
22 *Appreciating* the Treaty on Amity and Cooperation (TAC) and applauding its efforts to increase  
23 stability and communication between states in the region,  
24  
25 *Concerned that* unsustainable resource management practices lead to States' inadvertent  
26 infringement upon the resources that lie outside their territory as defined by UNCLOS, and  
27 recognizing that scientific monitoring of these practices could alleviate tension,  
28  
29 *Applauding* the success of such agreements as the 2005 Tripartite Agreement for the Joint  
30 Marine Seismic Undertaking in the Agreement Area in the SCS between Vietnam, China and the  
31 Philippines, which allows for the peaceful sharing of petroleum in contested waters, in reducing  
32 tensions that arise from resource distribution,  
33  
34 *Further recalling* the United Nations Agreement of the Port State Measures to Prevent, Deter,  
35 and Eliminate Illegal Unreported and Unregulated Fishing, and recognizing the need for proper  
36 enforcement of its measures,  
37  
38 *Reaffirming* Article 24 of the United Nations Charter to maintain international peace and  
39 security,  
40  
41 *Highlights* the Rio Declaration, which states that each Member State has the responsibility to  
42 ensure that activities within their jurisdiction or control do not cause damage to the environment  
43 of other States or of areas beyond the limits of national jurisdictions,

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*The Security Council,*

- 1) *Urges* Member States in the SCS region to work through regional organizations, to increase their economic integration through continued support of:
  - a. The Asia-Pacific Economic Council (APEC);
  - b. Certain ASEAN bodies, such as the ASEAN Research and Development Towards Strategic Technologies, ASEAN Program for Regional Integration Support (APRIS), the EU-ASEAN Partnership, the ASEAN-CHINA Framework on Comprehensive Economic Cooperation, and the Joint Declaration of Comprehensive Partnership between ASEAN and the UN, and the ASEAN Regional Forum, among others;
  - c. The East Asian Summit;
- 2) *Suggests that* Member States adhere to the guidelines set forth in the DOC by establishing a Code of Conduct, and by so doing:
  - a. Increase economic capacity by fostering peace and security;
  - b. Ensure, through the unhindered commercial maritime navigation by ensuring that sea-lanes are safe, secure, and open to peaceful economic activity;
- 3) *Welcomes* accession of Member States who are not currently acceded to recognize the Treaty on Amity and Cooperation (TAC) which seeks to strengthen political and economic stability, as well as sovereignty and territorial integrity of involved parties;
- 4) *Encourages* Member States and international organizations to aid in improving the capacity of regional Less Developed Countries (LDCs) to conduct high-level scientific research and develop technology, in order to promote environmental sustainability and the increased prosperity and stability of LDCs, by:
  - a. Endorsing funding and expertise by certain international organizations to train personnel and provide equipment and facilities to develop environmentally sound fishing techniques and technologies, with stated organizations being, but not limited to:
    - i. United Nations Development Program;
    - ii. United Nations Industrial Development Organization;
    - iii. Intergovernmental Oceanographic Commission of the UN Educational Scientific and Cultural Organization;

- 90 iv. Cooperation with NGOs who may also wish to contribute  
91 funding;  
92
- 93 b. Developing further oceanic capabilities, as supported by organizations such as the  
94 Intergovernmental Oceanographic Commission of the United Nations  
95 Educational Scientific and Cultural Organization (IOC-UNESCO), through:  
96
- 97 i. Promoting voluntary access and contribution to the Global  
98 Resource Information Database (GRID), which would provide  
99 access to the most current information and research regarding  
100 maritime conditions outside of the continental shelf;  
101
- 102 ii. Developing hydrographic surveys and electronic nautical charting,  
103 as both are critical to the safety and economic efficiency of the  
104 global shipping industry;  
105
- 106 5) *Strongly supports* increased and continued multilateral negotiations towards measures  
107 concerning resource allocation, including the development of a Joint Resource Area  
108 (JRA), by:  
109
- 110 a. Creating a Memorandum of Understanding, on the basis of the respect of  
111 sovereignty and mutual interests in conformity with international law;  
112
- 113 b. Affirming that the JRA should exist as a venue in which, the states involved can  
114 take advantage of natural resources in overlapping areas of the Exclusive  
115 Economic Zones;  
116
- 117 c. Emphasizing the importance of the creation of the Joint Resource Development  
118 Authority, as a body to monitor the JRA, by:  
119
- 120 i. Reducing economic burden of investment;  
121
- 122 ii. Reducing exploitation costs;  
123
- 124 iii. Increasing efficiency of investment;  
125
- 126 6) *Stresses* the necessity of securing unimpeded commerce in the SCS to prevent the closure  
127 of economic ties, as the erosion of such ties, as could significantly impact maintenance of  
128 international security, through the Container Security Initiative (CSI), which protects  
129 cargo and trade;  
130
- 131 7) *Decides* to remain seized of the matter.

Code: SCA/3/2

Committee: Security Council

Subject: Managing Peace, Security, and Prosperity in South China Sea

1 *Deeply Concerned* with the rising tensions in the South China Sea (SCS) and the implications  
2 that any form of conflict would have on the concerned states and global security,

3  
4 *Reaffirming* the obligation of all Member States to settle their disputes by peaceful means, as  
5 outlined in Article 1 and Article 2 (4) of the UN Charter,

6  
7 *Emphasizing* its primary responsibility for the maintenance of international peace and security in  
8 accordance with the Article 24 of the UN Charter,

9  
10 *Keeping in mind* the 2005 World Summit Outcome reiterating the obligation for Member States  
11 to settle their disputes by peaceful means in accordance with Chapter VI of the UN Charter,

12  
13 *Reaffirming* Chapter VI Articles 33 and 34 of the United Nations Charter which calls for  
14 peaceful settlement of disputes and conflicts, and Chapter VIII regarding conflict resolution on a  
15 regional basis,

16  
17 *Deeply concerned* by past acts of violence committed between concerned states in the SCS  
18 region,

19  
20 *Understanding* that regional bodies, such as the Association of Southeast Asian Nations  
21 (ASEAN), are the only appropriate forums for resolving all regional disputes in the SCS,

22  
23 *In accordance* with the Report of the Secretary-General on enhancing mediation practices  
24 S/2009/189. which designates a method for the Secretariat to appoint a Deputy Special  
25 Representative of the Secretary General to a specific region for conflict mediation and peace-  
26 keeping efforts, and gives them the authority to assemble a qualified peace keeping team,

27  
28 *Bearing in mind* the report of the Secretary-General S/2011/522 entitled *Preventive Diplomacy:*  
29 *Delivering Results* which examines the opportunities and the challenges the United Nations and  
30 its partners currently face in conducting preventive diplomacy in a changing political and  
31 security landscape,

32  
33 *Emphasizing* the importance of the Treaty of Amity and Cooperation (TAC) of 1976 and the  
34 Declaration of Conduct of the Parties in the South China Sea (DOC) of 2002 and its subsequent  
35 guidelines on implementation of July 2011 for the maintenance of international peace and  
36 security,

37  
38 *Recalling* the United Nations Department of Political Affairs' (DPA), and UN Regional Centre  
39 for Preventative Diplomacy in Central Asia (UNRCCA), tasked with assisting the governments  
40 of Central Asia in building capacities to peacefully prevent conflict, in facilitating dialogue, and  
41 in catalyzing international support behind projects and initiatives,

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43 *The Security Council,*

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- 1) *Appeals* to all contributing actors within the SCS region to refrain from any violent action during the progression of the conflict resolution process;
  - 2) *Declares accordingly* that any negotiation relevant to the disputes within the SCS, must take place within the jurisdiction of the regional bodies, including but not limited to ASEAN;
  - 3) *Requests* that the Secretary-General appoint a Deputy Special Representative (DSR) of the Secretary General to the region, with the purpose of serving as the lead mediator and envoy of the United Nations to the South China Sea for the period of 24 months:
    - a) The DSR will appoint a mediation team according to S/2009/189 chapter 3 c. 17 with the qualifications:
      - i. Skills in politics and mediation;
      - ii. Knowledge of the region and its parties as well as languages used;
      - iii. Trustworthy and impartial, with a rigid adherence to the Charter;
    - b) The DSR and Mediation team's immediate priorities will be determined after further consultations with governments in the region, accepting suggestions for a peaceful agenda from all parties involved, thus setting a tone for a collaborative atmosphere;
    - c) Submitting a comprehensive report every eight months evaluating the progress of the dispute in the SCS to the UN Security Council, subsequently made available to all regional bodies, organizations, and concerned states,
  - 4) *Requests* that the Secretary-General and the DPA establish a South China Sea Center for Preventive Diplomacy in South East Asia, based on the precedent of the UN Center of Preventive Diplomacy in Central Asia, with the purpose of resolving the dispute effectively, increasing confidence and transparency among all countries within the region, whose responsibilities include:
    - a. Reporting regularly to the Secretary-General in accordance with UN Charter Article 34 if any threat or escalation of tensions arise in the area;
    - b. Strengthening collaboration with regional organizations such as, but not limited to, the ASEAN Political Security Community and the ECOSOC for Asia and the Pacific;
    - c. Operating on a continuously reevaluated budget, following the precedent of the UNRCCA, using the resources committed or made available by:
      - i. Willing Member States;
      - ii. The mediation support unit;
      - iii. Funds from the UN;

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- 5) *Requests* that Deputy Special Representative of the Secretary General and the mediation team mediate between conflicting countries in order to solve the conflict by:
    - a) Facilitating meetings between high level national officials to open constructive dialogue regarding the peaceful resolution of the dispute, as well as regional experts on key substantive issues;
    - b) Considering the implementation of the Declaration on the Conduct of Parties in the South China Sea in coherence with the Guidelines for the Implementation of the Declaration on the Conduct;
    - c) Working with national governments to catalog significant technical and juridical matters regarding the countries claims to the contested regions;
    - d) Submitting a comprehensive review, including the reports received from the legal advisory board and the preventative monitoring force, to the Security Council on the status of the dispute every eight months;
  - 6) *Establishes* a preventative monitoring force, under the mandate of the Secretary-General and the DSR, and headed by a joint effort of willing Member States to closely monitor the disputes in the South China Sea and to prevent the further escalation of tensions, as defined by Article 51 of the UN Charter.
  - 7) *Declares accordingly* that its mandate includes the following initiatives:
    - a) Monitoring of illicit activities in the South China Sea region, closely cooperating with the United Nations and the regional bodies;
    - b) Submitting of regular reviews at eight month intervals to the DSR, on the development of the situation in the SCS to the Secretary-General to allow for the continued effectiveness of the DSR's mediation efforts in the region;
  - 8) *Decides* to remain seized on the matter.

Code: SC/4/1

Committee: Security Council

Subject: Humanitarian Concerns in the Democratic People's Republic of Korea

1 *Affirming* the need for action to prevent the needless loss of life,  
2

3 *Believing* this action constitutes a moral imperative for the international community,  
4

5 *Reaffirming* Article 2 (7) of the Charter of the United Nations, which guarantees sovereignty of  
6 all Member States,  
7

8 *Deeply concerned* with the violence occurring on the borders of the Democratic People's  
9 Republic of Korea,  
10

11 *Recalling* GA/RES/46/182 establishing the Office of Humanitarian Affairs Coordinator,  
12

13 *The Security Council,*  
14

15 1) *Directs* the Under Secretary General for Humanitarian Affairs and Emergency Relief  
16 Coordinator of the United Nation to undertake immediate action to address the grave  
17 humanitarian crisis in the Democratic People's Republic of Korea;  
18

19 2) *Calls upon* the world community to offer assistance to address the suffering of the people  
20 of the Democratic People's Republic of Korea, under the auspices of the Office of the  
21 Emergency Relief Coordinator;  
22

23 3) *Stresses* the importance of respecting basic human rights in the Democratic People's  
24 Republic of Korea;  
25

26 4) *Requests* the Democratic People's Republic of Korea to enter into talks with the Under  
27 Secretary General for Humanitarian Affairs and Emergency Relief Coordinator of the  
28 United Nations, in order to coordinate the distribution of basic assistance;  
29

30 5) *Decides* to remain seized on the matter.

# Security Council B

## Committee Staff

Director Bobby Valentine  
Chair/ Rapporteur Maria Smith

## Agenda

1. Nuclear Disarmament and Non-Proliferation
2. Enhancing Efficiency and Credibility of UN Sanctions
3. Managing Peace, Security and Prosperity in the South China Sea

## Resolutions adopted by the committee

<b>Document Code</b>	<b>Topic</b>	<b>Vote (Y/ N/ Abstention/ Non-Voting)</b>
S/RES/1/1	Nuclear Disarmament and Non-Proliferation	12/0/0 (by acclamation)
S/RES/2/1	Enhancing Efficiency and Credibility of UN Sanctions	11/0/1

Code: SCB/1/1  
Committee: Security Council  
Subject: Nuclear Non-Proliferation and Disarmament

1 *Keeping in mind* Articles 39, 40, and 41 of the United Nations Charter, Chapter VII, the  
2 United Nations Security Council,

3  
4 *Recalling* the Nuclear Non-Proliferation Treaty (NPT), and its effects on international  
5 stability, specifically Article IV,

6  
7 *Believing* the spread of traditional heavy-water enrichment technology and related by-  
8 products to be a threat to peace and stability, in that the propagation of these materials  
9 heightens the possibility of actors outside international norms attaining volatile nuclear  
10 material,

11  
12 *Acknowledging* the potential benefits of alternative energy sources, such as thorium, as  
13 reported in IAEA-TECDOC-1450,

14  
15 *Respecting* the sovereignty of Member States;

16  
17 The Security Council,

- 18  
19 1. *Urges* parties to the NPT to consider submitting an amendment to Article IV of  
20 said document to their fellow signatories and the Director General of the IAEA,  
21 calling for the phased reduction of uranium powered nuclear plants, in favor of  
22 advances into alternative fuel usage,  
23  
24 2. *Further* calls upon at least one-third of the parties to the NPT to convene a  
25 conference the discuss said amendment;  
26  
27 3. *Endorses* the implementation of the Plan for an Alternative Fuel Future, which  
28 calls for all Member States to:  
29 a. Pursue alternative fuel reactors with the aim of 25 percent of new reactors  
30 utilizing this technology, including the conversion of decommissioned  
31 reactors by,  
32 i. Conducting viability studies of possible costs, both financial and  
33 environmental,  
34 ii. Investigating market incentives to encourage private investment,  
35 iii. Supporting the modification of domestic policy to foster this  
36 transition;  
37 b. Engage in this pursuit over a period of 25 years;  
38  
39 4. *Encourages* the International Atomic Energy Agency (IAEA) to amend its  
40 policies pursuant to further study of alternative fuels and light-water reactors;  
41

- 42 5. *Renews its appeal* to the international body to continue on a path towards nuclear  
43 peace;  
44
- 45 6. *Invites* the discussion of this proposal to take place during the next session of the  
46 NPT Review Summit, to be hosted in 2015.

Code: S/RES/2/1

Committee: Security Council

Subject: Enhancing Efficiency and Credibility of United Nations Sanctions

1 *Keeping in mind* the importance of state sovereignty under Chapter II of the United  
2 Nations Charter,

3  
4 *Recalling* Chapter VII, Article 41 of the UN Charter, which gives the Security Council the  
5 authority to impose sanctions on non-compliant Member States in order to promote and  
6 restore international peace and security,

7  
8 *Recognizing* Section III, Article 53 of the 1949 Geneva Convention, which defines  
9 systematic attacks on civilian infrastructure as war crimes,

10  
11 *Acknowledging* that sanctions are intended to apply pressure on a state or entity in order  
12 to comply with the objectives set by the Security Council, while minimizing the impact  
13 on civilians and non-combatant actors,

14  
15 *Recognizing* the Stockholm Process and the Bonn-Berlin Process for more effective  
16 sanctions,

17  
18 *Approving* of the structure of the Bonn International Center for Conversation (BICC), and  
19 its focus on exemplary research and crises forecasting, in particular its work towards  
20 research in early warning systems for crises,

21  
22 *The Security Council,*

- 23  
24 1. *Suggests* the creation of the Joint Utility Sanctions Trust (JUST), a body  
25 comprised of two expert panels, one focusing on policy and one focusing on legal  
26 mandate;
- 27 a. Panels should be composed of experts nominated by the General  
28 Assembly and selected from those nominees by the Security Council for  
29 the period of a two year term on the panels;
  - 30 b. The JUST should conduct research on efficiently combining new  
31 measures within UN sanctioning and UN legislature, enhancing the ability  
32 of the Security Council to implement more efficient and cohesive  
33 sanctions by,
    - 34 i. Completing and providing to the Security Council research on the  
35 nexus between development and peace as well as early warning  
36 systems for crises,
    - 37 ii. Providing informed analysis for research by making available to  
38 the Security Council applied research consisting of,
      - 39 1. An extensive review of the identified state by the panel of  
40 experts to deem which sanctions are appropriate for the  
41 Member State, Background and evaluation studies,

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2. Impact analyze, including possible effects in order to minimize the negative impacts of the suggested sanctions,
  3. Suggests that JUST be prepared to maintain and upkeep a library and database that will serve as a constant and accessible resource for decisions on smart sanctions,
    - iii. Seeking new and innovative combinations of existing frameworks, including the Interlaken Process, the Bonn-Berlin Process and the Stockholm Process,
      1. As stated in the Interlaken Process, its focus is to elaborate and implement targeted financial sanctions that will exert direct pressure over the sanctioned nation by,
        - a. Freezing assets in the world financial markets,
        - b. Strengthening existing relationships between financial institutions and member states;
  2. *Endorses* the use of the *Targeted Financial Sanctions: A Manual for Design and Implementation* by the Security Council and national officials, which delineates a clear schedule for the creation of resolutions that focus on “imposing targeted financial sanctions and identifies ‘best practices’ for the implementation of those measures at the national level”;
  3. *Suggests* the investigation of developing a framework for brief periods of intermission between the cessation of failed sanctions and the discussion of new sanctions, to reduce hostility amongst the civilian population of the state being sanctioned,
    - a. Aid for infrastructure restoration, food, health care, and the other aid deemed necessary by JUST to restore the country to acceptable standards should prevent alienation of the citizen population,
    - b. Special care must be taken to prevent said intermission periods from allowing the sanctions target to regroup,
      - i. JUST should apply specific research to this aim in order to advise on best practices;
  4. *Believes* sanctions programs should be implemented with complete missions in mind, including the conclusion of said programs by developing, under the guidance of JUST, and for each proposed sanction program,
    - a. A list of actionable goals and a rubric for measuring progress toward such goals, including clear definitions of what constitutes positive or negative progress,
    - b. Clear conditions under which sanctions may be tightened or loosened, in accordance with positive or negative progress,
    - c. A plan of action for withdrawing from the sanctions process and, if necessary, assisting the civilian population with rebuilding once the threat has passed;

- 87 5. *Endorses* a framework of timely and regular assessments addressing the  
88 effectiveness of the sanctions,  
89 a. After a period of three and six months from implementation, JUST should  
90 provide a report for the Security Council detailing collateral damage  
91 imposed on the civilian population, as well as progress toward the stated  
92 goals of the sanctions,  
93 b. After a period of twelve months, additional reports will be provided, and  
94 the Security Council will have the opportunity to make an assessment on  
95 the status of the sanction and determine further action;  
96
- 97 6. *Emphasizes* the consideration of long-term humanitarian effects in developing  
98 sanctions programs, specifically, encourages the avoidance of collateral damage  
99 to the civilian population by:  
100 a. Taking care to avoid targeting critical civilian infrastructure, such as, but  
101 not limited to, water supplies, hospitals, and civilian assets,  
102 b. Employing strategies that avoid permanent and irreversible damage to  
103 dual-use infrastructure,  
104 c. Continuing to ensure the safety and protection of civilian populations;  
105
- 106 7. *Welcomes* regional approaches to peaceful dispute settlements, underlining the  
107 historical importance of cooperation between regional and sub-regional  
108 organizations as well as national governments, the involvement of and  
109 consultation with regional bodies most relevant to each specific situation,  
110 including NGOs;  
111
- 112 8. *Recognizes* that new frameworks must function in accordance with and in  
113 addition to traditional sanctions programs, such as economic, political,  
114 technological and social sanctions, as well as newer protocols, including cyber  
115 sanctions;  
116
- 117 9. *Promotes* peaceful mediation involving outside experts familiar with the issues,  
118 linking Member States and sub-regional organizations in multi-level discussions.