

A SUSTAINABLE FUTURE

PEOPLE, PROSPERITY, PLANET AND PEACE

Study Guide FACAMP Model United Nations

Roberta Silva Machado and Talita de Mello Pinotti

EDITORS



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Study Guide FACAMP Model United Nations 2017

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Professor Roberta Silva Machado

Professor Talita de Mello Pinotti

Campinas, September 2017.

PREFACE

The world has never been younger. It is estimated that approximately one quarter of the world's population is between 10-24 years old. This "youth bulge" is the largest generation of young people the world has ever known.

As the UN increases efforts to encourage young people around the world to be positive agents of change, Model UN conferences, like WIMUN, offer participants the opportunity to learn about global issues, to work with peers to propose solutions to these problems and gain experience in the negotiation process that aims to reconcile opposing views in order to reach agreement on what actions should be taken that has the general support of all.

Our hopes for the future are now expressed in the broadest terms in the Sustainable Development Goals. These goals provide a road map for lifting millions of people around the world out of poverty while at the same time "protecting our environment, ensuring peace and realizing human rights"¹. The challenge we face is to find ways to improve the economic well-being and quality of life that all people deserve without damaging our environment, threatening peace or violating basic human rights.

The SDGs have been grouped into five areas, referred to as the 5Ps — People, Prosperity, Planet, Peace and Partnerships. WIMUN Brazil draws attention to the first four components of the Sustainable Development Goals.

Each agenda item that will be debated in one of the General Assembly Committees or Security Council simulations during WIMUN Brazil is linked in some way to these components.

When it comes to focusing on People — which includes goals associated with eradicating poverty and ensuring gender equality — the agenda item on Social Development will provide an opportunity to look more closely at how to reinforce efforts to make a people-centered approach the foundation of social and economic development and the agenda item on Advancement of Women will offer an opportunity to explore the actions needed to empower women which is also a key component of development.

When it comes to the goals linked to the Planet — which includes access to affordable energy and protecting life on land and below water — we must ask, how can we meet the growing needs for energy that are needed promote economic growth without

¹ United Nations, General Assembly, *The Road to Dignity by 2030: Ending Poverty, Transforming All Lives and Protecting the Planet, Synthesis Report of the Secretary-General On the Post-2015 Agenda*, A/69/700, 4 December 2014, available from: http://www.un.org/ga/search/view_doc.asp?symbol=A/69/700&Lang=E

damaging the health of the planet? And how can we make sure that our use of these resources does not lead to the decline of biological diversity and the ecosystems that sustain life on our planet?

When it comes to Prosperity — which includes goals associated with economic development — the agenda item on ICTs for Development will explore how information and communication technologies can be used to spur development in today's information society in addition to the obvious overlap with debate on the empowerment of women.

And with regard to goals pertinent to building Peace which are the ultimate goal of all the SDGs, WIMUN Brazil will investigate some of the threats to international peace and security in country-specific contexts that include Haiti, Bosnia and Herzegovina, West Africa and Iraq. From a different but related angle, it will also examine the grave human rights violations associated with human trafficking which touch upon the importance of combatting organized crime, promoting the rule of law, and reducing all forms of violence. These concerns are at the heart of SDG 16 and its focus on building peaceful and inclusive societies.

At WIMUN Brazil 2017, you will be debating some of the most pressing problems of the day. The resolution of these problems must involve an integrated approach that combines a focus on international peace and security, development, human rights and the rule of law — four fundamental pillars of the United Nations. The challenge that is posed is to see how the resolutions that are adopted can acknowledge the many links between the pillars as well as the links between the Sustainable Development Goals that will be discussed during the conference.

As a member of the largest generation of youth in history, you have an important role to play in improving the well-being of people around the world while at the same time maintaining the earth's resources to benefit future generations. The *Synthesis report of the Secretary-General on the post-2015 sustainable development goals* clearly states that "Young people will be the torchbearers of the next sustainable development agenda through 2030"². At every stage of the implementation of the Sustainable Development Goals, it is critical that youth be involved.

In addition to being part of the largest generation of youth in the history of the planet, you are also part of a generation that is more connected globally through your unprecedented access to information and communication technologies. This provides an

² Ibid.

opportunity for you to encourage and coordinate others to participate and take action in ways that were unavailable to previous generations. You have the potential of giving new meaning to the words "global citizen."

You will find that your participation in WIMUN Brazil will expose you to how real diplomats negotiate. We hope that this will inspire you to bring your commitment to finding solutions to global problems into your community. Good luck in your deliberations!

William Yotive

Model UN Coordinator

World Federation of United Nations Associations (WFUNA)

INTRODUCTION

A SUSTAINABLE FUTURE: PEOPLE, PROSPERITY, PLANET, PEACE AND PARTNERSHIP

Challenges of the 2030 Agenda for Sustainable Development

Damaris Rose Roman

Silas Domingues Borri

Victória Barbosa Fernandes Chequeleiro

Introduction

The year 2015 presented a historical opportunity to gather countries and civil society in a discussion to decide new ways to improve the life of humankind. This decision would determine the global course of action to eradicate poverty, promote prosperity, protect the environment and face climate change. In 2015, the Member States of the United Nations (UN) adopted the new agenda of sustainable development, which resulted in the Sustainable Development Goals (SDG). The SDGs reinforced the commitments of States with the Millennium Development Goals. The UN worked with governments, civil society and other actors of the international community to create an ambitious agenda of sustainable development. The 2030 Agenda, as it is known, reflects the new challenges for development and are connected with the results of Rio + 20 (United Nations Conference on Sustainable Development), held in Rio de Janeiro, in June 2012 (PROGRAMA DAS NAÇÕES UNIDAS PARA O DESENVOLVIMENTO, 2017).

The 2030 Agenda was adopted by the 193 Member States of UN and was defined in a long process launched in 2012. The Agenda consists in a Declaration composed by 17 Sustainable Development Goals, 169 targets and a script to monitor and implement them by 2030. All goals and targets will influence action in five major areas, considered of critical importance to the humankind and the planet, called the 5 P's: people, planet, prosperity, peace and partnership. Furthermore, the goals involve the three dimensions of the sustainable development: economic, social and environmental (PROGRAMA DAS NAÇÕES UNIDAS PARA O DESENVOLVIMENTO, 2017).

The new objectives have specific characteristics as they involve the participation of all countries, whether developed or developing. The goals require action to ensure that all countries seek to promote prosperity while protecting the planet. Following the adoption of the Agenda, some challenges have to be faced to implement the measures regionally

and nationally. The main challenge for the implementation is to foster cooperation for sustainable development in low-income countries and countries in conflict (PROGRAMA DAS NAÇÕES UNIDAS PARA O DESENVOLVIMENTO, 2017; CHANDRAN, COOPER, 2015).

The following sections of the chapter will discuss the origin, structure and main purposes of the 2030 Agenda, followed by the concern with the global commitment and the three pillars: eradication of poverty, sustainable development and implementation. Subsequently, the chapter will point out that the main challenge, which is precisely the implementation of these objectives and goals, and finally, will discuss the 17 objectives, which are divided among the 5 P's, followed by some important concluding remarks.

The 2030 Agenda for Sustainable Development

Brief description of origin, structure and main purposes

Adopted in October of 2015 by UN Member States, the 2030 Agenda for Sustainable Development includes 17 Sustainable Development Goals (SDG) and 169 targets and brings a new proposal to guarantee quality of life for humanity and prosperity for the planet. The objectives set out in the 2030 Agenda are an evolution of the eight Millennium Development Goals (MDG) adopted in 2000 by the UN General Assembly (UNITED NATIONS, 2015 b, p. 3; UNITED NATIONS THE SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, 2017).

The 2030 Agenda adopts the sustainable development as a principle. It is possible to highlight several objectives directly aimed at this principle, such as zero hunger and sustainable agriculture, clean and sustainable energy, sustainable cities and communities, responsible consumption and production, action against global climate change, among others. Thereby, the final document of the Agenda summarizes a breadth that says that there is a SDG framework to encourage action on five key areas: people, planet, prosperity, peace and partnership (UNITED NATIONS THE SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, 2017; UNITED NATIONS, 2015 b, pp. 14-15).

The 2030 Agenda addresses the opportunities to be inclusive, universal, integrated, locally focused and orientated by technological advances in the fields of health, energy, nanotechnologies, systems design, and especially information and communication technologies (ICTs). Thus, the proposal is to promote inclusive development so that no one is left behind (UNITED NATIONS THE SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, 2017).

The SDGs should apply to developed and developing countries taking into account their different national realities, contrasting to the MDGs, which set targets primarily

for developing countries, while developed countries should contribute with assistance through finance and technology. In this sense, the MDGs focused on extreme poverty, hunger, gender equality, education, health, clean water and sanitation. However, there were not sufficient progress in many countries in achieving the MDGs, especially concerning environmental sustainability. Another lesson learned from the MDGs was the lack of reliable data that ultimately hampered government actions to implement the targets, as well as optimize investment decisions and measure progress. Due to current technological advances, new opportunities for providing services within SDG are available to more people at a lower cost (UNITED NATIONS THE SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, 2017).

Moreover, no objective or goal was established by chance, all SDGs were very well studied and planned, and the ultimate purpose is to achieve all the goals, because

(...) this is an agenda of unprecedented scope and significance. It is accepted by all countries and is applicable to all, taking into account different national realities, capacities and levels of development and respective national policies and priorities. These are universal goals and targets, which involve the entire world, developed and developing countries alike. They are integrated and indivisible and balance the three dimensions of sustainable development (UNITED NATIONS, 2015 b, p. 5).

Therefore, in order for countries to achieve the SDGs, they need to commit to the three pillars upon which the Agenda was built: eradication of poverty, sustainable development plans, and means of implementation, which will be elucidated in the next section (UNITED NATIONS, 2015 b, p. 4).

The concern with the global commitment and the SDG's three pillars: eradication of poverty, sustainable development and implementation

The SDGs aim to go further to end all forms of poverty, with strategies based on economic growth, including education, health, social protection, job opportunities and environmental protection. All countries were called for action, to establish national frameworks and policies to achieve the 17 SDGs (INTERNATIONAL INSTITUTE FOR ENVIRONMENT AND DEVELOPMENT, 2016, p. 25; UNITED NATIONS, 2017).

The first goal reiterates the need, by the year 2030, to eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 dollar a day. As UN's former Secretary-General, Ban Ki-moon, declared: "In adopting the 2030

Agenda, world leaders made a time-bound commitment to end poverty in all its forms, everywhere. Our ability to meet this call requires us to address discrimination in all its forms". For each SDG, the countries should come together in order to raise awareness among governments, enterprises, civil society, non-governmental organizations, religious groups, international organizations, foundations and others (INTERNATIONAL INSTITUTE FOR ENVIRONMENT AND DEVELOPMENT, 2016, p. 28; POVERTY SOCIAL POLICY AND DEVELOPMENT DIVISION, 2015; UNITED NATIONS, 2015 a; UNITED NATIONS THE SUSTAINABLE DEVELOPMENT SOLUTIONS NETWORK, 2017).

Sustainable development, the second pillar of the Agenda, will work in the social, political and economic spheres, being defined by the United Nations as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". In the 2030 Agenda, this topic is related with three main elements: economic growth, social inclusion and environmental protection (UNITED NATIONS, 2017).

The third pillar is implementation, which requires countries' mobilization and financing strategies so they can implement policies, plans and programs towards the goals, since the accomplishment of these goals and targets is based on significant resources calculated in trillions of dollars. The Addis Ababa Action Agenda came out to provide concrete policies and actions to support the countries during the Third International Conference of Financing for Development, in July of 2015, improving the potential for a more coherent response to the needs of development (INTERNATIONAL INSTITUTE FOR ENVIRONMENT AND DEVELOPMENT, 2016, p. 20; UNITED NATIONS, 2017).

Another important aspect in implementation is monitoring. The UN Statistical Commission is the main body of the global statistical system whose function is to collect and define statistical standards of the Member States. Thus, this commission is committed to follow the whole process, from the elaboration of the Agenda, searching for the numerous difficulties to reach development. Moreover, a detailed monitoring will be done during the implementation process through research, since the project seeks to build a universal development, whether in the economic, social, political or environmental sphere (ADAMS; JUDD, 2016, pp. 1-3; CHASEK *et al.*, 2016, p. 9; LAFRANCHI, 2015; UNITED NATIONS STATISTICAL COMMISSION, 2017).

To facilitate monitoring, the UN Statistical Commission created an Inter-agency and Expert Group on SDG Indicators (IAEA-SDGs) to develop a global indicator framework that will be adopted also by the UN Economic and Social Council (ECOSOC) and the General

Assembly. Each year, the UN Secretary-General will disclose a SDG Progress Report, and the High-level Political Forum on Sustainable Development will occur every year to review the progress of implementation of the SDG, to ensure that financial resources are effectively mobilized to support the new sustainable development agenda (UNITED NATIONS, 2017).

The five P's and the Sustainable Development Goals

The 17 goals of Sustainable Development can be divided within five major interconnected areas, which are people, prosperity, planet, peace and partnership. One goal can relate to more than one area and within these five major areas, there are many challenges on how to effectively implement public, national and international measures to achieve sustainable development. Therefore, besides setting the targets, it is necessary to monitor their implementation and see what progress has been made to achieve them. When we analyze the goals set by the 2030 Agenda, it is possible to see that there are a number of shortcomings, especially with regard to different responsibilities and reduction of inequalities (ADAMS, JUDD; 2016, p. 1).

The objectives related to People are the ones that aim to end poverty and hunger in all its dimensions. The objectives related to Planet seek to protect the planet from degradation by adjusting consumption and sustainable production. Within the Prosperity area, the goal is to ensure that all people have a prosperous life and personal fulfillment. The promotion of peaceful, justice and inclusive societies is related to Peace. Finally, the objectives related to Partnership bring the idea that it is not possible to guarantee the previous objectives without the cooperation and partnership between all stakeholders.

People

The goals set for the area that involves People are the ones related to eradicate hunger and poverty in all its forms and dimensions, they are all people-centered. With the eradication of hunger and poverty, it will be possible for all human beings to realize the fulfillment of all human rights in a healthy environment. UN Member States aims at eradicating extreme poverty, which includes people living on 1.25 dollar a day. In addition, they intend to halve the number of men, women and children living in extreme poverty (ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017).

Besides that, it is necessary to end hunger, achieve food security, improve and promote family farming. Member States have to ensure that all people, especially vulnerable groups, have access to sufficient food throughout the year, in addition to eliminating all

forms of malnutrition, doubling agricultural production, smallholder income, implementing sustainable systems of agricultural production, among other targets (ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017).

Furthermore, it is necessary to ensure inclusive and equitable quality education. UN Member States committed themselves to ensure that all boys and girls complete primary and secondary education, have access to qualified early childhood education, ensure that all men and women have access to education and have access to all levels of professional education, especially vulnerable groups. When a country's education level is extremely low, this hampers development options for a sustainable future. A high level of education is needed to create more sustainable jobs and industries. Education can increase agricultural productivity, increase the status of women, increase levels of environmental protection, and raise people's standard and quality of life (MICKEON, 2006; ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017).

Finally, an important goal to reach sustainable development is gender equality. This requires eliminating all forms of discrimination, violence, harmful practices against women and girls, recognizing and valuing unpaid domestic work, and ensuring the full participation of women in leadership roles. For example, the lack of education restricts women's access to information and opportunities. By investing in female education, the whole society is benefited, since in most countries women assume a pivotal role in sustaining families. In addition, higher levels of education for women are strongly associated with lower infant mortality and lower fertility, as well as better outcomes for their children. It is therefore of fundamental importance that women enjoy the same opportunities and rights as men (ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017; UNITED NATIONS POPULATION FUND, 2017).

While UN Member States have committed to these goals, there are a number of challenges ahead. In the case of people-related goals, the first challenge is to align the overall goals with the local realities. Although States have common and equal responsibilities, their different stages of development have to be considered in the achievement of all the goals. There is a need to improve policy coherence for sustainable development around the world, both by developed and developing countries. Developed countries need to offer advice and capacity building to developing countries, that is, transfer experience and knowledge. In addition, coherent development policies need to be promoted by developed countries (BROWNE, WEISS; 2015; CROSSETE, 2015; ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, 2015, pp. 22-23).

Developing countries have the same responsibilities as developed countries, but for those it may take longer to achieve SDGs as they are at a different stage. Developing countries are considered as having a medium or low standard of living, a developing industrial base, and a medium to high Human Development Index. For developing countries, therefore, the 2030 Agenda becomes a political, social and economic challenge because their economic, political and social institutions have not yet reached a high level of improvement. Countries need to outline their strategies for adapting the Agenda to their local realities (BROWNE, WEISS; 2015; CROSSETE, 2015; ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, 2015, pp. 22-23).

All countries and stakeholders need to work collaboratively to implement this plan. Without joint efforts, it will not be possible to achieve the goals of sustainable development. Member States have pledged not to leave anyone behind. Considering that one of the main focuses of the agenda is people, States are determined to guarantee the human rights of all so that everyone can reach their potential with dignity and equality in a sustainable environment (BROWNE, WEISS; 2015; CROSSETE, 2015; PROGRAMA DAS NAÇÕES UNIDAS PARA O DESENVOLVIMENTO, 2015, p. 3).

Prosperity

The goals related to Prosperity concern the assurance that all human beings can enjoy a prosperous life. UN Member States have pledged to look toward economic, social and technological progress in harmony with nature. The major challenge in this area is related to inequalities between developed and developing countries. To achieve Prosperity-related goals, both developed and developing countries have to mobilize all necessary resources and other stakeholders in order to fulfil the needs of the most vulnerable people (ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017).

First, it is necessary to promote sustained economic growth, full employment and decent work for all. Developing countries committed themselves to seek economic growth of 7% per year of their Gross Domestic Product (GDP). In addition, they agreed that higher productivity levels of economies would be achieved through diversification and modernization of technology. Another important point that should be emphasized is the achievement of economic growth without environmental degradation, which refers to the idea of sustainable development (ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017).

Second, to achieve sustainable development in these five dimensions, an important goal is the construction of resilient infrastructures as well as the promotion of inclusive

and sustainable industrialization. Infrastructure needs to be modernized, industries must be reconfigured, new technologies developed and all countries included in the system to use their national capacities in this process. An important step in this direction is to support technological development, research and innovation of national capacities, especially in developing countries and the improvement of information and communication systems (ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017).

In order to achieve these goals, inequality within and among countries must be reduced. UN Member States committed themselves to achieve income growth to the 40% poorest population by 2030, and to empower and promote social inclusion in all its dimensions (social, economic and political). In addition to measures aimed at developing national capacities, Member States have compromised to monitoring markets and global financial institutions and encouraging official development assistance and financial flows (ORGANIZAÇÃO DAS NAÇÕES UNIDAS NO BRASIL, 2017).

In 2008, countries faced an unprecedented financial crisis, which exposed the great inequality between developed and developing countries. Developing countries had a direct impact on their exports, especially commodity-exporting countries. In addition, the crisis affected investments in emerging markets, affecting the economies that were most vulnerable to these investments. Therefore, the great challenge faced in the area of Prosperity in relation to the reduction of inequalities within and between countries concerns the vulnerability of countries to the financial and economic system. Developed countries have greater infrastructure to respond more quickly and effectively to imbalances in the system than developing countries (ABREU *et al.*, 2009, pp. 2-3).

Peace

The concern with peace and security has changed a great deal within the United Nations in recent times: the concern is no longer restricted to countries at war, but also countries that face a threat to peace and with preventive measures capable of removing this eminence of a conflict. Peace is the minimum base of society, without peace, there is no sustainable development and without peace, there are no minimum living conditions (UNITED NATIONS, 2015 b).

Firstly, many projects have been developed in the last years involving conflicted areas, such as in some African countries and the Middle East. Therefore, partnerships have been established with regional institutions to bring peace to these societies. However, many challenges have emerged due to the different needs of the countries in conflict and the

different stages of the peace processes: peace assumed a broader significance, relating not only to the absence of conflict, but also to the achievement of a long-term stability. Therefore, the focus is now based on striving to maintain democratic governments and guaranteeing the length of the rule of law, human rights and equality (UNITED NATIONS, 2015 b).

In this renewed approach, governments and institutions must guarantee the right to peace, through control of all kinds of violence, trafficking of persons, abuse, exploitation, arms trafficking, among others. If control starts from small actions in everyday life, we will reach peace on a global level, but for this to occur it is necessary for governments and their entire decision-making process to be based on democratic institutions (UNITED NATIONS, 2015 b).

Moreover, in the 21st century the world is dealing with a common threat of terrorism, a threat that does not choose specific countries or environments: it targets all wherever they may be, ignoring borders and formal territorial divisions. However, developing countries need to have greater representation in organizations, such as the UN, in order to introduce their demands concerning peace and security (UNITED NATIONS, 2015 b).

It is possible to conclude that achieving peace is the basis for the achievement of all SDG; without peace there will be no sustainable development and vice versa. The involvement of all stakeholders is key in this process, especially in the prevention of conflicts, facing their main causes.

Planet

Planet is the most extensive “P” and the main objective is the protection of the planet by preventing degradation, reducing consumption and production, safeguarding natural resources and taking urgent measures to combat climate change. That is why SDGs have important targets related to the preservation of life on land and water, the sustainable management of natural resources, such as water, the improvement of renewable sources of energy, and the reduction of production and consumption. In addition, social and economic development depends heavily on the sustainable management of natural resources, which is the priority when it comes to the planet in the next fifteen years (UNITED NATIONS, 2015 b).

Since the beginning of the 1990s, the movement concerned with planet and climate change has gained momentum with the Conference of Rio in 1992, the Kyoto Protocol in 1997, the Rio + 20 Conference in 2012, and the Paris Agreement, in 2015. Currently we

are experiencing a period of deep degradation on the planet, marked by global warming, bringing consequently, climatic changes, such as rising temperatures, melting glaciers, rising sea level, extinction of some species, among other problems. The Paris Agreement, signed in 2015, represents the concern of countries with environmental issues, the SDGs are a way to reinforce and implement the agreed measures involving the preservation of the planet (UNITED NATIONS, 2015 b; UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, 2015).

It is because of this concern that there are five SDGs directly connected with the concern of the planet: Clean Water Sanitation (SDG 6), Affordable and Clean Energy (SDG 7), Climate Action (SDG 13), Life below Water (SDG 14) and Life on Land (SDG 15). These SDGs indicate that the concern is not isolated, but involves the planet as a whole. If effective measures are not taken towards the achievement of those goals, the population will grow, increasing consumption, production, the need for energy and, consequently, exploitation of natural resources will continue. The main objective is to reinforce that it is possible to live on a planet with the sustainable use of resources (UNITED NATIONS, 2015 b; LUCAS *et al.*, 2014).

There are many challenges involving the planet area, such as agriculture, since production of food is marked by a strong degradation of land, water and the ecosystem as a whole. The challenge in this area is to ensure that food production is sustainable, causing minimum damage to the planet. Another challenge is the lack of supervision to ensure sustainable fishing and hunting. The promotion of clean and renewable energy is another challenge, as some sources of energy, such as petroleum and carbon, are the main cause of climate change. If implementation is not effective, the world will certainly face the rising of sea levels, caused by the increasing in temperature (LUCAS *et al.*, 2014; UNITED NATIONS, 2015 b).

All those challenges are difficult to overcome, due to the wide range of targets within the SDG related to Planet. The availability of resources are different among countries, being the great part of developing countries the owners of important natural resources, such as clean water, rainforests, abundance of species in the fauna and the flora. On the other hand, developed countries have exploited the majority of their natural resources and many of them still depend on non-renewable sources of energy. Moreover, the high levels of consumption in developed countries pressure the environment, because demand intensive agricultural production. That is why the SDG marked a huge compromise among

UN Member States and other important actors to protect life and safeguard the planet's biological diversity and resources.

Partnership

Among the five P's, the most challenging and ambitious one is Partnership, because it aims at mobilizing all stakeholders: public and private sectors, States and civil society. From successful partnerships and engagements depend the achievement of the entire 2030 Agenda (UNITED NATIONS DEVELOPMENT GROUP, 2015, pp. 5-6). Therefore, the responsibility of donations including money, assistance, resources, technologies, cooperation, and help changed the focus:

(...) in assisting developing countries especially in creating the needed environment and related partnerships for attracting investment from various sources such as the private sector, civil society, foundations and other non-state actors, through capacity development across all sectors, improving domestic revenue collection systems, and other critical development needs. This will also require building partnerships with southern providers, through triangular cooperation, as well as in the context of south-south cooperation. The UN system through UNDS has the legitimacy to play a pivotal role in this regard, leveraging its comparative advantages (MUTTUKAMARU, 2015, p. 17).

The partnerships and means of implementation do not only bring the idea of financing, but the involvement and engagement of stakeholders allows for a sharing of responsibilities. The means of implementation can help through the construction of capacities and technologies, being an important aid in building a sustainable and equal world (PROGRAMA DAS NAÇÕES UNIDAS PARA O DESENVOLVIMENTO, 2017).

These partnerships allow the entire implementation process to be decentralized from the hands of the UN and Member States. All actors involved in the process must follow the implementation and ensure that the process becomes transparent (BROWNE, WEISS; 2015; CROSSETE, 2015).

The biggest challenge is to ensure that such cooperation takes place as horizontally as possible, thereby reaching people equally and sustainably. In addition, there must be a common language between the developed and developing countries, because this type of partnership always involves obstacles, such as the difference of socioeconomic indicators. Regional organizations also have a key role to play in resolving conflicts of interest

and guaranteeing means for implementing SDG (CHANDRAN, COOPER, 2015; POVERTY-ENVIRONMENT PARTNERSHIP, 2016, p. 45).

Although partnerships and means of implementation are linked to all SDG, it is possible to conclude that this goal is the basis for others to take place, because partnerships need to ensure that a variety of actors is able to address the different types of inequality in the world and ensuring horizontal cooperation.

Conclusion

The Sustainable Development Goals, agreed in 2015, became a turning point for the whole world. This ambitious and transformative agenda has outlined a map that will guide the actions of all governments, private sector and civil society. It has been realized that the challenges of the 2030 Agenda are not to be addressed only by developed and developing countries, but by the international community as a whole. To achieve those goals and to interconnect the concerns, stakeholders need to join their efforts (ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, 2016, pp. 17, 27).

The SDGs are characterized primarily as technical solutions for most countries. However, the responsibility for achieving the goals lies mainly with the countries themselves. Not only with their governments, but also with other non-state actors. There are a growing number of middle-income countries less dependent on traditional forms of development assistance. There is a decrease in UN participation in aid and, within this portion, a concentration of donor-inspired project, reflecting a change in the global system. It is necessary to consider that there has been a change in the system and to consider the other actors that are key to build a sustainable environment (BROWNE, WEISS, 2015, pp. 1-2).

Looking at the overall picture of the priorities set out in 2030 Agenda, a number of challenges are encountered with regard to common but differentiated responsibilities of States. Therefore, the biggest challenge after adopting the agenda is its implementation. While Member States have committed to ways of measuring inequalities between countries and within countries, even in developed countries, there are no measures of inequality or the inclusion of an indicator as an alternative. This is a fundamental issue, as UN Member States have pledged not to leave anyone behind. Therefore, there is the concern of translating global objectives into local realities. With the joint efforts of governments, the private sector and civil society to develop strategies that reach everyone in each country, regardless of the stage of development they are in, it could be possible to achieve the SDG by 2030 (ADAMS, JUDD, 2016, pp. 1-2).

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SECTION 1

HIGH SCHOOL



CHAPTER 1

IMPROVING COORDINATION OF EFFORTS AGAINST TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS

United Nations General Assembly

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Introduction

This chapter will focus on the work of the United Nations (UN) concerning the prevention of trafficking in persons and smuggling of migrants. This topic is discussed under the item “Criminal Justice and Crime Prevention” of the agenda of the Third Committee of United Nations General Assembly (UNGA).

According to the Global Report on Human Trafficking, drawn up by the United Nations Office on Drugs and Crime (UNODC), the most common type of human trafficking is for sexual exploitation, which represents 79% of the cases, being the majority of the victims women and children. In 30% of the countries analysed by the Report, the victims of trafficking are women in their majority, and the most common trafficking victims are children, which represents 20% of all victims (however, in some countries, especially the ones situated in West Africa, 100% of the estimated number of victims are children). UNODC estimated that, only in 2014, 14,333 people were victims of sexual exploitation: among them 4,046 (28%) were men and 10,287 (72%) were women. Nowadays, it is estimated that 2.4 million people are currently victims of trafficking (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2010 b; 2016).

On 30 July 2016, Yuri Fedotov, Executive Director of the UNODC, made a statement regarding the World Day against Trafficking in Persons, explaining to the international community how the refugee crisis led to an increase to the number of cases of trafficking in persons and smuggling of migrants. According to Fedotov, Member States, working with UN and its bodies, should create comprehensive measures to detect traffickers and protect the victim of this crime. In order to achieve that goal, Mr. Fedotov explained that Member States should ratify and effectively implement the Protocols¹ of the UN Convention against Transnational Organized Crime that deals with trafficking in persons and smuggling

¹ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air will be discussed later on this chapter.

of migrants (UNITED NATIONS INFORMATION SERVICE, 2016).

In order to present the topic of trafficking in persons and smuggling of migrants, as well as its main aspects and challenges, this chapter will be divided in four sections. The first section will present a description of the Third Committee of the UNGA, explaining its functions. Section two will analyze the historical aspects of the topic, by presenting when and why this topic became part of the agenda of the Third Committee. The third section will discuss the situation related to the trafficking in persons nowadays and why this issue is considered a matter of international concern. It will also present the main Conventions and Protocols, as well as the Reports of the Secretary General concerning trafficking in persons and smuggling of migrants. Lastly, section four will present some concluding remarks and challenges about human trafficking and smuggling of migrants.

The Third Committee of the General Assembly of the United Nations: promotion of social, humanitarian and cultural values

The United Nations (UN) was established in 1945, by the Charter of San Francisco. The Organization is composed of 193 Member States. The UN General Assembly (UNGA) is one of the main organs of the UN and is responsible for discussing all kinds of international issues, and making recommendations the form of resolutions to all Member States and to the Security Council (UNITED NATIONS, 1945).

According to Chapter IV of the UN Charter, the main responsibilities of the UNGA are: establish the financial assessments of the Member States; elect the non-permanent members of the Security Council; make recommendations regarding international security matters; initiate studies that concern social, economic, humanitarian, political and cultural issues that must be resolved; consider the reports of other UN organs (UNITED NATIONS, 1945, pp. 4-6).

Regarding decision-making, the UNGA seeks to reach consensus among its Member States in order to strengthen the support and legitimacy of its decisions. Most of the subjects discussed require two-thirds of the votes of the Member States to be approved. However, there are subjects that are approved by a simple majority (UNITED NATIONS, 1945).

The UNGA has six main committees: the First Committee (Disarmament and International Security); the Second Committee (Economic and Financial); the Third Committee (Social, Humanitarian and Cultural); the Fourth Committee (Special Political and Decolonization); the Fifth Committee (Administrative and Budgetary); and the Sixth Committee (Legal).

The Third Committee of the UNGA is responsible for the following topics:

(...) the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. In addition, the Committee addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice and international drug control (UNITED NATIONS, 2016 c).

The Third Committee counts with the collaboration of the United Nations Office on Drugs and Crime (UNODC) and the Human Rights Council. The UNODC is responsible for providing technical assistance to Member States, upon request, to implement the conventions and protocols related to crime prevention and criminal justice, as well as to trafficking in persons (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2017).

The Human Rights Council is an inter-governmental institution of the United Nations system, which makes recommendations for Member States regarding situations of human rights violations. It was created on 15 March 2006 and has the participation of 47 Member States, elected by the UNGA (OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER OF HUMAN RIGHTS, 2017).

One of the most important topics discussed by the Third Committee is how to strengthen criminal justice and crime prevention related to human rights issues, such as the prevention of trafficking in persons and smuggling of migrants. In the next section, the next section will present when this topic started being discussed by the Third Committee and what the main aspects and challenges are, as well as the international treaties that prescribe obligations to States parties related to the prevention and punishment of transnational organized crime.

Criminal justice and crime prevention: conceptual and historical issues

The United Nations Convention against Transnational Organized Crime and its Protocols

On 15 November 2005, the UNGA adopted resolution 55/25, which established the United Nations Convention against Transnational Organized Crime, supplemented by two Protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2004).

The main purpose of the Convention against Transnational Organized Crime is “to promote cooperation to prevent and combat transnational organized crime more effectively”. The Convention also encourages States Parties to cooperate with one another in order to strengthen their laws to combat transnational organized crime. Moreover, the Convention establishes a Conference of the Parties to the Convention in order to “improve the capacity of States Parties to combat transnational organized crime and to promote and review the implementation of this Convention” (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2004, p. 5).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons entered into force in 25 December 2003. The main purposes of the Protocol are to prevent and combat trafficking in persons, especially of women and children; to protect victims of trafficking, respecting their human rights; and to promote cooperation among States to fulfil these goals. The most important action of the Protocol was the creation of the first universal definition of trafficking in persons. According to Article 3 of the Protocol, “trafficking in persons” means:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2004, p. 42).

In order to combat trafficking in persons more effectively, the Protocol is based on the prevention of trafficking and protection of its victims. The prevention means that States have to assist victims of trafficking, by protecting their identities in some cases, and by providing them physical, psychological and social recovery. The prevention envisages all the measures, policies and programs that States have to take to prevent trafficking in persons, including bilateral, multilateral and regional cooperation (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2004, pp. 45-47).

The Protocol against the Smuggling of Migrants by Land, Sea and Air entered into force in 28 January 2004. The Protocol aims to “prevent and combat the smuggling of migrants, as well as to promote cooperation among States Parties to that end, while protecting the rights of smuggled migrants” (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2004, p. 54). Article 3 of the Protocol defines “smuggling of migrants” as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2004, pp. 54-55).

The next section presents how the topic “improving coordination of efforts against trafficking in persons” has been addressed by the Third Committee, focusing on the reports of the Secretary-General.

The Reports of the Secretary-General on trafficking in persons and smuggling of migrants

The first report of the Secretary General related to trafficking in persons was adopted by the General Assembly in 27 August 1996 (A/51/309) and was entitled “Report of the Secretary-General on traffic in women and girls”. The Report called the attention of the international community to the seriousness of trafficking in women and girls for sex trade (UNITED NATIONS GENERAL ASSEMBLY, 1996, p. 3).

The discussion of trafficking in persons, especially women and girls, is on the Third Committee’s agenda item “Advancement of Women”. Additionally, in its 60th session, the UNGA Third Committee started discussing the topic of trafficking in persons as part of the agenda item “Criminal Justice and Crime Prevention”. On 3 July 2008, the UN Secretary-General presented his Report A/63/90 entitled “Improving the coordination of efforts against trafficking in persons”, which summarizes the work of the UNODC related to UNGA resolution 61/180² of 20 December 2006, and contained “proposals on strengthening the capacities of the Office for the efficient implementation of its coordination functions” (UNITED NATIONS GENERAL ASSEMBLY, 2008, p. 1).

The UNGA recognized that trafficking in persons prevented the full enjoyment of human rights, acknowledged the importance of international cooperation between Member States, as well as global partnerships, and the establishment of mechanisms at national and international levels to combat trafficking in persons. Resolution 61/180 also

² The Resolution recognized that trafficking in persons was still an obstacle to the enjoyment of all human rights and affirmed the necessity of an international response to combat this problem. The resolution also invites Member States, governmental and non-governmental organization to cooperate through bilateral, subregional and regional partnerships in order to counter trafficking in persons (UNITED NATIONS GENERAL ASSEMBLY, 2008, p. 1).

invited Member States to submit to UNODC information on mechanisms and efforts to combat trafficking in persons (UNITED NATIONS GENERAL ASSEMBLY, 2008, pp. 1-2).

The report also mentioned resolution 61/180 of the General Assembly, which welcomed the meeting of UN officers, funds and programmes, held in Tokyo, on 26 and 27 September 2006, to reinforce cooperation in trafficking in persons (UNITED NATIONS GENERAL ASSEMBLY, 2008, pp. 3-4).

Another important measure to combat trafficking in persons mentioned in the 2008 report was the Global Initiative to Fight Human Trafficking (UN.GIFT), launched “to raise awareness and enhance coordination and cooperation among all relevant players in the fight against trafficking in persons, in particular on national, regional and international levels” (UNITED NATIONS GENERAL ASSEMBLY, 2008, p. 4). From 13 to 15 February 2008, the Vienna Forum to Fight Human Trafficking created the “Vienna Forum Report: a Way Forward to Combat Human Trafficking”, which contains the discussions, activities and main accomplishments of the Forum (UNITED NATIONS GENERAL ASSEMBLY, 2008, p. 5).

The Secretary-General recommended that Member States elaborate a global action plan to support the implementation of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. He also suggested that the framework of the global action plan should be based on the three Ps of human trafficking – prevention, prosecution and protection – and added one more P: partnership (UNITED NATIONS GENERAL ASSEMBLY, 2008, p. 6).

In his report of 7 July 2009 entitled “Improving the coordination of efforts against trafficking in persons”, the Secretary-General presented the results of the interactive dialogue of the UNGA related to the subject “Taking collective action to end human trafficking”, in which Member States considered the elaboration of a global plan of action. They reached consensus on the importance of mechanisms to strengthen collective actions against trafficking in persons and decided to work on the development of a global plan of action “to bring together punitive and restorative measures as well as the development, justice and security dimensions” (UNITED NATIONS GENERAL ASSEMBLY, 2009, pp. 2-3).

On 1 July 2010, the report of the Secretary-General, “Improving coordination of efforts against trafficking in persons”, referred to UNGA Resolution 64/178 related to the same topic, in which the Assembly requested the Secretary-General to invite regional organizations to provide information and share practices on the prevention of trafficking in persons. The report presented some inputs from regional organizations, such as the

Group of Experts on Action against Trafficking in Human Beings of the Council of Europe, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), the Organization for Security and Cooperation in Europe (OSCE), and the International Centre for Migration Policy Development (UNITED NATIONS GENERAL ASSEMBLY, 2010, p. 4).

After his 2010 report, the Secretary-General presented another report on the topic “Improving coordination of efforts against trafficking in persons”, on 8 June 2015. This document analyses the status of ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention against Transnational Organized Crime. It also presented the efforts made by stakeholders to implement the UN Global Plan of Action to Combat Trafficking in Persons³ (UNITED NATIONS GENERAL ASSEMBLY, 2015, p. 1).

Since 2008, in its first report on this topic, the Secretary-General emphasized the importance of ratification of the UN Convention against Transnational Organized Crime and its Protocols. The next section analyses their main aspects, focusing on the concepts of trafficking in persons and smuggling of migrants, and the obligations of the States Parties related to the prevention of those crimes.

Trafficking in persons and smuggling of migrants: current discussions

According to the UNODC, the concept of crime prevention can be described as “strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes” (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2010 a, p. 9). Since most of the cases occur in underdeveloped countries, the UN encouraged that the main resources (financial and humanitarian) offered by Member States should be directed to the creation of crime prevention programs, such as awareness-raising campaigns on trafficking in persons and national capacity-building, in order to identify trafficking victims, prosecute traffickers, and promote crime reduction.

According to the Guideline for the Prevention of Crimes,

There is clear evidence that well-planned crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to sustainable development of countries. Effective, responsible

³ The UN Global Action Plan to Combat Trafficking in Persons was adopted by the General Assembly in its Resolution 64/293 on 12 August 2010.

crime prevention enhances the quality of life of all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system, as well as other social costs that result from crime (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2010 a, p. 3).

This Guideline explains that the concept of crime prevention is based on many causal factors, which influence the lives of individuals and their families. Therefore, determining these factors is the bridge to the construction of programs, which may lead to the reduction of crimes. The Guideline also stresses the importance of governments in leading and coordinating the process of crime prevention, being the only way to guarantee the continuity of the process. It gives some recommendations to governments on how to start this prevention, such as the establishment of a central authority, public education, work with the media and the civil society, and training local authorities (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2010 a, pp. 9-12).

The last report of the Secretary-General on “Improving the coordination of efforts against trafficking in persons” presented on 1 July 2016, discusses the main difficulties that Member States have to tackle in order to prevent and punish trafficking in persons. In this report, he emphasizes two main duties: the ratification of the Protocols supplementing the United Nations Convention against Transnational Organized Crime, and the effective implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons (UNITED NATIONS GENERAL ASSEMBLY, 2016, p. 3).

The report emphasises five new areas to combat trafficking in persons: legislation, prevention, prosecution and punishment, protection of and assistance for trafficking victims, and partnerships. Those areas that shall be covered by Member States are part of the full implementation of the Global Plan of Action to Combat Trafficking in Persons in order to develop new strategies to combat trafficking in persons (UNITED NATIONS GENERAL ASSEMBLY, 2016, p. 4).

Regarding legislation, the report shows that some Member States have created national laws that protect the trafficking victims and empowered authorities to investigate the private sector, where human trafficking more commonly occurs (UNITED NATIONS GENERAL ASSEMBLY, 2016, p. 4)

Concerning prevention, many Member States reported the implementation of national awareness-raising campaigns in order to prevent trafficking in persons. There are also many countries that reported their special campaigns on the World Day against Trafficking

in Persons⁴, on 30 July 2016, as a way of disseminating information regarding this crime to the national community (UNITED NATIONS GENERAL ASSEMBLY, 2016, p. 5).

Regarding prosecution and punishment, the report shows that many States have created new policies and guidelines on training authorities (mainly police officers, prosecutors and judges) to investigate and prosecute traffickers. Some of the countries stressed the importance of the elimination of corruption and the creation of a strong rule of law as a way to continue the fight against trafficking in persons (UNITED NATIONS GENERAL ASSEMBLY, 2016, pp. 5-6).

The report also calls the attention to the protection and assistance of trafficking victims, showing that several Member States highlighted the importance of an effective network, which identifies and provides services for victims of trafficking and strengthens the cooperation between governments and non-governmental organizations (NGO) in the protection of victims of trafficking, especially vulnerable groups, such as migrants. The report also acknowledges the efforts of some countries in establishing basic assistential services to all victims of trafficking (UNITED NATIONS GENERAL ASSEMBLY, 2016, pp. 6-7).

Regarding partnerships, the report stresses the importance of national and international cooperation between Member States, civil society, media and NGOs to guarantee the prevention of trafficking in persons (UNITED NATIONS GENERAL ASSEMBLY, 2016, 7-8).

The Secretary-General highlighted the importance of the Global Plan of Action to Combat Trafficking in Persons. The Plan created the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children and the Global Report on Trafficking in Persons, which gave new analysis and information to Member States and the international community regarding the positive efforts in combating trafficking in persons (UNITED NATIONS GENERAL ASSEMBLY, 2016, p. 13).

The report gives important attention to the activities of the Inter-Agency Coordination Group against Trafficking in Persons (ICAT). The Group has been successful in engaging anti-trafficking efforts with States, media and civil society, through public events and anti-trafficking campaigns. It produces informational books and guidelines regarding the safety of victims of trafficking and identification of traffickers (UNITED NATIONS GENERAL ASSEMBLY, 2016, pp. 14-15).

Finally, the report explains the situation of the resources from UNODC and UN organs,

⁴ The World Day against Trafficking in Persons was one of the decisions adopted by UN Member States, in 2013, through resolution A/RES/68/192, in which they established 30 July as the World Day against Trafficking in Persons (UNITED NATIONS, 2017 b).

which deals with trafficking in persons and smuggling of migrants. To provide normative and technical assistance, the UNODC manages the UN Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, established by the UN Plan of Action to Combat Trafficking in Persons. The Trust Fund is directed to assist victims of trafficking, through NGOs and governments. However, the level of contributions to the Fund is below the levels needed to assist victims: the Fund has a total of \$90,000 available for new contributions, but a minimum of \$500,000 is needed (UNITED NATIONS GENERAL ASSEMBLY, 2016, pp.16-17).

In order to solve all the issues highlighted by the Secretary-General, the report brings some recommendations to Member States and the United Nations. First, it is necessary that countries ratify and fully implement the United Nations Convention against Transnational Organized Crime and its Protocols, mainly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in order to provide victim protection and guarantee regional and international cooperation. Second, the Secretary-General requests Member States to analyse factors that may increase human trafficking, in order to prevent this crime. Finally, he encourages Member States to provide appropriate voluntary resources to the work of United Nations bodies, principally UNODC, against trafficking in persons, and requests that countries and private donors increase their financial donations to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children (UNITED NATIONS GENERAL ASSEMBLY, 2016, pp. 18-20).

Regarding smuggling of migrants, the report analyzes the work of the United Nations Office of the High Commissioner for Human Rights (OHCHR), which connects the increase of the cases of smuggling of migrants to economic globalization, the feminization of migration, armed conflict and political crisis. This new international scenario creates vulnerability among unemployed migrants, turning them into possible targets of trafficking in persons. Due to this issue, the OHCHR has been involved in the analysis of the impact of national migration laws and programs, assistance to governments in developing and strengthening the monitoring and investigation of violations of human rights, training of migration officers, law enforcement officers and judges, in order to increase the efforts for identifying victims of trafficking and prosecuting traffickers (UNITED NATIONS HUMAN RIGHTS, 2014, pp. 54-55).

The Report of the Secretary-General emphasizes the importance of the data created by UNODC related to trafficking in persons. The data illustrate the problems and the advancements that the countries have to tackle, in order to guarantee accurate details over

the problem of trafficking of persons and smuggling of migrants.

Since the beginning of the elaboration of data on trafficking in persons, in 2003, the UNODC have been doing annual global reports to show improvements and differences throughout the years. More than 63.000 victims of trafficking were detected between 2012 and 2014 in 106 countries. Inside this huge number, women and girls represent the biggest amount of victims of trafficking, but the number of men and boys is growing, reducing the difference in percentage between the genders. As shown in Table 1, in 2004, the number of female victims were 84% of all the trafficking activities in the globe, but in a decade, this number went down, reaching the mark of 71% in 2014. On the other hand, the number of male victims went from 13% to 21%, expressing the increase of male trafficking (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2016, p. 23).

Table 1: Percentage of men and women among detected trafficking victims (2014-2016)

Year	Women	Men
2004	84%	13%
2014	71%	21%

Source: Own elaboration with data from UNODC (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2016, p. 23)

Right after adults, children are the second most trafficked group around the world, reaching the amount of 25% to 30% of all human trafficking activities. Although there are consistent differences among the countries in relation to these quantities, the objectives of the exploitation are very similar: the majority of the female are victims of sexual exploitation and the male are victims of trafficking for removal of organs. Table 2 illustrates this difference between genders: in 2004, the percentage of girls victims of trafficking was 10%, but in 2014, this amount increased to 20%. Concerning boys, the amount of victims of trafficking went from 3% in 2004 to 8% in 2014 (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2016, p. 23).

Table 2: Percentage of girls and boys among detected trafficking victims (2014-2016)

Year	Girls	Boys
2004	10%	3%
2014	20%	8%

Source: Own elaboration with data from UNODC (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2016, p. 26)

The 2014 Global report on Trafficking in persons brought four minimal exploitations activities divided by male (men and boys) and female (women and girls). Table 3 shows that trafficking of females to sexual exploitation is the main activity of traffickers, with

a surprising number of 96% of all cases, while the trafficking for removal organs affects male victims, with an amount of 82%. Trafficking for forced labor comprehends 63% of male victims, and trafficking for other forms of exploitation represents 76% of female victims (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2016, p. 26).

Table 3: Percentage of victims of trafficking in persons by sex and form of exploitation (2014)

Forms of exploitation	Women	Men
Trafficking for other forms of exploitation	76%	24%
Trafficking for removal organs	18%	82%
Trafficking for forced labor	37%	63%
Sexual exploitation	96%	4%

Source: Own elaboration with data from UNODC (UNITED NATIONS OFFICE ON DRUGS AND CRIME, 2016, p. 27)

The data gathered by the UNODC regarding trafficking in persons shows that this problem is of international concern, as the Secretary-General highlights in his report of 2016. Although the report presents considerable efforts made by Member States to prevent trafficking in persons, which can be seen in the data offered by the UNODC, there are still many cases of trafficking victims, especially girls. That is why this topic is one of major concern in the agenda of the Third Committee of the UNGA, demanding actions from States, civil society, private sector and international organizations.

Conclusion

This chapter discussed the topic “improving coordination of efforts against trafficking in persons and smuggling of migrants”, present in the agenda of the Third Committee of the UNGA. The main purpose of the chapter was to analyse the current situation of the topic, presented in the last report of the Secretary-General. Moreover, the chapter analyzed the history of the situation of trafficking in persons under the scope of the UN, focusing on the Convention against Transnational Organized Crime and its Protocols. These important international instruments establish the responsibilities of States concerning the prevention transnational organized crime, especially trafficking in persons.

The challenges of this topic raise some questions and concerns that Member States shall tackle. Taking the 2016 report of the Secretary-General as a reference, which are the main programmes to combat trafficking in persons and smuggling of migrants that countries could implement in their territory, in order to strength this combat and its efficiency? Finally, what could be the appropriate assistance that Member States must give to the

victims of trafficking in persons and smuggling of migrants in order to reintegrate those individuals in the societies?

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CHAPTER 2

INFORMATION AND COMMUNICATION TECHNOLOGIES FOR DEVELOPMENT¹

United Nations General Assembly

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Introduction

The topic “Information and Communication Technologies for Development” has the aim of supporting national and international development through the use of technology. The discussion on how Information and Communication Technologies (ICT) can be applied to foster development has become a central issue in the United Nations’ (UN) agenda. According to the UN, ICTs can become an instrument to reach equality among countries in the international system if sustained by cooperation. However, it can also lead to more inequality if subject to competition, since not all countries have the necessary knowledge and resources to develop and manage technology relating to information and communication.

The growing interest in ICT for development has resulted in an unprecedented involvement of a variety of stakeholders that range from public to private actors. Discussing ICTs and its usage to promote development also means discussing the balance between private and public interests (UNITED NATIONS, 2017; THOMPSON, 2007, pp. 2-4).

The Second Committee of the United Nations General Assembly (UNGA) deals with the topic of ICT for development with the purpose of achieving consensus among Member States about the way to finance, implement, support and help mainly the developing countries in which ICTs can have a greater impact in promoting development (UNITED NATIONS, 2017; THOMPSON, 2007, pp. 2-4).

Throughout this chapter we will present how this topic is explored in the United Nations, its particularities and its main challenges. In the first section, the General Assembly and its Second Committee will be presented: we will focus on its structure and decision-making process. In the second section, we will present an overall background of the topic: when it started being discussed in the UN and which is the legal framework we should consider when analyzing the relation between ICTs and development.

In the third section, we will discuss the current trends about the topic and its close

¹ This chapter had the contribution of Nathan Patricio Daniel.

connection with the 2030 Agenda. We are going to identify the main challenges that the international community faces while trying to ensure a fair access to ICT to all. Finally, in conclusion we will raise some questions to be considered when discussing the topic.

The General Assembly and its Second Committee

The United Nations General Assembly (UNGA) is one of the main organs of the United Nations. In the General Assembly, all the 193 Member States have the same vote power and the same right to speak and to include items in the agenda (UNITED NATIONS GENERAL ASSEMBLY, 2016 a).

According to Chapter IV of the UN Charter, the General Assembly has a broad mandate, being able to discuss a variety of issues and to offer recommendations to its Member States and to other UN organs, as the Security Council. It has also the primary responsibility to promote international cooperation regarding the different aspects covered by the UN, as social, economic and cultural issues. In order to address all the items on its agenda, UNGA is divided into six committees: the First Committee deals with disarmament matters and international security; the Second is responsible for economic and financial matters; the Third discusses humanitarian and social issues; the Fourth deals with special policies and decolonization; the Fifth is responsible for UN's budget and administrative matters, and the Sixth is focused on legal issues and international law (UNITED NATIONS, 2017 a; UNITED NATIONS GENERAL ASSEMBLY, 2017 a).

The Second Committee, having its main focus on economic and financial issues, addresses all items related to economic and social growth and development. Some of its discussions revolve around matters such as poverty eradication, international trade, financial system, financing for development and information technology (UNITED NATIONS GENERAL ASSEMBLY, 2016 b).

To each of the topics in the Committee's agenda, Member States usually align into different political groups in order to negotiate and increase their bargaining power. In the Second Committee, we usually see the following groups: the Group of 77 and China (G77 + China), the Association of Southeast Asian Nations (ASEAN), the Caribbean Community (CARICOM), the Least Developed Countries (LDCs) and the Alliance of Small Island States (AOSIS). It is interesting to note that, despite the item under discussion, it is possible to find a common opposition between developed and developing countries in this Committee, since its agenda has development issues as its central topic.

ICTs and development: the emergence as an international issue

ICTs have been in the international agenda for a long time. From the creation of the telegraph to the current use of Internet, information and communication technology has always been a powerful instrument to bridge gaps and reduce distances. In order to ensure a broad connectivity, international cooperation and standardization has been an important topic.

Although the link between ICTs and development has gained momentum in UNGA's agenda in recent years, the subject has been under discussion since the 19th century. Most of the effort regarding technical standards and policy has been made by other actors of the UN system, as the International Telecommunication Union (ITU), created to support a worldwide system of communication. Since then, these partners have been central to achieve the whole potential of ICTs for development and their initiatives became the basis over which recent discussions and regulations were made.

The International Telecommunication Union (ITU)²

The International Telecommunication Union (ITU) is an UN specialized agency comprised not only by 193 member states but also by more than 800 technology companies: it centralizes much of the UN efforts regarding technology and communications. Currently, ITU incorporates the issue of ICTs and has the objective of establishing an international cooperation involving information and communication technology, both among public and private sectors, emphasizing public-private partnerships (INTERNATIONAL TELECOMMUNICATION UNION, 2017 b).

The concern with development has always been a central aspect within ITU and, in 1985, the Union organized the first World Telecommunication Development Conference, in order to create strategies and objectives to guarantee ICTs access to the whole world. Since then, seven Conferences have been organized to discuss the central role that ICTs can have in promoting development, especially in developing countries (INTERNATIONAL TELECOMMUNICATION UNION, 2017 f).

Also, ITU has a department, established in 1992, completely dedicated to the issue of ICTs for development, called ITU Telecommunication Development sector (ITU-D). It has the function of promoting international cooperation in order to develop and improve ICTs infrastructure. ITU-D has also the important responsibility of supporting ICTs

² The International Telecommunication Union was created in 1865, as the International Communication Union (ICU), renamed in 1932 and became part of the UN system in 1947 (INTERNATIONAL TELECOMMUNICATION UNION, 2015).

capacity-building worldwide, implementing projects with both the public and private sectors (INTERNATIONAL TELECOMMUNICATION UNION, 2017 c).

The ITU has set goals to be met between 2016 and 2019 so that its mission to promote and facilitate access to ICTs can be achieved. The first goal is growth, obtained by increasing ICTs coverage in the globe, ensuring an adequate infrastructure. To achieve this goal the Union needs to collaborate and work together with those who work in this area. The second goal is inclusion, which seeks to ensure that all, without exception, benefit from ICTs. What the ITU intends to do is to make communication technologies global, offering them in an accessible way for all individuals. All this was possible through the establishment of an alliance in the international governance of the Internet through the ICTs that allowed the sharing of knowledge and techniques among members of ITU (INTERNATIONAL TELECOMMUNICATION UNION, 2016).

The third goal is sustainability, which is related to ICTs since the rapid growth of this type of technology demands that we consider the undesirable effects that it may have. Thus, the Union works to minimize the negative impacts, such as threats to cybersecurity, and risks to the environment, such as e-waste. And the fourth and final objective is partnerships, which are central to guarantee that the benefits of ICTs can be offered for all: this item will be discussed with more details later (INTERNATIONAL TELECOMMUNICATION UNION, 2016).

Due to its unique contribution to this topic, ITU works closely with the Second Committee and had an important role in the main decisions made by the General Assembly regarding ICTs and development.

ICTs: the inclusion in the Second Committee's agenda

The subject of information technology and telecommunications was proposed in the 56th session of the General Assembly, held in 2002, by the representatives of the Islamic Republic of Iran and the Bolivarian Republic of Venezuela with the aim of furthering digital inclusion. As a result, Member States adopted the resolution A/RES/56/258, affirming that technology was a mean for building better education, economy and a connection among countries, and reinforcing the commitment with the development of national infrastructures. The document also mentioned which points should be addressed from that moment on and highlighted the importance of the consideration of this topic by the general assembly and especially by the second committee (UNITED NATIONS GENERAL ASSEMBLY, 2005).

The willingness to include ICTs in the Second Committees' agenda appeared in the

context of the Millennium Development Goals and was soon related with development: the idea was to promote better living conditions for the populations through the use of technology. ICTs could be an important tool to reduce or even eradicate poverty, to interconnect people and to improve agriculture and education (UNITED NATIONS, 2017 b).

Still in the 56th session of the General Assembly, ITU's Secretary-General suggested that the ICT debate should take place into two phases, in the form of Conferences: one that should be held in Geneva, in 2003, and the other that should take place in Tunis, in 2005. UNGA members, through resolution A/RES/56/183, accepted and implemented the idea (UNITED NATIONS GENERAL ASSEMBLY, 2002; 2005).

The Conferences would be organized under the name of "World Summit on the Information Society" (WSIS). The summit would have the aim of furthering a global dialogue on how internet's growth was changing not only social relations but also international relations: it was important to understand how ICTs could help to foster development and how it could impact on cooperation among countries (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2015).

The first summit, held in 2003, was aimed at establishing the basis for an information and communication society. The final document³ of this first WSIS set the overall framework from which discussions regarding ICTs should begin. It is interesting to note that the participants of the summit recognized the right to development as a human right and directly linked ICTs with the purpose of advancing international development. As the 9th paragraph of the Declaration of Principles stated: "Under favorable conditions, these technologies can be a powerful instrument, increasing productivity, generating economic growth, job creation and employability and improving the quality of life of all. They can also promote dialogue among people, nations and civilizations" (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2003). The use of technology was identified as an important instrument in overcoming recurrent challenges faced by the international society, such as the eradication of hunger, women's empowerment, gender equality, universal primary education, environmental sustainability, among other issues (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2003).

Participants also highlighted in 2003 WSIS' Declaration, that, in order to assure that the benefits of the Information Society would be equally distributed among the whole world, it was imperative to overcome the uneven access to technology, granting to both

3 The document is a Declaration of Principles, called: "Building the Information Society: a global challenge in the new Millennium" (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2003).

developed and developing countries the same opportunities. They also agreed that an Information Society could only be built through the broad commitment and cooperation of the different stakeholders: public sector, private sector and civil society. All countries would have to guarantee access to information and to share knowledge in order to the proposed policies to be effective (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2003).

The second phase of WSIS, in 2005, reinforced the proposals made in the first phase and reaffirmed the multiple benefits that ICTs could offer, not only for development but also for preventing conflicts and for guaranteeing human rights. The Tunis Commitment emphasized the importance of technology sharing and cooperation to secure an even access to ICTs. Participants in 2005 WSIS also highlighted that special attention should be given to vulnerable groups, which are usually more prone to be excluded from the Information Society (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2005).

At that point, it was clear that the digital divide should be tackled in its different levels, national and international, if the goals set in WSIS were to be achieved. ICTs could only have the expected impact on development if they were treated in a holistic manner: it would be necessary to shape political structures, institutions and government policies in order to support the new Information Society. In addition, it would be necessary to consider the existing oppositions between public and private, competition and monopoly, foreign and national, and centralized and decentralized: issues that should be taken into account when discussing technology, since it relies on both public and private investments (WORLD BANK, 2017).

At the end of the 2000s, with the outcomes of both WSISs and with the rapid changes undergone by technology, it was clear that ICTs would be central to international community in the following years. It would be necessary to discuss regulations and determine rules to guide international cooperation on the matter. More importantly, it would be essential to highlight the direct link between ICTs and development.

ICT and the 2030 Agenda: challenges to achieve the SDGs

The 2030 Agenda for Sustainable Development was adopted unanimously by 193 Heads of State at UN Headquarters, in New York, in September 2015. The agreement is focused on dealing with obstacles to development in both developed and developing countries, reinforcing that no one should be left behind. It addresses the three dimensions of sustainable development: social, economic and environmental, as well as important aspects related to peace, justice and effective institutions. The 2030 Agenda called for

international cooperation to promote sustainable development and presented 17 new development-related goals and 169 targets to be achieved until 2030 (INTERNATIONAL TELECOMMUNICATION UNION, 2017 a; UNITED NATIONS, 2015).

Although ICTs are not represented in one specific goal, they play an important role, as catalysts to the achievement of all 17 SDGs. Regarding the SDGs related to “People”⁴, for example, ICTs have a great contribution to give. By increasing ICTs inclusiveness and improving access to information and education, which can empower local communities, it is possible to overcome the obstacles regarding education, gender equality, hunger and poverty (INTERNATIONAL TELECOMMUNICATION UNION, 2017 e).

The SDGs labeled within the “Prosperity” umbrella present a more direct link with ICTs, since some of the targets established, as the achievement of responsible consumption, sustainable cities, innovation and economic growth, depend on the use of technology. Among these, Goal 9 can be highlighted as one of its targets that aims to: “Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020” (UNITED NATIONS, 2017 c). In production, for example, ICTs can save considerable losses by providing smart systems that identify available resources and consumption patterns. ICTs can also reduce distances and connect producers from different parts of the world, integrating supply chains (INTERNATIONAL TELECOMMUNICATION UNION, 2017 e; SACHS et al, s/d).

ICTs also have a clear contribution to provide to the SDGs under “Planet”, as the ones that mention water, clean energy, climate action and biodiversity. Information and Communication technology are the keystone for monitoring systems that allow researchers to identify natural imbalances, predatory activities and environmental changes. When applied to climate and nature, ICTs can be responsible for saving and preserving ecosystems (INTERNATIONAL TELECOMMUNICATION UNION, 2017 e).

Even the goals that seem to be more distant from ICTs impact can benefit from its usage. SDG 16, for example, talks about peace, justice and strong institutions. ICT can play an important role in peacebuilding cases: the use of open data by governments can increase transparency and empower citizens by improving access to information. Finally, SDG 17 is the most relatable to ICT, since it deals with the issue of implementation, including infrastructure, financing and resources availability. Without ICTs, implementation of such bold targets for all countries would be impossible: in order to achieve 2030 Agenda, the

⁴ We can consider as a part of this group SDGs 1,2,4 and 5.

world has to reinforce its interconnectivity and this cannot be done without technology (INTERNATIONAL TELECOMMUNICATION UNION, 2017 e).

ICT can reach many sectors that involve technology and go beyond economics. Therefore, advances in this field can be applied in the development of modern tools and technologies for use in the health, energy services, agriculture and environment sectors, helping to increase productivity, monitoring and as a form of protection in some cases. ICTs are believed to be enablers of a faster achievement of the Sustainable Development Goals: the General Assembly recognized this potential in its Resolution A/70/125, which demanded that the targets of the WSIS agreements and implementation process should be aligned to the 2030 Agenda (INTERNATIONAL TELECOMMUNICATION UNION, 2017 e; SACHS et al, s/d, p. 12; TJOA; TJOA, 2016).

Consequently, ICT is a pressing issue to be discussed in the General Assembly, especially in the Second Committee: future development depends on good use of technology. If countries cannot agree in ways to overcome the traditional inequalities, the concentration of knowledge and the definition of some regulations and standards, the world will not advance in the way it has planned in the next decade. In this scenario, it is important to identify what are the main challenges still present when dealing with this topic.

Main challenges to the ICT – development nexus

In the last decade, ICT has grown in a fast and sustainable manner: more than ever, technology is widespread and can be identified in daily activities, which has turned it into an essential element of modern life. In the economic sector, the vast diversity of ICT employment has initiated a deep transformation in production and consumption patterns. The world we live in today is more interconnected and dynamic: by the end of 2017, for example, mobile broadband, which is the cheaper and more common communication technology, is expected to have 4.3 billion users worldwide that amounts to 57% of global population (INTERNATIONAL TELECOMMUNICATION UNION, 2017 d).

Nevertheless, the exponential growth of the technology has also highlighted several challenges and issues raised by the uneven distribution of ICT resources among countries. Table 1 shows an example of this divide: while in developed countries 81% of the population is using the Internet, in least developed countries (LDCs) this number drops to 17.5%:

Table 1 - Proportion of individuals using the Internet 2017.

Least Developed Countries(LDCs)	17.5
Developing Countries	41.3
Developed Countries	81.0
World	48.0

Source: Elaborated by the authors with data from "ICT Facts and Figures 2017", from the International Communication Union.

When we look at the same indicator by region, the situation is even more alarming (Table 2): the African continent is clearly behind regarding Internet access. In Africa, the Arab States and Asia-Pacific, Internet access is not yet a reality for more than half of the population (INTERNATIONAL TELECOMMUNICATION UNION, 2017 d).

Table 2 - Proportion of individuals using the Internet 2017, by region.

Africa	21.8
Arab States	43.7
Asia and Pacific	43.9
Americas	65.9
Commonwealth of Independent States	67.7
Europe	79.6

Source: Elaborated by the authors with data from "ICT Facts and Figures 2017", from the International Communication Union.

These data shows that, in spite of the spread of ICTs in the last decade, we are still distant from the target proposed by Goal 9 of the 2030 Agenda that aims to reach "universal and affordable Internet access to the Least Developed Countries". As we can see from Tables 1 and 2, this means that LDCs will need to improve considerably their situation, increasing Internet access in almost 500% compared to their current status. As for now, it is possible to say that LDCs are still excluded from the Information Society.

But the fact that several areas do not have access to broadband is not restricted to the division between developed or developing: in many countries, most rural areas do not have proper access to the Internet, which makes it difficult, in addition to communication, to advance the rural environment (UNITED NATIONS GENERAL ASSEMBLY, 2015).

Another important divide when we consider ICTs access is regarding gender. According to the report published by ITU in July 2017, there are currently 12% more men using the Internet than women. When we look at the global figures, in almost two-thirds of the countries, men are still the majority to be using the Internet: this situation is only different in the American continent, where gender parity in Internet access is almost a reality (INTERNATIONAL TELECOMMUNICATION UNION, 2017 d).

The gaps between developed and developing/least developed countries and between women and men are worrisome not only for the great inequalities they indicate, but also, because of their pervasive consequences. The divide among countries and social groups relating to ICTs can impact, for example, on inclusion in education and in the labor market. Populations with restricted access to ICTs will have less opportunity to reach information and educational content and will have a lower level of training in applying technology. In contrast, companies are incorporating ICT in their most basic processes: consequently, they end up demanding more skilled labor in detriment of the groups who lack technology education (SACHS *et al*, s/d, p. 18).

In this sense, not only an even access and distribution of resources should be targeted, but also a common effort towards capacity building. ICTs can only deliver their full potential regarding development, if they can be fully implemented in all sectors. In turn, this can only be done if a skilled labor force is available, both in developed and developing countries (UNITED NATIONS GENERAL ASSEMBLY, 2015).

There are other areas where the digital divide has negative impacts: for example, differences in the production of technology among countries, end up increasing dependence and the domination of the technological market by some manufacturers. For countries to develop through technological progress, a great deal of effort is required from different stakeholders, such as governments, private companies, donors and the United Nations, since it is an effort that must be undertaken by all parties involved in cooperation (INTERNATIONAL TELECOMMUNICATION UNION, 2017 a).

Other aspect that hinders ICT role towards development is the lack of a clear governance framework. The definition of rules, standards and norms is still underway regarding technology, what can sometimes complicate international cooperation. In order to improve knowledge sharing and technology transfer, for instance, a clear legal framework is central. An important and indispensable part of this equation is the United Nations and this is one area in which the General Assembly plays a unique role: it can provide countries with the adequate forum to discuss such commitments. They are necessary not only to reach a greater number of users, but also to offer much safer and reliable ICTs services (UNITED NATIONS GENERAL ASSEMBLY, 2015).

As we can see, the difficulties still exist and much improvement has to be done in the area, with many barriers and controversies to be overcome. The effort to bring ICTs closer to the promotion of development requires a global effort and the engagement from all

interested parts, especially through the help of governments and partnerships with the private sector. The challenges posed to the advancement of ICTs and the Information Society must be dealt with in a collective manner: a global task-force including public and private sectors, civil society and all countries.

The importance of partnerships

While much progress has been made in terms of ICT outreach and improvement, the gap between some countries and disadvantaged populations is still very large. In order to tackle this obstacle, one element is indispensable: partnerships.

The importance of these was envisaged in WSIS conferences. The Tunis Commitment, for example, specifically mentioned the central role that cooperation should play in achieving an inclusive Information Society:

37. We are convinced that our goals can be accomplished through the involvement, cooperation and partnership of governments and other stakeholders, i.e. the private sector, civil society and international organizations, and that international cooperation and solidarity at all levels are indispensable if the fruits of the Information Society are to benefit all (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2005).

ICTs depend on this global alignment where every stakeholder contributes in their own way: governments should support policy towards standardization and regulations of ICTs governance, the private sector can collaborate by investing in research and providing better interconnected systems and international institutions can help raising awareness and promoting cooperation and technology sharing. These are only few examples actions that can be taken by different actors and that are complementary (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2003; UNITED NATIONS, 2017 b).

Partnerships also have the capacity of sustaining the stocks of investment in the sector. The reduction of financial influxes in ICTs impacts on different areas such as the creation of knowledge, innovations, diffusion of information and, consequently, in the use of these communication and information technologies. Public-Private partnerships (PPP), for instance, can substantially improve capacity building, policy adjustment and digital improvement, encouraging investment in the area. Governments can work in ensuring a friendly environment for ICT companies, while these can boost digital transformation by providing new ICT solutions, tailored to local need (SACHS *et al*, s/d, p. 6).

Other actors that help and intermediate the process of development, coordination,

implementation of ICTs are, for example, the United Nations Group on the Information Society (UNGIS), that contribute a lot with the achievement of the WSIS-World Summit on the Information Society objectives, and agencies, such as ITU. These stakeholders are very important on the realization of the SDGs, since they act intensively in order to integrate the private and public sector and help in the modernization of the country (UNITED NATIONS GROUP ON THE INFORMATION SOCIETY, 2017 a).

One relevant initiative under UNGIS supervision is the “Partnership on Measuring ICT for Development”, launched in 2004, with the aim of improving data collection, standardization, sharing and quality. The idea is to enhance the process of collecting and organizing ICT-related data by encouraging capacity building, especially in developing countries. More and better information on ICTs would help creating more targeted planning in this sector, reaching better results. This initiative involves different stakeholders as ITU, Organization for Economic Cooperation and Development (OCDE), UNESCO and others (UNITED NATIONS GROUP ON THE INFORMATION SOCIETY, 2017 b).

Another key element regarding partnerships is the imperative cooperation between developed, developing and least developing countries. Only with the true commitment of all States that should be willing to share knowledge, technology and resources, ICT can really have an impact on development. WSIS Declaration of Principles, from 2003, highlighted that without a global engagement and the understanding of the shared benefits provided by an inclusive Information Society, ICT could never achieve their full potential as development catalyzers (WORLD SUMMIT ON THE INFORMATION SOCIETY, 2003).

Conclusion

Throughout this chapter it was possible to notice the central role that ICTs have in the development debate. Our world has transformed considerably in the last decades and technology is, more than ever, an indispensable element of modern life. Without it the bold targets set in the 2030 Agenda will not be met in the due time. Despite the advancements made so far, a universal Information Society is still not a reality: much has to be accomplished regarding the reduction of inequalities in order to ensure an even access to ICTs. This can only be done through a global partnership that must engage developed, developing and least developed countries, governments, private sector and civil society. One of ICTs’ greatest benefits is the possibility to reduce distances: this will be paramount to guarantee an international commitment towards development.

In this sense, some questions should be considered while discussing this topic: can ICTs enable development with such great divides? How to promote greater sharing of technology among countries? How to effectively engage the private sector and governments in a positive alliance?

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CHAPTER 3

SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY

United Nations General Assembly

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Introduction

The topic “Social Development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family”, discussed in the Third Committee of the United Nations General Assembly (UNGA) is one of the most important when we think in our future. Social development relies on the idea of putting people first and promoting a people-centered development. It aims to guarantee that every individual can benefit from economic advancement by profiting of a real improvement in well-being and social inclusion.

In the path towards economic growth and social advance, some groups demand extra attention, since they can be more easily excluded from benefits generated by society. These vulnerable groups are frequently voiceless and powerless because they are not well represented in governments and international institutions.

The world has achieved unprecedented progress in the last century, however social and economic inequalities have persisted or worsened, mainly among vulnerable groups. In pursue of a change in this scenario, the international community has put its aspiration under the 2030 Agenda to leave no one behind (UNITED NATIONS GENERAL ASSEMBLY, 2016). The Sustainable Development Goals (SDGs) and United Nations’ (UN) campaign “Leaving No One Behind” represent a broader endeavor to put these vulnerable groups in the center of development and integrate them into society, which would be fairer and more equitable.

To explain with more details this topic, this chapter is divided in four sections. The first section will present an overview of the UNGA and its Third Committee. The section will briefly explain the structure of the General Assembly to clarify how this topic is debated in the organ. The following section will explain the major definitions necessary to understand

social development and the importance of its achievement for the specific groups who are marginalized in society and considered together in this topic: youth, ageing, disabled and family. The third section will indicate how the idea of Social Development is present in most of the SDGs and how the vulnerable groups are included in the existing targets. Finally, the chapter concludes with some important questions that should be addressed while debating the topic.

The United Nations General Assembly and the Third Committee

The General Assembly is the main legislative organ of the United Nations. According to the IV Chapter of the UN Charter, which defines UNGA's mandate, every Member State has the equal right to one vote at its meetings. In addition to the regular sessions, the UNGA also holds special meetings that depend on international circumstances: they are summoned by the Secretary-General and are carried out at the request of the Security Council or the majority of the Member States (UNITED NATIONS, 1945).

There is a wide range of international subjects that are assigned to the General Assembly and must be within the purview of the organization. The recommendations made by the organ are intended to:

- a. Promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- b. Promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion (UNITED NATIONS, 1945).

In addition, the General Assembly is divided into committees, where agenda items are separated into themes, facilitating the discussion of its extensive agenda. There are six main committees: Disarmament and International Security, which deals with nuclear issues, trade and non-proliferation of weapons; Economic and Financial, which focuses on development, poverty and sustainable development; Social, Humanitarian and Cultural, which will be discussed more thoroughly below; Special Political and Decolonization, aimed at the self-determination of people, land mines and Peacekeeping Operations; Administrative and Budgetary, focused on administrative questions and on the Budget of the United Nations and the Peacekeeping Operations; and, finally, the Legal, that takes care of treaties, conventions and legal definitions (UNITED NATIONS GENERAL ASSEMBLY, 2017 a).

The Third Committee, Social, Humanitarian and Cultural, focuses on UNGA agenda items that are linked to issues relating to human rights, social problems, gender, indigenous matters, racial discrimination and self-determination, the situation of refugees, the protection of children and social development questions, among others. Therefore, the Third Committee has the important role of being a stage where all Member States are called to give their opinion regarding a wide range of human rights topics. It is also interesting to note that, throughout the years, the Third Committee has adopted a less contentious and a more collaborative approach aiming at achieving the greatest progress possible towards the advancement of the items in its agenda (UNITED NATIONS, 2013; UNITED NATIONS GENERAL ASSEMBLY, 2017 b).

It is a practice of the General Assembly that the Member States organize themselves into Political Groups, with similar interests to negotiate the different agenda items. In the Third Committee, some of the traditional groups are the Association of Southeast Asian Nations (ASEAN), the Community of Latin America and Caribbean States (CELAC), the Group of African States (GAS) and the Group of 77 and China (G77 + China).

The concept of Social Development

The Preamble of the UN Charter indicates what is considered the three main pillars of the United Nations: international peace and security, human rights, and development. Respectively, their main goals are to avoid wars, reaffirm the idea of human rights and equal rights, guarantee justice and social progress for all (UNITED NATIONS, 2017 a).

These pillars are interconnected and they cannot be achieved alone: the UN has developed the understanding that these pillars work as a single-undertaking. For instance, the lack of development usually pushes people into extreme conditions, under which human rights will probably be threatened, culminating into conflict. The contrary is also true: in war times, development is limited and the respect of basic human rights is compromised. In this sense, the promotion of development also means the promotion of peace and human rights (UNITED NATIONS, 2017 a).

The importance of development and its link with the other pillars was recognized by the General Assembly in its resolution 41/128 (1986), namely the Declaration on the Right to Development. In this document, the right to development is considered an inalienable human right to which all individuals are entitled. It was, therefore, the responsibility of the State to guarantee its achievement in full. The Declaration also reinforces that the

right to development could only be realized if the peoples could enjoy peace and security (UNITED NATIONS GENERAL ASSEMBLY, 1986).

It is interesting to notice that within the broader concept of development, there is a more specific approach, which goes beyond material achievements: the idea of social development. Social development is a subject discussed in the UN since the foundation of the institution. Its importance was reinforced by the General Assembly through the Declaration on Social Progress and Development (1969), which recalled the terms included in the UN Charter to promote full employment, high standards of living and conditions to development and social and economic progress (UNITED NATIONS, 1945; UNITED NATIONS GENERAL ASSEMBLY, 1969).

The definition of social development used by the UN is:

Social development can be broadly understood as processes of change that lead to improvements in human well-being, social relations and social institutions, that are equitable, sustainable, and compatible with principles of democratic governance and social justice. This definition includes both material achievements, such as good health and education, and access to the goods and services necessary for decent living; and social, cultural and political achievements, such as a sense of security, dignity, the ability to be part of a community through social and cultural recognition, empowerment and political representation (UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT, 2017).

Social development, therefore, considers material progress but focus on its capacity of generating the alleviation of inequalities and the promotion of civil and political rights. The concept of social development breaks with the subordination of the social and political spheres to the economic one: economic growth does not necessarily mean well-being for all. In this sense, achieving development involves also a political process that incorporates the recognition and representation of marginalized groups and the redistribution of power and resources in a way that people can truly benefit from economic growth (UNITED NATIONS RESEARCH INSTITUTE FOR SOCIAL DEVELOPMENT, 2011; UNITED NATIONS GENERAL ASSEMBLY, 2011 b).

Social development is also an inclusive and universal concept because it concerns the whole society, which means that this kind of development cannot be fully achieved if specific marginal groups are neglected of the development process. Article 5 of the Declaration

on Social Progress and Development states that social development "(...) requires the full utilization of human resources, including (...) the assurance to disadvantaged or marginal sectors of the population equal opportunities for social and economic advancement in order to achieve an effectively integrated society" (MIDGLEY, 1995; UNITED NATIONS GENERAL ASSEMBLY, 1969).

Social development puts people in the center of the debate and gives a special attention to full inclusion. For this reason, the topic "Social Development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family" ended up as a separate issue on the third committee's agenda. Although, as mentioned above, the idea of social development has been discussed in the General Assembly since UN's inception, it was only in the 1990s that it included the mention to specific groups, being introduced in the agenda in 1991 on the 46th session of UNGA (UNITED NATION GENERAL ASSEMBLY, 1990; 1991).

The centrality of social development was again reinforced in 1995, when world leaders gathered in the World Summit for Social Development, held in Copenhagen, Denmark. The result was the Copenhagen Declaration on Social Development that determined as high priority for the 21st century the achievement of social development and human well-being for all. This Declaration highlighted the need to discuss development by putting people in the center of any national or international action in order to really achieve social improvement (UNITED NATIONS, 1995).

To achieve the objectives of the Copenhagen Declaration, the signatories agreed on ten commitments: the first one is create an environment that enables people to achieve social development. The second commitment is to eradicate poverty. The third commitment is to target full employment as a priority, ensuring that men and women have access and freedom to choose their work. The fourth commitment is to promote social integration to achieve fairer societies based on human rights, tolerance, respect, equality and full participation of all people. The fifth commitment approaches the promotion of respect for human dignity to achieve equality between women and men, increasing women participation on society (UNITED NATIONS, 1995).

Commitment number six envisages the promotion of universal access to education and health, respecting different cultures and without distinction regarding gender, race, age or disabilities. The seventh commitment is to accelerate the development of economic, social and human resources on Africa and countries with less development. The

eighth commitment highlights the importance of public programs to include social goals. The ninth commitment is dedicated to the efficient use of the resources directed to social development. Finally, the last commitment stresses the key role played by partnerships in the achievement of social development (UNITED NATIONS, 1995).

These ten commitments are important because they represent a global consensus of adopting a people-centered approach to development: the agreement still serves as inspiration and background for social development debates. Since then, world leaders gather to evaluate the achievements made and discuss new initiatives (UNITED NATION, 2017 b).

The common element of youth, ageing, disabled and family

The social groups included in this topic share a common characteristic that allows them to be discussed together: they all are in a vulnerable position. Whenever societies lack the appropriate conditions for economic and social development, these groups are usually more susceptible to problems such as poverty, hunger, restricted access to education, justice and unemployment. The individuals who are socially excluded are unable to participate of social, political and economic life, which contributes to their vulnerability. This situation occurs when the foundations of wellbeing are not established and this exclusion covers many groups whose voices are not heard, hindering their rights (UNITED NATIONS GENERAL ASSEMBLY, 2016).

The UN also dedicates special attention to each of these groups individually, raising awareness to their fragile situations and advocating to the improvement of their opportunities. Also striving to ensure their full inclusion in society. We will briefly present the main aspects of each sub-item:

a) Youth

According to the Division for Social Policy and Development (DSPD) of the United Nations Department of Economic and Social Affairs (UNDESA), the UN program on youth is intended to ensure young people inclusion in different aspects, by promoting their rights and encouraging greater awareness of their global situation. Social development ensures to the young people better future conditions, with improved opportunities for life. Consequently, social leverage of the young brings a significant contribution for national development (DIVISION FOR SOCIAL POLICY AND DEVELOPMENT, 2017 f).

The UN, through this program, aims to effectively include young people in decision-making processes, which will consequently bring further national development and greater international cooperation, and, therefore, being able to achieve peace. It also

aims to promote national youth policies and improve the quality of young people's lives (DIVISION FOR SOCIAL POLICY AND DEVELOPMENT, 2017 f).

b) Ageing

The Ageing program is based on the strengthening of the Madrid International Plan of Action on Ageing (MIPAA), initiated in 2002. Its goal is to advance health, well-being and development and to ensure an environment that is more adequate and supportive for the elderly population. The program also aims to promote the global awareness of this vulnerable group, to guarantee the protection of human rights and to integrate them into political decisions of civil and international societies. One criticism generally made is related to the absence of an UN convention on older people, despite the existence of a set of principles recognized by UNGA resolution 46/91 (1991) (DIVISION FOR SOCIAL POLICY AND DEVELOPMENT, 2017 a; 2017 d).

c) Disabled

The group of disabled persons is covered by a wide range of international instruments reinforcing their rights. The main one is the Convention on the Rights of Persons with Disabilities, of 2006, which states principles as non-discrimination and accessibility as pillars of the social protection of disabled persons. The issue is addressed by the DSPD from a conception of human rights. Its purpose is to ensure greater participation in development and in all political and socio-economic spheres. Disabled persons tend to be one of the most excluded and most left behind groups. This is due to the lack of adequate infrastructure or insufficiencies in the health system, which are frequently linked with low levels of social development. In addition, they often tend to be treated in isolation on several issues, so the program also aims to ensure equalization and an increase of opportunities (DIVISION FOR SOCIAL POLICY AND DEVELOPMENT, 2017 b; 2017 e).

d) Family

Families, in their various forms, were considered as the pillars of society at the World Summit for Social Development, in 1995. They have a vital importance in what concerns the achievement of social development. Families, as the basic social units, can provide a friendly environment for the development of children, youth and communities. Therefore, UN action aims to protect families, ensuring the rights of the family unit and encouraging the broader understanding about the concept (DIVISION FOR SOCIAL POLICY AND DEVELOPMENT, 2017 c).

It is possible to observe that the situation of these groups is related in several aspects. In all cases, there is a concern to raise awareness from the international community and to ensure their basic human rights, fully integrating these groups in society. It is clear that what leads the Third Committee to discuss them in a joint way is their shared vulnerability to the pervasive consequences of the lack of social development.

Social development, as we could see, is a significant part of the UN mandate: we can affirm that the improvement of peoples' lives depends in great part on the joint effort of the international community. Despite some advancements made in the last decades, much has to be done in order to ensure a universal social development. Aware of the great challenges in this area, the 2030 Agenda will dedicate special attention to this issue, including the topic as an indispensable part of Sustainable Development.

Social Development and the 2030 Agenda

As a result of a long period of negotiations among UN Member States, the 2030 Agenda for Sustainable Development was launched in 2015. It is composed of 17 Sustainable Development Goals (SDGs), successors of the eight Millennium Development Goals¹, with 169 targets to create a new global model of sustainable development, having in mind and based on the greatest social fragilities that currently exist in the world. The agenda has three dimensions, economic, social and environmental and its 17 goals cover a great variety of commitments, including eradicating hunger and poverty, ensuring access to health, education and basic sanitation, reducing inequalities and increasing sustainability and peace between societies (UNITED NATIONS DEPARTMENT OF ECONOMIC AND SOCIAL AFFAIRS, 2015).

Social development represents a central focus of SDGs, which have as their ultimate objective to significantly reduce inequalities and improve peoples' lives until 2030. Virtually all goals can have direct or indirect impact on vulnerable groups and social development. Still, some of them are more easily related, such as goal 1 (no-poverty), goal 2 (zero hunger), goal 3 (good health and well-being), goal 4 (quality education), goal 8 (decent work and economic growth) and goal 10 (reduced inequalities). In a brief analysis, we can capture that a key part of social development is to guarantee universal access to social benefits and services: therefore, fight the uneven distribution of these is imperative (UNITED NATIONS, 2017 c).

¹ The Millennium Development Goals were adopted by the General Assembly in 2000 and defined 8 objectives that should be achieved until 2015. They were mainly directed to social issues such as poverty, lack of education, mortality rates and gender inequality (UNITED NATIONS GENERAL ASSEMBLY, 2000).

Goal 10 mentions the necessity of reducing inequalities and, among its targets, proposes to “by 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status” (UNITED NATIONS, 2017 d).

The elements that comprise this target are considered to be drivers for exclusion, especially in the most fragile environments, revealing another important approach of the 2030 Agenda: exclusion in this document goes beyond the poverty nexus, it also entails “(...) feelings of alienation, inferiority and lack of agency and control over important decisions” (UNITED NATIONS GENERAL ASSEMBLY, 2016). Here is where belonging to some groups, more prone to be marginalized, becomes linked to the social development debate: a people-centered development should seek an overall improvement in peoples’ lives that cannot be achieved without social inclusion (UNITED NATIONS GENERAL ASSEMBLY, 2011 a).

Most of the data collected under the SDGs effort has indicated some kind of pervasive effect linked to exclusion of some groups: for example, the high numbers of young men subjected to violence and murder, or the constant limitation disabled persons face in their daily routine. Moreover, the lack of access to equal opportunities can significantly hinder social development. Having restricted access to health or education, for instance, can shape people’s future prospects, reducing the chances they will have to get better jobs, effectively engage in the political arena and play their civic roles improving their communities (UNITED NATIONS, 2017 c).

To address these issues, in the center of the 2030 Agenda debate is the principle of “Leaving No One Behind”: a commitment to achieve social development and for this it is necessary first to reach the persons who are furthest behind, guaranteeing that the outcomes from the 2030 Agenda reaches everyone through social inclusion. The idea advocates the proper distribution of benefits originated from development. By aiming not to leave parts of the population behind in the search for better living conditions, the 2030 Agenda targets improvements for the whole society.

Main challenges for promoting social development

As we could see, social development goes beyond material achievements: it also seeks better living standards and social inclusion. The world today still faces many challenges towards a people-centered development, but some of them are especially worrisome

when we consider groups as youth, ageing, disabled and family.

One relevant challenge in this sense is the stagnant global economy and the persistent high levels of unemployment. Foster employment and decent work is a key element in promoting social development, since they are means to fight poverty and exclusion. Disadvantaged groups are frequently pushed into informal jobs, increasing the probability of unemployment since these jobs are instable (UNITED NATIONS GENERAL ASSEMBLY, 2016).

For youth, levels of unemployment and inequality are considerably high and can be seen on the tables below:

Table 1 - Youth working poverty and projections to 2017

Youth working poverty, 2015-17 (percentage)	2015	2016	2017
Total emerging and developing	38.4	37.7	36.0
Emerging countries	31.2	30.2	29.3
Developing countries	73.4	72.2	71.0

Source: Organized by the authors from the table presented in INTERNATIONAL LABOUR ORGANIZATION, 2016.

Table 2 - Youth unemployment and projections to 2017

Unemployed youth, 2015-17 (millions)	2015	2016	2017
World	70.5	71.0	71.0
Developed countries	10.2	9.8	9.6
Emerging countries	52.9	53.5	53.5
Developing countries	7.4	7.7	7.9

Source: Organized by the authors from the table presented in INTERNATIONAL LABOUR ORGANIZATION, 2016.

The numbers shown above indicate not only high rates of poverty among working youth but also great number of unemployment. The situation worsens in developing countries: in 2016, 72.2% of working youth was considered poor and 7.7 million were unemployed. These figures are markedly unsettling because of their long-term negative impact: youth who are unemployed or in living conditions of poverty will certainly lack conditions to reach their full potential in the future, hindering not only the self-development but also the whole society (UNITED NATIONS GENERAL ASSEMBLY, 2016).

Another significant challenge to ensure social development is restricted access to equal participation in the various aspects of social life, as political, civic and cultural. As we have already mentioned, ensuring the even distribution of development also means fully including every person in society. Whenever some people or groups are left aside from political process, for example, they will lack adequate representation and will have

increased chances of being marginalized (UNITED NATIONS GENERAL ASSEMBLY, 2016).

Older people are one of the main groups subject to this alienation. As people age they tend to be excluded from decision-making processes and viewed as less capable of meaningful contributions to society. In a world that faces a continuing ageing process, this exclusion can have extremely negative consequences in the near future. It is estimated that, by 2050, almost 2 billion people will be over age 60 in the world, which should represent 20% of the world population. Creating mechanisms that guarantee their complete economic, social and political integration in society is, therefore, of utmost importance (ECONOMICAL AND SOCIAL COUNCIL, 2012).

Another central obstacle to achieve social development is the lack of a proper policy framework that encourages inclusion, even distribution of benefits and the promotion of equal rights. One of the first steps towards a people-centered development is the creation of mechanisms that reinforce and ensure equal opportunities for all, as non-discrimination policies and regulations that grant universal access to social protection systems (UNITED NATIONS GENERAL ASSEMBLY, 2016).

This issue depends highly on the positive engagement of the public sector, which can contribute by mainstreaming the social approach into daily routine. Governments support and guidance are essential to promote inclusive institutions, norms and behavior. A good example is the case of persons with disabilities: laws and regulations applied by States can promote respect to the rights of persons with disabilities and can establish practices to foster this group inclusion such as boosting accessibility projects that meet disabled persons necessities (DIVISION FOR SOCIAL POLICY AND DEVELOPMENT, 2017 b; UNITED NATIONS GENERAL ASSEMBLY, 2016).

Family is also a subject that depends on the existence of regulations recognizing special rights for the family unit, perceived as one of the main pillars of our society. Families can be decisive in overcoming poverty, providing better opportunities to youth and ensuring access to basic needs for the old and disabled. However, without the support of an adequate policy framework, families cannot put into practice their full potential as drivers of development (DIVISION FOR SOCIAL POLICY AND DEVELOPMENT, 2017 c).

Finally, for the topic being discussed, it is paramount to count on the global engagement of the whole society: promoting social development relies on fostering a different mentality towards tolerance, equality, respect and sharing. This can be considerably encouraged by a positive policy framework, resulting from countries engagement and international cooperation.

Conclusion

The purpose of this chapter was to present the topic “Social Development, including questions relating to the social situation and to youth, ageing, disabled persons and the family”, addressed by the UNGA Third Committee. As we could understand, social development is a broader concept that exceeds material improvements and also considers the political, social and cultural dimensions of progress, putting people at the center of the debate.

It was possible to demonstrate that the mentioned groups youth, ageing, disabled persons and family, which are often excluded from economic progress, have a common connection: their vulnerability. Disadvantaged groups with attributes such as age, gender, race, ethnicity, disability and others are still subject to the high probability of being left behind in society. Further, this pattern is repeated in developed and developing countries, however this exclusion can be worsened by fragile living conditions (UNITED NATIONS GENERAL ASSEMBLY, 2016).

It is a consensus that this topic raises calls for an active engagement of the United Nations that, since its foundation, has stated the centrality of promoting “(...) social progress and better standards of life (...)” (UNITED NATIONS, 1945). However, social development is an issue that relies on governments’ involvement as well. The 2030 Agenda for Sustainable Development highlights the important contributions that both the national and international communities should have to bring prosperity, quality of life and inclusion.

In this sense, the social development debate should address some issues, such as: how can we improve social development not only among States but also within them? What kind of contribution can the Third Committee give to the advancement of the situation of youth, older, disabled and families? What kind of disagreements among Member States represent an obstacle to discussing the issue and how can they be overcome?

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CHAPTER 4

THE PROMOTION OF NEW AND RENEWABLE SOURCES OF ENERGY

United Nations General Assembly

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Introduction

After the conclusion of the Millennium Development Goals in 2015, a new era has emerged through a new international agreement that aims at reaching bolder and broader objectives. The 2030 Agenda for Sustainable Development, elaborated by the United Nations General Assembly (UNGA) at its seventieth meeting, demands countries' efforts to achieve 17 Sustainable Development Goals (SDGs) over the next 15 years. New and renewable sources of energy express one of the main pillars of a green and sustainable future to be pursued by countries (UNITED NATIONS, 2017 d).

According to the report of the Secretary-General of 2016, besides the importance and the value that renewable sources provide to energy supply, they also symbolize "key resources for addressing global challenges, including universal energy access, energy security, climate change, and ultimately poverty eradication and sustainable development" (UNITED NATIONS GENERAL ASSEMBLY, 2016, p. 4). However, energy sources that are continually replenished by nature demand appropriate technology to be transformed into usable forms of energy.

In a green decade – the Decade on Sustainable Energy for All (2014-2024), unanimously established by the UNGA – the United Nations (UN) highlights the importance of the discussion about renewable sources, which includes new opportunities for markets and industries, but also new and different challenges. For that, the promotion of partnerships among public sector, private sector and the civil society, are a central element in order to strengthen the commitments to actions that support the adoption of new and renewable sources of energy (UNITED NATIONS GENERAL ASSEMBLY, 2016).

Bearing in mind the continuing efforts and goals of the 2030 Agenda and the several initiatives towards the full accomplishment of its targets, this chapter will address the many challenges faced by the UN Member States in the debate on technology transfer, potential exploitation and financing for capacity building, within the scope of the

Economic and Financial Committee. The first section of this article will briefly describe the main duties and committees of the United Nations General Assembly, focusing on the role of the Second Committee (Economic and Financial), in which this topic will be discussed. In the next section, this chapter will present the history of the debate over renewable sources of energy and relevant global data about energy production and consumption. Finally, the chapter will address the topic relation with the 2030 Agenda for Sustainable Development and the current challenges and ambitions regarding its implementation.

The General Assembly and its Economic and Financial Committee

The United Nations General Assembly (UNGA) was established in 1945, under the IV Chapter of the Charter of the United Nations, in order to provide an appropriate forum for the exercise of cooperation among nations. Being one of the United Nations main organs, the General Assembly is composed by all its 193 Member States and it is considered the most representative organ of the organization. Its universal character is due mainly to the fact that each member has the right to one vote in any matter under UNGA's consideration (UNITED NATIONS, 1945; 2017 b).

Among other duties, the General Assembly is responsible for setting recommendations to States regarding international matters such as political, social and economic issues, or any other subject that is not being addressed by the United Nations Security Council. The discussions take place within the scope of its six main committees: First Committee (Disarmament and International Security), Second Committee (Economic and Financial), Third Committee (Social, Humanitarian and Cultural), Fourth Committee (Special Political and Decolonization), Fifth Committee (Administrative and Budgetary) and Sixth Committee (Legal) (UNITED NATIONS, 2017 a).

In the Second Committee, Member States deal with issues related to economic growth and development, including economic policies and financing. Besides that, the committee also addresses issues relating to groups in particular situations, such as the Least Developed Countries (LDCs), the Landlocked Developing Countries (LLDCs) and the Small Islands Developing States (SIDS), once they present specific conditions of economic growth and development (UNITED NATIONS, 2017 a; 2017 b).

In order to facilitate the agreement on a final resolution, the negotiations are normally made within regional or political groups that share common interests concerning the topic of discussion, such as the African Union (AU), the European Union (EU) or the Community of Latin America and Caribbean States (CELAC).

The rise of new sources of energy

For a long time, energy production has been central in discussions concerning environmental issues, such as gas emissions and climate change, once fossil fuels represent the primary source of energy in the global mix. These types of energy raise many issues: first, burning fossil fuels contributes for the increase of greenhouse emissions, which is directly related to climate change issues. Second, fossil fuels, such as oil and coal, are limited resources: not only they will come to scarce, but already present restricted access to it (NATIONAL RENEWABLE ENERGY LABORATORY, 2001).

As an alternative option, new and non-pollutant sources became gradually relevant and started playing a significant role in the global energy mix. Renewable energy technologies use sources that are continually being replaced by the nature, such as the sun, the wind, the water from rivers and oceans, biomass, tar sands and even the Earth's heat. For being easily accessed resources, especially for the developing world, clean and renewable energy became a key factor for strengthening the autonomy and energy security of countries that depend on import of fossil fuels (DEPARTAMENT OF ENERGY, 2017; NATIONAL RENEWABLE ENERGY LABORATORY, 2001).

The concept of "new sources of energy" has changed since the Industrial Revolution. Back in the 18th century, oil and coal represented new and revolutionary sources for energy generation, which allowed many advances to be made in the history of industry and in human life. The idea of "new sources" only started to refer to renewable sources of energy after the 1970s, when the petroleum crisis motivated the search for alternative options (ZYL, 2017).

In the occasion, the Organization of the Petroleum Exporting Countries (OPEC) decided to manage their resources autonomously, reducing the influence of the biggest consumers¹. OPEC oil embargo quadrupled the prices and gave an unprecedented power for the producers, who started to affect oil prices by controlling supply. The crisis demonstrated to the whole international community how energy security was not well planned and guaranteed: it was clear for the world that dependence on fossil fuels would come at a geopolitical and economical price. Having control of the energy production meant more than energy security, it ensured also economic security. Therefore, as renewable energy emerged as an alternative and a key mechanism to ensure autonomy, countries

¹ The founder members of the organization, which includes Republic of Iran, Iraq, Kuwait, Saudi Arabia and Venezuela, developed a mission whose main objective is to coordinate the petroleum policies of the members and to provide security in economic terms and efficiency for investments in the petroleum industry (ORGANIZATION OF THE PETROLEUM EXPORTING COUNTRIES, 2017).

started to dedicate more attention and resources towards this type of energy. A cleaner, a cheaper and a modern sector, then, became to take place in the international agenda and, consequently, in the intergovernmental organisms, the sector of renewable energy sources (ORGANIZATION OF THE PETROLEUM EXPORTING COUNTRIES, 2017; TESHERA, 2015).

The promotion of new and renewable sources of energy has been in the United Nations agenda for some time: in 1981, the institution organized a conference on New and Renewable Sources of Energy, in Nairobi. At the conference, the countries acknowledged the important role of new and renewable sources of energy for meeting the requirements of social development and economic growth, through the transition from a carbon-based energy to an entire renewable energy one. However, it was only in 2007 that the topic was officially included as a separate item in UNGA's agenda. Through its resolution 62/197 (2007), the Economic and Financial Committee included the topic as a sub-item of the already existing item "Sustainable Development" and acknowledged it as fundamental for the achievement of the Millennium Development Goals (MDGs), created in 2000 (UNITED NATIONS GENERAL ASSEMBLY, 1981; 2007).

The main concern raised in UNGA's discussions rests upon the disparities among developed and developing countries regarding their potentials, necessities and economic conditions for investment. Most of the natural potential for the development of new and renewable sources of energy is found within the territories of developing and least developed countries, which also represent the part of the world that have the highest difficulty in access to energy. That is because the efficient utilization of the available energy potential requires a great amount of investment in several areas, such as education, research, technology and infrastructure.

In the entire African continent, for example, approximately 60% of the population has no access to reliable energy, and about 300 million people still depend on firewood and coal for cooking ends. At the same time, developing countries such as India and South Africa were among the top 5 countries regarding Concentrating Solar Power (CSP) and wind capacity by the end of 2016 (FRANKFURT SCHOOL UNEP COLLABORATING CENTRE FOR CLIMATE & SUSTAINABLE ENERGY FINANCE, 2017, pp. 98-99; RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY , 2017, p. 25).

Even though developed and developing countries have been successful in fulfilling energy requirements and replacing non-renewable energy sources over the past few years, there are still problems to be tackled in order to achieve the full deployment of

renewable energy. The incongruence between territorial potential for new sources of energy and the capacity for investment represents one of the main topics of discussion concerning the promotion of new and renewable sources of energy. Since natural potential is key to exploitation, and technology requires financial support and cooperation in the research field, the topic gained an important place in the Second Committee of the General Assembly (Economic and Financial Committee) (RENEWABLE ENERGY POLICY NETWORK FOR THE 21st CENTURY, 2017; UNITED NATIONS GENERAL ASSEMBLY, 2016).

Promotion of new and renewable sources of energy: a key factor for sustainable development

In order to continue and complement the efforts of the Millennium Development Goals (MDGs), the United Nations General Assembly adopted a new international agenda that addresses all the post-2015 acknowledged challenges for reaching sustainable development. The 2030 Agenda for Sustainable Development presents a plan of action that includes 17 Sustainable Development Goals (SDGs) to be achieved until the year of 2030. One of the limitations of the MDGs was the absence of an energy goal, which was later acknowledged by the international community as fundamental for achieving sustainable development (UNITED NATIONS GENERAL ASSEMBLY, 2015, pp. 1-19).

In an effort to repair the mistake, the 2030 Agenda dedicates one goal exclusively to this topic: Goal 7 aims to ensure access to affordable, reliable, sustainable and modern energy for all, through five targets that include increasing the share of renewable sources in the world energy mix and strengthening international cooperation in technology and research. Energy systems are one of the main pillars of the modern life, having direct impact in different areas, as agriculture, business, education and health. Consequently, limited access to energy, especially affordable energy, jeopardize the social and economic development of countries (UNITED NATIONS, 2017 c).

UN estimates indicate that, today, over 1.2 billion people still lack access to electricity. The most affected areas are Sub-Saharan Africa and South Asia that present significant energy deficits. The negative impacts of this situation are pervasive: without electricity, individuals, mainly women and children, spend more time cooking and ensuring household heating, time that could be spent on education or work. Also, without electricity people cannot have access to important technology as Information and Communication ones, limiting their social inclusion (UNITED NATIONS, 2017 c).

Hence, it is easy to note that providing accessible and clean energy for all, despite having its own relevance, can still impact positively in the achievement of other SDGs. The situation mentioned above, for example, show us the direct link between Goal 7 and the SDGs related to “People”, which aim to ensure and improve quality of life in many aspects. The most obvious consequence of achieving Goal 7 is providing universal access to electricity and, therefore, allowing people to dedicate more time to other activities. Another key impact is to improve health conditions by reducing pollution and gas emissions: these are responsible for the proliferation of respiratory system’s diseases (INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017, pp. 100-102).

Goal 7 can also address other SDGs related to environmental sustainability by providing alternative and clean sources of energy. Renewable energy can help to alleviate climate changing² by reducing gas emissions and pollutants: for instance, about 40% of all carbon emissions are originated from electricity production. Goal 11, which refers to the construction of sustainable cities and communities around the world, can also be boosted by renewable energy. Representing almost two thirds of the world energy consumption, cities also play a significant role in carbon emission, producing almost 70% of the global total: sustainable cities necessarily include new sources of energy (INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017, pp. 97-99).

The promotion of new and renewable sources of energy is also paramount for achieving the goals on sustainable economic growth. According the International Renewable Energy Agency (IRENA) report, if the share of energy provided by renewable sources was doubled by 2030, the global Gross Domestic Product (GDP) would increase by 1.1%. Investment in this sector also represented an expansion in renewable energy employment. According to UNDP, around 24 million new direct or indirect jobs worldwide are projected to come from renewables by 2030. Besides, access to affordable and reliable energy can empower families, local communities and entire rural areas by encouraging productive activities, which would remove many families from poverty condition (INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017, pp. 104-105; UNITED NATIONS DEVELOPMENT PROGRAMME, 2017, p. 6).

As we can see, the topic under discussion plays a unique role in 2030 Agenda, being a catalyst to the successful achievement of the expected results. Without energy, especially from sustainable sources, we cannot envisage future development.

² Climate Change is envisaged in Goal 13.

Challenges to ensure the advancement of renewable energy

Even though significant advancements in renewable energy have been made in the last decades, there is still a lot to accomplish regarding new and renewable sources as a mean for sustainable development.

In 2015, the estimated renewable energy share of total final energy consumption amounted to 19.3%, while fossil fuels accounted for 78.4% and nuclear power for 2.3%, as showed by Table 1.

Table 1 – Estimates of renewable energy share in global production, 2015

Energy type	Share in total
Fossil Fuels	78.4%
Renewable energy	19.3%
Nuclear power	2.3%

Source: Elaborated by the authors with data from Renewables 2017 Global Status Report (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, pp. 30-33).

From the renewable energy, traditional biomass, usually used for cooking and heating especially in poor areas, represent 9.1% of the total consumption while modern renewable³ share was 10.2%. Among this second group, hydropower and biomass/solar/geothermal heat had the greatest shares, 3.6% and 4.2% respectively (Table 2). This numbers show us that even though the sector of renewable energy has been increasing in the last few years, the share of this type of energy in final consumption is still low, with the fossil fuels still paying a significant role⁴. One reason for that is the growth of energy demand, which still is not fully supplied by renewable energy: currently, a stronger demand usually puts more pressure on fossil fuels, since they have the benefit of scale (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, pp. 30-33).

Table 2 – Participation of different categories in the total share of renewable energy production, 2015

Renewable power type	Share
Biomass/geothermal/solar heat	4.2%
Hydropower	3.6%
Wind/solar/biomass/geothermal power	1.6%
Biofuels for transportation	0.8%

Source: Elaborated by the authors with data from Renewables 2017 Global Status Report (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, pp. 30-33).

³ The Global Status Report considers four categories of modern renewable energy: (a) biomass/geothermal/solar heat; (b) hydropower, (c) wind/solar/biomass/geothermal power and (d) biofuels for transportation (RENEWABLE ENERGY POLICY NETWORK FOR THE 21st CENTURY, 2017, p. 30)

⁴ In 2016, some countries such as Canada, Finland and the Netherlands committed to progressively eliminate the use of coal for electricity generation, and Brazil's development bank has committed to no longer finance coal usage (RENEWABLE ENERGY POLICY NETWORK FOR THE 21st CENTURY, 2017, p. 29).

Renewable energy production, although increasing, cannot reach great scales yet. In 2016, the world reached its largest expansion in this production, accounting for around 25% of the global energy mix, with hydropower itself accounting for an approximated share of 17%, wind power 4% and solar around 1.5% of the world share. In order for it to be competitive, renewable energies would have to reach fossil fuels market price: currently, this can hardly be done through some kind of subsidy (FRANKFURT SCHOOL UNEP COLLABORATING CENTRE FOR CLIMATE & SUSTAINABLE ENERGY FINANCE, 2017, pp. 30-34).

Indonesia and Mexico, for example, decided to provide guarantees for riskier technologies and projects in order to encourage the development of geothermal energy projects. Malaysia, India and the US have been financing costs through loan guarantees. The Green Tech Financing Scheme in Malaysia, for instance, supports various green projects backed by financial institutions, and its funds (about USD 1 billion) come from a 1% surcharge on customer's electricity bills (INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017, p. 55).

The political discussion about subsidies is important, once they directly affect the numbers of energy production by encouraging the use of fossil fuels. Multilateral initiatives, such as the 2009 commitment made by the Group of Twenty (G20) that aimed at the reduction of subsidies for carbon sources, also provide important achievements for renewables. During 2016, developing countries, such as Brazil and India, also fostered subsidy reforms. Nevertheless, fossil fuel subsidies still remain higher than subsidies for renewables (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, pp. 29-31).

Without support, it will be more difficult for new sources of energy to compete with fossil fuels, which have aggregated over decades investment stock and adequate infrastructure allowing lower prices and a more reliable supply. Carbon pricing fluctuations, for example, have already shown their power to foster development in renewable energy technologies' sector. By increasing the prices of fuels and technologies with high levels of emission, carbon-pricing policies can increase the price of fossil fuels and contribute to the development of renewables (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, pp. 29-31).

According to the data collected by the IRENA, in 2015, Asia, Latin America and Africa, together, accounted for almost 56% of the world electricity generation from renewable sources of energy. However, these figures still underrepresent their real capacity for

production. Considerable unexploited potential, especially of hydropower, is concentrated in developing and least developed regions, such as Africa and South America, where the success of the implementation of renewable sources is paramount for promoting and speeding up economic growth and social development. (INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017 a; RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, p. 25; UNITED NATIONS GENERAL ASSEMBLY, 2016, p. 4).

The fully potential of these regions can only be achieved if a substantial amount of investment is involved. The numbers mentioned above regarding electricity generation, for example, are largely a result of major investments made mainly by emergent economies, which have a direct interest in reducing their submission to fossil fuels for development matters. For instance, excluding hydropower larger than 50 MW, China led the top 10 rank of renewable energy investors, accounting for 32% of global investment. In 2016, China led investments for net capacity additions in hydropower, solar photovoltaic (PV), solar water heating and wind power, followed by countries such as Brazil, United States and Turkey. Following its steps, an ever-growing number of developing countries also remain expanding their renewable capacities. Important markets are rising, such as emerging economies, that are transforming their energy industries targeting lower-costs and improved efficiency (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, pp. 112-113).

Nevertheless, if we look at the global framework, developed countries still represent higher investments in renewable energy: in 2016, USD 242 billion were invested in the sector, being USD 125 from developed countries and USD 117 for developing countries⁵. Even in this scenario, we still do not have the ideal amount of resources: according to UN Secretariat estimates, an adequate level of investment on renewable energy sector should be around 1 trillion dollars (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, p. 112-113; UNITED NATIONS GENERAL ASSEMBLY, 2016).

Distributed Renewable Energy (DRE): a possible solution

Once the provision of a complete and integrated system of energy that reaches rural areas remains a long-term challenge, in many developing countries, a system of Distributed Renewable Energy (DRE) has been playing an important role regarding energy security. DRE systems work through off-grid units – a household-level system that works regardless of an integrated system – and offer an alternative source to a central system of power

⁵ The report highlights that an important part of investment attributed to developing countries comes from China (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, p. 112).

generation, once it provides lighting and energy for heating, cooling and cooking at affordable prices. Off-grid systems would initially supply local basic needs and eventually, as investment grows and prices lower, provide power for productive use and commercial activities. According to IRENA's report, in order to achieve global energy access by 2030, it is expected that off-grid systems will account for about 60% of the needed additional power generation. Due to the reduction in renewable energy technologies costs – thanks to the rapid surge of investment in research –, DRE systems currently seem to be the most economical alternative (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, p. 24; INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017, pp. 83-84).

However, even though the continually drop in technology prices and the availability of microloans have been enabling the deployment of DRE systems worldwide, there are still many obstacles to the full implementation and efficiency of the DRE systems. The lack of quality standards as well as skilled work force hinders the production of high quality products. Uncertain policies concerning off-grid systems and fiscal barriers to imports of high value-added products also represent some of the main obstacles that governments need to address in order to support the implementation of DRE systems (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, p. 108).

In addition, both companies and consumers still face a persistent difficulty in access to financing. The dissemination of this project relies on public and private investment: the main resources for financing for energy access investments come from multilateral organizations, but DRE still account for a very small part of them. The lack of financial incentives, such as low interest rates, limits the development of the sector, once it holds back investments from private initiatives – from a big company level to a household level (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, p. 108).

In this framework, DREs can be a realistic option to address the immediate needs of some countries, but would have to be improved in order to increase their scope.

Creating partnerships and raising awareness

In order to promote the large-scale implementation of renewable sources of energy, the world has to tackle some important obstacles, mainly economic factors. For example, the assurance of low costs, an appropriate environment for investment, and the integration of renewables into central energy systems require the cooperation and partnership among public and private actors, international organizations and financial institutions (UNITED NATIONS ENVIRONMENT PROGRAMME, 2016, p. 171).

In this sense, the Sustainable Energy for All (SE4ALL) initiative was created in 2011 as a partnership between the Secretary-General of the United Nations and the World Bank, Ban Ki-moon and Jim Yong Kim, respectively. It was recognized by the General Assembly who offered support by declaring the International Decade of Sustainable Action for All (2014-2024), encouraging different stakeholders to get involved in the debate (SUSTAINABLE ENERGY FOR ALL, 2017).

SE4ALL "seeks to meet three ambitious and achievable objectives: providing universal access to modern energy services, doubling the global rate of improvement in energy efficiency and doubling the share of renewable energy in the global energy mix". To reach its objectives, SE4ALL tries to forge partnerships catalyzing clean energy projects and action. Aiming to build capacity and promote partnerships among several private and public actors, the initiative has gathered more than 106 countries until 2015, which provided significant financial contributions and investment plans (RENEWABLE ENERGY POLICY NETWORK FOR THE 21ST CENTURY, 2017, p. 109; SUSTAINABLE ENERGY FOR ALL, 2017).

In partnership with the World Bank, the International Energy Agency (IEA) developed the Global Tracking Framework (GTF) in order to update the international community and the ongoing programs about recent trends and advances in energy access, energy efficiency and renewable energy. The initiative has the main purpose to assess the countries' progress and provide a picture of how far the world is from reaching the Sustainable Development Goals. This is an important material used by SE4ALL to raise awareness about the topic (ENERGY SECTOR MANAGEMENT ASSISTANCE PROGRAMME, 2017).

SE4All also dedicates special attention to the Paris Agreement as a mean to accelerate the dissemination of clean energy. The document, negotiated under the United Nations Framework Convention on Climate Change (UNFCCC), formally entered into force at the 22nd Conference of the Parties (COP22), in November 2016. At the COP 22, leaders of 48 developing nations committed to work towards reaching 100% renewable energy in their countries, with targets from 2030 to 2050 (CLIMATE ALLIANCE, 2017).

Conclusion

Energy has proved to be, now more than ever, a fundamental economic, political and social factor. It enables the provision of many human basic resources, such as appropriate means for cooking and cooling, and its costs determine the prices of financial assets and of an entire chain of production, including people's salaries. Therefore, promoting new

and renewable sources of energy can provide energy security and access at the same time that it contributes for the planet's safety, the end of poverty and the world's economic prosperity (INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017, p. 17).

While in the political sphere, uncertainties reveal the many challenges to be tackled, movements in local and global levels play an important role in renewable energy development. The common effort to build a new project of universal development towards reaching the energy deployment and to improve energy system is fundamental. To reach the desired outcomes and to promote a sustainable and a better scenario for the world population in economic, social and environmental terms, a transition to clean energy must be projected among economic growth, financing for researches and construction of the infrastructure and energy shares and efficiency initiatives around the globe. Finally, there is a system of cooperation between developing and developed countries that should emerge in order to exchange financial, technology and natural sources support.

As stated by Mr. Adnan Z. Amin, Director-General at the International Renewable Energy Agency (IRENA) (2017, p. 3), "the world is never static; new challenges are bound to arise. Can the short-term trends that so clearly favor renewables be sustained? Will enough financing be forthcoming and in what form? Will technological change be rapid enough to drive innovation and investment? Will political commitment endure?" (INTERNATIONAL RENEWABLE ENERGY AGENCY, 2017, p. 3). Those and many other questions arise when we are discussing the future of our planet among politic strategies and economic issues to develop a better international future.

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CHAPTER 5

THE SITUATION IN BOSNIA AND HERZEGOVINA

The United Nations Security Council

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Introduction

Within its role of maintaining international peace and security, the United Nations Security Council (UNSC), one of the six subsidiaries bodies of the United Nations (UN), and the only one capable of imposing sanctions and authorizing the use of force, has been gathered since the 1990s to discuss the situation in Bosnia and Herzegovina (UNITED NATIONS, 1945).

The Council began its discussions in 1991, when the disintegration of Yugoslavia gave rise to the largest armed conflict in Europe since the end of World War II. The end of Yugoslavia revived nationalist spirits especially in the larger Republics, Serbia and Croatia, who soon found themselves in a fratricide civil war with its former countrymates. This conflict, happening in Europe right after the fall of the Soviet Union, painted in red the dawn of the post-Cold War world.

In 1995, the Council authorized a peacekeeping operation to the region in order to overcome the threats raised by the Bosnian war. This mission lasted until late 2004, when it was replaced by the European Union first peacekeeping operation, EUFOR, which is still in place.

The current discussions on Bosnia are focused on achieving a more sustainable and long-lasting peace, in a process that could lead to its accession to the North Alliance Treaty Organization (NATO) and the European Union (EU). Being able to accomplish Brussels' requirements would be a plain statement of the progress made by Bosnia through peacekeeping efforts. However, this excitement hides the deep roots of instability that are still present in today's society: nationalism and ethnic divides continue to hamper the possibility of an autonomous development for the country.

To guide our discussion on this topic, this chapter is divided into four sections. The first one will begin by detailing the Security Council functions and capabilities under the United Nations Charter, highlighting Chapters V, VI, VII and the overall framework of peacekeeping operations. The second section will focus on the historical background that will

allow us to better understand current developments, by covering briefly the civil war and then discussing the challenges left by the conflict to the rebuilding period.

The following section will discuss how Bosnia and Herzegovina has been dealing with its long-established problems, such as ethnical division, and how the efforts of peace consolidation are being conducted, focusing on EUFOR current role and the preparations for joining the EU. The conclusion will be presented in the last section, where some pressing questions on Bosnia and Herzegovina will be raised.

The United Nations Security Council and its mandate

The United Nations Charter assigns the responsibility for ensuring peace and stability to the United Nations Security Council (UNSC). This is a UN body designated to deal, through periodic meetings among its Member States, with matters that challenge international security. The UNSC is composed of fifteen members, being five permanent – China, France, United Kingdom, United States of America and Russia – and the other ten elected every two years. The Council resolutions must be approved by nine affirmative votes, being among them the votes of all permanent members (UNITED NATIONS, 1945, pp. 6-7).

Any member of the United Nations who is not a member of the Security Council shall be invited to sit in the Council provided that it is a State involved in the conflict or controversy, without the right to vote, as described in Article 32 of the Charter (UNITED NATIONS, 1945, pp. 7-8).

The UN Charter envisages that the Security Council can act on behalf of all UN members, who should abide by and comply with the organ's decisions. The Council should analyze any controversy that may pose a threat to the maintenance of international peace and security and suggest ways to settle the dispute. Basis on conflict restraint, the UNSC should primarily seek the peaceful resolution of any rivalry, as provided in Chapter VI of the UN Charter. If negotiations fail, the Council has the legitimacy to employ certain coercive measures, mentioned in Chapter VII. When facing a threat to international peace and security, the organ may or may not authorize the use of force: the prerogative the use of force is stated in article 42 and the feasibility of sanctioning a country is suggested in Article 41 (UNITED NATIONS, 1945, p. 9).

Still regarding options to achieve peace, it is important to highlight the issue of peace-keeping operations: even though they have become an important tool to support UNSC

mandate, they are not directly discussed in the UN Charter. They currently have a flexible nature: in general, they can be considered a peaceful measure, reinforcing the procedures envisaged in Chapter VI. However, in some cases, these missions may call for the use of force, evoking Chapter VII (BRACEY, 2011, p. 317).

Finally, it is also important to highlight Chapter VIII of the UN Charter, which states that whenever the organ deems necessary, regional institutions can be indicated to carry on UNSC's decisions. According to this chapter, local arrangements can work in cooperation with the UN, in order to ensure peace and security in conflict settings: these actors, however, can only practice coercive measures with the authorization of the Security Council (UNITED NATIONS, 1945, p. 11).

Bosnia's complicated history

Bosnia's current dilemmas cannot be understood without remembering the tragic episodes of the war in the early 1990s. The country had one of the most violent conflicts in history, being forever marked by the war crimes perpetrated. For the UNSC, the conflict in Bosnia also had significant consequences: it has shown that disagreements among its members can lead to inaction, which, in turn, can have a decisive contribution in aggravating conflict settings as the one in the Balkans.

The Bosnian War (1992-1995) and the Security Council

A complex mixture of ethnic groups composed Bosnia and Herzegovina, as many other countries in the region¹. Having a half millennia tradition of cooperation and coexistence, the country ended up fragmented into ethnic lines, when, in the early 1990s, a series of nationalist parties went well in the ballot boxes all over the former Yugoslavia. The consequences of these newly refund and long hidden nationalism and ethnic hatred would be disastrous for all of Yugoslavia, but especially for Bosnia that declared its independence in 1992 (ZUPCEVIC; CAUSEVIC, 2009, p. 78).

The independence was led by Bosnian Muslims and had the support of Bosnian Croats: for them, it meant gain the political control of Bosnia and reduce the influence of Serbians. However, the Bosnian Serbians were not willing to accept this new situation and, backed by Serbia, started an offensive against pro-independence Bosnians. They had the support of Yugoslav People's Army and in few months were controlling 70% of Bosnia,

¹ Population from Bosnia cannot be considered "Bosnian", but rather Serbian (orthodox), Croatian (or Catholic) and Bosniaks (Muslims): these are the biggest national groups, representing 30%, 15% and 50% of the population, respectively (CENTRAL INTELLIGENCE AGENCY, 2017).

founding the Republika Srpska (BJARNSON, 2001, pp. 29-30).

The Bosnian war was marked by the complete destruction of the country's infrastructure and by extreme violence: Serbs were accused of using violence as a war weapon, promoting extensive massacres, rapes and ethnic cleansing. The war happened inside Europe and shocked by the extension of violence applied, bringing it to the spotlight of international public opinion (BJARNSON, 2001, pp. 30-35).

Despite the Bosnian war having started only in 1992, the situation of Yugoslavia was already under discussion in the Security Council since the early 1990s. Its first resolution on this matter was issued in 1991: in Resolution 713, the Council stated deep concern about the violence and prohibited, via a general embargo, the deliveries of weapons to Yugoslavia (UNITED NATIONS SECURITY COUNCIL, 1991).

In Resolution 743 (1992), the Council followed the Secretary-General's suggestion and authorized the deployment of the United Nations Protection Force (UNPROFOR) to the region. The mission should first aim to "(...) create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis" (UNITED NATIONS DEPARTMENT OF PUBLIC INFORMATION, 1996).

Although UNPROFOR had not been created exclusively to deal with the situation in Bosnia, it was the only available tool to deal with the conflict. The Bosnian war would bring new and significant challenges to the Security Council and UNPROFOR was at the center of the discussions. The five permanent members of the UNSC struggled to create a clear mandate for UNPROFOR, since it was imperative not only to stop the war and its humanitarian and political setbacks but also to do so in an impartial way, avoiding the creation of new tensions. An important dilemma was the extension of the use of force: should the Council authorize enforcement measures in Europe? (ZUPCEVIC; CAUSEVIC, 2009, pp. 77-78).

UNPROFOR had primarily a humanitarian mandate: it was supposed to ensure the delivery of humanitarian assistance in Bosnia and support the efforts of UN bodies and non-governmental organizations in this sense. UNPROFOR was also responsible for protecting the six "safe-areas" that had been created by the Security Council in some Bosnian cities, including Sarajevo. Notwithstanding, the crescent violence perpetrated by Serbs was reaching even peacekeeping forces: free transit denial, humanitarian assistance restriction and, in some cases, peacekeepers kidnappings started to compromise UNPROFOR actions on the ground. In April 1993, the Security Council issued Resolution 819 condemning

the ethnic cleansing underway in Bosnia and requested the liberation of humanitarian assistance (DAALDER, 1998; UNITED NATIONS DEPARTMENT OF PUBLIC INFORMATION, 1996).

Yet, the situation in Bosnia was deteriorating fast and further measures had to be taken. However, regarding the possibility to use force, Council Members were far from consensus: while the United States pleaded for air strikes from NATO against the Serbian advancement, the United Kingdom and France were concerned about the consequences of increasing military engagement and the setbacks this could have on the ground. They wanted to avoid being dragged into the conflict: for them, considering that UN peacekeepers were also being threatened and that many troops were British and French, choosing NATO-led air strikes could have more negative results than positive impacts in the war, opening room for retaliation (BERDAL, 1996, pp. 80-81).

The exaggerated insistence in keeping neutrality despite the massive atrocities committed by the Serbian forces led UNPROFOR to a breaking point. While demanding peacekeepers to contain attacks to the safe areas, Council Members, especially Europeans, were unwilling to send more troops to meet the new demands. The result was tragic, with massive violations of international humanitarian law by the Serbians in face of UNPROFOR inaction (BERDAL, 1996, pp. 80-82).

The United States then pushed harder for granting a leading role to NATO, which would use force to help stabilize Bosnia. At this point, the Council was already in a fragile position and the American proposition was accepted: the air strikes would be followed by an offer to end hostilities. These negotiations led to the Dayton Agreements in 1995, which ended the Yugoslavian Disintegration Wars. The terms of the Agreements presented a great influence from the United States: yet, France, the United Kingdom and Russia were willing to accept the accords, if they meant an actual end to the war (DAALDER, 1998).

The aftermath of war: rebuilding a divided country

The war had completely destroyed the country: Bosnian institutions were compromised, the army dismantled, infrastructure torn down and the society fragmented. Consequently, rebuilding Bosnia would demand a major mobilization, as it would require the implementation of the peace accords. The Agreements prioritized Bosnia's integrity and comprehended the reunification of the country as a single State, which would be comprised of two political entities: the Republika Srpska (predominantly Serbian) and the Federation of Bosnia and Herzegovina (mixture of Bosniaks and Croatians), which enjoy

considerable autonomy to deal with national issues. The capital, Sarajevo, would remain undivided (JOKAY, 2007, p. 94).

The presidency is the political representation of the State and is divided among three representatives from the three constituent nations: Bosniaks (Muslims), Serbians and Croats. Each representative can only speak on behalf of his/her group and is elected separately by majority vote. The presidency has the main task to represent Bosnia in international institutions and to overlook its foreign policy and political affairs. The State, in turn, is under the supervision of the United Nations Office of the High Representative (OHR) that has the responsibility of monitoring the commitments made in the Dayton Peace Accords and the country situation concerning political divisions and tensions (JOKAY, 2007, p. 94; PERES, 2013, p. 426).

The Dayton Agreements may have ended the military conflict, but the causes of the war were not neutralized, being only frozen. The constitution established on the bound of the Dayton Agreements maintained the ethnic divide that had fueled the war: with the ongoing rivalry, it was impossible to create a coalition government that could survive without international presence (JOKAY, 2007, p. 94)

In order to keep such a delicate balance, NATO-led Implementation Force (IFOR) replaced UNPROFOR. This new NATO force would last a year, from December 1995 to December 1996, but would have stronger authority to use force (NORTH ATLANTIC-TREATY ORGANIZATION, 2015).

Still, the efforts of rebuilding the country would need to be carried out by a UN-style peace operation. While IFOR was still in place, the UNSC prepared for the launch of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) composed by a civilian office and an International Police Task Force (IPTF). UNMIBH's main task was to ensure the rule of law in the newly stabilized, but still divided, Bosnia: the process of reconstruction would be a long-term and tense effort (UNITED NATIONS MISSION FOR BOSNIA AND HERZEGOVINA, 2003).

By 1999, the shadows of the war began to fade, and UNMIBH started a broader reorganization of law enforcement in Bosnia, establishing quotas for minorities in the police, and reforming the judicial system in order to make the entire new judiciary fit for duty. By the time of its conclusion, in 2002, UNMIBH had carried out significant efforts towards reconstruction and reform (UNITED NATIONS MISSION FOR BOSNIA AND HERZEGOVINA, 2003).

Bosnia: current and not-so-new challenges

The problems of ethnic cleavage and the strong nationalism described in the previous section are still alive in today's Bosnia and have potential to jeopardize progress towards stabilization and integration with Europe. Although the country is considered peaceful, the tensions and disputes that culminated into the 1990s war were only frozen by the peace agreements and remain as obstacles to a durable peace.

Once more, the Council has ahead of it the great challenge of dealing with a potential threat to peace in Europe's backyard, raising old divides regarding the role of UNSC in this environment.

Dormant nationalisms and the challenges of political consolidation

The ethnic division in Bosnia and Herzegovina has not significantly changed when compared to the previous decades. On the contrary, the country maintains its ethnic fragmentation of the early 1990s, with Bosniaks, Croats and Serbians located in the national territory. The Office of the High Representative and its key partners in the international community continue to oversee changes in law enforcement and encourage harmonization in jurisdictions across the country (UNITED NATIONS SECURITY COUNCIL, 2017 b, p. 20).

Currently, one of the main issues is the respect to the rule of law. The mechanisms envisaged in the Dayton Accords are still in place in Bosnia but have been constantly challenged in the last few years. In September 2016, the *Republic of Srpska* held a referendum regarding the creation of a national day of the Republic. The referendum was viewed with criticism by the Bosniaks and Croats and considered unconstitutional by the Constitutional Court of Bosnia, that annulled the referendum. Even so, the Serbs organized commemorations for the national day, contradicting the Court's decision and, therefore, violating one aspect of the Peace Agreements. These initiatives come together with the increasingly frequent rhetoric of Serbs towards the dissolution of Bosnia and Herzegovina (UNITED NATIONS SECURITY COUNCIL, 2016; 2017 b).

Another important source of tensions was the request, made by Bosniaks for the revision of the judgment of the International Court of Justice (ICJ) on the case *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and*

Herzegovina v. Serbia and Montenegro)². The Serbs, in one side, and the Bosniaks and Croats, in the other side, could not agree about the legitimacy of the request made, since the claim would have to be supported by the State of Bosnia and Herzegovina that is actually divided among the three groups (UNITED NATIONS SECURITY COUNCIL, 2017 b).

In Bosnia, the Croatian leadership insists on the creation of a state-centered structure under the aegis of a federation. However, such reorganization would in fact foment a political conflict between the signatories of the current tripartite presidency, since there are very distinct interests at stake within the state. In March 2017, in the Bosnian Chamber of Deputies, a deputy from the Social Democrat Party suggested a resolution to condemn requests for the centralization of the State of Bosnia and Herzegovina in a federative unit. Croatian deputies began to identify the Social Democrat Party's resolution as an intensive aggression against the Croatian people and the way towards peace established by the Dayton Accords (UNITED NATIONS SECURITY COUNCIL, 2017 a).

These lingering tensions end up limiting political decisions, which, in Bosnia, have to be the result of the cooperation among the three political units. One of these negatives impacts is the delay in continuing institutional reforms that were agreed with the International Monetary Fund (IMF) so that Bosnia could receive the following installments of the financial loans. At this moment, the country has not honored its previous commitments and has been unable to benefit from IMF's support (UNITED NATIONS SECURITY COUNCIL, 2017 b).

This is prejudicial because Bosnia is still a transitional economy, which relies greatly on international support. The country is suffering with great unemployment, with almost 30% of their population being out of the labor market. Poverty is also high: estimates indicate that 17% of the population is currently living in poverty conditions. Additionally to that, the strengthening mobilization against the federative union is making the State's governability increasingly difficult (CENTRAL INTELLIGENCE AGENCY, 2017; UNITED NATIONS SECURITY COUNCIL, 2017 b, p. 23).

On top of that, there are also allegations of corruption embedded in the political and economic structures, undermining the good functioning of public institutions. In some cases, corruption has aggravated internal divides and prevented the political unities to

² In 1995, ICJ analyzed the extent of Serbia's involvement in the war crimes committed during the Bosnian War. The Court understood that the Serbian State did not have direct involvement with the crimes that were perpetrated by a group of individuals under the leadership of Slobodan Milosevic. ICJ, however, ruled that Serbia was responsible for not being able to prevent the genocide. Disagreeing with the decision, Bosniaks submitted the revision request once the deadline for questioning the decision (10 years) was about to expire (UNITED NATIONS SECURITY COUNCIL, 2017).

cooperate with the UN High-Representative. Despite showing minor progresses in some areas, the overall assessment of its last reports presented to the Council on behalf of the Secretary-General is negative (UNITED NATIONS SECURITY COUNCIL, 2017 a; 2017 b).

This delicate situation also reflects on the Council and reveals important disagreements among its members, especially the permanent ones. France and the United Kingdom are frequently more critical of ethnic divides, condemning the attempts of individual unities to hinder Bosnia's integrity and progress. The United States usually highlights the importance of fulfilling the Dayton Agreements to allow Bosnia to reach full autonomy. China has a more distant approach, emphasizing the importance of international support, but always stressing the primary relevance of respecting the country's sovereignty and territorial integrity. Russia, in turn, adopts a rougher position, even criticizing the High-Representative's neutrality at times. In November 2016, for example, during a Council's meeting, the representative of Russia affirmed that the overall position of the Secretary-General report has an exaggerated "anti-Serb bias", which resulted in an imprecise portrait of real conditions in Bosnia. It is also interesting to point out that, in these reports, it is common to find statements of the High-Representative justifying its inaction regarding Bosnia's divided to its commitment to neutrality (UNITED NATIONS SECURITY COUNCIL, 2016; 2017 a; 2017 b).

It also should be noted that Bosnia has requested to join both NATO³ and the EU⁴. Both institutions have an important role in stabilizing Bosnia and in supporting the continuity of institutional reforms. However, in order to complete the accession process, the country must meet the requirements and abide by some rules, as well as ensure consolidated and democratic institutions, a stable market economy with conditions of competition and submit its practices to EU monitoring. It is clear that Bosnia cannot fulfill such commitments by itself. This is why the EU, aware of the negative impacts that a renewed conflict in Bosnia could have in the region, has a proactive role in the country since the 2000s, even creating its first stabilization mission, the European Union Force Althea (EUROFOR Althea) (EUROPEAN UNION, 2011; UNITED NATIONS SECURITY COUNCIL, 2017 b).

3 NATO has invited Bosnia and Herzegovina to become a member of the Alliance in 2010, but it submitted the country's entrance to its capacity to reach autonomy in administering its defense components and furthering stabilization reforms. Although NATO's old contribution to rebuilding Bosnia, the process of integration has been complicated, since ethnic divides are still fostering tensions (KARCIC, 2016).

4 In September 2016, EU has formally accepted Bosnia's application to become a member, but the accession is not automatic. First, EU will consider the country's structure and current situation and indicate adjustments that should be completed prior to its entrance in the Union. In the case of Bosnia, this adapting process can take years, or decades, due to its shared political structure ("EU...", 2016).

EUFOR: security and limitations

Several missions were developed in Bosnia and Herzegovina to contain the violence threats and ensure the process of peace, security and demilitarization. EUFOR is authorized to maintain a secure, stable and democratic environment as foreseen in the Dayton Peace Agreements. The Security Council⁵ has constantly renewed the mandate of EUFOR Althea, with a focus to start a new process aiming to facilitate the Bosnia's integration to the EU (ALTMANN *et al.*, 2014, p. 4; BASSUENER, 2015, p. 1).

EUFOR Althea was created under Chapter VII of the UN Charter, being authorized to apply the necessary means in order to ensure compliance with Dayton Agreements. As Bosnia advanced in some of its institutional reforms, EUFOR's mandate has progressively changed its emphasis from security to capacity building, being responsible for training Bosnia's military. Consequently, EUFOR had a considerably reduction on military component, that went from almost 7000 troops, in 2004, to around 1300 nowadays. This has relevant implications for its ability to work in a possible confrontational environment (EUROPEAN UNION, 2011; UNITED NATIONS SECURITY COUNCIL, 2016).

EUFOR currently assists the implementation of activities that are being transferred to the national institutions, among them the control over airspace, storage management of weapons and democratic institutions. The mission also supports the International Criminal Tribunal for the former Yugoslavia (ICTY) in the search for individuals who have been indicted as perpetrators of war crimes (EUROPEAN UNION, 2011).

Despite the inability of EUFOR to effectively halt the potential for political instability, or even to respond to unforeseen threats, the executive mandate of the operation allows rapid reinforcement to respond to contingencies. Without this possibility, the permanent members of the UNSC would have to increase their engagement in the country. Furthermore, the continuity of EUFOR's mission has a positive impact, bearing in mind the broad scope of action of the EU in Eastern Europe, in order to tie Bosnia's political, economic and commercial integration. EUFOR has been aiming at the enlargement of the regional partnership, ensuring reforms and cooperation always considering that Bosnia has submitted its application to integrate the membership of EU and will need to do some adjustments ("EU-BOSNIA...", 2017).

⁵ As envisaged by Chapter VIII of the UN Charter, Regional institutions offer support to the Security Council in the accomplishment of its mandate, if it deems necessary. Regional actors can organize military mission and even use force, but are always submitted to the Council's authorization (UNITED NATIONS, 1945).

Conclusion

As we could see, nowadays, Bosnia and Herzegovina finds itself at a crossroads. While the country has evolved since the end of the Bosnian war, avoiding the recurrence of conflict and initiating its path towards EU accession, there is still much to be done regarding the achievement of a real stabilization.

Bosnia still remains trapped in a frozen ethnic divide and sensitive to the imminence of a nationalist uprising. Until now, the reforms put in practice in the country emphasized the neutralization of violence and the guaranteeing of a democratic political structure. Bosnia rebuilding after such a destructive conflict has been a long one: the signing of the Dayton Agreements and the end of the conflict did not represent automatic peace and stability. On the contrary, Bosnia's history in the last 20 years has shown us that the path towards sustainable peace requires more than the absence of armed conflict.

National economy, for example, is still struggling to adjust and to effectively promote development and progress. The high unemployment, the restricted access to international financing and the pervasive corruption within institutions compromise considerably the Bosnian stabilization process, triggering popular dissatisfaction and nationalist demands. The option of entering EU as a final reorganization of the country's effort towards reforms and stabilization seems, at the same time, near and far.

Meanwhile, the Council has to deal again with old questions regarding its engagement with Bosnia. UNSC Member States are divided: for Europeans it is important to avoid the escalation of tensions and preserve Bosnia's integrity; for Russians, in turn, the UN role has been excessively biased, favoring some political groups to the detriment of others. In this scenario, the dysfunctional political solution imposed by the Dayton Accords shows its limitations: even with a rampant competition among Serbs, Bosniaks and Croats, the High-Representative cannot have a decisive role due to its commitment to neutrality.

To this extent, today's discussion on the situation in Bosnia and Herzegovina should always regard some issues: what role does the UNSC should play in stabilizing Bosnia? Should the Council avoid past mistakes by effectively engaging in Bosnia while threats to peace are still controllable? How a country that still struggles with ethnical tensions can hope to meet EU's high standards of entrance?

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CHAPTER 6

THE SITUATION IN HAITI

United Nations Security Council

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Introduction

This chapter aims at analyzing the situation in Haiti, focusing on the main peace-keeping operation of the United Nations Security Council (UNSC), established in 2004 by resolution 1542: United Nations Mission for the Stabilization of Haiti (MINUSTAH). In its resolution 2350 (2017), the UNSC decided that MINUSTAH should conclude its mandate on 15 October 2017, and established a follow-up mission to assist the government of Haiti to reinforce the country's institutions and the rule of law. Therefore, the United Nations Mission for Justice Support in Haiti (MINUJUSTH) will have a mandate of six months, from 16 October 2017 to 15 April 2018 (UNITED NATIONS SECURITY COUNCIL, 2004 b; 2017 b).

The Security Council included the situation in Haiti on its the agenda as a threat to peace and international security. In that way, it approved peacekeeping missions to respond to different situations of political instability in the country. Initially, MINUSTAH was supposed to end in October 2010, after the supervision of the elections in Haiti. However, in January 2010, an earthquake devastated the country, leaving more than 200.000 people dead, including 96 United Nations (UN) officials (UNITED NATIONS SECURITY COUNCIL, 2010 a).

After the earthquake, the UNSC had to adjust MINUSTAH's mandate to tackle new and grave problems in the country. This chapter will address the main challenges of the mission after the earthquake and analyze the situation in Haiti nowadays. For that purpose, it is divided in four sections.

The first section describes the UNSC and its main functions and responsibilities according to the UN Charter. Section two presents a succinct description of the political history of Haiti, focusing on the unstable political situation since the 1990's until 2010, when Haiti faced a natural disaster, an earthquake. This event marked a turning point in the achievements of MINUSTAH. The third section discusses the developments in Haiti after

the earthquake, which led UNSC to adopt new resolutions that adjusted the mandate of MINUSTAH. This section addresses the end of MINUSTAH and the approval of a new peacekeeping operation in Haiti, MINUJUSTH. Lastly, section four presents some concluding remarks and addresses some questions concerning the challenges that MINUJUSTH will have to tackle in Haiti.

United Nations Security Council: functions and responsibilities

The United Nations Security Council (UNSC) has the primary responsibility for the maintenance of the international peace and security and has regular meetings to discuss the topics of its agenda. The UNSC is composed of fifteen members, being five permanent and ten elected, for a two-year term. The permanent members of UNSC are the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Republic of France, the People's Republic of China, and the Russian Federation. The decisions taken by the Council in all non-procedural matter shall have nine affirmative votes, including the concurring votes of its permanent members. Consequently, whenever a permanent member votes against a UNSC document, it automatically fails. According to article 31 of the UN Charter, non-members of the UNSC considered to be directly affected by a certain topic, can participate in discussions of the Council without the right to vote (UNITED NATIONS, 2017 a).

Chapter VI of the UN Charter describes the responsibilities of the UNSC related to the peaceful settlement of disputes. The Council should suggest to the parties involved in a dispute the possibility of negotiating in order to solve their differences, in an effort to avoid stronger measures. Chapter VII addresses the actions to be taken by the UNSC with respect to threats to the peace, breaches of the peace and acts of aggression. UNSC can decide on measures that do not require the use of force, such as "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations" (UNITED NATIONS, 1945, p. 9). If the measures above are not effective, the Council may use other actions that it considers necessary, including "blockades, and other operations by air, sea, or land forces of Members of the United Nations" (UNITED NATIONS, 2017 b; 2017 c).

Although Chapters VI and VII do not refer to peacekeeping missions, they have become an instrument of great importance to promote the resolution of conflicts. At the beginning, those missions only counted with observers with light weapons that had the objective to conduct the peace negotiation and once it was achieved, the peacekeeping

mission would leave the country. Throughout the years, the characteristics of peacekeeping missions changed, especially after the Cold War, when the UN had to deal with conflicts that were more complex. In this sense, the peacekeeping missions approved by UNSC presented a multidimensional aspect, focusing not only on cease-fire agreements, but also in reconstruction and consolidation of peace (FAGANELLO, 2013, pp. 57-68).

According to FAGANELLO (2013, pp. 43-49), peacekeeping missions can be divided in four different types. The first one is peacemaking, which aims at achieving a cease-fire between the parties in a conflict. The second type is called peacekeeping, which includes civilians, military personnel and police officers on the ground to resolve conflicts and disagreements between parties. The third type is called peacebuilding, which is created to assist countries in a post-conflict setting to strengthen their national capacity, reinforcing their institutions and the rule of law, in order to consolidate a durable peace. The fourth type is peace enforcement and can involve coercive measures approved by the UNSC according to Chapter VII of the UN Charter.

In Haiti, the UNSC approved peacekeeping missions that had different mandated but also presenting multidimensional aspects. The majority of them were approved according to Chapter VII of the UN Charter, stressing the understanding that the situation in the country was considered a threat to peace: MINUSTAH had a multidimensional approach, focusing on humanitarian assistance, political stabilization, and the strengthening of Haiti's national institutions. Next section analyzes the peacekeeping missions in Haiti since the beginning of the 1990's until the establishment of MINUSTAH in 2004.

The political instability in Haiti since the 1990's and the role of the UNSC's peacekeeping missions

The 1990's were a very unstable decade for Haiti, mainly concerning the country's political situation. It started in 1990 when Prosper Avril was deposed and Earth Pascal-Trouillot assumed the presidency. Following this event, the Haitian Congress urged, in February 1991, a new electoral process, which gave Jean-Bertrand Aristide the right to rule Haiti. However, in October of the same year, he was subjected to a *coup d'état* by members of the military. By that time, sanctions were approved by the UNSC in the resolution 841 (UNITED NATIONS SECURITY COUNCIL, 1993).

On 23 September 1993, the UNSC approved resolution 867, which authorized the establishment of the United Nations Mission in Haiti (UNMIH) to assist the implementation of a peace agreement between the parties in the conflict (Governors Islands Agreement).

The UNMIH had the responsibility to help modernize Haiti's armed forces and to create a new police force. The mission was a request of the Haitian government to the UN. The UNSC condemned the violence in Haiti in a time of political transition and called upon the rival factions to renounce to violence (UNITED NATIONS SECURITY COUNCIL, 1993).

In his report of 26 July 1994 to the UNSC, the UN Secretary-General affirmed that the situation in Haiti had deteriorated as a result of the acts of the illegal government, which took power after a *coup d'état*. The Secretary-General reported that the illegal government asked the Joint Mission of the United Nations and the Organization of the American States (OAS) to leave Haiti. That fact led to the evacuation of UN and the OAS personnel from the country (UNITED NATIONS SECURITY COUNCIL, 1994 a).

On 31 July 1994, the UNSC revised the mandate of UNMIH in resolution 940. The Council condemned the non-cooperation of Haiti's illegal government with the UN and the OAS in the implementation of the Governors Islands Agreement. The UNSC also condemned the violations of civil liberties in Haiti perpetrated by the illegal government, and stressed the necessity that President Aristide returned to his functions. Therefore, the UNSC authorized the UNMIH to act under Chapter VII of the UN Charter to form a multinational force in order to restore democracy in Haiti (UNITED NATIONS SECURITY COUNCIL, 1994 b).

In his report of 17 January 1995 to the UNSC, the Secretary-General affirmed that the situation in Haiti was worrisome, due to the violence perpetrated by gangs, which were heavily armed. He reported that the violations of human rights continued to happen in the country and the government of President Aristide had difficulties to prevent them. The Secretary-General commended the efforts of the UN multinational force, which was able to secure the return of President Aristide and to restore democracy. However, the Secretary-General called the attention of the UNSC about the still fragile political stability, and affirmed that UNMIH had to adapt itself to the new realities of Haiti. Due to that situation, the Secretary-General asked the UNSC to extend the mandate of UNMIH (UNITED NATIONS SECURITY COUNCIL, 1995 a).

In response, the UNSC adopted resolution 975 on 30 January 1995, which authorized the deployment of military and civilian personnel to Haiti in order to allow UNMIH to fulfill its functions. The UNSC also decided to extend the mandate of UNMIH until 31 July 1995. On 29 February 1996, the UNSC approved resolution 1048, in which it welcomed the democratic elections in Haiti and the transition of power to the new president, and

decided, according to the report of the Secretary-General of 14 February 1996, to keep the UNMIH presence in Haiti to assist the elected government, extending its mandate for four months (UNITED NATIONS SECURITY COUNCIL, 1995 b; 1996 b).

With the end of UNMIH, Haitian authorities were concerned with the maintenance of political stability in the country and the UN Secretary-General wrote a report to the UNSC on 5 June 1996 expressing that the national police was not able to secure a stable and peaceful environment in Haiti. With the support of the government of Haiti, the Secretary-General requested the UNSC to create a new mission in Haiti that could guarantee a safe and stable environment in the country, professionalize the national police, and promote national reconciliation and political stabilization. The UNSC adopted resolution 1063 (1996) establishing the United Nations Support Mission in Haiti (UNSMIH) to assist the government in maintaining a secure and stable environment in the country and help professionalizing the national police (UNITED NATIONS SECURITY COUNCIL, 1996 a; 1996 b).

The UNSMIH was followed by the United Nations Transition Mission in Haiti (UNTMIH), established by the UNSC in resolution 1123 (1997), which had as main function the professionalization of Haitian National Police. The mission was intended to last four months. However, on 28 November 1997, the UNSC approved resolution 1141, which established another mission, the United Nations Civilian Police Mission in Haiti (MIPONUH). It was a civilian mission created only to continue to help the professionalization of Haitian National Police (UNITED NATIONS SECURITY COUNCIL, 1997 a; 1997 b).

Until 2004, the situation in Haiti was supervised by the presence of the UN and the OAS, which were there to help the Haitian police to achieve a secure environment in the country. On 16 April 2004, the Secretary-General wrote a report to the UNSC informing that the situation was of instability after the resignation of President Aristide. The Secretary-General reported that the situation of insecurity worsened in Haiti since then, resulting in a conflict between insurgency groups, which was incremented by the action of arms and drug traffickers in the cities. Another problem reported by the Secretary-General was the grave violations of human rights in Haiti committed by all sides in conflict (UNITED NATIONS SECURITY COUNCIL, 2004 a).

Due to that situation, the Secretary-General explained that the international community, along with Haitian government, should help the country to achieve stability, ensure the availability of food, restore public health, combat HIV/AIDS, support education, the environment, and employment generation. Therefore, he recommend the establishment

of a multidimensional stabilization mission in Haiti, which had the mandate to guarantee a secure environment, support the electoral process, restore the rule of law, assist Haitian National Police and its institutions, and provide humanitarian assistance (UNITED NATIONS SECURITY COUNCIL, 2004 a).

Following the recommendation of the Secretary-General, the UNSC adopted resolution 1542 on 30 April 2004, which established the United Nations Stabilization Mission in Haiti (MINUSTAH) for a period of six months. The MINUSTAH was adopted under Chapter VII of the UN Charter and had a civilian and a military component, acting in cooperation with other regional organizations, such as OAS and CARICOM. The mission had the main functions of supporting and assisting the Transitional Government to restore the rule of law, start disarmament and demobilization, protecting UN personnel, installations, and civilians (UNITED NATIONS SECURITY COUNCIL, 2004 b).

On 22 June 2005, the UNSC adopted resolution 1608, deciding to extend the mandate of MINUSTAH until 15 February 2006. The resolution also authorized an increase of military and civilian personnel in Haiti to help during the electoral process. After the election of a new president in Haiti, UNSC adopted resolution 1702 (2006), which extended the mandate of MINUSTAH until 15 February 2007. Throughout the years, the mandate of the mission was extended by resolutions 1743 (2007), 1780 (2007), 1840 (2009) (UNITED NATIONS SECURITY COUNCIL, 2005; 2006; 2007 a; 2007 b; 2008).

On 13 October 2009, the UNSC adopted resolution 1892, recognizing the devastating consequences of the hurricane season in Haiti, and its economic impacts, which influenced the overall process of stabilization in the country. Resolution 1892 (2009) extended the mandate of MINUSTAH until 15 October 2010, and supported former president of United States, William J. Clinton, United Nations Special Envoy for Haiti, in his efforts to assist the Haitian government to create new jobs, improve infrastructure and attract private sector investments (UNITED NATIONS SECURITY COUNCIL, 2009).

Throughout the years, the UNSC renewed the mandate of MINUSTAH and the mission was capable of achieving improvements in Haiti. The Council was considering the conclusion of the mission after the electoral process, schedule to happen in 2010. However, on 12 January 2010, this situation changed due to a devastating earthquake that killed more than 200,000 people in the capital Port-au-Prince and its surroundings. Many government's buildings and the UN headquarters in the capital were destroyed. The Secretary-General reported that the UN was responsible for the emergency response to

the earthquake and requested Member States, regional organizations and the UN Special Envoy to Haiti to work with the Haitian government to help with emergency efforts (UNITED NATIONS SECURITY COUNCIL, 2010 a).

The next section will analyze the main problems caused by the earthquake in Haiti, focusing on how it affected MINUSTAH, the decisions of the UNSC to tackle those problems, and the improvements made by the mission until its end. The section will also present the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH), established by the UNSC in 2016.

The earthquake in Haiti: a turning point to MINUSTAH

Before the earthquake, the political situation in Haiti was considered stable according to the reports of the Secretary-General to the UNSC. MINUSTAH was able to support Haitian government to ensure a secure environment, assist the National Police and the disarmament process. The main work to be done in Haiti from 2010 on was to supervise the national elections. The earthquake was a turning point to Haiti and to all the achievements of MINUSTAH. On 19 January 2010, the UNSC adopted resolution 1908, and decided to increase the overall forces of MINUSTAH to 8,940 troops (UNITED NATIONS SECURITY COUNCIL, 2010 b).

In his report of 22 February 2010, the Secretary-General presented the situation of Haiti, explaining that the earthquake interrupted a process of national and municipal elections scheduled to happen in 2010. He was concerned about the future role of MINUSTAH after the earthquake. He affirmed that, although the earthquake did not destroy the improvements achieved by the mission, it damaged them and created new challenges. The future of Haiti, according to the Secretary-General, would depend on five key areas: political stability and elections; humanitarian and recovery efforts; security, human rights and rule of law; State capacity and transformation; and investment in human capital (UNITED NATIONS SECURITY COUNCIL, 2010 a).

Following this report, the UNSC adopted resolution 1927 (2010) and decided that MINUSTAH would continue with its mandate, which had been established by resolution 1542 (2004). The Council encouraged the mission to support logistical and technical expertise to the Haitian government, and help with the preparation of the election process in cooperation with OAS and other stakeholders (UNITED NATIONS SECURITY COUNCIL, 2010 c).

Resolution 2012 (2011) extended the mandate of MINUSTAH until 15 October 2012

and decreased the number of military forces to 7,340 troops. The UNSC affirmed that future adjustments to the mandate of MINUSTAH would be based on the overall security situation in the country. The Council encouraged MINUSTAH to assist the government to take actions to combat gang violence, organized crime, including drug trafficking and trafficking of children. It condemned the human rights violations in Haiti, especially violence against children, rape and sexual abuse of women and girls (UNITED NATIONS SECURITY COUNCIL, 2011).

On 12 October 2012, the UNSC adopted resolution 2070 that extended the mandate of MINUSTAH until 15 October 2013. The Council also reduced the number of military forces to 6,270 troops, including infantry and engineering personnel. One concern of the UNSC was the role of Haitian National Police's capacity building, considered one of the most critical tasks for MINUSTAH (UNITED NATIONS SECURITY COUNCIL, 2012).

In 2013, the UNSC adopted resolution 2119, reducing MINUSTAH military forces to 5,021 troops. In 2014, the Council expressed its concern with the postponement of the elections in Haiti for three years. The elections were supposed to happen in 2010 but, due to the earthquake and its humanitarian and economic consequences, the government of Haiti had to postpone them, without settling a specific date. UNSC was also concerned about the situation of displaced persons in Haiti, which were living in poor conditions, facing malnutrition, lack of water sanitation and epidemic diseases, such as cholera. Resolution 2180 (2014) extended the mandate of MINUSTAH until 15 October 2015 and decreased the number of troops to 2,370 (UNITED NATIONS SECURITY COUNCIL, 2013; 2014).

On 19 August 2015, the first round of legislative elections happened in Haiti after the earthquake. The UNSC, in its resolution 2243 (2015), expressed concern with the deterioration of the humanitarian situation in Haiti, and with the reduced funding that limited the work of the UN and its partners in Haiti. The Council also affirmed that food insecurity was a major problem in the country and could affect the humanitarian situation. The UNSC expressed concern with sexual and gender-based violence against women and children in marginalized cities and in internally displaced persons' camps. The Council welcomed the efforts of the government of Haiti to control cholera epidemic, and the progress made in the reconstruction of the country, as well as its social and economic development. Resolution 2243 (2015) extended the mandate of MINUSTAH until 15 October 2016 and maintained the number of military troops on the ground (UNITED NATIONS SECURITY COUNCIL, 2015).

In its resolution 2313 (2016), the UNSC continued to express its concern with the situation of food insecurity in Haiti, caused by drought, and its impact in the humanitarian situation in the country. The Council noted an increase in cases of deaths due to the cholera epidemic¹, although the efforts made by the government of Haiti to control and eliminate the disease. The social inequalities remained a problem in Haiti, and the UNSC expressed concern with inflation and the lack of sufficient investment necessary to economic growth, development and employment. The Council also noted that the government did not make significant progress towards the consolidation of the rule of law, which causes impunity of perpetrators of human rights violations (UNITED NATIONS SECURITY COUNCIL, 2016).

The mandate of MINUSTAH was extended until 15 April 2017 and the UNSC affirmed its intention to withdraw the mission and initiate a transition to a future UN mission in Haiti. This decision was based on the acknowledgement of the Council of Haiti's capacity to ensure stability and a secure environment on the ground. The UNSC asked the Secretary-General to continue his efforts to take all measures to "ensure full compliance of all MINUSTAH personnel with the United Nations zero-tolerance policy on sexual exploitation and abuse" and urged the troops and police officers to prevent this misconduct and investigate and punish those responsible for such acts (UNITED NATIONS SECURITY COUNCIL, 2016, p. 8).

On 16 March 2016, the Secretary-General launched a report concerning MINUSTAH and, according to resolution 2313 (2016), presented the achievements of the mission and made recommendations to the mission that would succeed MINUSTAH after its transition process. He highlighted the progress made by the government of Haiti in the consolidation of democracy and stability in the country. He welcomed the new president, Jovenel Moïse, whose inauguration was on 7 February 2017², and affirmed that the situation in Haiti was stable, although some grievances had arisen from the electoral process, challenging the social and economic situation in the country (UNITED NATIONS SECURITY COUNCIL, 2017 a).

¹ Cholera epidemic has been one of the most difficult problems to combat in Haiti, especially after the passage of hurricane Mathew in October of 2016. In December of 2016, according to a press release made by the Secretary-General, cholera had killed more than 9,000 Haitians. The Secretary-General apologized to the people of Haiti, saying that "The United Nations deeply regrets the loss of life and suffering caused by the cholera outbreak in Haiti. On behalf of the United Nations, I want to say very clearly: we apologise to the Haitian people. We simply did not do enough with regard to the cholera outbreak and its spread in Haiti. We are profoundly sorry for our role". In this sense, he affirmed that the spread of cholera in Haiti blemish on the UN peacekeeping reputation (UNITED NATIONS, 2017).

² Due to the passage of hurricane Matthew in Haiti, in October 2016, the Provisional Electoral Council had to postpone presidential elections until 20 November 2016. The election of Jovenel Moïse happened after a second round on 29 January 2017 (UNITED NATIONS SECURITY COUNCIL, 2017 a).

The report acknowledged the improvements made by the National Police; however, the Secretary-General affirmed that little progress was made in the area of justice and human rights, without the prosecution of past human rights violations. He also reported that the humanitarian situation deteriorated after the passage of hurricane Matthew, on 4 October 2017, increasing the number of internally displaced persons and cases of cholera (UNITED NATIONS SECURITY COUNCIL, 2017 a).

The Secretary-General called the attention of the delicate situation of political transition in Haiti and recommended that the UNSC extended the mandate of MINUSTAH for a period of six months, until 15 October 2017. He also recommended that MINUSTAH should be followed by the establishment of a successor mission, with a new name and mandate. The new mission would be smaller than MINUSTAH and would focus on the rule of law and police development (UNITED NATIONS SECURITY COUNCIL, 2017 a).

Following the report of the Secretary-General, the UNSC adopted resolution 2350 (2017) and decided to extend the mandate of MINUSTAH for a final period of six months until 15 October 2017. The UNSC also decided the gradual withdrawal of the military component of MINUSTAH until the final period, and that the mission would guarantee a responsible transition to the United Nations Mission for Justice Support in Haiti (MINUJUSTH). In this sense, the UNSC decided to establish MINUJUSTH for an initial period of six months, from 16 October 2017 to 15 April 2018. The mission would assist the government of Haiti to strengthen the rule of law, monitor human rights, protect civilians under imminent threat of physical violence, support the National Police, using all necessary means to that end (UNITED NATIONS SECURITY COUNCIL, 2017 b).

MINUJUSTH will focus on rule of law, protection of human rights and will provide support to the National Police in Haiti. Other problems, highlighted by the report of the Secretary-General, will not remain under the mandate of the mission, being transferred to the responsibility of the government of Haiti, although they are considered major challenges, such as the deterioration of the humanitarian situation, the violations of human rights, especially violence against women and children, the situation of cholera epidemic, and the huge problems with social and economic development. Bearing that in mind, will MINUJUSTH be able to perform its duties appropriately considering the problems that Haiti still faces? Will the government of Haiti be able to succeed in overcome them, especially the cholera epidemic?

Conclusion

This chapter analyzed the situation in Haiti since the establishment of MINUSTAH by the UNSC, in 2004, and the main challenges the mission tackled after the earthquake that hit Haiti in January 2010. This event caused some setbacks to the achievements already made by MINUSTAH, leading the UNSC to adjust its mandate throughout the years, accordingly to the needs and obstacles presented on the ground. The Council decided that MINUSTAH would end on 15 October 2017, after a transition process to a new mission – MINUJUSTH – that will focus on the rule of law, monitor human rights and support Haitian National Police.

In order to understand the situation in Haiti that led to the establishment of MINUSTAH, the chapter presented a brief description of the UNSC and its main functions and responsibilities according to the UN Charter. Besides that, the chapter focused on the history of the UN peacekeeping mission in Haiti, which started in the beginning of the 1990's, and aimed at achieving political stability in the country, help governments to restore peace and order, prevent human rights abuses, and support and modernize Haitian police forces.

The next sections of the chapter presented the situation in Haiti in 2004, with the establishment of MINUSTAH by the UNSC, and analyzed the challenges the mission had to tackle after the earthquake of 2010. After the earthquake, the UNSC renewed the mandate of MINUSTAH every year until 2017, when the Council established MINUJUSTH. This mission will begin its work in Haiti on 16 October 2017 and will focus on strengthen the rule of law and institutions, monitor the situation of human rights and support the National Police. Although the Secretary-General, in its last report (2017), acknowledged the progress made by the Haitian government and MINUSTAH, Haiti still faces huge problems, such as social and economic inequalities, deterioration of the humanitarian situation, grave violations of human rights, especially violence against women and children, and cholera epidemic.

Considering those problems and the mandate of MINUJUSTH, how will MINUJUSTH and the government of Haiti address the challenges that could not be tackled by MINUSTAH? Is the situation in Haiti today sufficiently stable so the government can go on without the assistance provided by MINUSTAH?

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SECTION 2

COLLEGE



CHAPTER 7

ADVANCEMENT OF WOMEN: ELIMINATION OF DISCRIMINATION AGAINST WOMEN

United Nations General Assembly

Sarah de Macedo

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Introduction

This chapter will discuss the topic “Advancement of Women”, presented on the agenda of the Third Committee of the United Nations General Assembly (UNGA). The importance of this topic has been highlighted since the adoption of the United Nations Charter, which determines in its preamble the equality between women and men (UNITED NATIONS, 1945).

Under the umbrella of the topic “Advancement of Women”, there is a variety of sub-topics, such as elimination of discrimination against women, elimination of all forms of violence against women, trafficking on women and girls, elimination of female genital mutilation, among others. In this chapter, the focus will be on the sub-topic “Elimination of Discrimination against Women”, as part of Goal 5 of the Sustainable Development Goals (SDGs): “Achieve gender equality and empower women and girls”.

On 18 December 1979, the Convention on Elimination of All Forms of Discrimination against Women was adopted by the UNGA. The objective of the Convention is to propose measures for States to achieve gender equality in all areas, such as political, economic, social and cultural (ERTÜRK, 2017). The Convention and its Optional Protocol are the main international instruments for the protection of women’s rights, which have been reinforced by the United Nations Conferences on Women.

In order to present the main aspects and challenges of the elimination of discrimination against women, the chapter will be divided in four sections. The first section will expose the main functions of the UNGA, focusing on its Third Committee; the second section will analyze the overall UN framework in which the topic “Advancement of women” is fitted, presenting the Convention on the Elimination of All Forms of Discrimination against Women and its further developments to achieve gender equality; section three will discuss the topic of elimination of discrimination against Women and its current developments and challenges; section four will present some concluding questions about the topic.

United Nations General Assembly: the Third Committee

The UNGA is one of the main organs of the United Nations (UN). It is composed of all Member States, and each one shall have one vote. The UNGA has important functions, such as make recommendations concerning the promotion of international cooperation on educational, economic, cultural and health areas; promote human rights and fundamental freedoms without any distinction of race, language, sex or religion; consider reports of the Security Council and other organs of the UN; approve the UN's budget; and establish subsidiary organs (UNITED NATIONS, 1945, pp. 5-6).

The UNGA organizes its work in six main committees: the First Committee (International Security and Disarmament), the Second Committee (Economic and Financial), the Third Committee (Social, Humanitarian and Cultural), the Fourth Committee (Special Political and Decolonization), the Fifth Committee (Administrative and Budgetary), and the Sixth Committee (Legal) (UNITED NATIONS, 2017 a).

The Third Committee discusses issues related to human rights, such as "the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through elimination of racism and racial discrimination, the right to self-determination", as well as "issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control (UNITED NATIONS, 2017 a). In addition, the Third Committee considers the resolutions of the Human Rights Council (UNITED NATIONS, 2017 b).

The topic "Advancement of Women" is one of the most complex discussed by the Third Committee due to the great number of sub-topics related to it such as elimination of discrimination against women, elimination of all forms of violence against women, trafficking on women and girls, and elimination of female genital mutilation. The Third Committee analyzes the reports of the Secretary-General related to the sub-topics aforementioned, as well as annual reports of the Committee on the Elimination of Discrimination against Women (CEDAW) related to the progress made by the UN towards gender equality.

The Secretary-General, in 2017, presented a report concerning the progress towards the Sustainable Development Goals (SDGs), adopted in 2015 by UN Member States. In this report, he addresses progress and setbacks in the achievement of all the 17 Goals of the 2030 Agenda. Concerning Goal 5 – Achieve gender equality and empower women and girls – the Secretary-General affirmed that it still faces many obstacles to its full implementation, due to the discrimination against women in all areas societies. As examples

of the persistent discrimination against women and gender inequality worldwide, the report presented that physical and sexual violence against women remains a huge problem in many countries, as well as child marriage, female genital mutilation, unpaid domestic jobs, lower participation in political activities and in leadership positions (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2017, p. 8).

Bearing in mind the complexity of the topics discussed by the Third Committee, the next section will focus on the sub-topic “elimination of discrimination against women”, presenting its background, analyzing the historical process of development of women’s rights and the main conferences on women, as well as the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol.

The United Nations efforts in the development of women’s rights

The fight to ensure gender equality is present since the beginning of the UN, and the women diplomats present in the San Francisco Conference in 1945 were successful in including this in the UN Charter¹. The Preamble of the Charter brings the “equal rights of men and women”, which was a significant step towards further achievement in women’s rights (UNITED NATIONS, 1945).

In 1946, the success of those efforts unfolded in the creation of the Commission on the Status of Women (CSW), which represents the interests and needs of women and the struggle for women’s equality. The creation of the CSW is a reflex of the commitment made by Member States in the UN Charter to achieve gender equality. In the early years, the representatives of CSW focused on the necessity of internationalizing the discussion on gender equality. The Universal Declaration of Human Rights, adopted by the UNGA in 1948, reinforced the principle of gender equality, contributing to the development of women’s rights (JOLLY *et al.*, 2009).

The next big step towards the development of women’s rights was made in 1963, when the UN designated the CSW and the United Nations Economic and Social Council (ECOSOC) to elaborate a Declaration on the Elimination of Discrimination against Women. This Declaration marked a major breakthrough in the way that women-related issues were treated in international organizations, opening a door for further discussions. “It was the first time that UN had accepted the need to address discrimination from the

¹ The UN Charter states the non-discrimination against women in Article 8: “The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs” (UNITED NATIONS, 1945, p. 4).

perspective of women and to draft principles on which it would deal with such problem” (JOLLY et al., 2009, p. 71).

The year of 1975 was defined as the International Women’s Year, and Mexico held the first World Conference of the International Women Year. It expressed the struggle of worldwide mobilization in order to change the situation of women: “For the first time, women had established a political identity and distinct visibility in the global stage” (JOLLY et al., 2009, p. 74).

The Convention of Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly on 18 December 1979. The Convention focuses on three points to achieve gender equality: the legal status of women; civil right issues concerning women; and the impact of cultural and religion aspects in women’s rights (UNITED NATIONS FOR WOMEN, 1979).

The legal status of women is an important issue in the Convention, due to its impact on the internal law of countries. Article 5, for example aims at “modify the social and cultural patterns of conduct of men and women”. Article 7 states that all countries have to ensure the right to vote for all women, and Article 8 guarantees the participation of women on political positions in the government. Other matter, highlighted in Article 9, is the nationality of women, which shall remain the one of origin, since in some countries women are obliged to take their husbands’ nationalities (UNITED NATIONS FOR WOMEN, 1979).

Article 10 of the Convention affirms that no discrimination shall occur in education, providing that States shall guarantee the same level of knowledge to men and women, to eliminate the gap that exists between them. This Article also stresses that cultural and religious aspects cannot prevent the path for gender equality: “with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women” (UNITED NATIONS FOR WOMEN, 1979).

In order to do so, the Convention designates to States the role of guarantying that women and men will be treated in the same way and have the same opportunities. Therefore, Articles 11 and 13 ensure that women will receive the same treatment as men in the field of employment, economic and social life (UNITED NATIONS FOR WOMEN, 1979).

In 1982, the UN established the Committee on the Elimination of Discrimination

against Women (CEDAW), which has the mandate to oversee the progress made in women's rights in States that are parties on the Convention on the Elimination of All Forms of Discrimination against Women. The work of the Committee consists in revising national reports submitted by States Parties about their progress on women's rights, in order to enhance the dialogue between States and the Committee's experts. It also makes recommendations to States Parties concerning the status of women's rights (UNITED NATIONS, 2009 a).

In 1999, an Optional Protocol to the Convention was adopted by the UNGA. The Optional Protocol established two important procedures: the first one allows individuals or groups of women to submit claims of rights' violations under the Convention, committed by States Parties, to be analyzed by the CEDAW; the second one is the inquiry procedure, which can be initiated by the Committee to investigate grave violations of the Convention and the Protocol. However, when they access or ratify the Protocol, States can declare that they do not accept this procedure (UNITED NATIONS, 2009 c).

UN Conferences on Women

The Convention on the Elimination of All Forms of Discrimination against Women marked the change of the way in which gender equality and women's rights were discussed in the UN. Besides the Convention, the UN Conferences on women made important steps to achieve progress on women's rights.

The World Conference of the United Nations Decade for Women was held in Copenhagen in 1980. The main goal was to analyze the improvements since 1975, when the first World Conference of Women was held, and elaborate a Programme of Action "for stronger national measures to ensure women's ownership and control of property, as well as improvements in protecting women's rights to inheritance, child custody and nationality" (UNITED NATIONS, 2017 b).

In 1985, at the World Conference to Review and Appraise the Achievements of the UN Decade for Women, held in Nairobi, States adopted the Nairobi Forward-Looking Strategies for the Advancement of Women in order to overcome the difficulties to achieve the Decade's Goals. The major challenge that encouraged the creation of the Nairobi Strategies was the difficulty to overcome the issue of achieving a consensus on international measures to guarantee the advancement of women. Another point discussed in the 1985 World Conference was the necessity to differentiate women's issues related to gender equality in developed countries from those in developing countries (UNITED NATIONS,

2017 b; JOLLY et al., 2009, p. 74).

The fourth conference, entitled World Conference on Women, was held in Beijing in 1995. The main work of the conference was the creation of the Beijing Platform for Action, characterized as an “agenda for women’s empowerment” that “aims at accelerating the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women” (UNITED NATIONS, 2017 a). This Platform still guides the discussions in the World Conference of Women and meetings related to gender equality and women empowerment, including the Third Committee.

The year 2000 marked the adoption of the Millennium Development Goals by the UN Member States. The third goal, “Promote gender equality and empower of women” had a huge impact in future discussions related with the advancement of women. It is also interesting to notice that, since then, the UN has incorporated a concern with “gender mainstreaming” aiming to include gender-related issue in almost all its campaigns and projects: the approach is again fighting discrimination against women in different areas (UNITED NATIONS, 2002).

In 2015, the UN adopted the 2030 Agenda for Sustainable Development, which contained the Sustainable Development Goals. The fifth goal is called “Achieve gender equality and empower all women and girls”, and it continues and increases the commitments made by States in 2000. The purpose of this goal is to connect gender equality and sustainable development, creating a discussion on the importance of women’s empowerment by enhancing participation in all decisions of countries, ensuring equal access to resources for development and empowerment to make decisions (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2015).

One of the main problems to achieve the Sustainable Development Goals are the challenges to implement the Beijing Platform for Action, which established incisive points to achieve successfully gender equality and forms to promote the advancement of women. Therefore, the next section will analyze the relation between the 2030 Agenda for Sustainable Development and the elimination of discrimination against women, focusing on the last reports of the Secretary-General on the progress towards sustainable development goals. The Goal 5 of the 2030 Agenda is indispensable for the achievement of all other SDGs, especially its first target, the elimination of discrimination against women.

The 2030 Agenda for Sustainable Development: achieve gender equality and empower all women and girls (Goal 5)

The Sustainable Development Goals (SDGs), established in the 2030 Agenda for Sustainable Development, are a plan of action aimed at achieving 17 goals and 169 targets by the whole international society. The SDGs will reinforce the Millennium Development Goals, focusing on the eradication of poverty as an essential objective to the fulfillment of the whole Agenda. Alongside with the eradication of poverty in the world, the empowerment of women and girls and gender equality are considered of great importance to achieve the three pillars of sustainable development: economic, social and environmental (UNITED NATIONS GENERAL ASSEMBLY, 2015).

The 2030 Agenda highlights the importance of gender equality for the fulfillment of two important issues: the advancement and progress of all human rights; and the sustainable development. Therefore, without the protection of all human rights, women and girls will not be able to “enjoy equal access to quality education, economic resources and political participation as well as equal opportunities with men and boys for employment, leadership and decision-making at all levels” (UNITED NATIONS GENERAL ASSEMBLY, 2015). In this sense, UN Member States have committed themselves to the elimination of all discrimination against women and girls in order to achieve all the SDGs.

The fifth SDG, “Achieve gender equality and empower all women and girls”, focus on six main targets that aim at promoting gender equality in the economic and social spheres. The first target is the elimination of all discrimination against women; the second target envisages the end of violence against women and girls, especially trafficking and sexual exploitation. The third target focuses on the elimination of all harmful practices towards women and girls, such as genital mutilation and forced marriage. Target four emphasizes the provision of social protection and public infrastructure, which will create an environment that recognizes the importance of domestic work and the shared responsibility of the household. The fifth target aims at achieving equal representation of women in all areas of society, including leadership and decision-making. The sixth target envisages the fulfillment of economic and social rights for all women, especially access to reproductive and sexual health, “ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance to national laws” (UNITED NATIONS GENERAL ASSEMBLY, 2015).

However, it is not only SDG five that addresses the elimination of discrimination

against women. The achievement of gender equality is considered an important tool to the achievement of almost all SDGs. The first SDG, “End poverty in all its forms”, considers equal rights of men and women to economic resources. The SDG two – “End hunger, achieve food security and improved nutrition and promote sustainable agriculture” – prioritizes attention to the needs of pregnant and lactating women, adolescents and the elderly, and the increase of women’s income and greater access to employment opportunities (UNITED NATIONS GENERAL ASSEMBLY, 2015).

SDG four, “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”, aims at ensuring quality primary and secondary education to all boys and girls, and equal access to technical, vocational and higher education by proposing the elimination of gender disparity in education. SDG six, being to “Ensure availability and sustainable management of water and sanitation for all”, pays attention to women and girls in situations of vulnerability regarding the access to basic water, hygiene and sanitation (UNITED NATIONS GENERAL ASSEMBLY, 2015).

SDG eight focus on “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. It envisages, among other targets, the promotion of economic growth through the elimination of gender discrimination by achieving full employment, with fair and equal remuneration, for men, women, young people, and people with disabilities. SDG ten, “Reduce inequality within and among countries”, aims at reducing inequality, and, therefore, deals with how to develop opportunities and how to empower and promote political, social and economic inclusion with regard to gender, race and ethnicity, disability or religion. It also aims at eliminating discriminatory policies and laws (UNITED NATIONS GENERAL ASSEMBLY, 2015).

In short, the 2030 Agenda and its SDGs address the issue of eliminating discrimination against women and girls and promote gender equality in all areas, focusing on the advancement of women at the regional, national and global levels. In the next section, we will present the last reports of the Secretary-General on progress towards the SDGs, analyzing its main points related to gender equality.

The Reports of the Secretary-General on progress towards the SDGs and the advancement of women

The last reports of the Secretary-General on progress towards the SDGs (2016 and 2017) give an overall situation of the improvements made by the UN Member States and

other stakeholders on the achievement of the SDGs. In this section, we will focus on SDG five, which is related to gender equality and empowerment of women and girls.

In his first report on this topic, in 2016, the former UN Secretary-General, Ban Ki-moon, addresses the progress made in Goal 5. He states that gender equality has improved in the last decades and calls the attention to some improvements towards it, such as the access of girls to education, the reduction of early marriage, and progress in the area of reproductive and sexual health. However, the Secretary-General affirms that gender equality continues to be a challenge to the achievement of sustainable development (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2016, p. 8).

Another issue presented in the report is the need of ensuring women's rights in national legal frameworks in order to eliminate the discrimination against women. The Secretary-General affirms that, in 2014, 143 Member States guaranteed gender equality in their constitutions, but 52 States have not taken this important measure. The report also highlights that women's legal age of marriage is lower than men's in 63 States, which reinforces the discrimination against women and can significantly compromise young women opportunities of development (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2016, p. 9).

Concerning child marriage, the Secretary-General presents a reduction of the number of girls married under 18 years old. He called the attention for this common practice in Southern Asia and sub-Saharan Africa's countries, in which 44% and 37% of women married before the age of 18, respectively. The same problem happens in those countries with girls under 15 years old. The report also considers the practice of female genital mutilation as a violation of human rights that affects a large number of women and girls worldwide. In 30 countries analyzed, 1 in 3 girls from 15 to 19 years old has been submitted to that practice (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2016, p. 9).

The report shows the situation of violence against women in the world, affirming that most cases of violence are perpetrated by intimate partners. The data provided by the report covers the period from 2005 to 2015, with emphasis on developing countries. Information about women with disabilities, women from ethnic minorities, elderly women is also provided, because women in situation of vulnerability are more prompted to suffer violence. The report addresses the cases of human trafficking, of which 70% of victims are women and girls (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2016, p. 9).

The report analyzes the current situation of unpaid work among women and girls:

they are commonly employed in activities such as cooking and cleaning mostly without payment. Another issue addressed in the report is the unequal share of responsibilities between women and men concerning domestic work, being women and girls the ones who carry the greatest burden and have less time to education, rest, self-care, etc. Concerning political participation, the report presents that women's representation in States parliaments have increased modestly in the last decade (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2016, p. 9).

Concerning SDG four, the report states that is necessary to reduce the numbers of women that are unable to write and read, affirming that, "in 2013, 1 in 10 girls were out of school, compared to 1 in 12 boys". SDG eight addresses the situation of unemployed women, which are more likely to face unemployment than men. Relating to SDG sixteen, the report affirms the necessity to end child and women violence and to prevent human trafficking of women and girls (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2016).

In the 2017 report concerning progress towards the SDGs, the current Secretary-General, Antonio Guterres, affirms that gender inequality remains a worrisome issue in the world, preventing women and girls of enjoying their basic human rights. Therefore, he believes that the achievement of the SDG five – gender equality and empowerment of women and girls – requires more efforts in all areas, such as legal, economic, political and cultural, to the elimination of the discrimination against women, which is still rooted in patriarchal societies (UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2017, p. 8).

Although there have been progress on the elimination of discrimination against women in many countries, it is still one of the most complex and important topics at discussion in the Third Committee. In this sense, it brings a diversity of views, considering that States have different approaches about this topic. As an example, Indonesia's representative at the UN affirmed that there is an increase of informal work as women takes more opportunities in work, and this grows insecurity; on the other hand, the representative of Russian Federation expressed that the Convention on Elimination of Discrimination against Women "had been the starting points for a reformation of Russian Society" (UNITED NATIONS, 2009 b).

Furthermore, in the 71st session of the Third Committee, the representative of Thailand, on behalf of the Group of 77 and China, gave great importance to financial solutions and worries about women and girls living under foreign occupation, affirming the need

for women to achieve their full potential to contribute to sustainable development (PLASAI, 2016).

In this sense, the representative of Niger, speaking on behalf of the African group, says that:

(...) the African Group calls for development of active collaboration and partnerships with international financial, technical, professional and specialized institutions that would strengthen African women entrepreneurial and leadership skills to enable them play a prominent role in the development of the continent (MISION PERMANENTE DU NIGER AUPRES DES NATIONS UNIES, 2016).

In addition, the representative of Niger highlighted the importance of two subjects, which are the trafficking in persons and migration and the elimination of female genital mutilations. G-77 and the African Group asked for international community cooperation on the advancement of women (MISION PERMANENTE DU NIGER AUPRES DES NATIONS UNIES, 2016).

The representative of Dominican Republic, on behalf of the Community of Latin American and Caribbean States (CELAC), recognized the vulnerability of the situation of women happens because they suffer multiple forms of discrimination, not just as migrant but also as rural, indigenous, women with disabilities, elderly and African descent, emphasizing the importance of eradicating poverty, particularly because of the feminization of poverty. Related to those issues, the European Union expressed concern about women and children situation in refugee camps, sexual violence and irregular migrations (ADAMSON, 2016; MISIÓN PERMANENTE DE LA REPÚBLICA DOMINICANA ANTE LAS NACIONES UNIDAS, 2016; ADAMSON, 2016).

It has become clear that States' concerns related to the elimination of the discrimination against women are not the same. Although in general they express their support to the achievement of gender equality and the SDGs, each State, as well as political group, is worry about specific issues related to it. Despite the different points of view among States, the 2030 Agenda and the SDGs present the importance of eliminating the discrimination against women, which can only be achieved with the participation of women and girls in all areas, as an essential condition to their empowerment and, therefore, to the achievement of gender equality worldwide.

Conclusion

This chapter analyzes the topic of the advancement of women, discussed by the Third Committee of the UNGA. In order to present the importance of this theme to the progress of women's rights, the purpose of the chapter was to analyze how gender equality is one of the most important issues in the 2030 Agenda for Sustainable Development, essential to the elimination of the discrimination against women.

Gender equality is the main concern on the elimination on discrimination against women. It has defined the entire women's movement struggle since the 1970s and 1980s, when women went through "an explosion of new identities as workers, as women, as thinkers, as activists" (JOLLY *et al.*, 2009, p. 80). Moreover, the United Nations Conferences on Women have been responsible for ensuring the progress of women's rights, such as the right of education, health, reproductive and sexual rights. The conferences held in Mexico in 1975, in Copenhagen in 1980, in Nairobi in 1985 and in Beijing in 1995 have contributed to reinforce the Convention on the Elimination of All Forms of Discrimination against Women (JOLLY *et al.*, 2009, p. 80).

Despite of all those progress in women's rights and in the achievement of gender equality, the discrimination against women is still a worrisome issue to the UN, and in many countries, discrimination against women is a great problem to be tackled. Gender inequality prevents women from have access to basic rights, which undermine their possibilities of improve their lives and the lives of their families. The 2030 Agenda for Sustainable Development puts gender equality and the elimination of discrimination against women as major objectives to be achieved by Member States. Besides the targets established in the SDG 5 – Achieve gender equality and empower women and girls – the other SDGs cannot be a reality if women and girls do not have equal rights as men and boys in all societies.

Nowadays, the UN Secretary-General considers the improvement of a gender perspective as a critical and important progress that still needs to be strengthened in further resolutions on gender equality and the women's advancement. Furthermore, it is of great importance that all UN bodies, Member States, civil society and other stakeholders engage in the promotion and discussion of gender equality. The Secretary-General has also reaffirmed the importance of gender equality in his reports of 2016 and 2017 on progress towards the SDGs. The reports emphasized the achievements on women's rights worldwide. However, in many crucial areas, such as violence against women,

child marriage, female genital mutilation, unpaid domestic jobs, participation in political activities and leadership positions, there is much to be advanced in many countries (UNITED NATIONS GENERAL ASSEMBLY, 2014, pp. 25- 26; UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL, 2017).

Consequently, the discussion on gender equality and elimination of discrimination against women is considered an unfinished business, and the role of Member States in the Third Committee of the UNGA is to address some important issues. How can national legal frameworks protect women's rights and guarantee gender equality? How to eliminate grave violations of women's rights, such as genital mutilation, violence against women and child marriage in societies where women and girls are not protected by law against those violations? Which are the main obstacles – economic, political, legal, cultural – that prevent States from eliminate all forms of discrimination against women and, therefore, from achieve gender equality?

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CHAPTER 8

SUSTAINABLE DEVELOPMENT AND THE CONVENTION ON BIOLOGICAL DIVERSITY¹

United Nations General Assembly

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Introduction

For a long time, humankind has caused great damages to the Earth's biological system. The extraction of natural resources and the disrespect to the natural balance of species are just two examples of damages that can compromise not only biological diversity but also human life itself. This behavior has caused major changes in ecosystems in the last 50 years, surpassing any other historical period (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2006, p. 23).

In response to these changes, in 1988, the United Nations Environment Programme (UNEP) started working on the creation of an international convention on biological diversity. The term biological diversity consists in the variety of plants, animals and micro-organisms that live on our planet and that is the result of years of evolution (NATIONAL WILDLIFE FEDERATION, 2017; SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 g).

On 22 May 1992, the Convention on Biological Diversity (CBD) was adopted in Nairobi. The Convention was inspired by the commitment of sustainable development and "(...) represents a dramatic step forward in the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources" (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 g).

The discussion on the CBD is based on two fundamental pillars: how the international community can act to reduce the consequences from humankind progress, and how to give the developing countries the independence on sustainable development. Consequently, the Second Committee proposes to discuss new ways to give the developing countries the access to their own natural resources, giving them the independence from

¹ We would like to acknowledge Gabriela Rossi Fontanari, Luana Lüthi and Nathália Nizzola Bruni for their valuable collaboration in the present article.

the developed countries technology, and to maintain the natural balance of the ecosystem.

This chapter will address the importance of the CBD, focusing on the main economic issues that challenge the developing countries, such as the ownership of their natural resources. The chapter is divided in five sections: the first section will present the Second Committee, its history and functions; the second section will approach the history of the CBD and its Protocols and Strategic Plan, considering its issues and successes; the third section will discuss the main challenges to the international community on how to implement the CBD and its Protocols, focusing on the participation and interests of stakeholders over biodiversity conservation and ownership over natural resources; lastly, the fifth section will bring some concluding remarks.

United Nations General Assembly: the Second Committee (Economic and Financial)

Under the scope of the Charter of San Francisco, the United Nations (UN) was created in 1945 to foster cooperation among all nations. One of the main organs of the UN is the General Assembly, in which all 193 Member States are represented and are accountable for one vote each. The United Nations General Assembly (UNGA) is empowered to oversee the budget of the Organization, to appoint the non-permanent members to the Security Council, to consider reports from other parts of the UN, to make recommendations in the form of General Assembly resolutions and, also, to establish subsidiary organs (UNITED NATIONS, 2017 b).

The UNGA is divided into six main Committees, in order to facilitate the debate and to promote discussions and recommendations. The Committees are ordinarily called as the First Committee: Disarmament and International Security; the Second Committee: Economic and Financial; the Third Committee: Social, Cultural and Humanitarian; the Fourth Committee: Special Political and Decolonization; the Fifth Committee: Administrative and Budgetary; and, the Sixth Committee: Legal.

The Second Committee promotes a multilateral debate, in which economic and financial issues are discussed. Among its duties, the Second Committee was created to address questions related to macroeconomic policy, such as financing for development; sustainable development; human settlements; globalization and interdependence; eradication of poverty; operational activities for development; agriculture development, food security; information and communications technologies for development; focusing on

the implementation of projects — how it will be done and when — constantly analyzing the progress being made and how it can be further improved. Furthermore, the Second Committee will also consider issues related to the Least Developed Countries (LDCs) and Landlocked Developing Countries (LLDCs) . All decisions made by the Second Committee are strictly recommendatory, in the format of resolutions (UNITED NATIONS, 2017 a).

The Convention and its Protocols as tools to the Sustainable Development

As it was briefly explained in the “Introduction” of this chapter, the CBD was inspired by the commitment of sustainable development and is based on two fundamental pillars: how the international community can act to reduce the consequences from humankind progress, and how to give the developing countries autonomy on sustainable development. Therefore, besides the Convention itself, two supplementary protocols and one strategic plan were established to support the CBD.

The Convention on Biological Diversity

The CBD was created in 1992 by an initiative of the United Nations Environment Programme (UNEP), after the recognition of the world’s common concern over sustainable development and the issues regarding the share of benefits between developed and developing countries. Thinking about how to prevent the loss of biological resources, the CBD originated from previous discussions and concerns about the progressive destruction of the environment (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 g).

The Convention has three main goals: to conserve diversity; its sustainable use; and the fair and equitable sharing on the utilization of genetic resources. These goals are discussed on an international level and encompass not only governments, but also academics, non-governmental organizations and the private sector, bringing the attention of public opinion in order to pressure States to take action on national and international levels. Although the CBD is an international treaty, it is States’ individual responsibility to implement and achieve these common goals. In this sense, they are required to develop national biodiversity strategies based on the compromises they assumed on the international level (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 n; 2017 o).

One of the main topics addressed by the Convention, which led to its creation, is the property rights over natural resources. The CBD represents an innovation regarding environmental initiatives because it was the first treaty to include genetic resources as a

fundamental part of the discussion on biological diversity and sustainable development. Although genetic resources are vital for the maintenance of the biological diversity, they are essential for industries such as chemical, pharmaceutical and food, what makes the issue of biological diversity no longer just an ecological concern, but also an economical one. Therefore, this topic is allocated under the scope of the Second Committee (ROSENDAL, 1995, p. 69).

As soon as industrialized countries began to explore biological resources from the South, and had patent and profit over those resources, developing countries started to claim their "common heritage" property rights and, later, their sovereignty over them. The subject was brought to the agenda of the Food and Agriculture Organization of the United Nations (FAO), in order to seek a consensus regarding the control and access to genetic material² (ROSENDAL, 1995, pp. 71-72). After the outbreak of the conflict about the right to patents, among developed and developing countries, the CBD set up a few objectives in order to ensure conservation and sustainable use of biological diversity and "(...) to promote a fair and equitable sharing of the benefits arising from the utilization of genetic resources" (UNITED NATIONS, 1992, p. 5).

Because it is such an embracing document regarding the rights of developed, developing and under-developed countries, the Convention brings up many issues regarding its implementation, as the countries face different types of obstacles, from control of the private sector to financing. In order to provide directions and help to solve implementation problems, the CBD has two protocols: the Cartagena Protocol on Biosafety (the Cartagena Protocol) and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (the Nagoya Protocol). The Convention also created the Strategic Plan for Biodiversity 2011-2020, including Aichi Biodiversity Targets. The Protocols and the Strategic Plan will be discussed in the next subsections (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 j).

The Convention on Biological Diversity calls upon all actors, within the international level, and provides means to a safer and better implementation of the use and protection of genetic resources that are non-renewable and of extreme importance for human survival, as well as, of huge monetary value (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 g).

² According to Rosendal (1995, pp. 71-72), the concern with genetic material appeared on the agenda of the FAO in 1981. The result was the an International Undertaking and a Fund for Plant Genetic Resources, which established a principle that all categories of plant genetic resources "should be subjected to free exchange of exploration, preservation, evaluation, plant breeding, and scientific research".

The Cartagena Protocol

The Cartagena Protocol was adopted in 2000 as the first supplementary agreement to the CBD. It not only opens space for the discussion of procedures of living modified organisms (LMOs), and the risks posed on the usage of it, but also establishes the Biosafety Clearing-House, a mechanism that facilitates the exchange of information on living modified organisms and assists States Parties to the CBD to implement the Protocol (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 c; 2017 e).

According to Article 33 of the Cartagena Protocol, the Parties must monitor and report the implementation process to analyze the progress made and how to further improve it. From these procedures, it was recognized the necessity to establish a Strategic Plan for Biodiversity, with an implementation period from 2011 to 2020, concerning five strategic objectives: to facilitate the creation and development of effective biosafety systems for the implementation of the Protocol; capacity-building; compliance and review; information sharing; outreach and cooperation (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 f; 2017 m).

The Nagoya Protocol

The Nagoya Protocol was adopted in 2010 and is a supplementary agreement to the CBD. Its main objective is to secure one of the three objectives of the CBD, that being “the fair and equitable sharing of benefits arising from the utilization of genetic resources, thereby contributing to the conservation and sustainable use of biodiversity” (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 i).

The Protocol provides a transparent legal framework that helps to establish more predictable conditions for access to genetic resources, creating incentives to their sustainable usage and, therefore, enhancing the contribution of biodiversity to development. In short terms, the Nagoya Protocol guarantees the sovereignty of States in relation to biodiversity and creates a relationship of transparency between suppliers and users (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 i).

In order to succeed in the implementation of the Protocol, it is necessary that States have self-assessment of national needs and priorities, which includes developing a domestic legislation, research capability and institutions. With the objective to build national capacities, a financial mechanism was created to maximize the ratifications of the Nagoya Protocol. Subsequently, this same mechanism has led to the creation of the Nagoya

Protocol Implementation Fund (NPIF) to enable proper conditions at the national and regional levels (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 i; 2017 j).

The Strategic Plan for Biodiversity 2011-2020

In accordance to the decision made during the 10th meeting of the Conference of the Parties, held from 18 to 29 October 2010, in Nagoya, Japan, States agreed upon the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets included in it. This agreement: "(...) provides an overarching framework on biodiversity, not only for the biodiversity-related conventions, but for the entire United Nations system and all other partners engaged in biodiversity management and policy development" (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 p).

The Strategic Plan for Biodiversity was developed in order to implement three main objectives of the Convention on Biological Diversity: the conservation of biological diversity, the sustainable use of its components, and "the fair and equitable sharing of the benefits arising out of the utilization of genetic resources", mentioned above (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 p).

In an innovative and visionary approach, the Aichi Biodiversity Targets aim to engage social and economic actors with protection of biodiversity to foster a full and effective contribution to the implementation of the CBD. Therefore, to provide a flexible framework, the 20 targets are divided under five different goals that address general topics, such as: the main causes of biodiversity loss; the ways to reduce the direct pressures on biodiversity and promote sustainable use; the improvement of the status of biodiversity by safeguarding ecosystems, species and genetic diversity; the increase of benefits to all from biodiversity and ecosystem services; and, the implementation through participatory planning, knowledge management and capacity building (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 a; 2017 h; 2017 p).

Main challenges to the implementation of the CBD and its Protocols

In its last report related to the Convention on Biological Diversity, the former Secretary-General, Ban Ki-moon, called the attention to the status of ratification of the Cartagena and the Nagoya Protocols. He affirmed that the Cartagena Protocol has received, until 2016, 170 instruments of ratification, accession, approval or acceptance. In turn, the Nagoya Protocol has received 78 instruments of ratification, accession, approval or acceptance (UNITED NATIONS GENERAL ASSEMBLY, 2016).

Being the first supplementary treaty to the CBD, the Cartagena Protocol represented a significant step towards the preservation of biodiversity, but many countries faced challenges to commit themselves to the decisions made. As explained previously, the Cartagena Protocol is a specific agreement concerning the development and usage of living modified organisms (LMOs) and also establishes a communication channel — the Biosafety Clearing-House — that facilitates the exchange of information. Consequently, it aims at promoting cooperation among countries by overcoming national and institutional individualism and integrating ecosystem management processes (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 b; 2017 c; 2017 e).

Specifically, the Biosafety Clearing-House seeks to:

- (a) facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and (b) assist Parties to implement the Protocol, taking into account the special needs of developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition as well as countries that are centres of origin and centres of genetic diversity (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2000).

Although the transference of technology exists in practice, the Cartagena Protocol recommends the establishment of an economical agreement among countries: therefore, the term “transference of technology” is not used. Still, it represents an issue that prevent States from ratifying the Protocol, since there are some countries that do not agree with the idea of technology transfer without considering the economic aspects of it. Besides, States prefer not to share information considering valuables; that is why any information that shall be available can only be so with the condition of protecting confidential information, which represents another obstacle to the ratification of the Cartagena Protocol (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2000; 2017 I).

The process for ratification of the Nagoya Protocol has faced even more challenges due to its more incisive and compromising decisions. As previously mentioned, the Nagoya Protocol seeks to secure “(...) the fair and equitable sharing of the benefits arising from the utilization of genetic resources, (...), taking into account all rights over those resources and to technologies (...)” (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2011).

Moreover, the text of the Nagoya Protocol states that “the benefits arising from the

utilization of genetic resources as well as subsequent applications and commercialization shall be shared in a fair and equitable way with the Party providing such resources”, which is the country of origin of the resources or “a Party that has acquired the genetic resources” (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2011, p. 6). Therefore, the Protocol puts into question the current scenario for the extraction and usage of natural resources: developed countries, due to their economic power to invest in technology and research, have the rights over many developing or underdeveloped countries’ natural resources. In this sense, according to the Protocol, States must guarantee sustainable usage of natural resources, fair and equitable sharing of the benefits, and capacity-building of developing and underdeveloped States (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2011).

The full implementation of the Nagoya Protocol is not a reality nowadays because many countries still believe that capacity-building will disrupt the existent market of patents and consequently the influence of developed countries over developing and underdeveloped ones. Consequently, the economic and financial interests in the case of patents are the main concern for countries to ratify Protocol (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2011; 2017 k).

Participation over biodiversity conservation

According to the “World Economic and Social Survey 2013: Sustainable Development Challenges”, guided by the United Nations Department of Economic and Social Affairs (UNDESA), “(...) the world is faced with challenges in all three dimensions of sustainable development — economic, social and environmental” (UNITED NATIONS, 2013). Over the past decade, the challenges to sustainable development — such as a deeper globalization, persistent inequalities, demographic diversity and environmental degradation — have been driven by a wide diversity of causes, most of them related to food security, demographic profiles, economic and social dynamics, advancements in technology and environmental deterioration (UNITED NATIONS, 2013).

As mentioned previously, the economic dimension is an important aspect to be considered when analyzing the progress towards sustainable development. Taking into account the utmost importance that the CBD and its Protocols represent in this same progress, it is also relevant to consider in which ways the economic interests affect the full implementation of these international agreements. Since the Convention included genetic resources in its discussions, representing an economical concern besides the ecological, it

brought up to the negotiations the idea of “property rights over natural resources”. In this sense, this issue concerns different stakeholders, such as international organizations, States and the private sector. The next sections analyze those concerns related to intellectual property over natural resources.

Private sector

Over the years, the private sector has presented itself as an important actor regarding the international relations. As a result, the 2030 Agenda acknowledged its participation in several aspects and its action in diverse areas of the society. Due to their great capacity for financing and investing, the private sector — especially multinational companies — is one of the most important stakeholders to foster economic growth and productivity. Therefore, it is with appreciation that the United Nations General Assembly recognizes engaging businesses and industries in the 2030 Agenda for Sustainable Development (UNITED NATIONS GENERAL ASSEMBLY, 2015).

In order to create corporate social responsibility, the private sector has been incorporated not only into the discussions over sustainable development, but also into biodiversity discussions. To seek further participation, in 2014, an international fund was created — the Sustainable Development Goals Fund (SDG Fund) — that functions as a development mechanism and focuses on integrating different sectors, such as: UN agencies, national governments, academia, civil society and business, to promote the 2030 Agenda and to achieve its goals by partnerships. As a result, the private sector provides approximately 58% of a US \$70 million budget that is redirected to various joint programs in 22 countries (UNITED NATIONS DEVELOPMENT PROGRAMME, 2017 a).

Along with this initiative, many others were established to maximize the achievement of the SDG and the awareness of biodiversity and the CBD. In 2008, the G8 Environment Ministers Meeting considered the importance of exchange of information and partnerships between public and private sectors to promote biodiversity conservation, aiming at a solid dialogue, cooperation and activities among various stakeholders, including the business sector, NGOs and researchers (G8 ENVIRONMENT MINISTERS MEETING, 2008).

In addition, the Secretariat of the Convention on Biological Diversity, together with the Government of Mexico, established an important initiative, the Business and Biodiversity Pledge. This Pledge “provides an opportunity for business leaders to call attention to the importance of biodiversity and ecosystem services for businesses and to reaffirm their commitment to take positive action in support of biodiversity” (SECRETARIAT OF

THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 d).

The World Intellectual Property Organization

In accordance to the definition provided by the World Intellectual Property Organization (WIPO), a United Nations committee established to encompass governments, intergovernmental organizations, industry groups and civil society to address the evolution of intellectual property issues —, the “intellectual property” refers to the right of benefiting from natural characteristics of the owner; and the “patent” is an exclusive right of benefit granted to another actor that is not the original owner (WORLD INTELLECTUAL PROPERTY ORGANIZATION, 2017 a; 2017 b).

Looking to provide “a stable environment for the marketing of intellectual property products” (UNITED NATIONS NON-GOVERNMENTAL LIAISON SERVICE, 2015), the WIPO operates in three areas: the development of international intellectual property law; the assistance to developing countries to develop intellectual property capacity engaged to economic development; and services to industry and private sector to achieve intellectual property protection in several countries (UNITED NATIONS NON-GOVERNMENTAL LIAISON SERVICE, 2015).

Due to a direct link between the private sector and the WIPO, which results in “a number of fee-paying services to industry and the private sector”, the organization differs itself from others (UNITED NATIONS NON-GOVERNMENTAL LIAISON SERVICE, 2015). This unique position within the UN system allows it to maintain programs that promote one of its key messages “intellectual property is a strategic tool to promote economic, social and cultural development” (UNITED NATIONS NON-GOVERNMENTAL LIAISON SERVICE, 2015). In order to enhance its participation, the WIPO is involved with the 2030 Agenda as it works with other UN bodies in the Inter-Agency and Expert Group on the Sustainable Development Goal Indicator Framework (IAEG-SDG), monitoring the progress made towards achieving the objectives (INTELLECTUAL PROPERTY WATCH, 2015).

Therefore, WIPO plays the role of aligning the objectives of SDGs with the development of an international intellectual property system; an example would be SDG number 17, which involves technology and sustainable development. This system not only supports technological development and innovation, but also helps in the process of implementing the sustainable development goals, so WIPO’s role is to assist States to achieve greater efficiency (INTELLECTUAL PROPERTY WATCH, 2015).

In addition, regarding patents, WIPO coordinates the Access to Specialized Patent

Information (ASPI), a program established by a public-private partnership between WIPO and five leading patent database service providers. This program “aims to support developing countries in more fully exploiting their innovative potential” through academic and research capacity-building (UNITED NATIONS, 2016 a).

As explained above, the overarching approach proposed by the CBD and its Protocols — especially the Nagoya Protocol that secures the fair and equitable sharing of benefits arising from the utilization of genetic resources — allowed developing and undeveloped countries to question about the right of developed countries to profit over the exploitation of natural resources that were not in their own territory. This reflected not only in the number of countries that signed and ratified the agreements, but also reflects in the maintenance of natural ecosystems.

States’ interests in the discussion of the CBD

Developed and developing countries’ concerns related to the discussion of the Convention on Biological Diversity are not the same and each group emphasizes different aspects of it. In the Second Committee of the UNGA, the CBD is presented within the agenda item 19, “sustainable development”. Therefore, the discussion does not focus on one specific issue, such as the Convention, but in a wide range of sub-topics.

Although States emphasize the importance of the 2030 Agenda for Sustainable Development, there are some differences between developed and developing countries’ interests concerning economic and financial aspects related to the protection and use of natural resources.

The 2030 Agenda goals and the CBD objectives are deeply related, since the Convention was adopted under the recognition of the paramount importance of sustainable development and, consequently, the importance of protection and sustainable use of natural resources. Hence, the discussions over the CBD seeks to engage its parties in the SDG.

As it was emphasized by U Hau Do Suan, permanent representative of the Republic of the Union of Myanmar to the United Nations. Speaking on behalf of the Association of the Southeast Asian (ASEAN), the representative said that the 2030 Agenda gives importance to sustainable partnerships, transparency and accountability. Thus it is underscored by many other representatives the engagement of citizens, government and non-governmental institutions, and the private sector as means to a renewed and strengthened partnership towards capacity-building within national boundaries but also among governments and international organizations (U HAU DO SUAN, 2016).

Moreover, as the representative of the permanent mission of the Dominican Republic to the United Nations, H.E. Francisco A. Cortorreal, highlighted, during his speech on behalf of the Community of Latin American and Caribbean States (CELAC) on the 70th Session of the General Assembly:

South-South and Triangular Cooperation, as a complement and not a substitute of North-South Cooperation, have a particular and differentiated role to play, notably in capacity building supported by the exchange of knowledge and successful practices among countries of the Global South, and other emerging forms of cooperation, such as financial cooperation for developing infrastructure, social development, health and education, technology transfer, capacity building, among others (MISIÓN PERMANENTE DE LA REPÚBLICA DOMINICANA ANTE LAS NACIONES UNIDAS, 2016).

During her speech on the 69th session of the UNGA, the representative from Malawi, on behalf of the African Group, acknowledged that the eradication of poverty, especially in Africa, was a central goal to achieve sustainable development. In this sense, she affirmed the principle of equity and common and differentiated responsibilities of countries, explaining that developing countries, least developing countries and States in post-conflict situations shall have their special needs met by the Post-2015 Agenda. The representative of Malawi also recognized the importance of technology transfer “in the promotion of industrialization and structural transformation” of African countries’ economies (KALAMULA, 2014).

Among developed countries, the European Union (EU) emphasized its commitment with the implementation of the 2030 Agenda and affirmed that the agenda of the Second Committee of the UNGA must be aligned with it. The EU expressed that European countries are the major contributors with aid to developing countries concerning climate change financing. Moreover, the EU affirmed the importance of conservation of biodiversity to achieve sustainable development, looking forward to the 13th Conference of the Parties of the Convention on Biological Diversity (“STATEMENT...”, 2016).

The representative of Australia, Senator Lisa Singh, speaking on behalf of the CANZ (Canada, Australia and New Zealand) affirmed its commitment to sustainable development “that balances the economic, social and environmental pillars”, emphasizing the important role of all stakeholders, such as the private sector, NGOs and governments. The statement of Australia called the attention to the work of the UN in order to support

national priorities, concerning the needs of individual countries (AUSTRALIAN MISSION TO THE UNITED NATIONS, 2016).

The speech of the United States also considered the importance of the economic, social and environmental pillars of sustainable development, and affirmed its support to the work of the UN Convention on Biological Diversity (HAMILTON, 2014).

The statements above highlight differences on the views of developing and developed countries concerning the overall discussions of sustainable development in the Second Committee. Developed countries make general speeches about this subject, without bringing particular issues to the discussion. On the other hand, developing countries tend to be more specific about their needs and interests, focusing on the common but differentiated responsibilities of countries, the importance of technology transfer, and least developing countries' special needs concerning the implementation of the 2030 Agenda.

Despite those differences of views between developed and developing countries, the economic and financial issues related to biodiversity and the use of natural resources are the most relevant ones.

Conclusion

Throughout the progress of humankind, Earth's biological systems have been damaged in order to support advancements in technology and productivity. In response to this behavior, 23 years before the adoption of the 2030 Agenda on sustainable development, in 1992, UN Member States adopted the Convention on Biological Diversity as one of the first steps towards a more equitable world, where the biodiversity is respected but also supports human needs (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 g).

As the former UN Secretary-General, Ban Ki-moon, reminded on his last report over the Convention on Biological Diversity, "protecting biodiversity and preventing further losses was an essential investment in our collective future", emphasizing the importance of the responsible use of natural resources to sustainable development (UNITED NATIONS SECRETARY-GENERAL, 2016).

Resulting from an initiative of United Nations Environment Programme, the Convention established a new parameter for the conservation of biodiversity and usage of its natural resources. The Convention has three main goals: to conserve diversity, its sustainable use, and the fair and equitable sharing on the utilization of genetic resources, which are

discussed on international level and encompass not only governments but also civil society, private sector and non-government agencies (SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY, 2017 n).

Since its adoption, the CBD has faced different issues according to the characteristics of the countries that implemented it. Therefore, two supplementary protocols and a strategic plan were created and adopted in order to provide directions and help to solve implementation problems. Nonetheless, as explained previously, both protocols also presented issues regarding its ratification process.

As discussed throughout the chapter, the Convention itself and its Protocols established a link between economic and environmental dimensions; hence, the CBD not only represents an ecological concern but also an economical one. In this regard, the economic dimension is incorporated in the main aspects of the agreements: exchange of information; capacity-building; ownership of natural resources; and sharing of the benefits arising from the utilization of genetic resources. Therefore, bearing in mind the achievement of a stable balance of ecosystems and the support of humankind progress, the concept of national and institutional individualism must be laid aside in order to build and strengthen partnerships among stakeholders.

Therefore, some questions related to those issues should be addressed: Which are the main obstacles that prevent States to ratify the Cartagena Protocol and the Nagoya Protocol? How can developing and developed countries assure ownership to their natural resources without compromising the fair and equitable sharing, presented in the Nagoya Protocol?

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CHAPTER 9

THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS United Nations General Assembly

Juliana Barraviera Giglio

Introduction

The principle of “the rule of law” is often linked to concepts such as national and international law, justice and accountability. The principle of the rule of law is present in the United Nations (UN) Charter and it is recurrently mentioned in the documents of the organization. While the principle pertains all Sustainable Development Goals (SDGs), its inclusion under the 16th goal indicates an increasing global commitment to its promotion (UNITED NATIONS, 2017 f).

The Sixth Committee of the United Nations General Assembly (UNGA) addresses specifically the rule of law. The discussion in the Committee considers the promotion of the rule of law at both national and international levels, including the monitoring of initiatives for the strengthening of the rule of law and topics such as corruption and access to justice. To facilitate the debate of such a broad thematic, the Committee focuses its discussion in a different subtopic every year (UNITED NATIONS, 2017 e; UNITED NATIONS GENERAL ASSEMBLY, 2006).

This chapter aims to analyse the theme of rule of law at the national and international levels, highlighting its discussion in the Sixth Committee and its link to the UN pillars: international peace and security, sustainable development and human rights and humanitarian aid. To that end, the chapter will be divided into five sections: the first will discuss the UNGA, the Sixth Committee and its characteristics; the second section will present a historical overview of how the topic of rule of law has been discussed in the agenda of the Sixth Committee; and the third section will address the pillars of the UN and how they are linked with the rule of law. This section also presents the current challenges and the implementation of treaties as key to the promotion of the rule of law. The fifth session will present the topic of the rule of law in the 2030 Agenda and its connection with the SDGs. Finally, it will conclude with some questions about the current challenges on this topic that must be addressed by the Member States and the UN itself.

The United Nations General Assembly: the Sixth Committee

The United Nations General Assembly (UNGA) is a representative organ of the United Nations (UN) that operates as a multilateral forum for the deliberation of topics under the scope of the UN Charter. It has the capacity of making recommendations in form of resolutions, considering and approving the budgets of the Organization, establishing subsidiary organs and considering reports of other organs of the UN. In accordance with Chapter IV of the Charter, the UNGA is formed by all the 193 Members of the UN, which have the right to one vote in its decisions that are approved by a simple majority (UNITED NATIONS, 1945; 2017 a; 2017 d).

The UNGA is divided into six main committees: The First Committee (Disarmament and International Security), the Second Committee (Economic and Financial), the Third Committee (Social, Humanitarian and Cultural), the Fourth Committee (Special Political and Decolonization), the Fifth Committee (Administrative and Budgetary) and the Sixth Committee (Legal) (UNITED NATIONS, 2017 a).

The Sixth Committee considers themes, under the scope of the UNGA, that are related to legal questions, external and internal to the UN, such as the responsibility of States, the judicial process in the UN and the rule of law. The Committee holds annual sessions and, in each meeting, Member States decide what topic will be discussed in the next year in accordance with the recommendation made in its resolution 61/39 of 2006 (UNITED NATIONS, 2017 f; UNITED NATIONS GENERAL ASSEMBLY, 2006).

According to article 10 of the Charter, the General Assembly, and consequently its committees, has a recommendatory character. In light of that, its decision-making process has reflected the recent tendency in the UNGA of seeking the adoption of its resolutions by consensus to legitimize and guarantee the effectiveness and success of its decisions (UNITED NATIONS, 1945; 2017 a).

The next section will present how the rule of law is considered at the Sixth Committee as well as how the discussion of this topic changed throughout the years.

The rule of law and its discussion in the Sixth Committee

The Report of the Secretary-General of 2004, entitled "The rule of law and transitional justice in conflict and post-conflict societies", defines the rule of law as a principle that considers the equal accountability of all parts of society and the State itself to the law. Additionally, the UN considers the principle of the rule of law as linked to international

law, justice, obligations from treaties, among others, which are concepts included in the UN Charter Nations (UNITED NATIONS, 2017 h; UNITED NATIONS SECURITY COUNCIL, 2004).

The discussion about the rule of law in the UN is prior to its consideration by the Sixth Committee of the UNGA, and the Preamble of the UN Charter states the need to respect international law: “(...) to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained (...)” (UNITED NATIONS, 1945). The rule of law started being considered as a topic of the Sixth Committee’s agenda at the 1993 Vienna World Conference on Human Rights, followed by its annual consideration by the Third Committee until 2002¹. In the Sixth Committee, the topic was included in its agenda in 2006, as part of the actions that followed the 2005 UN World Summit outcome document, which referred to the rule of law and its promotion as key points that required greater consideration and global commitment (UNITED NATIONS, 2017 g; UNITED NATIONS GENERAL ASSEMBLY, 2005; 2006).

The Resolution 61/39 of 2006, other than the recurrent paragraphs, addressed the inclusion of the topic “The rule of law at the national and international levels” in the agenda of the Committee, as well as recommended the consideration of subtopics every year, which would be suggested by Member-States, and mentioned the future creation of the Rule of Law Assistance Unit in the Secretariat, which was stated in paragraph 134 (e)² of the 2005 World Summit Outcome document (UNITED NATIONS GENERAL ASSEMBLY, 2005; 2006).

Since 2006, the topic of the rule of law is discussed by the Sixth Committee every year, in addition to one or more subtopics. Most of the perambulatory and operative paragraphs of its resolutions are recurrent, which demonstrates the idea of joint construction of the concept of rule of law by the Member States. Additionally, themes are added or reconsidered every year³, which include the ones related to the year’s subtopics or previous subtopics and ideas, which shows the evolution of the theme at the Committee and at the UN⁴ (UNITED NATIONS GENERAL ASSEMBLY, 2006; 2008 a; 2009 a; 2010 a; 2011 a; 2012 a; 2013 a; 2013 b; 2014 a; 2015 a; 2016 a).

¹ It is still considered by the Third Committee regularly, when discussing other themes (UNITED NATIONS, 2017 g).

² “134. Recognizing the need for universal adherence to and implementation of the rule of law at both the national and international levels, we (...) (e) Support the idea of establishing a rule of law assistance unit within the Secretariat, in accordance with existing relevant procedures, subject to a report by the Secretary-General to the General Assembly, so as to strengthen United Nations activities to promote the rule of law, including through technical assistance and capacity-building; (...)” (UNITED NATIONS GENERAL ASSEMBLY, 2005, p. 29).

³ The only exception is Resolution 68/116 of 2013, which had no new themes, when compared to the previous resolution (67/97) of 2012 (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

⁴ Examples of topics considered by the Sixth Committee: the scope and application of the principle of universal jurisdiction, measures to eliminate international terrorism, administration of justice at the UN, effects of armed conflict on treaties, responsibility of international organizations, among others.

Resolution 62/70 of 2007 included the consideration of the promotion of the rule of law through technical assistance and capacity building; and the invitation to the International Court of Justice (ICJ), the United Nations Commission on Trade Law and the International Law Commission to address their contribution to the topic in their reports (UNITED NATIONS GENERAL ASSEMBLY, 2008 a).

Resolution 63/128 of 2008 highlighted the importance of implementing international legislation domestically and the adherence of countries to treaties and other international legal documents, which are key for the effectiveness and legitimation of such documents, as they depend on States to put them into practice. The lack of engagement of States can significantly hinder the application of the international law and the promotion of the rule of law. Considering the crucial role of Member States, the resolution called for further interaction between the Member States and the Rule of Law Coordination and Resource Group⁵. Additionally, the resolution featured the central role of the UNGA in the development of the international law and its codification and emphasized the need to address the topic equally in all parts of the UN and to prioritize rule of law activities at the UN (UNITED NATIONS GENERAL ASSEMBLY, 2009 a).

In 2012, the General Assembly held a High-level Meeting on the “Rule of law at the national and international levels”. The result of the meeting was a declaration that reaffirmed the global commitment to the promotion of the rule of law and encapsulated in a single document all the considerations and agreements referring to the rule of law at the UN, which allowed it to be used as a reference in the meetings thereafter. Prior to the High-level Meeting, the then Secretary-General, Ban Ki-Moon, introduced the Voluntary Pledges, which is an alternative for Member States and Observers to individually or collectively express their commitment to a certain topic related to the rule of law (UNITED NATIONS, 2017 d; 2017 g; UNITED NATIONS GENERAL ASSEMBLY, 2012 b).

Resolution 69/123 of 2014 mentions the voluntary pledges for the first time. Themes introduced by that resolution are the link of the topic to the three pillars of the UN (international peace and security, sustainable development and human rights and humanitarian aid); the promotion of justice for all; and the sharing of national practices. While the first theme was already present indirectly in the resolutions of the Sixth Committee about the topic, it was the first time it was directly referred to, which illustrates the increasing

⁵ At the Senior Executive level, the Rule of Law Coordination and Resource Group has the duty to oversee the leadership role for the rule of law, taking “into account the emergence of new realities and actors in the field of the rule of law and provides guidance to ensure overall coordination and coherence in the Organization’s support to Member States” (UNITED NATIONS, 2017 h).

understanding of its importance. The resolution also included an alteration to the paragraph that mentioned the stakeholders dialogue, to include the consideration of differences among countries at many spheres, following the idea of tailored approaches and considerations already present in the first Reports of the Secretary-General to the Sixth Committee on the topic (UNITED NATIONS GENERAL ASSEMBLY, 2008 b; 2009 b; 2014 a).

The 2015 resolution (70/118) is limited to welcoming the SDGs and the inclusion of the topic in the agenda, while resolution 71/148 (2016) contains in its operative paragraphs the global commitment for the implementation of the 2030 Agenda and the joint consideration of the SDGs and their targets. The common subtopic of both resolutions, that is related to the implementation of international treaties, can be linked to the SDGs, as treaties and other legal instruments establish guidelines and obligations for Member States and therefore are crucial in efforts related to the maintenance of the Pillars of the UN: peace and security, human rights and development (UNITED NATIONS GENERAL ASSEMBLY, 2015 a; 2016 a).

The next two sections will be focused on the most recent discussion at the Sixth Committee related to the links between the rule of law, the 3 pillars of the UN and the SDGs. In addition to the most recent reports of the Secretary General, it will feature the 2012 Report entitled "Strengthening and coordinating United Nations rule of law activities – Addendum", which contains detailed descriptions of each pillar and their links to the rule of law.

The rule of law and the three pillars of the UN: international peace and security, sustainable development, and human rights and humanitarian aid

The three pillars of the UN – international peace and security, sustainable development and human rights and humanitarian aid – were first mentioned as such in the Millennium Declaration (2000), but their idea was already referred in the Preamble of the UN Charter⁶. The understanding of what each pillar represents is described in the Report of the Secretary General "In larger freedom: towards development, security and human rights for all" (2005), which also stresses the need for coexistence between the three pillars and the rule of law (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

⁶ "(...) to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom (...)" (UNITED NATIONS, 1945).

The connection between the rule of law and the three pillars of the UN was more evident in the reports of the Secretary General to the Sixth Committee on the topic. The 2008 Report of the Secretary General, for example, entitled “Strengthening and coordinating United Nations rule of law activities” notes that previous documents (in particular the 2005 UN World Summit’s outcome document) recognized that the 3 pillars, democracy and the rule of law are not only interlinked but mutually reinforcing. The 2011 Report of the Secretary General adds the idea that there is a link between an effective multilateral system that functions in accordance with international law and the ability to address global challenges and threats which were listed in a guidance note of the Secretary General (UNITED NATIONS GENERAL ASSEMBLY, 2008 b; 2011 b).

The 2012 Report entitled “Strengthening and coordinating United Nations rule of law activities – Addendum” is dedicated to exploring the connection between the pillars and the rule of law and to recommended actions for the consideration of the Sixth Committee, based on the findings of the 2012 High-level Meeting Declaration⁷ (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The Addendum is divided into 8 parts, being parts III to VI dedicated to the link between the rule of law and the three pillars, while parts VII and VIII contained the recommendations to strengthen this linkage in institutions and in the General Assembly. It comprehends themes that were present in previous resolutions and in the High-level Meeting Declaration. In all parts, themes such as justice and access to justice, international law, inter-governmental processes and respect to law, the mention to national and international judicial mechanisms are recurrent (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The principle of the rule of law is connected to the promotion and protection of human rights. The rule of law provides the framework that guarantees these rights and ensures that institutions and laws are accordingly to the protection of human rights. Therefore, human rights cannot be protected in societies that do not have a robust rule of law. One example of such connectivity highlighted in the Addendum is the judicial system: it exists to ensure the principle of the rule of law and is based on the human rights normative framework applied by national laws.

The Addendum affirms the universality of human rights, but also considers countries’ historical and cultural backgrounds. In this sense, although States can have different experiences while developing their rule of law framework, there are common principles

⁷ As discussed previously in this Chapter, in 2012, the High-level Meeting on the “Rule of law at the national and international levels” adopted a declaration reaffirming the UN commitment with the promotion of the rule of law.

founded in international norms that must be respected in all societies, such as the freedom to live in dignity. In this sense, the rule of law and the protection of human rights have an indivisible connection (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The document also highlights the importance of the rule of law to prevent violations of human rights and humanitarian law, in order to guarantee the efficiency of initiatives related to peace and security and development. The accountability of perpetrators of such violations and the redress for the victims are essential to create a basis for peace, security and development in post-conflicts environments. In this matter, the Secretary-General mentioned the UN legal framework, such as the *ad hoc* tribunals⁸ and the International Criminal Court as channels which provide accountability to the fight against impunity (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

Conflict prevention, as well as peacebuilding, peacekeeping and conflict resolution are concepts often linked to the idea of another pillar: peace and security. The rule of law is considered to be essential in peacebuilding processes, especially in the early stages, as it constitutes the basis for the reconstruction of a society in a post-conflict situation. The rule of law contains in its framework mechanisms such as justice and correction institutions and police and law enforcement agencies that enable the peaceful resolution of disputes, as well as the protection of human rights, accountability, redress, transparency and access to justice, which contribute to the reduction of the probability of new conflicts and of violent crimes due to the provision of an alternative, peaceful process to tackle issues that may result in crime and violence. For example, the strengthening and promotion of the rule of law are portrayed in the Addendum as tools to be used to combat and mitigate transnational organized crime and terrorism that pose a threat to security, peace and stability and therefore interfere or block development⁹ (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

Consequently, it contributes to the creation of a peaceful and secure environment for the development of peacekeeping and peacebuilding operations and for the posterior development of the reconstructed society. The UN Charter, as stated in the Addendum, contributes as well to such environment as it contains a normative basis, that in addition to other international law, establishes guidelines for peaceful relations between States and resolution of disputes that may arise. In conflict situations, the rule of law still plays

⁸ International Criminal Tribunal for the Former Yugoslavia, International Criminal Tribunal for Rwanda, Special Court for Sierra Leone, Extraordinary Chambers in the Courts of Cambodia, Special Tribunal for Lebanon.

⁹ The Addendum, however, only mentions the importance of the rule of law and how challenging the consideration of transnational threats is, without elaborating on how the rule of law may contribute to the reduction of such threats.

a part through ensuring the protection of civilians and respect for international humanitarian law and human rights (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The connection between rule of law and development was highlighted in the 2012 High-level Meeting Declaration, in which, according to the Addendum, Member States called for special consideration of this relationship in the post-2015 international development agenda discussion, which later would become what we now know as the SDGs (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The links between development and the rule of law can be perceived at the international and national levels: the rule of law contributes to the necessary environment for sustainable and inclusive development, be it through international law and the standards created by its instruments or through legal empowering of individuals and communities. However, the rule of law must be related to Human Rights and their protection to contribute to sustainable and inclusive development (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The protection of the right to housing and legal empowerment through the promotion of the rule of law, as exemplified in the Addendum, can have positive effects on poverty eradication, gender equality, peace and security, food security, protection of the environment, health and economic growth, among other areas related to sustainable development. In a broader sphere, the rule of law can contribute to the better management of national resources as well as enable partnerships between States and reduce conflicts related to such resources. Accountability of all sectors of society including States themselves and the existence of just and reliable legal frameworks are essential to achieving progress in sustainable development (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The enhancement of the access to justice plays an important role in sustainable development as the lack of it undermines rule of law and human rights protection, especially for the poorest and most vulnerable. Without access to justice, it is impossible to provide equal accountability to the law, which is part of the principle of the rule of law. Moreover, not only it affects or unables parts of the sustainable development process, but it can also cause a regression in previously achieved goals. Initiatives towards the enhancement of the access to justice should not only be tailored to national necessities and capacities but, as in any initiative towards the sustainable development, be done in partnership with national authorities and the community, taking into consideration the long term and national ownership of the process (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The Secretary General refers to the importance of legal identity to the fulfillment of human rights. Legal identity plays an essential role in rule of law and sustainable development initiatives as it allows access to not only the legal frameworks and institutions in general but to the services provided by the government such as health care and education. It can also be used as statistical basis for the advancement of sustainable development and the promotion of rule of law initiatives. Individuals that do not have access to a legal identity are often deprived of their fundamental rights in different scales. Such deprivations are more common and extreme in cases of statelessness. While there has been progress on such cases, statelessness still poses a challenge to the UN and its Member States (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

Another point considered in the Addendum is corruption. While it can be reduced and prevented through transparency and accountability and through the strengthening of the rule of law, corruption still poses a challenge to sustainable development. It can undermine sustainable development initiatives creating distortions in data, affecting financial resources and ongoing initiatives (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

After the 2012 Addendum, the link between the rule of law and the three pillars was directly referred to in the Sixth Committee Resolution 69/123 (2014) and also in the latest reports of the Secretary General. The reports emphasized the importance of the rule of law in conflict and post-conflict situations and highlighted the importance of the rule of law as a basis for society (UNITED NATIONS GENERAL ASSEMBLY, 2014 a).

The 2014 Report of the Secretary General to the Sixth Committee has dedicated a part to the link between the rule of law and sustainable development, which highlights the importance of a normative framework and strong institutions to enable sustainable development and, therefore, United Nations assistance for development, as well as to prevent new conflicts (UNITED NATIONS GENERAL ASSEMBLY, 2014 b; 2015 c; 2016 b).

The latest Report contains information on the registration and publication of treaties, which calls for a revision of the regulations related to them by the Sixth Committee, such as the ones contained in the Charter of the United Nations and the 1969 Vienna Convention on the Law of Treaties. This revision can be considered as part of the efforts for the reduction of obstacles to the achievement of the SDGs and for the reduction of gaps between Member States towards the global achievement of such goals (UNITED NATIONS GENERAL ASSEMBLY, 2016 b).

The rule of law and the SDGs

As stated in the resolution 70/1 “Transforming our world: the 2030 Agenda for Sustainable Development”¹⁰, the SDGs were built upon a basis that considers the UN Charter and other international instruments and international law. Due to that, the SDGs are interlinked with the core of the UN system and therefore to the three pillars and the rule of law. Consequently, the promotion of the rule of law is directly related to the achievement of the SDGs. Not only the topic of the promotion of the rule of law at the national and international levels is related to all SDGs, but it has its own dedicated target under the 16th Goal, entitled “Promote just, peaceful and inclusive societies” (UNITED NATIONS, 2017 c; UNITED NATIONS GENERAL ASSEMBLY, 2015 b).

The inclusion of the rule of law under Goal 16 of the SDGs not only indicates the global commitment to the promotion and advancement of the rule of law but also the deep relationship between the rule of law and sustainable development. Among Goal 16 targets, the promotion of rule of law at the national and international levels and guarantee equal access to justice for all; development of accountable and transparent institutions; strengthen national institutions; and promotion of non-discriminatory laws are some examples of this close relationship. While such advancements must not be forgotten, the continuous consideration of the rule of law and topics under it is crucial for the achievement of all SDGs and future goals that may follow them by all Member States (UNITED NATIONS, 2017 g).

Considering the links between the rule of law, the three pillars and the SDGs, the Secretary General made a few recommendations to strengthen the rule of law. The first recommendation focused on the importance of strong institutions for the promotion of the rule of law and the strengthening of the link between it and the three pillars and the roles of the International Court of Justice and other international judicial mechanisms, international financial institutions such as the World Bank, the World Trade Organization and regional development banks, the United Nations and national institutions (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

The second recommendation focused on the UNGA and listed possible ways for the Assembly as a whole and/or in partnership with other parts of the UN. The main recommendations were related to the constant consideration of the rule of law and its link to

¹⁰ “The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development” (UNITED NATIONS GENERAL ASSEMBLY, 2015 b, p. 4).

the three pillars in all parts of the Assembly, the possible development and use of plan of actions or strategies as guidance, as well as further work for the construction of international standards and definitions when discussing the rule of law or specific issues related to it and further partnership with national and international stakeholders (UNITED NATIONS GENERAL ASSEMBLY, 2013 c).

A recent initiative that should be highlighted is related to the review of treaty processes and their substantive conditions and procedural requirements. Considering the utmost importance of treaties in the promotion of the rule of law, the reduction of elements that may constitute obstacles to the access of Member States to treaty processes contribute to the development of the international legal framework and network of treaties as well as may lead to the further implementation of treaties in general. Consequently, it will contribute towards the global achievement of the SDGs. Initiatives related to capacity-building and access to information are also crucial to the global progress towards the SDGs targets (UNITED NATIONS GENERAL ASSEMBLY, 2016 a).

The broadening of the scope of themes under the rule of law consideration as well as the mention of the SDGs in the latest resolutions and reports illustrate that, while the SDGs are part of the discussion, they are seen by the Sixth Committee on a larger scale, as part of the link of the rule of law to the UN pillars and the understanding that the rule of law is part of the core of the UN system and therefore should be considered in all SDGs and targets

Conclusion

During the past decade, there were significant advancements in the understanding of the importance of the rule of law both at the core of the UN and human society itself, and, consequently to international peace and security, sustainable development and human rights and humanitarian aid.

In the Sixth Committee, there is an increasing understanding that even if the topic of the rule of law may at first seem like it is an issue exclusive to the national sphere as it is related to the national law and judicial system of States (among other matters that are under the principles of sovereignty of States and non-intervention in the internal affairs of States), it should be viewed as a matter that goes beyond the national sphere and is deeply tied to the promotion, development and implementation of international norms

and standards, among other collective international matters. Therefore, the Sixth Committee approach to the rule of law is based on two interlinked levels: the national and international levels.

The importance of the rule of law in the sustainable development of States is linked to the vision of the UN about the relationship between its three pillars and the rule of law. In addition, the Reports of the Secretary General to the Sixth Committee illustrate an increasing understanding about the importance of the consideration of the rule of law as part of the basic elements that constitute each society and, as such, should be included in the initiatives towards the SDGs.

While the rule of law is more evident in the 16th SDG, the promotion and strengthening of the rule of law contribute towards all the 17 SDGs and their targets. Therefore, the rule of law can be considered one of the key elements that should be considered in SDGs discussions, and its promotion, strengthening and advancement are crucial towards the goals of the United Nations itself.

Finally, the main questions for debate are: a) How can States discuss the enforcement the rule of law at national level considering the different political and economical realities of each country? b) How can the UN and its bodies contribute to the strengthening of the rule of law at international level? c) Which are the main difficulties that prevent States from apply international instruments at their national legislation? How can the UN tackle these difficulties?

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CHAPTER 10

PEACE CONSOLIDATION IN WEST AFRICA

United Nations Security Council

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Introduction

The United Nations Security Council (UNSC) is one of the six subsidiary bodies of the United Nations (UN) and has the responsibility to maintain international peace and security. This chapter will focus in one important issue of the Council's agenda: "Peace Consolidation in West Africa". This topic aims at discussing West Africa's security reality, by identifying cross-cutting issues and common challenges. This is not an easy debate, since the concept of Peace Consolidation in the way it is applied in the UN involves a multidimensional approach, with economic, social and military aspects.

In the last decades, West African countries have suffered with economic, political and social instability. The most interesting point of the discussion is the different stages of the involved countries in their effort of consolidating peace. For example, while some countries, as Sierra Leone, have made some progress in rebuilding their institutions and are starting to detach from international support, other countries, like Liberia, still face instability related mostly to failures in previous peacebuilding initiatives. In both cases, one conclusion is clear: in order to achieve a long-lasting peace, countries in the region have to engage in a multiple effort involving settlement of disputes, development and the promotion of human rights (UNITED NATIONS SECURITY COUNCIL, 2006 a; 2009; 2017 c). Considering this framework, the UNSC has been discussing the topic of Western Africa in an effort to consolidate peace and tackle the deep root causes of instability in the region. Consequently, this agenda item deals with a broad variety of issues: illicit trafficking in small arms and light weapons, illicit cross-border activities, promotion of social and economical development, gender equality and security sector reform are some examples (ANNAN, 2014; UNITED NATIONS SECURITY COUNCIL, 2010; 2016; 2017 b).

In order to understand such a complex issue, this chapter is divided into four sections. The first one, "The Security Council", describes the structure of the Council and its mandate. The second section identifies the origin of the topic in the Council's agenda and highlights some background aspects that are essential to understand the current situation. The last section, describes the challenges faced by West Africa nowadays and the effort to avoid instabilities typical of peacebuilding contexts.

¹ This chapter had the contribution of Felipe Silva and Núbia Oliveira.

The United Nations Security Council

The United Nations Security Council (UNSC) is the body responsible for maintaining peace and security in the world and to determine which acts are considered threats to international peace. Guided by Chapter V of the UN Charter, the Council holds periodic meetings in order to discuss different topics of its agenda. The UNSC is composed by five permanent members: United States of America, United Kingdom of Great Britain and Northern Ireland, Republic of France, People's Republic of China and Russian Federation², and ten elected members, chosen by the General Assembly every two years. According to the UN Charter, all members of the United Nations assure to the Council the right to act on their behalf and agree with its decisions, which have to be approved by nine affirmative votes, being among these the favorable votes of the five permanent members. Chapter V also determines, in article 31, that non-members of the UNSC involved in the discussed topic can be invited to participate in the meetings (UNITED NATIONS, 1945, pp. 6-7).

Aiming at the accomplishment of its mandate, the Council can adopt some measures, listed in Chapters VI and VII of the Charter, as tools to overcome a threat to international peace (UNITED NATIONS, 1945, p. 9). In order to avoid the escalation of conflicts, the UNSC should first resort to the peaceful settlement of any dispute, as considered in Chapter VI. This chapter reveals the role of Security Council in avoiding situations that evoke the use of force. According to article 33, the peaceful methods that can be used are "(...) negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice" (UNITED NATIONS, 1945, p. 8).

To the discussion of Peace Consolidation in West Africa, it is also important to highlight the issue of peacekeeping missions. They are not directly discussed in UN Charter, but became a common resource created through UNSC practices. As a way to guarantee peace, this tool can be considered as a pacific measure, reinforcing the procedures of chapter VI. The main purpose of peacekeeping missions is to avoid the escalation of conflicts and the further use of force considered in some articles of chapter VII. Since its emergence in the post-Second World War, peacekeeping operations have considerably evolved and today they also prevent the recurrence of conflicts, guaranteeing the stability in the regions where they are required (BRACEY, 2011).

Still, if the aforementioned peaceful actions are not sufficient, the Council, supported by Chapter VII, should consider coercive measures that can or not use military force to restore

² In Chapter V, USSR is described as a permanent member. However, the Russian Federation, as the successor State has the right to be a permanent member since 1991.

peace and security: the prerogative to the use of force is presented in Article 42 and the possibility of sanctioning a country is mentioned in Article 41 (UNITED NATIONS, 1945, p. 9).

Also relevant to the present discussion is Chapter VIII, which considers the collaboration of regional bodies as an option to deal with local issues. Articles 52 and 53 deal with the possibility of engaging these institutions, in order to solve disputes and to support UNSC actions. Regional actors, however, cannot engage in the use of force without the approval of the Security Council and all their actions should be reported to the UN (UNITED NATIONS, 1945, p. 11). This chapter is fundamental to the discussion of Peace Consolidation in West Africa, seen that African regional institutions, as the Economic Community of Western African States (ECOWAS) and the African Union (AU), or UN subsidiary bodies, as the United Nations Office for West Africa and Sahel (UNOWAS), can offer an important support to the Security Council, especially when dealing with long-term initiatives.

Peace Consolidation in West Africa: the emergence in UNSC agenda

West Africa is composed by Mali, Mauritania, Niger, Nigeria, Benin, Togo, Burkina Faso, Ghana, Côte d'Ivoire, Liberia, Sierra Leone, Guinea, Guinea-Bissau, Gambia and Senegal. The region can be described as a complex arrangement of different political realities permeated by instability (see Image 1). This instability dates back to a colonial past that fostered unequal societies and was topped by the eruption of several civil conflicts in most countries of the region during the twentieth century.

Image 1: West Africa region map³



³ WORLD REGIONAL GEOGRAPHY: PEOPLE, PLACES AND GLOBALIZATION. "7.3 West Africa". In: *Libraries*, 2017. Available at: <<http://open.lib.umn.edu/worldgeography/chapter/7-3-west-africa/>>. Accessed 25 June 2017.

To discuss the topic, it is important to mention the recent historic background of western African countries. In the period from 1950s to 1980s, the countries in the region - as well as the whole continent - achieved their independence. In some cases, these processes were pacific (e.g. Cotê d'Ivoire and Nigeria), and in other cases, armed rebellions were necessary to achieve independence. The presence of authoritarian regimes in all countries was the main reason of this unstable scenario: many *coup d'état* occurred throughout the region in opposition of such regimes and aggravated the scenario of instability (TÉ, 2014, pp. 93-94).

In the 1990s, West Africa faced one of its most uncertain periods: with the end of the bipolarity maintained by Cold War, the region saw the emergence of national disputes for political power. In this context, the major part of Western African countries was drowned in violent and long-lasting conflicts: all struggling to reach democracy. Each country faced singular obstacles in the transition process: consequently, the region presents nowadays, different levels of democratization. Nigeria, for example, had a solid political and economic background and can be currently considered a middle power in the region. Côte d'Ivoire and Liberia, however, continue to face political instability that undermines the society's living conditions (TÉ, 2014, pp. 94-97).

In this context, the Security Council had to deal with a wide range of measures to ensure local peace and stability. Its first attempts, in the 1990s and the early 2000s, focused in achieving peace through the settlement of disputes and military-oriented operations. However, in the following years, it became clear that the end of armed conflicts did not mean durable peace and stability. That was when the Security Council started to discuss the idea of consolidating peace in post-conflict scenarios (UNITED NATIONS SECURITY COUNCIL, 2006 a).

The Security Council and the issue of Peace Consolidation in West Africa

Within UN's framework, peace consolidation is used as a synonym of peace building. The concept "(...) involves a range of measures targeted to reduce the risk of relapsing into conflict by strengthening national capacity at all levels for conflict management, and to lay the foundations for sustainable peace and development" (UNITED NATIONS, 2017 k). The main aspect embedded in this definition is the idea of a long-term effort made by national and international actors that could prevent the recurrence of conflict by establishing a durable peace environment.

The concept of building peace in the aftermath of conflicts appeared in the 1990s,

when the end of the Cold War saw the emergence of many civil conflicts, which were in nature more violent and destructive when compared to interstate wars. Intrastate wars had devastating effects not only in the countries where they happened, but also in the neighboring countries due to its spillover potential: transnational crime and refugee influx are two examples of problems exacerbated by civil wars. In this context, traditional peacekeeping missions that had the aim of monitoring peace agreements were not sufficient (UNITED NATIONS, 2017 k).

The failure of traditional missions and the emergence of intrastate conflict demanded a new model of missions that could address the variety of issues brought up by this new conflict environment. Peacebuilding missions are considered multidimensional, since they have the goal of acting in many areas, in order to achieve a durable peace. The effort of consolidating peace, frequently involves four main points:

(...) establish the state's ability to maintain public order and security; strengthening the rule of law and human rights respect; supporting the restructuring of legitimate political institutions and a participatory process that involves the whole population and promote economic and social recovery, including the return of refugees and internally displaced persons⁴ (FAGANELLO, 2013, p. 48, our translation).

In such a complex setting, the UN cannot reach its objectives without relying both on national and international actors. Peace consolidation demands an integrated approach that can only be successfully achieved by a global commitment involving not only the UN, but also the national government, regional institutions, civil society and private sector. This multidimensional structure is essential to guarantee central objectives, as promoting development: in post-conflict, development is a fundamental element to overcome internal issues and to prevent the renewal of old conflicts and disputes (STAN, 2004).

In West Africa, the idea of peace consolidation gained new significance due to the region's background of instability and its potential to have spillover effects. During the 1990s and 2000s, the Security Council struggled to promote and build peace in the region with the implementation of some important missions. For example, the United Nations Observer Mission in Liberia (UNOMIL) in 1993, United Nations Mission in Sierra Leone (UNAMSIL) in 1999, and United Nations Mission in Côte d'Ivoire (MINUCI) in 2003. The

⁴ From the original: "(...) restabelecer a habilidade do Estado em manter a ordem pública e a segurança; fortalecer o rule of law (Estado de Direito) e o respeito aos direitos humanos; apoiar a reestruturação de instituições políticas legítimas e um processo participativo que envolva toda a população; e promover a recuperação econômica e social, incluindo o retorno de refugiados e deslocados internos" (FAGANELLO, 2013, p. 48).

mandate of these missions comprehended mainly military aspects (ceasefire, disarmament and implementation of peace agreements) in order to negotiate the peace and to end conflicts (UNITED NATIONS, 2017 g).

Not all missions of this period had the expected results and throughout the years, many conflicts in the region re-emerged, as was the case in Liberia that faced two civil wars in the 1990s⁵. Even in the countries where conflicts were successfully ended, many challenges erupted, as elections-related violence, corruption and unemployment. Consequently, the Council had to renew the mandates of some missions and, in some cases, create new missions focused in peacebuilding. UNOMIL, for example, was replaced by United Nations Mission in Liberia (UNMIL), in 2003; and in Mali, the Council authorized, in 2013, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), aimed at supporting stabilization and transition. As we can notice, in West Africa, while some countries have made considerable progress in the implementation of peacebuilding, others are still taking the first steps. Nevertheless, the whole region is still within the long-term effort of consolidating peace: this is why it can be discussed as a single agenda item in the Council (UNITED NATIONS, 2017 b; g; k).

Although indirectly discussed by the Security Council during the final years of the twentieth century, the issue of "Peace Consolidation in West Africa" was only formally included in its agenda in its 5509th meeting, in 2006. At that time, Ghana's representative proposed an open debate about the topic and expressed that "(...) the political instability that afflicted the region had largely subsided, creating a unique opportunity for nation building and the promotion of sustainable development" (UNITED NATIONS SECURITY COUNCIL, 2006 a, p. 1).

The letter issued by Ghana to the Secretary General of the United Nations, highlighted the spill over effects of national conflicts in the region, showing that most conflicts and border problems in West Africa were actually interconnected and could only be resolved at the regional level. The letter also stressed the imminent threat that the countries considered stable could face: some countries were dealing with grave problems, as fragile institutions, increasing corruption, low levels of investment and high unemployment. Therefore, in order to achieve the objective of sustainable peace to West African countries, the Council would have to consider the region in a holistic manner (UNITED NATIONS

⁵ During UNOMIL mandate, the country did not have significant improvement and the mission ended in 1996. After two years, the second Liberian civil war started, worsening the situation in the country. The result was a devastated Liberia, without conditions to rebuild the country by its own efforts. That's why UNMIL was created in 2003 and is still working (UNITED NATIONS, 2017 b).

SECURITY COUNCIL, 2006 b, pp. 1-3).

The discussion about the topic would aim to ensure better living conditions and stability in a region that has historically faced the emergence of violent conflicts, aggravated by political, economic and social instability. It is important here to focus on the cross-cutting aspect of the matter: we can see singularities in each country, but the idea of peace consolidation involves a regional effort to stabilize the entire region (UNITED NATIONS COUNCIL, 2006 a, p. 2).

Current challenges to consolidate peace in West Africa

The idea of ensuring a stable peace, not only in West Africa, is directly related with the current priority of the UN as whole: the Sustainable Development Goals (SDGs) agreed upon in 2015. Despite being connected with different targets of the 2030 Agenda, the situation in West Africa can be directly linked with goal 16, which aims to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions in all levels”. The targets involved in this goal deal with different aspects responsible for ensuring a long-lasting peace: promotion of sustainable development, promotion of the rule of law, elimination of corruption and ending of different forms of violence (UNITED NATIONS, 2017 h).

As we can see many of these aspects can be related with the issue of consolidating peace in West African countries. Although in recent years many of them have been relatively stable, conflicts are still imminent, as there are still economic difficulties and ethnic conflicts. In this context, it is important to understand that the countries in the region have many differences. Some countries are still dependent of UN peace operations, as it was already mentioned: Liberia, for example is still struggling to overcome political tensions responsible for feeding internal conflicts. Other countries, as Sierra Leone and Côte D'Ivoire, for example, after facing periods of armed conflicts, are now starting their political stabilization process, holding democratic elections for the first time in a long period, advancing in the path of peace consolidation. These process are good signs to the region as a whole, seen that they serve as an example to the bordering countries. However, they can also raise particular tensions: Gambia, Guinea, Togo and Niger, for example, have registered elections-related violence, which can rapidly undermine stabilization efforts (PEACE OPERATIONS REVIEW, 2011).

Currently, the UN has some missions in the region to support the process of peace

consolidation. As we can see in the actions of UNMIL in Liberia and two other missions that are still working in the region, to solve the specificities of some countries: United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and United Nations Mission for Referendum in Western Sahara (MINURSO). Together with UNMIL, these are all the missions of United Nations in West Africa. We also had some missions and offices in the past that already resumed its functions, such as United Nation Integrated Peacebuilding Office in Sierra Leone (UNPSIL) and United Nations Operation in Côte d'Ivoire (UNOCI) (UNITED NATIONS, 2017 c; f; j).

Recently, the Security Council has also stressed the disruptive potential of another rampant threat in the region: terrorism. In the last few months, many countries, as Nigeria and Mali, have suffered attacks from groups as Boko Haram and the Islamic State. This trend not only represents a problem for the affected countries, but also for their neighbours, once terrorism frequently drives massive migration fluxes and sometimes limits access to essential resources controlled by radical groups. Another issue that has yet to be dealt with in West Africa involves illicit activities, such as piracy, drugs and human trafficking. The Gulf of Guinea has suffered with piracy in the last few years: as other illicit activities, it is often a reflex of a poor economic and social environment in countries (UNITED NATIONS, 2012; 2017 i).

Due to the fragile equilibrium of the region, the collapse of one country can easily result in a large-scale crisis. In this context, when dealing with West Africa, the Security Council focuses in avoiding cross-border threats that can come from security, economic or political instability. The Council has to consider not only the most traditional security issues, as conflicts or terrorism, but also issues that can disrupt peace in its broader meaning, as the absence of development or violations of human rights. The efforts carried out by UN have to ensure humanitarian assistance, consolidate institutions, provide basic services, as education and health assistance, and develop the economy, creating jobs and, therefore, new opportunities (UNITED NATIONS SECURITY COUNCIL, 2006 b).

Consequently, consolidate peace in West Africa depends not only from the countries in the region but also from international support, both political and economical. In this sense, it is interesting to note that the discussion of the topic throughout the years in the UNSC has created a clear division among members. On one side, developed western countries advocate that the causes of African conflicts are lack of democratic institutions and bad governance: these countries are defending the concept of failing states, accord-

ing which the instability in the region is linked with African inability to govern. Therefore, prior receiving international support, especially financial support, West Africans should agree with a wider reform aimed at reorganizing the State and adopting a westernized way of management. This perspective has an important impact on peace efforts: peacekeeping should focus mainly in security issues, while peacebuilding, though necessary, should focus on state reform and mobilize other institutions besides the UN (INTERNATIONAL PEACE ACADEMY, 2004; UNITED NATIONS SECURITY COUNCIL, 2006 b).

On the other hand, developing countries in general, and in this case especially Africans, believe that the long-lasting instability in the region has deep-root causes mainly connected to the historical marginalization of the continent. West Africans argue that many of the internal divisions responsible for political clashes today, were fostered by colonialism: this situation was aggravated by economic exploitation that weakened social and economical conditions in the region. Consequently, they advocate a greater involvement of the UN in the stabilization process: not only combating traditional security issues, but also ensuring a sustainable development capable of avoiding the recurrence of conflicts. In their perspective, peacebuilding should focus on strengthening national capacity by respecting singularities: many in this group are suspicious of Western interventions, that use responsibility to protect and the protection of civilians to act in their own favor (CAPARINI, 2016, pp. 46-47; UNITED NATIONS SECURITY COUNCIL, 2006 b).

In this context of mixed visions and different interests, UNSC actions can end up frozen. Although the meetings about this topic generate many debates, practical actions and decisions can be less common. Hence, other actors gain special importance in the effort of consolidating peace in West Africa: regional institutions, which according Chapter VIII of the UN Charter can support UNSC in its duties.

United Nations and its Regional Partners in West Africa

As presented previously, peace consolidation is a complex task that requires the coordinated efforts of the UN and other actors, especially regional institutions. In the case of West Africa, it was clear that in order to thrive in its mission to build peace, the UN, through not only the Security Council but also the United Nations Office for West Africa and Sahel (UNOWAS), would have to work with local institutions, as the Economic Community of West Africa States (ECOWAS) and the African Union (AU) that play a fundamental role in the region's political and economic environment.

The major UN organ in the region, UNOWAS⁶, has the function to coordinate the

⁶ In January, 2016, the United Nations Office for West Africa (UNOWA) and Office of your Special Envoy for the Sahel

actions taken in West Africa, in order to develop the region and to overcome local challenges. It is connected with the Department of Political Affairs and, therefore, submitted to the Secretariat. The mandate of this important office consists in "(...) monitor political developments in West Africa, (...) enhance sub-regional capacities (...), promote good governance and respect for the rule of law, human rights and the mainstreaming of gender in conflict prevention (...)" (UNITED NATIONS, 2017 d; e).

UNOWAS' main contribution to the peace consolidation process is the support in mediation and preventive diplomacy. Nowadays, UNOWAS has ten⁷ areas of action related to political, economic and social aspects that have the objective of facilitating the peaceful settlement of disputes among countries that are related with mediation and good offices of the Special Representative⁸. In all cases, the mediation facilitates not only the reduction of tensions and the avoidance of conflicts, but also the good execution of fair and democratic electoral processes. The last actions in this sense were in Burkina-Faso, Benin, Gambia and Guinea-Bissau. In addition, UNOWAS also combats the impunity relating to human rights violations, seeks to strengthen the popular participation in the decision process, promote women empowerment and gender equality (UNITED NATIONS, 2017 a; c).

Moreover, UNOWAS focus on regional development, expressing the strong relation between the developing process and the consolidation of peace. Fostering economy, countries have more stability, generate more jobs, create new opportunities and start an infrastructure building process. UNOWAS also focus in strengthening political institutions, preparing them to protect and support the democratic process. Finally, the UN Office monitors social tensions and identifies inequalities, in an effort to indicate areas which need more investment or special attention, avoiding the escalation of conflicts (UNITED NATIONS, 2017 a; STAN, 2004).

In the case of West Africa, it is also important to mention ECOWAS, which work is based on cooperation and mutual self-reliance to guarantee regional cohesion and peace, stability and security through the promotion and strengthening of good

(OSES) merged in one single structure: the United Nations Office for West Africa and Sahel (UNOWAS). According to the Secretary-General that expressed it on a letter, the merge of both institutions should facilitate the work and turn the regional efforts more effective (UNITED NATIONS, 2017 a).

7 The ten areas are: Conflict Prevention, Good Offices & Preventive Diplomacy; Promoting Cooperation - Supporting Partners; Supporting the Implementation of the UNISS; Support to Mano River Union; Maritime Security in Gulf of Guinea; Drug Trafficking and Organised Crime; Security Sector Reform; Gender, Women, Peace and Security; Human Rights, Governance and Rule of Law; Cameroon-Nigeria Mixed Commission (UNITED NATIONS, 2017 a).

8 Representing the United Nations, the head of the office, named the Special Representative of the United Nations Secretary-General for West Africa and Sahel, Mr. Mohamed Ibn Chambas, has the responsibility to support conflict prevention by promoting dialogue with the regional stakeholders and to provide good offices to the parts involved in possible or existent conflicts, following the principle of peaceful settlement of disputed (UNITED NATIONS, 2017 c).

neighbourliness. ECOWAS is not under the UN system but is one of the most important actors in the peace consolidations process in the region because of their important plans of economic and social development (UNITED NATIONS, 2016).

The creation of ECOWAS, during the 1970s⁹, had the main purpose to foster economic integration in the region. Nevertheless, with the eruption of conflicts in the 1990s, it became clear that security issues would interfere in economic stabilization and progress. In this scenario, the ECOWAS Ceasefire Monitoring Group was created to support the end of conflicts in West African countries. The first cases discussed by the organ were Liberia and Sierra Leone, in 1990. In both situations, the countries were facing intrastate conflicts and the intervention of ECOWAS, though not relying on the authorization of Security Council, had important significance (ECONOMIC COMMUNITY OF WEST AFRICAN STATES, 2017; JAYE et al., 2011).

Since then, ECOWAS has evolved and currently comprises a complex institutional structure: being focused on regional integration, its aim of a region without borders drove ECOWAS to act in different areas. The institution has mechanisms directed to economic integration, as a bank for development and a monetary agency, but also a health agency, an anti-terrorism group and a court of justice. All these agencies and organs have the greater objective of creating a stable and prosperous environment that could ensure a free-conflict region (ECONOMIC COMMUNITY OF WEST AFRICAN STATES, 2017).

The other great partner of Security Council in West Africa is the African Union. The AU, though not exclusive of West Africa, as it has the representation of every African state, presents an important demand of unity and integration essential to the whole continent. It has the objectives of:

(...) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights; To promote peace, security, and stability on the continent; To promote democratic principles and institutions, popular participation and good governance; To promote sustainable development at the economic, social and cultural levels as well as the integration of African economies; To accelerate the political and socio-economic integration of the continent; (...) (AFRICAN UNION, 2017).

In order to accomplish its mandate, the institution has a more developed structure covering different aspects of regional integration: it is composed by financial institutions,

⁹ ECOWAS was formed in 1975 by the Treaty of Lagos, based on the efforts of Nigeria and Togo (ECONOMIC COMMUNITY OF WEST AFRICAN STATES, 2017).

a parliament, a court of justice, a economic and social council and a peace and security council. This last one, being directly connected to peace, has a closer practice to the Security Council: the AU Peace and Security Council has the responsibility to prevent conflicts and can even engage in peacekeeping missions with the due authorization of the UNSC (AFRICAN UNION, 2017).

A great example of the work of African Union is the recent question of the Gambia¹⁰. The Peace and Security Council of African Union expressed a detailed communiqué in its 647th meeting (2017) about the presidential election on the country, which recognized the new elected president and guaranteed the legitimacy of his mandate, reinforcing the articles and provisions of African Charter on Human and People's Rights¹¹. Moreover, the AU also commended the work of ECOWAS, showing that we have cooperation among Security Council, AU and ECOWAS in West Africa (AFRICAN UNION PEACE AND SECURITY, 2017).

Seeing that, is notable the importance of merging these organizations' efforts with Security Council's actions. Since the 2000s, in a scenario of reconstruction, all institutions started to work with the same aim of guaranteeing stabilization: ECOWAS, African Union and the United Nations. The security missions led by ECOWAS were merged or replaced by UN missions. Moreover, African Union has been presented in this entire context, supporting UN and ECOWAS, and fostering its own responsibility of maintain peace and security in Africa, acting with its own security organ, the Peace and Security Council of African Union (UNITED NATIONS SECURITY COUNCIL, 2007).

The most recent joint actions were the abovementioned Communiqué made by African Union, ECOWAS and UNOWAS in December 2016, relating the situation in Gambia and the actions taken by these three organs to reduce and control the piracy threat on Gulf of Guinea. Furthermore, the Council's resolution on Peace Consolidation in West Africa, resolution 2337 (2017), discussed the same topic and reinforced the importance of the cooperation among regional bodies and the Council, reaffirming the provisions of African Union and the decisions of African Union Peace and Security Council about the situation in the region (UNITED NATIONS, 2016, UNITED NATIONS SECURITY COUNCIL, 2017 a).

As we could see, consolidating peace in West Africa is a complex and multi-task effort that relies in the Security Council but also in other actors. In this region, peace is linked

10 In December 2015, Adama Barrow was elected president by democratic vote in Gambia. However, the current president, Yahya Jammeh who holds power since a *coup d'état*, in 1994, refused to leave its role. Since then, the country has experience increasing tensions and political clashes and the joined work of ECOWAS, AU and the UN, through the UNSC, has been essential to ensure mediation (NICHOLS, 2017).

11 The African Charter on Human and People's Rights is the base of Human Rights and Freedom in the African Union (AFRICAN CHARTER ON HUMAN AND PEOPLES RIGHTS, 1981)

with traditional security but also with economic and social development, poverty eradication and political reforms. Therefore, West Africa can only achieve security if old inequalities and insecurities are resolved: this, in turn, depends of an international commitment that deals with a change in security paradigms within the UN, the idea that peace and development are interdependent.

Conclusion

In order to discuss Peace Consolidation in West Africa, we have to consider four main aspects: first, although the current situation in the region shows an improvement when compared to previous decades, it is still delicate. Much of the instability and tensions perceived nowadays have important spillover effects that can destabilize the entire region. Second, in West Africa the concept of peacebuilding gains special importance: peace consolidation must consist not only in the old form of military intervention in Africa, but also in a great scope of action, including economic, social and humanitarian concerns. Third, the emergence of this topic in UNSC's agenda reflects the greater participation of developing countries in global governance structure. Therefore, to successfully deal with this topic, the Council will have to overcome its internal differences and disagreements. Fourth, the joint activities of African regional bodies and the United Nations should be considered a central asset to achieve a sustainable peace.

Bearing these points in mind, we can understand the main challenges ahead the Council. It is clear that a lot of progress has been made since the introduction of this topic in UNSC's agenda, in 2006. However, discussion should be more focused in creating practical actions with more significant results in the region: it is important for the Council to cooperate with regional institutions, but it has also to assume its unique role in fostering the consolidation of peace in West Africa.

Considering this scenario, there are some questions to be addressed: 1) How the Council can achieve consensus regarding its role in the topic? 2) What are the main difficulties on Security Council operations in the region? 3) How to ensure a safer and more stable environment in West Africa without overloading the UNSC?

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CHAPTER 11

THE SITUATION IN IRAQ

United Nations Security Council

Leonardo Pezenatto dos Santos

Introduction

The United Nations Security Council (UNSC) is responsible to oversee and preserve international security and peace – as defined by Chapter 7 of the United Nations Charter –, and also by taking measures to prevent it from being threatened. In the last three decades, the UNSC has, among other issues, devoted its attention to Iraq: from interstate conflict, to internal crisis and terrorism emergence, the country has been considered a threat to local and international stability in different ways.

This chapter will explain further the situation in Iraq, considering the UNSC and its decisions over the last decades. Our aim is to present the changes in Iraqi's conditions, especially after the US-led invasion in 2003, when the Security Council had to deal with new challenges regarding the country stabilization. We will also analyze the most recent developments, as the rising and unparalleled importance of the Islamic State of Iraq and the Levant (ISIL) in Iraq.

The first section introduces the structure of the United Nations Security Council, by also highlighting its decision-making process and mandate. The second section presents Iraq in the post 2003, along with the difficulties of its reconstruction and the emergence of ISIL, combined with the struggle that the local government and other international actors have to guarantee security to the civil society. The third section presents a view of the most recent role the United Nations Mission in Iraq (UNAMI), detailing its humanitarian efforts and resources, such as the UNAMI programme to guarantee peacebuilding and ensure human basic conditions. We will also present the different perceptions of each member of the UNSC regarding Iraq. Lastly, there will be a brief conclusion about the themes discussed in the chapter, together with some issues considered important for the Committee to discuss.

The United Nations Security Council (UNSC)

The Security Council is defined by Chapter V of the United Nations Charter as the UN

body that has as its priority the maintenance of global peace as well as international security. It is the obligation of the UNSC to determine preventive measures aiming at the peaceful settlement of disputes and measures considered coercive, such as sanctions and the use of force, to reach its primary objective.

The Security Council is composed by 15 members, being 10 elected and 5 permanent – the People’s Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. In order to make any decision, 9 affirmative votes are necessary being among these the votes of the permanent members, which virtually give them the power of veto¹. The Security Council meetings are periodic but can also be called in an emergency, if necessary (UNITED NATIONS, 2017 a).

Currently, the main trend in the Council’s decision making is the search for consensus, in an effort to increase its legitimacy. The negotiation process is usually initiated by the P-3 (United States, France and United Kingdom): then they gather with the other two permanent members, China and Russia, in order to identify their red lines. Finally, the discussion is made with the whole group of 15 members: therefore, when the 10 elected members are included in the process, the limitations and concerns of each permanent member is already known. Putting a subject into the consideration of the UNSC is significant, because it has the symbolical power to recognize it as a dispute that needs to be resolved (UZIEL, 2010, p. 116).

Any Member State of the United Nations, and the Secretary-General, has the power and freedom to bring any situation to the Security Council, as envisaged by Chapter VI of the UN Charter. The UNSC will, then, analyze the issue and recommend procedures or methods for a possible adjustment of a particular case. Whenever there is a situation that may endanger the maintenance of global peace, the Security Council will, if it judges necessary, call upon the parties in attempt to settle their dispute (UNITED NATIONS, 2017 a).

The UNSC is also related to Chapter VII, which determines the Council as the body responsible for identifying threats to international peace and security and also to attempt to settle these situations. If negotiations do not work, there are other means the UNSC may use to push countries back into negotiation or to avoid the escalation of conflict (UNITED NATIONS, 2017 a).

The Council can apply sanctions to any State or citizen in an attempt to reduce threats

¹ Abstention and veto are considered political movements, with the former not being a negative vote while the veto (even if it is implicit) is something rare.

to world peace, by forcing countries to negotiate, and to ensure compliance with its decisions. This option is presented in the Article 41, which envisage the possibility of imposing restrictions on countries that in some way risk international peace: those can have different forms, embargoes, political restrictions etc. Whenever the UNSC decides to use this tool, UN Member States are called to abide with its decisions, even if it may bring some disadvantages to their own interests (BAUMBACH, 2014, pp. 23-25; UNITED NATIONS, 2017 a).

Still in the effort of maintaining international peace and security, the UNSC has also another option at its disposal: the use of force. The possibility to use its last resort is presented in Article 42 and should also be supported by UN Member States. It is agreed language that whenever the Council mentions in its resolutions actions under Chapter VII, it refers to the possibility to use force. How this measure will be taken and to what extent UN Members will have to contribute to it is decided case-by-case (UNITED NATIONS, 2017 a; UZIEL, 2010).

Iraq: a long-lasting challenge

The topic of Iraq has reached a delicate level where every instrument at the Council's disposal has been invoked at a certain time, with Iraq being present on the UNSC agenda for more than 30 years. The history of Iraq's instability dates back to 1980, when the country invaded the unprovoked Iran, trying to capitalize on the upheavals. Because of the Cold War stand-off among the P5, the UNSC failed to take any kind of strong action regarding Iraq's offensive (CHITALKAR; MALONE, 2013, pp. 1- 2).

In 1990, Iraq invaded Kuwait trying to repel the advancement of the neighbor in Iraq's borders. With the end of the Cold War, the UNSC was able to condemn the action in a stronger way: Resolution 661 presented a regime of sanctions towards Iraq, in order to ensure compliance with Council's decisions. The sanctions were aimed at the government, but ended up with the civilian population suffering more than the State, jeopardizing UN's image in the country² (CHITALKAR; MALONE, 2013, pp. 2-3).

Despite international pressure, Iraq refused to comply with its obligations and the UNSC issued Resolution 678 (1990), approving all necessary means to be applied by Member States willing to support a military operation: in UNSC *modus operandi*, the mention of "all necessary means" is related to the possibility of use force. In the following year,

² Sanctions can play a meaningful role as long as they are applied effectively. The overall impact of the sanctions regime imposed by the UNSC was harmful to the United Nations reputation, remaining negative until today, considered some of the few coercive instruments at the Council's disposal (CHITALKAR; MALONE, 2013, p. 4).

1991, the UNSC issued a new groundbreaking resolution: Resolution 688 considered the internal repression of civilians a threat to international peace and security³. Consequently, if continued, government's acts could justify measures under Chapter VII. Although its harder position, the UNSC could not end Iraq's disobedience and repression to its civilians. Consequently, during the 1990s, the UNSC kept pushing a series of sanctions, aimed to compel Iraqi compliance and cooperation (CHITALKAR; MALONE, 2013, p. 3; UNITED NATIONS SECURITY COUNCIL, 1990, p. 1).

This sanctions regime was the biggest, most complex and longest ever implemented by the UNSC, with its devastation and overall ineffectiveness causing negative perceptions towards the UN among Iraqi population⁴ (CHITALKAR; MALONE, 2013, p. 4).

Despite this situation, the United States (US) kept forcing the Council to harden its position towards Iraq: the accusation was that Saddam Hussein's government was planning on developing a nuclear program targeted at the US. The terrorist attacks at the World Trade Center, in 2001, strengthened the American position that highlighted Iraq's link with the proliferation of weapons of mass destruction (WMD). The UNSC was under great pressure from the American government relating the WMD matter and also the political position of Saddam Hussein.

September of 2001 represented a twist regarding the US, the UNSC and their respective positions about Iraq: the Arab country was considered part of the Evil Axis⁵ by the American government and the Council was pushed even harder to act in the matter. The result was the adoption of a stronger and more severe position: even though the Council has not authorized the use of all necessary means in the occasion, it has tighten sanctions, worsening an already fragile scenario: the UNSC ended up being partially responsible for the instability that followed in the next years, both political and humanitarian. In 2003, the decision to attack Iraq without a UN mandate, with the US acting unilaterally and showing disregard to the UN principles, was proved highly negative (CHITALKAR; MALONE, 2013, p. 5).

3 This was the first time that a humanitarian crisis was linked with threats to peace and security. It would represent a precedent for future concerns with the protection of civilians and use of force (CHITALKAR; MALONE, 2013, p. 3).

4 Although sanctions have as the main focus the restriction of the States, the imbalance between the results obtained and the humanitarian impacts generated in sanctioned nations is a pervasive problem of this option. This is because, as the UN sanctions against the States, these measures harmed the industry, agriculture and health, causing an enormous impact at many levels, for instance, increasing unemployment, mortality, crime and affecting lastly the civil society (BAUMBACH, 2014, pp. 85-86).

5 After the 09/11 attacks, U.S. foreign policy had an important alteration, engaging in what was called "War on terror" through the strategy of preventive diplomacy. The country would start to identify potential threats and act accordingly, in an effort to avoid new attacks. One of the main elements of this new approach was the "Evil Axis", a group of countries, composed by Afghanistan, Iraq, Iran and North Korea, considered to be a threat to the United States.

Post 2003: rebuilding Iraq

After the US-led invasion, one of the first actions of the UNSC, through Resolution 1483 (2003), was to endorse the coalition administration in Iraq and to lift some economic sanctions, resulting in the abolishment of some former institutions of the regime and the reaffirmation of the Iraqi's disarmament obligations, reassuring the sovereignty of the interim government. The invasion did not lead to stability: among Iraqis, the presence of the coalition was seen with distrust and resistance remained high. The security situation deteriorated fast and the coalition had to face with a public infrastructure completely dismantled: after years under the sanctions regime and limited resources, the country lacked basic public services. Consequently, if the coalition was to establish minimum ruling conditions, it would have to start the efforts of rebuilding as soon as possible, but it would have to reckon with UN's support (HAMRE et al., 2003, pp. 2-3; UNITED NATIONS, 2004; UNITED NATIONS SECURITY COUNCIL, 2003, a).

Two months after Iraq's invasion, the then-UN Secretary General, Kofi Annan, appointed a Special Representative for Iraq in an effort to reconcile the different interests at stake. In August 2003, a massive bombing at the UN headquarters in Baghdad confirmed the critics' fears, killing fifteen UN staff including the Special Representative. This showed that even the very role of the UN in Iraq could be compromised: the institution neutrality was been questioned since, as locals saw it, the UNSC was one of the perpetrators of Iraqis suffering (CHITALKAR; MALONE, 2013).

This represented an important obstacle for UN's peacekeeping efforts. Still in August 2003, the United Nations Assistance Mission for Iraq (UNAMI) was established, through Resolution 1500, to support the Secretary-General in its tasks. UNAMI would have an important role in promoting dialogue and ensuring the political conditions to reorganize the country. However, as most of the Secretary-General's reports of the time indicated, the unsafe situation in the country prevented the mission to accomplish its whole mandate. Problems related to the infrastructure were also worrisome. As mentioned above, reconstruction in Iraq was a substantial task, and UNAMI was responsible to reconcile interests of the government, contractors, non-governmental actors, in order to support Iraq's development of areas such as health, water and sanitation, agriculture, security, education and others (UNITED NATIONS SECURITY COUNCIL, 2003 b; 2004).

Resolution 1500 also recognized a new interim government. The Iraqi Governing Council (IGC) was responsible for installing a provisional government for the country

and considering some political issues, as a creation of a new Constitution and the arrangement of national elections after the situation was stabilized. However, after the establishment of the interim government, the US pressured the UN to take a larger role in planning national elections, but security dangers and reluctance by the Secretary-General and UN staff kept the UN role to a minimum (CHITALKAR; MALONE, 2013, pp. 6-7; UNITED NATIONS SECURITY COUNCIL, 2003 b).

In the following years, the situation in Iraq made few improvements: internal divisions still generated political instability, humanitarian situation was deteriorating with the ongoing violence and the reconstruction of basic institutions was a struggle. The country needed deep reforms, especially in the security sector: the judicial system, its army and the national police demanded special attention. Despite the efforts made by the ICG in encouraging national unity and introducing a new Constitution⁶, the reality faced by the country was still of instability. Consequently, international support was continuously needed and the multinational force, led by the US, had its mandate renewed by the UNSC many times (UNITED NATIONS, 2005 a; 2005 b).

In this scenario of economic, political and humanitarian crisis, the overall situation of the country worsened in post-2003, despite some punctual advancement. The social situation was also fragile, as Iraqis had to deal with unemployment, poor education and health services and ongoing violence. These conditions favored the emergence of another threat that would jeopardize any attempt of reconstruction and stabilization in the following years: the Islamic State.

The emergence of ISIS in the region

The invasion and occupation of Iraq in 2003 aggravated the dismantling of State institutions, causing a social rupture. The broken and dysfunctional sectarian-based political system, combined with the sustained crisis faced by Iraq since the 1990s, the international military presence and the failed capacity of Iraqi's governors to strengthen social conditions, are some of the factors responsible for triggering a deep internal division, causing, other than the problems mentioned above, the rise of the Islamic State (GERGES, 2016, pp. 8-13). Taking advantage of the vulnerable situation in Iraq, the so-called Islamic State of Iraq and Syria (ISIS)⁷ had an unprecedented rise.

⁶ UNAMI held an important position due to the political support. In 2005, the Office kept providing technical assistance to the composition of the Constitution, including the translation and printing of the then-approved document in foreign languages, like Arabic and Kurdish, together with advice to the Electoral Commission. UNAMI and other United Nations agencies, funds and programmes continued on strengthening management capacity of Iraqi's ministries, seeking a better coordination for the restoration of public infrastructure and provision of basic services (UNITED NATIONS SECURITY COUNCIL, 2005 b).

⁷ ISIS is also known as Islamic State (IS), Islamic State of Iraq and wa-Sham or Levant (ISIL) or by its Arabic abbreviation, *Da'esh*.

The group, considered a Salafi-Jihadist, was formed in 2002 by Abu Musab Zarwaqi and has the aim of expanding the caliphate by creating a new State (Islamic State) with parts of the current Iraqi and Syrian territories. At the beginning, it had less international projection but represented an important actor in Iraqi resistance against the coalition presence. It benefited from the influx of arms and military resources that came to the region with the many ongoing conflicts ("THE...", 2017).

ISIS has a more radical view about Islam and the Middle East political organization than other local groups, frequently unleashing sectarian violence and supporting the persecution of minorities, as the Kurds. When translated into action, its radical beliefs end up supporting more violent practices that, among other things, tend to target civilians and publicize its acts of terror. These characteristics raised criticism against ISIS and generated enemies even among radical groups: they helped to delay the advancement of the Islamic State during the 2000s. However, two major changes in the regional scenario contributed to ISIS definite rise: the Syrian War, which started in 2011, and the coalition withdraw from Iraq. The first event offered to ISIS a singular training camp and an essential source of weaponry and resources. The second, in turn, represented the removal of one of the main combatant forces against ISIS. Consequently, from 2011 on, the group had not only the space but also the resources to extend its domain in Iraq and Syria: the situation in Iraq would see an unexpected deterioration and the massive proliferation of terrorists' activities funded by ISIS ("THE...; 2017).

The Islamic State represents a new step to understand the conflicts incited in Middle East. In the case of Iraq, ISIS took advantage of the prevailing sectarian divisions and the weak governance in an attempt to create their own territory. ISIS has been able to take control over some parts of the Iraqi's territory and its borders. As mentioned above, its primary goal is setting up a territory of its own, dominating the Sunni parts of Iraq and latter expanding to the Syrian Arab Republic. In this effort, ISIS managed to dominate most of the province of Anbar – the biggest Iraqi province – and Mosul⁸, an important city in the northern part of the country (UNITED NATIONS SECURITY COUNCIL, 2014 a, p. 8).

The UNSC took some time to link the discussion about Iraq in its agenda with the issue of ISIS. Discussions in 2012, for example, revolved around the search for national unity, the efforts towards transition and the adoption of a democratic system. In the following year, 2013, UNSC debates started to highlight the recurrence of some terrorist activities in

8 Actions as taking over the city of Mosul, in 2014, (which was reconquered in July 2017 by the Iraqi people), showed a major organizational development for ISIL, proving difficult to the actual government to forge a political order in Iraq.

the country that were responsible for aggravating instability and delaying the electoral process: in this moment the episodes were linked with an “Al-Qaeda branch in Iraq” and its subjected minor group, ISIS (UNITED NATIONS, 2012; 2013; UNITED NATIONS SECURITY COUNCIL, 2013).

It was only in 2014 that the UNSC started to approach ISIS activities in Iraq as a new and strong threat to national and regional stability. The main concern was the civilian targeting by the group and the potential to destroy the few political and social advancements achieved in the country. In the following years, ISIS became a singular threat and received renewed attention by the Council: the topic of Iraq was partially dominated by the efforts of combating terrorism and avoiding the strengthening of the radical group (UNITED NATIONS SECURITY COUNCIL, 2014 a; 2015; 2016).

Despite all the efforts – border-security, financial and military measures –, ISIS continues to keep their presence in both Iraq and Syria, by also expanding their operations to other territories, such as West and North Africa, the Middle East, and South and South-East Asia (UNITED NATIONS SECURITY COUNCIL, 2016).

The current challenges faced in Iraq

Today, Iraq remains a volatile country: its history of conflicts, economic stagnation, lack of basic services and political divide could not be overcome by UN stabilization efforts. The situation was aggravated by the emergence of ISIS and of an unprecedented violence unleashed by the group’s practices. The country added to its lists of issues, massive people displacements, deteriorating humanitarian situation and loss of governing control of important parts of its territory. What we see in Iraq nowadays is the effort of a country to promote national unity while sunken in one of the most brutal situations of modern era and dependent of international support.

Protecting civilians: human rights and humanitarian response

The proliferation of terrorism, especially in the acts of ISIS, has contributed to the fast deterioration of Iraqi’s humanitarian situation. Being one of the most common strategies of the radical group the targeting of civilians, the massive violation of human rights became common.

In 2015, the Security Council expressed grave concern about the situation in Iraq, regarding the large-scale offensive brought by ISIS, reiterating Iraqi government’s commitment to the security of its people, condemning ISIS as a threat not only to Iraq but to

international security and integrity. The UNSC called upon all political entities to work together in order to strengthen Iraq's independence and sovereignty, and requested support from the international community to provide safe areas to people who were internally displaced – due to the many areas in the country which have been turned into war zones and had their infrastructure destroyed or severely damaged –, as well as asking the Iraqi government to ensure the rule of law and security to its citizens (UNITED NATIONS, 2017 b; UNITED NATIONS SECURITY COUNCIL, 2015).

The most recent Humanitarian Bulletin issued by the Office for the Coordination of Humanitarian Affairs (OCHA) has indicated a worrisome situation:

Table 1 – Humanitarian Assistance selected Indicators (Iraq), 2017

Category	Figures
People in need of humanitarian assistance	11 million
People who will receive humanitarian assistance	6.2 million
Internally displaced people (IDP)	3.3 million
People living as hostages in ISIS controlled areas	3.2 million

Source: Created by the author from the data available in the "Humanitarian Bulletin – Iraq" (OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, 2017)

As we can see from Table 1, almost one third of the population of Iraq demands humanitarian support⁹. The gap between the demand and those who will actually receive the assistance is shocking: almost 5 million people will remain without support. Another alarming information is that around 3 million Iraqis still live under the direct threat of ISIS: they have restricted access to health, and are submitted to oppression, sexual violation and torture. They are also under the constant threat of getting caught in the outbreak of conflict between ISIS and counter forces. Among these, vulnerable groups, as women and children, are even more in danger: the United Nations Children's Fund (UNICEF) estimates that, since 2014, 4,650 children were separated from their families, increasing their vulnerabilities to the terrors of conflict. These children were also withdraw from school and will carry the consequences of war for many years (OFFICE FOR THE HUMANITARIAN AFFAIRS, 2017; UNITED NATIONS, 2017 b).

Even for those who live in recent liberated areas and have the option of returning home, insecurity is a reality: many IDPs fear to suffer some kind of punishment or pressure in their villages. Since ISIS emergence, local communities witnessed a shake in social relations: in some places, traditional leaders were killed or lost their influence. Consequently,

⁹ In 2016, Iraq registered 37.2 million people in its population.

reorganize communities that have been completely destroyed and have, in many cases new leadership, is a challenge (OFFICE FOR THE HUMANITARIAN AFFAIRS, 2017).

There have been several situations where pro-Government forces are causing harm to civil society, such as forced evictions and collective punishments to people alleged to have connections to ISIL, or restrictions of freedom of movement and violations of international humanitarian laws. Reports received by UNAMI show that some of these pro-Governments forces are acting without approval, perpetrating abuses against civilians, including abductions, killings and destructions of property, marking the impossibility of many of these civilians to access safe areas as well (OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER OF HUMAN RIGHTS, 2015; "IRAQUE...", 2016).

Since the beginning of 2017, the counter-terrorism forces, formed by different Iraqi groups and international military, has accomplished some success in weaken ISIS and recover some important areas that were for almost two years under its dominance, as the case of Mosul. Despite losing power in Iraq, ISIS cannot be underestimated, continuing to harm civilians systematically, violating international humanitarian law and also international human rights law ("CERCA...", 2016).

UNAMI and the effort to keep the peace building

Since 2003, UNAMI has been one of the most important parts of the country's reconstruction. The political mission has provided support for political dialogue and national reconciliation, as well as assistance in electoral processes, while promoting and protecting human rights both in legal and judicial ways (UNITED NATIONS IN IRAQ, 2017 a).

The Mission currently works together with the Iraqi government and it advises, supports and assists projects for more inclusive reconciliation, among other political and electoral issues. Besides, UNAMI promotes, backs up and facilitates, in coordination with the government of Iraq, the accomplishment of central efforts, such as humanitarian assistance, economic and institutional reforms and promotion of the protection of the human rights, seeking judicial and legal reform to strengthen the rule of law in Iraqi territory (UNITED NATIONS IRAQ, 2017 a).

The UNSC extended the activities of UNAMI since 2003, encouraging also the Iraqi government to strengthen democracy and the rule of law, with improvements of public security as well as the combat against ISIS. In addition to the government, UNAMI also works in cooperation with other 20 agencies, funds and programmes, including the UN Children's Fund (UNICEF), which supports children to get access to water and food, education

system and also offering protection assistance for those who were injured by violence in areas dominated by opposite forces; the World Health Organization (WHO), whose support consists in emergency medical supplies such as ambulances, mobile and static medical clinics, care with possible disease outbreaks like cholera; and the UN Educational, Scientific and Cultural Organization (UNESCO), which helps Iraq to revive its cultural heritage from the recent massive waves of destruction (UNITED NATIONS IRAQ, 2017 b; 2017 c; UNITED NATIONS SECURITY COUNCIL, 2013).

UNAMI has also been one of the UN's largest political deployment, with more than 350 troops and 700 staff, and its reports has allowed space for the UN to be more active in Iraq (the next section will flesh out UNAMI further). In spite of all that effort, no meaningful reconciliation has been achieved, as the economy is still finding difficulty to be rebuilt. Iraq has a major dependence to oil and its exportation mechanisms, but, at the same time, while it has one of the biggest oil reserves of the world, it also lacks a consistent and productive system to enable its production (MASON, 2012, pp. 1-3).

The endemic problem of violence is also a very difficult issue to solve. With rare possibilities of a negotiated settlement between the government, the many insurgent factions, the Sunni and Shiite groups. The civil war in Iraq today is a problem that has no predictable end. Until now it has cost a significant human loss, and also compromised national infrastructure, education, health and employment. Therefore, UNAMI still plays a central role in Iraq and has important challenges to overcome for the countries reconstruction and stabilization (MASON, 2012, pp. 1-2; UNITED NATIONS SECURITY COUNCIL, 2017).

UNSC perception: P-5 position on the topic

The situation in Iraq still evokes many disagreements among the permanent members of the UNSC. Although all five agree with the necessity of combating ISIS and alleviating the humanitarian crisis, they cannot reach a consensus regarding the path that reconstruction should follow in Iraq.

The United States usually reiterates their concern to the grave humanitarian conditions, urging donors to contribute and encouraging the UN to keep its work with the Iraqi government, in order to provide better conditions to the voluntary return and the reintegration of the displaced people. Also, the US seeks a democratic, federal and united Iraq for the future, as defined in the Iraqi Constitution, with the efforts by all the international community and the local government for the stabilization and reconciliation of the area, as well as the prevention for a possible resurgence of ISIS in liberated areas

(UNITED NATIONS SECURITY COUNCIL, 2017 a).

The French Republic reiterates its support to UNAMI and addresses the importance of the military forces' success, by being under the supervision of the Iraqi authorities, as well as the maintenance of security and the protection of civilians from the violent abuses. France has reassured the importance of the reestablishment of public services and return-assistance projects to the displaced people and also the necessity to prepare for the future, with the sustenance of peace and the conciliation of different ethnic and religious groups (UNITED NATIONS SECURITY COUNCIL, 2017 a).

The United Kingdom reinforces the need of a transitional justice and the security sector reform, in order to avoid the resurgence of conflict. The UK has been working closely with the government of Iraq and the international community to achieve this proposal, by looking for a more secure and stable Iraq (UNITED NATIONS SECURITY COUNCIL, 2017 b).

Supporting with political and practical steps for the stabilization of Iraq, Russia expects to have a positive channel of communication between Iraq and its neighbors, like Syria. It is important for the Russian government that there is, indeed, the necessity to establish national dialogue and conditioning every ethnic and religious group into agreement, and not only by force, agreeing that UNAMI is the responsible for this reconciliation assistance. The country's administrative, economic, housing and socioeconomic infrastructure must be rebuilt, in order to bring the population safe and stable conditions of living and fight terrorism. For Russia, it is important to avoid unnecessary international influence (UNITED NATIONS SECURITY COUNCIL, 2017 a; 2017 b).

China supports the efforts that both the government of Iraq and UNAMI have been making throughout these years, recognizing the importance of UNAMI and asking the international community to keep contributing with the dialogue among all the actors related. Also, they encourage cooperation between Iraq and Kuwait and other regional actors, hoping that this will boost Iraqi sovereignty, independence, unity and territorial integrity, in contribution for its development and stability (UNITED NATIONS SECURITY COUNCIL, 2017 a; 2017 b).

Conclusion

Since the 1990s, Iraq has gone through the most diverse and grave situations regarding security. From the conflict with Kuwait, along with the sanctions regime in the 1990's, to the rise of Islamic State, in 2010s, the situation in Iraq has always challenged the Security Council and in many ways was aggravated by the decision of this organ.

The UNSC finds itself in a very delicate position when dealing with Iraq: here the use of force and sanctions have had few successes. Instead, they frequently worsened the situation for civilians, who the Council considers nowadays as a priority when dealing with threats to international security. In this context, some important questions should be addressed during debates about the topic: is it possible to trust Iraq's reconstruction to the Iraqi government? What role should UNAMI play in this process? How should the Council deal with the installed humanitarian crisis and avoid the resurgence of conflicts?

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