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SECURITY COUNCIL
BACKGROUND GUIDE 2013

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Message from the Deputy Secretary-General Regarding Position Papers for the 2013 NMUN•Korea Conference

At the 2013 NMUN•Korea Conference, each delegation or individual delegate submits one position paper for each committee assignment. The position paper reflects the state's overall policy and position within a particular committee. Therefore, the role that a state plays in a given committee should inform the writing of the paper.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your state should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference.

Please be forewarned, delegates must turn in material that is entirely original. NMUN/NCCA will not tolerate the occurrence of plagiarism. In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. While quotes from UN or state documents are allowed and encouraged if clearly labeled as such, delegates may not use existing material to formulate their own policy within the committee. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and may result in dismissal from Conference participation. Delegates should report any incidents of plagiarism to the Secretariat.

Position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, delegates must have met the formal requirements listed below. Please refer to the sample position paper below this message for a visual example of what your work should look like at its completion. All papers must be typed and formatted in the same manner as this example. The following format specifications are required for all papers:

- Length must not exceed two single-sided pages (use standard size for your home region: A4 or 8.5 x 11 inches - US letter size).
- Margins must be set at 1 inch or 2.54 centimeters, for the whole paper.
- Font must be Times New Roman sized between 10 pt. and 12 pt.
- Body of the paper must be single-spaced.
- Country name, school name, and committee name must be clearly labeled on the first page.
- Agenda topics must be clearly labeled in separate sections.
- National symbols (headers, flags, etc.) are deemed inappropriate for NMUN position papers.

To be considered for awards, position papers need to be submitted by email in .pdf or .doc formats by 1 November 2013. As proof of submission, include yourself as an email recipient. Please use the committee name, your assignment, and delegation/school name in both the email subject line and in the filename (example: CSustD_Cuba_Mars College).

1. Send one complete set of all position papers for each of your country assignments to the Deputy Secretary-General at dsg.korea@nmun.org.
2. Send a copy of your position paper for each assigned committee to the corresponding committee email address listed below. Please note, the email addresses will be active on 1 August.

Committee	Email Address (after 1 August)
General Assembly Plenary (GA Plen)	ga.korea@nmun.org
Economic and Social Council Plenary (ECOSOC Plen)	ecosoc.korea@nmun.org
Security Council (SC)	sc.korea@nmun.org
UN Framework Convention on Climate Change CoP (UNFCCC)	unfccc.korea@nmun.org

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents.
- General consistency with bloc/geopolitical constraints.
- Consistency with the constraints of the United Nations.
- Analysis of issues, rather than reiteration of the Committee Background Guide.
- Outline of official policy aims within the committee's mandate.

Should you have any questions please feel free to contact the Conference staff or myself. We are happy to answer any questions you may have, and are looking forward to working with you.

Sincerely,

Hannah Birkenkötter
Deputy Secretary-General
NMUN•Korea

Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. Papers may be no longer than two single-sided pages. Only the first two pages of any submissions will be considered for awards.

Delegation from
Canada

Represented by
University of Jupiter

Position Paper for the General Assembly Plenary

The topics before the General Assembly Plenary are: Breaking the Link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

I. Breaking the Link between Diamonds and Armed Conflict

Canada endorses the Kimberley Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. Canada believes the Kimberley Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourages all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberley Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. Canada further calls upon participating states to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberley Process and ensure full transparency and self-examination of domestic diamond industries. The delegation of Canada draws attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urges Member States to consider these programs in developing the type of domestic regulatory frameworks called for in General Assembly resolution 55/56. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberley Process and encourages states to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in General Assembly resolution 58/290. Canada urges Member States to act in accordance with General Assembly resolution 60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberley Process of Artisanal Alluvial Producers. Canada calls upon states and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing states.

II. The Promotion of Alternative Sources of Energy

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as exemplified through the Canadian Turning Corners Report and Project Green climate strategies. Canada views the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Change (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations under Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. Canada emphasizes the need for Member States to follow the recommendations of the 2005 Beijing International Renewable Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views dissemination of technology information called for in the 2007 Group of Eight

Declaration on Growth and Responsibility in the World Economy as a vital step in energy diversification from conventional energy generation. Canada calls upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to the Canadian \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages states to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies and calls upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada urges states to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into state-specific strategies called for in the General Assembly Second Committee's report to the General Assembly Plenary on Sustainable development: promotion of new and renewable sources of energy (A/62/419/Add.9) will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African states to achieve Target 8 of Goal 6 of the MDGs by 2015. Canada recommends Member States to cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration and Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement General Assembly resolution 61/228, Canada believes developed states must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. Canada urges Member States to support compulsory licensing for essential generic medication by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the Malaria Vaccine Initiative. Canada emphasizes the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits.



Dear Delegates,

Welcome to the 2013 National Model United Nations Conference held in the Republic of Korea (NMUN•Korea) and to the United Nations Security Council Committee. Serving on the dais are Roger Tseng as the Director and A Young Chun as the Assistant Director. In addition to serving on the NMUN•Korea staff, Roger is also an Under-Secretary-General for the 2014 NMUN•NY Conference and has been on volunteer staff since 2009. He will be returning to school in September to pursue a professional diploma in Human Resources Management. A Young is currently a sophomore at Yonsei University, majoring in Political Science and International Studies. She is also heavily involved in numerous extracurricular activities, including Student Council and the Law Track Symposium.

The Security Council has faced and continues to face numerous challenges in 2013, with civil protests and peacekeeping operations continuing to dominate its agenda. The topics simulated at NMUN•Korea 2013 strive to portray the importance of the Council and the pressing nature of its programme of work. This background guide is simply an overview of these topics and should only serve as an introduction to your research and preparation for the Conference. The references listed for each topic provide you a good starting point for your own research, but we highly encourage you to deepen your knowledge further, especially considering your country's position.

Should you have any questions during your preparation, please do not hesitate to contact the substantive staff for this committee or Deputy Secretary-General Hannah Birkenkötter. We wish you all the best in your preparation for the Conference and look forward to seeing you in November.

Sincerely,

Roger Tseng
SC Director

A Young Chun
SC Assistant Director

Committee History

Introduction

The United Nations Security Council is the epicenter of collective security, with its primary responsibility being the maintenance of international peace and security.¹ While it has the ability to exercise sweeping powers within the United Nations system, the Council was ineffective for much of the Cold War due to the systemic geopolitical rivalry between the United States and the Soviet Union.² In contemporary international relations, however, it has been able to address breaches of international peace and security without much burden, and has been active in areas such as the former Yugoslavia, Angola, the Democratic Republic of Congo or Libya, though not without criticism.³

Due to the role it plays in the United Nations system and the urgency of its programme of work, the Security Council does not meet in sessions; instead, the President may, at his or her own prerogative or at the behest of a sitting Member State, call a meeting to order.⁴ The ongoing nature of Council meetings also allows flexibility in its deliberations, with each meeting having its own provisional agenda consisting of items brought forward by the Secretary-General and items the Council has previously deferred or left incomplete.⁵

Powers of the Security Council

Charter Powers

Chapters VI and VII of the Charter of the United Nations accord the responsibility of maintaining international peace and security to the Security Council. Under Chapter VI, *Pacific Settlement of Disputes*, Member States are compelled to resolve a dispute through all diplomatic means necessary, such as mediation, judicial arbitration, or the referral of the dispute to a regional collective security organization.⁶ The Security Council may further decide to investigate a situation and determine if said situation would undermine international peace and security, and subsequently call upon the parties involved to resolve it through diplomatic means.⁷ Subsequently, the Council may “at any stage of a dispute [...] recommend appropriate procedures or methods of adjustment.”⁸

Should there be a threat to peace or an act of aggression, the Security Council may decide to act under Chapter VII of the Charter, *Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression*.⁹ In this vein, the Security Council may enforce collective security by calling upon Member States to apply any measures that the Council has deemed necessary to maintain or restore international peace and security; these measures may include trade embargos, severance of telecommunications, or the withdrawal of diplomatic representation.¹⁰ Only when these measures have proved to be inadequate may the Council decide to act militarily, with Member States providing the necessary resources to conduct such a military operation.¹¹ Security Council resolutions passed under Chapter VII are unique in international law, as these decisions are binding on Member States according to Article 25 of the UN Charter.¹²

A power that is not prescribed explicitly by the Charter but regularly exercised by the Council is the deployment of peacekeeping operations.¹³ Peacekeeping operations provide the necessary security and ceasefire arrangements in order for the parties to participate in the peace process.¹⁴ During a peacekeeping mission, United Nations personnel shall remain impartial and refrain from the use of force except in situations of self-defense.¹⁵ Peacekeeping

¹ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 24.

² Encyclopedia Britannica, *United Nations Security Council*.

³ Encyclopedia Britannica, *United Nations Security Council*.

⁴ United Nations Security Council, *Provisional Rules of Procedure of the Security Council*, 1983.

⁵ United Nations Security Council, *Provisional Rules of Procedure of the Security Council*, 1983.

⁶ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 33.

⁷ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 34.

⁸ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 36.

⁹ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 39.

¹⁰ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 41.

¹¹ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 42.

¹² Johansson, *Equivocal Resolve? Towards a Definition of Chapter VII Resolutions*, 30 May 2008.

¹³ United Nations Peacekeeping, *Role of the Security Council*.

¹⁴ United Nations Peacekeeping, *Role of the Security Council*.

¹⁵ United Nations Peacekeeping, *What is peacekeeping?*.

operations retain characteristics of Chapters VI and VII mandates, meaning that a military force is deployed but only to establish the necessary conditions for the parties involved to resolve the conflict diplomatically; this has led former Secretary-General Dag Hammarskjöld to famously call such missions to be under “Chapter Six and a Half.”¹⁶

Responsibility to Protect

In recent years, the concept of a Responsibility to Protect (R2P) which was first formulated in 2001, has received increased attention in the realm of international peace and security.¹⁷ While foreign interventions for the maintenance of peace and security were allowed under the UN Charter, interventions under a humanitarian mandate were controversial and the Security Council seldom took action under the latter cause, which led to much criticism, notably in the situations of the Former Yugoslavia or in Somalia.¹⁸ R2P challenged the norms of state sovereignty and shifted sovereignty towards the state bearing responsibility for the protection of its population.¹⁹ In this vein, should a state fail to protect its population from “internal war, insurgency, repression or state failure, [or] the state in question is unwilling or unable to half or avert it,” the international community has an obligation under international humanitarian law to protect the population in danger.²⁰ R2P further stipulates that the Security Council, despite not having an explicit mandate to deploy military resources for humanitarian interventions, possesses the legal capacity to do so and to debate humanitarian interventions based on a broader interpretation of the Charter as well as changing international norms.²¹ The concept was formally introduced within the United Nations at the 2005 World Summit, when the General Assembly acknowledged the principle in an abridged form in the World Summit Outcome document.²² The Security Council has subsequently adopted this principle in resolution S/RES/1674.²³

Membership

The Security Council is composed of 15 Member States of the United Nations.²⁴ Of the 15 Member States, five – China, France, the Russian Federation, the United Kingdom, and the United States – hold permanent seats on the Council, with the remaining ten elected by the General Assembly for two-year terms.²⁵ Equality between Member States is similarly observed on the Council, with each Member State possessing one vote.²⁶ Procedural matters require the consent of at least nine Member States, whereas all other matters of the Council require the consent of at least nine Member States including the five permanent members.²⁷ This Charter provision has been interpreted consistently in such a way that an abstention by a permanent member does not count as a veto.²⁸ Any Member State of the United Nations or a non-member state may be invited to participate as an observer, should a dispute affect the state in question.²⁹

The Security Council in 2013

The Council has met regularly throughout the first half of 2013 to discuss a wide array of topics.³⁰ At its 6903th meeting, the 15 Member States, along with representatives from numerous other countries as well as the European Union, met to discuss United Nations peacekeeping operations.³¹ At this meeting, Secretary-General Ban Ki-moon emphasized that priorities for any peacekeeping operation shall continue to be identified by national governments; the successes in Timor-Leste were in large part owed to the political commitments made by the East Timorese

¹⁶ United Nations Information Service, *60 Years of United Nations Peacekeeping*.

¹⁷ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, December 2001.

¹⁸ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, December 2001.

¹⁹ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, December 2001.

²⁰ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, December 2001.

²¹ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, December 2001.

²² United Nations General Assembly, *World Summit Outcome (A/Res/60/1)*, 2005.

²³ United Nations Security Council, “Resolution 1674 (2000) on Protection of civilians in armed conflict”, 28 April 2006.

²⁴ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 23.

²⁵ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 23.

²⁶ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 27.

²⁷ United Nations, *Charter of the United Nations*, 26 June 1945, Art. 27.

²⁸ United Nations Security Council, *Voting System and Records*, 2013.

²⁹ United Nations Security Council, *Current Members*.

³⁰ United Nations Security Council, *Meetings Records*.

³¹ United Nations Security Council, *Meeting record on United Nations peacekeeping operations (S/PV.6903)*, 21 January 2013.

government.³² The representative of the Republic of Korea further identified the need for peacekeeping operations to address needs on development and peacebuilding in addition to the traditional security concerns.³³ The Council subsequently adopted resolution S/RES/2086, recognizing the need for broader peacekeeping mandates to allow peace consolidation and reconciliation to take place accordingly.³⁴ Peacekeeping was also a major aspect in various country-specific resolutions. For example, resolution S/RES/2103 further reaffirmed the responsibilities tasked upon the Integrated Peacebuilding Office in Guinea-Bissau, such as promoting political dialogue and national reconciliation, assisting to strengthen democratic institutions and constitutional rule of law, and providing strategic advice to combat drug trafficking; the resolution also reaffirmed the need for the military to fall under civilian control.³⁵ Other country-specific matters that were discussed in 2013 are, amongst others, the situation in the Democratic People's Republic of Korea and the ongoing armed conflict in the Democratic Republic of the Congo.

Annotated Bibliography

International Commission on Intervention and State Sovereignty. (2001, December). *The Responsibility to Protect*. Retrieved June 1, 2013 from: <http://responsibilitytoprotect.org/ICISS%20Report.pdf>

The Responsibility to Protect (R2P) doctrine was formulated in 2001 in response to the changing nature of conflicts around the world. In the post-Cold War era, international crises and other crimes against humanity became less inter-state and much more intra-state; with this in mind, the United Nations was ill-equipped to respond to intra-state conflicts as it would violate the sovereignty of the Member State in question. The R2P doctrine, as such, transforms the notion of sovereignty from a right to a responsibility of the state. States much bear the responsibility of protecting their populations from violence or persecution, and should a state refuse to act in this manner the international community has a further responsibility of intervening in the name of human security. The R2P doctrine was officially adopted by the Council via resolution 1674 in 2006.

United Nations Security Council. (n.d.). *Meetings Records*. Retrieved June 10, 2013 from: <http://www.un.org/en/sc/meetings/records/2013.shtml>

This Web site contains all documents pertinent to Security Council meetings for the year of 2013. These documents may include meetings records, press statements, and any resolutions or reports that have been tabled with the Council. Delegates are strongly encouraged to consult this Web site on a regular basis in order to familiarize themselves with the Council's programme of work for this year as well as for past years. This is crucial as meetings records and resolutions further demonstrate the substantive mandate of the Security Council as well as how Member States' foreign policies are conducted.

United Nations. (1945, 26 June). *Charter of the United Nations*. Retrieved June 10, 2013 from: <http://www.un.org/en/documents/charter/index.shtml>

The powers of the Security Council originate from the Charter of the United Nations, with the sections that are specific to the Security Council being Chapters V, VI, and VII. Chapter V sets out the composition of the Council and rules regarding membership. Collective security is enforced through Chapters VI and VII. In the former, the Council may investigate international disputes or situations that would give rise to violence, and recommend necessary actions. In the latter chapter, the Council may elect to take concrete action and physically intervene in a breach of international security, usually by a UN peacekeeping force or an approved multilateral mission.

³² United Nations Security Council, *Meeting record on United Nations peacekeeping operations (S/PV.6903)*, 21 January 2013.

³³ United Nations Security Council, *Meeting record on United Nations peacekeeping operations (S/PV.6903)*, 21 January 2013.

³⁴ United Nations Security Council, *Resolution 2086 (2013) on United Nations peacekeeping operations*, 21 January 2013.

³⁵ United Nations Security Council, *Resolution 2103 (2013) on the situation in Guinea-Bissau*, 22 May 2013.

I. Protection of Civilians in Armed Conflict

Introduction

As violence continues between or within states, “civilians continue to account for the vast majority of casualties” despite the existence of a well-established international framework for the protection of civilians in armed conflict.³⁶ With the maintenance of international peace and security as its principle responsibility, the Security Council has taken progressive steps in addressing the protection of civilians in its programme of work and its peacekeeping operations.³⁷ The following sections seek to walk through the evolution of this topic, from its origins as international conduct during warfare to its operationalization within complex, multifaceted peacekeeping operations between factions.

International Legal Framework

The Fourth Geneva Convention, formally known as the *Convention relative to the Protection of Civilian Persons in Time of War*, was adopted in August 1949 and is the last of the collection of the Geneva Conventions that largely regulate contemporary international humanitarian law.³⁸ Along with the two *Additional Protocols to the Geneva Conventions* of 1977, they form the corpus of rules that protect civilians during armed conflict. According to Article 4 of the *Fourth Geneva Convention*, protected civilians “are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”³⁹ During any armed conflict, civilian persons are entitled to respect for human dignity, religious practices, and cultural norms, and are protected from arbitrary violence.⁴⁰ The Convention also explicitly forbids State Parties from exercising coercion and torture against civilians within their proper territory or as the Occupying Power.⁴¹ Section III of the Convention sets out substantial obligations on State Parties as Occupying Powers. State Parties may not, in territories which they occupy, violate the rights and dignities of civilians afforded to them under the Convention.⁴² Article 49 expressly prohibits “[i]ndividual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of another country.”⁴³ Articles 55 to 62 spell out the obligation to provide welfare and relief by the Occupying Power and to permit the Red Cross Movement to conduct humanitarian activities without hindrance in times of hostility.⁴⁴

To address the fact that armed conflict may also take place within a state, i.e. civil wars, the authors of the Geneva Conventions drafted Common Article III, which binds State Parties to certain obligations “in the case of armed conflict not of an international character.”⁴⁵ In addition to reiterating the definition of a civilian in the context of international law and armed conflict, Common Article III compels State Parties to protect civilian persons from violence, to uphold the rule of law in judicial proceedings, and to provide humanitarian aid to the sick and wounded.⁴⁶ Bearing in mind of the intra-state nature of these conflicts, Common Article III further compels warring parties to “endeavor to bring into force, by means of special arrangements, all or part of the other provisions of the present Convention.”⁴⁷ The Additional Protocol II of 1977 supplements Common Article III and defines non-international armed conflicts as those “[taking] place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed group which... exercise such control over a part of its

³⁶ United Nations Security Council, “*Resolution 1894 (2009) on the Protection of Civilians in Armed Conflict*”, 11 November 2009.

³⁷ Oxfam, *Protection of Civilians in 2010: Facts, figures, and the UN Security Council’s response*.

³⁸ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

³⁹ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴⁰ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴¹ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴² *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴³ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴⁴ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴⁵ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴⁶ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁴⁷ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

territory.”⁴⁸ Additional Protocol II reaffirms many of the state obligations vis-à-vis the protection of civilians from an international conflict, such as the prohibition of forced movement, the protection of worship and culture, and the right of civilians to humanitarian relief.⁴⁹ International humanitarian law as stipulated by the Geneva Conventions and its related documents has reached universal applicability; as such, the provisions of these treaties have transcended treaty law and the international community now considers them as customary international law.⁵⁰

Protection of Vulnerable Groups

The full gamut of international law, customary or otherwise, also spells out explicit obligations towards vulnerable groups during armed conflict. For example, the Fourth Geneva Convention forbids Occupying Powers “from disrupting the provision of care and education to children, and shall take steps to identify children and their parentage during hostilities.”⁵¹ Subsequent to this, the international community adopted the *Convention relating to the Status of Refugees* (Refugee Convention) in 1951 and its 1967 Protocol to protect civilians who may have to flee to neighboring states as a result of violence.⁵² The Refugee Convention defines a refugee as a person who “owing to well-founded fear of being persecuted... is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”⁵³ Should a refugee arrive in a country that is party to the Convention, the Convention accords certain rights and freedoms in the country of refuge, including the freedom of movement, access to courts, right to employment, and protection under welfare.⁵⁴ More recently, the United Nations published the *Guiding Principles on Internal Displacement* (Guiding Principles).⁵⁵ While not legally binding in and of itself, the Guiding Principles recall entrenched international norms to protect internally displaced persons, who are civilians fleeing from violence but have not left their state of residence.⁵⁶ In relation to armed conflict, the Guiding Principles similarly prohibit “arbitrary displacement... [i]n situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand” and protect internally displaced persons from genocide, summary or arbitrary executions, and direct or indiscriminate violence.⁵⁷ The Guiding Principles further uphold basic socioeconomic rights for internally displaced persons and stipulate how humanitarian assistance and international relief shall be carried out.⁵⁸

Protection of Civilians on the Security Council Agenda

The Security Council has been discussing the protection of civilians as it pertained to specific conflicts since 1994.⁵⁹ In Resolution 918 (1994), the Council reaffirmed the primacy of international humanitarian law in the context of the Rwandan Genocide and expanded the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) to uphold the rights afforded to civilians in the Fourth Geneva Convention; the expanded mandate included the establishment of secure humanitarian areas for affected individuals and the provision of relief supplies.⁶⁰ Violence in the former Yugoslavia also attracted the attention of the Council, and in Resolution 1034 (1995) the Council strongly condemned “all violations of international humanitarian law and of human rights” in the forms of “summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances.”⁶¹

⁴⁸ *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977.

⁴⁹ *Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977.

⁵⁰ International Committee of the Red Cross, *Customary international humanitarian law*, 29 October 2010.

⁵¹ *Geneva Convention relative to the Protection of Civilian Persons in Time of War (2nd part)*, 12 August 1949.

⁵² United Nations General Assembly, *Convention relating to the Status of Refugees (A/RES/429 (V))*, 14 December 1950.

⁵³ United Nations General Assembly, *Convention relating to the Status of Refugees (A/RES/429 (V))*, 14 December 1950.

⁵⁴ United Nations General Assembly, *Convention relating to the Status of Refugees (A/RES/429 (V))*, 14 December 1950.

⁵⁵ United Nations Commission on Human Rights, *Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)*, 11 February 1998.

⁵⁶ United Nations Commission on Human Rights, *Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)*, 11 February 1998.

⁵⁷ United Nations Commission on Human Rights, *Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)*, 11 February 1998.

⁵⁸ United Nations Commission on Human Rights, *Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)*, 11 February 1998.

⁵⁹ United Nations Security Council, *Resolution 918 (1994) on the UN Assistance Mission for Rwanda*, 17 May 1994.

⁶⁰ United Nations Security Council, *Resolution 918 (1994) on the UN Assistance Mission for Rwanda*, 17 May 1994.

⁶¹ United Nations Security Council, *Resolution 1034 (1995) on the Former Yugoslavia*, 21 December 1995.

Subsequently, the Council met to discuss the protection of civilians in armed conflict as a thematic topic for the first time at its 3978th meeting on February 12, 1999.⁶² During this meeting, the President of the Security Council expressed concern by the increasing civilian toll in armed conflict and the fact that civilians constituted the majority of casualties in armed conflicts as combatants increasingly targeted them.⁶³ Later in the same year, on September 17, 1999, the Council passed its first thematic resolution on this topic.⁶⁴ In Resolution 1265 (1999), the Council condemned all blatant violations of international humanitarian law, called on all Member States to sign and ratify the aforementioned international framework on the protection of civilians, highlighted the importance of prevention and the peaceful settlement of disputes, and declared “its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed... in accordance with the Charter of the United Nations.”⁶⁵

The protection of civilians in armed conflict gained further steam when, in 2000, the Council adopted Resolution 1296 (2000).⁶⁶ While previous resolutions recalled the gravity of the treatment towards civilians, Resolution 1296 specifically mentioned refugees and internally displaced persons as vulnerable groups that require additional attention from the international community.⁶⁷ In response, the resolution invited the Secretary-General to bring to the Council’s attention any international dispute whereby refugees and internally displaced persons may face hardship, and emphasized the role of the “disarmament, demobilization, and reintegration” process in the settlement of disputes.⁶⁸ In another landmark recognition of shifting international norms, the Council formally recognized the Responsibility to Protect (R2P) principle through the adoption of Resolution 1674 (2006).⁶⁹ In reference to paragraphs 138 and 139 of the 2005 World Summit Outcome, the Council bears the responsibility of acting when grave breaches of international humanitarian law (genocide, war crimes, ethnic cleansing and crimes against humanity) take place.⁷⁰ Resolution 1894 (2009) marked the tenth anniversary of the inclusion of this topic on the agenda as well as the 60th anniversary of the Fourth Geneva Convention.⁷¹ Resolution 1894 is by far the more comprehensive adopted by the Council, and recalling previous resolutions, obliged states to conform with international humanitarian law as well as refugee law, reiterated its stance on the R2P principle, and expressed its intentions to “[m]andate UN peacekeeping and other relevant missions, where appropriate, to assist in creating conditions conducive to safe, timely, and unimpeded humanitarian assistance.”⁷²

As of June 2013, the Security Council has met once in the calendar year to discuss the protection of civilians in armed conflict.⁷³ During the 6917th meeting, the Secretary-General spoke about how civilians continue to suffer in conflict zones around the world, not simply because they are caught in such situations but because they are also targeted by hostile groups.⁷⁴ He further recalled the applicability of the R2P principle and international humanitarian law regardless of the nature of the conflict, inter-state or intra-state.⁷⁵ While no resolution was adopted at this meeting, the Security Council reaffirmed its commitment to the maintenance of international peace and security, the primacy of international law, and the necessity of giving peacekeeping missions the mandate to protect civilians when deployed.⁷⁶

⁶² United Nations Security Council, *Meeting record on the Protection of Civilians in Armed Conflict (S/PV.3978)*, 12 February 1999.

⁶³ United Nations Security Council, *Meeting record on the Protection of Civilians in Armed Conflict (S/PV.3978)*, 12 February 1999.

⁶⁴ United Nations Security Council, *Resolution 1265 (1999) on the Protection of Civilians in Armed Conflict*, 17 September 1999.

⁶⁵ United Nations Security Council, *Resolution 1265 (1999) on the Protection of Civilians in Armed Conflict*, 17 September 1999.

⁶⁶ United Nations Security Council, *Resolution 1296 (2000) on the Protection of Civilians in Armed Conflict*, 19 April 2000.

⁶⁷ United Nations Security Council, *Resolution 1296 (2000) on the Protection of Civilians in Armed Conflict*, 19 April 2000.

⁶⁸ United Nations Security Council, *Resolution 1296 (2000) on the Protection of Civilians in Armed Conflict*, 19 April 2000.

⁶⁹ United Nations Security Council, *Resolution 1674 (2006) on the Protection of Civilians in Armed Conflict*, 28 April 2006.

⁷⁰ United Nations Security Council, *Resolution 1674 (2006) on the Protection of Civilians in Armed Conflict*, 28 April 2006.

⁷¹ United Nations Security Council, *Resolution 1894 (2009) on the Protection of Civilians in Armed Conflict*, 11 November 2009.

⁷² United Nations Security Council, *Resolution 1894 (2009) on the Protection of Civilians in Armed Conflict*, 11 November 2009.

⁷³ United Nations Security Council, *Meeting record on the Protection of Civilians in Armed Conflict (S/PV.6917)*, 12 February 2013.

⁷⁴ United Nations Security Council, *Meeting record on the Protection of Civilians in Armed Conflict (S/PV.6917)*, 12 February 2013.

⁷⁵ United Nations Security Council, *Meeting record on the Protection of Civilians in Armed Conflict (S/PV.6917)*, 12 February 2013.

⁷⁶ United Nations Security Council, *Statement by the President of the Security Council (S/PRST/2013/2)*, 12 February 2013.

Protection of Civilians in United Nations Missions

The inclusion of the protection of civilians in armed conflict in the agenda of the Security Council is a reflection of the failures that the United Nations experienced in its peacekeeping missions in the 1990s.⁷⁷ Until this point, peacekeeping operations were deployed under the traditional mandate of enforcing peace agreements between two warring parties, but without explicit powers to use force other than in self-defense and without a mandate to protect civilians not party to the conflict.⁷⁸ These failures prompted academics, practitioners, and politicians to recognize that enduring peace is not simply created through military and politics; the humanitarian aspect must also be addressed.⁷⁹

The Security Council created the first peacekeeping mandate with an explicit mandate to protect civilians in 1999 in response to the violence in Sierra Leone.⁸⁰ Resolution 1270 (1999) recalled Resolution 1265, the Council's first thematic resolution on the protection of civilians in armed conflict, and established the United Nations Mission in Sierra Leone (UNAMSIL); in addition to enforcing the peace agreement, UNAMSIL was also given the mandate of implementing the country's DDR process and to facilitate the delivery of humanitarian assistance.⁸¹ UNAMSIL's mandate was extended in 2000 through resolution 1289 (2000); while resolution 1270 alluded to resolution 1265, resolution 1289 explicitly authorized UNAMSIL, "within its capabilities and areas of deployment, to afford protection to civilians under imminent threat of physical violence."⁸²

Following the creation of UNAMSIL, the Council was faced with another crisis in Africa, this time in Côte d'Ivoire. The United Nations Operation in Côte d'Ivoire (UNOCI) was established by resolution 1528 (2004).⁸³ The mandate to protect civilians for UNOCI was expanded from that of UNAMSIL; in addition to recalling resolution 1265, paragraphs 6(i) to 6(k) of resolution 1258 explicitly gave UNOCI the mandate to "protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment... [and] to facilitate the free flow of people, goods and humanitarian assistance."⁸⁴ Furthermore, resolution 1528 required UNOCI to "establish the security environment... for the return of internally displaced persons (IDPs), the provision of humanitarian assistance, and the needs of vulnerable populations" under the auspices of Chapter VII.⁸⁵

Despite the inclusion of the protection of civilians in its original mandate, "UNOCI had deployed under the impression that it would be operating in a more conventional peacekeeping environment."⁸⁶ The xenophobia in the country led to persistent violence and threats to the civilian population.⁸⁷ In 2006, the Young Patriots rebelled against the International Working Group's recommendation of suspending the interim government, causing UNOCI to relocate away from its deployed areas; as a result, up to 14,000 IDPs and other ethnic minorities were left behind

⁷⁷ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, p. 18.

⁷⁸ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, p. 2.

⁷⁹ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 18.

⁸⁰ United Nations Security Council, *Resolution 1270 (1999) on Sierra Leone*, 22 October 1999.

⁸¹ United Nations Security Council, *Resolution 1270 (1999) on Sierra Leone*, 22 October 1999.

⁸² United Nations Security Council, *Resolution 1289 (2000) on Sierra Leone*, 7 February 2000.

⁸³ United Nations Security Council, *Resolution 1528 (2004) on Côte d'Ivoire*, 27 February 2004.

⁸⁴ United Nations Security Council, *Resolution 1528 (2004) on Côte d'Ivoire*, 27 February 2004.

⁸⁵ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 294.

⁸⁶ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 303.

⁸⁷ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 303.

without United Nations protection.⁸⁸ In the wake of this violence, the United Nations convened a “Roundtable on the Implementation of Protection Mandates of UNOCI” in Abidjan, Côte d’Ivoire.⁸⁹ At the Roundtable, UNOCI Force Commander Abdoulaye Fall highlighted that the mission had failed to prioritize issues surrounding the protection of civilians, and the traditional peacekeeping roles took precedence.⁹⁰ It was recommended by the Roundtable’s report that the mandates should be better-conceived, the United Nations should provide more operational guidance, and that the protection should be prioritized to meet the expectations of the vulnerable; furthermore, the Council should “[tailor] mandates to specific contexts while recognizing the evolution of peace processes, and [grant] authorization for troop reinforcements and flexible deployments.”⁹¹

The flexibility of deployment and the contextualization of the protection mandate were incorporated by subsequent resolutions adopted by the Council to extend UNOCI.⁹² By 2012, the mandate of the UNOCI vis-à-vis the protection of civilians had been revised and expanded by numerous resolutions; in particular, Resolution 2000 (2011) tasked the mission with the following additional responsibilities:

“To revise the comprehensive strategy for the protection of civilians and to coordinate with the United Nations protection of civilians strategy in liaison with the United Nations country team... [and]

To work closely with humanitarian agencies, particularly in relation to areas of tensions and of return of displaced persons, to collect information on and identify potential threats against the civilian population, as well as reliable information on violations of international humanitarian and human rights law.”⁹³

Looking Ahead

As of 2013, the United Nations has accrued more than ten years’ experience in exercising the protection of civilians in armed conflict and has learned from the experiences of previous missions.⁹⁴ In Resolution 2053 (2012), the Security Council has placed the protection of civilians in armed conflict as a priority in the renewed mandate of the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO); while previous United Nations missions prioritized resources on the self-defense of its personnel, MONUSCO has been directed to prioritize the protection of civilians in its operations.⁹⁵ Nonetheless, the Security Council recognizes that there is still work to be done within the organization to ensure that international humanitarian law is respected in all aspects.⁹⁶ In preparation for its latest thematic debate in 2013, the President of the Council further identified three priorities for the United Nations; in regards to peacekeeping missions, there is a need to enhance the implementation of the protection mandate, and such implementation must take into account the host state and its capabilities.⁹⁷ The lack of

⁸⁸ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 305.

⁸⁹ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 307.

⁹⁰ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 307.

⁹¹ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 308.

⁹² United Nations Operation in Côte d’Ivoire, *UNOCI Mandate*.

⁹³ United Nations Security Council, *Resolution 2000 (2011) on Côte d’Ivoire*, 27 July 2011.

⁹⁴ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, iii.

⁹⁵ United Nations Security Council, *Resolution 2053 (2012) on the DR Congo*, 27 June 2012.

⁹⁶ United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*, 8-9.

⁹⁷ United Nations Security Council, *Letter dated 4 February 2013 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the Secretary-General (S/2013/75)*, 5 February 2013.

consistent reporting from the Secretariat is also addressed at the debate, and the Council had tasked the Secretary-General with reporting on this topic by November 15, 2013, and decided that such reports would be regularly tabled every 18 months afterwards.⁹⁸ Despite instituting regular reporting, the Council has not adopted a thematic resolution on the protection of civilians since 2006. The situation in the Syrian Arab Republic, with ongoing violence between government forces and guerrilla militia, further highlights how the non-compliance of international humanitarian law may have disastrous effects on the State Party and the civilians. In an environment of evolving international norms and continued unrestrained hostility, there is urgency on the part of the Security Council to consider:

- The applicability of customary international law in its programme of work and in United Nations missions;
- How, in light of the R2P principle, may the United Nations act in situation of gross violation of international humanitarian law;
- The enforcement of international humanitarian law with respect to state and non-state actors; and
- Further integration of the protection of civilians in peacekeeping missions.

Annotated Bibliography

Geneva Convention relative to the Protection of Civilian Persons in Time of War. (1949, August 12). 75 UNTS 287. Retrieved June 20, 2013 from: <http://www2.ohchr.org/english/law/civilianpersons.htm>

The Fourth Geneva Convention was adopted in 1949 by the international community and defines state obligations towards civilians in times of international armed conflict, particularly towards civilians of the opposing side. Due to the overwhelming ratification of this convention, it, along with the other Geneva Conventions and their Additional Protocols, are now deemed to be customary international law, binding the provisions to non-signatories as well. While there are some provisions that are applicable to intrastate conflicts, states are generally not bound to respect the Convention in civil wars, and the international community is now addressing this gap in enforcement through discussions on internally displaced persons.

United Nations General Assembly. (1950, December 14). *Convention relating to the Status of Refugees (A/RES/429 (V))*. Retrieved June 20, 2013 from: <http://www2.ohchr.org/english/law/refugees.htm>

As civilians become displaced to neighboring countries as a result of an international conflict, the Convention and Protocol uphold their rights as refugees. Initially the Convention was only applicable towards European refugees, but the subsequent Protocol removed this geographic restriction. The Convention establishes an internationally accepted definition of a refugee, the legal and social rights of refugees in the contracting party, and how contract parties must cooperate with the United Nations once refugees are accepted on their soil.

United Nations Commission on Human Rights. (1998, 11 February). *Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2)*. Retrieved on May 17, 2013 from:

<http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.4/1998/53/Add.2>

This report on internal displacement is to date the most comprehensive document made available by the United Nations on state obligations towards internally displaced persons. IDPs have struggled to receive the same attention and legal protection as refugees because they have not yet left their home country; as such, it is assumed that the home government will provide such assistance, even though IDPs may be fleeing from that same government. Furthermore, as the United Nations enshrines sovereignty in its Charter, the organization is not in a position to interfere in the domestic affairs. These Guiding Principles uphold the rights and freedoms of IDPs under international and national laws and places responsibility on states to provide humanitarian aid to IDPs. As this is not an international convention, enforcement has not been as stringent as the Refugee Convention and there are no legal obligations with adherence.

United Nations Security Council. (2013, 12 February). *Statement by the President of the Security Council (S/PRST/2013/2)*. Retrieved on May 17, 2013 from:

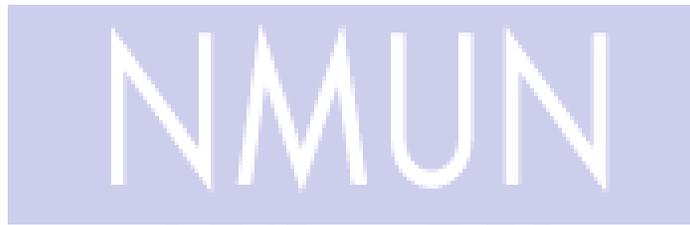
<http://www.un.org/Docs/journal/asp/ws.asp?m=S%20PRST/2013/2>

⁹⁸ United Nations Security Council, *Statement by the President of the Security Council (S/PRST/2013/2)*, 12 February 2013.

In this statement, the Security Council reaffirms that the protection of civilian persons in conflicts is paramount to the maintenance of international peace and security. It stresses that Member States bear the primary responsibility of ensuring that all civilians, including refugees and IDPs, are protected equally under international and national laws, and reaffirms the mandates of peacekeeping operations and their role in the protection of civilians.

United Nations Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs. (2009). *Protecting Civilians in the Context of UN Peacekeeping Operations: Successes, Setbacks and Remaining Challenges*. Retrieved on June 20, 2013 from: <https://docs.unocha.org/sites/dms/Documents/Protecting%20Civilians%20in%20the%20Context%20of%20UN%20Peacekeeping%20Operations.pdf>

To mark the tenth anniversary of the inclusion of the protection of civilians in armed conflict, these two United Nations agencies jointly published a review of how the Security Council has performed in establishing the mandates and operational plans of peacekeeping missions. This publication, while applauding the steps that the Council has taken between 1999 and 2009, highlights several weaknesses in the Council's approach. The theories and case studies presented in this publication are very informative and delegates are encouraged to familiarize themselves with the recommendations and the four case studies, one of which is Côte d'Ivoire.



II. The Situation in the Democratic People's Republic of Korea

Introduction

The Democratic People's Republic of Korea (DPRK) has long been a country of interest within the Security Council. With periodic nuclear tests and missile launches, international threats and bailing outs on peace treaties, the DPRK situation has called for coalesced international concern about peace and security. As a remnant of the cold war, the DPRK remains isolated in regards to nuclear developments despite prohibitions and condemnations from the United Nations. As the principal organ within the United Nations charged with the maintenance of international peace and security, the Security Council is pivotal to efforts for peaceful international reconciliation; as such, it must give the utmost attention to the situation in the Democratic People's Republic of Korea.

Historical Context

The Korean War (1950-1953)

The division of the Korean peninsula between the Allied victors took place as a result of the defeat of Japan, as Korea was a former Japanese colony.⁹⁹ However, Korean independence was ostensible; by the time of the Yalta Conference, the Soviet Union retreated from Manchuria and occupied Korea north of the 38th parallel and the United States occupied the south.¹⁰⁰ The occupations by these ideological foes resulted in General Assembly Resolution 195 (III) which legitimized the Republic of Korea (ROK) in the eyes of the United Nations at the time and called for the withdrawals of both occupying powers.¹⁰¹ Both Koreas aspired to reunify the peninsula under their own political systems; against this backdrop, numerous border conflicts occurred until tensions escalated and the Korea People's Army (KPA) of the DPRK invaded the ROK in 1950.¹⁰² The Security Council met, amidst a boycott by the Soviet Union, and, through resolutions 82, 83 and 84 (1950), condemned the invasion, and called for the deployment of troops under the United Nations Joint Command to stop the invasion by the DPRK.¹⁰³ With reinforcement from several United Nations Member States, the ROK forces managed to recapture Seoul and pushed the KPA to north of the 38th parallel.¹⁰⁴ But as the United Nations forces reached the Yalu River, the People's Republic of China (PRC), upon Soviet Union consent, entered the Korean War as an ally of the DPRK.¹⁰⁵ PRC's involvement resulted in an impasse for the Council, with the lack of unanimity of the permanent members.¹⁰⁶ This led to the adoption of General Assembly resolution 377 (V), aptly named *Uniting for Peace*, which permitted the General Assembly to assume the Council's role in maintaining international peace and security upon the Council's failure.¹⁰⁷ Under the resolution, a multilateral force was deployed to the Korea peninsula, which stabilized the conflict at around the 38th parallel and led to the signing of the Korean Armistice Agreement.¹⁰⁸ While the ceasefire agreement resulted in the Korean Demilitarized Zone and Joint Security Area as mechanisms to stabilize the conflict, it lacked the role of a peace treaty that would have formally ended the conflict.¹⁰⁹ The United Nations has signaled its desire to see a formal peace treaty via General Assembly Resolution 3990 (XXX)¹¹⁰ and Security Council presidential statement S/PRST/1996/42.¹¹¹ However, with no significant alterations, tensions at the demarcation line remain to this day.

North Korea's Nuclear Ambitions

DPRK's nuclear interests were initiated in the 1950s when the Soviet Union began training North Koreans on the development of nuclear programs; by the late 1960s, the DPRK showed movements of nuclear weapons

⁹⁹ Lowe, *The Korean War*, 2002, p. 6.

¹⁰⁰ Lowe, *The Korean War*, 2002, p. 10-15.

¹⁰¹ Lowe, *The Korean War*, 2002, p. 14.

¹⁰² Cumings, *The Korean War: A History*, 2010.

¹⁰³ United Nations Security Council, *Resolution 82 (1950), 83 (1950), 84 (1950)*, 1950.

¹⁰⁴ Kim, *Fifty Years after the Korean War: From Cold-War Confrontation to Peaceful Coexistence*, 2000, p.13.

¹⁰⁵ Cumings, *The Korean War: A History*, 2010.

¹⁰⁶ Tomuschat, *Uniting for Peace*, 2008.

¹⁰⁷ United Nations General Assembly, *Resolution 377 A-C (V)*, 1950.

¹⁰⁸ Lowe, *The Korean War*, 2002.

¹⁰⁹ Kim, *Peace Building on the Korean Peninsula and the New World Order*, 2005.

¹¹⁰ United Nations General Assembly, *Resolution 3390*, 1975.

¹¹¹ United Nations Security Council, *Statement by the President of the Security Council*, 1996.

development in Yongbyun.¹¹² Despite such progress, DPRK nuclear concerns cooled off in the 1970s and 1980s, during which the country joined the International Atomic Energy Agency (IAEA) and acceded to the Nuclear Non-Proliferation Treaty (NPT).¹¹³ By 1991, the two Korea governments reached an agreement with *the Declaration on Denuclearization for a nuclear-free peninsula*.¹¹⁴ However, an international dispute in 1993 between DPRK and IAEA, derived from the country's refusal to disclose its nuclear history, resulted in DPRK's suspension from the IAEA and the refusal to all IAEA inspections.¹¹⁵ Tensions seemed to have eased in 1994 upon a DPRK-U.S. agreement, in which the DPRK pledged to dismantle the nuclear weapons program in exchange of two power-producing nuclear reactors, only to be disrupted by a 1998 multistage Taepodong-1 missile.¹¹⁶ Though promising to freeze long-range missile tests in 1999, by July 2000, the DPRK resumed its prior threats to restart its nuclear program, further threatening in 2001 that it will reconsider missile test moratorium if the United States did not resume the normalization of relations between the two countries.¹¹⁷ By 2003, DPRK expelled IAEA nuclear inspectors from its territory and withdrew from the NPT.¹¹⁸

Current Situation

Six-Party Talks

Six-party talks, involving the United States, Russia, China, Japan, and the two Korean governments, were established in 2003 to end the DPRK's nuclear program through diplomacy.¹¹⁹ Despite numerous hurdles, the parties were able to reach an arrangement in which the DPRK agreed to abandon its pursuit of nuclear weapons in 2005.¹²⁰ In addition to abandoning its nuclear weapons, the DPRK rejoined the NPT, and readmitted IAEA monitors in exchange of humanitarian aid.¹²¹ However, the six-party talks stalled in the following years; in 2008, the DPRK refused to verify protocol for its nuclear program and multiple missile and nuclear tests throughout 2009.¹²² Tougher sanctions were imposed by the Security Council and tensions peaked in 2010, when the DPRK sank an ROK Navy ship, disclosed a new uranium enrichment facility and light-water reactor, and shelled the South Korean island of Yeongpyeong.¹²³ In 2011, the DPRK and the United States held bilateral discussions, with the North Korean government stating its return to the talks if they occurred without preconditions; however, the ROK and the United States demanded that the North abandon its nuclear weapons and all related programs before negotiations could resume.¹²⁴

In 2012, under the leadership of Kim Jong-un, the DPRK announced its willingness to suspend nuclear tests and allow the IAEA back in to monitor activities at the Yongbyun plant, allowing the possibility of reentering multilateral talks.¹²⁵ However, a long-range missile launch later that year and a nuclear test in early 2013 caused the Security Council to place broader sanctions on the regime; and the international community, including former allies China and Russia, condemned the actions of DPRK.¹²⁶ Subsequently, the DPRK government tried to resume diplomatic negotiations, accepting a proposal to open up dialogue with China in May 2013.¹²⁷ The DPRK was met with Chinese leader Xi Jinping's strong appeal that it should resume multilateral negotiations aimed at dismantling its nuclear weapons program.¹²⁸ Skeptical statements from the ROK foreign minister and DPRK's official silence on negotiations cast doubt on prospects for reconvening the long stalled talks, namely the May 29, 2013 rejection by ROK to a DPRK invitation to a discussion on the reopening of the Kaesong Industrial Zone and the cancelling of the bilateral talks on June 12, 2013, despite much anticipation from the international society.

¹¹² Kim, *Peace Building on the Korean Peninsula and the New World Order*, 2005.

¹¹³ Kim, *Peace Building on the Korean Peninsula and the New World Order*, 2005.

¹¹⁴ Lowe, *The Korean War*, 2002, pg. 112.

¹¹⁵ Kim, *Peace Building on the Korean Peninsula and the New World Order*, 2005.

¹¹⁶ Kim, *Peace Building on the Korean Peninsula and the New World Order*, 2005.

¹¹⁷ Kim, *Fifty Years after the Korean War: From Cold-War Confrontation to Peaceful Coexistence*, 2000.

¹¹⁸ Heinonen, *North Korea's Nuclear Enrichment: Capabilities and Consequences*, 2011.

¹¹⁹ Kim, *Fifty Years after the Korean War: From Cold-War Confrontation to Peaceful Coexistence*, 2000.

¹²⁰ Joint Statement of the Fourth Round of the Six-Party Talks Beijing 19 September 2005, 2005.

¹²¹ Kim, *Fifty Years after the Korean War: From Cold-War Confrontation to Peaceful Coexistence*, 2000.

¹²² Kim, *Peace Building on the Korean Peninsula and the New World Order*, 2005.

¹²³ Choe, *In Focus: North Korea's Nuclear Threats*, 2013.

¹²⁴ Kim, *Fifty Years after the Korean War: From Cold-War Confrontation to Peaceful Coexistence*, 2000.

¹²⁵ BBC Online Services, *Timeline: North Korea nuclear stand-off*, 2013.

¹²⁶ Security Council Report, *Monthly Forecast (DPRK)*, 2013.

¹²⁷ Choe, *In Focus: North Korea's Nuclear Threats*, 2013.

¹²⁸ Feng, *North Korea's step too far*, 2013.

Military Exercises along the Coast

Though the 38th parallel continues to symbolize the conflict, it was the 2010 *Cheonan* Incident during which South Korean navy vessel, the *Cheonan*, sunk and 46 sailors were killed, that heightened military tension along the border.¹²⁹ As a response to the incident, joint forces of the United States and the ROK conducted large-scale military exercises, which caused the DPRK to threaten to turn Seoul into a “sea of fire.”¹³⁰ With a change in leadership in 2011, the DPRK attempted numerous satellite launches throughout 2012, actions viewed by the United States as “highly provocative” and “threatening the peace and security of the region.”¹³¹ DPRK further aggravated neighboring countries with nuclear tests in early 2013, characterizing them as a defensive act against the United States.¹³² Such developments led to more joint military drills between the ROK and the United States; the DPRK responded by cutting the DPRK-ROK hotline, voiding the armistice treaty, and urging front-line troops to be on “maximum alert” in preparation of an immediate war.¹³³ On March 27, 2013, DPRK cut the last remaining DPRK-ROK military hotlines, which were mainly used by both Koreas for controlling activity in the Kaesong Industrial Complex.¹³⁴ The United States responded by assigning two nuclear-capable B-2 bombers to participate in the military drills with ROK and dropping dummy munitions on an island range.¹³⁵ Kim Jong-un immediately signed a rocket preparation plan and ordered forces on standby to strike to “settle accounts with the U.S. imperialists,” warned that “inter-Korean relations have naturally entered the state of war,” that DPRK would “retaliate against any US/ROK provocations without notice,” and that hostilities “will not be limited to a local war, but develop into an all-out war, a nuclear war.”¹³⁶ The United States retaliated with F-22 stealth fighter jets to participate in the U.S.-South Korean war games; the DPRK again stated intentions to increase production of nuclear weapons material and closing the border to South Koreans.¹³⁷

Nuclear threats in 2013

The February 12, 2013 nuclear test stirred international concern that DPRK might succeed in fitting a nuclear warhead atop a ballistic missile.¹³⁸ The Security Council passed its strongest sanctions against DPRK, but its government asserted its “right to preemptive nuclear attack” against the United States and nullified the 1953 Armistice Treaty.¹³⁹ Stating the possibility of attacks on American military bases in Japan and Guam if provoked, DPRK cut the last lines of communication across the DMZ, because “under the situation where a war may break out any moment, there is no need to keep North-South military communications,” and declared a “state of war” with the ROK on March 30, 2013.¹⁴⁰ With plans to restart the Yongbyun nuclear complex area announced in early April, despite United Nations condemnation, the DPRK moved its missiles to its eastern coast and warned all foreigners to evacuate from the ROK, stating that the two countries were on the verge of nuclear war.¹⁴¹ Shortly after, the DPRK fueled its ballistic missiles, vowed to annihilate Japan, and rejected an offer to talk with the South.¹⁴² On April 15, 2013, the DPRK stated its willingness to develop peaceful international relations, on the conditions that its status as a nuclear power is not challenged, the United Nations sanctions are lifted, and the joint U.S.-ROK military exercises are halted.¹⁴³ With the United States rejecting these preconditions, on April 21, 2013, DPRK moved two mobile missile launchers for short-range scud missiles to its coast, demanding recognition as a nuclear state.¹⁴⁴

Security Council Involvement

The Security Council’s primary responsibility being the maintenance of international peace and security, the Council has acted swiftly in reaction to aggression by the DPRK. Following the DPRK’s announcement about its intention to

¹²⁹ Shin, Inter-Korean ties still frosty after N.K. claim, 2011.

¹³⁰ Choe, In Focus: North Korea’s Nuclear Threats, 2013.

¹³¹ U.S. State Department, North Korean Announcement of a Launch, 2012.

¹³² Shin, N.K. readies missile forces after B-2 bomber flights, 2013.

¹³³ Korean Herald National News, Young N. Koreans train to seek ‘revenge on U.S.’, 2013.

¹³⁴ Choe, North Korea Cuts Off the Remaining Military Hot Lines With South Korea, 2013.

¹³⁵ Brook, North Korea ‘burning with hatred’ over U.S. bombers, 2013.

¹³⁶ Cable News Network, U.S. Defense officials: North Korean threats are ‘bellicose rhetoric’, 2013.

¹³⁷ The New York Times Company, *North Korea Chronology*, 2013.

¹³⁸ The New York Times Company, Timeline of North Korea’s Nuclear Program, 2013.

¹³⁹ Security Council Report, *Monthly Forecast (DPRK)*, 2013

¹⁴⁰ The New York Times Company, *North Korea Chronology*, 2013.

¹⁴¹ The New York Times Company, *North Korea Chronology*, 2013.

¹⁴² The New York Times Company, *North Korea Chronology*, 2013.

¹⁴³ The New York Times Company, *North Korea Chronology*, 2013.

¹⁴⁴ The New York Times Company, *North Korea Chronology*, 2013.

withdraw from the NPT in 1993, the situation was addressed through United Nations Security Council resolution 825.¹⁴⁵ The DPRK expulsion of IAEA nuclear inspectors and its withdrawal from the NPT in 2003 was later addressed in Security Council resolution 1540, which addresses the threat of nuclear weapons in a general fashion and reaffirmed that the “proliferation of nuclear weapons, as well as the means of delivery” constituted “a threat to international peace and security.”¹⁴⁶ In 2006, when the DPRK launched seven missiles, the Council adopted resolution 1695, condemning DPRK’s intentions and unanimously warning against nuclear testing.¹⁴⁷ In reaction to underground nuclear tests later in 2006, the Council adopted resolution 1718 to impose sanctions on DPRK and established a Sanctions Committee to formalize lists of prohibited trade items.¹⁴⁸ In April 2009, the Council condemned what DPRK called a “peaceful” satellite launch as the Member States found that such an act violated resolution 1718; in response, DPRK ordered United Nations inspectors out of the country and vowed against participating in six-party talks.¹⁴⁹ The 1718 Sanctions Committee retaliated by designating three North Korean entities to be subject to assets freezes.¹⁵⁰

DPRK’s rejection of the 1953 Armistice Treaty and its threat to strike in 2009 led to the unanimous adoption of resolution 1874, which expanded the existing arms embargo and authorized inspection of DPRK cargoes and vessels.¹⁵¹ Subsequently, on July 4, 2009, the DPRK launched seven ballistic missiles, violating resolutions 1718 and 1874, which was met with additional sanctions in line with resolution 1874.¹⁵² DPRK rejected the validity of the sanctions and displayed noncompliance with the 1718 Sanctions Committee’s information requests, and further stating motives to weaponize plutonium.¹⁵³ Such action, along with the Sanctions Committee investigation on an alleged shipment of arms from the DPRK to Iran in September 2009, resulted in a unanimous adoption of resolution 1887.¹⁵⁴

In March 2010, in recognition of the sinking of the ROK navy ship Cheonan, the Council condemned the attack and encouraged “the settlement of outstanding issues on the Korean peninsula by peaceful means” and “resume of direct dialogue and negotiation as early as possible.”¹⁵⁵ DPRK’s failed rocket launch in April 2012 led to further condemnations by the Council, which determined the launch as a serious violation of resolutions 1718 and 1874, and directed the Sanctions Committee to take steps to strengthen its actions.¹⁵⁶ With a final 2012 missile launch in December, the President of the Security Council recalled prior statements made in S/PRST/2012/13, which demanded the DPRK to halt with further launches, and expressed “determination to take action accordingly in the event of a further DPRK launch.”¹⁵⁷ Subsequently, the Council adopted resolution 2087, condemning the launch, noting its ballistic missile technology and violation of existing resolutions.¹⁵⁸ Furthermore, it prohibited DPRK from further launches and its ballistic missile program, vowing to take “significant action in the event of a further DPRK launch or nuclear test.”¹⁵⁹ Consequently, Security Council resolution 2094, adopted in March 2013 in response to DPRK’s February nuclear test, imposed new sanctions against DPRK and tightened previous measures.¹⁶⁰ DPRK denounced the resolution and said it would only result in “increasing the capability of ‘Songun’ Korea a thousand times,” and later declared its withdrawal from the Korean Armistice Agreement, claiming that “contrary to the position of ROK, the agreement could be unilaterally dissolved.”¹⁶¹

¹⁴⁵ United Nations Security Council, United Nations Security Council Presidential Statement 25562, 1993.

¹⁴⁶ United Nations Security Council, *Resolution 1540*, 2004.

¹⁴⁷ United Nations Security Council, *Resolution 1695*, 2006.

¹⁴⁸ United Nations Security Council, *Resolution 1718*, 2006.

¹⁴⁹ Security Council Report, *Monthly Forecast (DPRK)*, 2009.

¹⁵⁰ United Nations Department of Public Information, *Repertoire of the Practice of the Security Council*, 2013.

¹⁵¹ United Nations Security Council, *Resolution 1874 (2009)*, 2009.

¹⁵² The New York Times Company, *North Korea Chronology*, 2013.

¹⁵³ The New York Times Company, *North Korea Chronology*, 2013.

¹⁵⁴ MacFarquhar, U.N. Security Council Pushes North Korea by Passing Sanctions, 2009.

¹⁵⁵ United Nations Security Council, Statement by the President of the Security Council, 2010.

¹⁵⁶ United Nations Security Council, Statement by the President of the Security Council, 2012.

¹⁵⁷ Security Council Report, *Monthly Forecast (DPRK)*, 2013.

¹⁵⁸ United Nations Security Council, *Resolution 2087*, 2013.

¹⁵⁹ The New York Times Company, *North Korea Chronology*, 2013.

¹⁶⁰ United Nations Security Council, *Resolution 2094*, 2013.

¹⁶¹ BBC Online Services, Timeline: North Korea nuclear stand-off, 2013.

Conclusion: Challenges in addressing the situation in the DPRK

Despite numerous international efforts to ease tensions, the conciliation attempts between the two Korean governments still face many challenges. Despite signing a 1992 safeguard agreement and several multilateral treaties with the IAEA, the DPRK has continuously shown disregard to most nonproliferation attempts, lately displaying its capability of at making nuclear devices small enough to be delivered by ballistic missiles.¹⁶² Through these actions, DPRK has lost nearly all potential allies; its missile technology ever growing, much international concern has been evoked.¹⁶³ Ever since the 2006 missile launch, various countries have begun imposing sanctions against it.¹⁶⁴ The sanctions combined have substantive impact, but with China still supplying the country's basic needs, sanctions have only "severely damaged but not crippled North Korea's economy."¹⁶⁵ However, since DPRK's nuclear test in February 2013, China has shown support for the installation of new sanctions targeted to impact the North Korean economy.¹⁶⁶ Also, despite the ROK's "conciliatory stance" in the 1990s and early 2000s, the 2013-elected President Park Geun-hye of the ROK stated that any DPRK nuclear provocation against the South would result in its government being "erased from the earth."¹⁶⁷ Though President Park also stated the need to build trust with the North and has continued to offer aid, any empathic North Korean ties with the ROK are forthrightly damaged.¹⁶⁸ And ROK's aggressive stance has been highly approved by the United States; the United States sent a guided-missile destroyer and B-2 stealth bombers to the peninsula, sending a message that it will defend its allies in the region.¹⁶⁹

The Security Council, as the main forum for addressing questions of international peace and security, is called upon to respond to these challenges. When searching for innovative solutions to the ongoing conflict on the Korean peninsula, delegates will have to carefully evaluate past action by the Security Council, assess its effectiveness and devise new strategies for addressing an international conflict that is almost as old as the World Organization itself.

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<http://www.bbc.co.uk/news/world-asia-pacific-15256929>

BBC country profiles provide a concise overview of most countries of the world, including North Korea. Even though delegates are encouraged to conduct research on North Korea through other avenues, this Web site is an excellent starting point for delegates to acquaint themselves with the geopolitical, cultural, and historical context of the situation in North Korea. The timeline is especially convenient in terms of understanding conciliation efforts and the breakdown thereof.

United Nations Security Council. (2013). *Resolution 2094 (2013)*. Retrieved on May 17, 2013 from:

http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2094.pdf

This is the latest resolution adopted by the Security Council regarding the recent North Korean aggression, specifically the nuclear test on February 12, 2013. The Council continues to denounce all nuclear activities by the North Korean government and the wilful transgression from international law and obligations. The economic sanctions against North Korea are extended and further deepened; with the adoption of this resolution, financial institutions are also barred from operating on North Korean soil. Adopted under Chapter VII, this resolution is binding upon all UN Member States.

United Nations Security Council. (1950). *Resolution of 25 June 1950 (S/RES/82 (1950))*. Retrieved on May 17, 2013 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=S/RES/82%20%281950%29>

¹⁶² Schmitt, Pentagon Finds Nuclear Strides by North Korea, 2013.

¹⁶³ Shin, Inter-Korean ties still frosty after N.K. claim, 2013.

¹⁶⁴ Global Policy Forum, *Sanctions Against North Korea*, 2013.

¹⁶⁵ Choe, In Focus: North Korea's Nuclear Threats, 2013.

¹⁶⁶ Feng, North Korea's step too far, 2013.

¹⁶⁷ Shin, Inter-Korean ties still frosty after N.K. claim, 2011.

¹⁶⁸ Shin, Inter-Korean ties still frosty after N.K. claim, 2011.

¹⁶⁹ Shin, N.K. readies missile forces after B-2 bomber flights, 2013.

Resolution 82 (1950) authorized the United Nations to act in the defense of South Korea when North Korea crossed the 38th parallel. The Security Council demanded North Korea to halt its invasion of South Korea immediately and to move its troops north of the 38th parallel to maintain the status quo. It also called upon Member States to prepare to provide assistance to South Korea and to refrain from assisting North Korean authorities. While the Soviet Union was an ally of North Korea and held a permanent seat on the Security Council, this resolution passed as the Soviet delegation had boycotted Security Council meetings and did not participate in the voting.

Security Council Report. (2013). *Monthly Forecast: DPRK (North Korea)*. Retrieved on May 17, 2013 from: http://www.securitycouncilreport.org/monthly-forecast/2013-05/dprk_north_korea_3.php

Security Council Report is an independent non-governmental organization whose mission is to provide timely and accurate information on the activities in the Security Council and its subsidiary bodies. It publishes a Monthly Forecast on its geographic and thematic topics and this is the latest issue pertaining to North Korea. During April 2013, the North Korean government acted against the international community on several occasions; these actions include the nullification of the 1953 armistice agreement, the recommencement of its nuclear program, and its ongoing negligence of Security Council resolutions. Delegates are encouraged to read the latest Month Forecast prior to the conference.

General Assembly, *Resolution 377 A-C (V) (1950)*, Retrieved June 12, 2013 from: <http://www.un.org/depts/dhl/landmark/pdf/ares377e.pdf>

General Assembly Resolution 377, Uniting for Peace is pivotal upon understanding the role and flaws of the United Nations Security Council. Issued in 1950, Resolution 377 states that in any cases where the Security Council, due to lack of unanimity amongst the five permanent members, shall fail to act in maintaining international peace and security, the General Assembly may issue recommendations necessary to restore international peace and security. The Security Council's flaw was evidently deemed upon the situation of the Korean War due to USSR and PRC vetoes. The resolution not only provides insight upon the workings of the Security Council, but also the various roles of the Korean War within world history.

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Rules of Procedure Security Council

Introduction

1. These rules shall be the only rules which apply to the Security Council (hereinafter referred to as “the Council”) and shall be considered adopted by the Council prior to its first meeting.
2. For purposes of these rules, the Director and the Assistant Director are designates and agents of the Secretary-General and Director-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Director-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the Council.

I. MEETINGS

Rule 1

Meetings of the Security Council shall, with the exception of the periodic meetings referred in rule 4, be held at the call of the President any time her or she deems necessary.

Rule 2

The President shall call a meeting of the Security Council at the request of any of its members.

Rule 3

The President shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35 or under Article 11 (3) of the Charter of the United Nations, or if the General Assembly makes recommendations or refers any questions to the Security Council under Article 11 (2), or if the Secretary-General brings to the attention of the Security Council any matter under Article 99.

Rule 4

Periodic meetings of the Security Council called for in Article 28 (2) of the Charter shall be held at least once a year at such times the Security Council may decide.

Rule 5

Meetings of the Security Council shall normally be held at the seat of the United Nations. Any member of the Security Council or the Secretary-General may propose that the Security Council should meet at another place. Should the Security Council accept any such proposal, it shall decide upon the place and the period during which the Council shall meet at such a place.

II. AGENDA

Rule 6

The Secretary-General, or his or her designate, shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs of the United Nations, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter.

Rule 7

The provisional agenda shall be drawn up by the Secretary-General and approved by the President of the Security Council. Only items which have been brought to the attention of the representatives of the Security Council in accordance with rule 6, items covered by rule 10, or matters which the Security Council had previously decided to defer, may be included in the provisional agenda.

Rule 8

The provisional agenda for a meeting shall be communicated by the Secretary-General to the representatives of the Security Council at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 9

The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda.

The vote described in this rule is a procedural vote and, as such, it requires nine votes in favor to pass in accordance with Article 27 (2) of the United Nations Charter. The veto does not apply for procedural votes.

Rule 10

Any item of the agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless otherwise decided, automatically be included in the agenda of the next meeting.

Rule 11

The provisional agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the agenda at any time during a periodic meeting.

III. REPRESENTATION AND CREDENTIALS

Rule 12

Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative. The credentials of a representative of the Security Council shall be communicated to the Secretary-General not less than twenty-four hours before he or she takes her/his seat on the Security Council. The credentials shall be issued either by the Head of State or of the Government concerned or by its Minister of Foreign Affairs. The Head of Government or Minister of Foreign Affairs of each member of the Security Council shall be entitled to sit on the Security Council without submitting credentials.

Rule 13

Any Member of the United Nations not a member of the Security Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Security Council, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the meeting, which he or she is invited to attend.

IV. PRESIDENCY

Rule 14

The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, preside over the meetings of the Security Council for the duration of the session, unless otherwise decided by the Secretary-General.

V. SECRETARIAT

Rule 15

The Secretary-General shall act in that capacity in all meetings of the Security Council. The Secretary-General may authorize a deputy to act in his place at meetings of the Security Council.

Rule 16

The Secretary-General, or his deputy acting on his behalf, may make either oral or written statements to the Security Council concerning any question under consideration by it.

Rule 17

The Secretary-General shall provide the staff required by the Security Council. This staff shall form a part of the Secretariat.

Rule 18

The Secretary-General shall give to representatives on the Security Council notice of meetings of the Security Council and of its commissions and committees.

Rule 19

The Secretary-General shall be responsible for the preparation of documents required by the Security Council and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

VI. CONDUCT OF BUSINESS

Rule 20

The President shall call upon representatives in the order in which they signify their desire to speak.

Rule 21

The Security Council may appoint a commission or committee or a rapporteur for a specified question.

Rule 22

The President may accord precedence to any rapporteur appointed by the Security Council. The Chairman of a commission or committee, or the rapporteur appointed by the commission or committee to present its report, may be accorded precedence for the purpose of explaining the report.

Rule 23

If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled.

Rule 24

Proposals and amendments shall normally be submitted in writing to the Secretariat. Any proposal or amendment that relates to the substance of any matter under discussion shall require the signature of twenty percent of the members of the Council [sponsors]. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Council unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Council for all purposes, including subsequent amendments.

For purposes of this rule, all proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Council by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution during formal speeches. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Council. These draft resolutions are the collective property of the Council and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.

Rule 25

Principal motions and draft resolutions shall have precedence in the order of their submission. Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

Rule 26

The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

1. To suspend the meeting;
2. To adjourn the meeting;
3. To adjourn the meeting to a certain day or hour;
4. To refer any matter to a committee, to the Secretary-General or to a rapporteur;
5. To postpone discussion of the question to a certain day or indefinitely; or
6. To introduce an amendment.

Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

As the motion to adjourn the meeting, if successful, would end the meeting until the Council's next regularly scheduled meeting the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Council.

Rule 27

It shall not be necessary for any motion or draft resolution proposed by a representative on the Security Council to be seconded before being put to a vote.

Rule 28

A motion or draft resolution can at any time be withdrawn so long as no vote has been taken with respect to it.

Rule 29

If two or more amendments to a motion or draft resolution are proposed, the President shall rule on the order in which they are to be voted upon. Ordinarily, the Security Council shall first vote on the amendment furthest removed from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

Rule 30

Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35 (1) of the Charter.

The Secretariat will determine which specific member of a delegation to approach. If the Council considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation again. Delegates invited to the Council according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Council is no longer required.

Rule 31

The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence.

Rule 32

The President may declare a meeting open and permit debate to proceed when representatives of at least nine members of the Council are present. The presence of nine representatives of the Council shall be required for any decision to be taken.

Rule 33

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Council, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Council and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Council the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference and is limited to entertaining motions.

Rule 34

During the discussion of any matter, a representative may rise to a point of order, which shall be decided immediately by the President. Any appeal of the decision of the President shall be immediately put to a vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

Such points of order should not under any circumstances interrupt the speech of a fellow representative. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, the members present and voting mean those members (not including observers) in attendance at the meeting during

which this motion comes to vote.

Rule 35

A representative may not, in rising to a point of order, speak on the substance of the matter under discussion.

Rule 36

No representative may address the Council without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, the Secretariat will set a time limit for all speeches which may be amended by the President at his/her discretion. Consequently, motions to alter the speaker's time will not be entertained by the President.

Rule 37

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate the President may announce the list of speakers and, with the consent of the Council, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Council.

The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Council. A motion to close the speakers list is within the purview of the Council and the President should not act on her/his own motion.

Rule 38

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

For purposes of this rule, a remark that —impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Council by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.

Rule 39

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

Rule 40

During the discussion of any matter, a representative may move the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Council shall reconvene at its next regularly scheduled meeting time.

As this motion, if successful, would end the meeting until the Board's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Board.

Rule 41

A representative may at any time move the adjournment of debate on the topic under discussion. Permission to speak on the motion shall be accorded to two representatives favoring and two opposing adjournment, after which the motion shall be put to a vote immediately, requiring the support of nine of the members to pass. If a motion for adjournment passes, the topic is considered dismissed and no action will be taken on it.

Rule 42

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded

only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting, but at least nine members of the Security Council. If the Council favors the closure of debate, the Council shall immediately move to vote on all proposals introduced under that agenda item.

Rule 43

A proposal or a motion may be withdrawn by its sponsor at any time before voting has commenced, provided that it has not been amended. A motion thus withdrawn may be reintroduced by any representative.

Rule 44

When a topic has been adjourned, it may not be reconsidered at the same session unless the Council, by a two-thirds majority of those present and voting but at least nine members of the Security Council, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

VII. VOTING

Rule 45

Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

According to Article 27 (2) decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members. Article 27 (3) states that all (substantive) decisions shall be made by an affirmative vote of nine members including the concurring votes of the permanent members, which is interpreted as to refer to no vetoes.

Rule 46

A proposal or motion before the Council for decision shall be voted upon if any member so requests. Where no member requests a vote, the Council may adopt proposals or motions without a vote.

For purposes of this rule, proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.

Rule 47

1. The Council shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each present member shall be called in any roll call, and one of its representatives shall reply "yes," "no," "abstention," or "pass."

Only those members who designate themselves as —present or —present and voting during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying —pass, must, on the second time through, respond with either —yes or —no. A —pass cannot be followed by a second —pass for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.

2. When the Council votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Council shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

Rule 48

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation

of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.

Rule 49

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

Rule 50

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are involved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

For purposes of this rule, —most radical division means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is —most radical is subject to the discretion of the Secretariat, and any such determination is final.

Rule 51

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect perambulatory clauses.

Rule 52

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

For purposes of this rule, —furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is —furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.

Rule 53

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Council decides otherwise, be voted on in the order in which they were submitted.

Rule 54

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

VIII. LANGUAGE

Rule 55

English shall be the official and working language of the Security Council.

Rule 56

Any representative may make a speech in a language other than English. In this case, he or she shall herself/himself provide interpretation into English.

This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.

Rule 57

Verbatim records of meetings of the Security Council shall be drawn up in the language of the Council.

Rule 58

All resolutions and other documents shall be published in the language of the Security Council.

Rule 59

Documents of the Security Council shall, if the Security Council so decides, be published in any language other than the language of the Council.