

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



Edited by  
Jared Genser  
Bruno Stagno Ugarte

CAMBRIDGE

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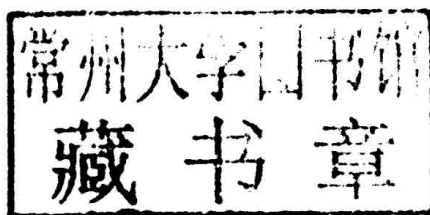
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## THE UNITED NATIONS SECURITY COUNCIL IN THE AGE OF HUMAN RIGHTS

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

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

Bruno Stagno Ugarte is Executive Director of the Security Council Report. Most recently, he was Foreign Minister of Costa Rica (2006–2010) while the country served a two-year term on the Security Council (2008–2009). Previously, Stagno Ugarte served as Ambassador and Permanent Representative to the United Nations (2002–2006), Chief of Staff of the Foreign Ministry (1998–2000), Adviser to the Foreign Minister (1998), and Minister Counselor and Consul General in the Embassy in Paris (1994–1998). Stagno Ugarte has also served as President of the Assembly of States Parties of the International Criminal Court (2005–2008), Co-President of the Comprehensive Test Ban Treaty Conferences (2007–2009), Co-President of the UN 2005 Summit Outcome Document (2005), and Vice President of the UN Commission of Sustainable Development (2002–2004). He is a graduate of Georgetown University, Université de la Sorbonne-Paris UPIII-IHEAL, and Princeton University.

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**Bruno Stagno Ugarte** is Executive Director of the Security Council Report (SCR), an independent nongovernmental organization based in New York focused on providing high-quality information about the activities of the United Nations Security Council and its subordinate bodies and training for incoming Council members. Stagno Ugarte recently concluded a sixteen-year career in the Foreign Service of Costa Rica, including a four-year term as Foreign Minister (2006–2010). Previously, he served as Ambassador and Permanent Representative to the United Nations (2002–2006), Chief of Staff of the Foreign Ministry (1998–2000), Adviser to the Foreign Minister (1998), and Minister Counselor and Consul General in the Embassy in Paris (1994–1998). Stagno Ugarte has also served as President of

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**José Ramos-Horta** served as the second president of East Timor since its independence from Indonesia, from 2007 to 2012. He was previously prime minister (2006–2007) and foreign minister (2002–2006). He is a co-recipient of the 1996 Nobel Peace Prize. As a founder and former member of the Revolutionary Front for an Independent East Timor (FRETILIN), Ramos-Horta served as the exiled spokesman for the East Timorese resistance during the years of the Indonesian occupation (1975–1999). He currently serves as Under-Secretary-General, Special Representative of the UN Secretary-General, and Head of the UN Integrated Peacebuilding Mission in Guinea-Bissau, and he is also vice president of the Asian Peace and Reconciliation Council. He is a member of the Advisory Council of the Institute for Global Law and Policy at Harvard University. He received an MA

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## Acknowledgments

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

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

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

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Jared Genser,  
Washington  
Bruno Stagno Ugarte,  
New York  
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## Abbreviations

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

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



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