

SUSTAINABLE DEVELOPMENT  
YOUTH CONVENTION 2019

# UNITED NATIONS SECURITY COUNCIL

DYNAMIC AGENDA

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TOPIC GUIDE

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# WELCOME LETTER FROM DAIS

Welcome Delegates!

Prepare for 3 days of a United Nations Security Council (UNSC) experience like no other. With our very own UN4MUN-inspired RoP coupled with a dynamic agenda, the dais promises you 3 days of extremely rigorous, competitive and academically challenging debate. The UNSC has always been regarded in the MUN circuit as a challenging council largely because of the more experienced delegates that attend UNSCs.

In this UNSC simulation, the dais would like to challenge that notion, and argue that the complex working methods, position of the UNSC within the UN structure, and dynamic problems that the UNSC deals with can prove much more challenging than any 'power delegates'. We assure you that regardless of your experience, this simulation will prove as taxing as it is fun. You will be pushed to your academic limits, you will be forced to cover over a smorgasbord of issues in a limited time, and you will be pressured to lobby, research, improvise, adapt, and overcome like you have never done before.

The dais genuinely hopes that you take away something from this conference, be it a greater appreciation for the world's highest executive body or perhaps just a fun, competitive experience. As you read the next 30 pages - containing nothing more than a detailed overview of the UNSC - we hope that you think critically about how these concepts can be applied to various situations. Good luck and have fun!

Sincerely,  
Your UNSC Dais

## ABOUT THE CHAIRS

### **Abizer Moiz Khumusi - Head Chairperson**

Having gone to 15 MUNs as a delegate but with only 11 paper awards, (the other 4 were VCs), SDYC will be Abizer's 9th UNSC. However, having set himself the goal of beating Shastikk in something other than a 2.4km run, he nevertheless continues to delegate at various high school conferences, competing against kids 3 years younger than him. As he chairs UNSC, he hopes that delegates can appreciate the nuances that the topics have to offer while at the same time learning something important. He looks forward to seeing you all at SDYC!



### **Wes Lee Wen Jun - Vice Chairperson**



Wes frequently gets his name horribly confused. With "Lee" as his surname, there have been instances when he has been addressed as "Wesley", and also tries his best to ignore when others ask "Where's West?". Having started his MUN Journey only last year during SDYC, Wes is certainly new to the MUN circuit, and hopes that he is able to learn as much as delegates of the UNSC are able to in the upcoming three days of debate. Outside of MUN, Wes enjoys running and current affairs (or historical affairs). He is also part of the Audio Visual Team of NUS High, so you don't have to worry about any technical issues during council sessions. That being said, he hopes that delegates will enjoy the conference and be immersed in fruitful debate, first timers and veterans alike.

### **Akshat Chaudhary - Vice Chairperson**

Akshat has almost only ever been to the UNSC in all MUNs he has taken part in. Apart from flaming resolutions, he has a longstanding interest in eating and sleeping. He also enjoys playing the guitar. He hopes that delegates at SDYC UNSC will partake in fruitful and stimulating debate, and hopes that all delegates have a blast at SDYC 2019.



## COUNCIL INTRODUCTION

The United Nations Security Council (UNSC) is one of the six principal organs of the UN and is tasked with maintaining and upholding international peace and security. Having judicial, legislative and executive power, the UNSC is considered one of the strongest institutions in the world and has been described as being 'unbound by law'<sup>1</sup>. Any action authorised by the UNSC in the form of resolution is legally binding across all member states of the UN. Unlike other councils in the UN that simply adopt resolutions, UNSC resolutions are also voted upon by UNSC member states with an affirmative vote<sup>2</sup> of the P5 as well as 4 other countries.

<sup>1</sup> Whittle, D. "The Limits of Legality and the United Nations Security Council: Applying the Extra-Legal Measures Model to Chapter VII Action." *European Journal of International Law* 26, no. 3 (08, 2015): 671-98. doi:10.1093/ejil/chv042.

<sup>2</sup> "Voting System Security Council." United Nations. <https://www.un.org/securitycouncil/content/voting-system>.

## DYNAMIC AGENDA

For the purposes of this council, we will not be having any specific topics given beforehand. On the contrary, we will introduce topics as and when as per a more appropriate representation of the actual UNSC where different delegates do not have the luxury of months of preparation and research before they can uphold their country's stance. The number of topics/issues that the council clears is dependent purely on how efficient the council is.

NOTE: Not every topic requires 2-3 days of intensive debate to resolve. In the actual UNSC, one does not simply 'solve' the Rohingya Crisis or the Somalian Crisis in 3 days - rather, the council often takes small yet authoritative actions to target specific problems. Take note of the QARMA and examine what each issue demands. While some issues are indubitably multifaceted and deadlock may ensue, most issues should have simple responses and solutions that can be inferred based on past actions and utilise existing resources. With greater autonomy on how the issues on the ever-growing agenda will be tackled, delegates should carefully consider the importance and urgency of each problem - a backlog may mean swathes of lives lost or an irreparable destabilization of regime.

Do read the specialised RoP document that the dais has prepared for you. Knowing it well will allow council to proceed expediently and give you an edge in council.

# HISTORY

## 1. The League of Nations

Following the first World War, the League of Nations (LoN)<sup>3</sup> was established in the 1919 Paris Peace Conference as specified in the Treaty of Versailles. The purpose of the LoN was to create an association of nations which would work towards maintaining the political independence of big and small states. With the LoN, states upheld the principles of the organisation using the collective threat of the following:

1. Political Condemnation and International Pressure
2. Economic Sanctions, Trade Bans, Embargos
3. Military Actions

However, there were multiple flaws that eventually led to the failure of the LoN.

### 1.1 The Absence of the United States of America<sup>4</sup>

With the absence of the United States of America (USA), the League was intrinsically weaker both militarily and economically. The absence of the USA undermined the effectiveness of the LoN's most potent weapon — economic sanctions, due to the lack of legality and authority to enforce such sanctions on the non-compliant. Even when sanctions were imposed, countries still allowed for their national interests, such as economic growth, to take precedence and even supersede the LoN's objectives. As the imposed sanctions did not include vital items such as oil and iron, this allowed for the manifestation of transgression.

Furthermore, in that era, the USA was the only country which possessed financial might and technological know-how, thus wielding significant bargaining power in international affairs and even acting as the guarantor in such circumstances. The lack of the USA meant that countries were generally not afraid or feel threatened when violating guidelines set out by the LoN and as a result the LoN as a whole did not have the power nor the leverage to be able to take concrete action.

<sup>3</sup> "The Failure of the League of Nations and the Outbreak of War in 1939." Bartleby. <https://www.bartleby.com/essay/The-Failure-of-the-League-of-Nations-PKQ9LWZVC>.

<sup>4</sup> Laderman, Charlie. "United States and the League of Nations - Oxford Research Encyclopedia of American History." Oxford Research Encyclopedias. June 08, 2017. <https://oxfordre.com/americanhistory/abstract/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-314>.

## 1.2 The Inefficiency of the LoN<sup>5</sup>

The LoN insisted on promoting the idea of equality, which involved unanimous voting on all issues. Unanimous consent was required to pass a resolution, and any country had the ability to veto and shut down the League's decisions. As a result, only bland resolutions which did not infringe on all country's national interests could be passed. This led to a series of problems as nothing substantive could actually be done under the LoN as any country which felt that their political agenda or economic interests was being challenged could immediately disallow anything from happening.

As a result of this bureaucracy, crucial and urgent conflicts could not be resolved. In the Polish-Czechoslovak war in 1919<sup>6</sup>, there was plenty of violence and the LoN was called in to mitigate and resolve the conflict. However, Poland refused to accept the resolution that was drafted by the rest of the League, due to its own interests and as a result the dispute between the two countries lasted for almost two more decades.

## 1.3 Self-Interest of Leading Members

The League relied on Britain and France's support in times of crisis. Rather than promoting the objectives of the LON, both countries acted according to and prioritised their own national interests and objectives instead. Furthermore, the economies of France and Britain were also undergoing a recession during the post-WW1 period which further exacerbated the issue.

<sup>5</sup> "Why Did the League of Nations Fail?" History. April 06, 2018. <https://www.historyonthenet.com/why-did-the-league-of-nations-fail>.

<sup>6</sup> "The League's Successes and Failures - Revision 2 - GCSE History - BBC Bitesize." BBC News. <https://www.bbc.com/bitesize/guides/zsf439q/revision/2>.

## 2. 1944 Dumbarton Oaks Conference

The 1944 Dumbarton Oaks Conference<sup>7</sup> was a platform where representatives of China, the USSR, the USA and the UK formulated resolutions for maintenance of peace after World War II, eventually resulting in the agreement to form the current United Nations. This Conference is often viewed as the fundamental step taken to carry out Paragraph 4 of the 1943 Moscow Declaration - the declaration that established the four power framework that would later influence the international order of the post-war world and recognised the need for a post-war organisation to succeed the League of Nations.

The stated purposes of the intended international organisation were:

1. To maintain international peace and security; and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international disputes which may lead to a breach of the peace;
2. To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in the solution of international economic, social and other humanitarian problems; and
4. To afford a centre for harmonizing the actions of nations in the achievement of these common ends.

The success of the Dumbarton Oaks Conference can be measured by the prompt formation of the current United Nations — with a clear structure of 6 UN bodies and the roles and responsibilities of each body, including that of the Security Council. Consisting of 51 member states at its creation, the United Nations devoted itself to several issues: the liberation of future generations from the devastation of war, the protection of human rights, and the promotion of justice and social progress. It was only with the conversations and agreements at the Dumbarton Oaks Conference that fostered the formation of this cooperative entity.

However, the Dumbarton Oaks Conference did not settle two crucial issues regarding the organization of the United Nations — the voting procedure in the Security Council, and the Soviet pressure for the admission of all sixteen of the Soviet republics to the General Assembly. These issues were debated upon but a consensus could not be reached at that time. However, both issues were later resolved during the 1945 Yalta Conference and through further negotiations with Moscow.

<sup>7</sup> Britannica, The Editors of Encyclopaedia. "Dumbarton Oaks Conference." Encyclopædia Britannica. August 14, 2018. <https://www.britannica.com/event/Dumbarton-Oaks-Conference>.

### 3. 1945 Yalta Conference

The 1945 Yalta Conference<sup>8</sup> was a World War II meeting of the heads of government of the USA, the UK and the USSR to discuss Germany and Europe's post-war reorganization. The aim of the conference was to shape a post-war peace that represented not just a collective security order, but a plan to give self-determination and independence to the liberated individuals of post-Nazi Europe. This was done while maintaining great emphasis on free and fair elections and the dismemberment of Germany — the removal of Germany, extremist ideologies, and division among victor nations, resulting in the release of the Declaration of Liberated Europe.

Furthermore, since the United Nations Charter had already been drafted, the conferees worked out a compromise formula for voting in the Security Council during the Yalta Conference — the veto power for the Permanent Members of the Security Council. This helped to finally bridge the gap from the 1944 Dumbarton Oaks Conference, where the voting procedures of the Security Council had not been finalised. The formula provided, in brief, stated that decisions of the Security Council on procedural matters should be made by an affirmative vote of a >50% majority, and that decisions on all other matters should be made by an affirmative vote of a substantive majority, including the concurring votes of the Permanent Members. By this device, a veto on so-called questions of substance was given to each of the five Permanent Members of the Council — the USA, the UK, Russia, France, and China. Officially, the UN claims<sup>9</sup> that the P5 were granted their status as per Article 23 on the basis that they were largely active in the negotiations that led to the adoption of the Charter. Nonetheless, it is common knowledge that it is simply because these nations were the anachronistic allied victors of WW2.

During the Yalta Conference, the Soviets also withdrew their claim that all 16 Soviet republics should have membership in the General Assembly. In addition, a trusteeship system was also proposed to take the place of the ex-League of Nations mandate system, and the allies agreed to the setting up of the United Nations — an organisation dedicated to international cooperation and the prevention of war.

<sup>8</sup> Britannica, The Editors of Encyclopaedia. "Yalta Conference." Encyclopædia Britannica. January 30, 2019. Accessed July 07, 2019. <https://www.britannica.com/event/Yalta-Conference>.

<sup>9</sup> "On What Basis Was Security Council Permanent Membership Granted? - Ask DAG!" United Nations. Accessed July 07, 2019. <http://ask.un.org/faq/14518>.

## 4. 1945 San Francisco Conference

46 nations — including the four sponsors, those who declared war on Germany and Japan, and those who had subscribed to the UN Declaration — were originally invited to the 1945 San Francisco Conference<sup>10</sup>.

The conference agreed that treaties made after the formation of the United Nations should be approved and published by the Secretariat. The conference also added a whole new chapter on the subject not covered by the Dumbarton Oaks Conference — that proposals creating a system for territories should be placed under United Nations trusteeship.

Above all, the right of each of the Permanent Members to exercise a veto power on any actions by the powerful Security Council was formally established. With respect to the veto, the smaller powers feared that when one of the Permanent Members menaced the peace, the Security Council would be powerless to act, while in the event of a clash between two powers not permanent members of the Security Council, the Permanent Members could act arbitrarily. They strove, therefore, to have the power of the veto reduced. However, the Permanent Members unanimously insisted on this provision as vital, stressing the fact that the United Nations was for the greater responsibility in maintaining world peace, resulting in the eventual finalisation of the veto power for the Permanent Members.

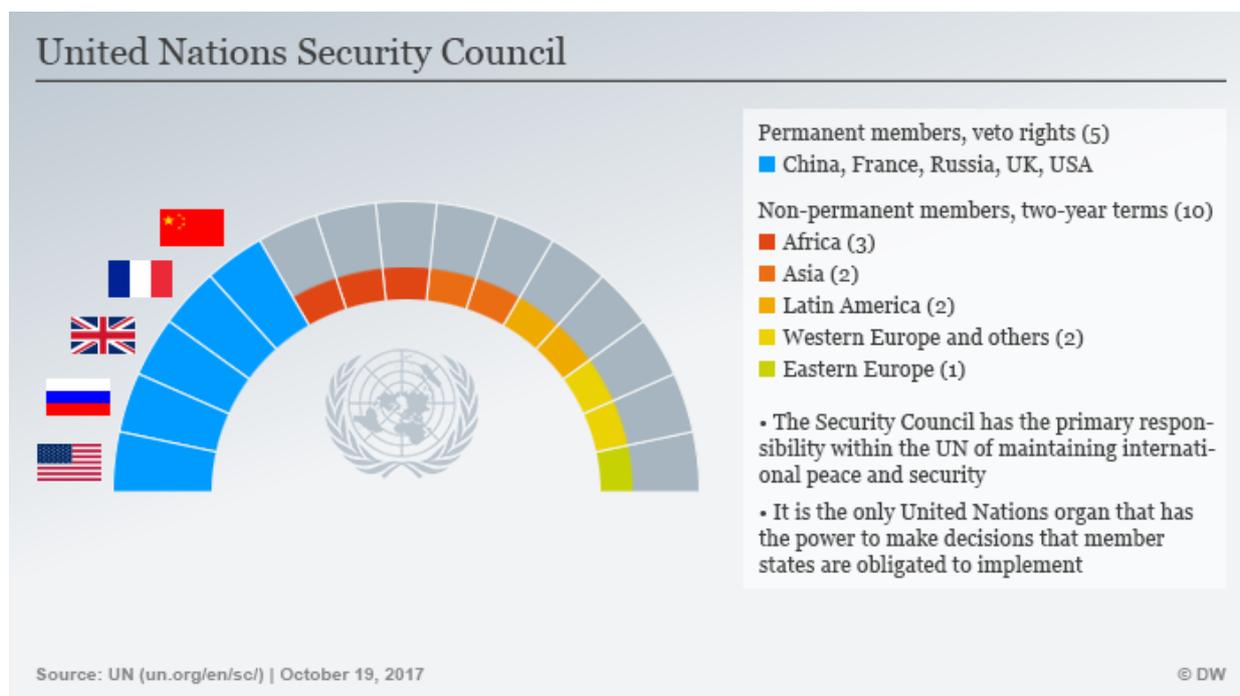
It is crucial to note at this point that the veto system of the UN Security Council is not unique to solely the UN Security Council. For example, article XVIII, Article 108 of the UN Charter states that any amendments to the present Charter requires 2/3 of the General Assembly as well as the P5 countries have adopted and ratified. Other institutions and organs in the UN such as the ICJ also sometimes rely on the Security Council for certain enforcements and by extension its voting procedure.

<sup>10</sup> "1945: The San Francisco Conference." United Nations. Accessed July 07, 2019. <https://www.un.org/en/sections/history-unit-ed-nations-charter/1945-san-francisco-conference/index.html>.

# STRUCTURE AND GOVERNANCE

The UNSC is comprised of 15 member states, of which states are either a Permanent member or a non-permanent member. The Permanent members are the United States of America, France, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, and China. These Permanent members have special powers and functions within the Security Council, the most prominent being that of the ability to veto any substantive matter. Any decision that the Security Council makes on substantive matters requires the affirmative votes of 9 members, but should any Permanent member decide to exercise their veto, the proposal/resolution will not pass. Because of its immense power, any use of the veto has been subject to heavy scrutiny from both diplomats and academics. As such, delegates representing Permanent members of the Security Council should be cautioned to utilise their powers wisely.

The non-permanent members are chosen to achieve equal representation from each geographical area, with five members coming from Africa or Asia, one from Eastern Europe, two from Latin America, and two from Western Europe. 5 of the 10 non-permanent members of the Security Council are elected by the General Assembly (GA) every year (on 2-year terms), while five retire each year.



## UNITED NATIONS SECURITY COUNCIL

The Security Council has subsidiary organs or ad-hoc committees which focus on a specific aspect of the mission of the Security Council. Such Committees include the Security Council Counter-Terrorism Committee, which seeks to assist UN member states in the prevention of terrorist attacks within their borders, the Non-Proliferation Committee, which seeks to contain and prevent the proliferation and spread of nuclear, chemical and biological weapons.<sup>11</sup>

Any state, even if it is not a member of the UN, can raise any security issue to the Security Council. The Security Council will review the complaint, determine if action is indeed a threat to international peace and security, and utilise any of its powers and functions below. As stated in Chapter V: Article 32 of the UN Charter:

*“Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.”*

<sup>11</sup> “Subsidiary Bodies” United Nations. Accessed July 3, 2019.  
<https://www.un.org/securitycouncil/content/repertoire/subsidiary-organs-overview>

# MANDATE, POWERS, FUNCTIONS

As a whole, the Security Council<sup>12</sup> is tasked with determining the existence of a threat or any act of aggression whatsoever. It also has the role of ensuring that any such threats are dealt with through primarily diplomatic action. However, if this fails, the UNSC does have the mandate to use more aggressive action to be able to resolve the conflict. The following sections discuss some of the ways the UNSC exercises its mandate as well as its link with other organs of the UN.

## Subsidiary Organs

The UNSC enforces its mandates through different subsidiary organs each with a specific individual mandate - and Article 29 of the UN Charter (mirrored in Rule 28 of the UNSC's official provisional RoP) confers the UNSC the direct power to establish any organs as they deem necessary. These organs have a wide range of mandates, ranging from basic provisional matters such as documentation to important substantive matters such as peacekeeping operations. These organs can be divided into 3 main groups<sup>13</sup>, namely, Committees, Peacekeeping Operations and International Courts and Tribunals.

## Committees and Sanctions<sup>14</sup>

There are a few committees which have previously been set-up by the UNSC with mandates. These include:

- Counter-Terrorism Committee (UNSC Resolution 1373, Resolution 1624)
- Non-Proliferation Committee (UNSC Resolution 1540)
- Military Staff Committee (Article 47, UN Charter)
- Various Sanctions Committees

<sup>12</sup> "United Nations Security Council |." United Nations. Accessed July 07, 2019. <https://www.un.org/securitycouncil/>.

<sup>13</sup> "Subsidiary Organs Branch Security Council." United Nations. Accessed July 07, 2019. <https://www.un.org/securitycouncil/content/subsidiary-organs-branch>.

<sup>14</sup> "Committees, Working Groups and Ad Hoc Bodies Security Council." United Nations. Accessed July 07, 2019. <https://www.un.org/securitycouncil/content/committees-working-groups-and-ad-hoc-bodies>.

The Counter-Terrorism Committee (CTC) was formed with the passing of United Nations Resolution 1373, which was passed in the aftermath of the September 11 attacks. The early years of the CTC were thus characterized by an urgent need to act and take up the responsibility as a forerunner in the fight against terrorism. Thus, the CTC had to answer to the rest of the world when conflict involving non-state actors was becoming a norm, and the global order was shifting to one characterized by intra-state conflict rather than inter-state conflict. To assist the CTC in the undertaking of such a prime responsibility, the Counter-Terrorism Committee Executive Directorate (CTED) was created under United Nations Resolution 1535 in 2004, which provided the CTC with expertise and professional guidance under the mandate of the CTC, outlined in Resolution 1373.<sup>15</sup>

However, the most prominent use of these committees comes in the form of the Sanctions Committees. Sanctions Committees are regularly formed in response to specific crises, and are usually identified by either the Resolution the Committee is pursuant to (eg. 1636 Sanctions Committee) or by the general region/conflict it deals with (eg. The Sudan Sanctions Committee). Each Sanctions Committee has its own working methods and mandates - but generally, they contain all 15 member states and make decisions by consensus.

The UNSC utilises sanctions as a form of aggression in order to pressure or coerce a state or non-state actor into complying with specific conditions. These sanctions can have a broad range of targets - some are placed on entire countries while some have been placed on individual people. For example, in Resolution 2270, exports of gold, vanadium, titanium and other rare earth metals to DPRK was banned following their fourth nuclear test in March 2016. Meanwhile, specific members of the Taliban and Al Qaeda had their assets frozen and were sanctioned by the UNSC following multiple reports of terrorism and human right violations. The range of the scope of sanctions are is wide - with economic sanctions, arms embargoes, diplomatic restrictions, etc. having been set in the past. This serves as a tool for ensuring that the UNSC is able to make non-compliant state and non-state actors comply with objectives that allow for better international peace and security through specific coercive methods.

<sup>15</sup> "Counter terrorism Committee" United Nations. Accessed July 5, 2019.  
<https://www.un.org/sc/ctc/>

Large individual sanctions<sup>16</sup> imposed by the UNSC include those in Resolution 1874, a resolution which imposed further economic and commercial sanctions against North Korea in response to its second nuclear detonation. They were submitted as part of the 1718 Sanctions Committee (DPRK) - and the resolution instructed all UN member states not to provide any form of financial assistance to North Korea, unless for strictly humanitarian purposes. As stated in Clause 18 of the resolution:

*"Calls upon Member States, in addition to implementing their obligations pursuant to paragraphs 8 (d) and (e) of resolution 1718 (2006), to prevent the provision of financial services or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programs or activities, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are associated with such programs or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;"*

The resolution broadened the arms embargo on North Korea by banning all arms exports from the nation. It also reduced the economic incentive for the production of such armaments, and restricted most imports, except for light weapons and small arms. The intention of these various sanctions were to encourage North Korea to give up its reckless pursuit of militarism in its foreign policy, and is an example of how the UNSC has utilised sanctions as a handy tool multiple times since its inception.

<sup>16</sup> "Sanctions Security Council." United Nations. Accessed July 07, 2019. <https://www.un.org/securitycouncil/sanctions/information>.

## Peacekeeping Operations<sup>17</sup>

Peacekeeping is one of the methods through which the UNSC fulfills its responsibility of upholding international peace and security. Traditionally, the UNSC has always invoked Article VII, 'Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression', when authorising peacekeeping efforts. In most cases, the deployment of peacekeepers are done in regions where the situation is volatile and unstable and external help is required in order to quell the conflict and to reinstate a form of governance and order. There are many peacekeeping missions currently ongoing - an infamous example would be the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). This particular peacekeeping mission is focused on subsiding the security, humanitarian and political crisis in the CAR region through promotion and protection of human rights as well as certain measures to reinforce and facilitate the repatriation process. While this peacekeeping mission has a more passive enforcement mandate, this is not always the case.

For example, in UNSC Resolution 2098 passed in March 2013, the UNSC mandates a United Nations Force Intervention Brigade (UNFIB) under the peacekeeping mission of United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), as a military formation. Its intended purpose was to neutralise and disarm militia groups and other non-state actors that were considered a threat to stability and order. This was one of the rare instances in which the UNSC established a UN Peacekeeping Force with such an extreme mandate.<sup>18</sup>

However, regardless of the mandate given to the peacekeeping force by the UNSC, the Capstone Doctrine highlights the specific normative framework and principles of UN peacekeeping and must be adhered to. Delegates are encouraged to read through this doctrine and understand what the UNSC's limitations when deploying peacekeeping missions. (See: Further Readings)

<sup>17</sup> "United Nations Peacekeeping." United Nations. Accessed July 07, 2019. <https://peacekeeping.un.org/en>.

<sup>18</sup> "MONUSCO's Role in the DRC" United Nations. Accessed July 07, 2019. <https://www.e-ir.info/2018/11/18/un-intervention-help-or-hindrance-in-the-democratic-republic-of-congo/>

The UNSC also played an active role in the peaceful resolution of the Darfur conflict through the Abuja peace talks and the Doha peace talks. Both talks were attended by the Government of Sudan and Darfur-based rebel groups, and resulted in the Darfur Peace Agreement. Most UN peacekeeping missions involve some staff specialising in Disarmament, Demobilization and Reintegration (DDR) - the principles that seek to lay the foundations for the long term stability and security of the region. The Chief of the DDR sector of the United Nations Mission In Sudan (UNMIS) advised the Joint Chief Mediator on issues relating to the termination of hostilities, ceasefire mechanisms and political processes for long-term peace and security.<sup>19</sup>

Further examples of the UNSC assisting in the mediation process of conflict includes their work in the Central African Republic (CAR). The Chief of the DDR sector and other DDR personnel provided valuable guidance and expertise at the Bangui National Forum, which ended with the signing of a DDR agreement on the cessation of hostilities between the different armed groups in the region.

Regardless of the nature of the conflict, DDR personnel are a crucial factor in the compromise and achievement of a peace agreement during mediation. DDR personnel have had decades of experience in the resolution of conflicts which are complex and multi-dimensional, and ensure that proposed solutions are realistic by considering armed elements and available resources.

### **International Courts and Tribunals**

The UNSC has the authority and the responsibility to set a precedent for the responses to international threats. As a result, it is crucial that war criminals that have clearly violated jus cogens and other forms of customary law by committing blatant war crimes and human right violations be prosecuted. The UNSC has as a result set up war-crime tribunals in Yugoslavia and Rwanda following the Yugoslavian War and the Rwandan Genocide respectively. Tribunals are essentially specialised courts with limited jurisdiction, and have been used to convict and indict political and military leaders that are directly linked to these war crimes. For example, the International Criminal Tribunal for the former Yugoslavia (ICTY), which was active for 24 years, indicted 161 people for crimes against humanity and other acts of genocide. However, the ICTY was not without its problems - having been criticised for exacerbating rather than reconciliation tensions, the expansive use of indictments for joint criminal enterprise and extreme levels of bureaucracy. (See: Affiliated Bodies)

<sup>19</sup> "DDR Practices" United Nations. Accessed July 07, 2019.  
[https://peacekeeping.un.org/sites/default/files/2gddr\\_eng\\_with\\_cover.pdf](https://peacekeeping.un.org/sites/default/files/2gddr_eng_with_cover.pdf)  
<https://peacekeeping.un.org/en/disarmament-demobilization-and-reintegration>

The Security Council has a few other internal powers within the UN, which are:

- To recommend to the General Assembly, the admission of new members into the Security Council
- To exercise the trusteeship functions of the UN in areas designated as “strategic”
- To recommend to the General Assembly, the appointment of the Secretary General
- To elect the Judges of the International Court of Justice together with the General Assembly

### **Special Note: Resolution 377**

Should there be a lack of consensus within the Security Council on a security issue, and therefore fails to act to maintain international peace and security, the United Nations General Assembly may invoke the United Nations General Assembly Resolution 377A (“Uniting for Peace” Resolution) and utilise armed force to intervene when necessary, should there be an act of aggression carried out.<sup>20</sup>

United Nations General Assembly Resolution 377A was invoked by Security Council Resolution 119 on 31 October 1956, during the Suez Canal crisis. The Suez Canal crisis was an invasion of Egypt by Israeli, French and British forces in an attempt to regain control of the Suez Canal. The Suez Canal was a part of an important shipping route from Europe to Asia, as it reduced the shipping distance to Asia by 8900 kilometers. Therefore, it was in the national interests of Israel, France and Britain to retake control of the Suez Canal and impose taxes or levies on passing goods. There was a lack of consensus in the Security Council, as Britain and France, the two main antagonists of the conflict, utilised their VETO power to prevent any resolutions authorizing military intervention in the crisis from being passed. The conditions for the invocation of United Nations General Assembly Resolution 377A were met, and led to the creation of the first United Nations Emergency Task Force (UNEF I) to maintain peace and stability along the Egypt-Israel border.<sup>21</sup>

<sup>20</sup> “Uniting for Peace” United Nations. Accessed July 10, 2019.  
[https://www.un.org/en/sc/repertoire/otherdocs/GAres377A\(v\).pdf](https://www.un.org/en/sc/repertoire/otherdocs/GAres377A(v).pdf)

<sup>21</sup> “Suez Crisis” United Nations. Accessed July 11, 2019.  
<https://www.iwm.org.uk/history/why-was-the-suez-crisis-so-important>

## UNSC RELATIONSHIPS

The UNSC is the only council in the United Nations that has the power to legally bind nations into carrying out the instructions in its resolutions. It is authorised to use armed force, economic sanctions and other mechanisms or measures it sees fit against perpetrators of crimes or the parties that incite violence. Due to this importance and the relevance of the UNSC's decisions, it is of paramount importance to have them carried out with the utmost precision. The resources needed to coordinate these actions, including the peacekeeping missions, needs ample communication between the UNSC and other organisations closer to the ground. Thus, the UNSC works with many other organisations, both subsidiary bodies of the UN and other bodies unrelated to the UN.

The UNSC works with other countries to secure their donation of troops to the UN peacekeeper forces and funding. India and Ethiopia are the main troop providers, combined giving more than 15,000 peacekeepers. The main providers of the UN peacekeeping budget are the US and China, combined providing over a third of the UN peacekeeping budget, and the US alone providing over a quarter of the total peacekeeping budget.

### **Relationship between the UNSC and INTERPOL**

The UNSC also collaborates with INTERPOL, an international policing organisation not under the United Nations umbrella. The UNSC resolution 2396 (2017) on counterterrorism measures points out INTERPOL as a reliable body to provide information about international criminals to. It also calls upon member states to be connected to INTERPOL and to share data relating to criminals through measures such as INTERPOL. This is a very useful collaboration in order to easily track the movement of criminals and allow the UNSC and INTERPOL to work in concert to crack down on peace-threatening illegal practices. INTERPOL has also created an Office of the Special Representative of INTERPOL to the United Nations, further enshrining the mutual spirit of collaboration between these organisations<sup>22</sup>. INTERPOL and the UNSC have issued Special Notices that alert law-enforcement agencies around the world to individuals and entities that are subject to sanctions by the UNSC.

A document<sup>23</sup> released in 2007 listed the four core functions of INTERPOL:

1. Secure Global Police Communication Services
2. Operational Data Services and Databases for Police
3. Operational Police Support Systems
4. Training and development

INTERPOL has engineered numerous “best practices” to help nations to achieve all of these, and as a corollary furthering the aims of the UNSC to ensure that all parties that threaten peace are suitably punished. For example, INTERPOL has established the I-24/7 global communications system in January 2003. The UNSC has been able to employ such a system crack down on international and transnational crime. Furthermore, INTERPOL has created various databases that allow law-enforcement agencies to cross-check and share information in a quick and timely manner. The databases include:

1. The Stolen/Lost Travel Documents (SLTD) Database, an anti-terrorism measure that allows authorities to check if any specific travel document (e.g. passports) was stolen or faked by terrorists attempting to travel. This database was established in 2002, and helps the UNSC to track down the leaders of terrorist groups or the members of terrorist cells via preventing the fraudulent use of travel documents. This database has millions of records and more than 130 contributing member countries. The UNSC officially recognised this in its Resolution 1617 (2005), and notable international organisations like the Group of 8 (G8), the European Union (EU) among others have also recognised the database as credible, further strengthening the will of member nations to employ and contribute to it, which in turn increases its effectiveness.
2. The Automated Fingerprint Identification System (AFIS), which stores the biometric data of people in an internationally accessible database that all member nations are able to access. This helps in tracking down criminals and terrorists. Given its high-detail electronic storage systems, it is easy to identify the owners of fingerprints.

<sup>22</sup> "INTERPOL and the United Nations." INTERPOL. Accessed July 08, 2019. <https://www.interpol.int/en/Our-partners/International-organization-partners/INTERPOL-and-the-United-Nations>.

<sup>23</sup> INTERPOL. "Best Practices' in Combating Terrorism." Accessed June 5, 2019. <https://www.un.org/sc/ctc/wp-content/uploads/2016/03/bestprac-interpol.pdf>.

3. The INTERPOL DNA Database, which compiles DNA profiles to expedite investigational proceedings for law-enforcement authorities. This is generally helpful in transnational crime where the suspect may not be a citizen of or a resident of the nation where the crime occurred, with the local authorities lacking their records.
4. The Stolen Vehicle Database helps nations track vehicle theft and trafficking, which can be used by terrorist or belligerent groups as a method to obtain funds.
5. The INTERPOL Weapons Electronic Tracing System (IWeTS) allows for the tracing of specific weapons. Its value in combating illicit arms trafficking can be immediately seen, as it allows the tracking of the movement of weapons from one place to another, allowing the strategic obstruction of arms flow to entities that threaten peace.

### **Relationship between the UNSC and ICJ**

While the ICJ and the UNSC are two separate organs of the UN, and hence have their own roles and working mechanisms, Article 94(2) of the UN Charter ties the two organs together. It states that: 'if any party fails to perform the obligations incumbent upon it under a judgement rendered by the Court, the other party may have recourse to the UNSC, which may, if necessary, decide upon measures to be taken to give effect to the judgement.' Under Article 48(1) of the UN Charter, the UNSC can enforce ICJ judgements in which the non-complying party is forced through authoritative measures to comply.

Furthermore, the monitoring of any judgment given by the ICJ is also conducted by the UNSC and is often done so via relevant subsidiary organs as specified by Article 29 of the UN Charter. One example is when in April 1991, UNSC Resolution 687 detailed the creation of the United Nations Special Commission (UNSCOM). UNSCOM was an inspection regime with the aim to ensure that Iraq complied with the decisions put forth by the ICJ to halt the production and usage of weapons of mass destruction (WMDs). As shown by this, the UNSC's mandate extends far beyond simply taking specific action to non-state actors to also include ensuring the enforcement of ICJ decisions.

## **Criminal Tribunals**

The UNSC, through its resolutions, has the authority to create International Criminal Tribunals (ICTs). Generally, they are established to indict people responsible for war atrocities committed during the period of conflict in these areas. To date, two ICTs have been created - the International Criminal Tribunal for the former Yugoslavia (ICTY) mentioned above and the International Criminal Tribunal for Rwanda (ICTR).

The ICTR was formed in response to the 1994 Rwandan genocide in its Resolution 955. This genocide claimed the lives of over 800,000 Tutsis and politically moderate Hutus by government-directed gangs and Hutu extremists. There was limited action by the UNSC to contain this genocide. After the end of the genocide, the UNSC acted to form the ICTR on 8 November 1994. After the completion of all its duties, the ICTR was dissolved on 31 December 2015.

The Tribunal consisted of 16 judges in 4 chambers, along with 9 ad litem judges. 3 of the chambers were made to hear trials while the last one was to hear appeals. There is also the Office of the Prosecutor (OTP), mandated by Article 15 of the ICTR Statute to "act independently and not to seek or receive instructions from any government or from any other source in the execution of its functions.". The Prosecutor is decided upon by the UNSC. Its aim is to investigate and prosecute persons responsible for the atrocities committed during the period of the genocide. The OTP was divided into separate units with each unit serving a specific purpose.

These were:

1. The Immediate Office of the Prosecutor
2. The Prosecution Division, responsible for the prosecution of defendants,
3. The Investigations Division, primarily responsible for investigations into suspects,
4. The Appeals and Legal Advisory Division, responsible for the processing of appeals and the provision of legal advice,
5. The Information and Evidence Support Section, responsible for processing of evidence

As the workload upon the Office decreased, these units were dissolved one by one when they were deemed unnecessary.

## PAST LANDMARK ACTIONS

The effects of the UNSC's decisions are wide-ranging. Its landmark actions have had particularly large impacts on the world, greatly changing the political landscape. These actions involve both political and diplomatic force, and in some cases armed force as well.

### **Suez Crisis**

The Suez Crisis was a conflict between Egypt, Israel, Britain and France. At the time, Israel was just a fledgling nation, so it naturally wanted to protect its borders. Between Egypt and Israel lies the Suez Canal, which linked the Mediterranean Sea to the Persian Gulf, and greatly reduced shipping distances, risks, and time between Asia and Europe. This canal was commissioned by a French company, and after some power struggles, the United Kingdom took control over the canal. However, upon Egyptian independence, the government of President Gamal Abdel Nasser allegedly started trying to curry favour and generally establish closer relations with the Soviet Union. This was not looked favorably upon by Britain and France, who tried to prevent the alignment of Egypt to the Soviet Union by launching attacks on Port Said, an important port in Egypt. President Nasser responded by nationalising the canal. Given that this was a major source of profit for the British and French, they further retaliated, leading to a war<sup>24</sup>.

This angered both the US and the USSR, partially because the canal is crucial for global trade and these attacks were destabilising the area. The Canadian Minister of External Affairs suggested the UNSC discuss the matter. They did, on 31 October 1956, but it failed to pass a resolution ordering the withdrawal of all foreign (i.e. non-Egyptian) forces due to the veto of Britain and France. This is a key example of the limitations faced by the rules of procedure inherent within the UNSC, especially the presence of the veto, as exemplified by previous sections. Thus, the war continued.

Given that this war started due to the efforts of President Nasser to nationalise the Suez Canal Company in efforts to remove what he saw as the British and French trying to exert colonial dominance, it would make sense that his course of action would involve throttling the flow of traffic through the Suez Canal. This was extremely harmful for shipping and trade given its massive importance. Thus, given its implications on world trade and the world economy, the UNSC passed Resolution 95, instructing Egypt to lift restrictions on the movement of cargo and ships across the Suez Canal.

<sup>24</sup> "Isacoff, Jonathan B. (2006). *Writing the Arab-Israeli Conflict: Pragmatism and Historical Inquiry*. Lexington Books. pp. 79-. ISBN 978-0-7391-1273-1.

Soon, due to the urgency of the matter and the wish for both superpowers to put an end to this confrontation, the "Uniting for Peace" resolution 377 was enacted and the matter referred to the General Assembly. It met in emergency session from 1 to 10 November 1956. The UNGA resolutions 997 to 999 instructed all foreign (i.e. non-Egyptian) forces to withdraw and the creation of the first UN peacekeeping force, the United Nations Emergency Force (UNEF) I.

### **Rwandan Genocide**

The Rwandan Genocide was a conflict that happened from April to July 1994 for a time period of 100 days. 800,000 Tutsis and moderate Hutus were killed during this time period by government-backed Hutu rebels, including the youth rebel group the Interahamwe.

The United Nations Assistance Mission for Rwanda (UNAMIR) was created in 1993 in order to assist in the implementation of the Arusha Accords. The Arusha Accords was a treaty between the Hutu government and the Rwandan Patriotic Front (RPF), a group of Tutsi exiles. It had no mandate to use arms against anyone, but rather was limited to merely humanitarian efforts, the training of locals, and aid. In the face of the genocide, it was rendered largely powerless.

The killings in Rwanda were not classified as a genocide until towards the end of the period as the major powers did not want to commit to the peace of Rwanda. It is said that if the word "genocide" was used to describe the happenings in Rwanda, the major powers, especially the US, would need to commit resources and troops to aid the situation in Rwanda. However, US troops had recently died in an overseas aid mission, and the local political climate meant that the Americans were reluctant to risk any more American lives.

The UN also received more flak about its inaction because the UN Secretary-General had received a note from a Rwandan general that genocide was imminent, yet no action was taken<sup>25</sup>. The matter was not even brought to the Security Council.<sup>26</sup>

<sup>25</sup> Administrator. "UN Failed Rwanda,." UN Failed Rwanda,. Accessed July 21, 2019. <https://www.globalpolicy.org/component/content/article/201-rwanda/39240.html>.

<sup>26</sup> "Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda [S/1999/1257] Peacekeeping." United Nations. Accessed July 21, 2019. <https://peacekeeping.un.org/en/report-of-independent-inquiry-actions-of-united-nations-during-1994-genocide-rwanda-s19991257>.

### **Gulf War**

A prime example of the Security Council authorizing the usage of military force by member states to maintain international peace and security was the Gulf war of 1991<sup>27</sup>. In the Gulf war, Iraq invaded and annexed Kuwait, an action which was met with international condemnation. The significance of the invasion was due to the infringement of Kuwait's sovereignty and the violation of the right of self-governance of Kuwaiti civilians. On 29 November 1990, United Nations Security Council Resolution 678 was passed, noting that despite numerous warnings and economic sanctions on Iraq, Iraq refused to comply with any of the Security Council's requests for withdrawal of troops from Kuwait. Resolution 678 gave Iraq one final chance to withdraw all troops and personnel from Kuwait by 15 January 1991, and empowered all states to use "all necessary means", including the unrestricted usage of military force, to force Iraqi troops out of Kuwait. On 16 January 1991, the US led a coalition force to start the military campaign which successfully restored the sovereignty of Kuwait.

<sup>27</sup> S/RES/687. PDF. April 3, 1991.

## FURTHER READINGS

Capstone Doctrine:

[https://peacekeeping.un.org/sites/default/files/capstone\\_eng\\_0.pdf](https://peacekeeping.un.org/sites/default/files/capstone_eng_0.pdf)

Establishment of UNMIS:

<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Darfur%20SRES1590.pdf>

Establishment of ICTY:

[http://www.icty.org/x/file/Legal%20Library/Statute/statute\\_827\\_1993\\_en.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statute_827_1993_en.pdf)