

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



*Distribution Draft- December 2010. Please send any comments or suggestions to Professor Saul Mendlovitz at [smendlovitz@kinoy.rutgers.edu](mailto:smendlovitz@kinoy.rutgers.edu)*

# **Table of Contents**

***DRAFTING NOTE:*** Throughout this Draft Statute, where alternate provisions or text for a specific Article exist, a summary of those alternative options can be found at the end of the Draft Statute in Appendix A. Articles with alternate text or provisions are marked on this Table of Contents with an asterisk \*.

	<b><u>PAGE</u></b>
Preface.....	03
Preamble.....	04
I: Establishment, Purpose, and Legal Justification of the United Nations Emergency Peace Service (UNEPS) .....	05
II: Conditions Appropriate for, and Authorization for Use* .....	07
III: List of Senior Leadership Positions within UNEPS.....	10
A. Assistant Secretary General for UNEPS within the Department of Peacekeeping Operations	
B. Commander, UNEPS	
C. Deputy Commander, UNEPS	
D. Three Peace Service Unit Commanders	
IV: Senior Leadership Selection Process* .....	11
V: Functions and Responsibilities of the Office of the Assistant Secretary General for UNEPS and Relationships with other organizations within the United Nations.....	15
VI: Functions and Responsibilities of UNEPS Commander, Deputy Commander and Peace Service Unit Commanders in the Office of the Assistant Secretary General for the United Nations Emergency Peace Service. ....	16
VII: UNEPS Recruiting Methods, Qualifications, Nationality Limitations, and Terms of Service.....	17

VIII: Process for the formation of UNEPS Doctrine	20
A. Internal Regulations and Codes of Conduct	
B. International Conventions	
C. Military Justice	
IX: UNEPS Headquarters Size and Location	23
X: Peace Service Units Size, Organization, Locations	24
XI: Financial Matters	25
XII: Non-Binding Statements of Intent for UNEPS Training and Co-use with other U.N. Agencies	27
XIII: Adoption and Ratification Process for Statute	29
XIV: Timeline for UNEPS Formation	30
XV: Final Clauses	31
Appendices	32
A: Summary of Alternate Provisions for Articles II and IV	
B: UNEPS Organization Chart	
C: UNEPS PSU Organization Chart	
D: UNEPS PSU Locations and Areas of Responsibility	
Notes	38

## Preface

The Statute lays the legal foundation for a United Nations Emergency Peace Service to Prevent Genocide and Crimes against Humanity (UNEPS). Once reviewed by experts and put in final form, the Statute will be offered to the member states of the United Nations to be adopted as a treaty. The overall mission of UNEPS is to prevent and/or halt the commission of atrocity crimes and where possible apprehend individuals alleged to have engaged in such acts. There are six distinctive aspects to this service.<sup>1</sup> First, it would be a standing, independent United Nations Service permanently based at UN Designated sites in three areas of the globe, including a mobile field headquarters. Secondly, the service would be made up of individually recruited personnel from volunteers of all member states. Third, it would consist of 15,000 to 18,000 personnel carefully selected, expertly trained and coherently organized. Fourth, UNEPS would encompass civilian, police, judicial and military capacities prepared to conduct multiple functions in diverse UN operations. Fifth, it would be a first-in, first-out service with a six month deployment limit in any single situation. Sixth, the service would be authorized and invoked by an appropriate United Nations organ.

This draft was compiled by Captain Stephen Bishop and Captain Ted Westfall under the direction of Professor Saul Mendlovitz, Dag Hammarskjöld Professor at Rutgers Law School in Newark, NJ. Both Captain Bishop and Captain Westfall are graduates of U.S. Military Academy at West Point, NY and served as Infantry Platoon Leaders in Iraq. Both are presently enrolled at Rutgers Law School as part of the Army's Funded Legal Education Program and will join the Judge Advocate General's Corps upon graduation. In addition to the knowledge and experience of Captains Bishop and Westfall, including their study of various peacekeeping forces throughout the world, the draft statute is based on three workshops organized by the Global Action to Prevent War (GAPW), a transnational network of institutes, scholars, diplomats, military personnel and other civil society organizations. A redaction of their deliberation is available in the volume 'A United Nations Emergency Peace Service', edited by Professor Robert C. Johansen, director of the Joan Kroc Institute, at Notre Dame University. ([http://www.globalactionpw.org/wp/wp-content/uploads/uneps\\_publication.pdf](http://www.globalactionpw.org/wp/wp-content/uploads/uneps_publication.pdf)). As a Draft, please note that the Statute is marked with endnotes which help to illustrate the legal justification for various provisions and/or any concepts or processes which were borrowed from other International Conventions. Upon finalization of the Statute, these endnotes will be removed.

This statute will eventually be distributed to all UN members and throughout the globe to governments including foreign offices, defense departments and legislatures. In addition, it will be sent to relevant civil society organizations and mass media. We invite you to read the Statute carefully and make comments and suggestions. Please send comments to Professor Saul Mendlovitz at [smendlovitz@kinoy.rutgers.edu](mailto:smendlovitz@kinoy.rutgers.edu)

## **Preamble:**

### **The States Parties to this Statute,**

**Mindful** that despite the best efforts of the international community to prevent Genocide and Crimes against Humanity, these atrocities have persisted in our era <sup>2</sup>,

**Recalling** that in recent history, millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of Humanity <sup>3</sup>,

**Recognizing** that such grave crimes threaten the peace, security and well being of the world <sup>4</sup>,

**Reaffirming** that it is the duty of each State to protect its populations from Genocide and Crimes against Humanity <sup>5</sup>,

**Determined** that it is also the duty of the international community with respect to the Purposes and Principles of the Charter of the United Nations to prevent widespread Genocide and Crimes against Humanity when national authorities manifestly fail to protect their populations <sup>6</sup>,

**Emphasizing** that the international community should always strive to use diplomatic, humanitarian and other peaceful means of preventing Genocide and Crimes against Humanity first, before resorting to actions taken under this Statute <sup>7</sup>,

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

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

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

**Have agreed to the provisions stated in the following Statute:**

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

## **The United Nations Emergency Peace Service**

1. The United Nations Emergency Peace Service (“UNEPS”) is hereby established. It shall be a permanent institution within the Headquarters of the United Nations and be organized and controlled by officials and provisions outlined in Articles III - IV.
2. The overall mission of UNEPS is to prevent and/or halt the commission of atrocity crimes and where possible apprehend individuals alleged to have engaged in such acts. UNEPS will accomplish this through the use of a competent and well maintained peacekeeping service comprised of citizens of Member Nations acting in their individual capacity as members of UNEPS.
3. The use of UNEPS will be limited to those situations where:
  - (a) A Member Nation has requested UNEPS presence within its territory and a finding that Genocide or Crimes against Humanity are occurring or are imminent has been made through the appropriate mechanisms outlined in Article II.
  - (b) A finding that Genocide or Crimes against Humanity are occurring or are imminent has been made through the appropriate mechanisms and authorization for the use of UNEPS absent national consent has been granted pursuant to mechanisms outlined in Article II.
4. It is the express intent of this Statute that UNEPS operations be limited to those of a short duration and only for the immediate halting or prevention of Genocide or Crimes against Humanity. The term ‘short duration’ for the purposes of UNEPS will mean operations that last up to 180 days. UNEPS operations shall exceed 180 days **only** under the most extraordinary circumstances and only with express authorization from both the Secretary General and Security Council.

### **Definition of the Terms of “Genocide” and “Crimes against Humanity” for the purposes of UNEPS**

5. The term “Genocide” for the purposes of UNEPS will be the term as defined in the Convention for the Prevention and Punishment of the Crime of Genocide of 1948 and reaffirmed by the Rome Statute of the International Criminal Court of 2002.<sup>8</sup>
6. The term “Crimes against Humanity” for the purposes of UNEPS incorporates the definition of Crimes against Humanity used in Article 7 of the Rome Statute of the International Criminal Court of 2002.<sup>9</sup>

## Legal Justification

7. The parties to this Statute recognize the formation of UNEPS to be a necessary action in order to prevent and halt Genocide and Crimes against Humanity.
8. The formation of UNEPS is firmly grounded in prevailing principles of international law based in the international community's consistent and unanimous abhorrence of Genocide and Crimes against Humanity .
9. The Genocide Convention of 1948 has received overwhelming consent since its entry into force in 1951 and the prohibition and condemnation of Genocide that has developed since has become an inviolable principle of international law.<sup>10</sup>
10. The concept of UNEPS as a mechanism for preventing Genocide finds specific legal justification in Article VIII of the Genocide Convention which allows for any State Party "to call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of Genocide".<sup>11</sup>
11. Furthermore, the concept of Crimes against Humanity has developed through the refinement of international humanitarian law which has extended protections to civilian populations, specifically the Fourth Geneva Convention of 1949 and Additional Protocols of 1977.<sup>12</sup> Also, Crimes against Humanity have been further declared as grave violations of international law with the recent creation of the International Tribunals for the Former Yugoslavia and Rwanda and the International Criminal Court.<sup>13</sup> Due to this, within the international community, acts constituting Crimes against Humanity as understood by this Statute are never permissible under international law.
12. UNEPS is also based on the principles of the Responsibility to Protect, in accordance with the International Commission on Intervention and State Sovereignty (ICISS) and the Resolution on Responsibility to Protect (A/Res/63/308). Under the Responsibility to Protect principle, the State has a responsibility to protect its own people, but when the state fails to meet its responsibility, the burden falls on the international community.<sup>14</sup>
13. With the prohibition of acts constituting Genocide and Crimes against Humanity now enshrined as principles of international law, the United Nations has adopted the principle that States and the international community as a whole have a responsibility to protect their populations from Genocide and Crimes against Humanity.<sup>15</sup>
14. It is with this responsibility and justification in mind, that this Statute creates UNEPS as an Emergency Peace Service capable of halting and preventing Genocide and Crimes against Humanity and holds that the international legal justification for UNEPS is based on its only being used for that express and noble purpose.

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

### **A. Overview**

1. The invocation of UNEPS will consist of two essential requirements, a Finding and an Authorization:
  - A. A finding must be made, subject to the requirements listed in this Article that the conditions appropriate for the use of UNEPS are present in a specific and cognizable area.
  - B. That finding, as approved by the officials in Paragraph 2 of this Article must be transmitted to the Secretary General for final Authorization of the use of UNEPS subject to the procedures outlined in this Article.

### **B. Finding and Authorization Requirements**

#### **Methods for a valid Finding of Genocide or Crimes against Humanity**

2. Before any other procedures discussed in this Article can commence for the use of UNEPS, a finding must be made in writing jointly by at least two of the following three officials: the Assistant Secretary General for UNEPS, the Under-Secretary General for Peacekeeping Operations, and the Special Advisor to the Secretary General for the Prevention of Genocide (Special Advisor). Such finding must then be transmitted to the Secretary General that shows:
  - A. That either Genocide or Crimes against Humanity as defined by this Statute are occurring within a specific and cognizable area.
  - or
  - B. That the commission of an act or acts of Genocide or Crimes against Humanity as defined by this Statute are imminent and that alternative measures for prevention have a substantial likelihood of failure.
3. Upon receipt of such a finding, the Secretary General must either ratify the finding and thus authorize the immediate deployment of UNEPS to the area of concern or reject the finding as insufficient for further consideration.

4. The Security Council, acting in its capacity under Chapter 7 of the UN Charter may also reach a finding which would satisfy the requirements of this section as will be discussed in Section D of this Article.

#### **The Effect of Member Nation Consent to the use of UNEPS within its Territory**

5. Any Member Nation may at any time request the use of UNEPS within its own sovereign territory for the prevention of Genocide or Crimes against Humanity. A Host Nation's consent however does not remove the requirement of a joint finding as discussed in Paragraph 1 of this Article.

### **C. Authority of the Security Council after the Secretary General's Authorization for the use of UNEPS**

#### **Security Council Recall Procedure**

6. A valid finding submitted to and approved by the Secretary General under Section B of this Article shall authorize the deployment of UNEPS for 90 days. Upon Secretary General authorization, the Security Council may vote but no later than 60 days after authorization to recall UNEPS from the area of concern. A vote of recall must be a 2/3 Absolute Majority of all Security Council Members. If no vote occurs within 60 days of the Secretary General's authorization then UNEPS will be permitted to continue operations up to the 180 day statutory maximum. If a recall vote does occur, UNEPS shall begin withdrawal from the area of concern in no later than 15 days and shall be fully withdrawn within 30 days.

#### **Authorization for Use with Host Nation Consent**

8. If a Member Nation requests and approves of the use of UNEPS within its territory and a proper finding under Section B of this Article has been made, then Authorization for the use of UNEPS shall be subject to the approval of an Absolute 2/3 Majority of the Security Council. Upon a transmission of a proper finding to the Security Council, the Council must vote on the matter within 7 Calendar days. The General Assembly may recall UNEPS from a deployment under this Paragraph with a 2/3 Vote within 60 days of UNEPS deployment. If such a recall occurs, UNEPS shall begin withdrawal from the area of concern in no later than 15 days and shall be fully withdrawn within 30 days.

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

A. Under no circumstances will UNEPS be deployed for more than 180 days.

B. The Host Nation must draft and sign a document with the Assistant Secretary General for UNEPS outlining with clarity what UNEPS is asked and authorized to do within its territory.

C. In cases where the Security Council deems appropriate, Regional Peacekeeping organizations should be utilized in concert with UNEPS during deployments carried out with Host Nation Consent.

#### **D. Security Council Action under Chapter 7 of the UN Charter**

10. The Security Council may, acting under its powers in Chapter 7 of the UN Charter authorize the use of UNEPS for six months, *sua sponte*, and without prior transmission of findings by the Secretary General or any other body of the United Nations. In authorizing the use of UNEPS under Chapter 7, the Security Council must also make a factual finding which satisfies the requirements of Section B of this Article.

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

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

## **Article III – List of Senior Leadership Positions within UNEPS**

**1. Assistant Secretary General for UNEPS within the UN Department of Peacekeeping Office (DPKO). (ASEPS)**

**2. Commander, UNEPS (COMDR)**

**3. Deputy Commander, UNEPS (DCOM)**

**4. Three Peace Service Unit Commanders (PSUCOM)**

## **Article IV: Senior Leadership Selection**

### **A. Selection of the Assistant Secretary General of the United Nations Emergency Peace Service**

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

### **B. Selection of Commander and Deputy Commander, UNEPS**

#### **Titles and Duration of Office**

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

At the discretion of the ASEPS with approval of the Secretary General, the Terms of the Commander and Deputy may be temporarily extended due to ongoing Peacekeeping Operations.

#### **Qualifications and Restrictions**

3. Under no circumstances will the Commander and Deputy be of the same nationality and Member Nations are strongly encouraged to ensure the election of a Commander and Deputy from two distinct regions, as understood in Paragraph 6.

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

5. Where this Article authorizes a Member Nation or UN Official to a nominate a candidate for the position of Commander or Deputy Commander, that nomination must be accompanied with a certified statement which outlines how the candidate meets the qualifications discussed in Paragraph 4.<sup>16</sup>

### **Clarification of United Nations Regions for Purposes of Selection**

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

### **Selection Process**

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

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

Then, the names of these 10 candidates will be submitted to the Military Staff Committee of the Security Council by the Secretary General. Within 10 days of that submission, the Military Staff Committee may offer a finding for any candidate that the candidate either meets or does not meet the qualifications listed in Paragraph 4 of this Article. These findings shall not be binding upon the Secretary General. After the 10 day review period for the Military Staff Committee has passed, the Secretary General shall forward any or all of the 10 candidates to be voted upon simultaneously by the General Assembly and Security Council. The first candidate who receives a 2/3 Majority vote in the General Assembly and a 2/3 Absolute Majority in the Security Council is

elected Commander. A second election will be held, using the remaining 9 candidates following the same process for the election of the Deputy Commander. It is encouraged that this voting be completed within 14 days, but no longer than 30 days, after submission of the candidates by the Secretary General.

#### **Removal from Office**

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

### **C. Selection of Peace Service Unit Commanders**

#### **Title and Duration of Office**

10. Each of the Three Peace Service Units outlined in Article X will have a Peace Service Unit Commander. Each Peace Service Unit Commander will serve for a term of four years, renewable once. For the first three Peace Unit Commanders selected, 1 Commander will serve a term of 6 years, 1 Commander a term of 4 years and 1 Commander a term of 3 years, before renewal is required. The determination of which Peace Unit Commander will serve which initial term will be drawn by lot. All other subsequent selections of Peace Service Unit Commanders to fill vacancies shall follow the procedures of this Article.

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

#### **Qualifications and Restrictions**

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

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

14. Peace Service Unit Commander Candidates must have completed a minimum of two years of Battalion Level Command or higher (understood as a military unit with 600 personnel or more) in a Member Nation military within 10 years of his/her selection by the Commander as a Peace Service Unit Commander candidate.
15. Peace Service Unit Commander Candidates must possess experience in the command of Peacekeeping Operations. Furthermore it is desirable but not required that each candidate have experience in Humanitarian missions and that all Peace Service Unit Commander Candidates speak at least two languages.
16. Only one sitting Peace Service Unit Commander at any time may be from a Permanent Member Nation of the UN Security Council.

### **Selection Process**

17. The Commander and Deputy will jointly nominate three candidates for each vacancy to the Secretary General. Only 1 candidate from each vacancy may be from the same "region" as the Commander. There are no region restrictions based upon the nationality of the Deputy. The Commander and Deputy must submit a written finding outlining how each candidate meets the basic qualifications outlined in Paragraphs 4 and 5 of this Article.
18. Following nomination of the three candidates per vacancy, the Secretary General will direct the ratification of one candidate to fill the vacancy by means of the same ratification process outlined in paragraph 8 of this Article.<sup>18</sup>

### **Removal**

19. A Peace Service Unit Commander may be removed from his position at any time during his or her term by a finding by Commander, UNEPS that is ratified by the Secretary General, that the Peace Unit Commander has committed an act or acts that have brought serious discredit and harm to the mission and reputation of the United Nations.

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

**Section A: Assistant Secretary General for UNEPS within the Department of Peacekeeping Operations (DPKO).**

1. The United Nations Emergency Peace Services (UNEPS) is hereby established. It shall be a permanent institution and the leadership thereof shall be answerable to the United Nations Secretary-General (SG) and directed by the office of the Assistant-Secretary for the United Nations Emergency Peace Service (ASEPS). The functioning of the unit shall be governed by the provisions of this Statute.
2. The duties of the Assistant-Secretary will include:
  - a. overseeing the selection, election, and appointment of the Commander, Deputy and Task Force personnel. Consult on the selection of the COMDR.
  - b. Collaborate with the Under-Secretary-General for Peacekeeping Operations and Special Advisor for Genocide to reaching findings when presented with a possible conflict situation.
  - c. Terminate appointment of any of the personnel at any time as she determines violations of this statute or the Geneva Conventions or any other rules of international law are occurring.
  - d. Create committees to assist in the selection/review of the Commander, Deputy Commander, and Peace Unit Commander.
3. Each State that has ratified the statute may issue a list of non-binding recommendations for additional duties for the Assistant Secretary within six months of that State's ratification.

**Section B: Relationship with Other Organizations**

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

**Article VI – Functions and Responsibilities of the**  
**UNEPS Commander, Deputy Commander and**  
**Peace Service Unit Commanders in the Office of the**  
**Assistant Secretary General for UNEPS**

**Section A: Commander, UNEPS**

1. Ultimate military command responsibility over UNEPS shall lay with a single commander (COMDR) located at UN Headquarters in New York City, USA. COMDR shall serve as the political-military interface with ASEPS and be responsible for operational decision-making and UN policy implementation.

**Section B: Deputy Commander, UNEPS**

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

**Section C: Three Peace Service Unit Commanders**

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

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

### **A. Baseline Qualifications for entry into UNEPS Service**

1. To enter service with the United Nations Emergency Peace Service at any level or rank, a citizen of a Member Nation must meet the following minimum requirements:
  - a. Fluency (as determined by current United Nations standards) in two languages with at least one of them being one of the six official languages of the United Nations: Arabic, Chinese, English, French, Russian, Spanish.
  - b. A citizen of a UN Member Nation and State Party to this Statute; in accordance with U.N. Resolution 1325, UNEPS encourages and promotes the participation of women in this Peace Service.
  - c. A Bachelors Degree in any discipline. This requirement is waivable for up to 30% of all UNEPS personnel, subject to conditions and procedures to be outlined by the Commander, UNEPS.
  - d. A minimum passing score (to be established) on a Language Aptitude Test to be designed at the discretion of Commander, UNEPS.
  - e. A willingness to submit to background screening requirements as to be established by the Commander, UNEPS.
2. The requirements enumerated above are to be considered a minimum standard and do not limit the Commander, UNEPS from creating further reasonable requirements as he or she sees fit when establishing UNEPS.

### **B. Nationality and Gender Limitations for Peace Service Units**

#### **Nationality Limitations within UNEPS Headquarters and Staff**

3. Except for those limitations outlined in Article IV, there shall be no limitations on the nationality of the staff and personnel assigned to the direct support of UNEPS Headquarters and Commander, UNEPS. There shall also be no limitations on the gender of the staff; UNEPS understands the effect of the participation of women in the conflict prevention/peacekeeping efforts and encourages their participation, in accordance with Resolution 1325 of Women, Peace, and Security. The hiring and management of that staff is at the complete discretion of the Commander, UNEPS and the Assistant Secretary General for UNEPS in DPKO.

### **Nationality Limitations within UNEPS Peace Service Units**

4. The Peace Service Units, as outlined in Article X, are to be delineated as Peace Service Unit Central, Peace Service Unit East and Peace Service Unit West. The following nationality requirements for those in service to UNEPS at the Peace Service Unit level will be imposed on all three Peace Service Units regardless of location:

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

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

and

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

### **C. Recruiting Methodology**

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

6. Recruitment of UNEPS on an individual basis.

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

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

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

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

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

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

#### **D. Terms of Service**

8. The initial term of service for those entering UNEPS upon its formation shall be no less than five years of service and the total time in service within UNEPS for anyone shall be no longer than 10 years. The Commander, UNEPS remains full discretion to offer longer terms of service to those entering UNEPS into key leadership or staff support positions. Removal and any bar from re-enlistment from UNEPS will be subject to the procedures of internal regulation to be developed under Article VIII.

#### **E. Oath of Office**

DRAFT:

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

## **Article VIII – Process for the Formation of UNEPS Doctrine**

### **Section A: Internal Regulations and Codes of Conduct**

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

### **Section B: International Conventions**

All International Conventions on the Laws of War are hereby incorporated into the Code of Military Justice government UNEPS commanders and personnel. These include:

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

- Protocol III (2005) relating to the Adoption of an Additional Distinctive Emblem (for medical services)

### **Section C: Military Justice**

The Code of Military Justice shall be drafted by the COMDR and must be approved by the General Assembly. UNEPS shall not have an independent court system. Instead, investigations, justice and discipline for violations shall be managed according to the following scheme, to be outlined in further detail by the Commander, UNEPS:

#### 1. Category A – Major Crimes on UNEPS Installations or during UNEPS Deployment.

Included within this class are illegal arms trading, sexual abuse, rape, major theft/fraud, embezzlement, manslaughter, murder, and all grave breaches of the Third and Fourth Geneva Conventions. Category A violations shall be investigated by the UN Office of Internal Oversight Services (OIOS). Upon completion of these investigations, they shall be forwarded to the Office of the Prosecutor of the International Criminal Court (ICC). Any Trial or Punishments shall be in accordance with the findings of the ICC.

#### 2. Category B – Minor Infractions and Crimes Committed on UNEPS Installations.

All violations not listed in Category A fall within Category B, including but not limited to discrimination, sexual harassment, abuse of authority or subordinates, misuse of equipment, simple theft/ fraud, infractions of regulations, physical assault, use, possession or distribution of illegal narcotics, conflict of interest, waste or mismanagement of resources, fraud, bribery, corruption, forgery, and all other conduct that could bring the UN into disrepute. Category B violations shall be investigated by the UN Special Investigation Unit (SIU) and Military Police. The convening authority shall be the PSUCOM of the installation upon which the violation occurs. Summary judgment shall be issued upon the findings of the OPCOM and punishment shall be issued at his or her discretion. The range of administrative punishment shall not include imprisonment, but rather shall be limited to loss of half-pay for 60 days, extra duty for 90 days, and loss of privileges for 120 days, and separation from UNEPS. Any UNEPS member punished under this Category may appeal their punishment to the Deputy Commander of UNEPS within 10 days of the finding. The Deputy Commander shall have the authority to vacate or reduce any punishment imposed by a Peace Service Unit Commander.

### 3. Class C Violations –Crimes Committed in the Territorial Jurisdiction of a Host Nation.

Violations of the laws of the host nation (i.e. Italy, Panama, or Malaysia) shall fall within the territorial jurisdiction of that state unless otherwise governed by a specific status of forces agreement or memorandum of understanding endorsed by the Secretary General. Any such status of forces agreement may be renegotiated if either a majority of the Security Council or 2/3 of the General Assembly demands it. The respective PSUCOM shall have the authority to institute additional Category B punishment and separation from UNEPS as deemed appropriate.

## **Article IX – UNEPS Headquarters Size and Location**

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

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

## **Article X – Peace Service Units**

### **Size, Composition, Organization, and Locations**<sup>19</sup>

#### **Section A: Size & Composition**

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

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

#### **Section B: Organization & Locations**

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

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

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

## **Article XI- Financial Matters**

1. In accordance with Article 17 of the Charter of the United Nations, all budgetary issues for UNEPS are to be approved by the General Assembly.<sup>20</sup>
2. In accordance with the Financial Regulations and Rules of the United Nations, funds approved for peacekeeping operations shall be financed by member states.<sup>21</sup> In keeping with this policy, the same concept shall be implemented for the UNEPs budgets.
3. Payments by Member States for the UNEPS Budget shall be due within 30 days of the receipt of the communication of the Secretary-General on the first day of the calendar year to which they relate, whichever is later. As of 1 January of the following calendar year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.<sup>22</sup>

### ***Procedure for Requesting Funds***

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

C. Following the declaration that UNEPS is fully operational as described in Article XIII of this Statute, the UNEPS Recurring Cost Budget will become the primary funding vehicle for UNEPS. This budget will be submitted in accordance with a process referred to in Paragraph 8 of this Article to be determined at a later date by the Secretary General, in consultation with the DPKO.

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

### **Intent for UNEPS to train with Member Nation Militaries**

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

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

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

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

### **Article XIII-Adoption and Ratification Process for this Statute**

1. In order to be adopted and for entry into force to occur, this Statute must be signed by 2/3 of United Nations Member Nation States. Within 30 days following the signature of this Statute by at least 2/3 of United Nations Member States, this Statute must be submitted for ratification by the Under-Secretary General for Peacekeeping Operations, to the Security Council in accordance with the Security Council's Rules of Procedure.
2. Debate and discussion of the Statute shall take place at the Security Council, this debate period should be carried out within 30 days of submission.
3. Upon extending an opportunity to be heard from all interested parties, the Security Council will open up the floor to a vote. A 2/3 absolute majority must be reached in order for the Statute to be adopted. Upon receiving a 2/3 Absolute Majority Approval vote in the Security Council, this UNEPS Statute will be ratified and enter into force.
5. As described in Article XI, ratification by the Security Council will also approve the initial funding amounts for Set-Up Costs and the Operational Reserve Trust Fund listed in Article XI. These funding amounts are to be allocated to Member States by procedures to be determined by the Security Council in consultation with the Secretary General and General Assembly.

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

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

## **Article XV: Final Clauses**

### **Dispute Settlement**

1. Any other dispute between two or more States Parties relating to the interpretation or application of this Statute which is not settled through negotiations within three months of their commencement shall be referred to Security Council. The Security Council may itself seek to settle the dispute or may make recommendations on further means of settlement of the dispute, including referral to the International Court of Justice in conformity with the Statute of that Court.

### **Review of the Statute**

2. Ten years after the entry into force of this Statute under Article XII, the Secretary-General of the United Nations shall convene a Review Conference to consider any amendments to this Statute. The Conference shall be open to all States who have signed this Statute. Any Amendments from this Review Conference will only be adopted by an approval of 2/3 of States Parties to this Statute and an Absolute 2/3 Majority of the Security Council.<sup>23</sup>

## **Appendix A: Summary of Alternate Provisions**

### **SUMMARY OF ALTERNATE OPTIONS FOR ARTICLE II:**

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

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

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

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

-Each Member Nation who is also a State Party to this Statute may submit one candidate for the position of Commander to the Secretary General (SG) for consideration, the Secretary General will compile all names and submit the list of candidates simultaneously to the to the General Assembly and Security Council. The first candidate who receives an Absolute 2/3 Majority vote in the GA and an Absolute 2/3 Majority vote in the SC is elected Commander. Immediately following the election of the Commander, a subsequent election will be held with the remaining nominated list for the position of Deputy Commander. The first individual to receive 2/3 Absolute Majority vote in the GA and Absolute 2/3 Majority vote in the SC is elected the Deputy.<sup>24</sup>

OR

*“Secretary General and GA Ratification Option”*

-The Secretary General acting in his independent capacity selects 15 candidates for the position of Commander. These 15 candidates are voted upon by the General Assembly and the candidate with the highest vote and a minimum of a 2/3 majority in the General Assembly is

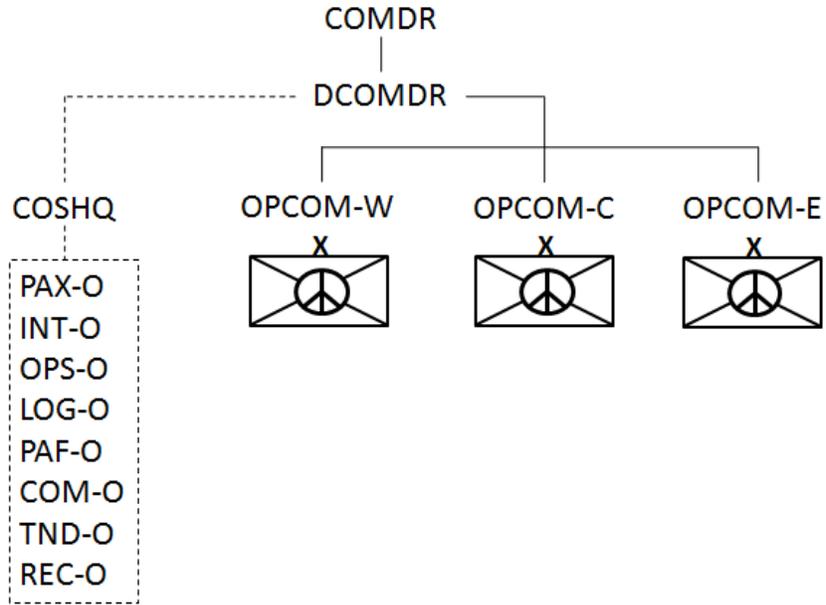
*elected Commander. A second election will be held following the same process for the election of the Deputy Commander. The SG is authorized to consult with any entity of the United Nations she or he deems necessary in making the initial list of 15 candidates.*

OR

*“Secretary General and UN Security Council Ratification Option”*

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

## Appendix – B: UNEPS Structure

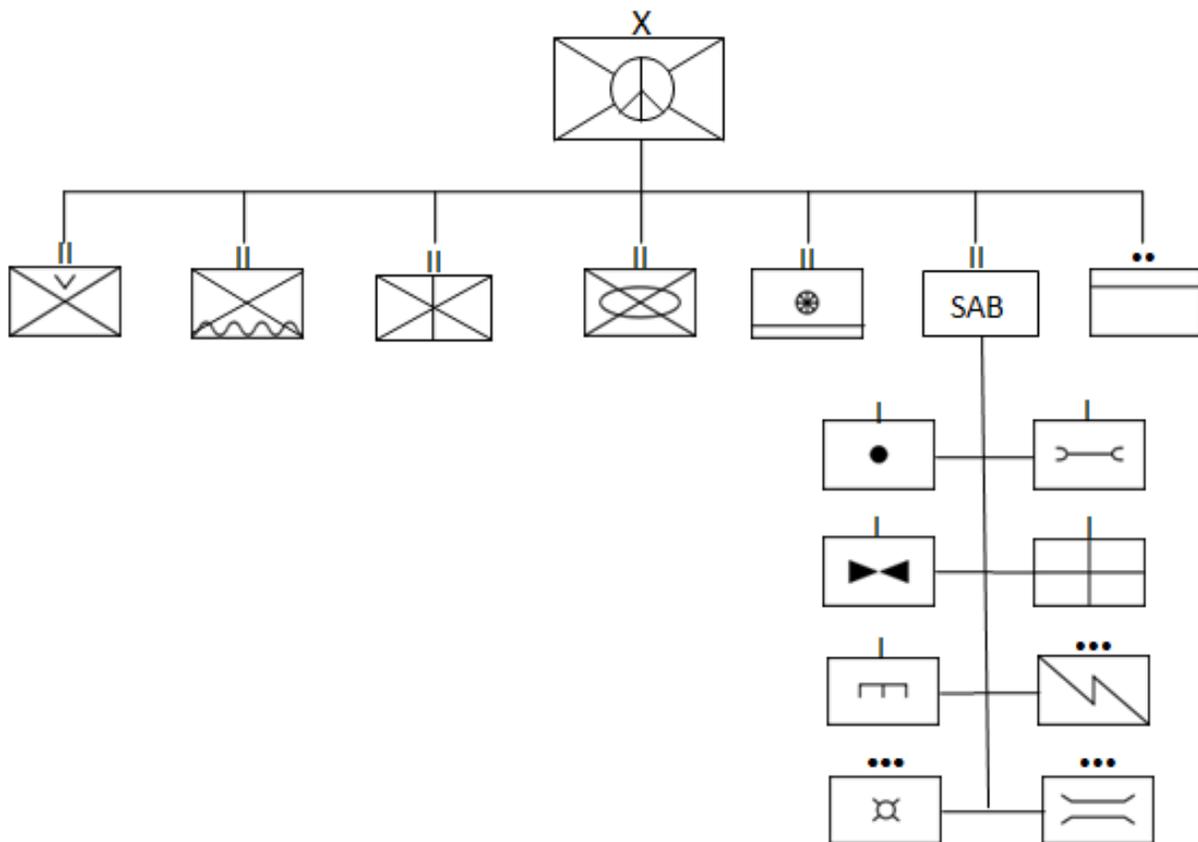


## Appendix – C: PSU Composition

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

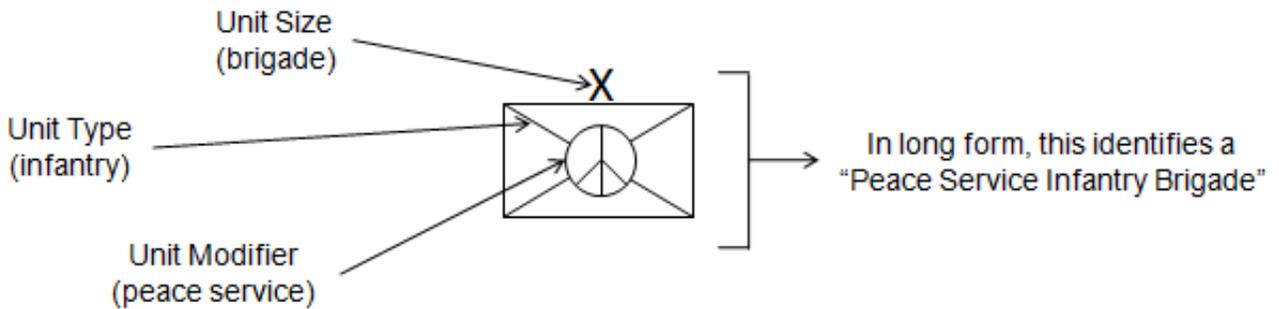
- 3 x Prevention Battalions (Air Mobile; Amphibious; Motorized)
- 1 x Halt Battalion (Mechanized)
- 1 x Logistics Battalion
- 1 x Special Asset Battalion
- 1 x Headquarters Section

Using standard NATO unit identifiers, the PSU will be structured follows:



[Note: the PSU symbol (which incorporates the international “peace sign”) and Special Assets Battalion symbol (SAB) use non-standard modifiers. Refer to the next page for Symbol Keys].

## Symbol Location Key



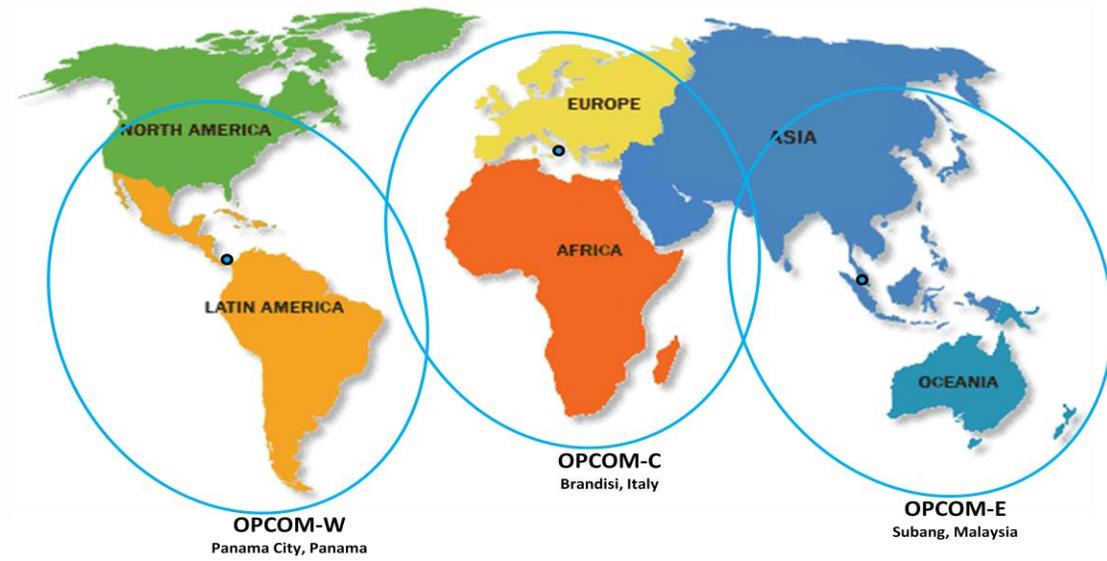
## Unit Size Symbol Key

<b>X</b>	Brigade (≈ 6,000)	<b>  </b>	Battalion (800-1,000)	<b>I</b>	Company, Battery, or Troop (120-160)	<b>...</b>	Platoon (30-50)	<b>••</b>	Section (10-20)
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## PSU Subordinate Unit Icon Key

	Airmobile Infantry Battalion		Headquarters Section		Engineer Company
	Amphibious Infantry Battalion		Special Assets Battalion		Maintenance Company
	Motorized Infantry Battalion		Artillery Battery		Medical Company
	Mechanized Infantry Battalion		Aviation (Helicopter) Troop		Signals Platoon
	Transportation & Supply Battalion		Ordinance Disposal Platoon		Bridging Platoon

## Appendix – D: PSU Locations and Areas of Responsibility



## **NOTES**

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<sup>1</sup> *A United Nations Emergency Peace Service to Prevent Genocide and Crimes against Humanity* (Robert C. Johansen ed., 2006).

<sup>2</sup> *Genocide Prevention Task Force, Blueprint for US Policy Makers*, p. sv (Madeleine K. Albright, et al. eds., 2008).

<sup>3</sup> The Statute for the International Criminal Court (hereinafter Rome Statute) Preamble, *entered into force 1 July 2002* <available at <http://untreaty.un.org/cod/icc/index.html>>

<sup>4</sup> Id.

<sup>5</sup> 2005 World Summit Outcome Document, G.A. Res 60/1, paragraphs 138 and 139 (Sept 16, 2005)

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Convention for the Prevention and Punishment of the Crime of Genocide (hereinafter Genocide Convention) art. 2, *entered into force 12 January 1951*, 78 U.N.T.S. 277.

<sup>9</sup> Rome Statute, *supra* note 3, at Article 7

<sup>10</sup> The Genocide Convention has 141 parties as recorded by the United Nations Treaty Depository at <http://treaties.un.org>. Furthermore, it can be argued that the international prohibition on Genocide has developed into a *jus cogens* principle of international law which may never be abrogated.

<sup>11</sup> Id. at art.VIII

<sup>12</sup> See The Fourth Geneva Convention (1949) relative to the Protection of Civilian Persons in Time of War and Protocols I and II (1977) relating to the Protection of Victims of International Armed Conflicts and Non-International Armed Conflicts. <Available at <http://www.icrc.org/eng/war-and-law/treaties-customary-law/index.jsp>>

<sup>13</sup> UN Security Council Resolutions S/RES/955 (1994) and S/RES/827 (1993).

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<sup>14</sup> UNEPS is proposed as one method which could help the international community meet the obligations of the “Third Pillar” of the Responsibility to Protect, as outlined in Secretary General Ban Ki-Moon’s July 2008 Speech in Berlin, Germany. The Third Pillar involves the use of several types of policy tools by the international community to protect a population from Genocide and Crimes against Humanity when their State is not able or unwilling to do so. The speech is available at <http://www.un.org/News/Press/docs/2008/sgsm11701.doc.htm>

<sup>15</sup> 2005 World Summit Outcome Document, *supra* note 5 at paragraph 139.

<sup>16</sup> This is similar to the process used for the selection of judges for the International Court of Justice. See The Statute of the International Court of Justice (hereinafter ICJ Statute) Articles 4 – 10, *entered into force 1945*, 59 Stat. 1055.

<sup>17</sup> The seven regions used by the Food and Agricultural Organization of the United Nations as accessed at: [http://www.fao.org/unfao/govbodies/membnations\\_reg\\_en.asp](http://www.fao.org/unfao/govbodies/membnations_reg_en.asp)

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

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

<sup>20</sup> U.N. Charter art. 17, para 1.

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

<sup>22</sup> *Id.* at Regulation 3.4

<sup>23</sup> Similar to process outlined in Article 121 of the Rome Statute, *supra* note 3.

<sup>24</sup> See *supra* note 15