

Draft Statute for the Formation and Operation of the United Nations Emergency Peace Service for the Prevention of Genocide and Crimes against Humanity.

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OVERVIEW

The Statute for a United Nations Emergency Peace Service to Prevent Genocide and Crimes against Humanity (UNEPS) describes how UNEPS would be formed and operated. The overall mission of UNEPS is to prevent and/or halt the commission of Genocide and Crimes against Humanity and where possible apprehend individuals alleged to have engaged in such acts. This Statute was drafted at Rutgers Law School in Newark, NJ under the direction of Professor Saul Mendlovitz, Dag Hammarskjöld Professor at Rutgers Law. Professor Mendlovitz was assisted by Captain Edward Westfall and Captain Stephen Bishop. Both are graduates of U.S. Military Academy at West Point, NY and served as Infantry Platoon Leaders in Iraq. Both were enrolled at Rutgers Law School as part of the Army's Funded Legal Education Program and are now Judge Advocates in the U.S. Army. This draft is based on extensive research of a number of national military organizations, an important volume entitled 'A United Nations Emergency Peace Service' by Robert Johansen, rapporteur of a major event held in Cuenca, Spain in 2006, and insights from numerous workshops conducted by the staff, affiliates and partners of the Global Action to Prevent War (GAPW). GAPW is a transnational network of civil society organizations institutes, scholars, diplomats and military personnel. These workshops spanned the past seven years, the most recent of which was held at the GAPW offices in New York City on December 5th - 7th, 2010.

There are six distinctive aspects to this service. First, it would be a standing, independent United Nations Service intended to complement, not replace, the current capabilities of the United Nations to respond to cases of Genocide and Crimes against Humanity. Secondly, the service would be made up of individually recruited personnel from volunteers of all member states. Third, it would consist of 16,000 to 18,000 personnel carefully selected, expertly trained and coherently organized. Fourth, UNEPS would encompass military, police, judicial and civilian capacities prepared to conduct multiple functions in diverse UN operations. Fifth, it would be a first-in, first-out service with a six month deployment limit in any single situation. Sixth, the service would be authorized and invoked by an appropriate United Nations organ.

The Draft Statute is marked with endnotes that help to illustrate the legal justification for various provisions and/or any concepts or processes which were borrowed from other International Conventions. Upon finalization of the Statute, these endnotes will be removed.

We invite you to read the following Executive Summary and Draft Statute carefully and make comments and suggestions. Please send comments to Professor Saul Mendlovitz at smendlovitz@kinoy.rutgers.edu

EXECUTIVE SUMMARY

I. Purpose

The United Nations Emergency Peace Service (UNEPS) will provide the United Nations with a permanent military and civilian capacity that can be used to effectively prevent or halt the commission of Genocide or Crimes against Humanity. The organization proposed by this draft statute is intended to provide additional capabilities to the already existing “toolbox” that the United Nations currently uses in response to such atrocities. It is, therefore, not intended as a stand-alone capacity, but instead as a force to enhance significantly existing U.N. and other international efforts to protect civilians from Genocide and Crimes against Humanity.

II . Authorization of Use of UNEPS

The power to authorize the use of UNEPS would reside in a shared capacity between the Secretary General of the United Nations and the U.N. Security Council. The Secretary General could authorize the use of UNEPS subject to a recall authority that rests within the Security Council. The Secretary General’s authorization would require a finding by the Secretary General that Genocide or Crimes against Humanity are imminent or occurring. The Security Council recall authority could cancel the deployment of UNEPS within 10 days of the Secretary General’s authorization. Moreover, the Security Council is also authorized to initiate a deployment of UNEPS on its own findings as well.

III. Leadership Structure

UNEPS will be led by a newly created civilian Under-Secretary General for UNEPS and a diverse set of senior military officials from UN Member Nations. The selection process for these positions would mirror the processes used for the selection of other senior UN and international positions such as judges seated on the International Court of Justice and the Chief and Assistant Prosecutors of the International Criminal Court.

IV. Unit Structure and Capabilities

UNEPS would be a total force of between 16,000 to 18,000 individuals. The senior leadership would be at UN Headquarters in New York. The bulk of UNEPS personnel would be within one of three operational “Peace Service Units” located at either one or three separate UN facilities worldwide. Each Peace Service Unit would be a fully self contained organization that would possess the military, civilian and support capacities needed for a given mission. The military capabilities of a Peace Service Unit would be tailored specifically for missions designed to protect civilian population centers from atrocities. The budget for UNEPS would consist of three primary components: a start-up cost, a recurring operational budget and an Operational Reserve Trust Fund to provide immediate funding for real-world missions.

Each Peace Service Unit would have a compact civilian capacity office staffed with civilian officials that would have the necessary expertise to: direct and manage initial conflict resolution efforts, properly liaison with existing civilian government administration and advise the UNEPS military forces so that all operations are executed with the long term prosperity of the affected area’s civilian institutions in mind. Thus, UNEPS would be a multinational force of individually recruited volunteers with a balance of military and civilian capacities- making it a major advance in the U.N.’s capacities to protect civilian populations from Genocide and Crimes against Humanity.

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Preamble:

The States Parties to this Statute,

Mindful that despite the best efforts of the international community to prevent Genocide and Crimes against Humanity, these atrocities have persisted in our era ¹,

Recalling that in recent history, millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of Humanity ²,

Recognizing that such grave crimes threaten the peace, security and well being of the world ³,

Reaffirming that it is the duty of each State to protect its populations from Genocide and Crimes against Humanity ⁴,

Determined that it is also the duty of the international community with respect to the Purposes and Principles of the Charter of the United Nations to prevent widespread Genocide and Crimes against Humanity when national authorities manifestly fail to protect their populations ⁵,

Emphasizing that the international community should always strive to use diplomatic, humanitarian and other peaceful means of preventing Genocide and Crimes against Humanity first, before resorting to actions taken under this Statute ⁶,

Determined that to effectively halt and prevent Genocide and Crimes against Humanity in future generations, the United Nations must possess a competent and well trained peacekeeping service capable of rapid deployment to areas of concern,

Affirming that the decision to employ this service is one of grave consequence to the international community and should only be made when the alternative is to allow Genocide or Crimes against Humanity to occur or continue,

Resolved that to ensure that the call of “never again” made by the ‘Convention on the Prevention and Punishment of the Crime of Genocide of 1948’ be carried out,

Have agreed to the provisions stated in the following document for the formation of the United Nations Emergency Peace Service:

Article I - Establishment, Purpose and Justification of United Nations Emergency Peace Service

The United Nations Emergency Peace Service

1. The United Nations Emergency Peace Service (“UNEPS”) is hereby established. It shall be a permanent institution within the Headquarters of the United Nations and be organized and controlled by officials and provisions outlined in Articles III - IV.
2. The overall mission of UNEPS is to prevent and/or halt the commission of genocide and crimes against humanity and where possible apprehend individuals alleged to have engaged in such acts. UNEPS will accomplish this through the use of a competent and well maintained peacekeeping service comprised of citizens of Member Nations acting in their individual capacity as members of UNEPS.
3. In every instance of the use of UNEPS, the primary objective of UNEPS shall be the protection and defense of civilian populations from the harms of Genocide or Crimes against Humanity. This primary objective shall dominate all planning, training and equipping of UNEPS as it is formed. This primary objective of the defense of civilian populations shall make UNEPS unique from all other standing military units worldwide.
4. The use of UNEPS will be limited to those situations where:
 - (a) A Member Nation has requested UNEPS presence within its territory and a finding that Genocide or Crimes against Humanity are occurring or are imminent has been made through the appropriate mechanisms outlined in Article II.
 - (b) A finding that Genocide or Crimes against Humanity are occurring or are imminent has been made through the appropriate mechanisms and authorization for the use of UNEPS absent national consent has been granted pursuant to mechanisms outlined in Article II.

Duration of UNEPS Operations

5. It is the express intent of this Statute that UNEPS operations be limited to those of a short duration and only for the immediate halting or prevention of Genocide or Crimes against Humanity. The term ‘short duration’ for the purposes of UNEPS will mean operations that last up to 180 days. For purposes of this 180 day limit, day “1” will be when the first contingent of UNEPS personnel arrive in the country in which the operation has been authorized according to Article II. By Day “180”, unless an extension has been granted, all UNEPS personnel shall be outside the territorial boundaries of the country in question.

An extension of UNEPS operations in excess of 180 days shall **only** be granted under the most extraordinary circumstances and only with express authorization from both the Secretary General and Security Council. For purposes of the 180 days limitation, the Secretary General may designate certain

civilian officials assigned to UNEPS as exempt from this requirement if found necessary to facilitate a transition to a secondary peacekeeping force.

Necessity for an appropriate civilian capacity in UNEPS to facilitate responsible transfer to other long term peacekeeping capacities.

6. It is understood that following a UNEPS operation of 180 days, the areas affected will continue to require further assistance to stabilize and rebuild from the damage of genocide and/or crimes against humanity. In most cases a transfer of responsibility from UNEPS to a more long-term peacekeeping force, formed by a regional organization or the United Nations will be necessary. In order to facilitate this transfer and the long term viability of the areas in which UNEPS operates, UNEPS must contain a robust civilian capacity which can direct and manage initial conflict resolution efforts, properly liason with existing civilian government administration and advise the UNEPS Commander to ensure that all operations are carried out with the long term prosperity of the affected area's civilian government and institutions in mind. To ensure this complementary capacity is present, this Statute shall provide for a senior civilian capacity director who will head a Civilian Capabilities Office which will be a vital component of each UNEPS operational unit to be discussed further in Article III and VI of this Statute.

Definition of the Terms of "Genocide" and "Crimes against Humanity" for the purposes of UNEPS

7. The term "Genocide" for the purposes of UNEPS will be the term as defined in the Convention for the Prevention and Punishment of the Crime of Genocide of 1948 and reaffirmed by the Rome Statute of the International Criminal Court of 2002.⁷

8. The term "Crimes against Humanity" for the purposes of UNEPS incorporates the definition of Crimes against Humanity used in Article 7 of the Rome Statute of the International Criminal Court of 2002.⁸

Legal Justification

9. The parties to this Statute recognize the formation of UNEPS to be a necessary action in order to prevent and halt Genocide and Crimes against Humanity.

10. The formation of UNEPS is firmly grounded in prevailing principles of international law based in the international community's consistent and unanimous abhorrence of Genocide and Crimes against Humanity .

11. The Genocide Convention of 1948 has received overwhelming consent since its entry into force in 1951 and the prohibition and condemnation of Genocide that has developed since has become an inviolable, *jus cogens* principle of international law.⁹

12. The concept of UNEPS as a mechanism for preventing Genocide finds specific legal justification in Article VIII of the Genocide Convention which allows for any State Party "to call upon the competent

organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of Genocide".¹⁰

13. Furthermore, the concept of Crimes against Humanity has developed through the refinement of international humanitarian law which has extended protections to civilian populations, specifically the Fourth Geneva Convention of 1949 and Additional Protocols of 1977.¹¹ Also, Crimes against Humanity have been further declared as grave violations of international law with the recent creation of the International Tribunals for the Former Yugoslavia and Rwanda and the International Criminal Court.¹² Due to this, within the international community, acts constituting Crimes against Humanity as understood by this Statute are never permissible under international law.

14. UNEPS is also based on the principles of the Responsibility to Protect, in accordance with the International Commission on Intervention and State Sovereignty (ICISS) and the Resolution on Responsibility to Protect (A/Res/63/308). Under the Responsibility to Protect principle, the State has a responsibility to protect its own people, but when the state fails to meet its responsibility, the burden falls on the international community.¹³

15. With the prohibition of acts constituting Genocide and Crimes against Humanity now enshrined as principles of international law, the United Nations has adopted the principle that States and the international community as a whole have a responsibility to protect their populations from Genocide and Crimes against Humanity.¹⁴

16. It is with this responsibility and justification in mind, that this Statute creates UNEPS as an Emergency Peace Service capable of halting and preventing Genocide and Crimes against Humanity and holds that the international legal justification for UNEPS is based on its only being used for that express and noble purpose.

**Article II- Conditions Appropriate for, and the Procedures for the Authorization
of the use of UNEPS.**

A. Overview

1. The power to invoke UNEPS shall rest with the Secretary General of the United Nations and United Nations Security Council as explained in this Article. There are two requirements for a proper invocation of UNEPS. In order to invoke UNEPS, the Secretary General must:

A. Make a factual finding that either Genocide or Crimes against Humanity as defined by this Statute are occurring within a specific and cognizable area or that the commission of an act or acts of Genocide or Crimes against Humanity as defined by this Statute are imminent and that alternative measures for prevention have a substantial likelihood of failure.

and

B. After such a finding is made, the Secretary General may then authorize the use of UNEPS and transmit notice of this authorization immediately to the United Nations Security Council.

B. Authority of the Security Council after the Secretary General's Authorization for the use of UNEPS

Security Council Recall Procedure

2. A valid finding and authorization approved by the Secretary General under Section A of this Article shall authorize the deployment of UNEPS. Upon Secretary General authorization, the Security Council, within 10 calendar days of the authorization, may override the Secretary General's authorization for UNEPS by a 2/3 Majority Vote. Upon a 2/3 Vote to override the Secretary General, all actions by UNEPS for the deployment shall cease and all UNEPS personnel shall return immediately to their designated bases. If no vote occurs within 10 days of the Secretary General's authorization, then UNEPS will be permitted to continue operations up to the 180 day statutory maximum.

Authorization for Use with Host Nation Consent

3. If a Member Nation requests and approves of the use of UNEPS within its territory, all other requirements for a proper finding and authorization under Section A of this Article must be met.

Furthermore, any authorization for UNEPS use is still subject to the Security Council override as described in Section B.

4. Use of UNEPS with Host Nation Consent shall also be subject to the following limitations:

- A. Under no circumstances will UNEPS be deployed for more than 180 days.
- B. The Host Nation must draft and sign a document with the Under Secretary General for UNEPS outlining with clarity what UNEPS is asked and authorized to do within its territory.
- C. In cases where the Security Council deems appropriate, Regional Peacekeeping organizations should be utilized in concert with UNEPS during deployments carried out with Host Nation Consent.

D. Security Council Action under Chapter VII of the UN Charter

5. The Security Council may, acting under its powers in Chapter VII of the UN Charter authorize the use of UNEPS for six months, *sua sponte*, provided that the Council submits detailed factual findings to the Secretary General which satisfy the requirements of Section A of this Article.

E. Secondary Uses of UNEPS (Non-Binding Statement of Intent)

6. It is the intent of the States Parties to this Statute that UNEPS is permitted with host nation consent to assist in limited humanitarian assistance operations within the regions that each Peace Service Unit is situated. These operations will be subject to conditions and limitations to be determined by the UNEPS leadership at a later date after the formation of UNEPS and only after the first Peace Service Units have been deemed ready for their primary purpose of preventing Genocide and Crimes against Humanity. These operations are further discussed in Article XII.

Article III – List of Senior Leadership Positions within UNEPS

- 1. Under Secretary General for UNEPS**

- 2. Commander, UNEPS**

- 3. Deputy Commander, UNEPS**

- 4. Three Peace Service Unit Commanders**

- 5. Three Civilian Capacity Directors serving under each Peace Service Unit Commander**

Article IV: Senior Leadership Selection

A. Timeline for Senior Leadership Selection

1. Within 180 days of ratification of this Statute as described in Article XIII, the selection of all Senior positions described in Article III shall be complete.

B. Selection of the Under Secretary General of the United Nations Emergency Peace Service

2. The Secretary General shall nominate a civil servant in consultation with the Under Secretary General for the Department of Peacekeeping for the position of Under Secretary General of the United Nations Emergency Peace Service and forward the name to both the General Assembly and Security Council simultaneously. Upon a 2/3 Absolute Majority of the General Assembly and a 2/3 Absolute Majority of the Security Council, the appointed individual shall be confirmed as the Under Secretary General of the United Nations Emergency Peace Service.¹⁵ The Under Secretary General of the United Nations Emergency Peace Service shall serve for a term of six years, non-renewable. Election of the Under Secretary General of the United Nations Emergency Peace Service must occur within six months of final adoption of this Statute as described in Article XIII.

C. Selection of Commander and Deputy Commander, UNEPS

Titles and Duration of Office

3. The selection of the Commanding Officer, United Nations Peace Service and Deputy Commander, United Nations Peace Service will be subject to the provisions of this Article. Equal opportunities for employment will be extended to either gender seeking candidacy for both Commander and Deputy. The Commander elected under this Article will serve for a term of five years, renewable once. The Deputy elected under this Article will serve for a period of 4 years, renewable once. Renewal of terms for Commander or Deputy shall be carried out by the same United Nations bodies responsible for their election in paragraph 8.

At the discretion of the Under Secretary General of the United Nations Emergency Peace Service with approval of the Secretary General, the Terms of the Commander and Deputy may be temporarily extended due to ongoing Operations.

Qualifications and Restrictions

4. Under no circumstances will the Commander and Deputy be of the same nationality and Member Nations are strongly encouraged to ensure the election of a Commander and Deputy from two distinct regions, as understood in Paragraph 7.

5. Each Candidate for the office of Commander and Deputy must be a highly experienced military officer with extensive experience in the following areas: Peacekeeping, Joint Operations with foreign militaries and the application of International Humanitarian Law to the execution of military operations. Experience in Humanitarian Operations is desirable but not required. Any Candidate for these offices must speak at least two of the official languages of the United Nations.

6. Where this Article authorizes a Member Nation or UN Official to nominate a candidate for the position of Commander or Deputy Commander, that nomination must be accompanied with a certified statement which outlines how the candidate meets the qualifications discussed in Paragraph 5.¹⁶

Clarification of United Nations Regions for Purposes of Selection

7. For Purposes of this Article, the term United Nations Regions will refer to the seven macro regions: Africa, Asia, Europe, Latin America and Caribbean, Near East, North America, South Pacific.¹⁷

Selection Process

8. The process outlined in Paragraph 8 shall dictate the first election of both Commander and Deputy. All subsequent elections for the position of Deputy shall follow the same procedures outlined for the selection of Commander. All subsequent elections for Commander and Deputy will be staggered by one year following the duration of office timelines outlined in Paragraph 1. Subsequent elections must occur within 180 days of the expiration of the term of a Commander or Deputy.

9. Each Member of the Security Council (Permanent and Non-Permanent) may submit three candidates for the position of Commander. Only one candidate may be from the "Region" of which that Member is from. From this list of candidates, the Secretary General, acting in an independent capacity and consulting with whomever he or she chooses, selects 10 candidates.

Then, the names of these 10 candidates will be submitted to the Military Staff Committee of the Security Council by the Secretary General. Within 10 days of that submission, the Military Staff Committee may offer a finding for any candidate that the candidate either meets or does not meet the qualifications listed in Paragraph 5 of this Article. These findings shall not be binding upon the Secretary General. After the 10 day review period for the Military Staff Committee has passed, the Secretary General shall forward any or all of the 10 candidates to be voted upon simultaneously by the General Assembly and Security Council. The first candidate who receives a 2/3 Majority vote in the General Assembly and a 2/3 Absolute Majority in the Security Council is elected Commander. A second election will be held, using the remaining 9 candidates following the same process for the election of the Deputy Commander. It is encouraged that this voting be completed within 14 days, but no longer than 30 days, after submission of the candidates by the Secretary General. If a Commander has not been elected within 45 days of the initial submission of candidates to the General Assembly and Security Council, then the Secretary General may install two of the 10 candidates into the positions of Commander and Deputy at his or her discretion. Furthermore, If a Deputy Commander has not been elected under this procedure within 30 days of the election of the Commander, then the candidate with the second highest vote count in the Commander election will automatically be installed as Deputy Commander.

Removal from Office

10. The removal of the Commander or Deputy of UNEPS shall first require a finding by the Secretary General that the official in question has committed an act or acts of such a serious nature that they have harmed the mission and reputation of the United Nations. Upon such a finding, the General Assembly and Security Council must ratify the removal by a 2/3 vote in each body.

D. Selection of Peace Service Unit Commanders

Title and Duration of Office

11. Each of the Three Peace Service Units outlined in Article X will have a Peace Service Unit Commander. Each Peace Service Unit Commander will serve for a term of four years, renewable once. For the first three Peace Unit Commanders selected, 1 Commander will serve a term of 5 years, 1 Commander a term of 4 years and 1 Commander a term of 3 years, before renewal is required. The determination of which Peace Unit Commander will serve which initial term will be drawn by lot. All other subsequent selections of Peace Service Unit Commanders to fill vacancies shall follow the procedures of this Article.

12. Renewal of a sitting Peace Unit Commander's Term shall be carried out by a request by the Commander, UNEPS that the Peace Unit Commander be offered another term and subsequent approval of the second term by the Under Secretary General of UNEPS.

Qualifications and Restrictions

13. A Peace Service Unit Commander may not be of the same nationality as the Commander who nominates her or him as a candidate.

14. The Commander is strongly encouraged to nominate Peace Service Unit Commander Candidates from varying regions, diverse ethnic backgrounds and different genders.

15. Peace Service Unit Commander Candidates must have completed a minimum of two years of Battalion Level Command or higher (understood as a military unit with 600 personnel or more) in a Member Nation military within 10 years of his/her selection by the Commander as a Peace Service Unit Commander candidate.

16. Peace Service Unit Commander Candidates should, but are not required to, possess experience in the command of Peacekeeping Operations. Furthermore it is desirable but not required that each candidate have experience in Humanitarian missions and that all Peace Service Unit Commander Candidates speak at least two of the official languages of the United Nations.

17. Only one sitting Peace Service Unit Commander at any time may be from a Permanent Member Nation of the UN Security Council.

Selection Process

18. The Commander and Deputy will jointly nominate three candidates for each vacancy to the Secretary General. Only 1 candidate from each vacancy may be from the same "region" as the Commander. There are no region restrictions based upon the nationality of the Deputy. The Commander and Deputy must submit a written finding outlining how each candidate meets the basic qualifications outlined in Paragraphs 4 and 5 of this Article.

19. Following nomination of the three candidates per vacancy, the Secretary General will direct the ratification of one candidate to fill the vacancy by means of the same ratification process outlined in paragraph 8 of this Article.¹⁸

Removal

20. A Peace Service Unit Commander may be removed from his position if the Commander of UNEPS and the Under Secretary General of UNEPS jointly agree in writing that the Peace Unit Commander has committed an act or acts that have brought serious discredit and harm to the mission and reputation of the United Nations.

D. Selection of Civilian Capacity Directors.

21. The Selection Process for Civilian Capacity Directors shall be carried out at the discretion of the Under Secretary General for UNEPS upon his/her selection for Office. Those selected must be approved by the Secretary General before taking the office of Civilian Capacity Director. Those appointed to the position of Civilian Capacity Director shall serve for a term of four years, renewable once.

Article V – Functions and Responsibilities of the
Office of the Under Secretary General for UNEPS and
Relationships with other organizations within the United Nations

Section A: Under Secretary General for UNEPS

The United Nations Emergency Peace Services shall be directed by the office of the Under-Secretary for the United Nations Emergency Peace Service. The functioning of the unit shall be governed by the provisions of this Statute.

1. Upon entry into force of this Statute, the existing Office of the Special Advisor to the Secretary General on Genocide shall be renamed the Office of the Under-Secretary General for the United Nations Emergency Peace Service.
2. The staffing requirements of the former Office of the Special Advisor shall re-assessed and expanded as necessary to take on the additional role of UNEPS within the Office.
3. For the selection of the first Under-Secretary General for UNEPS, member nations which are parties to this Statute may choose to either ratify the selection of the existing Special Advisor directly to the new office, by means of expressing such intent in their ratification statement to the Statute, or they may elect that the procedures outlined in Article IV be followed for the initial selection. If 2/3 of the ratifying member nations to his Statute ratify that the existing Special Advisor should be become the first Under Secretary General of UNEPS, then existing Special Advisor will automatically take the new Office upon entry into force of this Statute.
2. The duties of the Under-Secretary will include:
 - a. To develop appropriate mechanisms for the planning of UNEPS operations, to include complementary operations with other peacekeeping forces and detailed contingency planning for UNEPS operations which may require assistance from additional organizations.
 - b. To collaborate with the Under-Secretary General for Peacekeeping Operations to ensure that UNEPS and its planning processes are properly interfaced with all relevant U.N. agencies
 - c. To oversee the selection, election, and appointment of the Commander, Deputy and Task Force personnel.
 - d. To terminate the appointment of any UNEPS personnel at any time as she/he determines violations of this Statute or the customary norms of international humanitarian law as codified in the treaties listed in Article VIII.

3. Each State that has ratified the statute may issue a list of non-binding recommendations for additional duties for the Under Secretary within six months of that State's ratification.

Section B: Relationship with Other Organizations

4. UNEPS shall be a separate organization within the United Nations. It shall further maintain a continual, cooperative, and mutually beneficial relationship with the Department of Peacekeeping Operations, the Department of Field Support, the Humanitarian Air Service (UNHAS), the World Food Program (WFP), and the Humanitarian Response Depot (UNHRD). Cooperation, asset-sharing, and mission priority may be directed or compelled by order of the Secretary General.

Article VI – Functions and Responsibilities of the
UNEPS Commander, Deputy Commander and
Peace Service Unit Commanders

Section A: Commander, UNEPS

1. Ultimate military command responsibility over UNEPS shall lay with a single commander (COMDR) located at UN Headquarters in New York City, USA. COMDR shall serve as the political-military interface with Under Secretary General of UNEPS and be responsible for operational decision-making and UN policy implementation.
2. The Commander, UNEPS shall be responsible for the formation of UNEPS operational doctrine as directed by Article VIII of this Statute.
3. The Commander, UNEPS shall strive to ensure that in forming, equipping and training UNEPS, that the primary objective of UNEPS is the protection of civilian populations

Section B: Deputy Commander, UNEPS

2. A deputy commander (DCOMDR) shall be immediately subordinate to COMDR and second in command of UNEPS. DCOMDR shall be located either at UN Headquarters in New York City or at the United Nations Logistical Base in Brandisi, Italy (UNLB). The Deputy Commander shall be responsible for developing standard operating procedures, training UNEPS staff and unit commanders, and carrying out operational preparations for deployment. During deployments, the DCOMDR headquarters at UNLB shall serve as the deployment operations center (DOC).

Section C: Three Peace Service Unit Commanders

3. A Peace Service Unit Commander (PSUCOM) shall be in command of each peace service unit answerable to COMDR and DCOMDR. Each PSUCOM headquarters shall be co-located with its PSU and responsible for training PSU recruits, execution of DOC operations orders, and tactical employment of its PSU pursuant to its orders during deployments.

Section D: Civilian Capacity Directors

A Civilian Capacity Director shall be located within each Peace Service Unit. He/she shall serve as a senior advisor to the Peace Service Unit Commander and manage, on behalf of the Peace Service Unit Commander, all civilian capacities within the Peace Service Unit. These civilian capacities shall be housed within the Civilian Capabilities Office, headed by Civilian Capacity Director, which will be a part of the Headquarters of every Peace Service Unit.

The primary functions of the Civilian Capabilities Office shall be:

- A. Conflict resolution and negotiation teams to initiate any reconciliation processes which may be necessary;
- B. Liaison teams for purposes of assisting with the management of public services in an affected area (i.e. Food Distribution, Water Treatment, Utilities, etc.) and;
- C. Advisory Teams for assisting in the areas of civilian law enforcement and judicial issues.
- D. Humanitarian Relief Teams for the purposes of medical and logistical support to Displaced Persons, Refugees or Populations without basic living requirements.

While this Civilian Capacity Director shall report to and work for the Peace Service Unit Commander, she/he shall also be required to independently report to the Under Secretary General of UNEPS on an annual basis on the effectiveness of their Peace Service Unit Civilian Capacity. The nature and requirements of this report are to be established by the Under Secretary General of UNEPS after the entry into force of this Statute.

Article VII - Qualifications for UNEPS Service: Nationality Limitations; Recruiting Methodology and Terms of Service

A. Baseline Qualifications for entry into UNEPS Service

1. To enter service with the United Nations Emergency Peace Service at any level or rank, a citizen of a Member Nation must meet any minimum requirements for employment with the United Nations as established by the United Nations Office of Human Resources Management (OHRM). In addition to any standard OHRM requirements, UNEPS service makes the following reservations from the OHRM standards and adds the following requirements based solely on the unique demands of the UNEPS mission:

- a. Fluency (as determined by current United Nations standards) in two languages with at least one of them being one of the six official languages of the United Nations: Arabic, Chinese, English, French, Russian, Spanish.
- b. A citizen of a UN Member Nation and State Party to this Statute; in accordance with U.N. Resolution 1325, UNEPS encourages and promotes the participation of women in this Peace Service.
- c. A Bachelors Degree in any discipline. This requirement is waivable for up to 25% of all UNEPS personnel, subject to conditions and procedures to be outlined by the Commander, UNEPS.
- d. A minimum passing score (to be established) on a Language Aptitude Test to be designed at the discretion of Commander, UNEPS.
- e. specific diversity requirements for each Peace Service Unit as described in paragraph 4 of this Article.

2. The requirements enumerated above are to be considered a minimum standard and do not limit the Commander, UNEPS from creating further reasonable requirements as he or she sees fit when establishing UNEPS. However, any additional requirements imposed by the Commander, UNEPS shall be subject to the approval of the OHRM.

B. Nationality and Gender Limitations for Peace Service Units

Nationality Limitations within UNEPS Headquarters and Staff

3. Except for those limitations outlined in Article IV, there shall be no limitations on the nationality of the staff and personnel assigned to the direct support of UNEPS Headquarters and Commander, UNEPS. UNEPS understands the effect of the participation of women in the

conflict prevention/peacekeeping efforts and encourages their participation, in accordance with Resolution 1325 of Women, Peace, and Security. The hiring and management of that staff is at the complete discretion of the Commander, UNEPS and the Assistant Secretary General for UNEPS in DPKO.

Nationality Limitations within UNEPS Peace Service Units

4. In order to ensure that UNEPS is comprised of a diverse of amount of nationalities, the following nationality requirements for those in service to UNEPS at the Peace Service Unit level will be imposed on all three Peace Service Units regardless of location:

a. It is the intent of this statute that each Peace Service Unit possesses the maximum amount of diversity in terms of nationality that is feasible. The recruiting process of UNEPS shall strive to ensure a minimum of 30 soldiers from every Member Nation serving at the Peace Service Unit level. Soldiers shall not be limited on the basis of gender; equal opportunities for recruiting should be available to women of all member States.

b. No Member Nation may comprise more than 10% of any single Peace Service Unit or more than 5% of all personnel serving at the Peace Service Unit level.

and

c. The total percentage of personnel serving at the Peace Service Unit level from any single Permanent Security Council Member Nation may not exceed 5%.

C. Recruiting Methodology

5. The recruiting of qualified individuals capable of accomplishing the sensitive tasks required of UNEPS by this Statute shall be conducted with the overall intent of ensuring UNEPS represents a full and accurate reflection of the international community in terms of race, religion, gender and nationality. Specific emphasis shall be placed to ensure that UNEPS recruiting methods follow the intent and spirit of UN Resolution 1325 as it relates to gender relations within UNEPS.

6. Recruitment of UNEPS on an individual basis.

a. Recruiting for UNEPS shall be done on a strictly individual basis.

b. Any citizen of a signatory Member Nation meeting the basic requirements outlined in paragraph 1 of this Article may volunteer for service within the UNEPS. The citizen must notify his or her Member Nation of her or his application through the channels established by the Member Nation.

c. The specific details of where and how an individual must register to volunteer for service will be proscribed by Commander, UNEPS upon his/her selection for office by the United Nations.

d. Each Member Nation may screen any of its citizens wishing to volunteer for service with UNEPS. Upon a determination by a Member Nation that the citizen is unfit for service, the Member Nation must notify the Under Secretary General, through proper diplomatic channels of a “protest” upon that named individual. Such a protest may only be made for cause and must be accompanied with a certified written statement outlining the reason or reasons for such protest. Upon receipt of the protest, the Under Secretary General shall notify the Commander. In all cases, the final decision to allow any Member Nation citizen who passed Member nation screening into UNEPS still rests with Commander, UNEPS.

e. If a Member Nation fails to establish any system or process for screening its citizens for service within UNEPS and also fails to register and properly liaise that system with UNEPS through its representative at the United Nations, then that Member Nation may not protest the entry of any of its citizens into UNEPS.

7. Following the adoption of this Statute, the Commander of UNEPS and the Under Secretary General for UNEPS shall determine a process for determining the equivalent rank of UNEPS personnel as compared to other United Nations officials and employees. Once this is determined, benefits other than basic salary such as job placement assistance after UNEPS Service, education assistance and other benefits shall be made available to UNEPS personnel as they would be offered to other UN Employees of equivalent rank.

D. Recruitment Methodology for Civilian Positions within UNEPS

8. This section shall govern the recruitment of individuals to fill positions within the Civilian Capabilities Offices of each Peace Service Unit.

9. All individuals recruited for positions within a Civilian Capabilities Office shall meet all Baseline Requirements of Section A of this Article.

10. Furthermore, recruitment for positions within a Civilian Capabilities Office shall be conducted towards the intent of maintaining expert capabilities in the four primary Civilian Capacities of UNEPS as defined in this Statute: Conflict Resolution, Expertise in the management and operation of basic public services, Law Enforcement and Judicial Advisory Teams, and Medical and Logistical Support for Humanitarian Relief Missions.

11. All individuals recruited for positions within a Civilian Capabilities Office must possess relevant work experience and an appropriate educational background for the function they are to perform. Specific guidelines for what constitutes relevant work

experience and an appropriate educational background shall be determined by the Under-Secretary General for UNEPS in consultation with the three elected Civilian Capacity Directors after the entry into force of this Statute. Except where noted in this Statute, requirements for employment with UNEPS shall be congruent with the standards published by the OHRM.

E. Terms of Service

12. The initial term of service for those entering UNEPS upon its formation shall be no less than five years of service and the total time in service within UNEPS for anyone shall be no longer than 10 years. The Commander, UNEPS shall retain discretion to offer temporarily extend terms of service to those in key leadership or staff support positions based on operational necessity. Any extension for this purpose shall only last a maximum of one year. Removal from UNEPS before a term of service is complete and any bar from re-enlistment from UNEPS will be subject to the procedures of internal regulation to be developed under Article VIII.

F. Oath of Office

DRAFT:

13. "I solemnly affirm to exercise in all loyalty, discretion and conscience the functions entrusted to me as a member of the United Nations Emergency Peace Service, to discharge those functions and regulate my conduct with the interest of the United Nations to prevent and/or halt Genocide and Crimes against Humanity, to obey the lawful orders of the officers appointed over me in the United Nations Emergency Peace Service and not to seek or accept instructions in respect to the performance of my duties from any government or other authority external to the United Nations."

Article VIII – Process for the Formation of UNEPS Doctrine

Section A: UNEPS as a protective force for civilian populations.

It is the intent of this Statute that the formation of the doctrine which will govern UNEPS operations be guided by the principle that in all cases, the protection of civilians is paramount. To further this end, the Commander, UNEPS is directed to develop the appropriate military doctrine to govern situations where UNEPS will be required to either engage primarily in defensive operations or use limited offensive force to protect civilians. To this end, UNEPS doctrine shall always strive for the the creation of civilian “safe-havens” in any area in which UNEPS operates. Safe havens are defined as limited geographic areas protected by defensive force in which affected civilian populations can either evacuate to or remain within in order to avoid violence.

Section B: Internal Regulations and Codes of Conduct

All UNEPS personnel are governed by UN Staff Regulations and Rules as well as the DPKO Code of Personal Conduct. The Commander of UNEPS has the authority to develop additional internal regulations and a code of conduct UNEPS as necessary to ensure the special discipline required of a cohesive military unit. A Code of Military Justice shall be drafted by the Commander, UNEPS and must be approved by the General Assembly. UNEPS shall not have an independent court system. Instead, investigations, justice and discipline for violations shall be managed by a system to be outlined in further detail by the Commander, UNEPS.

Furthermore, the Commander of UNEPS shall be responsible for drafting a “Standing Rules of Engagement” Memorandum that shall serve as a default policy for UNEPS in all of its missions. All of these policies shall be in compliance with the superseding UN regulations, and shall require approval of the Under Secretary General for Peacekeeping Operations and the Secretary General. UNEPS personnel will also be subject to oversight by the United Nations Conduct and Discipline Unit (CDU). However, CDU will have no authority to direct commanders to take or halt in any course of action. Instead reports shall be issued to the office of the Secretary General, who shall have discretion as to what if any discipline measure is necessary.

Section C: International Conventions

All International Conventions on the Laws of War are hereby incorporated into the Code of Military Justice government UNEPS commanders and personnel. These include but are not limited to:

- First Geneva Convention (1864) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
- Second Geneva Convention (1906) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
- Third Geneva Convention (1929) relative to the Treatment of Prisoners of War
- Fourth Geneva Convention (1949) relative to the Protection of Civilian Persons in Time of War
- Protocol I (1977) relating to the Protection of Victims of International Armed Conflicts
- Protocol II (1977) relating to the Protection of Victims of Non-International Armed Conflicts
- Protocol III (2005) relating to the Adoption of an Additional Distinctive Emblem (for medical services)

Article IX – UNEPS Headquarters Size and Location

UNEPS Headquarters shall be located at the United Nations Headquarters in New York City, USA. The size and composition of the headquarters staff shall be determined by COMDR pursuant to the needs of UNEPS and in accordance with the budgetary constraints as the UN may otherwise direct. At a minimum, UNEPS Headquarters shall have a Chief of Staff (COS) and individual officers assigned to, and responsible solely for, each of the following functions:

1. Deputy Chief of Staff of Personnel (DCOS PAX)
2. Deputy Chief of Staff of Intelligence (DCOS INT)
3. Deputy Chief of Staff of Operations (DCOS OPS)
4. Deputy Chief of Staff of Logistics (DCOS LOG)
5. Deputy Chief of Staff of Public Affairs (DCOS PAF)
6. Deputy Chief of Staff of Communications (DCOS COMMS)
7. Deputy Chief of Staff of Training & Doctrine (DCOS TND)
8. Deputy Chief of Staff of Recruitment (DCOS REC)

Article X – Peace Service Units

Size, Composition, Organization, and Locations¹⁹

Section A: Size & Composition

Each PSU will consist of approximately 6,000 personnel. However the size and composition of the PSU shall be determined by COMDR and the headquarters staff pursuant to the needs of UNEPS and in as the UN may otherwise direct. It is intended that each PSU will be fully self-sufficient and capable of mechanized and motorized light infantry operations. Appendix B provides a general proposal for PSU composition. This proposal is not binding upon the COMDR in the creation of UNEPS.

Each PSU should have a Deputy Operations Commander whose responsibilities will entail organizing training for staff, sub-unit commanders and their troops; implementation of the Standing Operating Procedures (SOPs); and carrying out their operations preparations for deployment and could oversee the PSU in the absence of the Peace Service Unit Commander.

Section B: Organization & Locations

UNEPS will consist of three PSUs, strategically located to enable worldwide rapid response and UN interoperability. Co-location of PSUs with United Nations Humanitarian Response Depots (UNHRD) will maximize UN logistical assets and minimize cost, as each UNHRD is within an airport complex and close to ports and national roads, thus fully capable of multi-modal transportation and delivery of cargo anywhere in the world within 24 to 48 hours. Therefore, each PSU shall be stationed at a current UNHRD as follows (See also, Appendix C):

1. PSU-West: Panama City, Panama
2. PSU-Central: Brindisi, Italy
3. PSU-East: Subang, Malaysia

While not deployed, training, or otherwise preoccupied, it is intended that the Peace Service Unit Commander shall offer the use of PSU assets and personnel as needed to support the traditional UNHRD mission.

Article XI- Financial Matters

1. In accordance with Article XVII of the Charter of the United Nations, all budgetary issues for UNEPS are to be approved by the General Assembly.²⁰
2. In accordance with the Financial Regulations and Rules of the United Nations, funds approved for peacekeeping operations shall be financed by member states.²¹ In keeping with this policy, the same concept shall be implemented for the UNEPS budgets.
3. Payments by Member States for the UNEPS Budget shall be due within 30 days of the receipt of the communication of the Secretary-General on the first day of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.²²

Procedure for Requesting Funds

4. The Under Secretary General for UNEPS will submit a budget request on behalf of UNEPS, after a consultation with the UN Secretary General. The UNEPS Budget shall be requested, approved, and funded in 2-year increments.
5. The UNEPS Budget shall initially consist of three separate requests: Set-Up Costs, Recurring Costs and an Operational Reserve Trust Fund. After the formation of UNEPS, the UNEPS Budget shall consist of a Recurring Costs request done in two year increments. The initial three separate requests are:
 - A. The Set-Up Cost shall be a onetime appropriation of funds for the creation of UNEPS following the final adoption of this Statute in accordance with Article XIII. The final adoption of this Statute in accordance with Article XIII shall in itself authorize the funding of (PLACEHOLDER) for the Set-Up Cost Budget so that funds are immediately available for UNEPS formation upon the election of UNEPS Senior leaders. The remaining Set Up Cost Request must be completed and requested within 12 months of the final adoption of this Statute. Approval or rejection of that remaining Set-Up Request Budget must occur within 18 months of Final Adoption of this Statute.
 - B. The Final Adoption of this Statute under Article XIII shall also authorize the funding of (PLACEHOLDER) for the establishment of the UNEPS Operational Reserve Trust Fund. This fund is intended to serve as a means to immediately fund operational deployments of UNEPS which meet the requirements of Article II of this Statute.
 - C. Following the declaration that UNEPS is fully operational as described in Article XIII of this Statute, the UNEPS Recurring Cost Budget will become the primary funding vehicle for UNEPS. This budget will be submitted in accordance with a process to be determined at a later date by the Secretary General.

**Article XII: Non-Binding Statements of Intent for UNEPS Training
with Member Nation Militaries and co-use with other UN
Agencies**

Intent for UNEPS to train with Member Nation Militaries

1. It is the general intent of the Parties to this Statute that the leadership of UNEPS seek to, whenever possible, establish joint training exercises between UNEPS and other Member Nation militaries.
2. The joint exercises in which UNEPS participates shall be carried out to further hone the skills which UNEPS will require to carry out their mission in halting or preventing Genocide or Crimes against Humanity. These exercises should be carried out especially when substantial cost-savings for UNEPS can be realized through the co-use of military training resources already in the possession of Member Nation Militaries.
3. Any Joint exercises will be carried out with the full consent of the participating Member-Nations and UNEPS will reimburse any Member Nations involved for the fair value of any resources or equipment used during the course of the exercise.

Intent for UNEPS to be used as a cost saving measure for other UN Activities when not in use

4. It is the general intent of the Parties to this Statute that UNEPS, after it is fully comprised and deemed operational by the Secretary General, be used in functions outside of the scope of their primary duties as detailed in Article I, to provide cost-savings to other UN Activities.
5. These outside functions are to be of a completely non-military nature. When performing any “outside” functions, UNEPS members are not to be armed in anyway and can even operate outside of their standard uniform, subject to the approval of the UNEPS Commander. Illustrative examples include but are not limited to: Assistance in terms of labor and planning for the loading and processing of cargo for the World Food Program and other United Nations Humanitarian activities.
6. These outside functions will only be carried out under the joint approval of the Under Secretary General for UNEPS and the Secretary General. Each outside function task may only be 60 days in duration before subsequent joint-approval is required again.
7. These outside functions are not to jeopardize the readiness of UNEPS for its primary function as described in Article I of this statute.

8. The primary intent of this Article is to provide flexibility for the non-military use of UNEPS so that UNEPS can be seen as a cost-saving function for other activities throughout the United Nations.

Intent for UNEPS to promote the advancement of peacekeeping operations doctrine.

9. It is the intent of this Statute that UNEPS, on a biannual basis, host a conference jointly with the Department of Peacekeeping Operations related to emerging issues within Peacekeeping Operations doctrine. This conference shall consist of representatives from as many Member Nation militaries, regional organizations and other U.N. agencies as is reasonably possible. UNEPS shall strive to be on the forefront of modern peacekeeping operations doctrine and foster honest analysis and discussion of emerging issues in the peacekeeping field.

Article XIII-Adoption and Ratification Process for this Statute

1. This Statute shall be open for signature and ratification for all United Nations Member States at the United Nations Headquarters in New York on (Date to be determined) until (Date to be determined).

2. Instruments of ratification or approval by signatory States shall be deposited with the Secretary General of the United Nations.

3. This Statute shall enter into force upon the first day after the 60th day following the date of the deposit of the 129th instrument of ratification or approval with the Secretary General. Upon entry into force, all requirements for the establishment of UNEPS shall be carried out within the timelines explained in Article XIV of this Statute.

4. Any signatory State may withdraw from this Statute upon written notice to the Secretary General. Any withdrawal shall be effective after 1 year of receipt of such notice by the Secretary General.

Article XIV-Summary of Timeline Requirements following Adoption and Ratification of UNEPS Statute

1. Various timeline requirements are listed throughout this Statute as they pertain to the formation of UNEPS following the ratification outlined in Article XIII. This Article is intended as a summary of those requirements.
2. Within 180 days of entry into force as described in Article XIII, the election of all Senior Leaders listed in Article III shall be complete.
3. Within 365 days of entry into force, the Under Secretary General for UNEPS shall strive to have 1/3 of the UNEPS force recruited and major construction initiated on all three PSU locations as needed.
4. Within 18 months after ratification, the Under Secretary General for UNEPS and the Commander, UNEPS shall present a joint report to the Secretary General outlining either the full operational status of UNEPS or the remaining tasks to be completed before UNEPS reaches full operational capacity.
5. UNEPS shall be declared operational only after a thorough review conducted by the Secretary General. This review shall be conducted in consultation with the Military Staff Committee of the Security Council and carried out by procedures to be established by the Secretary General at a later time. The final decision in granting operational status to UNEPS shall rest with the Secretary General at the completion of this review.
6. Only upon a grant of operational status by the Secretary General in accordance with Paragraph 5 will UNEPS be eligible for operational use subject to the requirements of Article II.

Article XV: Final Clauses

Dispute Settlement

1. Any other dispute between two or more States Parties relating to the interpretation or application of this Statute which is not settled through negotiations within three months of their commencement shall be referred to the International Court of Justice in conformity with the Statute of that Court.

Review of the Statute

2. Ten years after the entry into force of this Statute under Article XII, the Secretary-General of the United Nations shall convene a Review Conference to consider any amendments to this Statute. The Conference shall be open to all States who have signed this Statute. Any Amendments from this Review Conference will only be adopted by an approval of 2/3 of States Parties to this Statute.

APPENDIX A: RELEVANT DEFINITIONS OF GENOCIDE AND CRIMES AGAINST HUMANITY

1. Definition of Genocide for purposes of this Statute. From Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide:

Genocide: “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

2. Definition of Crimes against Humanity for purposes of this Statute from Article 7 of the Rome Statute for the International Criminal Court:

“For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally

recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

APPENDIX B: Single Location Force Structure Plan for UNEPS

Overview: As an alternative to the force structure plan which allocates the three Peace Service Units to three different locations throughout the world, the entire UNEPS force with all Peace Service Units could be placed at a single location. The benefits of this concept are: (1) likely cost savings by only having to build and outfit a single, larger location (2) greater ease of training and setting up the initial UNEPS Peace Service Units in the same manner if all are being formed in the same location. (3) if the location is selected properly, an installation of this size could have positive impacts on a host-nation economy. The likely drawback of this structure plan is that UNEPS would lose the geographic flexibility that the decentralized plan offers, which could lead to slower response times to crisis areas when UNEPS is activated. In any case, a balancing of these concerns would have to be made in any discussions involving where and how to structure UNEPS.

Site Selection Methodology: To select a site for the “Single Location” Force Structure plan, it is recommended that the following criteria be used: (1) Access to an industrial sea port and airport. (2) General political stability. (3) Centralized Geographic location. (4) An area in which the local economy could be greatly improved by such a facility.

With these criteria in mind, this proposal is that the Single Location Force Structure Plan look to a coastal African nation for its location. In general, a coastal African nation could satisfy all the factors above. To examine in more detail which coastal African nation should be selected, it is recommended that first consideration be given to a country with an existing UN facility that could be expanded to house UNEPS. Furthermore, the country should score fairly well on both the Ibrahim Index of African Governance, the Transparency International Corruption Perceptions Index and the United Nations Human Development Index.

Possible Locations: With that methodology in mind, the first choice for a Single Location site for UNEPS within Africa would be Ghana. Ghana already houses a depot for the United Nations Humanitarian Response Depot network which is collocated at its major airport. This facility could likely be expanded to house UNEPS. Furthermore it would be located near its main sea port in Accra. Ghana is one of the highest scoring nations on the Corruption Perceptions Index for Transparency and also is in the “medium” tier of nations of both the Ibrahim Index and UN Human Development Index. Thus Ghana could provide a stable platform for UNEPS. Other possible locations which match these criteria but do not have an existing UN facility are: Tanzania, Gabon and Senegal. Tanzania, while scoring lower on the relevant indexes would most likely be the location where the greatest economic impact on the local economy could be made.

Appendix C: Summary of Alternate Provisions

SUMMARY OF ALTERNATE OPTIONS FOR ARTICLE II:

In the alternative to the structure discussed in Article II, another approval process could provide more of a power sharing arrangement between the Secretary-General and the Security Council. In the alternative arrangement, the Secretary General would ratify a finding of Genocide or Crimes against Humanity and the Security Council would have to authorize the use of UNEPS before any deployment to begin. In the event that the veto of only 1 Permanent Security Council Member prevents the deployment of UNEPS, the Secretary General may authorize the deployment of UNEPS himself, subject to a recall vote as described in the Article II Text above.

SUMMARY OF ALTERNATE OPTIONS FOR ARTICLE IV: *The following provisions are alternate and possible additional restrictions and provisions to consider for this Article:*

* The first individual selected for the position of Commander may not be filled by an officer from any of the Permanent Members of the U.N. Security Council. In all subsequent selections for Commander, this restriction is lifted.

* *Alternate methods of selecting the Commander may include:*

-Each Member Nation who is also a State Party to this Statute may submit one candidate for the position of Commander to the Secretary General (SG) for consideration, the Secretary General will compile all names and submit the list of candidates simultaneously to the to the General Assembly and Security Council. The first candidate who receives an Absolute 2/3 Majority vote in the GA and an Absolute 2/3 Majority vote in the SC is elected Commander. Immediately following the election of the Commander, a subsequent election will be held with the remaining nominated list for the position of Deputy Commander. The first individual to receive 2/3 Absolute Majority vote in the GA and Absolute 2/3 Majority vote in the SC is elected the Deputy.²³

OR

“Secretary General and GA Ratification Option”

-The Secretary General acting in his independent capacity selects 15 candidates for the position of Commander. These 15 candidates are voted upon by the General Assembly and the candidate with the highest vote and a minimum of a 2/3 majority in the General Assembly is elected Commander. A second election will be held following the same process for the election of the Deputy Commander. The SG is authorized to consult with any entity of the United Nations she or he deems necessary in making the initial list of 15 candidates.

OR

“Secretary General and UN Security Council Ratification Option”

-The Secretary General acting in his independent capacity selects 15 candidates for the position of Commander. These 15 candidates are voted upon by the Security Council and the candidate with a simple majority vote is elected the Commander. The Security Council then votes separately from the remaining candidates to select the Deputy by a simple majority. The SG is authorized to consult with any entity of the United Nation she or she deems necessary in making the initial list of 15 candidates.

Appendix – D: PSU Composition

It is suggested that each PSU be composed of the following subordinate units:

- 3 x Prevention Battalions (Air Mobile; Amphibious; Motorized)
- 1 x Halt Battalion (Mechanized)
- 1 x Logistics Battalion
- 1 x Special Asset Battalion
- 1 x Headquarters Section

NOTES

¹ *Genocide Prevention Task Force, Blueprint for US Policy Makers*, p. sv (Madeleine K. Albright, et al. eds., 2008).

² The Statute for the International Criminal Court (hereinafter Rome Statute) Preamble, *entered into force 1 July 2002* <available at <http://untreaty.un.org/cod/icc/index.html>>

³ Id.

⁴ 2005 World Summit Outcome Document, G.A. Res 60/1, paragraphs 138 and 139 (Sept 16, 2005)

⁵ Id.

⁶ Id.

⁷ Convention for the Prevention and Punishment of the Crime of Genocide (hereinafter Genocide Convention) art. 2, *entered into force 12 January 1951*, 78 U.N.T.S. 277.

⁸ Rome Statute, *supra* note 3, at Article 7

⁹ The Genocide Convention has 141 parties as recorded by the United Nations Treaty Depository at <http://treaties.un.org>. Furthermore, it can be argued that the international prohibition on Genocide has developed into a *jus cogens* principle of international law which may never be abrogated.

¹⁰ Id. at art.VIII

¹¹ See The Fourth Geneva Convention (1949) relative to the Protection of Civilian Persons in Time of War and Protocols I and II (1977) relating to the Protection of Victims of International Armed Conflicts and Non-International Armed Conflicts. <Available at <http://www.icrc.org/eng/war-and-law/treaties-customary-law/index.jsp>>

¹² UN Security Council Resolutions S/RES/955 (1994) and S/RES/827 (1993).

¹³ UNEPS is proposed as one method which could help the international community meet the obligations of the “Third Pillar” of the Responsibility to Protect, as outlined in Secretary General Ban Ki-Moon’s July 2008 Speech in Berlin, Germany. The Third Pillar involves the use of several types of policy tools by the international community to protect a population from Genocide and Crimes against Humanity when their State is not able or unwilling to do so. The speech is available at <http://www.un.org/News/Press/docs/2008/sgsm11701.doc.htm>

¹⁴ 2005 World Summit Outcome Document, *supra* note 5 at paragraph 139.

¹⁵ This is similar to the process used for the selection of judges for the International Court of Justice. See The Statute of the International Court of Justice (hereinafter ICJ Statute) Articles 4 – 10, *entered into force 1945*, 59 Stat. 1055

¹⁶ *Id.*

¹⁷ The seven regions used by the Food and Agricultural Organization of the United Nations as accessed at: http://www.fao.org/unfao/govbodies/memberships_reg_en.asp

¹⁸ Similar to process used for the selection of Deputy Prosecutors for the ICC as mandated on the Chief Prosecutor in the Rome Statute, *supra* note 3, at Article 42.

¹⁹ This Article is simply one proposal for where and how UNEPS could be distributed throughout the world. When compiling this Draft Statute, we thought it best to propose a plan which could use existing United Nations Facilities. Placing UNEPS at these UN Depots could also provide the UN organizations already there with an added work force for their missions when UNEPS is not engaged in training or an operational deployment.

²⁰ U.N. Charter art. 17, para 1.

²¹ U.N. Secretary-General, *Financial Rules and Regulations of the United Nations*, Secretary-General’s Bulletin, Regulation 3.10 , ST/SGB/2003/7 (9 May 2003)

²² *Id.* at Regulation 3.4

²³ See *supra* note 15