

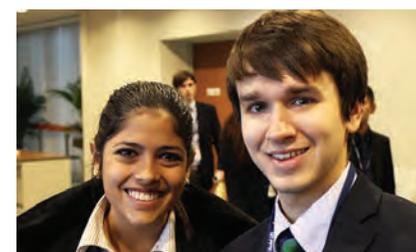


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SECURITY COUNCIL BACKGROUND GUIDE 2017

Written by: Felipe Ante, Director;
Andrew Marriott, Assistant Director



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Dear Delegates,

Welcome to the 2017 National Model United Nations Canada Conference (NMUN•Canada) in beautiful Banff National Park! We are pleased to serve as the committee staff on the United Nations Security Council (SC): Director Felipe Ante and Assistant Director Andrew Marriott.

Felipe has a Bachelor of Arts in International Relations and Political Science from Universidad San Francisco de Quito and he is currently Advisor to the President of Universidad San Francisco de Quito. Andrew has a Bachelor of Arts with double major in Political Science and Anthropology from MacEwan University in Edmonton.

The topics under discussion for the United Nations Security Council are:

1. Children and Armed Conflict
2. The Situation in Cyprus

The Security Council is the main organ responsible for maintaining international peace and security. It is uniquely abled within the United Nations system to address abuses of international law, violations of the Charter, and to intervene in conflict. It is undoubtedly the most powerful institution and continues to face grave issues from around the world.

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 1 November 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 Roger H. Tseng, at roger@nmun.org.

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

Felipe Ante, Director

Andrew Marriott, Assistant Director



Committee Overview	2
Introduction	2
Governance, Structure, and Membership	2
Mandate, Functions, and Powers	4
Recent Sessions and Current Priorities	5
Conclusion	6
I. Children and Armed Conflict	11
Introduction	11
International and Regional Framework	11
Emerging Challenges	14
Conclusion	15
Further Research	16
II. The Situation in Cyprus	20
Introduction	20
International and Regional Framework	20
Role of the International System	21
Current Status of Negotiations	23
Conclusion	24

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.¹ The Security Council was established as one of its six principal organs and was given the primary responsibility to preserve international peace and security.²

The **United Nations Security Council** is one of the six primary organs of the United Nations, 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.³ After its first meeting, the Council relocated to its permanent residence at the UN Headquarters in New York City.⁴ At that time, five permanent members and six non-permanent members comprised the membership of the Council.⁵ However, over subsequent years, discussions regarding the structure of the Council began to take place.⁶ 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.⁷

During the Cold War, disagreements between the United States of America and the former Soviet Union blocked the Council from being an effective institution to resolve even the most basic of issues.⁸ Nonetheless, over the last two decades, progress has taken place, especially in the field of peacekeeping missions, which have improved to cover a wider range of issues, including facilitating a political process, protecting human rights, and assisting with disarmament.⁹ 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.¹⁰ Since 2000, terrorism, extremism, and other thematic issues, rather than country-specific issues, have become priorities of the Council, as demonstrated by the adoption of a range of resolutions and the establishment of several subsidiary bodies on cross-cutting issues.¹¹

Governance, Structure, and Membership

The Security Council is the only UN entity that has the power to adopt resolutions that are binding on Member States.¹² In accordance with Article 25 of the *Charter of the United Nations* (1945), Member States are obliged to accept and carry out the Council's recommendations and decisions.¹³ The Security Council also has a variety of tools to address issues on its agenda.¹⁴ For example, the President of the Security Council may issue press statements or presidential statements to communicate the position of the Council.¹⁵ Although these other tools are not legally

¹ *Charter of the United Nations*, 1945, Preamble.

² UN Security Council, *What is the Security Council?*, 2017.

³ *Ibid.*

⁴ *Ibid.*

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

⁶ *Ibid.*

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

⁸ Encyclopaedia Britannica, *United Nations Security Council*, 2014.

⁹ UN Security Council, *Structure*, 2017.

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

¹¹ Security Council Report, *September 2014 Monthly Forecast: Counter-Terrorism*, 2014.

¹² UN Security Council, *What is the Security Council?*, 2017.

¹³ *Charter of the United Nations*, 1945, Art. 25.

¹⁴ UN Security Council, *Functions and Powers*, 2017.

¹⁵ 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.

binding, they nonetheless bring attention to important issues and compel the members of the Security Council to make recommendations and resolve conflicts.¹⁶

Membership

The Security Council is comprised of five permanent members and 10 non-permanent members.¹⁷ The five permanent members of the Security Council are: China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.¹⁸ Every year, the General Assembly elects five of the 10 non-permanent members for a two-year term.¹⁹ Elections for non-permanent seats on the Council can be competitive, with countries expressing interest years in advance.²⁰ Countries 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.²¹ Security Council elections for non-permanent members are held in June, six months before the term starts.²² This change allows Member States ample time to prepare for their new role.²³

The 10 non-permanent members represent countries from five groups: Africa, the Asia-Pacific Group, Latin America and the Caribbean, the Eastern European Group, Western European and Other.²⁴ For the 2017 calendar year, the non-permanent Member States are Bolivia, Egypt, Ethiopia, Italy, Japan, Kazakhstan, Senegal, Sweden, Ukraine, and Uruguay.²⁵ Italy and the Netherlands are sharing one of the Western European and Other seats, with the Netherlands assuming membership for the 2018 calendar year.²⁶ This decision was reached after they both failed to achieve a two-thirds majority after five rounds of voting.²⁷ As is customary in Security Council elections, after multiple rounds of voting, compromise is often sought in order to fill the seat.²⁸

Presidency

Each member of the Security Council holds the presidency of the Council for one month, rotating according to alphabetical order.²⁹ Security Council meetings can be convened by the President upon the request of any Member State.³⁰ Under Article 35 of the Charter, the President shall call a meeting if a dispute or situation requires the Council's attention.³¹ According to Rule 6 of the Provisional Rules of Procedure, all concerns that are brought to the attention of the Secretary-General are drafted in an agenda that is approved by the President of the Security Council.³²

Participation

Any Member State of the UN may attend the Council's meetings upon the invitation of the Council.³³ Member States are invited if the Security Council is discussing an issue that directly concerns the interests of the Member State.³⁴ Invited Member States do not have the right to vote, but are allowed to submit proposals and draft

¹⁶ Ibid., p. 15.

¹⁷ UN Security Council, *Current members*, 2017.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

²¹ Bourantonis, *The History and Politics of UN Security Council Reform*, 2005, p. 6.

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

²³ UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

²⁴ UN General Assembly, *Rules of procedure*.

²⁵ UN Security Council, *Current members*, 2017.

²⁶ *Italy, Netherlands ask to share Security Council seat*, Al Jazeera, 2016.

²⁷ Ibid.

²⁸ UN DPI, *Ahead of Security Council elections, General Assembly President explains how a country can get a non-permanent seat*, 2016.

²⁹ UN Security Council, *Provisional rules of procedure*, 2017.

³⁰ UN Security Council, *Repertoire of the practice of the Security Council*, 2017.

³¹ *Charter of the United Nations*, 1945, Art. 35.

³² UN Security Council, *Provisional rules of procedure*, 2017.

³³ Ibid.

³⁴ *Charter of the United Nations*, 1945, Art. 31.

resolutions.³⁵ Furthermore, those Member States can inform the Council about a current crisis in their region.³⁶ However, such proposals may be put to a vote only at the request of a member of the Council.³⁷

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 such as the Ad Hoc Sub-Committee on Namibia.³⁸ The Peacebuilding Commission (PBC) is an advisory subsidiary body that reports jointly to the General Assembly and the Security Council.³⁹ Additionally, Security Council Member States participate in various working groups, which discuss the topics of concern of the Security Council.⁴⁰ These working groups consist of some or all of the Security Council Member States and focus on regional and thematic issues, as well as improving the working methods of the Security Council itself.⁴¹ The Security Council is also responsible for determining if, when, and where a peacekeeping operation is needed.⁴² A peacekeeping operation is created through an adopted Security Council resolution, and the Security Council must monitor the operation through reports issued by the Secretary-General, as well as specific Security Council meetings.⁴³

Voting

Every Member State of the Security Council has one vote.⁴⁴ Votes on all matters require a majority of nine Member States.⁴⁵ However, if one of the five permanent members of the Security Council votes “no” on a matter of substance, such as a draft resolution, the draft resolution does not pass.⁴⁶ Despite the existence of this veto power, the Council has adopted many resolutions by consensus since the end of the Cold War and has been divided only on a very limited number of issues, a prominent example being the case of Syria.⁴⁷

Mandate, Functions, and Powers

The mandate of the Security Council is to maintain international peace and security, as specified in the *Charter of the United Nations*.⁴⁸ Chapters VI and VII of the Charter specifically concern the Security Council and the range of actions that can be taken when settling disputes.⁴⁹ Chapter VI aims to achieve resolution of disputes by peaceful means, whereas Chapter VII explores further actions that can be taken.⁵⁰ Any Member State is able to report a dispute to the Security Council; the role of the Council is to determine the severity of the dispute brought before the body and the impact of the dispute internationally.⁵¹ The Security Council is responsible for making recommendations to broker peace that take into considerations the previously attempted measures by the parties involved.⁵² Under Chapter VII, the Security Council has the authority to implement provisional measures aimed to deescalate the situation.⁵³ 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.⁵⁴ Non-military actions that can be implemented

³⁵ UN Security Council, *Provisional rules of procedure*, 2017.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ UN Security Council, *Structure*, 2017.

³⁹ *Ibid.*

⁴⁰ UN Security Council, *Repertoire of the practice of the Security Council*, 2017.

⁴¹ *Ibid.*

⁴² United Nations Peacekeeping, *Role of the Security Council*, 2016.

⁴³ *Ibid.*

⁴⁴ *Charter of the United Nations*, 1945, Art. 27.

⁴⁵ *Ibid.*

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

⁴⁷ Security Council Report, *In Hindsight: Consensus in the Security Council*, 2014; Security Council Report, *In Hindsight: The Veto*, 2013.

⁴⁸ *Charter of the United Nations*, 1945, Art. 1.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, Art. 34.

⁵² *Ibid.*, Art. 36.

⁵³ *Ibid.*, Art. 40.

⁵⁴ *Ibid.*, Art. 41.

include blockades or economic interruptions. In aggregate, the Charter provides the Security Council with the following set of powers to fulfill its mandate.

- **Sanctions:** Pursuant to Article 41 of 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.⁵⁵ These include economic sanctions, financial penalties and restrictions, travel bans, severance of diplomatic relations, and blockades, among others.⁵⁶ It may further mandate arms embargos, enforce disarmament, or initiate proceedings in the international justice system.⁵⁷
- **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.⁵⁸ 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.”⁵⁹
- **Military Action:** The Council may 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.⁶⁰ The Security Council may also decide to initiate peacekeeping operations, as well as the extensions of their mandates and subsequent modification or withdrawal of any troops.⁶¹
- **Partnerships:** The Council also cooperates with a number of international and regional organizations as well as non-governmental organizations (NGOs) to implement its decisions.⁶² 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, and extreme violence from non-state actors, among others.⁶³

Recent Sessions and Current Priorities

2017 began with five new non-permanent members – Bolivia, Ethiopia, Italy, Kazakhstan, and Sweden – taking their seats on the Council, along with incoming Secretary-General António Guterres assuming his leadership of the UN.⁶⁴ At his first Security Council open debate, Secretary-General Guterres emphasized the need for a new approach of maintaining peace and security that prioritizes conflict prevention instead of conflict resolution.⁶⁵ Mohamed Ibn Chambas, the chief of the UN Office for West Africa and the Sahel (UNOWAS), also briefed the Council in January 2017 on various political developments in the region, particularly the fallout of the presidential elections in the Gambia and the continued threat of Boko Haram.⁶⁶

Ukraine chaired the Security Council in February 2017 and upon its own request to the Council from 2014, the Council held a meeting on the situation in the country.⁶⁷ Jeffrey Feltman, Under-Secretary-General for Political Affairs, noted in his remarks that violence in eastern Ukraine has in fact intensified, and that the clashes between government and non-government forces have begun to endanger civilian infrastructure and create environmental

⁵⁵ Ibid.

⁵⁶ Biersteker et al, *The Effectiveness of United Nations Targeted Sanctions*, 2013; UN Security Council, *United Nations Security Council: About*, 2014.

⁵⁷ Cousens & Malone, *Conflict Prevention in The UN Security Council: From the Cold War to the 21st Century*, 2004, p. 111.

⁵⁸ UN Security Council, *Functions and Powers*, 2017.

⁵⁹ *Charter of the United Nations*, 1945.

⁶⁰ Ibid.

⁶¹ UN DPKO, *Forming a New Operation*.

⁶² UN Security Council, *Repertoire of the practice of the Security Council*, 2016.

⁶³ UN Security Council, *Structure*, 2016; UN Security Council, *Middle East (S/RES/2118 (2013))*, 2013.

⁶⁴ What's In Blue, *Security Council's January Programme of Work*, 2017.

⁶⁵ UN Secretary-General, *Secretary-General's remarks to the Security Council Open Debate on "Maintenance of International Peace and Security: Conflict Prevention and Sustaining Peace"*, 2017.

⁶⁶ Security Council Report, *January 2017 Monthly Forecast*, 2016.

⁶⁷ UN Security Council, *Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136) (S/PV.7876)*, 2017, p. 2.

risks.⁶⁸ The Council also held an open debate on “Protection of critical infrastructure against terrorist attacks,” which was attended by numerous other UN Member States upon the Council’s invitation.⁶⁹ The invited Member States delivered statements on their governments’ efforts on protecting infrastructure that is critical to delivering essential services on health, welfare, and security; resolution 2341 (2017) was accordingly adopted by the Council and calls on all Member States to cooperate fully with each other on the prevention, protection, and recovery of critical infrastructure from terrorist attacks.⁷⁰ At the end of February, the Council debated on a draft resolution that would impose sanctions on individuals and entities deemed to be involved in the production and use of chemical weapons in Syria; China and the Russian Federation voted against this draft resolution and as a result it was not adopted.⁷¹

In March, the Security Council received the first report as requested by resolution 2334 (2016); in the resolution, the Security Council reaffirmed the illegality of Israeli settlements in the occupied Palestinian territory and called upon Member States to distinguish in their affairs between the State of Israel and the occupied Palestinian territory.⁷² Nikolay Mladenov, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, remarked that Israel had largely neglected resolution 2334; in the last three months, the country had expanded settlement activity in Area C and sought to pass a bill in the Knesset that would allow the confiscation of privately owned Palestinian land for settlement purposes.⁷³

Human rights, as a thematic topic, was discussed for the first time by the Council in April.⁷⁴ The Secretary-General noted at this meeting, “Peace, security, human rights, and sustainable development are mutually reinforcing,” and in recognition of this, the entire UN system should stop dealing with each pillar in isolation.⁷⁵ Throughout the meeting, Member States reaffirmed the Council’s previous commitments to human rights in citing the Charter and various resolutions, including resolutions 3379 (XXX) on racism and 120 (1956) on the situation in Hungary.⁷⁶ Many speakers at this meeting encouraged the Council to collaborate more closely with the Human Rights Council and the Office of the UN High Commissioner for Human Rights, but disagreement ensued on the degree to which human rights questions should be addressed by the Security Council.⁷⁷

Conclusion

As the international community faces increasing asymmetrical threats from non-state actors and transnational organized crime, the Security Council has adapted to new working methods and broader and more open discussions.⁷⁸ Nonetheless, the current situations in Ukraine and the occupied Palestinian territory, amongst others, showcase the Security Council’s inability to completely guarantee peace and security in all regions of the world.⁷⁹ But these situations also represent the systemic divides among Council members.⁸⁰ This lacking capacity can be partially explained by the Council’s controversial decision-making process, specifically the veto power of the five permanent members.⁸¹ 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.⁸²

⁶⁸ Ibid.

⁶⁹ UN Security Council, *Threats to international peace and security caused by terrorist acts (S/PV.7882)*, p. 2.

⁷⁰ UN Security Council, *Protection of critical infrastructure (S/RES/2341 (2017))*, p. 3.

⁷¹ UN Security Council, *The situation in the Middle East (2/2017/172)*, p. 5.

⁷² UN Security Council, *The situation in the Middle East, including the Palestinian question (S/RES/2334 (2016))*, p. 2.

⁷³ UN Security Council, *Israel Markedly Increased Settlement Construction, Decision in Last Three Months, Middle East Special Coordinator Tells Security Council (SC/12765)*, 2017.

⁷⁴ UN Security Council, *Security Council Must Take Human Rights into Account in All Deliberations, Secretary-General Stresses during Thematic Debate (S/12797)*, 2017.

⁷⁵ UN Security Council, *Maintenance of international peace and security (S/PV.7926)*, p. 2.

⁷⁶ Ibid., pp. 3-5.

⁷⁷ UN Security Council, *Security Council Must Take Human Rights into Account in All Deliberations, Secretary-General Stresses during Thematic Debate (S/12797)*, 2017.

⁷⁸ UN Security Council, *Structure*, 2017; UN Security Council, *1540 Committee*, 2015.

⁷⁹ Security Council Report, *September 2014 Monthly Forecast – Syria*, 2014.

⁸⁰ Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*, 2013.

⁸¹ Ibid.

⁸² *Charter of the United Nations*, 1945, art. 24.

Annotated Bibliography

Charter of the United Nations. (1945). Retrieved 26 July 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.

Council on Foreign Relations. (2013). *CFR Backgrounders: The UN Security Council* [Website]. Retrieved 26 July 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. (2016). *Security Council Report* [Website]. Retrieved 26 July 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 monthly 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, Security Council. (2016). *What is the Security Council?* [Website]. Retrieved 26 July 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.

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I. Children and Armed Conflict

Introduction

Millions of children globally are affected by armed conflict. The United Nations High Commissioner for Refugees (UNHCR) estimates that by the end of 2015, at least 60 million people had fled their homes due to conflict and half of them were children.⁸³ Armed conflict affects children disproportionately in many ways, including causing elevated child mortality rates, removing the possibility of an education, and producing permanent displacement.⁸⁴ Children used in conflict are often forced to take part in combat, but can also be used in support functions that entail risks and can be subject to sexual violence.⁸⁵ Children and armed conflict has been placed at the forefront of the international agenda since the 1990s, with the United Nations (UN) and the Security Council (SC) taking leading roles.

International and Regional Framework

The international community has produced a set of legal instruments codifying the protection of children in armed conflict. Foundational documents such as Article 25 of the *Universal Declaration of Human Rights* (1948), Articles 23 and 24 of the *International Convention on Civil and Political Rights* (1966), and Article 10 of the *International Covenant on Economic, Social, and Cultural Rights* (1966) all narrowly address the rights of children within broader human rights frameworks.⁸⁶ Specific documents that deal with rights of children include the *Geneva Declaration of the Rights of the Child* (1954), adopted in an expanded form by the UN in 1959 as the *Declaration of the Rights of the Child*, and the *Declaration on the Protection of Women and Children in Emergency and Armed Conflict* (1974).⁸⁷

The *Convention on the Rights of the Child* (CRC) was adopted by the UN General Assembly (GA) in November 1989 and is one of the most rapidly and widely ratified human rights treaties in history.⁸⁸ Articles 38 and 39 of this convention oblige States Parties to protect children in armed conflicts and to not use children under the age of 15 as combatants.⁸⁹ It also requires States Parties to promote the recovery and reintegration of child victims of conflict.⁹⁰ The *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* was adopted by the General Assembly in 2000 and increases the age limit for involvement in hostilities to 18 years of age, applicable to both States and non-State armed groups, while also emphasizing the rehabilitation and reintegration into society of children victimized by non-adherence to the protocol.⁹¹ There are 166 States Parties to the Optional Protocol.⁹²

The International Labour Organization's *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (1999) defines forced recruitment of children for armed conflict as one of the worst forms of child labor.⁹³ The *African Charter on the Rights and Welfare of the Child* (1999) is the first regional treaty establishing a minimum age of 18 for participation in a conflict.⁹⁴ Furthermore, the 1998 *Rome*

⁸³ UNICEF, *The State of the World's Children 2016: A fair chance for every child*, 2016, p. 4.

⁸⁴ *Ibid.*, pp. 10, 41, 54.

⁸⁵ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Child Recruitment and Use*, 2017.

⁸⁶ UN General Assembly, *Convention on the Rights of the Child* (A/RES/44/25), 1989.

⁸⁷ *Ibid.*

⁸⁸ UNICEF, *Convention on the Rights of the Child*, 2017.

⁸⁹ UN General Assembly, *Convention on the Rights of the Child* (A/RES/44/25), 1989.

⁹⁰ *Ibid.*

⁹¹ UN General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (A/RES/54/263), 2000.

⁹² UN Treaty Collection, *11.b Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, 2017.

⁹³ ILO, *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, 1999.

⁹⁴ Organization of African Unity, *African Charter on the Rights and Welfare of the Child*, 1990.

Statute, which created the International Criminal Court, classified deliberate attacks on hospitals and schools, sexual violence against children, and the enlistment or use of children under the age of 15 as war crimes.⁹⁵

Role of the International System

The protection of children in conflict falls within the mandate of several UN entities. The United Nations Children Fund (UNICEF) is mandated to advocate for the protection the rights of children, the Committee on the Rights of the Child is responsible for monitoring the implementation of the CRC, the UNHCR works to assist and protect displaced children, and the SC is responsible for maintaining peace and security.⁹⁶ Other agencies, programs, and funds are also able to work in concert and contribute to the protection, reintegration, and rehabilitation of children affected by conflict both inside and outside the UN system.⁹⁷

In 1996, Graça Michal, an independent expert appointed by the Secretary-General to report to the GA, published a report on the “Impact of Armed Conflict on Children.”⁹⁸ The report highlighted the disproportionate effects war has on children and recommend several different courses of action and priorities.⁹⁹ This seminal report has been a catalyst for action and led to the adoption of GA resolution 51/77 in 1997, which created the role of Special Representative of the Secretary-General for Children and Armed Conflict.¹⁰⁰ The Special Representative is mandated to assess the progress made in protecting children in situations of conflict, raise awareness and promote the collection of information, work closely with UN bodies and non-governmental organizations (NGOs), and foster international cooperation.¹⁰¹ The Special Representative is the primary advocate for the protection of children affected by conflict within the UN system and reports yearly to the General Assembly, the Human Rights Council (HRC), and other bodies as necessary.¹⁰²

In 2007, UNICEF and the French government co-hosted the Free Children from War Conference, attended by delegations from Member States, international organizations, and NGOs, with the goal of obtaining an international commitment for the protection, release, and reintegration of children used by armed groups.¹⁰³ 105 Member States signed the *Paris Commitments* and the *Principles and Guidelines on Children Associated With Armed Forces or Armed Groups*, creating guidelines on the disarmament, demobilization, and reintegration of children who have been exploited by armed groups.¹⁰⁴ These commitments and principles build upon the pivotal *Cape Town Principles*, adopted in 1997, which focused on preventing recruitment and facilitating reintegration.¹⁰⁵

Security Council

The Security Council has adopted 11 resolutions specifically on the topic of children and armed conflict, placing it within its mandate as an issue affecting peace and security.¹⁰⁶ Resolution 1261 of 1999, the first resolution on this topic, condemned six grave violations perpetuated against children in conflict that now serve as the basis for gathering and reporting abuses against children.¹⁰⁷ These violations include the killing and maiming of children, sexual violence against children, abduction and forced displacement, the recruitment and use of child soldiers,

⁹⁵ UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009, p. 60.

⁹⁶ UNICEF, *Child protection from violence, exploitation, and abuse*, 2017; OHCHR, *Committee on the Rights of the Child*, 2017; UNHCR, *Who We Help*, 2017; UN Security Council, *What is the Security Council?*, 2017.

⁹⁷ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Child Mainstreaming*, 2017.

⁹⁸ UN General Assembly, *The Impact of Armed Conflict on Children: Report of the expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly resolution 48/157 (A/51/306)*, 1996.

⁹⁹ *Ibid.*

¹⁰⁰ UN General Assembly, *The Rights of the Child (A/RES/51/77)*, 1997.

¹⁰¹ *Ibid.*

¹⁰² UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Our Work*, 2017.

¹⁰³ UNICEF, *Paris Conference “Free Children from War”*, 2007.

¹⁰⁴ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Paris Principles*, 2017.

¹⁰⁵ UNICEF, *Cape Town Principles and Best Practices*, 1997.

¹⁰⁶ Security Council Report, *UN Documents for Children and Armed Conflict*, 2017; UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Our Work*, 2017.

¹⁰⁷ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *The Six Grave Violations*, 2017.

attacks against schools or hospitals, and the denial of humanitarian aid to children.¹⁰⁸ The SC has encouraged Member States to pursue non-judicial measures focusing on rehabilitation and reintegration instead of detention and prosecution.¹⁰⁹

In 2001, the SC adopted resolution 1379, requesting the Secretary-General to attach an annex to their annual report on children and armed conflict naming parties to conflict that recruit and use children.¹¹⁰ Resolutions 1882 of 1998, 1998 of 2011, and 2225 of 2015 progressively asked the Secretary-General to include parties that kill and maim children, commit sexual violence, attack schools and hospitals, or abduct children as triggers for inclusion in the annexes.¹¹¹ The denial of humanitarian aid is the only grave violation not to prompt inclusion in the annexes.¹¹² In the 2016 report, 59 parties in 14 separate countries were listed.¹¹³ To be removed from the annexes, a party must submit and implement an action plan designed to end the violations against children that they have been listed for.¹¹⁴

In 2004, the SC adopted resolution 1539, proposing a monitoring and reporting mechanism that utilizes expertise from within the UN system, external states, regional organizations, NGOs, and civil society to provide information on violations against children and on the recruitment and use of child soldiers.¹¹⁵ Resolution 1612 of 2005 formally requested the Secretary-General to implement this mechanism in order to gather accurate, timely, and objective data, and also established the Working Group on Children and Armed Conflict.¹¹⁶ The Working Group is comprised of all 15 Member States of the Security Council and has the mandate to review the monitoring and reporting apparatus, evaluate the development and implementation of country-specific action plans, make recommendations to the SC on issues such as the protection of children within the mandates of peacekeeping missions, and to address requests to other UN bodies for action within their particular mandates.¹¹⁷ The Working Group regularly receives updates from UNICEF and the Special Representative of the Secretary-General on Children and Armed Conflict, issues annual reports on its activities to the Security Council, and publishes conclusions and press releases regarding country-specific situations contained in reports by the Secretary-General.¹¹⁸ An annex to a letter published by the Chairman of the Working Group contains broad recommendations for fulfilling the Working Group's mandate that can then be applied to specific circumstances, including actions it may undertake within the UN system and external political steps it can take.¹¹⁹

Peacekeeping Operations

Peacekeeping missions are often the largest UN-affiliated actor on the ground in conflict areas and the protection of children in conflict has been included in the mandates of peacekeeping operations since 2001.¹²⁰ The Department of Peacekeeping Operations trains its personnel on how to protect children and is focused on mainstreaming the protection of children within its operations.¹²¹ Child Protection Advisors report violations against children to the Special Representative, collect and verify data for the Secretary-General's annual report, and help develop action plans with armed groups for the release of children.¹²² UN peacekeeping forces have, in particular cases, been

¹⁰⁸ UN Security Council, *Children and Armed Conflict (S/RES/1261 (1999))*, 1999.

¹⁰⁹ UN Security Council, *Children and Armed Conflict (S/RES/2225 (2015))*, 2015.

¹¹⁰ UN Security Council, *Children and Armed Conflict (S/RES/1379 (2001))*, 2001.

¹¹¹ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Identifying Parties to Conflict who Commit Grave Violations Against Children*, 2017.

¹¹² UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Denial of Humanitarian Access*, 2017.

¹¹³ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Identifying Parties to Conflict who Commit Grave Violations Against Children*, 2017.

¹¹⁴ *Ibid.*

¹¹⁵ UN Security Council, *Children and Armed Conflict (S/RES/1539 (2004))*, 2004.

¹¹⁶ UN Security Council, *Children and Armed Conflict (S/RES/1612 (2005))*, 2005.

¹¹⁷ UN Security Council, *Working Group on Children and Armed Conflict*, 2017.

¹¹⁸ UN Security Council, *Working Group on Children and Armed Conflict*, 2017.

¹¹⁹ UN Security Council, *Letter dated 8 September 2006 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/AC.51/2007/2)*, 2007.

¹²⁰ UN Peacekeeping, *Children in Conflict*, 2017; UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Mainstreaming*, 2017.

¹²¹ UN DPKO, *Mainstreaming the protection, rights and well-being of children affected by armed conflict within UN Peacekeeping Operations*, 2009, p. 4.

¹²² UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Mainstreaming*, 2017.

responsible for violations against children, with sexual abuse recently occurring in the Central African Republic.¹²³ The Secretary-General and the SC have responded by demanding accountability from the perpetrators.¹²⁴

Emerging Challenges

Challenges in Enforcement

Parties listed in the annexes of Secretary-General's annual report are requested by the Security Council to develop action plans – written commitments between these parties and the UN – including specific steps leading to compliance with international law and the protection of children.¹²⁵ To date, 26 parties listed in the annexes of the Secretary-General's reports have signed 27 action plans, including 11 government-affiliated forces and 15 non-State armed groups, though only nine parties have fully complied and been delisted from the annexes.¹²⁶ The annexes of the report are a useful tool, but as of the 2016 report, 37 separate parties to conflict had been named in the annexes for at least five years and are considered persistent perpetrators, with most failing to conclude an action plan.¹²⁷

Under Article 41 of the *Charter of the United Nations*, the SC may decide to use enforcement options that do not include armed force in order to uphold international peace and security.¹²⁸ The SC establishes sanction regimes through the adoption of a resolution establishing a sanctions committee, which may target parties economically, diplomatically, or through travel restrictions.¹²⁹ The SC has gradually developed a readiness to do so on this topic, beginning with resolution 1539 of 2004, which expressed its willingness to consider targeted and graduated measures.¹³⁰ Sanctions can only be adopted against parties where an existing sanctions committee is in place and where the committee is mandated to take action when violations against children have occurred; as a result, asset freezes and travel bans have only been instituted against two individuals in Côte d'Ivoire and against 14 individuals in the Democratic Republic of the Congo.¹³¹ The Machel Study 10-Year Strategic Review recommends that the SC establish mechanisms that would enable sanctions to be placed against those that violate the rights of children, including the establishment of a sanctions committee for children and armed conflict.¹³²

The Changing Nature of Conflict

The Machel Study 10-Year Strategic Review lauded the progress made in protecting children, but also highlighted new priorities and responses that are now necessary due to the changing nature and tactics of armed conflict.¹³³ The absence of clear battlefields, the diversification of parties to conflict, and the targeting of traditional havens for children have all contributed to new threats faced by children in conflict, while the proliferation of small arms, light weapons, and ammunition has perpetuated the use of children as soldiers and allowed conflicts to become intractable.¹³⁴ Millions of children have been displaced by armed conflict and many have been separated from their families and caregivers; these children are often housed in camps, are at a high risk for violations, and parties to conflict often take advantage of the vulnerability of displaced populations to recruit, abduct, and violate the rights of children.¹³⁵ In his 2016 report, the Secretary-General encouraged the SC to focus on the prevention of displacement of children, the rights of children that have been displaced, and the obligations of states to child refugees.¹³⁶

¹²³ Laville, UN Inquiry into CAR abuse claims identifies 41 troops as suspects, *The Guardian*, 2016.

¹²⁴ UN Security Council, *Children and Armed Conflict: Report of the Secretary General (S/2016/360)*, 2016, p. 3.

¹²⁵ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Action Plans with Armed Forces and Armed Groups*, 2017.

¹²⁶ *Ibid.*, 2017.

¹²⁷ UN Security Council, *Children and Armed Conflict: Report of the Secretary General (S/2016/360)*, 2016, p. 37-40.

¹²⁸ UN Security Council, *Sanctions*, 2017.

¹²⁹ *Ibid.*

¹³⁰ UN Security Council, *Children and Armed Conflict, (S/RES/1539 (2004))*, 2004.

¹³¹ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Sanctions*, 2017.

¹³² UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009, p. 65.

¹³³ *Ibid.*, p. 8.

¹³⁴ UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Changing Nature of Conflict*, 2017; UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009, p. 8.

¹³⁵ UN Security Council, *Children and Armed Conflict: Report of the Secretary General (S/2016/360)*, 2016, pp. 4-5.

¹³⁶ *Ibid.*, p. 35.

The increase in the number of discrete actors, especially non-State armed groups, involved in armed conflicts is a growing concern and poses challenges for monitoring and reporting, while also causing difficulties in the UN's attempts to engage with parties in a conflict to prevent child casualties.¹³⁷ Bringing these groups into compliance with international standards is hampered by a lack of accountability, limited routes for engagement, and the varying political and social contexts in which these groups exist.¹³⁸ Abductions are increasingly used by armed groups as a means to recruit and exploit children for their own ends; children are often directly targeted to maximize the impact of an attack or forced to be perpetrators of terrorist attacks such as suicide bombings.¹³⁹ Terrorism and counter-terrorism measures can also restrict children's freedoms and their access to basic services like medical care or education.¹⁴⁰ The 2016 Report of the Secretary-General noted that both armed groups and government forces in numerous conflict areas are increasingly targeting schools and hospitals, and non-State armed groups in particular target girls' access to education.¹⁴¹ Educational infrastructure, teachers, and schoolchildren are increasingly being deliberately targeted and schools are being illegally used as bases for military operations in contravention of international law.¹⁴²

Recruitment, Disarmament, Demobilization, and Reintegration

Children recruited, coerced, or forced into armed conflict risk death and severe injury. The forced removal from their families stunts their development, and may subject the children to violence, including gender-based violence.¹⁴³ The consequences of conflict on children are not always easily defined or self-evident; even if a child is not exploited or abused in a conflict, the fabric of their society can be destroyed in the aftermath and children living in countries affected by conflict are more likely to be poor, malnourished, or not attending school.¹⁴⁴ Disarmament, demobilization, and reintegration (DDR) is a process that aims to contribute to the security and stability of post-conflict regions by targeting former child combatants so that they can re-enter society.¹⁴⁵ Facilitating the psychosocial recovery of children and protecting their mental health is a necessary component of a post-conflict scenario, though there are gaps in coverage and a lack of consensus at the country level.¹⁴⁶ DDR programs utilizing innovative and context-specific approaches are beginning to fill these gaps but more work is necessary, particularly with expanding protections and opportunities to girls that may be indirect victims of conflict and not eligible for DDR programs.¹⁴⁷ The effective reintegration of children associated with armed groups is an international priority, but children, once repatriated by governments, are often viewed as security threats instead of victims because of their former opposition, coerced or not, and can be detained or prosecuted for their alleged relationships with armed groups.¹⁴⁸

Conclusion

While there has been concrete action taken by the UN, particularly the SC, in dealing with children and armed conflict, there is much that still needs to be done. All relevant UN bodies should continue to take specific actions to ensure mainstreaming of children and armed conflict and should continue to build on their prior work. The changing nature of conflict, the difficulties in reintegrating child victims, the gaps in reporting and response mechanisms, and the challenges inherent in enforcing international law all must be addressed. The SC is uniquely positioned to take a leading role on the topic and expand the scope of its activities with children and armed conflict.

¹³⁷ Ibid., p. 2.

¹³⁸ Child Soldiers International, *Non-state armed groups*, 2017.

¹³⁹ UN Security Council, *Children and Armed Conflict: Report of the Secretary General (S/2016/360)*, 2016, pp. 2-3.

¹⁴⁰ UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009, p. 24.

¹⁴¹ UN Security Council, *Children and Armed Conflict: Report of the Secretary General (S/2016/360)*, 2016, p. 2.

¹⁴² UN Office for the Special Representative of the Secretary-General for Children and Armed Conflict, *Changing Nature of Conflict*, 2017.

¹⁴³ UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009, p. 151.

¹⁴⁴ Ibid., p. 18.

¹⁴⁵ UN Disarmament, Demobilization, and Reintegration Resource Centre, *What is DDR?*, 2017.

¹⁴⁶ UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009, p. 140.

¹⁴⁷ UN Disarmament, Demobilization, and Reintegration Resource Centre, *How has DDR Evolved?*, 2017; UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, 2009, p. 156.

¹⁴⁸ UN Security Council, *Children and Armed Conflict: Report of the Secretary General (S/2016/360)*, 2016, p. 4.

Further Research

Is enough currently being done to protect children in peacekeeping operations? How can compliance be ensured with party-specific action plans? Are there additional violations against children that should be considered? What direct action can be taken against those parties that violate the rights of children? Are sanction regimes a viable avenue for action? How can existing instruments be modified for use with the changing nature of conflict?

Annotated Bibliography

United Nations, General Assembly, Fifty-first session. (1996). *The Impact of Armed Conflict on Children: Report of the expert of the Secretary-General, Ms. Graça Machel, submitted pursuant to General Assembly resolution 48/157 (A/51/306)* [Report]. Retrieved 18 May 2017 from: <http://undocs.org/A/51/306>

This landmark report was written by independent expert Graça Machel at the behest of Secretary-General Boutros Boutros-Ghali. This report systematically sets out the impact of armed conflict on children and provides a comprehensive agenda to protect and care for children in these situations. The report made several recommendations that were later adopted, including the appointment of a Special Representative for Children and Armed Conflict. Even though the report was written more than 20 years ago, it remains prescient and has served as a guide for concrete actions. The breadth and excellently delineated sections of this report make it an excellent introduction for delegates to a difficult topic and, coupled with more recent examination of the progress made on the issue, can provide a basis for scrutinizing what has been effective and what has been a failure when addressing the topic of children and armed conflict.

United Nations, General Assembly, Fifty-fourth session. (2000). *Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (A/RES/54/263)* [Resolution]. Retrieved 18 May 2017 from: <http://undocs.org/A/RES/54/263>

The first optional protocol on the Convention of the Rights of the Child was adopted in 2000 through a General Assembly resolution and currently has 166 States Parties. It declares that states are prohibited from conscripting anyone under the age of 18 for military service and ensures that volunteers under the age of 18 are not sent directly into combat. The protocol forbids “armed groups that are distinct from the armed forces of a State” from recruiting or utilizing persons under the age of 18, requiring States Parties to take all feasible measures to prevent this from occurring, while also emphasizing the rehabilitation and reintegration of children victimized by non-adherence to the protocol. Examining this protocol is useful for delegates to understand the legal status of the topic at hand, to know how widespread support for legal efforts to protect children is, and to understand what States Parties are already required to do within their own militaries.

United Nations, Security Council, 7466th Meeting. (2015). *Children and Armed Conflict (S/RES/2225 (2015))* [Resolution]. Retrieved 18 May 2017 from: [http://undocs.org/S/RES/2225\(2015\)](http://undocs.org/S/RES/2225(2015))

This resolution is the most recent of 11 resolutions adopted by the Security Council dealing with Children and Armed Conflict. It adds the abduction of children in armed conflict to the list of violations of international law that would trigger a party being named in the annexes of the annual reports of the Secretary-General on this topic. Delegates should review all resolutions adopted by the Security Council, particularly Security Council Resolution 1379 (2001) and together with the rest of resolutions, delegates can examine the evolution of the committee’s activities as it expands the scope of what is considered a violation of the rights of children in armed conflict. Delegates should also consider what other potential violations could be addressed by the Security Council.

United Nations, Security Council. (2016). *Children and Armed Conflict: Report of the Secretary General (S/2016/360)* [Report]. Retrieved 18 May 2017 from: <http://undocs.org/S/2016/360>

This annual report by the Secretary-General reviews the status of children and armed conflict in the previous year. This report provides up-to-date and succinct background of the challenges and current trends surrounding the topic, including information about specific states and non-State armed groups. The annexes of the report name parties to armed conflict that “recruit or use

children, kill or maim children, commit rape and other forms of sexual violence against children, or engage in attacks on schools and/or hospitals, or abduct children,” drawing attention to specific states and non-State armed groups. Recommendations are included within the report specifically addressed to the Security Council. Delegates should read the Secretary-General’s report in detail, and especially review its recommendations, for the most current information on the topic and to understand the global scope of the issue.

United Nations, Security Council. (2017). *Working Group on Children and Armed Conflict* [Website]. Retrieved 19 May 2017 from: <https://www.un.org/sc/suborg/en/subsidiary/wgcaac>

This website details the structure and substantive work that the Working Group on Children and Armed Conflict undertakes, as set out in its mandate derived from Security Council resolution 1612 of 2005. The Working Group reviews reports, assesses the progress in the implementation of action plans, makes recommendations to the Security Council and other relevant actors, and liaisons with other UN bodies to request their assistance implementing policy within their specific mandates. On this website, delegates can find numerous links to reports, resolutions, statements, letters, and documents pertaining to the Security Council and the topic at hand. Reviewing the activities of the Working Group will provide delegates with a greater understanding of the practical activities the Security Council has carried out in the past and could potentially embark on in the future.

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II. The Situation in Cyprus

Introduction

The Cypriot conflict is one of the oldest ethnic conflicts that persist until current dates.¹⁴⁹ It started back when the Ottoman Empire existed and controlled the island of Cyprus in the 1500s.¹⁵⁰ In 1878, the British Empire assumed power over Cyprus, and in 1960 the Republic of Cyprus (RoC) declared independence from the United Kingdom.¹⁵¹ At this point, Greek Cypriots constituted 80% of the population while the Turkish Cypriots represented 18%.¹⁵² During the British regime, nationalist tendencies emerged from both Turkish and Greek communities; the Greek community sought enosis, which stands for the union of Cyprus and Greece, while the Turkish side aimed to stay under British rule.¹⁵³

In 1955, the National Organization of Cypriot Fighters (EOKA) was formed in order to achieve enosis and three years later the Turkish Resistance Organization (TMT) was founded to counteract EOKA and to defend Turkish interests.¹⁵⁴ The creation of these groups brought violent confrontations between the two ethnicities.¹⁵⁵ Violence worsened in 1963 due to attempts from Turkish Cypriots to amend the Constitution, and such violence lasted until 1967 with a significant number of Turkish Cypriot casualties and displaced people as an outcome.¹⁵⁶ The United Nations (UN) promptly intervened, and it accordingly established the “Green Line” in 1964 that divided the two groups territorially; this Green Line prevails to date.¹⁵⁷ In 1967, the first attempts to negotiations were done and Cyprus had a stable situation; however, radical enosis defenders supported by the Greek military junta of the time took action to sabotage stability.¹⁵⁸ This led to the 1974 coup against the President of the RoC, which subsequently triggered the military intervention of the Turkish government on the island; intervention from the Republic of Turkey pushed Greek Cypriots to the south and Turkish Cypriots to the north.¹⁵⁹ The Turkish community subsequently proclaimed the Turkish Republic of Northern Cyprus (TRNC) as a separate nation from the RoC, but it is not internationally recognized.¹⁶⁰

In 1998, the RoC began to pursue membership in the European Union (EU), and this process became an additional variable to consider in the peace settlement process.¹⁶¹ In 2004, the most important step to solve the conflict took place in the form of a referendum for a negotiated constitutional arrangement known as the “Annan Plan,” but it failed as the Greek Cypriot community expressed its opposition towards the proposed solution.¹⁶² That same year, the RoC joined the EU.¹⁶³ This background guide will cover the international framework applicable to the situation in Cyprus as well as the role of international organizations in the conflict and possibilities of its resolution. In order to delineate the two sides of the conflict, the term “Cyprus” shall refer solely to the geographic entity and not to a governing entity.

International and Regional Framework

The RoC has been a member of the UN since 1960 and as such, it signed and ratified the *Charter of the United Nations* (1945).¹⁶⁴ This instrument expresses in Article 1 that every member shall “take effective collective measures

¹⁴⁹ Papadakis, *Divided Cyprus: Modernity, History and Island in Conflict*, 2006, p.1.

¹⁵⁰ *Ibid.*, p.2.

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ Demetriou, *EU and the Cyprus Conflict*, 2004, p.4.

¹⁵⁵ Papadakis, *Divided Cyprus: Modernity, History and Island in Conflict*, 2006, p.2.

¹⁵⁶ Demetriou, *EU and the Cyprus Conflict*, 2004, p.5

¹⁵⁷ Papadakis, *Divided Cyprus: Modernity, History and Island in Conflict*, 2006, p.3.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ Zabakhidze, *EU's Role in Cyprus Conflict: More Partition or Reunification?*, 2017.

¹⁶² Papadakis, *Divided Cyprus: Modernity, History and Island in Conflict*, 2006, p.3.

¹⁶³ Zabakhidze, *EU's Role in Cyprus Conflict: More Partition or Reunification?*, 2017.

¹⁶⁴ Permanent Mission of Republic of Cyprus to the United Nations, *Cyprus at the UN*, 2017.

for the suppression of acts of aggression... situations which might lead to a breach of the peace.”¹⁶⁵ The conflict in Cyprus represents a threat to international peace, as the parties involved have violated the principles of the Charter.¹⁶⁶ Chapters VI and VII provide the Security Council (SC) the framework to act in two instances: the pacific settlement of disputes and “action with respects to threats to the peace, breaches of the peace and acts of aggression.”¹⁶⁷ Disputes in Cyprus may easily escalate into an international conflict due to the other countries involved in the conflict, namely Turkey and Greece.

Since 1962, the RoC has been a party to the *Geneva Conventions* (1949), which bound State Parties by the principles even if they are involved in conflict with a non-State Party.¹⁶⁸ As a non-international armed conflict, the situation in Cyprus mainly involves the application of Article 3, which enforces the minimum standards for the treatment of non-combatants, the wounded, and the sick.¹⁶⁹ The *Universal Declaration of Human Rights* (UDHR) (1948), the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (1950) and the *International Covenant on Civil and Political Rights* (ICCPR) (1966) are three additional instruments to which Cyprus is party. The UDHR contains the essential human rights to which Member States are obliged to protect and respect.¹⁷⁰ Furthermore, the European Convention stipulates several fundamental rights such as freedoms of thought, conscience, and religion among Member States of the Council of Europe.¹⁷¹ The ICCPR delineates the basic civil and political rights such as the right to life and freedom.¹⁷² The conflict in Cyprus resulted in the disrespect by all parties of all of these instruments which has contributed to a systematical escalation of it and a breach to international human rights framework.

In 2004, in order to become part of the EU, the RoC signed and ratified the *Treaty on European Union* (1992), which entails the principles of “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights including the rights of persons belonging to minorities.”¹⁷³ The RoC is also part of the *European Social Charter* (1961), which guarantees fundamental social and economic rights.¹⁷⁴ Both of these international instruments are part of the framework to which it should be bound by but the limitation of the conflict’s nature make it even more difficult to attempt a solution.

Role of the International System

The international system has played an important role throughout years in the Cypriot conflict. Particularly, the UN and its different organs have played a kin participation on the work to avoid the conflict escalation. The Secretariat, SC, and General Assembly (GA) among others work constantly in this situation.

Secretariat

In 2004, then Secretary-General Kofi Annan worked on a settlement plan called the “Annan Plan.”¹⁷⁵ The aim of the plan is the union of Turkish and Greek parts into one country as the United Cyprus Republic with a federal government.¹⁷⁶ Upon the leaders’ agreement, a referendum was organized in Greek and Turkish communities, but the Greek Cypriot community voted against the agreement, eliminating its promulgation immediately.¹⁷⁷ More recently, in 2016, then Secretary-General Ban Ki-moon reported about the operations in Cyprus to the SC; this report portrayed the Secretariat satisfaction on the progress made towards a settlement but at the same time the report showed concern due to the lack of advances in the implementation of certain confidence-building measures

¹⁶⁵ *Charter of the United Nations*, 1945, Art. 1.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*, Chapter V & VI.

¹⁶⁸ *Geneva Convention relative to the Treatment of Prisoners of War*, 1949.

¹⁶⁹ *Ibid.*

¹⁷⁰ UN General Assembly, *Universal Declaration of Human Rights (A/RES/217A (III))*, 1948.

¹⁷¹ Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms*, 1950.

¹⁷² UN General Assembly, *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*, 1966.

¹⁷³ *Treaty on European Union*, 1992.

¹⁷⁴ Council of Europe, *European Social Charter*, 1961.

¹⁷⁵ Annan, *The Comprehensive Settlement of the Cyprus Problem*, 2004, p.6.

¹⁷⁶ *Ibid.*, p.7.

¹⁷⁷ Papadakis, *Divided Cyprus: Modernity, History and Island in Conflict*, 2006, p.3

such as telephony interoperability and interconnectivity of electrical grids.¹⁷⁸ Furthermore, Secretary-General Ban presented a report on his mission of good offices in Cyprus, in which he states that negotiations at that point were focusing on governance and power-sharing, property, economy and European Union matters.¹⁷⁹ However, it also mentions that the process is particularly slow in security, guarantees of no-violence, and legal matters.¹⁸⁰ The latest report of the Secretary-General was issued in January 2017 but the advances compared to the previous report are not the gains as expected regarding confidence-building measures.¹⁸¹ Nevertheless, the report also shows political developments, namely a more rigorous schedule of meetings for negotiation purposes and broad progress in four negotiation areas: “governance and power-sharing; property; the economy; and matters relating to the European Union.”¹⁸²

Security Council

The SC is an active stakeholder throughout the last 50 years in the conflict. In February 1964, the SC, after various attempts to call for peace, adopted resolution 186 that recommended the creation of a peacekeeping force in Cyprus, which is now known as United Nations Peacekeeping Force in Cyprus (UNFICYP).¹⁸³ Moreover, resolution 193 (1964) called upon parties to cease fire and particularly Turkey to stop the bombardment of Cyprus.¹⁸⁴ In 1974, the SC adopted resolution 353, demanding an immediate end to Turkish military intervention in Cyprus, and calling upon respect for sovereignty, independence and territorial integrity.¹⁸⁵ The SC further adopted resolution 541 (1983), which rejected the declaration of Turkish Cypriot secession from the RoC and considered it legally invalid, and called upon Member States to not recognize TRNC.¹⁸⁶ In 1991, SC resolution 649 was adopted in order to provide steps towards negotiations and called the leaders of both sides to make efforts for a solution for the first time.¹⁸⁷ Also, UNFICYP financing method and composition of the force were restructured through SC resolution 831, adopted in 1993.¹⁸⁸ Ten years later, the Council adopted resolution 1475 which endorsed Secretary-General Annan’s plan to reach a comprehensive settlement, the aforementioned “Annan Plan.”¹⁸⁹ In 2004, the SC endorsed Secretary-General Ban’s recommendation to amend the concept of operations and force level of UNFICYP, as well as asking the Turkish Cypriot community to collaborate with this mission.¹⁹⁰ Since 2004, every six months, the SC has essentially adopted resolutions to extend the UNFICYP mandate for an additional period of six months.¹⁹¹

General Assembly

The GA has played an important role as well. In 1960, the GA adopted resolution 1489 (XV) admitting RoC as a Member State to the organization.¹⁹² In 1974, the GA called for the withdrawal of foreign troops, namely Greek and Turkish forces, in resolution 3212 (XXIX).¹⁹³ Furthermore, in 1983, the GA adopted resolution 37/253, expressing the support to bilateral talks and the withdrawal of all occupation forces to achieve a pacific settlement.¹⁹⁴ Posterior to this, the GA adopted two more resolutions regarding budget for UNFICYP.¹⁹⁵

Human Rights Council

The Human Rights Council (HRC) has also been involved in the conflict due to several situations that fell under its mandate. In 1976, the predecessor of the HRC, the Commission on Human Rights, adopted resolution 4 (XXXII)

¹⁷⁸ UN Security Council, *Report of the Secretary-General on the United Nations operation in Cyprus (S/2016/598)*, 2016.

¹⁷⁹ UN Security Council, *Report of the Secretary-General on his mission of good offices in Cyprus (S/2016/599)*, 2016.

¹⁸⁰ *Ibid.*

¹⁸¹ UN Security Council, *Report of the Secretary-General on the United Nations operation in Cyprus (S/2017/20)*, 2016.

¹⁸² *Ibid.*

¹⁸³ UN Security Council, *The Cyprus Question (S/5575)*, 1964.

¹⁸⁴ UN Security Council, *The situation in Cyprus (S/5868)*, 1964.

¹⁸⁵ UN Security Council, *The situation in Cyprus (S/RES/353)*, 1974.

¹⁸⁶ UN Security Council, *The situation in Cyprus (S/RES/541)*, 1983.

¹⁸⁷ UN Security Council, *The situation in Cyprus (S/RES/649)*, 1990.

¹⁸⁸ UN Security Council, *The situation in Cyprus (S/RES/831)*, 1993.

¹⁸⁹ UN Security Council, *The situation in Cyprus (S/RES/1475)*, 2003.

¹⁹⁰ UN Security Council, *The situation in Cyprus (S/RES/1568)*, 2004.

¹⁹¹ Security Council Report, *UN Documents for Cyprus*, 2017.

¹⁹² UN General Assembly. *Admission of the Republic of Cyprus to membership in the United Nations (A/RES/1489 (XV))*, 1960.

¹⁹³ UN General Assembly. *Question of Cyprus (A/RES/3212 (XXIX))*, 1974.

¹⁹⁴ UN General Assembly. *Question of Cyprus (A/RES/37/253)*, 1983.

¹⁹⁵ Security Council Report, *UN Documents for Cyprus*, 2017.

which called to intensify the search for missing persons.¹⁹⁶ The full restoration of rights, particularly for refugees, tracing and accounting for missing persons, and fundamental freedoms were addressed by the HRC as a result of the report of the United Nations High Commissioner for Human Rights.¹⁹⁷ The report mentions developments regarding the role of civil society movements in the territory as well as work done by bi-communal committees on issues like missing persons and cultural heritage.¹⁹⁸ Though this report highlighted that the division of Cypriot territory is still an important obstacle to the full commitment to human rights in that Member State.¹⁹⁹

Committee on Missing Persons in Cyprus

As a result of negotiations between both parts communities in Cyprus and the recognition of the fundamental problem of missing persons, the Committee on Missing Persons in Cyprus was founded in 1981 by GA resolution 37/181, reporting to the GA itself.²⁰⁰ It was only in 2007 that the Committee could deliver results on the ground and reunited residents from each side with their respective families; many of these individuals were marked as missing since the events of 1963 and 1974.²⁰¹ This body has been crucial to the social healing process and it is vital to endorse its work in order to close all the remaining cases.

Current Status of Negotiations

As a result of the UN's attempts to settle the dispute in Cyprus, the two communities on the island have been engaged in ongoing dialogues and negotiation since 2008.²⁰² Leaders of the Greek Cypriots and Turkish Cypriots are committed to this process, the objective of which is to establish a "bi-zonal, bi-communal federation in which the communities enjoy political equality."²⁰³ In January 2017, the Conference on Cyprus convened in Geneva under the auspices of the Secretary-General, who remarked the progress made over the past 20 months as remarkable.²⁰⁴ The topics of security and guarantees of no-violence were discussed at this forum, and these two topics are in fact the only outstanding topics left for discussion.²⁰⁵ The decisions of the conference included the establishment of a working group to delineate concerns and tools to address them; the continuation of negotiations in other chapters; and the continuation of the Conference after the groups get to advance in the preliminary preparations towards the conference.²⁰⁶ In February, leaders and negotiators of both sides met in the Green Line and resolved to meet on a weekly basis to address extraordinary issues, and delegated the UN to set a date to continue with the Conference on Cyprus.²⁰⁷

Nevertheless, in February 2017, the Greek Cypriot leadership decided to have a referendum on enosis, which interrupted negotiations and as a consequence, the Turkish Cypriot leadership decided to have their own constitutional referendum in April; these political acts forced all further discussions into indefinite suspension.²⁰⁸ On 2 April 2017, both leaders resumed negotiations in a meeting where they discussed the challenges in the last months and discussed possibilities to reinstate the process.²⁰⁹ Secretary-General António Guterres invited both leaders to the UN to meet in order to discuss the next steps in negotiations and both leaders accepted the invitation, reaffirming their will to continue dialogue.²¹⁰ The meeting took place and they reached to the decision of reconvening the

¹⁹⁶ Human Rights Council, *Human Rights in Cyprus*, 1976.

¹⁹⁷ Human Rights Council, *Report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus*, 2013.

¹⁹⁸ *Ibid.*

¹⁹⁹ *Ibid.*

²⁰⁰ UN Committee on Missing Persons in Cyprus, *Origins*, 2017.

²⁰¹ UN Committee on Missing Persons in Cyprus, *About*, 2017.

²⁰² UN Cyprus Talks, *About the Peace Talks*, 2017.

²⁰³ *Ibid.*

²⁰⁴ UN Cyprus Talks, *Statement from the Conference on Cyprus*, 2017.

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*

²⁰⁷ UN Cyprus Talks, *Statement by the Special Adviser of the Secretary-General on Cyprus, Mr. Espen Barth Eide, following today's meeting between Mr. Nicos Anastasiades and Mr. Mustafa Akinci*, 2017.

²⁰⁸ Cyprus Mail, *Turkey referendum affecting peace talks, Anastasiades says*, 2017.

²⁰⁹ UN Cyprus Talks, *Joint Statement by the Greek Cypriot leader Mr. Nicos Anastasiades and the Turkish Cypriot leader Mr. Mustafa Akinci*, 2017.

²¹⁰ UN Cyprus Talks, *Statement attributable to the Spokesman for the Secretary-General on Cyprus*, 2017.

Conference on Cyprus on 28 June 2017.²¹¹ Furthermore, both sides recognized at this meeting that their respective views on the chapter on security and guarantees are fundamental for both, but they expressed their willingness to continue negotiations and to respect what has already been agreed upon.²¹²

Conclusion

The current situation in Cyprus is complex but ongoing negotiations bring new hope to both communities, to Cyprus as a whole, and the international community. A factor that have made the conflict tougher to resolve are the intervention of Greece and Turkey on the island, and their continued vested interests increase the risk of a breach to international peace.²¹³ Furthermore, the membership of the RoC in the European Union creates a political conundrum that certainly became an important stakeholder in the situation and its role could be vital to a final settlement. The events surround this situation conjure news every day, and delegates should be aware of contemporary events leading up to the meeting.

Annotated Bibliography

Annan, K. (2004). *The Comprehensive Settlement of the Cyprus Problem*. Retrieved 12 June 2017 from: http://unannanplan.agrino.org/Annan_Plan_MARCH_30_2004.pdf

This document is the full text of the Annan Plan and provides information on the most comprehensive peace plan to date. Delegates may find proposed agreement on every contentious point of the conflict. Even though the Plan was not implemented as a result of the referendum results, it is worthy for delegates to understand the multiple dimensions of the conflict and more important of the resolution. Delegates will find this source helpful to understand the context of the current negotiations and consider this in order to draft their own proposals.

Office of the Cyprus Law Commissioner. (2011). *Indicative List of International Human Rights Instruments to which the Republic of Cyprus is a party (OLC/HRI/Rev.6)*. Retrieved 18 May 2017 from: [http://www.olc.gov.cy/olc/olc.nsf/all/143A56929B1F2B78C225761F002F62E3/\\$file/Human%20Rights%20Instruments%20Revised280411%20_core%20_202_.pdf](http://www.olc.gov.cy/olc/olc.nsf/all/143A56929B1F2B78C225761F002F62E3/$file/Human%20Rights%20Instruments%20Revised280411%20_core%20_202_.pdf)

The document compiles a list of all the international instruments to which the RoC is a part. It shows the different legal regimes to which the RoC is obliged and could be analyzed by delegates to determine if these are being respected. This source will be very helpful for delegates in understanding the legal status of the country and the implications of the actions that could be taken by the Security Council. It can also provide better context on the situation on the ground when proposing resolutions to this topic.

UN Cyprus Talks. (2017). *About the Peace talks* [Website]. Retrieved 20 May 2017 from: <http://www.uncyprustalks.org/sample-page/>

This source portrays all the UN's work on the most recent peace process in Cyprus. It contains all the relevant documents as well as details on the different points of discussion. The different areas of work are covered in this source, which projects a complete view of what needs to be negotiated and solved. It is a transcendental source of information in order to understand the current situation, ergo to evaluate what can the Security Council do to facilitate a final solution.

United Nations, Security Council, 7782nd Meeting. (2016). *Situation in Cyprus (S/RES/2311(2016))* [Resolution]. Retrieved 21 May 2017 from: [http://undocs.org/S/RES/2311\(2016\)](http://undocs.org/S/RES/2311(2016))

Resolution 2311 of the Security Council exemplifies the kind of recommendations that the Council has been providing in the most recent years. There are no major advances on resolving the situation, but resolutions such as this provide a clear point of view of the 15 Member States collectively. It will be a useful source for delegates to use as a reference when drafting their own

²¹¹ Ibid.

²¹² UN Cyprus Talks, *Remarks by Secretary-General António Guterres following his meeting with H.E. Mr. Nicos Anastasiades, Greek Cypriot leader; and H.E. Mr. Mustafa Akinci, Turkish Cypriot leader*, 2017.

²¹³ Papadakis, *Divided Cyprus: Modernity, History and Island in Conflict*, 2006, p.3.

proposals. However, delegates may consider further actions in order to make the Security Council an influential actor in the final settlement.

United Nations, Security Council, 7869th Meeting. (2017). *Situation in Cyprus (S/RES/2338 (2017))* [Resolution]. Retrieved 21 May 2017 from: [http://undocs.org/en/S/RES/2338\(2017\)](http://undocs.org/en/S/RES/2338(2017))

This is the latest resolution on the topic adopted by the Security Council. It projects the position of the UN on the current situation. It also contains the next steps to take as well as the example of how the Council has approached the topic. This source will be very helpful for delegates to understand the role of the Security Council as well as the starting point from which they could suggest solutions. Even though, most of these resolutions do not propose concrete actions towards a settlement, delegates may explore possibilities under the existing legal framework.

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