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## SECURITY COUNCIL BACKGROUND GUIDE 2017

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# NATIONAL MODEL UNITED NATIONS



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Dear Delegates,

Welcome to the 2017 National Model United Nations Conference in Washington, DC (NMUN•DC)! We are pleased to introduce you to our committee, the Security Council. This year's staff is: Director Emma Ogg and Assistant Director Davina Basse. Emma has a B.A. in International Affairs and continues to work for the NGO Working Group on Women, Peace and Security as a consultant, in addition to tutoring high school math and science. This will be her fourth year on DC staff, and she is excited to return to NMUN•DC. Davina will graduate with a dual B.A. in Political Science and International Affairs in 2018 and currently works with a number of Model UN-related initiatives. This will be her second year on DC staff, and she is looking forward to returning to NMUN•DC.

The topics under discussion for the Security Council are:

1. Measures to Combat Terrorism in Africa
2. Territorial Disputes in the South China Sea

The Security Council is a primary organ of the United Nations, charged with maintaining peace and security. In the fulfillment of its mandate under the *Charter of the United Nations*, the Security Council can request reports from the Secretary-General, recommend principles for a peace agreement, implement sanctions, and authorize peacekeeping and political missions. The Security Council can also determine threats to peace, investigate disputes, and recommend mediation through its relationships with the Secretary-General, the Department of Peacekeeping Operations, the Department of Political Affairs, subsidiary sanctions and advisory committees, and other United Nations entities. These actions allow the Security Council to comprehensively and assertively respond to threats to peace and security, including in humanitarian crises.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a [Position Paper](#) by 11:59 p.m. (Eastern) on 13 October 2017 in accordance with the guidelines in the [NMUN Position Paper Guide](#).

Two resources, to download from the [NMUN website](#), that serve as essential instruments in preparing for the Conference and as a reference during committee sessions are the:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated.

If you have any questions concerning your preparation for the committee or the Conference itself, please contact the Deputy Secretary-General, Jess Mace, at [dsg.dc@nmun.org](mailto:dsg.dc@nmun.org).

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Emma Ogg, *Director*  
Davina Basse, *Assistant Director*



## Committee Overview

### *Introduction*

After the devastating effects of two world wars, the international community decided to establish the United Nations (UN) as an intergovernmental organization with the primary responsibility of maintaining international peace and security, creating the conditions conducive to economic and social development, while advancing universal respect for human rights.<sup>1</sup> The Security Council was established as one of its six principal organs and was given the primary responsibility to preserve international peace and security.<sup>2</sup>

The **United Nations Security Council** is one of the six principal organs of the United Nations and is mandated by the *Charter of the United Nations* to maintain international peace and security. The Council submits an annual report to the General Assembly.

The Security Council held its first session on 17 January 1946 at Church House in London.<sup>3</sup> After its first meeting, the Council relocated to its permanent residence at the UN Headquarters in New York City.<sup>4</sup> At that time, five permanent members and six non-permanent members comprised the membership of the Council.<sup>5</sup> However, over subsequent years, discussions regarding the structure of the Council began to take place.<sup>6</sup> In 1965, the number of non-permanent members increased to ten, and although membership has not changed since, discussions regarding a change in configuration take place frequently.<sup>7</sup>

During the Cold War, disagreements between the United States of America and the former Soviet Union blocked the Council from being an effective institution due to lack of agreement on even the most basic of issues.<sup>8</sup> Over the last two decades progress has been made, especially in the field of peacekeeping missions, which have been expanded to cover a wider range of issues, including facilitating political processes (including elections), protecting human rights, and assisting with disarmament.<sup>9</sup> Additionally, traditional challenges to international peace and security have shifted, forcing the Council to adapt to new scenarios, such as the challenge of addressing multiple humanitarian crises simultaneously, and in different regions of the world.<sup>10</sup> After 2000, terrorism, extremism, and other thematic, rather than country-specific issues, became priorities of the Council, as evidenced by the adoption of a range of resolutions and the establishment of several subsidiary bodies on cross-cutting issues.<sup>11</sup>

### *Governance, Structure, and Membership*

The Security Council is the only UN body that has the power to adopt binding resolutions.<sup>12</sup> This means that when the Council adopts a resolution, Member States, in accordance with Article 25 of the *Charter of the United Nations* (1945), are legally obligated to accept and carry out the Council's recommendations and decisions.<sup>13</sup> The Security Council also has a variety of other tools to address issues on its agenda.<sup>14</sup> For example, the President of the Security Council may issue press statements or presidential statements to communicate the position of the Council.<sup>15</sup>

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<sup>1</sup> *Charter of the United Nations*, 1945, Preamble.

<sup>2</sup> UN Security Council, *What is the Security Council?*, 2017.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Hanhimäki, *The United Nations: A Very Short Introduction*, 2008, p. 32.

<sup>6</sup> *Ibid.*

<sup>7</sup> Bourantonis, *The History and Politics of UN Security Council Reform*, 2005, p. 10.

<sup>8</sup> Encyclopaedia Britannica, *United Nations Security Council*, 2014.

<sup>9</sup> UN Security Council, *Structure*, 2017.

<sup>10</sup> Council on Foreign Relations, *CFR Backgrounders: The UN Security Council*, 2015; Encyclopaedia Britannica, *United Nations Security Council*, 2014.

<sup>11</sup> Security Council Report, *September 2014 Monthly Forecast: Counter-Terrorism*, 2014.

<sup>12</sup> UN Security Council, *What is the Security Council?*, 2017.

<sup>13</sup> *Charter of the United Nations*, 1945, Art. 25.

<sup>14</sup> UN Security Council, *Functions and Powers*, 2017.

<sup>15</sup> NGO Working Group on Women, Peace and Security, *Mapping Women, Peace and Security in the United Nations Security Council: Report of the NGOWG Monthly Action Points, 2009-2010*, 2010, p. 11.

Although they are not legally-binding, such statements are used to bring attention to important issues, and to make recommendations to solve conflicts.<sup>16</sup>

### *Membership*

The Security Council is comprised of five permanent members and 10 non-permanent members. The five permanent members of the Security Council are: the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.<sup>17</sup> Every year, the General Assembly elects five of the 10 non-permanent members for a two-year term.<sup>18</sup> Elections for non-permanent seats on the Council can be extremely competitive, with Member States expressing interest years in advance.<sup>19</sup> Member States elected to serve on the Security Council are expected to represent the interests of their region; they usually have an influence at the international level and demonstrate leadership in specific areas of interest to their foreign policy.<sup>20</sup> Bolivia, Egypt, Ethiopia, Italy, Japan, Kazakhstan, Senegal, Sweden, Ukraine, and Uruguay are the current non-permanent members.<sup>21</sup> Security Council elections for non-permanent members are held in June, six months before the term starts.<sup>22</sup> The 10 non-permanent members represent countries from five groups: the African Group, the Asia-Pacific Group, the Latin American and Caribbean Group, the Eastern European Group, and the Western European and Others Group.<sup>23</sup> For the current term, Italy and the Netherlands split one of the European seats, with each holding the seat for one year, Italy for 2017 and Netherlands for 2018.<sup>24</sup> This decision was reached after they both failed to achieve a two-thirds majority after five rounds of voting.<sup>25</sup> As is customary in Security Council elections, after multiple rounds of voting, compromise is often sought in order to fill the seat.<sup>26</sup>

### *Presidency*

Each member of the Security Council holds the presidency of the Council for one month, rotating according to alphabetical order.<sup>27</sup> Security Council meetings can be held at any time when convened by the President and by the request of any Member State.<sup>28</sup> Under Article 35 of the Charter, the President shall call a meeting if a dispute or situation calls the Council's attention.<sup>29</sup> According to Rule 6 of the Provisional Rules of Procedure, all concerns that are brought to the attention of the Secretary-General (SG) are drafted in an agenda that is approved by the President of the Security Council.<sup>30</sup> The presidency for November 2017 is to be held by Italy.<sup>31</sup>

### *Participation*

Any Member State of the UN may attend the Council's sessions if the body decides to extend an invitation.<sup>32</sup> Member States are invited if the Security Council is discussing an issue that directly concerns the interests of the Member State.<sup>33</sup> Invited Member States do not have the right to vote, but are allowed to submit proposals and draft

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<sup>16</sup> Ibid., p. 15.

<sup>17</sup> UN Security Council, *Current members*, 2017.

<sup>18</sup> Ibid.

<sup>19</sup> UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

<sup>20</sup> Bourantonis, *The History and Politics of UN Security Council Reform*, 2005, p. 6.

<sup>21</sup> UN Security Council, *Current members*, 2017.

<sup>22</sup> UN General Assembly, *Revitalization of the work of the General Assembly (A/RES/68/307)*, 2014, p. 4.

<sup>23</sup> UN General Assembly, *Rules of procedure*, 2017.

<sup>24</sup> *Italy, Netherlands ask to share Security Council seat*, Al Jazeera, 2016.

<sup>25</sup> Ibid.

<sup>26</sup> UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

<sup>27</sup> UN Security Council, *Provisional rules of procedure*, 2017.

<sup>28</sup> UN Security Council, *Repertoire of the practice of the Security Council*, 2016.

<sup>29</sup> *Charter of the United Nations*, 1945, Art. 35.

<sup>30</sup> UN Security Council, *Provisional rules of procedure*, 2017.

<sup>31</sup> UN Security Council, *Security Council Presidency in 2017*, 2017.

<sup>32</sup> Ibid.

<sup>33</sup> *Charter of the United Nations*, 1945, art. 31.

resolutions.<sup>34</sup> Furthermore, those Member States can inform the Council about a current crisis in their region.<sup>35</sup> However, such proposals may only be put to a vote at the request of a member of the Council.<sup>36</sup>

### *Subsidiary Organs*

The Security Council has many subsidiary bodies established under Article 29 of the Charter, including: the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), sanctions committees, and ad hoc committees established for a limited time for a specific issue.<sup>37</sup> The Peacebuilding Commission (PBC) is a body that advises on peace efforts in conflict-affected countries and reports jointly to the General Assembly and the Security Council.<sup>38</sup> Additionally, Security Council Member States participate in various working groups that discuss topics of concern to the Security Council.<sup>39</sup> These working groups consist of some or all of the Security Council Member States, focus on regional issues, and aim to improve the working methods of the Security Council itself.<sup>40</sup> The Security Council is also responsible for determining if, when, and where a Peacekeeping operation is needed.<sup>41</sup> A Peacekeeping operation is created through an adopted Security Council resolution, and the Security Council continuously monitors these operations through reports issued by the SG and by holding dedicated sessions to discuss specific operations.<sup>42</sup> The counter-terrorism committee is tasked with monitoring Member States with the implementation of counter-terrorism policy, specifically resolution 1373 (2001) and subsequent resolutions and to coordinate their response to a terrorist attack.<sup>43</sup>

### *Voting*

Every Member State of the Security Council has one vote.<sup>44</sup> Votes on all matters require a majority of nine Member States.<sup>45</sup> However, if one of the five permanent members of the Security Council votes “no” on a matter of substance, such as a draft resolution, it does not pass.<sup>46</sup> This is known as the “veto power.”<sup>47</sup> In the 1950s, Security Council Member States, in particular the former Soviet Union, made frequent use of their veto power, but its usage declined in the 1960s, rising again in the 1970s and 1980s.<sup>48</sup> In the last decades, the use of the veto power has been on a comparatively low level.<sup>49</sup> In recent years, the Council has adopted many resolutions by consensus and has only been divided on a very limited number of issues; a prominent example being the case of Syria.<sup>50</sup>

### *Mandate, Functions, and Powers*

The mandate of the Security Council is to maintain international peace and security, and to take action whenever peace and security is threatened.<sup>51</sup> The Council’s authority is particularly relevant with respect to the UN’s four primary purposes, as specified in the *Charter of the United Nations*: maintaining international peace and security; developing friendly relations among nations; cooperating in solving international problems; promoting respect for human rights, as well as being a center for harmonizing the actions of nations.<sup>52</sup> Chapters VI and VII of the *Charter of the United Nations* specifically concern the Security Council and the range of actions that can be taken when

<sup>34</sup> UN Security Council, *Provisional rules of procedure*, 2017.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> UN Security Council, *Structure*, 2017.

<sup>38</sup> Ibid.

<sup>39</sup> UN Security Council, *Repertoire of the practice of the Security Council*, 2017.

<sup>40</sup> Ibid.

<sup>41</sup> United Nations Peacekeeping, *Role of the Security Council*, 2017.

<sup>42</sup> Ibid.

<sup>43</sup> Security Council Counter-Terrorism Committee, *Frequently asked questions*, 2017.

<sup>44</sup> *Charter of the United Nations*, 1945, art. 27.

<sup>45</sup> Ibid.

<sup>46</sup> Hanhimäki, *The United Nations: A Very Short Introduction*, 2008, p. 52.

<sup>47</sup> Ibid.

<sup>48</sup> Security Council Report, *In Hindsight: The Veto*, 2013; Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

<sup>49</sup> Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

<sup>50</sup> Security Council Report, *In Hindsight: Consensus in the Security Council*, 2014; Security Council Report, *In Hindsight: The Veto*, 2013.

<sup>51</sup> UN Security Council, *What is the Security Council?*, 2017.

<sup>52</sup> *Charter of the United Nations*, 1945, art. 1.

settling disputes.<sup>53</sup> Although the main goal is always to dissolve the disputes, Chapter VI aims to achieve this by peaceful means, whereas Chapter VII explores further actions that can be taken.<sup>54</sup> As noted in Chapter VI, the role of the Security Council is to determine the severity of the dispute brought before the body and the impact of the dispute internationally.<sup>55</sup> Any Member State is able to report a dispute to the Security Council.<sup>56</sup> The Security Council is responsible for making recommendations to broker peace that take into considerations the previously attempted measures by the parties involved.<sup>57</sup> Under Chapter VII, the Security Council has the authority to implement provisional measures aimed to deescalate the situation.<sup>58</sup> If the provisional measures are ignored or are unsuccessful, the Security Council may decide to call upon military forces to act on behalf of the UN.<sup>59</sup> The *Charter of the United Nations* provides the Security Council with a number of powers in order to guarantee international security:

- **Sanctions:** Pursuant to Article 41 in the Charter, the Council can call its members to apply economic sanctions and other measures not involving the use of force to prevent or end violence.<sup>60</sup> These include economic sanctions, financial penalties and restrictions, travel bans, severance of diplomatic relations, and blockades, among others.<sup>61</sup> It may further mandate arms embargos, enforce disarmament, or call upon international criminal mechanisms to become active.<sup>62</sup>
- **Diplomatic Tools:** The Council has a mandate to investigate any dispute or situation that might lead to aggressions between states or other non-state groups or within states' national territories.<sup>63</sup> In order to do so, it may "recommend methods of adjusting such disputes or the terms of settlement; formulate plans for the establishment of a system to regulate armaments; determine the existence of a threat to the peace or act of aggression and recommend what action should be taken."<sup>64</sup>
- **Military Action:** Besides the above-mentioned diplomatic instruments, the Council may also take military action against a state or other entity threatening international peace and security and may further decide on the deployment of troops or observers.<sup>65</sup> Article 39 of the Charter states that the Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression.<sup>66</sup> Due to the voting structure, some regions of the world are underrepresented and others use their veto to block draft resolutions.<sup>67</sup> Again, Syria serves as an example, where the international community did not have the power to act because of the Russian and Chinese vetoes.<sup>68</sup> The Security Council may also decide upon the deployment of new UN peacekeeping operations to be led by the Department of Peacekeeping Operations, as well as the extensions of their mandates and subsequent modification or drawdown of any

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<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid., art. 34.

<sup>56</sup> Ibid., art. 35.

<sup>57</sup> Ibid., art. 36.

<sup>58</sup> Ibid., art. 40.

<sup>59</sup> Ibid., art. 41.

<sup>60</sup> Ibid.

<sup>61</sup> Biersteker, T., et al, *The Effectiveness of United Nations Targeted Sanctions*, 2013; UN Security Council, *United Nations Security Council: About*, 2014.

<sup>62</sup> Cousens & Malone, *Conflict Prevention in The UN Security Council: From the Cold War to the 21st Century*, 2004, p. 111.

<sup>63</sup> UN Security Council, *Functions and Powers*, 2016.

<sup>64</sup> *Charter of the United Nations*, 1945.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> *Charter of the United Nations*, 1945; Security Council Report, *In Hindsight: The Veto*, 2013; Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

<sup>68</sup> Security Council Report, *In Hindsight: The Veto*, 2013; Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

troops.<sup>69</sup>

- Partnerships: The Council also cooperates with a number of international and regional organizations as well as non-governmental organizations (NGOs) to implement its decisions.<sup>70</sup> Cooperation between the Security Council and UN-related organizations, such as the Organisation for the Prohibition of Chemical Weapons and the International Atomic Energy Agency, is significant; but partnerships with independent intergovernmental organizations such as the North Atlantic Treaty Organization and the African Union are also of paramount importance for addressing a broad range of issues such as terrorism, disarmament, nuclear nonproliferation, extreme violence from non-state actors, among others.<sup>71</sup>

### ***Recent Sessions and Current Priorities***

Major changes for the Security Council and the UN have taken place throughout 2017.<sup>72</sup> The new SG, António Guterres, has highlighted the need for the council to transition from a response to crisis model to a preventative model.<sup>73</sup> Additionally, the *2030 Agenda for Sustainable Development* (2015) is being implemented and has impacted the priorities of various UN organizations, including the Security Council.<sup>74</sup> Unlike some UN bodies, the Security Council does not have a set of predefined priorities; as such, the focus for 2017 has been on certain Member States and regions, including Sudan, South Sudan, Libya, Afghanistan, the Central African Republic (CAR), the Democratic People's Republic of Korea, the Middle East, and Africa.<sup>75</sup> In 2016, the Security Council established a committee with a mandate specifically concerning the CAR.<sup>76</sup> While playing a role in the successful elections that took place in early 2016, the Security Council was also instrumental in implementing an arms embargo upon the CAR.<sup>77</sup> The main goal of this embargo is to curb the smuggling and sale of weapons in the country.<sup>78</sup> In 2017 the Security Council began to focus on the need for stabilization, reconciliation, and the prosecution of human rights abuses in the CAR.<sup>79</sup>

In 2011, through Resolution 1996, the Security Council created the United Nations Mission in the Republic of South Sudan (UNMISS), with the goal of ensuring peace in South Sudan as it continued the process of state-building.<sup>80</sup> The current violent situation in South Sudan has resulted in the Security Council calling for a complete ceasefire in the country, with the hope of protecting all civilians and their property.<sup>81</sup> The UN Under-Secretary-General for Peacekeeping has called for the Security Council to impose an arms embargo on South Sudan following the multiple deaths of civilians and UN personnel surrounding the UNMISS compounds.<sup>82</sup> Throughout 2017, the Security Council has continued to address the conflict in South Sudan with Security Council Resolution 2352 (2017), which reduced the authorized troop ceiling for the United Nations Interim Security Force for Abyei (UNISFA).<sup>83</sup>

Thematic issues that remain consistent topics of discussion are: women, peace, and security as well as global terrorism.<sup>84</sup> The Security Council condemns all acts of terrorism, and aims to aid states in combating terrorist

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<sup>69</sup> UN DPKO, *Forming a New Operation*, 2016.

<sup>70</sup> UN Security Council, *Repertoire of the practice of the Security Council*, 2017.

<sup>71</sup> UN Security Council, *Structure*, 2016; UN Security Council, *Middle East (S/RES/2118 (2013))*, 2013.

<sup>72</sup> UN News Centre, *At Security Council, UN chief Guterres makes case for new efforts to build and sustain peace*, 2017.

<sup>73</sup> UN DPI, *At Security Council, UN chief Guterres makes case for new efforts to build and sustain peace*, 2017.

<sup>74</sup> *Ibid.*

<sup>75</sup> Security Council Report, *May 2017 Monthly Forecast*, 2017.

<sup>76</sup> UN Security Council, *The situation in the Central African Republic (S/PV.7734)*, 2016, p. 6.

<sup>77</sup> *Ibid.*, pp. 6-7.

<sup>78</sup> *Ibid.*, p. 7.

<sup>79</sup> UN Security Council, *The situation in the Central African Republic*, 2017.

<sup>80</sup> UN Security Council, *Reports of the Secretary-General on the Sudan (S/RES/1996(2011))*, 2011, p. 3.

<sup>81</sup> UN Security Council, *Reports of the Secretary-General on the Sudan and South Sudan (S/RES/2304(2016))*, 2016, p. 2.

<sup>82</sup> UN Security Council, *Security Council Must Consider Imposed Arms Embargo on South Sudan, United Nations Peacekeeping Chief Tells Security Council (SC/12445)*, 2016.

<sup>83</sup> UN Security Council, *Reports of the Secretary-General on the Sudan and South Sudan (S/RES/2352(2017))*, 2017, p. 5.

<sup>84</sup> UN Security Council, *Shame, Stigma Integral to Logic of Sexual Violence as War Tactic, Special Adviser Tells Security Council, as Speakers Demand Recognition for Survivors*, 2017.

threats, in ways that align with the *Charter of the United Nations*.<sup>85</sup> In Somalia, Al-Shabaab, a terrorist group linked to Al-Qaeda, has been violently campaigning to install an Islamic State.<sup>86</sup> The African Union Mission in Somalia (AMISOM), mandated by the Security Council to combat Al-Shabaab, works to re-establish areas and populations devastated by the terrorist organization.<sup>87</sup> In resolution 2297 dated 7 July 2016 on “The Situation in Somalia,” the Security Council called upon the Joint AU-UN Review to continue to support AMISOM and its efforts.<sup>88</sup> In Latin America, Colombia has been battling internally since 1964 with a rebel group called Fuerzas Armadas Revolucionarias de Colombia (FARC).<sup>89</sup> In 2016, the Security Council authorized the creation of an unarmed political mission in Colombia, to be used as a resource during the ceasefire and peace discussions between the government and FARC leaders.<sup>90</sup> As of August 2016, an agreement was reached and the UN Mission in Colombia will continue to oversee the laying down of arms as it progresses.<sup>91</sup> The most recent Security Council discussion on women, peace and security centered on the role of sexual violence as a war tactic.<sup>92</sup> The social repercussions victims of sexual violence face is of special concern as the ostracizing of women by their communities results in long lasting and often life threatening stigmatization.<sup>93</sup>

### Conclusion

As the international community faces increasing asymmetrical threats from non-state actors and transnational organized crime, the Security Council has tried to adapt to new working methods.<sup>94</sup> The current situation in Somalia, South Sudan, and the situation of women in conflict showcase the Security Council’s inability to completely guarantee peace and security in all regions of the world.<sup>95</sup> But they also represent the divides among Council members.<sup>96</sup> This inability to act can be partially explained by the Council’s controversial decision-making process, specifically the veto power of the five permanent members.<sup>97</sup> However, as the Security Council represents the only body within the UN that has the power to adopt binding resolutions, it is still the entity of utmost importance for the maintenance of international peace and security.<sup>98</sup>

### Annotated Bibliography

*Charter of the United Nations*. (1945). Retrieved 16 May 2017 from:

<http://www.un.org/en/documents/charter/index.shtml>

*As the fundamental principles of the Security Council are written down in the Charter of the UN, this document should be the first resource to consider. Article 23, which sets the membership structure and articles 23 to 26, which discuss its basic functions and powers, are of particular importance for understanding both the structure and function of the Security Council. In addition, articles 27 to 32 explain the Council’s voting procedure and its overall structure. The Charter can be particularly helpful for delegates in understanding the powers and limitations of the body. Delegates will find Chapters VI and VII most helpful when researching the mandate of the Security Council, and also while at the conference simulating the body.*

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<sup>85</sup> UN Security Council, *Security Council Press Statement on Al-Shabaab Attack in Somalia, 15 January (SC/12205-AFR/3304)*, 2016.

<sup>86</sup> Masters & Sergie, *Al-Shabab, Council on Foreign Relations*, 2015.

<sup>87</sup> AMISOM, *AMISOM mandate*, 2016.

<sup>88</sup> UN Security Council, *The situation in Somalia (S/RES/2297(2016))*, 2016, p. 4.

<sup>89</sup> Encyclopedia Britannica, *FARC Colombian Militant Group*, 2016.

<sup>90</sup> UN Security Council, *Identical letters dated 19 January 2016 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General and the President of the Security Council (S/RES/2261(2016))*, 2016, p. 2.

<sup>91</sup> UN DPI, *Security Council reiterates commitment to Colombian peace process*, 2016.

<sup>92</sup> UN Security Council, *Shame, Stigma Integral to Logic of Sexual Violence as War Tactic, Special Adviser Tells Security Council, as Speakers Demand Recognition for Survivors*, 2017.

<sup>93</sup> Ibid.

<sup>94</sup> UN Security Council, *Structure*, 2016; UN Security Council, *1540 Committee*, 2015.

<sup>95</sup> Security Council Report, *September 2014 Monthly Forecast – Syria*, 2014.

<sup>96</sup> Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

<sup>97</sup> Ibid.

<sup>98</sup> *Charter of the United Nations*, 1945, art. 24.





Council on Foreign Relations. (2013). *CFR Backgrounders: The UN Security Council* [Website]. Retrieved 16 May 2017 from: <http://www.cfr.org/international-organizations-and-alliances/un-security-council/p31649>

*The Council on Foreign Relations provides a comprehensive introduction into the structure and work of the Security Council and therefore constitutes a good starting point for more detailed research. The website discusses the Council's powers and possibilities in taking coercive actions and addresses broadly discussed issues as criticism to the Security Council's structure as well as possible reforms. In addition, the website contains links on further resources on the Security Council and recent international security issues as, for example, the Global Governance Monitor, which evaluates the international regime for armed conflict.*

Cousens, E., & Malone, D. (2004). *Conflict Prevention, The UN Security Council: From the Cold War to the 21st Century*. Boulder, Colorado: Lynne Rienner Publishers, Inc.

*This volume provides readers with a very detailed overview of the Security Council and its past and present challenges. Written on a high academic level, this book touches upon a large number of the Council's themes, institutions, and operations, explaining the Council's structure in depth. As it discusses major operations on four continents, the document can be a useful tool for detailed analysis on various international security crises.*

Hanhimäki, J. M. (2008). *The United Nations: A Very Short Introduction*. New York, New York: Oxford University Press.

*While giving a brief overview of the history, structure, mandate and perspective of the UN in general, this volume also includes a comprehensive section on the Security Council, as well as a separate chapter on peacekeeping and peacebuilding. The book offers a succinct explanation of the Council's political and operational constraints, including the veto power principle. It further provides delegates with a general overview of the importance of the Security Council for international security from its creation until now. Due to its comprehensive language, this book may serve delegates as a first starting point for further research on the Security Council as well as on international power relations.*

Security Council Report. (2017). *Security Council Report* [Website]. Retrieved 16 May 2017 from: <http://www.securitycouncilreport.org/>

*On the Security Council Report website, there is a separate page for each month that describes the action plan for the Security Council meetings that will take place. Every month the website is updated to reflect the current agenda of the Security Council. Delegates will be able to review these pages throughout the year, beyond what is discussed in the guide. It will be helpful throughout the position paper process and even in the month of the conference. Delegates will also find links to UN source documents on this website, which will be helpful during their research.*

United Nations, Department of Public Information. (2016, February 11). *Speakers Differ over Use of Sanctions as Security Council Considers Working Methods of Its Subsidiary Bodies (SC/122338)* [Press Release]. Retrieved 16 May 2017 from: <http://www.un.org/press/en/2016/sc122338.doc.html>

*The Security Council published a press release that detailed the concerns of Member States regarding sanctions imposed by the Council. In this source, delegates will find the exact concerns of these Member States, and some recommendations on how to solve them. Member States that have sanctions imposed upon them were invited to the meeting, even though most are not current members of the Security Council. Delegates will be able to see how the sanctions affect Member States, as well as how the Security Council works during meetings. This document states that although it seems that sanctions have been successful in curbing the effects of Al-Qaeda, some Security Council representatives feel that the temporary sanctions may become permanent, causing more harm than good.*

United Nations, Security Council. (2017). *What is the Security Council?* [Website]. Retrieved 16 May 2017 from: <http://www.un.org/en/sc/about/>

*This website gives an overview of the Security Council's history, its mandate, and its basic functions and powers. It should be considered one of the most important resources and a*



*foundation for delegates' further research, since it provides detailed information on how the Security Council works in practice. The website contains the body's provisional rules of procedure and a section on frequently asked questions. The latter is particularly useful when it comes to understanding the Council's functions and powers. Delegates will find on this website detailed information about the Council's recent sessions as well as other worth noting outputs.*

United Nations, Security Council. (2017, May 15). *Shame, Stigma Integral to Logic of Sexual Violence as War Tactic, Special Adviser Tells Security Council, as Speakers Demand Recognition for Survivors* [Press Release] Retrieved 16 May 2017 from: <http://www.un.org/press/en/2017/sc12819.doc.htm>

*This press release from the Security Council highlights the current concerns of the council regarding women. This press release specifically highlights the role sexual violence plays in conflict as well as post conflict reconciliation. As the Security Council continues to address issues in a thematic manner it is important for delegates to be aware of this consistent theme. Additionally, with the topic Measures to Combat Terrorism in Africa up for debate at the conference, women's role in African peace processes cannot be understated.*

United Nations, Security Council. (2017). *Reports of the Secretary-General on the Sudan and South Sudan (S/Res/2352)*. Retrieved 16 May 2017 from:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2352\(2017\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2352(2017))

*This resolution, recently adopted by the Security Council, condemns all acts of violence against civilians and UN personnel in South Sudan. This resolution calls for the implementation of the ceasefire that was recently declared, and also extends the mandate of UNMISS. By reading this resolution, delegates will get an understanding of the ways that the Security Council operates when it becomes involved in solving major conflicts. Specifically, this resolution will show the delegates the steps that need to be taken to achieve peace in a conflicting region.*

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Security Council Report. (2014). *In Hindsight: Consensus in the Security Council* [Website]. Retrieved 16 May 2017 from: [http://www.securitycouncilreport.org/monthly-forecast/2014-01/in\\_hindsight\\_consensus\\_in\\_the\\_security\\_council.php](http://www.securitycouncilreport.org/monthly-forecast/2014-01/in_hindsight_consensus_in_the_security_council.php)

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## I. Measures to Combat Terrorism in Africa

*“Largely due to terrorist activities, armed-conflict incidents in Africa rose...to 52% [of the global total] in 2014. This is despite the fact that Africa has barely 16% of the world’s population.”<sup>99</sup>*

### **Introduction**

Terrorism usually refers to using violence to instigate fear, including threats or use of culturally, morally, or legally unacceptable violence.<sup>100</sup> Terrorism, however, is defined differently by different Member States and regions, affecting their capacity and their political will to address it, and the United Nations (UN) has never officially defined terrorism.<sup>101</sup> The African Union (AU) excludes armed conflicts for self-determination from its definition of terrorism, meaning whether each case of violence is terrorism is determined individually.<sup>102</sup> As terrorism has become a driving factor in conflicts in Africa, the UN acknowledged in the 2014 Secretary-General report that it must address, “conditions that create the environment that enables terrorist organizations to prosper,” in addition to combatting terrorism itself.<sup>103</sup> Since terrorist organizations in Africa do not usually articulate local political goals, they do not respect political boundaries, and are often considered to be regional threats.<sup>104</sup> While global and regional progress has been made, the haphazard nature of the international response to terrorism, which tends to focus on specific crises, has led to uneven implementation of counter-terrorism strategies.<sup>105</sup> Furthermore, Africa faces unique regional challenges, including weak state control, porous borders, illegal trafficking, and gender inequality in combatting terrorism.<sup>106</sup>

### **International and Regional Framework**

The UN leads many global efforts to counter terrorism in all its forms and manifestations, overseeing 16 conventions on different aspects of terrorism.<sup>107</sup> The General Assembly adopted the *Global Counter-Terrorism Strategy* in 2006 to harmonize the various UN bodies that work on counter-terrorism and codify four strategic pillars for addressing terrorism: addressing the conditions conducive to the spread of terrorism, preventing and combatting terrorism, building capacity, and ensuring human rights.<sup>108</sup> The Security Council has expanded upon this legal framework by adopting numerous binding resolutions and shaping policy through presidential statements.<sup>109</sup> Instead of considering the entire issue, Security Council resolutions on terrorism were often adopted in response to crises or targeting specific terrorist groups, beginning in 1999 with the implementation of sanctions against Al-Qaida in resolution 1267.<sup>110</sup> Recently, however, the Council has started adopting resolutions on broader, thematic aspects of terrorism, such as the relationship between terrorism and human trafficking in resolution 2331 (2016) and vulnerability of critical infrastructure to terrorist attacks in resolution 2341 (2017).<sup>111</sup> The Council has also specifically considered the issue of terrorism in Africa. Presidential statement 2017/2 addressed peace consolidation in West Africa; the Security Council requested the 2014 Secretary-General Report on regional counter-terrorism

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<sup>99</sup> Gberie, *Terrorism overshadows internal conflicts, Africa Renewal*, 2016.

<sup>100</sup> Oxford Bibliographies, *Terrorism*, 2011.

<sup>101</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>102</sup> Gberie, *Terrorism overshadows internal conflicts, Africa Renewal*, 2016.

<sup>103</sup> Gberie, *Terrorism overshadows internal conflicts, Africa Renewal*, 2016; UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014, pp. 1-2.

<sup>104</sup> Gberie, *Terrorism overshadows internal conflicts, Africa Renewal*, 2016.

<sup>105</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>106</sup> UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014.

<sup>107</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>108</sup> UN Counter-Terrorism Implementation Task Force, *UN Global Counter-Terrorism Strategy*, 2016; Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>109</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>110</sup> UN Security Council, *Afghanistan (S/RES/1267 (1999))*, 1999; Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>111</sup> Security Council Report, *UN Documents for Terrorism: Security Council Resolutions*, 2017.

efforts in Africa; and the Council has acknowledged in meetings and briefings the importance of addressing the root causes and, “conditions conducive to the spread of terrorism,” in Africa.<sup>112</sup>

The African regional framework for combatting terrorism is based on the 1999 *Organization of African Unity Convention on the Prevention and Combating of Terrorism*, which set up mechanisms for regional cooperation, including investigations, extradition, and legal assistance.<sup>113</sup> The 2004 additional protocol to the convention called for states to address the interrelated issues of terrorism, drug trafficking, transnational organized crime, money laundering, and small arms and light weapons.<sup>114</sup> The 2002 AU *Plan of Action on the Prevention and Combating of Terrorism* also sets out counter-terrorism measures which address Africa’s unique challenges, including ineffective police and border control, a lack of codified and consistent legislative and judicial measures, illicit financing of terrorism, and barriers to information sharing.<sup>115</sup> As part of implementing the Plan of Action, the African Model Law on Counter Terrorism provides an archetype for Member States regarding legal implementation of regional and international counter-terrorism instruments.<sup>116</sup> Additionally, regional organizations, such as the Economic Community of West African States (ECOWAS), have adopted their own conventions on terrorism, but implementation by Member States and regions remains inconsistent.<sup>117</sup>

### ***Role of the International System***

The Counter-Terrorism Implementation Task Force (CTITF) coordinates work within the UN system on the UN *Global Counter-Terrorism Strategy*.<sup>118</sup> The CTITF is wide-ranging and consists of over 38 entities, including the UN Development Programme, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and the UN Department of Peacekeeping Operations.<sup>119</sup> The United Nations Counter-Terrorism Center, established under the UN *Global Counter-Terrorism Strategy*, carries out counter-terrorism projects and builds upon Member State capacity, including developing regional counter-terrorism strategies in Central Africa and with the Southern African Development Community.<sup>120</sup> Both the CTITF and the UN Counter-Terrorism Center were moved into the new UN Office of Counter-Terrorism, established in June 2017.<sup>121</sup> The UN Office on Drugs and Crime’s (UNDOC) Terrorism Prevention Branch, additionally, assists Member States with incorporating the international legal frameworks against terrorism into their national legislation.<sup>122</sup> The Security Council prevents and responds to terrorist actions, including through its subsidiary bodies, especially the Counter-Terrorism Committee (CTC).<sup>123</sup> The CTC oversees implementation of Security Council terrorism resolutions and helps with coordination alongside the Executive Directorate (CTED).<sup>124</sup> The CTED works with the CTITF in order to develop strategies to combat terrorism and the proliferation of small arms in Central Africa.<sup>125</sup> The CTC and CTED, however, only provide assistance to Member States, rather than resources.<sup>126</sup> Additionally, Security Council work on terrorism is closely tied with violent extremism, with entities such as the CTC working on violent extremism and both issues being addressed in the same resolutions, reports, and meetings.<sup>127</sup>

<sup>112</sup> UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014; UN Security Council, *Peace consolidation in West Africa (S/PRST/2017/2)*, 2017, p. 2; UN News Centre, *Denouncing terrorist attacks in West Africa, Security Council stresses need to address root causes (S/PV.7868)*, 2017.

<sup>113</sup> AU Peace and Security Department, *The African Union Counter Terrorism Framework*, 2015.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> Ewi, *Counter-terrorism in West Africa needs greater police cooperation, ISS Counter-Terrorism Africa*, 2013.

<sup>118</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>119</sup> UN Counter-Terrorism Implementation Task Force, *Entities*, 2016.

<sup>120</sup> UN Counter-Terrorism Center, *Facilitating the development of regional counter-terrorism strategies*, 2016; UN Counter-Terrorism Center, *Background*, 2016; United Nations, *Action to counter terrorism*, 2016.

<sup>121</sup> UN Office of Counter-Terrorism, *Home*, 2017.

<sup>122</sup> UNDOC, *The United Nations Office on Drugs and Crime and Terrorism Prevention*, 2017.

<sup>123</sup> UN Security Council Counter-Terrorism Committee, *About the Counter-Terrorism Committee*.

<sup>124</sup> *Ibid.*

<sup>125</sup> UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014, p. 12.

<sup>126</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013.

<sup>127</sup> UN Security Council Counter-Terrorism Committee, *Countering violent extremism*, 2017.

The AU Peace and Security Council (PSC) is responsible for implementing counter-terrorism conventions and measures in Africa.<sup>128</sup> Similar to the UN system, however, there are many other organizations working on terrorism in Africa, including the Committee of Intelligence and Security Services of Africa, which briefs the PSC on terrorism; counter-terrorism units in the African Standby Force; and the African Mechanism for Police Cooperation (AFRIPOL).<sup>129</sup> Additionally, the African Centre for the Study and Research on Terrorism (ACSRT), was established as part of the AU Peace and Security Department to implement the AU Plan of Action.<sup>130</sup> ACSRT functions in a coordination capacity with Member States, the AU, and international partners; conducts research and develops strategies on emerging threats; and develops capacity for early warning responses.<sup>131</sup> A lack of resources, however, prevents ACSRT from fulfilling its mandate, and many AU members have not implemented the continental terrorism framework.<sup>132</sup> Sub-regional organizations, like ECOWAS, also work on the topic of terrorism by addressing trafficking, development initiatives, and combating regional terrorist groups.<sup>133</sup> According to the AU Commission, efforts to combat terrorism have been largely ineffective, unsustainable, and could benefit from more harmonization, cooperation, and resources.<sup>134</sup> The gaps left by governments are sometimes filled in by civil society organizations, who often work on the root causes of terrorism, in addition to combating terrorism itself, through development projects, empowering women and youth, facilitating dialogue, working on government accountability and good governance, and conducting research, although their operations are also restricted by a lack of resources and, often, government intervention as part of their counter-terrorism efforts.<sup>135</sup>

### ***The Impact of Terrorism in Africa***

Terrorist organizations, including Boko Haram, Al-Shabaab, and the Lord's Resistance Army, have expanded in Africa to become key regional security threats.<sup>136</sup> Boko Haram organized in northern Nigeria in 2002 and began carrying out attacks in 2009, which escalated to bombings.<sup>137</sup> In 2014, Boko Haram switched tactics to holding territory after attacks instead of retreating.<sup>138</sup> Boko Haram also garnered international condemnation 2014 for kidnapping 214 girls.<sup>139</sup> Al-Shabaab emerged as a radical youth organization in 2006 and gained support by offering Somalis security in the absence of an effective national government.<sup>140</sup> Al-Shabaab controls most of the rural areas in southern Somalia and frequently carries out attacks in Kenya.<sup>141</sup> The Lord's Resistance Army (LRA) was founded in 1988 in Uganda and is known for kidnappings, especially of women and children.<sup>142</sup> Although it has been greatly weakened and forced out of Uganda, the LRA continues to operate in neighboring Member States, and contribute to regional instability.<sup>143</sup>

Although military operations have blunted the power of terrorist groups in some areas, they still hold and control large swaths of territory, which ignore international borders, and destabilize additional territory through asymmetric

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<sup>128</sup> African Union, *Peace and Security Council (PSC)*.

<sup>129</sup> AU Peace and Security Department, *The 628th meeting of the AU Peace and Security Council on counter-terrorism and counter violent extremism in Africa*, 2015; UN Office to the African Union, *Counter Terrorism*, 2017.

<sup>130</sup> AU Peace and Security Department, *The African Union Counter Terrorism Framework*, 2015; AU Peace and Security Department, *About the African Centre for the Study and Research on Terrorism (ACSRT)*, 2013.

<sup>131</sup> AU Peace and Security Department, *About the The African Centre for the Study and Research on Terrorism (ACSRT)*, 2013.

<sup>132</sup> Allison, 26th AU Summit: Why isn't the AU's counter-terrorism strategy working?, *Institute for Security Studies*, 2016.

<sup>133</sup> UN DPI, West African nations committed to fighting terrorism in subregion, *Africa Renewal*, 2016.

<sup>134</sup> AU Peace and Security Department, *African Peace and Security Architecture Roadmap*, 2015, pp. 20, 48.

<sup>135</sup> Ighobor, Unleashing the power of Africa's civil society, *Africa Renewal*, 2016; Global Center on Cooperative Security, *Horn of Africa Civil Society Organizations Hub*, 2016, p. 1; Green & Baydas, Counterterrorism Measures: Pretext for Closing the Space for Civil Society, *Center for Strategic and International Studies*, 2017.

<sup>136</sup> Gberie, Terrorism overshadows internal conflicts, *Africa Renewal*, 2016.

<sup>137</sup> *Who are Nigeria's Boko Haram Islamist group?*, BBC, 2016.

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*

<sup>140</sup> *Who are Somalia's al-Shabaab?*, BBC, 2016.

<sup>141</sup> *Ibid.*

<sup>142</sup> *Profile: The Lord's Resistance Army*, Al-Jazeera, 2014.

<sup>143</sup> UN Security Council 2127 (2013) Committee, *Narrative Summaries of Reasons for Listing*, 2016; Okiror, End of Joseph Kony hunt raises fears Lord's Resistance Army could return, *The Guardian*, 2017.



attacks.<sup>144</sup> Porous borders also contribute to terrorist organizations' ability to function and hinder conflict resolution due to cross-border spillover of terrorist activities.<sup>145</sup> For example, Boko Haram has exploited Nigeria's porous borders to conduct abductions and deliberately displace people, allowing terrorists to more easily cross borders, hiding within those displaced.<sup>146</sup> The LRA also exploits regional instability in order to hide its operations and continue attacks and kidnappings.<sup>147</sup> The World Customs Organization and other international actors have worked to help states secure their borders, but generally agree that higher levels of regional cooperation are needed to counter terrorist organizations that transcend borders.<sup>148</sup>

In every instance, the advance of terrorist groups has been coupled with attacks on the rights of women and girls, specifically targeting them and differentially impacting their health, education, and participation in public life.<sup>149</sup> Additionally, terrorist organizations exploit existing gender and societal inequalities, using unbalanced gendered dynamics to corrupt, convert, recruit, and control.<sup>150</sup> On numerous occasions the Security Council has called for women's participation, including women's civil society groups, in counter-terrorism activities.<sup>151</sup> Gender inequalities are also evident in the links between human trafficking, terrorism, and sexual and gender-based violence (SGBV).<sup>152</sup> Trafficking in women and girls is a critical financial component of financial flows for terrorist groups and a driver for recruitment.<sup>153</sup> Additionally, SGBV is part of terrorist groups' strategic objectives, used to destroy and displace communities as a tactic of terrorism.<sup>154</sup> The Council has specifically condemned Boko Haram, Al-Shabaab, and the LRA for trafficking in women and girls and SGBV.<sup>155</sup>

### ***Contributing Factors of Terrorism in Africa***

Terrorism in Africa thrives in unstable conditions that do not address long-standing grievances, including political marginalization and poverty.<sup>156</sup> The region lacks the political will and resources to combat terrorism as individual Member States, especially the root causes, and consequently the Security Council has acknowledged the importance of national, regional, and international partnerships and institutions to combat terrorism.<sup>157</sup> Many African Member States lack the capacity to develop and implement specific terrorism legislation and the investigation and prosecution capacity to hold terrorists accountable in their legal and justice systems.<sup>158</sup> Similarly, poor police and

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<sup>144</sup> Gberie, *Terrorism overshadows internal conflicts*, *Africa Renewal*, 2016.

<sup>145</sup> UN Security Council Counter-Terrorism Committee, *Regional focus*, 2017; United Nations University, *Security Council Members Briefed on Threats from Terrorism and Cross-border Crime*, 2014; UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014, p. 2.

<sup>146</sup> UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014, p. 2.

<sup>147</sup> UN Security Council 2127 (2013) Committee, *Narrative Summaries of Reasons for Listing*, 2016; Okiror, End of Joseph Kony hunt raises fears Lord's Resistance Army could return, *The Guardian*, 2017.

<sup>148</sup> UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014, pp. 3, 9.

<sup>149</sup> UN Security Council, *Women and peace and security (S/PSRT/2016/9)*, 2016, p. 2; UN Women, *Global Study on the Implementation of Security Council Resolution 1325 (2000)*, 2015, p. 223.

<sup>150</sup> Global Justice Center & Women's International League for Peace and Freedom, *Open briefing of the Counter-Terrorism Committee on "The Role of Women in Countering Terrorism and Violent Extremism"*, 2015, pp. 1-2; Willman, How violent extremism links to violence against women, *The World Bank Voices*, 2015.

<sup>151</sup> UN Security Council, *Threats to International Peace and Security (S/RES/2195 (2014))*, 2014, p. 2; UN Security Council, *Maintenance of international peace and security (S/RES/2331 (2016))*, 2016, p. 4.

<sup>152</sup> UN Security Council, *Maintenance of international peace and security (S/RES/2331 (2016))*, 2016, pp. 1, 5.

<sup>153</sup> *Ibid*, p. 2.

<sup>154</sup> *Ibid*, pp. 2, 4.

<sup>155</sup> *Ibid*, p. 6.

<sup>156</sup> Yahya, African countries are particularly vulnerable to violent terrorism. How to change this, *World Economic Forum*, 2017; UN DPI, 'Arc of Instability' across Africa, *If Left Unchecked, Could Turn Continent into Launch Pad for Larger-Scale Terrorist Attacks*, *Security Council Told*, 2013.

<sup>157</sup> UN DPI, 'Arc of Instability' across Africa, *If Left Unchecked, Could Turn Continent into Launch Pad for Larger-Scale Terrorist Attacks*, *Security Council Told*, 2013.

<sup>158</sup> UN Security Council Counter-Terrorism Committee, *Regional focus*, 2017.

military capacity and coordination also hinder the fight against terrorism.<sup>159</sup> A lack of integrated approaches to prevent radicalization, including poor coordination efforts; absence of policy research; lack of an inclusive continental platform to coordinate counter-terrorism among all actors; and, especially, inconsistent implementation of existing frameworks also impact the effectiveness counter-terrorism efforts.<sup>160</sup> Additionally, corruption allows terrorist organizations to grow, by redirecting resources meant to combat terrorism to government.<sup>161</sup> The Security Council has stressed good governance and ending illicit financial sources for terrorist organizations, beginning with resolution 1373 in 2001.<sup>162</sup> While those efforts have helped restrict financial resources for terrorist groups, a lack of capacity has hindered progress in regions with large informal sectors and cash-based economies.<sup>163</sup>

Terrorist organizations also benefit financially from trafficking in arms and people, and transnational organized crime (TOC) involving drugs and natural resources, especially in conflict and post-conflict areas.<sup>164</sup> Although the Security Council has considered terrorism and TOC separately, trafficking and TOC enlarge the strategic space terrorist groups operate in by weakening state authority and making terrorist groups more resilient.<sup>165</sup> For example, the LRA has attacked gold and diamond mines and trafficked ivory into Sudan for revenue generation, undermining already weak security, governance, and economic development.<sup>166</sup> Boko Haram also engages in high levels of human trafficking, which is similarly disruptive.<sup>167</sup> To address trafficking and TOC, the Security Council has suggested information sharing between the CTED, UNDOC, the CTITF, and the United Nations Development Programme.<sup>168</sup>

### Conclusion

Some of the largest and most active terrorist groups in the world operate in Africa.<sup>169</sup> Reversing ineffective and inconsistent implementation of the counter-terrorism framework through cooperation and coordination is necessary to stop their spread.<sup>170</sup> As the challenges of combating terrorism in Africa incorporate peace, security, development, and human rights, responses must also be interconnected, balanced, and sensitive to regional issues.<sup>171</sup> In regards to combatting Boko Haram in particular, the Security Council has advocated for a holistic approach, not only increasing military coordination within the regional Multinational Joint Task Force but also emphasizing humanitarian aid and restoring civilian rule of law in the Lake Chad Basin region.<sup>172</sup> The Security Council has acknowledged that it must combat terrorism by addressing its root causes and, “the conditions conducive to the spread of terrorism,” in an effective, coordinated manner.<sup>173</sup> Combating terrorism in Africa must address porous

<sup>159</sup> Ewi, Counter-terrorism in West Africa needs greater police cooperation, *ISS Counter-Terrorism Africa*, 2013.

<sup>160</sup> AU Peace and Security Department, *African Peace and Security Architecture Roadmap*, 2015, pp. 48-49; Yahya, African countries are particularly vulnerable to violent terrorism. How to change this, *World Economic Forum*, 2017.

<sup>161</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013; UN DPI, ‘Arc of Instability’ across Africa, *If Left Unchecked, Could Turn Continent into Launch Pad for Larger-Scale Terrorist Attacks, Security Council Told*, 2013; OECD, *Terrorism, Corruption and the Criminal Exploitation of Natural Resources*, 2016.

<sup>162</sup> UN Security Council, *Threats to International Peace and Security (S/RES/2195 (2014))*, 2014, p. 4; UN Security Council, *Threats to international peace and security caused by terrorist attacks (S/RES/1373 (2001))*, 2001.

<sup>163</sup> Council on Foreign Relations, *The Global Regime for Terrorism*, 2013; AU Peace and Security Department, *African Peace and Security Architecture Roadmap*, 2015, p. 50.

<sup>164</sup> UN Security Council, *Threats to International Peace and Security (S/RES/2195 (2014))*, 2014, p. 1; UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014, p. 11.

<sup>165</sup> United Nations University, *Security Council Members Briefed on Threats from Terrorism and Cross-border Crime*, 2014.

<sup>166</sup> UN Security Council 2127 (2013) Committee, *Narrative Summaries of Reasons for Listing*, 2016; UN Security Council, *Threats to International Peace and Security (S/RES/2195 (2014))*, 2014, p. 2.

<sup>167</sup> UN Security Council, *Maintenance of international peace and security (S/RES/2331 (2016))*, 2016, p. 3; Williams, Boko Haram and Human Trafficking, *Ohio State University Global Human Trafficking*, 2017.

<sup>168</sup> UN Security Council, *Threats to International Peace and Security (S/RES/2195 (2014))*, 2014, p. 6.

<sup>169</sup> Drezzen, The New Terrorist Training Ground, *The Atlantic*, 2013.

<sup>170</sup> AU Peace and Security Department, *African Peace and Security Architecture Roadmap*, 2015, pp. 20, 48-49.

<sup>171</sup> UN Security Council, *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*, 2014, pp. 1-2, 20.

<sup>172</sup> UN Security Council, *Peace consolidation in West Africa (S/PRST/2017/2)*, 2017, p. 2.

<sup>173</sup> UN DPI, *Denouncing terrorist attacks in West Africa, Security Council stresses need to address root causes (S/PV.7868)*, 2017; UN Security Council, *Peace consolidation in West Africa (S/PRST/2017/2)*, 2017, p. 2.



borders and territory outside state control, weak and corrupt governments, undertrained and under-equipped militaries and police, gender inequality, and trafficking and TOC that provide income for terrorist groups.<sup>174</sup>

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*The African Peace and Security Architecture Roadmap is a strategy document that was requested at the 25 May 2013 African Union Assembly meeting and aims to build a conflict-free Africa by 2020. To this end, the roadmap provides recommendations on how to address the most pressing peace and security concerns on the continent, including conflict prevention, crisis management, post-conflict reconstruction and peacebuilding, security issues, and partnerships. Delegates should find the section on Strategic Priority 4: Strategic Security Issues particularly helpful as it contains an analysis of current security concerns surrounding terrorism and offers recommendations on how to improve counter-terrorism strategies. As this document contains advanced and detailed information on the peace and security architecture and concerns in Africa, delegates should consult this source after they have already completed their own research into the existing structure of and issues related to terrorism in Africa.*

Council on Foreign Relations. (2013). *The Global Regime for Terrorism*. Retrieved 10 April 2017 from: <http://www.cfr.org/terrorism/global-regime-terrorism/p25729>

*Although a few years old, this issue brief by the Council on Foreign Relations gives an excellent overview of the global and United Nations' structure and framework for combatting terrorism. Delegates should find this source helpful as they look into the different United Nations organs and subsidiary bodies that work on combatting terrorism, including a critique of their strengths and weaknesses. The issue brief also discusses regional work and organizations, including analysis of the effectiveness of their work and coordination with the broader, global United Nations architecture. Additionally, this resource considers the challenges of not having a universally accepted definition of terrorism and why there is still no global, legal treaty on terrorism. Delegates may wish to consult this issue brief as they begin crafting recommendations for actions to strengthen the United Nations counter-terrorism structure and regional cooperation.*

Security Council Report. (2017). *UN Documents on Terrorism: Security Council Resolutions* [Website]. Retrieved 19 May 2017 from: [http://www.securitycouncilreport.org/un-documents/search.php?ctype=Terrorism&rtype=Security%20Council%20Resolutions&cbtype=terrorism&search=%22Security%20Council%20Resolutions%22%20AND%20%22Terrorism%22&\\_mode=tag&IncludeBlogs=10&limit=15&page=1](http://www.securitycouncilreport.org/un-documents/search.php?ctype=Terrorism&rtype=Security%20Council%20Resolutions&cbtype=terrorism&search=%22Security%20Council%20Resolutions%22%20AND%20%22Terrorism%22&_mode=tag&IncludeBlogs=10&limit=15&page=1)

*Security Council Report is an independent, not-for-profit organization that seeks to make Security Council work more transparent by tracking the work of the Council. This page of their website provides all recent Security Council resolutions on the thematic issues of terrorism. There is also a link on this page to a list of other key Security Council and United Nations documents on terrorism, including Security Council reports, presidential statements, meeting records, and press releases, in addition to General Assembly and Human Rights Council documents. Delegates should find this resource invaluable when researching recent Security Council work on terrorism, trends in the Security Council's consideration of terrorism, and updates from ongoing Security Council and the broader United Nations system work on terrorism. Delegates may also find this resource an excellent starting place to draft recommendations on how to combat terrorism in Africa based on past Security Council work and challenges in combatting terrorism.*

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<sup>174</sup> Dreazen, The New Terrorist Training Ground, *The Atlantic*, 2013.

*The Global Study was requested by the Security Council for the fifteenth anniversary of the adoption of its first thematic resolution on women, peace and security, resolution 1325 (2000). The study provides an update on the implementation of the resolution, as well as the state of women's rights and empowerment in the United Nations system, and offers recommendations on how to better integrate the women, peace and security agenda into the United Nations architecture. Although it quite long and references specific African concerns and progress throughout, delegates should find Chapter 9, Countering Violent Extremism While Respecting the Rights and Autonomy of Women and their Communities, particularly helpful when crafting recommendations on how to address the link between terrorism and gender equality as the Security Council's and the broader United Nations' work on terrorism is very closely tied with their work on violent extremism.*

United Nations, Security Council. (2014). *Report of the Secretary-General on the work of the United Nations to help States and subregional and regional entities in Africa in fighting terrorism (S/2014/9)*. Retrieved 22 April 2017 from: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2014/9](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/9)

*The Security Council requested this report in May 2013 to provide an update on United Nations efforts to combat terrorism in Africa. The report highlights some of the specific challenges of fighting and preventing terrorism in the region, including the drug trade, money laundering, and weak judicial and security sectors. The report also discusses the context for the appeal of terrorist organizations in Africa, helping to explain their spread and growth. From a United Nations structural perspective, the report emphasizes the importance of respecting human rights when combatting terrorism and UN work with regional organizations. Although a few years old, delegates should consult this resource at the beginning of their research to gain an understanding of the key issues regarding terrorism in Africa and the basis of the Security Council's work on the topic at the regional level. Additionally, the report includes background information on work the United Nations, Security Council, and other subsidiary organs are already doing to combat terrorism in Africa.*

United Nations, Security Council, 7351<sup>st</sup> meeting. (2014). *Threats to International Peace and Security (S/RES/2195 (2014))*. Retrieved 22 April 2017 from: [http://undocs.org/S/RES/2195%20\(2014\)](http://undocs.org/S/RES/2195%20(2014))

*This resolution was adopted at the 19 December 2014 open debate discussing preventing terrorists from profiting from transnational organized crime. While the debate largely focused on terrorism in the Middle East, Security Council resolution 2195 (2014) also has a regional focus on Africa. It highlights the efforts of African Member States to improve cooperation and coordination on measures to combat terrorism. The resolution also discusses the importance of good governance, the need to fight corruption, and drug control, in addition to capacity building in Africa to combat terrorism and violent extremism. In its requests for future reporting and work on the thematic issue of terrorism in the Security Council, the resolution mandates regional briefings and updates on Africa. As this resolution helped set up the trajectory for the Security Council's consideration of terrorism as a thematic issue, instead of a case-by-case consideration of individual terrorist organizations, delegates should find this resource a helpful resolution when researching recent Security Council action on combatting terrorism, specifically in Africa.*

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## II. Territorial Disputes in the South China Sea

*“I have consistently urged all parties to resolve their disputes in the South China Sea in a peaceful and amicable manner, through dialogue and in conformity with international law. It is more important than ever to exercise the utmost restraint. Tensions can only be eased through dialogue with one another through constructive approaches and through efforts to understand the perspective of all parties.”*<sup>175</sup>

### Introduction

The territorial disputes in the South China Sea surround claimed territorial waters and economic zones, as well as island chains, such as the Spratlys and Paracels, which are made up of islands, sandbanks, reefs, atolls, and rocky outcrops.<sup>176</sup> The region is contested in part because it holds vast amounts of natural resources, such as oil and fish, and serves as a major trade route.<sup>177</sup> As the South China Sea is crucial for trade, as well as for maintaining the security of bordering Member States, the territorial disputes have repeatedly led to colliding claims of sovereignty.<sup>178</sup> In accordance with international law, the first 12 nautical miles from a state’s shores are considered its territorial sea, over which the state in question has full sovereignty.<sup>179</sup> The 200 nautical miles beyond the territorial sea are considered to be the state’s exclusive economic zone and continental shelf, an area over which the state has exclusive rights for managing economic activities such as fishing, drilling, and shipping.<sup>180</sup>

Territorial disputes in the South China Sea have been prevalent since the 1970s and have become increasingly contested since 2013.<sup>181</sup> In May 2009, Vietnam and Malaysia issued a joint statement accusing the People’s Republic of China (PRC) of disregarding the *United Nations Convention on the Law of the Sea* (UNCLOS) and infringing on other states’ sovereignty.<sup>182</sup> Meanwhile, the PRC has been making historic claims to various island chains in the South China Sea within the nine-dash line, a line that first appeared on Chinese maps demarcating most of the South China Sea as Chinese sovereign territory in 1948.<sup>183</sup> In 2016, the Permanent Court of Arbitration (PCA) presented a ruling to a case pertaining to the South China Sea between the Philippines and the PRC.<sup>184</sup> The PCA became an international court through the 1899 and 1907 *Conventions for the Pacific Settlement of International Disputes*, which tasked it to rule on international disputes that could not be easily solved through diplomacy; it currently has 121 contracting parties.<sup>185</sup> In its ruling on this case, commonly known as the *South China Sea Arbitration*, the court came to the conclusion that both parties must follow UNCLOS in settling their territorial disputes.<sup>186</sup> While a ruling was made, it has not settled the dispute and regional tensions remain high.<sup>187</sup>

<sup>175</sup> UN Secretary-General, *Opening remarks at the 11<sup>th</sup> East Asia Summit*, 2016.

<sup>176</sup> *Why is the South China Sea contentious?*, BBC, 2016.

<sup>177</sup> Permanent Court of Arbitration, *PCA Case No. 2013-19 In the Matter of the South China Sea Arbitration before an Arbitral Tribunal Constituted Under Annex VII to the 1982 United Nations Convention on the Law of the Sea between the Republic of the Philippines and the People’s Republic of China*, 2016, p. 1.

<sup>178</sup> Permanent Court of Arbitration, *The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China)*, 2016, p. 1; UN Commission on the Limits of the Continental Shelf, *Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission by Malaysia and the Socialist Republic of Viet Nam*, 2011; Permanent Mission of the People’s Republic of China to the United Nations, *CML/17/2009*, 2009.

<sup>179</sup> *United Nations Convention on the Law of the Sea*, 1982, p. 27.

<sup>180</sup> *Ibid*, pp. 43-44, 53.

<sup>181</sup> *Why is the South China Sea contentious?*, BBC, 2016; Center for Strategic and International Studies, *Country: China*, 2017.

<sup>182</sup> UN Commission on the Limits of the Continental Shelf, *Outer limits of the continental shelf beyond 200 nautical miles from the baselines: Submissions to the Commission by Malaysia and the Socialist Republic of Viet Nam*, 2011.

<sup>183</sup> UN Secretary-General, *CML/18/2009*, 2009; PCA, *The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China)*, 2016, p. 67; Permanent Court of Arbitration, *The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China)*, 2016, p. 71.

<sup>184</sup> Permanent Court of Arbitration, *About Us*, 2017; Permanent Court of Arbitration, *The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China)*, 2016, pp. 1-4.

<sup>185</sup> *Convention on the Pacific Settlement of International Disputes*, 1899, pp. 7-10; *Convention on the Pacific Settlement of International Disputes*, 1907, pp. 27-30; PCA, *Contracting Parties*, 2017.

<sup>186</sup> Permanent Court of Arbitration, *The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China)*, 2016, p. 469.

<sup>187</sup> Philips et al., Beijing rejects tribunal’s ruling in South China Sea case, *The Guardian*, 2016.



### ***International and Regional Framework***

Chapter VI of the 1945 *Charter of the United Nations*, the foundational document of the United Nations (UN), pertains to the maintenance of international peace and security and calls for the parties involved in a dispute to seek peaceful methods to resolve their differences, including through enquiry, judicial settlements, cooperation with regional organizations, mediation, arbitration, and other applicable peaceful means.<sup>188</sup> Under Chapter VI, the UN Security Council can investigate any dispute that may pose a threat to the maintenance of international peace and security.<sup>189</sup>

UNCLOS was adopted in 1982 and includes rules and regulations for territorial seas, the open seas, exclusive economic zones and the continental shelf, freedom of navigation, and islands, as well as trade provisions and norms for protecting the marine environment.<sup>190</sup> Through UNCLOS a number of UN bodies and programs were created in to better regulate maritime law and territorial disputes, as well as enforce conventions and other international treaties.<sup>191</sup> In order to help implement the provisions laid out in UNCLOS, the Division for Ocean Affairs and the Law of the Sea (DOALOS) provides legal and technical assistance to Member States; the International Seabed Authority (ISA) oversees the exploration and exploitation of the seabed, ocean floor, and subsoil; and the Commission on the Limits of the Continental Shelf helps Member States establish their continental shelves and exclusive economic zones.<sup>192</sup> Furthermore, the UN General Assembly annually adopts a resolution pertaining to the law of the sea, with the most recent one being resolution 71/257, adopted 20 February 2017.<sup>193</sup> In these annual resolutions, the UN General Assembly reaffirms the importance of UNCLOS and its related bodies, as well as the importance of the peaceful settlement of disputes and the need for cooperation between the UN and regional organizations when settling disputes.<sup>194</sup>

Aside from UN bodies, the Association of Southeast Asian Nations (ASEAN) is a significant regional organization in resolving the dispute in the South China Sea.<sup>195</sup> Representing the Southeast Asian community, ASEAN and the UN have been cooperating through a number of frameworks such as the *ASEAN-UN Comprehensive Partnership Agreement* and the *ASEAN-UN Joint Strategic Plan of Action on Disaster Management*.<sup>196</sup> Moreover, the 2002 *Declaration on the Conduct of Parties in the South China Sea*, made by ASEAN and the PRC, provides a regional framework on the territorial disputes of the South China Sea.<sup>197</sup> The declaration reaffirms ASEAN Member States and the PRC's commitment to UNCLOS, underlines the importance of trust and confidence building measures, reiterates the commitment to resolving disputes peacefully, highlights the need for restraint regarding territorial disputes, and emphasizes the need for a code of conduct pertaining to the South China Sea.<sup>198</sup> While these individual organizations all contribute to following UNCLOS and, consequently, assisting with territorial disputes in the South China Sea, the situation continues to pose an increasing threat to peace and security in the region, pushing the issue within the realm of the Security Council's mandate.<sup>199</sup>

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<sup>188</sup> *Charter of the United Nations*, 1945.

<sup>189</sup> *Ibid.*

<sup>190</sup> *United Nations Convention on the Law of the Sea*, 1982, pp. 7-24; UN DOALOS, *Chronological list of ratifications of, accessions and successions to the Convention and related Agreements*, 2017.

<sup>191</sup> *United Nations Convention on the Law of the Sea*, 1982, p. 81.

<sup>192</sup> UN Office of Legal Affairs, *Division for Ocean Affairs and the Law of the Sea*, 2010; International Seabed Authority, *About the International Seabed Authority*, 2017; UN Division for Ocean Affairs and the Law of the Sea, *Commission on the Limits of the Continental Shelf (CLCS): Purpose, functions and sessions*, 2012.

<sup>193</sup> UN General Assembly, *Oceans and the law of the sea (A/RES/71/257)*, 2017.

<sup>194</sup> *Ibid.*, pp. 15-16, 52.

<sup>195</sup> Association of Southeast Asian Nations, *Overview: Establishment*, 2017.

<sup>196</sup> Association of Southeast Asian Nations, *ASEAN, UN to strengthen cooperation and collaboration*, 2017; Association of Southeast Asian Nations & UN, *ASEAN-UN Joint Strategic Plan of Action on Disaster Management*, 2015.

<sup>197</sup> Association of Southeast Asian Nations, *Declaration on the Conduct of Parties in the South China Sea*, 2002.

<sup>198</sup> *Ibid.*

<sup>199</sup> *Charter of the United Nations*, 1945.

## *Role of the International System*

There are three international courts whose jurisdiction may allow them to provide a peaceful resolution to the dispute in the South China Sea.<sup>200</sup> The first one is the International Court of Justice (ICJ), the UN's primary legal body.<sup>201</sup> The ICJ can be tasked to either rule on contentious cases or provide advisory opinions.<sup>202</sup> Contentious cases can be brought forward by any state party against another state, whereas only the principal UN organs, including the Security Council, are able to receive advisory opinions.<sup>203</sup> In the recent past, the ICJ has accepted and judged a number of cases pertaining to the question of maritime boundaries and claims to sovereignty, ruling and advising on disputes surrounding the delimitation of the continental shelf, fishing rights, and claims to sovereignty.<sup>204</sup> The International Tribunal for the Law of the Sea (ITLOS), whose jurisdiction covers territorial disputes, was created through UNCLOS and is responsible for the legal interpretation and judgment of any cases pertaining to the interpretation and application of UNCLOS.<sup>205</sup> In the past, ITLOS has accepted and ruled on numerous cases that are of relevance to territorial disputes, as they discussed claims to sovereignty, exclusive economic zones, the continental shelf, and land reclamation in coastal waters, as well as international straits.<sup>206</sup> The PCA, which was established in 1899, has most recently taken on a case concerning the territorial disputes in the South China Sea and has consequently become a decisive arbitrator in the disputes.<sup>207</sup>

## *Establishing Claims and Security Challenges in the South China Sea*

The situation in the South China Sea received renewed attention through the *PCA Case No. 2013-19: The South China Sea Arbitration*. The case began when the Philippines declared that the PRC's nine-dash line was in violation of UNCLOS and infringed upon Philippine sovereignty.<sup>208</sup> Even though the PRC refused to actively take part in the proceedings, the PCA determined that the PRC's argument of historic sovereignty of islands throughout the South China Sea was incompatible with UNCLOS and that the PRC's claim to sovereignty of these islands was invalid.<sup>209</sup> As opposed to the PRC's historical claim of the nine-dash line, the PCA referred to the borders outlined in UNCLOS.<sup>210</sup> According to UNCLOS, the Philippines' exclusive economic zone and continental shelf would include the area up to 200 nautical miles off its coast.<sup>211</sup> While the PCA ruled on the matter of the Philippines' claim to sovereignty, tension in the South China Sea has continued as the PRC – and to a lesser extent Vietnam – have been reclaiming land around small islands and sand banks by creating thousands of acres of new land.<sup>212</sup> The acts of land reclamation and opposing claims of sovereignty have been posing a growing threat to peace and security in the region since the freedom of navigation, which is crucial for trade and is dependent on the coastal state's benevolence, is endangered.<sup>213</sup> The contentious claims of sovereignty over the island chains and sand banks in the

<sup>200</sup> *United Nations Convention on the Law of the Sea*, 1982, p. 201; ASEAN, *Declaration on the Conduct of Parties in the South China Sea*, 2002.

<sup>201</sup> ICJ, *The Court*, 2016.

<sup>202</sup> ICJ, *The Court: How the Court works*.

<sup>203</sup> ICJ, *The Court: How the Court works; Charter of the United Nations*, 1946.

<sup>204</sup> ICJ, *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya) Preliminary Objections*, 2017; ICJ, *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia) Preliminary Objections*, 2016; UN ICJ, *Question of the Delimitation of the Continental Shelf Between Nicaragua and Colombia Beyond 200 Nautical Miles from the Nicaraguan Coast (Nicaragua v. Colombia)*, 2016; ICJ, *Maritime Delimitation in the Black Sea (Romania v. Ukraine)*, 2004.

<sup>205</sup> International Tribunal for the Law of the Sea, *Jurisdiction: Competence*, 2017.

<sup>206</sup> International Tribunal for the Law of the Sea, Special Chamber, *Case No. 23: Dispute Concerning Delimitation of the Maritime Boundary Between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire): Memorial of Ghana*, 2015, p. 1; International Tribunal for the Law of the Sea, *Case No. 12: Request for Provisional Measures Submitted by Malaysia*, 2003, p. 3.

<sup>207</sup> Permanent Court of Arbitration, *The South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China)*, 2016, pp. 467-468.

<sup>208</sup> *Ibid.*, p. 11.

<sup>209</sup> *Ibid.*, pp. 1-2.

<sup>210</sup> *Ibid.*, p. 117.

<sup>211</sup> *United Nations Convention on the Law of the Sea*, 1982, p. 44.

<sup>212</sup> Center for Strategic and International Studies, *Land Reclamation by Country*, 2017; Center for Strategic and International Studies, *Country: China*, 2017.

<sup>213</sup> *Why is the South China Sea contentious?*, BBC, 2016.

South China Sea have in recent years led to the militarization of some of these islands; most involved states argue that their militarization is in reaction to unilateral aggressions from other states.<sup>214</sup> Despite ASEAN's *Declaration on the Conduct of Parties in the South China Sea*, the above mentioned arguments supporting the militarization of the South China Sea have led to regional instability and growing sentiments of hostility in Southeast Asia.<sup>215</sup>

### ***International Law, Arbitration, and the Security Council***

While the *South China Sea Arbitration* is an example of a legal approach to the territorial disputes in the South China Sea and its judgment carries considerable weight internationally, the PRC has refused to acknowledge its provisions.<sup>216</sup> As tensions mount, Security Council resolution 2171 (2014) states that “the objective of prevention of armed conflict [is] an integral part of [the Security Council’s] primary responsibility for the maintenance of international peace and security.”<sup>217</sup> While judicial settlements are one approach to the dispute, the Security Council possesses a number of tools that could be used alternatively. As outlined in Chapter VI of the UN Charter, the Security Council may consider the use of arbitration, mediation, and cooperation with regional organizations, such as ASEAN, to settle the dispute.<sup>218</sup> In cooperation with the UN Department of Political Affairs and the Peacebuilding Commission, the Security Council is also able to establish political missions to oversee long-term peacekeeping efforts in areas of conflict, as well as disputed regions.<sup>219</sup> If the dispute were to escalate, the Security Council could refer to Chapter VII of the UN Charter, which is responsible for “action with respect to threats to the peace, breaches of the peace, and acts of aggression,” and discusses methods such as the implementation of sanctions and the use of military force as the final resort.<sup>220</sup>

### ***Conclusion***

Escalating territorial disputes in the South China Sea have threatened the maintenance of peace and security in the region since 2013.<sup>221</sup> Following UNCLOS, the Philippines submitted a case to the PCA which would become the *South China Sea Arbitration*.<sup>222</sup> While the PCA ruled in favor of the Philippines’ claim to sovereignty, the PRC refuses to recognize the decision of the court, effectively jeopardizing the validity of UNCLOS and the *Declaration on the Conduct of Parties in the South China Sea*, as it sets a precedent for ignoring international agreements.<sup>223</sup> As the increasingly hostile environment in the South China Sea has been hindering attempts to mediate the disputes through judicial settlement, it is within the Security Council’s mandate to try alternative methods, such as cooperation with regional organizations and authorities or the creation of a political mission, to mediate the territorial dispute in the South China Sea.<sup>224</sup> To accomplish this, it is imperative that the established claims and their sovereignty implications are taken into consideration as well as any international implications from the precedents set.<sup>225</sup>

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<sup>214</sup> Vuving, South China Sea: Who Occupies What in the Spratlys?, *The Diplomat*, 2016; Holmes, Warning that Beijing’s military bases in South China Sea are ready for use, *The Guardian*, 2017.

<sup>215</sup> Blanchard, China military says aware of U.S. carrier in South China Sea, *Reuters*, 2017.

<sup>216</sup> Center for Strategic and International Studies, *China’s Response to the South China Sea Arbitration Ruling*, 2016.

<sup>217</sup> UN Security Council, *Maintenance of international peace and security – conflict prevention (S/RES/2171 (2014))*, 2014, p. 3.

<sup>218</sup> *Charter of the United Nations*, 1945.

<sup>219</sup> UN Security Council, *Political Missions and Offices*, 2016.

<sup>220</sup> *Charter of the United Nations*, 1945.

<sup>221</sup> Center for Strategic and International Studies, *Country: China*, 2017.

<sup>222</sup> Permanent Court of Arbitration, *The South China Sea Arbitration (The Republic of the Philippines v. The People’s Republic of China)*, 2016, pp. 1-4.

<sup>223</sup> *United Nations Convention on the Law of the Sea*, 1982, p. 129; ASEAN, *Declaration on the Conduct of Parties in the South China Sea*, 2002.

<sup>224</sup> *Charter of the United Nations*, 1945.

<sup>225</sup> UN Security Council, *Maintenance of international peace and security – conflict prevention (S/RES/2171 (2014))*, 2014, p. 3.



*This declaration of the People's Republic of China and ASEAN Member States was signed on 4 November 2002 in Phnom Penh and affirms the existence of contested territory and the importance of international law in dealing with this dispute. The declaration was made to renew the involved states' commitment to continued cooperation on the South China Sea in the 21<sup>st</sup> century. Within this declaration, signatories agreed on the freedom of navigation on the high seas of the South China Sea and acknowledged the ability to freely fly over the sea. Furthermore, the declaration highlights the parties' commitment to dealing with the issue peacefully and in accordance with international regulations, such as the 1982 United Nations Convention of the Law of the Sea. Delegates will find this source useful as it outlines the commitments made by Member States involved in the territorial disputes.*

Center for Strategic and International Studies. (2016). *China's Response to the South China Sea Arbitration Ruling*. Retrieved 19 May 2017 from: <https://www.csis.org/events/chinas-response-south-china-sea-arbitration-ruling>

*This video shows the Chinese ambassador to the United States of America making a statement on behalf of the PRC about the "South China Sea Arbitration" ruling shortly after it was released in July 2016. The second half of the video shows a discussion with the ambassador and scholars elaborating on the situation of the territorial disputes in the South China Sea. While this video only portrays statements from one of the Member States involved with this dispute, it provides insightful explanations of the PRC's stance on the sovereignty issues and the state's attitude toward international arbitration. Delegates will find this source useful as it outlines the PRC's stance and it will enable delegates to better understand the dynamics surrounding the territorial disputes.*

Permanent Court of Arbitration. (2016). *PCA Case No. 2013-19 In the Matter of the South China Sea Arbitration before an Arbitral Tribunal Constituted under Annex VII to the 1982 United Nations Convention on the Law of the Sea between the Republic of the Philippines and the People's Republic of China*. Retrieved 10 April 2017 from: <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>

*This document presents the PCA's final and binding decision following the Philippines' case brought against the People's Republic of China over matters pertaining to the South China Sea. While this decision is deemed to be binding, the PRC has rejected its ruling. In this document, the Philippines and China's stances, opinions, and arguments are represented. The award also provides explanations of China's historical claims in the region, the validity of claiming "structures" as islands, and the alleged escalation of the situation. Delegates will find this source useful as they explore security issues as well as legal concepts surrounding the territorial disputes in the South China Sea.*

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*This Note Verbale issued by the Permanent Mission of the People's Republic of China to the United Nations was circulated in response to Myanmar and Vietnam's joint claim of sovereignty in the South China Sea. In this note, the PRC refuses to recognize the other two states' claims and argues that they infringe upon the PRC's sovereignty. Furthermore, a map denoting the "nine-dash line" is presented on the second page of the Note Verbale. The nine-dash line has become one of the central points of disagreement in the territorial disputes. Delegates will find this source useful as the document provides a detailed map, as well as provides insight into the diplomatic communication that has taken place between various Member States involved in the disputes.*

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*The United Nations Convention on the Law of the Sea is a foundational document and the most universally accepted convention pertaining to maritime law. This document includes the framework within which claims surrounding the South China Sea have been made. Moreover, the convention contains widely accepted rules and regulations around navigation, the high seas, territorial waters, and Member States' rights and freedoms within certain types of waters.*



*Delegates will find this source useful as they research the international norms surrounding maritime law.*

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