

**Forum:** General Assembly 5<sup>th</sup> Committee

**Issue:** Renewing the Financing of the United Mission in Timor Leste

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**Position:** Chair

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## Introduction

Timor-Leste (*Leste meaning “east” in Portuguese*) is an island state, which gained its unconditional independence in 20<sup>th</sup> of May 2002 from the neighbouring Indonesia. Similar to other instances in which peoples of the world have strived to institute the right to self-rule through declaring independence in the 20<sup>th</sup> century, Timor-Leste’s struggle was devastating economically, politically, and culturally. In its complicated recent history (1975-2012), which will be further explained in the background information section of this report, the inhabitants of Timor-Leste have seen guerrilla movements, full-scale wars alongside with civil internal conflicts.

From 1975 to 1999, Timor-Leste existed as a destabilized and troubled state of Indonesia amidst numerous conflicts. Since 1999, a climactic year in the quarter of a century year long conflict, five different UN missions have been established in Timor-Leste to maintain order in the country. The latter most of these missions was the United Nations Integrated Mission in East Timor (UNMIT). The mandate of UNMIT has expired at the end of the year 2012, and ever since, no other UN mission has been installed in the country.

This report will strive to shed light on the history of the conflicts in Timor-Leste and the country’s current situation as well as the history of United Nations involvement in the region with the aim of helping the delegates formulate their policies on the fundamental question of renewing financing of UN missions in the country as well as the broader question of terms of this renewal.

## Definition of Key Terms

### Timor (Island):

Timor is the name of the island that both the country Timor-Leste and the East Nusa Tenggara state of Indonesia share. It is important to understand the geopolitical location of the island of Timor in order grasp the essence of the intentions of major parties, which have been involved with the on-going conflict in the country.



**Regional Map of Timor Leste. Source: BillTrips**

### UN Peacekeeping Assessed Budget

One of the most important components of a comprehensive 5<sup>th</sup> Committee resolution is the provisional budget of a UN mission. According to article 17 of the UN Charter, every Member State should contribute to peacekeeping missions all around the world one way or another. Yet the differences of countries in socio-economic, geopolitical and political matters is taken into account in order to distribute the economic and collateral burdens among the Member States justly.

P5 countries are explicitly pointed out in the Charter as Member States who are accountable for larger contributions than other countries due to influential positions in the international arena. Additionally, under normal circumstances, the countries that are neighbouring the conflict are expected to take more crucial roles in their contributions to the UN mission budget, as they are the ones most affected by the instability in the region.

It is important for delegates to keep in mind that one of the many duties of the 5<sup>th</sup> Committee is to devise the budget of a possible UN Mission, hence the delegates should keep in mind this fact while researching and learning about the history of the conflict that requires the UN Mission to be deployed to justly undertake this duty.

### The Revolutionary Front for an Independent East Timor – FRETILIN

FRETILIN is an influential political party in Timor Leste. Its history dates back to FALINTIL, which was the pro-independence militia, which fought for the liberation of the Timorese people against Indonesian rule in the last quarter of the 20<sup>th</sup> century. FRETILIN, having started as FALINTIL's political fraction, is currently a part of the ruling coalition in the country.

### East Timorese pro-integration Militia

East Timorese pro-integration Militia was the Indonesian backed militia group, which opposed to the change in international political thought about Timor-Leste in 1990s. After the decision for an independence referendum was issued by the Indonesian government following extreme international pressure in 1999, the group initiated its assaults on those individuals and groups in support of an independent East Timor. What turned into a full-scale civil war was a conflict neglected by Indonesia for a long time. Although not as active, the group's ideology still remains as a possible threat to the people, and is one of the strongest arguments for the renewal of a UN Mission in the country.

## Background Information

Even though the agenda item is specifically concerned with renewing the financing of the United Nations Mission in East Timor, it is impossible to understand the current situation in the absence of historical knowledge of the country, sources of conflict and international contributors of both the conflict and the peace, and in the absence of the knowledge of the current situation no educated decision to the question raised by the agenda item may be provided. Therefore, the background information section is designed to start with an accelerated summary of the history of the country, and is to be continued with an evaluation of the past UN Missions since 1999.

### Colonial Era: Portuguese Rule

The island of Timor had been at the southernmost tip of both the Chinese and Indian trade routes in early 16<sup>th</sup> century. When western powers, mainly the Dutch, British and Portuguese who have realized the high profits in colonization and overseas trade, have reached South East Asia, the island of Timor was divided into two sectors by administration. The Portuguese administrated the eastern half of the island as a trading port for centuries and have colonized it due to the island's richness in popular commodities of the time: coffee beans and sandalwood.

The Portuguese rule continued until 1975, except a brief period of time during the Second World War in which Imperial Japan has assumed control of the island.

### 1975 – 1999: Indonesian Rule

The year Timor-Leste declared its independence from Colonial Portuguese Rule marked the final year of the Vietnam War. Southeast Asia was shaking with Cold War and its proxies when a pro-communist junta assumed power in the country.

As a result, western backed Indonesia, with considerable support from the international community, has launched an offensive on East Timor, annexed it and gained control of the government in less than nine days after the declaration of independence. After this offensive, East Timor was named the 27<sup>th</sup> state of Indonesia, and its independence was shelved.

Soon after Indonesian forces gained control of Timor-Leste and assumed its governance, problems started to arise. The most significant of these problems was cultural. The long Portuguese rule resulted in the people of the eastern sector of the Timor Island to be disintegrated from the remaining peoples of the region in terms of culture and religion. Consequently, even though Indonesian Government has undertaken substantial infrastructure projects in the region, peoples of the East Timor region were never content with the federal rule and their dissatisfaction grew as years passed, later evolving into a passion to self-rule.

In the meanwhile, separatist movements grew in East Timor. Yet the problem was that there was no consensus amongst the people of East Timor regarding total secession from Indonesia. Groups of people were still pro-integration and wanted to remain within and as a part of Indonesia.

In 1991, when Indonesian Armed Forces oppressed an uprising in the city of Dili, current capital city of Timor Leste, killing thousands of East Timorese, the international support for an independent East Timor grew. Australia alongside with Portugal assumed the duty of international lobbying for Timor-Leste's independence. The incident was later named as the Dili Massacre.

In 1999 with joint international efforts, Indonesia was forced to accept holding an independence referendum.

### 1999 – 2002: Failed State and UNTAET

After the referendum's results signalling secession of East Timor from Indonesia, a civil war broke off between the secessionists and pro-integrationists. The newly established state of East Timor was unable to end the bloodshed and restore order. So United Nations intervened to stabilize the country.

The United Nations Transitional Administration in East Timor (UNTAET) was established for the administration of the country. Hence, to establish this transitional administration's authority in the country, International Force for East Timor (INTERFET) was deployed. INTERFET was an Australian led coalition of armed forces which acted according to UN resolutions but wasn't a UN peacekeeping force.

In 2002, democratic elections were held for the first time, and Xanana Gusmao was elected as the first President of East Timor. Following these elections both INTERFET and UNTAET has concluded their mandates and left authority to the East Timorese officials.

### 2006 Crisis

In 2006, after Xanana Gusmao announced that he would not run for another presidential term, riots broke out in Dili. The local police and armed forces failed to establish security of their citizens. After Prime Minister's official request from the Secretary General for international peacekeepers, another UN Mission was deployed in East Timor, which consisted of police and security personnel from Australia, New Zealand, Malaysia, and Portugal.

### United Nations Integrated Mission in East Timor (UNMIT):

UNMIT is the last of all the five UN Missions sent to East Timor since 1975. Its mandate, which started in 2006 right after the crisis has ended as of 2012, and hasn't been renewed ever since. The mission was non-military one, which focused on improving the administrative functions of Timor Leste.

### Current Situation in East Timor

Although Timor Leste is a politically more stable country and hasn't endured a major armed conflict for the last decade, the status quo is not satisfying. Administration wise the government has failed to undertake its responsibilities in the recent years, and as a result, 41.5% of the population live under the poverty line of US \$0.88 cents per capita per day ("The Current Situation in Timor Leste"). Furthermore, 58% of all children suffer from malnutrition, and many other basic human rights, such as education, are neglected.

The current situation shows that UNMIT was not successful in building a durable and sustainable administrative tradition in the country. Hence, in the undesired case of the situation worsening, the polarized political ideologies may once again crash in the country leading to another internal civil conflict.

## Major Countries and Organizations Involved

### Australia

Australia and Timor-Leste had, for long, pursued close external relationships with one another. Due to the geographical location of the two countries, as well as their dispute over the oil rich Timor Sea, Australia has been dominantly involved in almost all conflicts concerning Timor-Leste. Over the years building up to a fully independent East Timor, Australia has been the most dedicated supporter of an independent Timor-Leste because it would be, and it turned out to be, easier to negotiate over the Timor sea resources with a small underdeveloped island nation rather than Indonesia. Australia has also been a leading contributor to all of the United Nations Missions in Timor-Leste, both financially and in terms of personnel. Very recently, on 30<sup>th</sup> of August 2017, Australia and Timor-Leste ended their long dispute over the maritime borders in the Timor Sea and signed a deal to consolidate the agreement.

### Philippines

Being the only other predominantly Christian country in the South East Asia region, Philippines have contributed to the independence efforts of East Timor for a long period of time. Hence they have been important providers of personnel and resources to UN Missions in the country. As natural allies in the region, Philippines has showed continuous devotion to the wellbeing and stabilization of Timor Leste.

### ASEAN (Association of Southeast Asian Nations):

After declaring independence, in 2003, Timor-Leste applied to ASEAN for full membership. In 2007, its acceptance was submitted through a public statement. The mandate of the association is to promote cooperation between regional countries in the form of intergovernmental help. So the other nine

members of ASEAN should also be considered immediate allies of Timor Leste and, therefore, should be granted financial responsibility when financing of a UN Mission in the country is concerned.

## Portugal

Portugal, being the country to administrate East Timor for centuries, has been a supporter of its independence. Alongside with Australia, Portugal too effectively participated in lobbying at the UN for increasing pressure on Indonesia at the end of the 20<sup>th</sup> century. Yet still, the reason, partially, of the situation in Timor Leste today, dates all the way back to the colonial era when the country was so greedily exploited. So resolutions asking for financing for a possible UN mission in Timor Leste should include Portugal.

## Indonesia

Relations with Indonesia have seen ups and downs in the past. Yet recently, Timor Leste hasn't been the most immediate of concerns for Indonesia. On the other hand, due to their geographical proximity, cultural relations, and administrative past, the two countries are very closely related.

## Timeline of Events

<b>Date</b>	<b>Description of event</b>
1974	The Portuguese government recognizes the right of self-determination of its colonies including East Timor under the United Nations Charter provisions regarding non-self governing territories.
1975	The people of East Timor come to the verge of a civil war regarding the decision between country's independence and its integration in Indonesia.
1976	Following violent clashes in the country, Indonesia invades East Timor and announces it as its 27 <sup>th</sup> province. Although supported by the United States and the western block of the Cold War, this integration is never recognized by the United Nations itself.
27 January 1999	Indonesian government officials announce that they are prepared to consider independence for East Timor.
11 June 1999	The first UN Mission in East Timor, UNAMET (United Nations Mission in East Timor) is established to oversee and conduct the referendum in East Timor for the question of secession from Indonesia.
3 September 1999	Following a decisive referendum in favor of independence for East Timor, pro-integration militias launch large-scale riots. As a result, more than half of the population were internally displaced and many citizens were killed.

- 12 September 1999 As the riots turn into lawlessness, the United Nations Security Council (UNSC), on the request of the Secretary General, authorizes a multinational force (INTERFET) to be formed in order to settle the situation in the country. The multinational force is decided to be led by Australia.
- 25 October 1999 In accordance with resolution 1272, UNSC takes action to establish the UN Transitional Administration in East Timor (UNTAET) in order to handle the administrative businesses of East Timor during the transition process.
- 2000 UNTAET undertakes actions to ready East Timor for its transition to independence. The Police Training College celebrates its first graduation ceremony while the transition council admits four East Timorese officials.
- 12 September 2000 East Timor Transitional Cabinet approves the creation of the first official East Timorese armed forces. Many soldiers are recruited from the former pro-independence guerrilla force FALINTIL.
- 2001-2002 The first democratically held elections take place and result in Fretilin, the political party formed by FALINTIL, assuming political power in the country. Former pro-independence leader Xanana Gusmão assumes the office of presidency.
- May 2002 UNTAET's mandate ends and all the administrative duties of the country are handed over to the newly elected parliament and the President. Following the end of UNTAET's mandate a successor UN Mission, United Missions in Support of East Timor (UNMISSET) is established.
- 20 May 2002 The country's name is officially changed to Timor Leste. Another successor UN Mission, UNMISSET, was established to provide assistance with the administration of important structures within the newly established government of Timor Leste.
- May 2006 Clashes erupt within the fractions of armed forces of Timor Leste over alleged discrimination in towards the soldiers who have a pro-integration background. On the request of the UNSG, foreign troops, mainly Australian armed forces, intervene to end the bloodshed. The Prime Minister resigns.
- August 2006 The last UN Mission, UNMIT (United Nations Integrated Mission in East Timor) is established following the violent crisis in the country. UNMIT is a non-military peacekeeping mission as Australian forces manage to establish security in the region.
- 2012 Both UNMIT and foreign forces end their mandate and leave the country. The administration and security is once again handed over to the government of Timor Leste.

## Relevant UN Treaties and Events

There are numerous UN resolutions and treaties that concerned the issue of Timor Leste in the last half century. For practical purposes, this report will analyse one of those resolutions, more specifically the one which will assist the delegates with their resolutions the most.

A/RES/60/271 [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/60/271](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/60/271)

Delegates are encouraged to read the resolution as it will guide the resolutions they will write themselves. Specifically A/RES/60/271 focuses on the financing of the UNMIT. It asks for the promised donations to be made immediately and entertains the idea of cooperation between UNMIT and the government of Timor Leste. Of course, the delegates should not constrain themselves by this resolution only, you may refer to other 5<sup>th</sup> committee resolutions in order to come up with solution ideas.

## Previous Attempts to solve the Issue

Although the agenda item is “renewing the financing of the UN Mission in East Timor”, the main issue is the wellbeing of the country. The main aim of UN in instituting all of its missions in the country was to create a stable and sustainable Timor Leste. So when all the attempts UN took towards the stabilization of the country are analysed, there appears to be two distinct paths UN followed, sometimes at the same time.

The UN Missions and the UN backed international missions can be analysed under non-armed and armed categories. While UNMIT, per se, was a non-armed UN Mission, the activities of UNPOL and UN backed foreign troops were directly armed at times of internal conflict in the country.

Today, it seems like the former type of a mission would be much more effective in curing the long lasting problems facing the country, but the argument that Timor Leste still has a fragile internal control is valid, hence it can also be said that UN should be present in the island militarily as well to prevent any escalation of civil unrest.

## Possible Solutions

The possible approaches for this question diverges into two different paths. Some delegates may be against renewing of the financing of the United Nations mission in East Timor arguing that the conflict is settled in the region and renewing financing of a UN mission would be waste of money and resources, especially with all the other armed conflicts around the world. But this is always a risk as the absence of UN personnel or international armed forces can cause a power vacuum in the country and internal conflicts, like they did in the past, may occur.

The other path, renewing the financing of the UN Missions in East Timor, is obviously the much safer option. Many delegations will argue that United Nations presence in the region is pivotal, at least until

East Timor becomes a sustainable and strong country able to preserve democracy while establishing security and peace within.

Yet deciding to renew the financing is only first step of the solution. The most important steps are determining the terms of renewal. As mentioned in the previous section, the type of the UN Mission should be determined, its main mission should be set, and a budget should be devised accordingly with a comprehensive resolution.

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**Forum:** General Assembly 5<sup>th</sup> Committee

**Issue:** Financing of the United Nations Multidimensional Integrated Stabilisation Mission in Mali

**Student Officer:** Abhyudaya Tyagi

**Position:** Deputy Chair

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## Introduction

On 25<sup>th</sup> April 2013, the United Nations Security Council (UNSC) passed resolution 2100 which authorized the United Nations Integrated Stabilisation Mission in Mali (MINUSMA) that would be responsible for keeping peace in northern Mali from July 2013 onwards. Over the preceding two years, the Republic of Mali had witnessed its worst period since independence from France in 1960. It started in early 2012, when separatist groups claiming to represent the Tuareg people rebelled against the Malian government for the second time in five years. What was different in this particular case was that the separatists had the support of extremist Islamist groups linked with Al Qaeda. Within three months, this alliance had seized Northern Mali and declared the independent state of “Azawad”. The separatists were eventually dealt severe setbacks in early 2013 by an international military alliance of France, Mali and the African-led International Support Mission to Mali (AFISMA). Yet, they still had control of wide swathes of the northern part of the country and the government had to negotiate a temporary ceasefire with the separatists to hold elections. This was the situation under which MINUSMA was formally transferred responsibility (by France and AFISMA) for security in Northern Mali (Deutsche Welle) (British Broadcasting Corporation).

The Malian government managed to negotiate a final settlement with the Tuareg rebels in 2015, thus ending decades of violence. MINUSMA has been successful insofar as the security situation is significantly better in the country than in 2013. The peacekeeping force has helped hold both parliamentary and presidential elections in the country. However, the situation in Mali is certainly fraught considering the threat of radical extremists. Disturbingly, Ansar Dine and other radical Islamist extremist groups affiliated to Al Qaeda have targeted foreign forces especially MINUSMA leading to the deaths of more than 100 peacekeepers. In November 2015, Islamist gunmen killed 22 in a popular tourist hotel in the capital city of Bamako (Deutsche Welle) (British Broadcasting Corporation).

In terms of funding, a substantial portion of the United Nations peacekeeping budget is devoted towards MINUSMA. Yet, this funding may be danger because of the significant cuts made to the overall UN peacekeeping budget in 2017. As the funding for MINUSMA expires in 2018, the General Assembly is entrusted with the role of deciding the magnitude, focus and sources of funding one of the most dangerous, expensive and important UN peacekeeping operations. These decisions will not only shape the future of Mali but of Western Africa in general (United Nations).

## Definition of Key Terms

### Tuareg

An nomadic ethnicity based in western Africa especially in northern Mali, Algeria and Niger. The Tuareg people have a different language and culture than that of those in southern Mali. Separatist Tuareg groups have been rebelling against the Malian government since the country was granted independence in 1960 (Morgan).

### **The National Movement for the Liberation of Azawad (MNLA)**

The main militant separatist group which has been fighting for an independent Tuareg state in northern Mali called “Azawad”. The movement claims to be secular and has said that Azawad would welcome all ethnic groups. The MNLA was the organization that initially took control of most Northern Mali in early 2012. However, since then it has declined and more extremist reactionary groups have posed a larger threat to the Malian government (Welsh).

### **Al-Qaeda in the Islamic Maghreb (AQIM)**

AQIM is an African offshoot of the international terrorist group: Al Qaeda. Like Al Qaeda, AQIM believes in rigid Sharia (or Islamic) law and the removal of all “infidels”. AQIM is mainly based in Algeria and Mauritania, yet also maintains a presence in Mali. AQIM has been involved in several attacks against foreigners in Mal (Welsh).

### **Ansar Dine**

A group comprised of Tuaregs, Arabs and other ethnic groups that want Sharia Law to be implemented in Mali. Ansar Dine is closely allied with Al Qaeda and in 2012, both groups worked with the MNLA to seize control of northern Mali (Welsh).

### **Economic Community of Western African States (ECOWAS)**

An economic group comprised of Cape Verde, Gambia, Guinea, Guinea-Bissau, Liberia, Mali, Senegal and Sierra Leone that aims at the economic integration of the aforementioned nations. ECOWAS maintains a peacekeeping force to help a member state in cases of unrest.

### **African-led International Support Mission to Mali (AFISMA)**

The ECOWAS military mission to support the Malian government against the Tuareg and Islamist rebels.

### **Islamism**

A political ideology whose followers believe that all aspects of public life should be determined by Islamic law (Sharia). AQIM and Ansar Dine are both organizations that follow Islamist ideology (Hamid, Dar)

### **Azawad**

The separatist term for northern Mali, in 2013, the MNLA and Ansar Dine declared an “independent” state of Azawad. No member state recognizes this state.

## Background Information



(Image from Wikimedia Commons)

## Events of 2012-13

### *Tuareg Rebellion*

Since the independence of Mali, there have always been tensions between members of the Tuareg ethnicity in the north and the majority of Malians in the south. Many Tuareg felt that the Malian government in the south should not impose its ideas on the Tuareg, while the latter argued that these ideas could “modernise” Tuareg culture. This mismatch meant that a rebellion was inevitable. The 1963 Tuareg Rebellion was brutally crushed by the Malian army, leading to even worse relations. Several rebellions have followed in the past 50 years, as the wounds of the past have failed to heal despite efforts by various leaders on both sides to resolve the issue. The current crisis began in 2012, when a new Tuareg rebellion broke out led by the MNLA and Ansar Dine. Thousands of Malians in the North fled to nearby Mauritania leading to increased tensions in the region. In March, there was a military coup d’etat against the president, with generals accusing the president of not having done enough to support the military in its fight against the northern rebellion.

After suffering heavy setbacks at the hands of French forces in 2013, the Tuareg rebels agreed to a ceasefire in June of that year with the Malian government. This enabled both presidential and parliamentary elections which allowed the country to return to a democratic government (though the military is still heavily involved). However, this agreement only lasted for a few months despite the best efforts of foreign forces (including MINUSMA). Again, foreign intervention was necessary both militarily and diplomatically. Eventually, after one year of talks, a peace treaty was signed between Tuareg groups (led by the MNLA) and the Malian government in June 2015. Since then, the main focus in northern Mali

has been on combating the radical extremists that had emerged after the initial events of 2012 and 2013 (Deutsche Welle) (British Broadcasting Corporation).

### **Radical Extremism**

Since the emergence of Al Qaeda in North Africa, Islamist militants have posed a major problem to the government of Mali. However, they became especially prominent during the Tuareg rebellion of 2012 and 2013. Radical extremist groups such as Ansar Dine and AQIM initially worked together with the secular MNLA in the Tuareg rebellion before “hijacking” it and marginalizing the latter group. Both Ansar Dine and AQIM have been accused of a wide range of atrocities as they have repeatedly targeted civilians. They were even responsible for widespread destruction to historical sites in Timbaktu. These groups have suffered a major setback since the 2015 peace treaty where the MNLA and the Malian government which has allowed the latter two entities to focus on wiping out radical extremism. However, their threat still looms large especially considering that over the past two years, they have focused on symbols of global institutions such as MINUSMA forces who have been repeatedly attacked.

### **International Involvement: France**

The international community has had a major role to play in the current Malian conflict. This is especially true for France, which had previously colonized the nation. In January 2013, the Malian government asked France for military support. This arrived almost immediately and French troops were successfully in swiftly capturing several major cities within weeks. While the Security Council did not authorize the French military intervention before the operation, it did issue a retroactive authorization signalling the agreement of other Security Council members with French actions. Immediately, after these successes the French army began a gradual withdrawal of troops and in June 2013, formally transferred responsibility for security in Northern Mali to MINUSMA (which contains French troops) (Deutsche Welle) (British Broadcasting Corporation).

### **African Involvement**

Another important foreign entity in this conflict has been ECOWAS which has provided both military and political support to the Malian government. In November 2012, it agreed to help the Malian government and was authorized to do so by the UN Security Council thus creating AFISMA. Due to difficulties in preparation it was only able to do so by Spring 2013, by which time the French army had already defeated the rebels in most parts of the country. However, AFISMA was partially successful in supporting the Malian and French armies in northern provinces of Mali before MINUSMA took over.

### **MINUSMA**

The Security Council resolution that created AFISMA also established the United Nations Mission in Mali (UNOM) that would be responsible for providing support to AFISMA. However, after the 2013 ceasefire, the need for a truly international peacekeeping force became clear. Thus, Security Council Resolution 2100 established MINUSMA. Like all UN peacekeeping operations, MINUSMA was given a specific mandate which it has been partially successful in implementing as explored below.

The first part of the mandate for MINUSMA was maintaining the temporary ceasefire of 2013. Initially MINUSMA was unsuccessful in maintaining the ceasefire as tensions between Tuareg rebels and the government boiled over leading to further violence. However, since the permanent 2015 deal, MINUSMA has been more successful in ensuring that there are no large-scale outbreaks of violence in the northern region.

The mandate of MINUSMA also requires support to the implementation of the agreement on peace and reconciliation. MINUSMA has been successful in enforcing this part of the mandate by holding free and fair elections. However, more progress is required in terms of justice and reconciliation. Some would argue that MINUSMA has not been provided with enough funding to achieve the latter two aims.

The mandate also requires MINUSMA to protect Malian citizens from violence by extremist groups. Here it has struggled as Islamist extremists have been able to carry out various attacks including the infamous Radisson Blu attack in a popular hotel for foreign tourists in the capital of Bamako in Mali. It has been especially powerless in dealing with terrorist attacks. This has led to debates concerning the role of MINUSMA and more generally UN peacekeeping forces when engaging in counterterrorism operations (especially since MINUSMA is the only current force authorized to counter “asymmetric threats” - terrorist groups). At the moment, most experts agree that MINUSMA does not have the capability to properly engage in such operations on a consistent basis. Some have argued that this is imperative if peacekeeping is to be effective in the 21st century. However, others have argued that in addition to being impractical, counterterrorism goes against the very idea of peacekeeping as forces will not be impartial especially if a peace deal is necessary. Any resolution on this topic will need to tackle this issue as this will determine the magnitude of the funding that MINUSMA should receive.

The mandate for MINUSMA also requires it to provide humanitarian assistance, protect human rights and support cultural preservation. While, these aspects of Mali have certainly improved from 2013, this is mostly because of the 2015 peace agreement. MINUSMA has so far neglected these aspects choosing instead to focus on maintaining peace and providing security. This again raises questions about the nature of the funding of the peacekeeping operation.

The mandate also requires MINUSMA to protect United Nations personnel. This has perhaps been the greatest failure of MINUSMA as it has failed to protect UN personnel, not least members of MINUSMA themselves. 146 peacekeepers have been killed, making it the UN’s deadliest ongoing peacekeeping mission. The military equipment brought by troops from Asia and Africa is inadequate for counterterrorism operations and has again led to controversy over the inadequate funding of the force (United Nations).

## Major Countries and Organizations Involved

### Mali

As is the case with most UN peacekeeping operations, it is imperative for MINUSMA to cooperate effectively with the government of the country that it is operating in, namely Mali. Without the support of Mali, the peacekeeping operation would not be successful in achieving its aims. So far, Mali has been fairly cooperative with MINUSMA especially considering the military coordination required in operations against terrorist groups. However, some member states have alleged that Mali hasn't done enough to ensure the security of their troops in MINUSMA. On the issue of funding, Mali has on several occasions requested increased foreign military support while also maintaining that its sovereignty should not be compromised. More conservative sections of the Malian military have been wary of increased MINUSMA involvement in the politics of the country.

## France

As outlined above, France has been a major stakeholder in the conflict since 2012-13. It is also important in the funding of MINUSMA, as France contributes 6% of the overall UN peacekeeping budget and it believes that the force should stay until radical extremists are completely wiped out. The new French administration (led by President Emmanuel Macron) has expressed a strong anti-terrorism stance and has stated that it is willing to support action against radical extremists in all areas of the world. France has also proposed a pan-African counter terrorism force which some have argued may be a successor for MINUSMA (Foreign Policy Magazine).

## Economic Community of Western African States (ECOWAS)

The ECOWAS force was an immediate predecessor of MINUSMA and thus the nations that comprise this group have strong opinions about the funding of the peacekeeping force. They have long argued for an increased role for MINUSMA in counterterrorism operations. Moreover, the nations that comprise ECOWAS also contribute the majority of troops to MINUSMA and thus have desired increased funding for these operations to ensure the security of their troops. They have argued that richer nations should be responsible for this funding.

## The United States of American (USA)

From the very beginning, the USA has played a major role in the conflict. It was responsible for pressuring Mali to accept foreign intervention in the form of AFISMA in 2012. It also has a military presence in nearby countries such as Niger. However, the current US administration has advocated a less interventionist foreign policy which may lead to changes in policy with regards to Mali. Moreover, the US is easily the primary financial contributor to peacekeeping operations and thus plays a major role in determining the funding of such a UN peacekeeping mission. The Trump Administration has emphasized cutting the peacekeeping budget significantly and thus would probably advocate a significant reduction in funding. Furthermore, based on current evidence peace in Mali does not seem to be a priority of this administration (Bondarenko).

## China

China has provided significant economic support to Mali “to improve the living standards of the Malian people”. So far it has supported all security council resolutions pertaining to the conflict. Considering the economic dependence of Mali on China, it has a major role to play in helping determine the funding of MINUSMA (Glenton).

## Timeline of Events

Date	Description of event
August 2007	Government soldiers are attacked and abducted in the northern regions of Mali by Tuareg Rebels. This sets off a series of incidents where Tuareg rebels attack both government soldiers and civilians.
February 2009	The Malian Government claims that it has defeated the most active Tuareg rebel group and thus the rebellion is said to be over.
January 2012	New rebellion breaks out when the MNLA attacks Tuareg rebels in Azawad. Many Malians flee the country.
22 <sup>nd</sup> March 2012	The Military deposes President Amadou Toure, claiming that he is not providing sufficient support to the army in the fight against MNLA
April 2012	Tuareg MNLA rebels capture wide swathes of Northern Mali and declare an independent state.
May 2012	Tuareg and Ansar Dine merge to declare northern Mali as an Islamic state. Al Qaeda’s northern wing supports the deal. They try to impose their interpretation of Sharia Law in Northern Mali.
June-July 2012	The rebels destroy several mausoleums in Timbuktu, which were previously seen as symbols of Northern Mali’s moderate Islam including UNESCO World Heritage Sites. This sparks international outrage.
November-December 2012	ECOWAS authorizes a joint military operation to recapture Northern Mali with the support of the UN and the African Union. Some Malian army leaders oppose ECOWAS intervention and depose Prime Minister Diarra.

January 2013	The rebels capture the important city of Konna and plan to continue to the capital of Bamako. ECOWAS immediately sends forces. Mali also requests France for help. French troops conquer most rebel-held areas by the end of the month.
April 2013	The Security Council authorizes MINUSMA. France begins withdrawal of troops from Mali.
June 2013	Tuareg rebels agree to a ceasefire agreement with the Malian Government.
July-August 2013	Presidential elections are held in Mali (with the support of MINUSMA). The French Army formally cedes responsibility for security in Northern Mali to MINUSMA.
May 2014	The ceasefire agreement breaks down completely as Toureg separatists retake control of numerous cities in Northern Mali.
June 2015	After months of talks (while fighting was continuing in northern sections of the country), a peace accord is agreed upon by the government and several Toureg factions. Toureg leaders are granted amnesty and increased autonomy.
November 2015	The Radison Blu Hotel in Bamako is attacked by Islamist gunmen and 22 people were killed, sparking widespread outrage around the world.

## Relevant UN Treaties and Events

### Security Council Resolutions

- Security Council Resolution 2100, 25<sup>th</sup> April 2013 (S/RES/2100)
- Security Council Resolution 2164, 25<sup>th</sup> June 2014 (S/RES/2164)
- Security Council Resolution 2227, 29<sup>th</sup> June 2015 (S/RES/2227)
- Security Council Resolution 2295, 29<sup>th</sup> June 2016 (S/RES/2295)
- Security Council Resolution 2364, 29<sup>th</sup> June 2017 (S/RES/2364)

### General Assembly Resolutions/Documents

- Budget for the United Nations Multidimensional Integrated Stabilization Mission in Mali for the period from 1 July 2013 to 30 June 2014 (MINUSMA), 10<sup>th</sup> December 2013 (A/68/653)

- Proposed budget for the United Nations Multidimensional Integrated Stabilization Mission in Mali for the period from 1 July 2014 to 30 June 2015 (MINUSMA), 7<sup>th</sup> May 2014 (A/68/782/Add.13)
- Budget performance for the period from 1 July 2013 to 30 June 2014 and proposed budget for the period from 1 July 2015 to 30 June 2016 for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), 1<sup>st</sup> May 2015 (A/69/839/Add.2)
- Financing arrangements for the United Nations Multidimensional Integrated Stabilization Mission in Mali for the period from 1 July 2014 to 30 June 2015, 1<sup>st</sup> May 2015 (A/69/889)
- Cash position of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) as at 9 October 2015, 25<sup>th</sup> November 2015 (A/70/575)
- Budget performance for the period from 1 July 2015 to 30 June 2016 and proposed budget for the period from 1 July 2017 to 30 June 2018 of the United Nations Multidimensional Integrated Stabilization Mission in Mali, 1<sup>st</sup> May 2017 (A/71/836/Add.14)

## Previous Attempts to solve the Issue

Overall, very few member states have expressed views against the continuation of MINUSMA. Thus, this section mainly pertains to the current funding of MINUSMA which can be found in the appendix section of this report. One can make several observations from the current funding situation of MINUSMA. First of all, it should be noted that the funding of MINUSMA is separate from other UN peacekeeping operations and that is a rather substantial amount (more than a billion US dollars).

What is most interesting about the current funding is how it is spread out in relation to different aspects of the mandate. One can see that a significantly larger portion of the budget is devoted to military personnel than civilian personnel, suggesting an emphasis on the mandate to protect and ensure peace as compared to the mandate of providing humanitarian support to the citizens of Mali. One can also see that there is significant spending on infrastructure and facilities, showing that these are current priorities. Finally, there is very no specific spending on humanitarian areas and cultural restoration suggesting that at the moment, these are not priorities of MINUSMA.

## Possible Solutions

### *Possible Solution 1- Maintain Status Quo*

The idea here is to maintain the current situation in regards to the funding of MINUSMA. This could be done through a resolution that makes minor changes to the budget of MINUSMA and also extends its mandate and funding indefinitely thus ensuring that there will be no further opportunities for any changes. It must be noted that such a solution's feasibility is debatable considering the fact that it neither cuts spending nor does it have any positive impact on the functioning of the MINUSMA.

### ***Possible Solution 2-Increased Spending: Emphasis on Security***

One could increase spending on MINUSMA by increasing the budget for its operations. One possible emphasis of this increased spending would be keeping UN peacekeepers safe by providing them with appropriate equipment and training, something that will be definitely be a priority for the nations whose soldiers are involved in MINUSMA. Moreover this spending could be used for intelligence operations to foil attacks on peacekeepers before they occur.

### ***Possible Solution 3 -Increased Spending: Emphasis on Counterterrorism***

Another possible use for an increase in spending would be to emphasize counter-terrorism operations. MINUSMA could be trained by national counterterrorism organizations so that UN troops are prepared for the unique challenges presented by extremist groups. The increase in funds could also be used to provide proper counterterrorism equipment for peacekeepers.

### ***Possible Solution 4- Increased spending: emphasis on infrastructure and humanitarian needs***

On the other hand, another solution to the issue would still involve an increase in the funding of MINUSMA, but would rather require increased spending on infrastructure and humanitarian needs. One could argue that if the economic and humanitarian situation in Mali improves, the threat presented by terrorists will recede significantly as the popularity of groups such as AQIM and Andar Dine will decrease.

### ***Possible Solution 5- Reduced spending: Emphasis on Efficiency***

Some have argued that MINUSMA (like much of the UN) is a bloated organization. Therefore, one could argue that to ensure that peacekeeping costs are reduced, the funding of MINUSMA should also be reduced. However, this may not necessarily require a decrease in any actions of the MINUSMA but should rather involve a more streamlined bureaucracy to ensure that corruption and inefficiency is reduced. An Office of Internal Oversight services (OIOS) report found that there were numerous inefficiencies in the organization that prevent it from fully making use of the funding provided to it. Therefore, some would argue that an increase in efficiency could offset a necessary reduction in spending while still ensuring that there is no adverse impact on the day-to-day operations of MINUSMA.

### ***Possible Solution 6- Reduced spending: Widespread Cuts***

This is the idea that due to the decrease in the general UN peacekeeping budget, the budget for MINUSMA should also be decreased drastically. Some may argue that after the 2015 peace treaty, security problems in Mali mainly pertain to counterterrorism rather than maintaining “peace” between two warring factions. Many argue that the UN peacekeepers do not have capability, mandate or expertise to engage in Counterterrorism. Thus, some may argue that Mali should provide security to its own people rather than relying on the United Nations. Such a solution would mean cuts in almost all functions of

MINUSMA. It must be noted that scrapping MINUSMA altogether is not a viable option and would in most cases, be opposed by almost all member states.

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## Appendix

### Appendix I - Explanation of the current funding of MINUSMA through Security Council

Category	Cost (in United States Dollars)
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Military and Police Personnel Costs	446,420,200
Civilian Personnel Costs	153,134,500
Civilian Electoral Observers	0
Consultants	911,300
Official Travel	4,492,800
Facilities and Infrastructure	102,519,100
Ground Transportation	10,770,000
Air Operations	183,972,200
Naval Transportation	0
Communications	36,812,100
Information Technology	9,185,200
Medical	6,229,100
Special Equipment	0
Other supplies, services and equipment	89,553,500
Quick Impact Projects	4,000,000
Enterprise Resource Planning	0
Information and Systems Security	0
Global Service Delivery Model	0
Total	1,048,000,000

<b>Forum:</b>	General Assembly 5 <sup>th</sup> Committee
<b>Issue:</b>	Renewing Financing of the Actions Arising from Security Council Resolutions
<b>Student Officer:</b>	Vivek Narendra
<b>Position:</b>	Deputy Chair

## Introduction

UN peacekeeping guides nations on difficult paths from conflict to peace. The UN has legitimacy, burden sharing, and can deploy troops and police in missions alongside civilian peacekeepers to abide UN Security Council and General Assembly mandates. UN peacekeeping accounts for 0.5% of the global military spending budget and has 110,000 peacekeepers in 15 operations (“United Nations Peacekeeping”).

Proper financing of the UN peacekeeping missions increases chance of success and ease of execution. The fifth committee of the General Assembly analyses and approves the budget for the organization. The missions carried out by the UN require coherent distribution of funding, depending on how pressing the issues are relative to each other.

The UN Security council is responsible for maintaining international peace and security. It consists of 15 members, 5 of which are permanent members, and all member states are legally bound to comply with Security Council resolutions. The Security council has authority to impose sanctions or use armed force with the intentions of global peace and security (“United Nations Security Council”). A UN Security Council resolution is decided upon by the 15 members. A draft resolution is produced when 9 of the members vote for the resolution and is not vetoed by any of the 5 permanent members.

## Definition of Key Terms

### UN Mandate

An order or commission to do something. UN mandate is used to refer to a long term international mission that is authorized by the United Nations General Assembly or Security Council. Mandates usually involve peacekeeping operations.

### Appropriation

The amount of money voted by the General Assembly for a financial period. In terms of the regular budget, the appropriations are voted on by the Assembly, each section by part. The unspent appropriations are distributed back to the member states (“Peace-keeping Budgets”).

## Assessment

The amount of money that the General Assembly concludes will be approved to finance the appropriation. The costs are shared across the member states with accordance to the scale of assessment. On the 1<sup>st</sup> of January, letters of assessment for the regular budget are distributed to member states (“Peace-keeping Budgets”).

## Gross National Income (GNI)

The Gross National Income is the sum of nation’s Gross Domestic Product (GDP), while taking into account net income from overseas. Gross National Income is what a country earns both domestically and overseas (Staff, Investopedia).

## Financial Period

Two consecutive calendar years, each year being from 1<sup>st</sup> July to 30<sup>th</sup> of June (“Peace-keeping Budgets”).

## Peacekeeping Reserve Fund

The Peacekeeping Reserve Fund was first established in 1992, at a value of \$150 million. This is a cash flow mechanism to ensure quick responses that the UN is faced by in peacekeeping missions (“Peace-keeping Budgets”).

## Background Information

The UN budget is divided into three categories, the regular budget, the peacekeeping budget and the voluntary contributions.

### UN Regular Budget

The regular budget distributed by the UN finances the core bodies and activities including political missions in nations around the world in need of stability. The payment structure for the UN regular budget is based on a nation’s ability to pay, and therefore has a maximum rate of 22% and a minimum rate of 0.001%.

The largest payment is made by the United States, which is currently 22%. There have been many reductions of this rate over time, but the most notable one was from 25% to 22%. The payment rate is assessed based on the Gross National Income (GNI), and due to the United States having one of the highest Gross National Incomes in the world, they are given a higher contribution rate than other member nations (“UN Budget Process – Better World Campaign”).

### Peacekeeping Budget

The peacekeeping budget is formed using a similar approach to that of the UN regular budget, in the terms that it is based on the ability to pay. Poorer countries, such as LEDC’s are given greater

discounts than they are given in the UN regular budget. The remaining money that has been discounted for the poorer nations is compensated by the 5 permanent members in the Security Council – United States, United Kingdom, France, China and Russia. As agreed in 2012, as a result of the compensation, the United States is required to pay 28% of the entire peacekeeping budget (See Appendix 1).

The agreements for the distribution of payments are renegotiated every three years, therefore the most recent change in the distribution of payments has been in the start of 2016. The five permanent members of the UN, hold veto power over Security Council decisions, which means that no new or current peacekeeping mission can continue without each of the nation's consents. Though the result of holding the responsibility of being a Veto nation is an increased payment to the peacekeeping budget, the majority of personnel deployed, both in force and aid, come from developing countries such as Bangladesh, Ethiopia, Rwanda, Jordan, Nigeria and Ghana ("UN Budget Process – Better World Campaign").

### *General Principles Underlying Financing of Peacekeeping Operations*

The financing of United Nations operations is the responsibility of all UN members and the costs of peacekeeping operations are expenses of the organization to be borne by member states – Article 17. Meeting the peacekeeping requirements require different procedures than those used in meeting the regular budget.

With the principles of equity, MEDC's are more inclined to make larger contributions to peacekeeping missions with heavy expenditures than LEDC's are. The special responsibilities of permanent members should be borne in mind from their past contributions to UN peacekeeping and security operations. For recognition from the General Assembly, member nations can make contributions at a higher rate than the rate they were assigned through the Secretary General.

The fifth General Assembly decided that the financial period in which the budget is used and distributed for each peacekeeping operation is from July 1<sup>st</sup> to June 30<sup>th</sup> (49/233). Between the 1<sup>st</sup> of July to the 30<sup>th</sup> of June, the 5<sup>th</sup> General Assembly committee has the opportunity to reconsider the administrative and budgetary aspects of current and future UN peacekeeping operations.

Budgets are proposed from a mandate from the Security Council. The formations of start-up groups are established only after the Security Council establishes a mandate. In the resolution Results-based Budgeting (55/231), it is stated that the expectance of accomplishments to be clearly linked to the objectives of the programmes, while accounting 104.7(a) and 105.4(a) of the Regulations of Rules Governing Programme Planning. Result based budgeting is a requirement for planning of peacekeeping operations. Section 3 of 61/276 states: "Requests the Secretary-General to integrate operational, logistical and financial aspects fully in the planning phase of peacekeeping operations by linking results-based budgeting to the mandate implementation plans of peacekeeping operations."

Section 6 of 64/269 decided that if a Security Council related start-up phase of a peacekeeping operation requires expenditure, then the Secretary General has the authority (with concurrence of the advisory committee on budgetary and administrative questions) to go forth with the start-up.

### *Process of establishing operations*

The detailed budgetary plans are produced based on a survey conducted by the UN. The process is initiated by sending a Survey mission to an area under peacekeeping operation and the findings from the survey create a base for developing operational planning and budgetary analysis. A report is written on the matter and the Secretary General presents the report to the Security Council with the intentions on starting or continuing peacekeeping operations in the area, along with financial implications.

The Security council resolution formed on the matter establishes a mandate. Using estimates on start-up costs for a new mission or extensions of current missions, up to \$100 million can be requested from the Advisory Committee on Administrative and Budgetary Questions (ACABQ). The ACABQ cannot grant more than a cumulative amount of \$150 million at any point in time, therefore must allocate funding appropriate while taking into consideration the urgency of each mission. This is the peacekeeping reserve fund which is a cash flow mechanism to ensure rapid response. If start-up funding requirements are above \$100 million, authorization is requested from the general assembly – part IV 49/233 A and section VI 64/269.

A start-up team is deployed immediately after the Security Council establishes a final mandate. A proposal for funding of the operation is made for the first UN fiscal year based on the standardized funding model. Meanwhile, detailed funding plans are made for the following years of mission operation. The plans made are then reviewed and analysed by the ACABQ and 5<sup>th</sup> General Assembly. The General Assembly then approves an appropriate budget for the current mandate period and for an additional period in the case of urgent extensions to the UN mandate. Once the General Assembly has approved budgeting of the current mandate, letters of assessment are sent to member states.

Towards the end of the mandate period, the Secretary General makes a detailed report for the Security Council regarding the future of the mandate (“Peace-keeping Budgets”).

### *Process of extending operations*

A security council resolution is created on the extension of a mandate. The resolution is formed usually just a few days before the current mandate period expires. A complete revision of the budget is required if during the financial period of the mandate, there have been major changes in decisions regarding a mission or the idea of closing the mission is pursued.

The mission is reviewed by ACABQ and the 5<sup>th</sup> General Assembly committee, in which the General Assembly approves the appropriation. If the Security Council decides to continue the

operation, new assessments are made on the basis of the previous budget of the operation and the period of extension. Just as before, there will be a continuation of performance reports created for each financial period (“Peace-keeping Budgets”).

## Voluntary Contributions

Unlike regular budget and peacekeeping budget payments, each country has the ability to choose whether they contribute and how much they contribute. The voluntary contributions go towards UN humanitarian relief and development agencies. This helps nations around the world advance foreign policy priorities that are difficult to take on alone.

Funding from voluntary contributions go towards:

- Helping provision of food aid to over 80 million people amongst 75 countries around the world;
- Strengthening democratic institutions and empowering civil society in emerging democratic countries;
- Vaccinating and immunizing children in poverty against dangerous diseases such as polio and measles;
- Provide aid in many forms to the 60 million people displaced around the world due to armed conflict; and,
- Continue work on the AIDS pandemic (“UN Budget Process – Better World Campaign”).

UN organizations such as United Nations Children’s Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Food Program (WFP) rely solely on voluntary contributions (Shendruk, Amanda).

## Major Countries and Organizations Involved

### United States of America

The United States plays a major role in the UN and is one of the 5 permanent members and hold Veto rights in the Security Council. The United States are also the biggest providers of financial funding to the UN. In 2015, the United States was assigned to provide 22 percent of the UN regular budget and 28 percent of the UN peacekeeping budget. The total amount contributed by the United States in 2016 was over \$10 Billion.

Amidst the pressure caused from the Trump administration, the UN General Assembly decided to cut \$600 million from the organization’s \$8 Billion budget for funding peacekeeping. The US accounts for more than a quarter of contributions to UN funding (see appendix 1). The United States hold responsibility for a big portion of many of the UN budgets. Since the US contributes a large amount of money voluntarily, cuts from the US voluntary funding would result in many drawbacks for organizations that depend on such finding.

The Trump administration had shown signs of desire to cut UN funding since the start of its rise. The US ambassador of the United Nations, Nikki Haley, said in March of 2017 to the Council on Foreign Relations, *'There are places where we can cut. Everybody knows that there's fat in the UN. Everybody knows that there's fat in the peacekeeping missions.'*

The 2018 proposal for US funding to the UN would be detrimental to many UN bodies. One of the most affected group of bodies would be UN climate change programs, as President Trump has planned to halt all payments to these. It is also intended that the US will reduce UN peacekeeping payments from 28 percent to 25 percent. Trump's plans include pulling a good proportion of voluntary payments, to other UN entities. One of these entities are UNICEF which could see a 16 percent decrease in revenue if the changes take place.

The proposals put forth by President Trump will still have to undergo the US federal budget process who may conclude otherwise. The US will have a chance to negotiate contributions with the UN in fall of 2018 (Shendruk, Amanda).

## China

China's contribution to UN peacekeeping is very important as it accounts for 9.8% of the UN peacekeeping budget. China has contributed roughly 2,500 troops, deployed in countries of unrest such as Democratic Republic of Congo, South Sudan and Mali. In terms of troops, China is the highest contributing permanent member in the Security Council. The troops being provided are praised by UN officials as being of very high quality, using high standard equipment.

In 2015, Xi Jinping committed 8,000 troops to the standby UN peacekeeping force, which is one fifth of the 40,000 committed by 50 UN nations. Following this commitment, China also pledged \$100 Million to the African Unions standby force and a ten-year, \$1 Billion pledge for the establishment of the UN Peace and Development Trust Fund. The committed Chinese forces are ready for deployment whenever it may be needed ("China's Contribution To Peacekeeping - Chinadaily.Com.Cn").

China's contributions serve as a low-cost demonstration of their commitment to global security and dampens concerns over China's rapidly growing military and economic strength. The high contributions serve as justification for China's voting practices in the UN. China has used their Veto rights 12 times since joining the Security Council, which is the lowest of the permanent members, which leads to a strong reputation in the Security Council through aspects of both funding and use of Veto power ("Is China Contributing To The United Nations' Mission? | Chinapower Project").

## Japan

Japan is the second largest contributor to the UN general budget, and has held that position from 2015 through 2017. Japan is also the third largest peacekeeping budget contributor with funding amounts very similar to that of China. Despite the fact that the Japan is not a permanent member, it has very high contributions to total funding in the UN. Japan is currently in its second term as a non-permanent member in the Security Council.

Japan is responsible for an emerging generation of professionals pursuing careers in the field of international peacekeeping. Most notably, the Japan Self-Defence Force (JSDF) has been recognized for carrying out its responsibilities to a high standard and has established a respectable reputation for its performance. The JSDF however has been restricted to non-combat missions in peacekeeping operations.

The Japanese contributions have acted as a vital step in bridging the gaps between phases of operations or capacity gaps between the provider and recipient of assistance. Though the current funding has endured in recent years, the future may be unstable to hold the current level of influence, especially with nations such as China incrementally contributing annually. Regardless of whether Japan upholds its current positions of contributions, its funding is undoubtedly vital for many UN operations (Yuki Tatsumi and Hana Rudolph, *The Diplomat*).

### Advisory Committee on Administrative and Budgetary Questions (ACABQ)

ACABQ is an expert committee that consists of 16 members elected from the general assembly for periods of 3 years at a time. The basis for the selections are to get a broad geographical representation for a variety of perspectives on issues. Members selected serve as personal capacity as opposed to representatives from member states. The committee meets for sessions 3 times a year where they are in session for 9 to 10 months. The members of the Advisory Committee elect the Chairman and the Vice-Chairman (“ACABQ”).

### Timeline of Events

Date	Description of event
March 1st, 1995	Decisions are made about the peacekeeping budget cycles and financial periods for efficiency in GA5.
January 30 <sup>th</sup> , 2001	Peacekeeping scale levels are decided based on average per capita gross national product for 2001-2003. Permanent members are given responsibilities of level A contributions.
January 29 <sup>th</sup> , 2001	Further clarification of voluntary commitments and movements between scale levels. Countries intending to move levels of contributions are outlined.
July 20 <sup>th</sup> , 2007	Detailed decisions on cross-cutting issues with emphasis on quick-impact projects.

### Relevant UN Treaties and Events

- Charter of the United Nations, Article 17: The General assembly shall consider and approve the budget of the organization. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly (“UN General Assembly – Fifth Committee”).

- Scale of assessments for the apportionment of the expenses of United Nations peacekeeping operations, 23<sup>rd</sup> December 2000 (55/235) (“A/RES/55/235-E”)
- Voluntary movements in connection with the apportionment of the expenses of united nations peacekeeping operations, 29 January 2001 (55/236) (“A/Res/55/236-E”)
- Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations, 1<sup>st</sup> March 1995 (49/233) (“A/RES/49/233A-E”)
- Results Based Budgeting, 23<sup>rd</sup> January 2001 (55/231) (“A/RES/55/231-E”)
- Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations: cross-cutting issues, 20<sup>th</sup> July 2007 (61/276) (“GA5-61/276”)
- Cost-cutting issues, 3<sup>rd</sup> August 2010 (64/269) (“GA5-64/269”)

## Previous Attempts to solve the Issue

In 1995 (49/233), peacekeeping budget cycles and financial periods were introduced. The financing and budgeting were proposed to occur biannually for the periods, 1<sup>st</sup> July to 31<sup>th</sup> December and 1<sup>st</sup> January to 30<sup>th</sup> June. It was also decided that that for peacekeeping operations that don't have fluctuating budgetary requirements, the consideration for budget approval would occur only once a year. As a result of this biannual consideration, the UN had the ability to submit summaries of approved budgets for better analysis of future funding requirements and efficiency. Section IV of the resolution discusses financial authority and the ability for the Security Council, along with the secretary general to authorize expenditure for peacekeeping operations in their start-up phases, with exact monetary limits on initial funding. Resolution 49/233 remains one of the most important attempts to tackle the issue of financing peacekeeping operations.

In 2001 (55/235), the use of scale levels from A through J, was intended to create a fair distribution of expected contributions to peacekeeping operations based on average per capita gross national product (PCGNP). Countries, based on their PCGNP, were put into threshold categories, each of which had appropriate discounts. The use of transition periods gave reasonable amounts of time for nations to move between levels of contribution, which applied only for specific levels, such as B, C, D and E. The transition periods for other levels were determined based on each nation. Level A was the highest and dedicated to the permanent members. In (55/236), we see further clarifications of voluntary movement between levels and examples of nations moving levels and time allocated for the movements. The use of this strategy to finance peacekeeping operations is effective because it provides need-based allocation of discounts and allows for voluntary increases in funding for increased reputation within the UN.

## Possible Solutions

Problems with funding arise when the situation in which the operations are based are volatile or experience sudden changes in requirements. This could lead to funding allocated to these operations being too much or too little. To more appropriately adapt to the nature of many peacekeeping situations, they could be assessed on a more regular basis, as current re-assessments can span up to a year between each other.

However, along with such a solution comes more problems. The current member states involved in administration and budgeting, or in the security council are already very busy, and it may not be feasible to add more sessions to their agenda. Increasing work staff requires training, time and money which are smaller obstacles, but are obstacles nonetheless. When given shorter time spans to work with, the quality of the assessments will also be lowered which may lead to false analysis of situations or collection of insufficient data for statisticians to process.

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## Appendix or Appendices

### Biggest contributors to UN peacekeeping operations

Total approved budget for UN peacekeeping operations for the fiscal year of 2017 to 2018 is \$6.8 Billion spread amongst 14 operations. The biggest contributors:

- United States (28.47%)
- China (9.68%)
- Japan (9.68%)
- Germany (6.39%)
- France (6.28%)
- United Kingdom (5.77%)
- Russian Federation (3.99%)
- Italy (3.75%)
- Canada (2.92%)
- Spain (2.44%)

**Forum:** General Assembly 5<sup>th</sup> Committee

**Issue:** Renewing financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

**Student Officer:** Seojin Park

**Position:** Deputy Chair

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## Introduction

The former territory of Yugoslavia, situated in south-eastern Europe, has been characterized by a series of conflicts accompanied by ethnic nationalism and challenges in regional security. In 1945, after the end of the World War II, the former Kingdom of Yugoslavia was recreated as a Socialist state and was renamed as the Federal People's Republic of Yugoslavia. Later in 1963, the country was renamed again as the Socialist Federal Republic of Yugoslavia (SFRY). Comprised of six republics – Serbia, Croatia, Bosnia and Herzegovina, Macedonia, Slovenia, and Montenegro — Yugoslavia was tightly restricted under the regime of the communist government; therefore, the ethnic tensions among different groups could be kept in check (Brunner and Johnson). Nevertheless, the death of Prime Minister Tito in 1980 signalled the emergence of ethnic and nationalist differences, ultimately leading to violent conflicts between different ethnic groups as the constituent republics successively declared independence from SFRY.

Within the years between 1991 and 2001, the parties involved in Yugoslav Wars had committed countless horrendous acts including genocide, siege of cities, torture and rape in detention camps, and displacement of citizens. The mass atrocities and the crime against humanity urged the United Nations to establish a new, ad hoc body, the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 for the purpose of preserving international justice by trying individuals responsible for war crimes (“About ICTY”). With the significant achievements made on changing the international humanitarian law and rendering justice to victims, the Tribunal is currently working towards completing the mission and ceasing its operation on 31 December, 2017. *However, in formulating resolutions, delegates will proceed under the assumption that, despite the Tribunal’s closure, the organization has an option to either remain closed or reopen which would require a renewal of financing.*

In the past 24 years, the ICTY has followed a structured system of administration and financing through proposed programme budget and annual performance report considered and approved by the General Assembly along with the recommendations from other relevant bodies of the UN. While adhering to the past systems of financing the Tribunal, the issue of renewing financing must be able to address previous misinterpretations in devising the budget as well to satisfy the additional needs that arose due to the closure.

## Definition of Key Terms

### The Balkans

Different from the Balkan Peninsula which is defined by the geographic borders of the area in south-eastern Europe, the term Balkans is used to often refer to areas even beyond the Balkan Peninsula, identified by the political borders of the states. It usually comprises of Albania, Bulgaria, Bosnia and Herzegovina, Croatia, Kosovo, the Republic of Macedonia, Romania, Slovenia, Serbia, and Montenegro (“Balkan Peninsula”).

### The Socialist Federal Republic of Yugoslavia (SFRY)

The SFRY was a former country in the Balkans, comprised of six separate republics (Croatia, Bosnia and Herzegovina, Montenegro, Macedonia, Serbia, and Slovenia) and two autonomous provinces (Kosovo and Vojvodina) within the Republic of Serbia (“What is former”). It embodied a mix of various ethnic groups and religions across the republics.

### UN Regular Budget (RB)

An estimate of expenditure and income of the UN in a set period of time. According to the Article 17, paragraph 2, of the UN Charter, “the expenses of the Organization shall be borne by the Members as apportioned by the General Assembly”. In other words, member nations have the duty to pay for the expenses in order to finance the approved appropriation of the UN.

### UN Peacekeeping Budget

A preliminary estimated cost of a UN peacekeeping operation in regards to the operational plan and the mission’s mandate. Since the ICTY is categorized as an International Tribunal, half of its budget is assessed based on the scale of assessment of regular budget, and the another half is contingent upon the scale of assessment applicable to the peacekeeping budget (“Understanding United Nations”).

### Appropriation

Appropriation is defined as the amount of money allocated for a particular use and voted by the General Assembly (“Glossary”). Usually, the initial appropriation of a financial period (two consecutive years) is followed by the revised appropriation based on the first performance report and the recommendations from other relevant subsidiary bodies. Appropriations that are unspent are returned back to the member nations.

### Assessment (Scale of Assessment)

Assessment refers to the amount of money the General Assembly decides for the apportionment of the UN’s expense among the member nations based on the scale of assessment (“Assessment”). According to the rule 60 of the Rules of Procedure of the UN General Assembly (A/520/Rev.18), the scale of assessment is determined by several elements and criteria, and “when once fixed by the

General Assembly, shall not be subject to a general revision for at least three years unless it is clear that there have been substantial changes [of a Member Nation] in relative capacity to pay”.

## Background Information

The understanding of financing for ICTY will not be thorough enough without sufficient background knowledge on the events that led to the establishment of the Tribunal. The history and the overview of the conflicts in the territory of the former Yugoslavia are crucial for gaining insights into the works undertaken by the ICTY and the appropriate finance needed.

### Former Yugoslavia

The territory of former Yugoslavia was known as the Socialist Federal Republic of Yugoslavia (SFRY) until 25 June, 1991 when Slovenia and Croatia declared independence. With the two republics' independence, the SFRY's existence ended, leading to a further breakup of Yugoslavia and a series of ethnically-based conflicts and wars.



The above map depicts the territory of former Yugoslavia and the changes that took place during the time period of 1991 - 2008. (Source: International Criminal Tribunal for the former Yugoslavia)

### Disintegration of Yugoslavia

During the 1980s and the early 1990s, the former Yugoslavia experienced significant political upheavals and insurgencies that resulted in mistrust among different ethnic groups. Slovenia and Croatia were the first to split from the SFRY on 25 June, 1991, in particular due to their conflict with Serbia which had dominance over Yugoslavia's government, finance, and military. Subsequently, in 1992, two other republics, Macedonia and Bosnia and Herzegovina, declared independence. Immediately on 27 April, 1992, the two remaining republics in the federation, Montenegro and Serbia, formed the Federal Republic of Yugoslavia (FRY). Nonetheless, in 2006, Montenegro formally declared independence from the union ("What is former"). With the end of

the last remaining union, the territory of former Yugoslavia was now comprised of six separate countries.

### *Conflicts and Atrocities*

The breakup of Yugoslavia was not simply a peaceful series of consecutive declarations of independence; rather, it involved one of the humanity's worst war crimes, genocide, and breach of humanitarian laws. Slovenia, with 90% of its population being ethnic Slovenians, was able to break away from the federation with only a brief military conflict. On the other hand, Croatia, which had a considerable population of ethnic Serb minority, faced a rebellion by Croatian Serbs who claimed a major portion of Croatia's territory ("Conflicts"). Croatia ultimately entered a war against the Serb forces, leading hundreds of thousands of Croats and other non-Serbs to be displaced from their homes and to become victims of violent ethnic cleansing.

The conflict in Bosnia and Herzegovina represents the most destructive war of all in the breakup of Yugoslavia. Bosnia was the most ethnically diverse republic, consisting of 43% Bosnian Muslim, 31% Bosnian Serbs, and 17% Bosnian Croats ("Conflicts"). In April 1992, with the support from the Yugoslav People's Army (JNA) and Serbia, Bosnian Serbs rebelled, seizing control of over 60% of Bosnia. Bosnian Croats soon followed, leading to a three-sided war that lasted from 1992 to 1995. Consequently, more than half of the population in Bosnia was displaced, and around 100,000 people were killed, including not only the non-Serbs but also the civilians of all ethnicities. Furthermore, around 12,000 women and girls were systematically raped, and thousands of Bosnian Muslims and Bosnian Croats were interned, tortured, and killed in concentration camps ("Bosnian Genocide"). The Bosnian genocide at Srebrenica and the siege of Sarajevo also resulted a large number of deaths of innocent civilians.

### **International Criminal Tribunal for the former Yugoslavia (ICTY)**

The mass murder, crimes, and violence that breached the Geneva Conventions and international humanitarian law led the UN Security Council to pass the resolution 827 on 25 May, 1993, officially establishing the ICTY. The Tribunal is the first international war crimes court created by the UN and serves to deal with crimes that took place during the conflicts in the 1990s in the former Yugoslavia.

#### *Function and Objective*

The ICTY has the authority to prosecute those who are accountable for the crimes committed since 1991, based on four categories that encompass "the grave breaches of the 1949 Geneva conventions, violations of the laws or customs of war, genocide and crimes against humanity" ("Mandate and Crimes"). As listed in the Tribunal's Statute, the types of crimes range from torture, enslavement, murder, destruction of property, to murder. Although the Tribunal has jurisdiction over individuals, its authority does not extend to trying other legal subjects such as organisations, army units, and political parties ("About ICTY").

The major aim of the Tribunal is to establish international justice and to lay a groundwork for reconciliation in the former Yugoslav territory through investigating and bringing charges against the leaders suspected of the crimes and providing victims an opportunity to report the appalling offences they witnessed. By rendering justice to the perpetrators and victims, it also attempts to deter possible crimes in the future in order to create a post-conflict development and a lasting peace in the region. Moreover, with its scheduled closure, the Tribunal has actively worked in partnership with domestic courts in the region to continue its current efforts in local level even after its closure.

### *Structure*

The ICTY is composed of three major organs — Chambers, Office of the Prosecutor (OTP), and Registry — and each of them perform different tasks. The Chambers consists of judges that issue judgement and pass sentence; the OTP has mandate to investigate and prosecute those accountable for crimes. The Registry has a diverse function, being majorly responsible for the administration of courtrooms and other duties that would be commonly performed by ministries in national systems (“Organisational Chart”). Thus, unlike national courts, ICTY has extra duties for each of the branches, requiring additional financing for the distinctive role of each section.

### *Financing of the ICTY*

Because the ICTY is an International Tribunal, it performs additional roles and duties other than the tasks commonly carried out by national courts; therefore it necessitates financing that incorporates the extra activities usually performed by the executive and legislative part of government.

### *Areas of Expenditure*

Each activity of the respective branch requires financing and produces expenses; listed below are merely some examples from the wide range activities performed by the Tribunal. For instance, the OTP needs a substantial amount of resources from the budget to organize the travel of investigators for collecting evidences and interviewing a large number of witnesses. In this process, they also undertake forensic investigation and analysis of crime scene which incur considerable cost (“Cost of Justice”).

Within the branch of Registry, there are numerous sections such as Court Support Services Section (CSSS) which is further comprised of Victims and Witnesses Section (VWS), Courtroom Operations Unit (COU), and Office for Legal Aid and Defence (OLAD). Particularly, the VWS arranges travel, accommodation, and basic expenses, such as meals and medical costs, of all victims and witnesses who testify (“Witnesses”). In the legal aid system, the expenses of defence counsel are covered by the Tribunal for those who cannot afford the services, accounting for nearly 11% of the ICTY’s yearly budget (“Cost of Justice”).

In addition, considerable resources are allocated to the Conference and Language Services Section (CLSS) which translates all documents of orders, judgement, witness statements, and

evidences. It also simultaneously offers translations to all courtrooms in English, French, and Bosnian, Croatian, Serbian, Albanian, or Macedonian (“Translation and Interpretation”). Besides, the Tribunal’s budget also includes security of staff members and visitors, the cost of operating the building and facilities, and the salaries of 425 staffs. Furthermore, the Tribunal’s management of its Detention Unit is exclusively financed from its overall budget (“Cost of Justice”).

### *Budgeting Process*

Each branch of the ICTY is responsible for planning the expenditure of its portion of the Tribunal’s larger budget which outlines the aforementioned activities. The overall budget for the financial period of the ICTY follows several steps before it is finalized and approved by the General Assembly. For example, the initial estimated appropriation for the biennium 2016 - 2017 is decided in General Assembly resolution adopted in 2015, and is revised based on the first performance report of the Secretary-General, the report of the Board of Auditors, and the recommendations in the report of the ACABQ. Finally, the General Assembly adopts a resolution in 2016 indicating the revised appropriation for the biennium of 2016 - 2017 and the assessment among the Member States based on the scale of assessment applicable to the regular budget and peacekeeping operation of the UN (“Understanding United Nations”).

## **Major Countries and Organizations Involved**

### **The International Criminal Tribunal for the former Yugoslavia (ICTY)**

As aforementioned, the ICTY, established by the Security Council in accordance with Chapter VII of the UN Charter, is responsible for addressing the alleged crimes committed from 1991 to 2001 against members of various ethnic groups in the former Yugoslavia. Thus far, the Tribunal has brought charges against over 160 individuals, majority of the cases dealing with the crimes committed by Serbs and Bosnian Serbs (“Achievements”). However, convictions have also been secured against Kosovo Albanians, Croats, and Bosnian Muslims from various positions including army chiefs of staff, heads of state, and other military, police, and political leaders.

### **Republic of Serbia**

During the Yugoslav conflict, Serbia played a major role by launching ethnic cleansing and committing other war crimes against non-Serbs including Albanians, Croats, and Bosnian Muslims. Particularly, the ICTY has identified JNA and leadership of FRY as responsible for war crimes, and has charged numerous individuals involved in violent actions undertaken by Serbs. As required by the article 29 of the Tribunals’ statute, Serbia, like other states, is required to cooperate with the Tribunal in war crimes prosecution but has been recently practicing non-cooperation with particular regard to apprehension of ethnic Serb fugitives and transfer of indictees (“Report of International”).

### **United Nations Mechanism for International Criminal Tribunals (MICT)**

Established by the UN Security Council resolution in 2010, the MICT is a new, ad hoc body that will be inheriting the functions from two international tribunals including the ICTY after its closure. During its early years, the Mechanism worked in parallel with the ICTY, and it plans to continue the responsibilities performed previously by the Tribunal such as providing assistance to national jurisdictions and preserving archives of investigation, court proceedings, and enforcement of sentences (“About MICT”).

### Advisory Committee on Administrative and Budgetary Questions (ACABQ)

The ACABQ is a subsidiary branch of the General Assembly established in 1946 to provide assistance to the Fifth Committee, assuming the responsibility for specialized examination of the UN’s proposed programme budget. Its other major functions include considering and reporting to the General Assembly on the budget submitted by the Secretary-General, on the administrative budgets of the specialized agencies, and on the auditors’ reports on the accounts of the UN and other subsidiary organs (“About ACABQ”).

## Timeline of Events

<b>Date</b>	<b>Description of event</b>
25 June 1991	Slovenia and Croatia declared independence — ended the SFRY’s existence.
April 1992	Declaration of independence by Macedonia and Bosnia and Herzegovina
25 May 1993	The ICTY was established by the Security Council.
7 November 1994	The ICTY’s first indictment for crimes against non-Serb civilians
14 Dec 1995	Dayton Peace Agreement was signed by Bosnia, Serbia, and Croatia, ending the Bosnian war.
6 February 1997	UN signed an agreement with Italy on the enforcement of sentences imposed by the ICTY — 17 other countries joined in the subsequent years.
1 October 1999	Commencement of Outreach Programme
12 February 2002 - 14 March 2006	Trial of Slobodan Milošević on charges of war crimes in Bosnia, Croatia, and Kosovo — first trial of a head of state
9 March 2005	Establishment of the War Crimes Chamber within the Court of Bosnia and Herzegovina, and the ICTY’s transfer of cases for adjudication in following years

3 June 2006	Montenegro's formal declaration of independence — ended the State Union of Serbia and Montenegro
20 July 2011	Last remaining fugitive indicted by the ICTY was arrested.
31 December 2017	The ICTY's closure

## Relevant UN Treaties and Events

The list below includes the most relevant resolutions passed by the Security Council and the General Assembly on the ICTY for the past 24 years of its operation. It also consists of both the earliest and the most recent annual reports of the ICTY's President to the Security Council and the General Assembly.

- Security Council Resolution 827, 25 May 1993 ([S/RES/827](#))
- [Updated Statute of the ICTY, September 2009](#)
- Financing of the ICTY, 14 September 1993 ([A/RES/47/235](#))
- Financing of the ICTY, 14 April 1994 ([A/RES/48/251](#))
- Financing of the ICTY, 13 April 1995 ([A/RES/49/242](#))
- Financing of the ICTY, 23 December 2016 ([A/RES/71/268](#))
- Annual Report of the ICTY, 29 August 1994 ([A/49/342–S/1994/1007](#))
- Annual Report of the ICTY, 1 August 2017 ([A/72/266–S/2017/662](#))

## Previous Attempts to solve the Issue

The ICTY is currently in a similar position with that of 2013 when it had to cease its operation by 31 December, 2014, as requested by the Security Council; the Tribunal was required to prepare for its closure strategy to ensure a smooth transition of its works to the MICT. Nevertheless, due to the late arrest of remaining fugitives, the closure did not take place. Observing and evaluating the previous measures taken to make adjustments to the financing of the ICTY would give insights into the effective solutions to renewing financing of the current state of the Tribunal.

## Changes in Financing and Impact

According to the financial report of the Board of Auditors in 2013, the ICTY, in its effort to complete its mandate by 31 December 2014, has considerably reduced the comparative income and expenditure in the preceding three years<sup>1</sup>. Furthermore, over the past years, the overall budget has

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<sup>1</sup> Appendix II

reduced from \$ 286,012,600 in 2010-2011 to \$ 250,814,000 in 2012-2013 and \$ 179,998,600 for the biennium of 2014-2015 (“Cost of Justice”). The scaling down of the Tribunal’s operation was achieved through the decrease in the number of activities and the abolition of all types of posts including temporary and general temporary assistance positions, which resulted in a high rate of staff turnover. Moreover, in order to expedite the preparation for the closure, the Tribunal ensured to undertake trials and appeals promptly (“Financial Report 2013”).

However, despite the consistent effort and implementation of the audit recommendations on the Tribunal’s closure, the high staff turnover was assumed to have an impact on the estimated date of completing the remaining cases, which was then projected to continue throughout the biennium 2014 - 2015 and beyond. Particularly, activities related to late arrests, transfer of records of cases to the MICT, and the abolition of 60% of the posts were to be only completed in 2015 and beyond (“Financial Report 2013”). Therefore, under that circumstance, the General Assembly provided a budget and delayed the closure until the end of 2017. Even though the date for the Tribunal’s closing was scheduled, the lack of appropriate financing strategy and unavoidable circumstance of remaining cases hindered the ICTY from successfully ending its operation.

### Current measures

In the light of its impending closure, the Tribunal has paid close attention to liquidation process and transfer of its functions to the MICT and to national war crime courts — the liquidation efforts were led by the Liquidation Task Force (LTF) under the supervision of Registrar. According to the latest 2017 ICTY’s annual report, over 90 percent of the assets have been approved for the transfer to the MICT (“Report of International”). The remaining assets are to be further transferred or disposed of under the guidance of the Assets Disposal Working Group. Additionally, other digital and physical records have also been handed over with the assistance of the Tribunal’s Records and Archives Working Group, and all contract of the ICTY staff members are to be concluded by December. However, certain liquidation tasks, such as those relevant to repatriation of staffs and closing financial accounts, are predicted to extend into 2018 (“Remarks by ICTY”).

Hence, it is important to note that the measures taken for the Tribunals’ closure have resulted the ICTY in a relatively different circumstance from that of its preceding years of operation. Only with grasping the current conditions will the resolution be able to encompass the most needed solutions for financing the Tribunal, whether it be for a permanent closure or reopening.

### Possible Solutions

Taking the Tribunal’s closure into account, there are two possible ways for viewing the issue of renewing financing — either leaving the Tribunal remain closed or reopening it. For each of those options, appropriate measures would be required for more effective financing that meets the needs of the respective circumstance.

An argument may be put forth to support the permanent closure of the ICTY, especially because the proceedings against all of those who were indicted have been already concluded in November 2017. In this case, no major financing will be needed since the ICTY would no longer officially operate. However, the need for financial management won't immediately cease as the Tribunal will still be responsible for remaining works such as transferring records to the MICT and national courts, extending its associated programme such as the Outreach Programme, and planning for future investment on the support for the Mechanism and other local courts. Therefore, although there is an organization that would inherit the ICTY's function, it is crucial to provide a comprehensive financing plan that addresses the continued needs even after its closure.

Another more likely option is to resume the operation of the ICTY – although its functions would be preserved through the transfer of works to the MICT, the formal closure would prevent the issue of Yugoslav conflict from receiving a full, direct attention, considering the large number of crimes yet to be investigated and prosecuted. Reflecting on the past extension of its operation from the scheduled closure in 2014, the reopening may be deemed plausible. Additionally, despite the continued effort to cooperate with domestic courts, entrusting them with one of the ICTY's major functions has been proven to be difficult since they tend to make insufficient progress in prosecuting cases received from the ICTY. Hence, it may be considered more effective for the Tribunal to reopen and continue its activities of investigation, management of archives, assistance in national jurisdiction, and oversight of sentences.

Thus, in order to resume the Tribunal, the major focus of the resolution should be on planning the financing for the biennium of 2018-2019, and a general approach should be also taken to address its financial management in the further future. One approach would be proceeding with the past overall budget with no major changes. However, modifications can be made to some extent, especially in the area of the use of budget and contribution from the member states. Although the Tribunal has been relatively transparent in the use of budget throughout the past years of operation, further enhancement in the system could be made: more complete justification of the resources requested and more frequent submission of report on the implementation of budget with regard to the requirements set by the ACABQ. Furthermore, there can be more encouragement for all member states to actively contribute to the regular budget of UN from which the ICTY derives its budget. Nevertheless, solutions associated with contribution must take into account the possible financial limitations in some nations during particular time period.

Furthermore, it is recommended to urge states, NGOs, and other relevant organizations to offer additional support in the form of physical assistance or donations. As it has been carried out in the past, states and institutions may provide extra resources such as funds, expert personnel, and equipment for specific tasks such as investigation and exhumation of graves. In fact, with regards to the Detention Unit which is managed by the Tribunal, host government is responsible for the transportation of detainees between facilities such as the Detention Unit, court, and airport. Therefore, voluntary contribution from the states along these lines is highly suggested as it would serve as a useful resource especially for undertaking projects such as the Outreach Programme.

Nonetheless, it is of the utmost importance to not only plan for the future financial periods, but also to take into account the eventual possible closure, under the assumption that the Tribunal is reopened. Due to the nature of an ad hoc body, the Tribunal will have to eventually close down at some point; thus gradually preparing for the closure will be an adequate proactive measure. For instance, more investments can be made on the transition of the ICTY's function to domestic judiciaries by establishing a system that ensures active engagement and training of local prosecutors. At the same time, following the patterns in previous years, the overall budget could be reduced by eliminating several activities accompanied by strategic downsizing methods.

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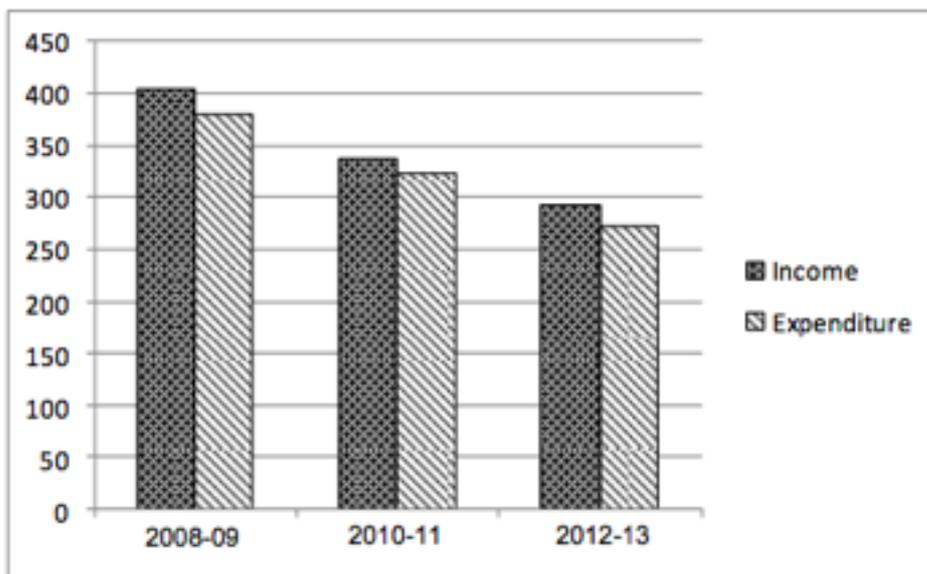
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## Appendices

- I. [Collection of all ACABQ reports on the ICTY](#)

**Comparative income and expenditure, 2008-2009 to 2012-2013**

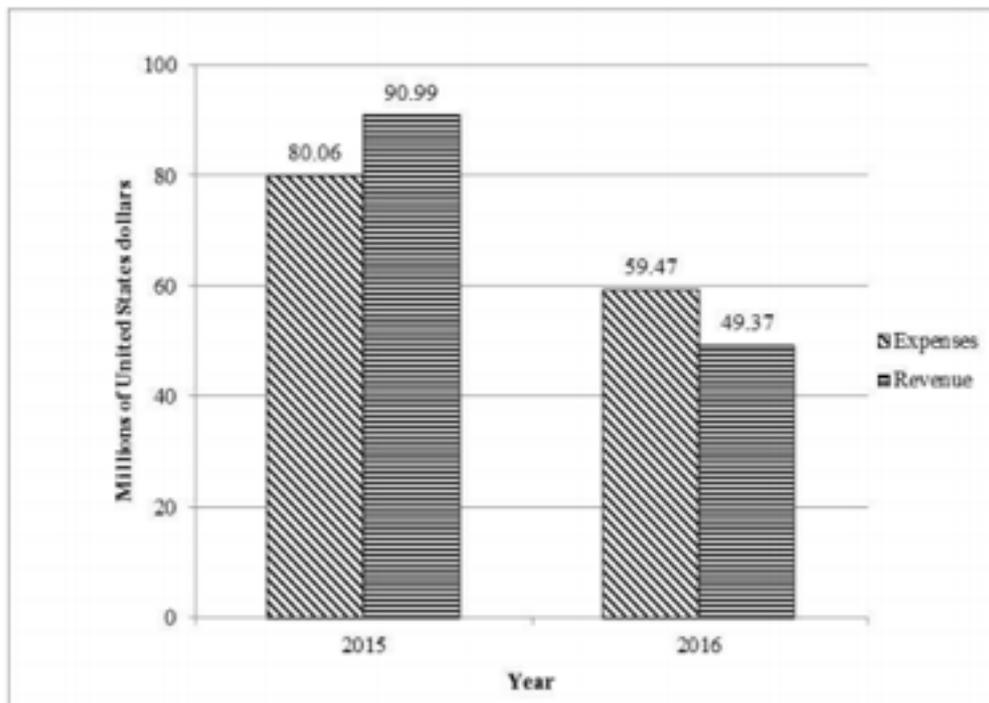
(Millions of United States dollars)



II.

Overall reduction in the comparative income and expenditure during the financial periods from 2008 to 2013. (Source: ICTY financial statements for 2008-08 to 2012-13)

**Financial performance of the Tribunal**



III.

Recent decrease in the ICTY’s overall expenditure and revenue due to the downsizing practices. (Source: Board analysis of the Tribunal’s financial statements for 2016)