

Analysis of Transitional Justice Language in Security Council Resolutions

Project Proposal

Background

This project to be led by Security Council Report (SCR) aims to gain a better understanding of how the UN Security Council has positioned itself on questions related to dealing with transitional justice issues in a broad sense through the language it has used in its resolutions. The findings of this project will illuminate effective use of language in Security Council resolutions in relation to transitional justice, including questions of accountability and healing/reconciliation, and the Security Council's follow-up on their implementation, and in turn identify possible needs (such as awareness-raising) among Security Council delegates and within the UN system in this regard.

This document sets out the scope of work for the research paper commissioned by Switzerland in the form of a mandate to inform its thinking on transitional justice and the Security Council.

Project Design

The overall project is a collaboration between Security Council Report (SCR) and the Centre for Policy Research (CPR) at UNU, with close consultation with the Office of the High Commissioner for Human Rights (OHCHR) and the Swiss Government.

The project is broadly conceived in two phases.

The first phase will be led by SCR and will focus on the evolution of Security Council language on transitional justice. CPR will contribute to phase one by developing a search algorithm for transitional justice issues in Security Council documents. This search algorithm will be used for searching Security Council language around relevant transitional justice resolutions since the end of the Cold War provided by SCR. SCR will map Security Council language in all four pillars of transitional justice (Truth, Justice, Reparation and Guarantees of Non-Recurrence) in the selected resolutions and produce a table using the findings from the search. SCR will convene a meeting with civil society and other actors to discuss the findings from the overview of language in relevant post-Cold War resolutions. Once the cases are agreed upon among the project partners, SCR will study how these resolutions came about and provide analysis of the different types of formulation. As a final deliverable covered by this project proposal, SCR will produce a first draft

of a policy paper drawing together key conclusions from analyzing the findings as well as a list of three to five cases it recommends for further analysis.

The second phase, to be led by CPR and not covered by this project proposal, will build on the first phase and explore how Security Council mandates for transitional justice have been interpreted and implemented in a range of settings. CPR will produce papers on the same three to five case studies in the first phase as well a policy paper. It will also convene an expert meeting at the end of the second phase, with SCR's participation.

Case Studies

The selection of the case studies will take place during phase one of the project and will be agreed amongst the project partners. The cases will aim to offer geographic diversity and be chosen from the post-Cold War era (such as the former Yugoslavia, Rwanda, Burundi); following the establishment of the International Criminal Court (such as Sierra Leone, Côte d'Ivoire, Liberia); and from among ongoing issues on the Security Council's agenda (including the Democratic Republic of the Congo, Colombia, Somalia, Afghanistan), based on a reasonable geographic and thematic distribution. Case studies will also be chosen with the aim of showing how the Security Council's approach to transitional justice has evolved – for example, in respect of Iraq from the early 1990s to today. SCR will place greater emphasis on more recent examples. SCR will finalize the selection of case studies following the review of Security Council decisions, in consultation with CPR, OHCHR and the Swiss Government.

Research Focus and Questions

Each case study will be based on a literature review, followed by consultations with relevant UN desks and key experts.

Among the questions that will be considered are:

- What type of language has the Security Council used in what type of contexts and is such usage of language underpinned by a distinct and specific understanding of terminology?
- What kinds of mandate has the Security Council given in this area, either by creating mechanisms or by requesting peace operations to support specific national initiatives?

- Based on its resolutions, what type of activity or approach does the Security Council consider to be contributing to “healing and reconciliation” and to “sustainable peace”?
- How did the measures come about?
- Is there a coherent vision of the Security Council?
- To what extent and how does the Security Council link questions of impunity/accountability to instability, risk of recurrence of violations, healing and reconciliation? What is the purpose expressed by the Security Council for requesting or mandating measures of accountability, transitional justice and reconciliation?
- Are there identifiable thresholds after which the Security Council decides to act on the establishment of transitional justice measures? What have been the key triggers or influencers in action taken?
- Is there any consistency or trend in the way that the various transitional justice measures are decided on by the Security Council?
- Is there any language that has been avoided?

Timeframe for Project Activities

Covered by this project proposal:

- **Early August 2019:** Project contract finalized between SCR and the Swiss Government
- **1 September 2019:** Search algorithm completed, resolutions selected and case study selection ongoing
- **End September 2019:** Produce first draft of matrix with findings from resolution search; finalize case study selection based on consultations with partners
- **Early October 2019:** Civil society consultations on research findings to obtain further insights; start research on case studies
- **15 December 2019:** Analysis of case studies completed, consulting with project partners
- **End January 2020:** First draft of policy paper, consulting with partners

Not covered by this project proposal:

- **March 2020:** Final draft of policy paper containing table of findings and analysis of case studies
- **Spring 2020:** Publication/Events

Budget from 1 August 2019 – 31 January 2020:

Total Costs: USD 50'299

Please see attached Annex for details of budget breakdown.

SCR Personnel Supporting the Project

- **Karin Landgren**, Executive Director, joined Security Council Report in May 2018 as its Executive Director. Ms. Landgren served with the United Nations for over 35 years, and is the first woman to have headed three UN peace operations mandated by the Security Council. She was until 2015 a UN under-secretary-general and head of the UN Mission in Liberia (UNMIL), a peacekeeping operation, and led UNMIL's response to Ebola through the height of the epidemic. Prior to this, she led two political missions, the UN Office in Burundi (BNUB) and the UN Mission in Nepal (UNMIN). She was UNICEF's first chief of child protection, in 1998- 2008. While with UNHCR from 1980 to 1998, Ms. Landgren served in Bosnia and Herzegovina, Eritrea, Singapore, the Philippines, India, and at its headquarters in Geneva. She is a founding member of the Nordic Women Mediators' Network, and has taught at Columbia University and Central European University.
- **Lindiwe Knutson**, Research Analyst, Project Lead, joined Security Council Report in 2013. As a Policy Analyst, she is responsible for covering South Sudan, Darfur and Sudan/South Sudan, as well as Bosnia and Herzegovina. She also covers human rights-related developments and the Human Rights Council, across all country-specific issues on the Security Council's agenda as well as the African Union. She has worked as an attorney in South Africa and as Program Coordinator at Columbia University's Institute for the Study of Human Rights. She is an admitted attorney in South Africa and holds a Master of Laws (LLM) in international and human rights law from Columbia University Law School as well as Bachelor of Social Sciences and Bachelor of Laws (LLB) degrees from the University of Cape Town.
- **Shamala Kandiah**, Deputy Executive Director, has been with Security Council Report since 2006. As a Deputy Executive Director, she works on all aspects of the organisation with a particular responsibility for fundraising and donor relations, and management of the organisation's finances and human resources. Her research portfolio includes Asian

issues, as well as the thematic issue of children and armed conflict, which she has covered for SCR since 2007. She has also worked on a range of other topics over the years, including European issues as well as peacekeeping, peacebuilding and conflict prevention-related topics. Ms. Kandiah Thompson has over 25 years of experience in media and public policy making. She worked with the Singapore Ministry of Foreign Affairs and the ASEAN Secretariat in Jakarta covering ASEAN and UN issues. She has also worked as a journalist: in television in Singapore, as a newspaper foreign correspondent in New York and as a communications trainer. Ms. Kandiah Thompson holds a Bachelor of Social Sciences and Bachelor of Arts degrees from the National University of Singapore and a Master of International Affairs from Columbia University's School of International and Public Affairs. A native of Singapore, she speaks English, Malay and Indonesian.

- **Anna Haven**, Research Assistant, joined Security Council Report in April 2019. As a Research Assistant, she is responsible for fact-checking and proofreading SCR's Monthly Forecasts, Research Reports and What's in Blue articles. Ms. Haven conducted post-conflict reconstruction fieldwork in Colombia with the International Field Program and authored a brief focusing on P/CVE strategies and process disruption through a gendered lens. Prior to SCR, Ms. Haven was a Senior Policy Research Fellow at NGO Working Group on Women, Peace and Security, where her gender analysis focused on West Africa and the Sahel, Syria, and Golan Heights. Ms. Haven holds a Master of Arts in International Affairs from The New School with a concentration in Conflict and Security and graduated Magna cum Laude in History from Hunter College. She is fluent in French and has a working understanding of Spanish.

Please see attached budget for details of time allocated and costs.