

# VVPMUN | 2019'

Dear Delegates,

Welcome to the 2019 Vishva Vidyapeeth Model United Nations Conference in Bangalore (VVPMUN•19')!

We are pleased to introduce you to our committee, the Security Council. This year's EB is: Chair: Rohan Mayya and Co-Chair: Sathvik Rajesh.

The agenda under discussion this year is:

## 1. South China Sea Conflict.

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

This Background Guide serves as an introduction to the topic for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth.

There are different levels of research that a good delegate should do:

- Agenda research
- Country research

Research should be done using authorised sites:

For Agenda research the delegate is suggested to research from the following sites:

- Reuters
- [www.un.org](http://www.un.org)
- Human Rights watch
- Amnesty International
- Transparency International
- IMF , World Bank for economic related world issues
- ICJ(international Court Of Justice) for legal issues
- Other UN bodies such as WTO , Who etc.

For country research the delegate can refer to the following:

- CIA World fact Book
- BBC News Country Profile
- Any nations bilateral relations fact Sheet.

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## Committee Overview

### Introduction

After the devastating effects of two world wars, the international community decided to establish the United Nations (UN) as an intergovernmental organization with the primary responsibility of maintaining international peace and security, creating the conditions conducive to economic and social development, while advancing universal respect for human rights. The Security Council was established as one of its six principal organs and was given the primary responsibility to preserve international peace and security. The Security Council held its first session on 17 January 1946 at Church House in London. After its first meeting, the Council relocated to its permanent residence at the UN Headquarters in New York City. At that time, five permanent members and six non-permanent members comprised the membership of the Council. However, over subsequent years, discussions regarding the structure of the Council began to take place. In 1965, the number of non-permanent members increased to ten, and although membership has not changed since, discussions regarding a change in configuration take place frequently.

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

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

### Governance, Structure, and Membership

The Security Council is the only UN body that has the power to adopt binding resolutions. This means that when the Council adopts a resolution, Member States, in accordance with Article 25 of the Charter of the United Nations (1945), are legally obligated to accept and carry out the Council's recommendations and decisions. The Security Council also has a variety of other tools to address

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issues on its agenda. For example, the President of the Security Council may issue press statements or presidential statements to communicate the position of the Council.

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

## Membership

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

## Presidency

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

## Participation

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

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inform the Council about a current crisis in their region. However, such proposals may only be put to a vote at the request of a member of the Council.

## Subsidiary Organs

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

## Voting

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

## Mandate, Functions, and Powers

The mandate of the Security Council is to maintain international peace and security, and to take action whenever peace and security is threatened. The Council’s authority is particularly relevant with respect to the UN’s four primary purposes, as specified in the Charter of the United Nations: maintaining international peace and security; developing friendly relations among nations; cooperating in solving international problems; promoting respect for human rights, as well as being a centre for harmonizing the actions of nations. Chapters VI and VII of the Charter of the United Nations specifically concern the Security Council and the range of actions that can be taken when settling disputes. Although the main goal is always to dissolve the disputes, Chapter VI aims to achieve this by peaceful means, whereas Chapter VII explores further actions that can be taken. As noted in Chapter VI, the role of the Security Council is to determine the severity of the dispute brought before the body and the impact of the dispute internationally. Any Member State is able to report a dispute to the Security Council. The Security Council is responsible for making

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recommendations to broker peace that take into considerations the previously attempted measures by the parties involved. Under Chapter VII, the Security Council has the authority to implement provisional measures aimed to deescalate the situation. If the provisional measures are ignored or are unsuccessful, the Security Council may decide to call upon military forces to act on behalf of the UN. The Charter of the United Nations provides the Security Council with a number of powers in order to guarantee international security:

- **Sanctions:** Pursuant to Article 41 in the Charter, the Council can call its members to apply economic sanctions and other measures not involving the use of force to prevent or end violence. These include economic sanctions, financial penalties and restrictions, travel bans, severance of diplomatic relations, and blockades, among others. It may further mandate arms embargos, enforce disarmament, or call upon international criminal mechanisms to become active.
- **Diplomatic Tools:** The Council has a mandate to investigate any dispute or situation that might lead to aggressions between states or other non-state groups or within states' national territories. In order to do so, it may "recommend methods of adjusting such disputes or the terms of settlement; formulate plans for the establishment of a system to regulate armaments; determine the existence of a threat to the peace or act of aggression and recommend what action should be taken."
- **Military Action:** Besides the above-mentioned diplomatic instruments, the Council may also take military action against a state or other entity threatening international peace and security and may further decide on the deployment of troops or observers. Article 39 of the Charter states that the Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression. Due to the voting structure, some regions of the world are underrepresented and others use their veto to block draft resolutions. Again, Syria serves as an example, where the international community did not have the power to act because of the Russian and Chinese vetoes. The Security Council may also decide upon the deployment of new UN peacekeeping operations to be led by the Department of Peacekeeping Operations, as well as the extensions of their mandates and subsequent modification or drawdown of any troops.
- **Partnerships:** The Council also cooperates with a number of international and regional organizations as well as non-governmental organizations (NGOs) to implement its decisions. Cooperation between the Security Council and UN-related organizations, such as the Organisation for the Prohibition of Chemical Weapons and the International Atomic Energy Agency, is significant; but partnerships with independent intergovernmental organizations such as the North Atlantic Treaty Organization and the African Union are also of paramount importance for addressing a broad range of issues such as terrorism, disarmament, nuclear nonproliferation, extreme violence from non-state actors, among others.

## Recent Sessions and Current Priorities

Major changes for the Security Council and the UN have taken place throughout 2017. The new SG, António Guterres, has highlighted the need for the council to transition from a response to crisis model to a preventative model. Additionally, the 2030 Agenda for Sustainable Development (2015) is being implemented and has impacted the priorities of various UN organizations, including the Security Council. Unlike some UN bodies, the Security Council does not have a set of predefined

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priorities; as such, the focus for 2017 has been on certain Member States and regions, including Sudan, South Sudan, Libya, Afghanistan, the Central African Republic (CAR), the Democratic People's Republic of Korea, the Middle East, and Africa. In 2016, the Security Council established a committee with a mandate specifically concerning the CAR. While playing a role in the successful elections that took place in early 2016, the Security Council was also instrumental in implementing an arms embargo upon the CAR. The main goal of this embargo is to curb the smuggling and sale of weapons in the country. In 2017 the Security Council began to focus on the need for stabilization, reconciliation, and the prosecution of human rights abuses in the CAR. In 2011, through Resolution 1996, the Security Council created the United Nations Mission in the Republic of South Sudan (UNMISS), with the goal of ensuring peace in South Sudan as it continued the process of state-building. The current violent situation in South Sudan has resulted in the Security Council calling for a complete ceasefire in the country, with the hope of protecting all civilians and their property. The UN Under-Secretary-General for Peacekeeping has called for the Security Council to impose an arms embargo on South Sudan following the multiple deaths of civilians and UN personnel surrounding the UNMISS compounds. Throughout 2017, the Security Council has continued to address the conflict in South Sudan with Security Council Resolution 2352 (2017), which reduced the authorized troop ceiling for the United Nations Interim Security Force for Abyei (UNISFA). Thematic issues that remain consistent topics of discussion are: women, peace, and security as well as global terrorism. The Security Council condemns all acts of terrorism, and aims to aid states in combating terrorist threats, in ways that align with the Charter of the United Nations. In Somalia, Al-Shabaab, a terrorist group linked to Al-Qaeda, has been violently campaigning to install an Islamic State. The African Union Mission in Somalia (AMISOM), mandated by the Security Council to combat Al-Shabaab, works to re-establish areas and populations devastated by the terrorist organization. In resolution 2297 dated 7 July 2016 on "The Situation in Somalia," the Security Council called upon the Joint AU-UN Review to continue to support AMISOM and its efforts. In Latin America, Colombia has been battling internally since 1964 with a rebel group called Fuerzas Armadas Revolucionarias de Colombia (FARC). In 2016, the Security Council authorized the creation of an unarmed political mission in Colombia, to be used as a resource during the ceasefire and peace discussions between the government and FARC leaders. As of August 2016, an agreement was reached and the UN Mission in Colombia will continue to oversee the laying down of arms as it progresses. The most recent Security Council discussion on women, peace and security centered on the role of sexual violence as a war tactic. The social repercussions victims of sexual violence face is of special concern as the ostracizing of women by their communities results in long lasting and often life threatening stigmatization.

## Conclusion

As the international community faces increasing asymmetrical threats from non-state actors and transnational organized crime, the Security Council has tried to adapt to new working methods. The current situation in Somalia, South Sudan, and the situation of women in conflict showcase the Security Council's inability to completely guarantee peace and security in all regions of the world. But they also represent the divides among Council members. This inability to act can be partially explained by the Council's controversial decision-making process, specifically the veto power of the five permanent members. However, as the Security Council represents the only body within the UN

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that has the power to adopt binding resolutions, it is still the entity of utmost importance for the maintenance of international peace and security.

## **ABOUT THE AGENDA**

### **South China Sea Conflict**

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

#### **Introduction**

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

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

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



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Chapter VI of the 1945 Charter of the United Nations, the foundational document of the United Nations (UN), pertains to the maintenance of international peace and security and calls for the parties involved in a dispute to seek pacific methods to resolve their differences, including through enquiry, judicial settlements, cooperation with regional organizations, mediation, arbitration, and other applicable peaceful means. Under Chapter VI, the UN Security Council can investigate any dispute that may pose a threat to the maintenance of international peace and security. UNCLOS was adopted in 1982 and includes rules and regulations for territorial seas, the open seas, exclusive economic zones and the continental shelf, freedom of navigation, and islands, as well as trade provisions and norms for protecting the marine environment. Through UNCLOS a number of UN bodies and programs were created in to better regulate maritime law and territorial disputes, as well as enforce conventions and other international treaties. In order to help implement the provisions laid out in UNCLOS, the Division for Ocean Affairs and the Law of the Sea (DOALOS) provides legal and technical assistance to Member States; the International Seabed Authority (ISA) oversees the exploration and exploitation of the seabed, ocean floor, and subsoil; and the Commission on the Limits of the Continental Shelf helps Member States establish their continental shelves and exclusive economic zones. Furthermore, the UN General Assembly annually adopts a resolution pertaining to the law of the sea, with the most recent one being resolution 71/257, adopted 20 February 2017. In these annual resolutions, the UN General Assembly reaffirms the importance of UNCLOS and its related bodies, as well as the importance of the peaceful settlement of disputes and the need for cooperation between the UN and regional organizations when settling disputes. Aside from UN bodies, the Association of Southeast Asian Nations (ASEAN) is a significant regional organization in resolving the dispute in the South China Sea. Representing the Southeast Asian community, ASEAN and the UN have been cooperating through a number of frameworks such as the ASEAN-UN Comprehensive Partnership Agreement and the ASEAN-UN Joint Strategic Plan of Action on Disaster Management. Moreover, the 2002 Declaration on the Conduct of Parties in the South China Sea, made by ASEAN and the PRC, provides a regional framework on the territorial disputes of the South China Sea. The declaration reaffirms ASEAN Member States and the PRC's commitment to UNCLOS, underlines the importance of trust and confidence building measures, reiterates the commitment to resolving disputes peacefully, highlights the need for restraint regarding territorial disputes, and emphasizes the need for a code of conduct pertaining to the South China Sea. While these individual organizations all contribute to following UNCLOS and, consequently, assisting with territorial disputes in the South China Sea, the situation continues to pose an increasing threat to peace and security in the region, pushing the issue within the realm of the Security Council's mandate.

## Role of the International System

There are three international courts whose jurisdiction may allow them to provide a peaceful resolution to the dispute in the South China Sea. The first one is the International Court of Justice (ICJ), the UN's primary legal body. The ICJ can be tasked to either rule on contentious cases or provide advisory opinions. Contentious cases can be brought forward by any state party against another state, whereas only the principal UN organs, including the Security Council, are able to receive advisory opinions. In the recent past, the ICJ has accepted and judged a number of cases pertaining to the question of maritime boundaries and claims to sovereignty, ruling and advising on disputes surrounding the delimitation of the continental shelf, fishing rights, and claims to



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sovereignty. The International Tribunal for the Law of the Sea (ITLOS), whose jurisdiction covers territorial disputes, was created through UNCLOS and is responsible for the legal interpretation and judgment of any cases pertaining to the interpretation and application of UNCLOS. In the past, ITLOS has accepted and ruled on numerous cases that are of relevance to territorial disputes, as they discussed claims to sovereignty, exclusive economic zones, the continental shelf, and land reclamation in coastal waters, as well as international straits. The PCA, which was established in 1899, has most recently taken on a case concerning the territorial disputes in the South China Sea and has consequently become a decisive arbitrator in the disputes.

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

The situation in the South China Sea received renewed attention through the PCA Case No. 2013-19: The South China Sea Arbitration. The case began when the Philippines declared that the PRC's nine-dash line was in violation of UNCLOS and infringed upon Philippine sovereignty. Even though the PRC refused to actively take part in the proceedings, the PCA determined that the PRC's argument of historic sovereignty of islands throughout the South China Sea was incompatible with UNCLOS and that the PRC's claim to sovereignty of these islands was invalid. As opposed to the PRC's historical claim of the nine-dash line, the PCA referred to the borders outlined in UNCLOS. According to UNCLOS, the Philippines' exclusive economic zone and continental shelf would include the area up to 200 nautical miles off its coast. While the PCA ruled on the matter of the Philippines' claim to sovereignty, tension in the South China Sea has continued as the PRC – and to a lesser extent Vietnam – have been reclaiming land around small islands and sand banks by creating thousands of acres of new land. The acts of land reclamation and opposing claims of sovereignty have been posing a growing threat to peace and security in the region since the freedom of navigation, which is crucial for trade and is dependent on the coastal state's benevolence, is endangered. The contentious claims of sovereignty over the island chains and sand banks in the South China Sea have in recent years led to the militarization of some of these islands; most involved states argue that their militarization is in reaction to unilateral aggressions from other states. Despite ASEAN's Declaration on the Conduct of Parties in the South China Sea, the above mentioned arguments supporting the militarization of the South China Sea have led to regional instability and growing sentiments of hostility in Southeast Asia.

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

While the South China Sea Arbitration is an example of a legal approach to the territorial disputes in the South China Sea and its judgment carries considerable weight internationally, the PRC has refused to acknowledge its provisions. As tensions mount, Security Council resolution 2171 (2014) states that "the objective of prevention of armed conflict [is] an integral part of [the Security Council's] primary responsibility for the maintenance of international peace and security." While judicial settlements are one approach to the dispute, the Security Council possesses a number of tools that could be used alternatively. As outlined in Chapter VI of the UN Charter, the Security Council may consider the use of arbitration, mediation, and cooperation with regional organizations, such as ASEAN, to settle the dispute. In cooperation with the UN Department of Political Affairs and the Peacebuilding Commission, the Security Council is also able to establish political missions to oversee long-term peacekeeping efforts in areas of conflict, as well as disputed regions. If the

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dispute were to escalate, the Security Council could refer to Chapter VII of the UN Charter, which is responsible for “action with respect to threats to the peace, breaches of the peace, and acts of aggression,” and discusses methods such as the implementation of sanctions and the use of military force as the final resort.

## Conclusion

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

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

Shloak Gupta, Co-President

Khushi Pai, Co-President

Karan Suresh, Secretary General.