

DW MODEL UNITED NATIONS

UNITED NATIONS SECURITY COUNCIL



Security Council
United Nations

**MAIN AGENDA - REVIEWING INTERNATIONAL MECHANISMS OF
RESOLVING BORDER/TERRITORIAL DISPUTES, WITH SPECIAL
FOCUS ON THE SINO-INDIA BORDER**

**RESERVE AGENDA - REVIEWING MECHANISMS OF
COUNTERING FUNDING/SUPPORT FOR NON-STATE ACTORS**

**CHAIRPERSON - AKSHAT BHATIA
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Welcome Letter from the Dais

Delegates,

Welcome to this simulation of the United Nations Security Council.

The agendas at hand are often. The topic at hand is commonly debated, both at Model United Nations conferences, and at the United Nations, and hence the content in this guide is going to be inclined towards how we expect you to present the various opinions and documentations that you come up with as a result of your research.

At the heart of authoritative multilateralism lies the United Nations Security Council, a council in which collects the result of deliberations from other organs of the United Nations and focuses on decision making, rather than deliberation. Adaptability to the nature of debate in a Security Council will be expected from all delegates in this simulation.

Delegates, what is most important to your executive board at this conference, is the alignment of your solutions to the purpose of the United Nations. Awareness about the agenda, and the legislation that supplements it is important. However, awareness about the nature of operation of the United Nations is something that can significantly enhance the quality of debate in any individual.

Despite the fact that this is merely a simulation of the United Nations, we expect the nature of debate to be oriented towards the goal of the committee, and hence the previous sessions of the Security Council may be a crucial insight in order to determine the trajectory of debate.

This background guide aims to provide delegates with pointers to enhance their research, and can be used as a basis to expand your research. However, it is not necessary for the structure of your research to be confined to the background guide. The executive board would be pleased if a delegate steps out of the limited knowledge of the EB and comes up with something that would benefit committee.

We hope to see you soon, and will do our best to see to it that every delegate receives the opportunity to develop as an individual.

Best,

Akshat Bhatia (President)

Sourav Choudary (Vice-President)

Nischay Aggarwal (Rapporteur)

Agenda 1 - Reviewing International mechanisms of resolving territorial/border disputes, with special focus on the Sino-India border

Introduction to the Agenda

In order to assess international mechanisms of resolving territorial disputes, delegates must first determine **who** is capable of delineating borders. Simply put, if two recognized institution/populations are claiming the sovereignty of a single piece of land, all the convoluted legislation involved in the process of determining the result of this conflict is centered around whether or not the institution/population is capable of delineating territory. In most contemporary cases, a majority population of previously mandated territory is the only party capable of delineating territory.

Before moving on to the next section of this guide, it must be noted that there are four types of territorial disputes. The first kind involves a certain population attempting to determine their own political status by invoking the fundamental right to self

determination. The second type is where there are two populations that already have a determined territory, and claim a certain territory that is currently not recognized as their land. The third type of territorial dispute is where territory is acquired by a nation during war, and the claimant utilizes the peremptory norm of prevention of acquisition of territory during norm.

The next section will determine the contemporary interpretation of both principles highlighted in the above paragraph. Peremptory norms of International Law have a special importance in the conflict resolution process, primarily because conflict is often refueled by their violation, since it results in one of the parties being left with the ability to recognize themselves as the victim of the peace negotiations. Hence, the implementation of these norms are said to be immune to variations in the political dynamics of a conflict. The relationship between this variation and peremptory norms, however, is quite blurry in the context of the determination of the territorial sovereignty of a nation. While peremptory norms are often disregarded in the periodic peace negotiations between the states, they are also at the heart of almost every official document published by the ministry of foreign affairs of either

state, and of course, the United Nations and the International Court of Justice.

Main Contentions and Principles

In order to assess the legislation involved in most contemporary cases of territorial disputes, there are two peremptory norms to be kept in mind. The first one is the democratic principle of the right to Self Determination by a majority population in previously mandated territory. Since the substantive legislation in relation to the right to self determination has changed since its first use in 1922, its modern utilization and interpretations associated with it will be used in addressing this dispute and subsequently determining its applicability in the context of the Palestinian population. The reason for the utilization of the contemporary concept of self determination is the structural principle of *tempus regit factum* . The most popular enunciation of this doctrine, as Judge Huber of the ICJ puts it in the Palmas arbitration, is as follows :

"a juridical fact must be appreciated in the light of the law contemporary with it, and not of the law in force at the time when a dispute in regard to it arises or falls to be settled"

Through the above doctrine, it is clear that the contemporary utilization and the subsequent interpretation of the right to self determination varies from the purpose of its formation in 1922, and hence determines that a direct parallel cannot be drawn between a case as old as Burkina Faso v. Mali and the current conflict.

The second peremptory norm that plays a key role in the understanding of these conflicts is the prohibition against the acquisition of territory by war. By way of example, In June 1967, during the Six-day war , Israel took complete control of, and sent armed forces to Gaza, the Golan Heights, East Jerusalem, the West Bank and Sinai. Following what could only be described as acquisition of territory through force, Security Council Resolution 242 was drafted to provide a platform for initiation of peace negotiations, and propose a subsequent framework for them. The

resolution did, however, highlight in Article 1(i) that only a complete withdrawal of armed forces by Israel, and its acknowledgment of the sovereignty of the acquired territory would be recognized as fulfillment of the principles of the Charter of the United Nations. This resolution, however, was adopted under and through Chapter VI of the Charter of the United Nations, and hence was merely recommendatory ¹.

The final authoritative element of this agenda is the existence of advisory opinions of the International Court of Justice that provide both an authoritative and a contemporary interpretation of the principles highlighted in this section. This was emphasized in the Western Sahara advisory opinion of 1975 by Judge Gros, who's precise words read :

¹ To find out more about the implications of resolution 242, see Shapira A, The Security Council resolution of November 22, 1967—its legal nature and implications, 4 Israel Law Review 229 (1969)

"I shall merely recall that when the Court gives an advisory opinion on a question of law it states the law. The absence of binding force does not transform the judicial operation into a legal consultation which may be made use of or not according to choice. The advisory opinion determines the law applicable to the question put; it is possible for the body which sought the opinion not to follow it in its action, but that body is aware that no position adopted contrary to the Court's pronouncement will have any effectiveness whatsoever in the legal sphere."

The purpose of this section is to understand the contemporary interpretation of principles surrounding territorial disputes, primarily because contemporary international law, in the context of territorial sovereignty is moving from a grotian to a positivist model.

Relevant Case Studies

The Agenda at hand lays special focus on the Sino Indian border dispute ; hence this section of the background guide will be providing delegates links to academic documents relevant to the dispute. This will help delegates utilize the principles highlighted above in the context of the dispute. The following publications give you an insight on the conflict in the context of the two principles highlighted above and their authoritative interpretation :

- 1) Alfred P. Rubin - The Sino-Indian border disputes (Cambridge University Press) - <https://doi.org/10.1093/iclqaj/9.1.96>

- 2) L.C Green - Legal Aspects of the Sino-Indian border dispute - <https://doi.org/10.1017/S0305741000026230>

- 3) Waheguru Pal Singh Sidhu and Jing-Dong Yuan - RESOLVING THE SINO-INDIAN BORDER DISPUTE: Building Confidence

through Cooperative Monitoring (Asian Survey ; Vol. 41, No. 2)
- <https://www.jstor.org/stable/10.1525/as.2001.41.2.351>

Questions a Resolution Must Answer

- 1) Is the interpretation of the highlighted contemporary interpretations subject to deviation in the next decade due to the rise in the number of territorial disputes ?
- 2) How is the aforementioned interpretation going to be altered, and by which authoritative international tribunal ?
- 3) Is there adequate interplay between tribunals, organizations and governments to maintain a common authoritative interpretation?
- 4) What possible repercussions can countries that are dominant in the international community face due to their evident violation of jus cogens ?

Agenda 2 - Reviewing Mechanisms of countering funding/ support for non-state actors

Introduction to Agenda

While approaching non-state actors from a financial perspective, we must consider them as an organized criminal group, in effect ignoring the political/religious sentiments associated with the organization, and dealing independently with the structural composition of the organization. There is no single structure under which Organized Crime Groups (OCGs) function; they vary from hierarchies to clans, networks, and cells, and may evolve into other structures. These groups are typically insular and protect their activities through corruption, violence, international commerce, complex communication mechanisms, and an organizational structure exploiting national boundaries.

The OCGs, from criminal networks to insurgent groups to terrorist organizations, are united by a common thread: money. Of the 11 illicit “industries”, counterfeiting and drug trafficking have the highest and second-highest values, respectively; illegal logging is the most valuable natural resource crime. The ranges demonstrate the serious magnitude of and the threat posed by global transnational crime. Very rarely do the revenues from transnational crime have any long-term benefit to citizens, communities, or economies of developing countries. TOC will continue to grow until the paradigm of high profits and low risks are challenged.

Transnational Crime	Estimated Annual Value (US\$)
Drug Trafficking	\$426 billion to \$652 billion
Small Arms & Light Weapons Trafficking	\$1.7 billion to \$3.5 billion
Human Trafficking	\$150.2 billion
Organ Trafficking	\$840 million to \$1.7 billion
Trafficking in Cultural Property	\$1.2 billion to \$1.6 billion
Counterfeiting	\$923 billion to \$1.13 trillion
Illegal Wildlife Trade	\$5 billion to \$23 billion
IUU Fishing	\$15.5 billion to \$36.4 billion
Illegal Logging	\$52 billion to \$157 billion
Illegal Mining	\$12 billion to \$48 billion
Crude Oil Theft	\$5.2 billion to \$11.9 billion
Total	\$1.6 trillion to \$2.2 trillion

What’s often overlooked is that many of the OCGs are businesses. They are organized commercial entities that provide goods and/or

services to consumers, it just so happens that these goods and services are illegal or illegally obtained. Some of these OCGs are so well organized and well-funded that they rival legitimate multinational corporations; they are the incorporation of TOC.

So, what is one thing that businesses, legal or illegal, need to survive? Money.

They need access to it to cover the costs of their operations, and they need a way to clean and transfer their profits across borders. OCGs aren't charities; if they can't make an acceptable profit, they're not going to continue operating in a given market. This is why profit-motivated crimes require profit-oriented responses.

When it comes to the money generated by TOC, the conversation has often stalled on the point that these revenues line the pockets of criminals. What's often not mentioned is that, like legitimate businesses, OCGs also reinvest their profits back into their business, improving and expanding operations, as well as diversifying into other illegal activities.

Historic Development

There is an important relationship between TOC and instability. The illicit commodities usually originate in troubled spots, following which they are trafficked through vulnerable regions, and then move on to affluent markets.

The reasons are well known. Empowered by the bullet and the bribe, criminals take advantage of a government's inability to provide security. They also exploit the instability caused by conflicts. The same forces of globalization, openness in commerce, travel and communications, that have created unprecedented wealth have also unleashed massive opportunities for organized crime.

This is a vicious circle: vulnerability attracts crime, and crime deepens vulnerability.

The greatest harms of the global TOC operations fall upon developing countries, particularly those which are in politically fragile circumstances. In these countries, OCGs' use of violence

can compel governments to spend greater resources on law enforcement in order to address these attacks on domestic stability, directing funding away from sustainable development.

This conflict between the OCGs and the government in developing countries can be a self-perpetuating cycle that increases poverty, weakens the state, and resultantly may empower trafficking groups. Therefore, the state's diversion of resources from development to law enforcement increases poverty and it may also inadvertently increase the number of people who enter illegal TOC operations.

Contraband flows can have devastating local effects, but their dynamics are almost always international. To deal comprehensively with these intractable and interlinked issues, there can be no substitute for coordinated international action.

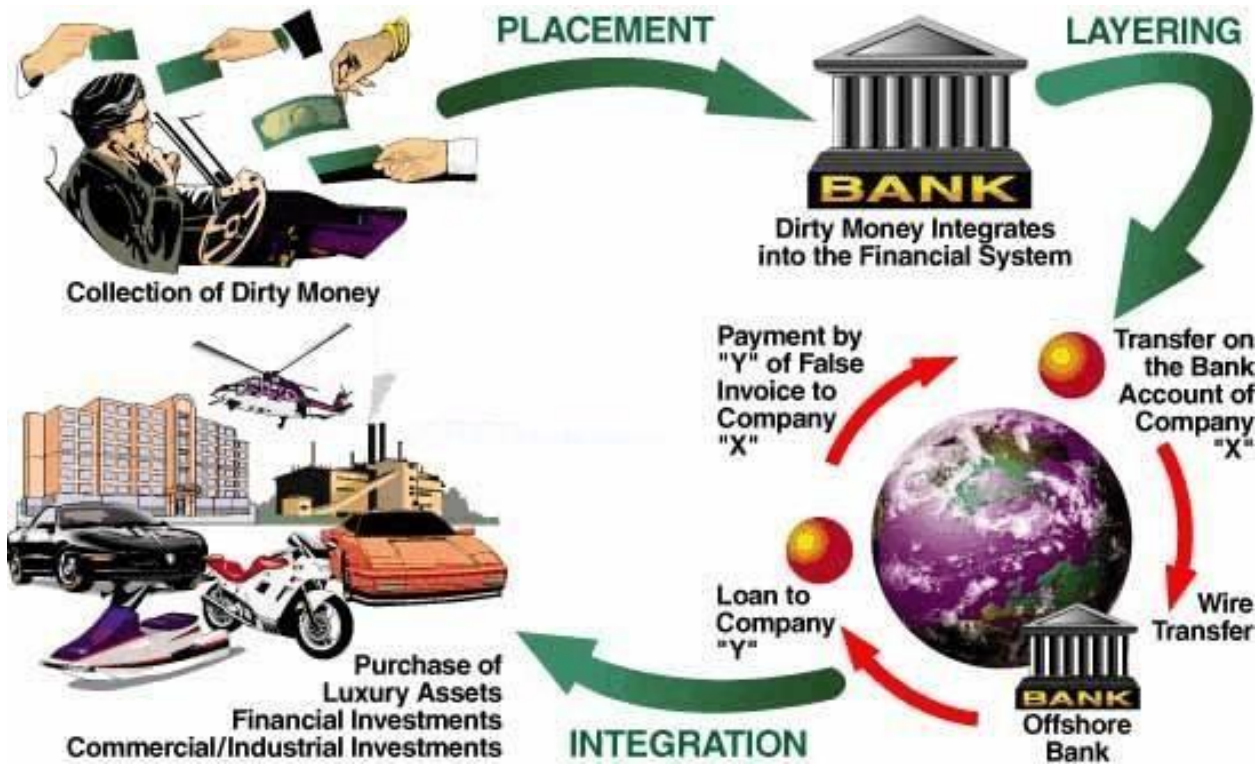
Process of generating illicit finance

Money laundering is a complex process that is very difficult to track at all levels of government. The main goal of money laundering is to convert dirty money into a form that will be difficult to retrace to its origins, and it is carried out by placing dirty money in bank

accounts, real estate, stocks, insurance premiums and other assets, which can be used later without raising suspicion.

Regardless of the nature of the money laundering, the process always follows the same three stages: placement, layering, and integration.

Placement is the first stage of the money laundering process that involves the movement of money from its illegal source. This money can be obtained from a variety of sources including from terrorists, drug sales, or tax evasion. The placement stage of money laundering is essential for criminals because if funds are kept close to their source, they can be more easily tracked. To avoid being tracked by law enforcement agencies, criminals must ensure that their money is moved from their hands and placed into the international banking system. The second stage of money laundering (layering) is the most complex. In this stage, criminals take advantage of the reality that the more times illegal money is transferred, the more difficult it is to track its origin.



The primary motive of this stage is to hide the original source of a transaction by washing it through the worldwide economy. During the layering stage, criminals attempt to disassociate the illegal monies from the source of the crime by purposely creating a complex web of financial transactions aimed at concealing any audit trail as well as the source and ownership of funds. To do this, criminals move money to financial institutions such as offshore banks accounts through electronic funds transfers. Because most of these transactions are legal, the layering stage is an ideal way for criminals to disguise their transactions as legitimate.

Integration is the final stage of the money laundering process. The stage of integration can be broken down further into two sub-stages: justification and investment. During the justification phase of integration, money launderers create an apparent legal origin for their illegally obtained funds. This is done in a variety of ways, including the fabrication of loans, lottery winnings, and inheritance. Once criminals have justified their possession of illegally obtained funds, they can then begin the investment phase of integration. The goal of the investment phase is to use the illegally obtained funds

for personal benefit. This includes keeping cash on hand, reinvesting it, or using it to fund illegal activities such as purchasing drugs or financing terrorism.

Region	Common Money Laundering Schemes
Africa	Informal banking, cash couriers, real estate
Americas	Casinos, wire transfers, trade-based money laundering
Asia	Informal value transfer systems
Europe	Cash-intensive businesses, real estate, high-value goods

Relevant Case Studies

The UN has taken many steps in the past to combat the issues of money laundering and drug trafficking, passing various resolutions to try to combat both issues. Among the first was the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention). This document provided the basis of the definition of money laundering used by most states. There also exists the UN Single Convention on Narcotic Drugs (1961) as amended by the 1972 protocol and the UN Convention on Psychotropic Substances (1998).

The Global Programme Against Money Laundering, Proceeds of Crime and the Financing of Terrorism was established by the UNODC to respond to the mandate given to the UNODC by the Vienna Convention. They have capacities and a special mandate to assist UN member states in ratifying and implementing the international standards related to money laundering and financing of terrorism.

In 2009, the UN General Assembly (UNGA) passed Resolution A/RES/64/182, International Cooperation Against the World Drug Problem. This resolution adopted the Political Declaration and the

Plan of Action on international cooperation towards an integrated and balanced strategy to counter the world drug problem. In the same year, the UN ECOSOC has adopted the resolutions E/RES/2009/23, E/DEC/2009/248, E/DEC/2009/249, E/DEC/2009/250, and E/DEC/2009/251, which deal with the same set of issues.

The UN Convention against Transnational Organised Crime established by UNGA Resolution A/RES/55/25 requests ratifying member states to commit to taking measures against TOC with special emphasis on money laundering. Other relevant resolutions and legal instruments include Resolutions A/RES/67/186, A/RES/68/193, and the UN Convention against Corruption. The venture established by the UNODC and the IMF sponsors the Model Legislation to achieve Anti-Money Laundering and Combating the Financing of Terrorism (AML/ CFT) measures. This advocates the financial health of domestic markets for the better corporation in the international forum by improving the structure of institutional regulations and law enforcement mechanisms.

Questions a Resolution Must Answer

1. What are the loopholes in the current legal frameworks?
2. Is there an adequate amount of interplay between domestic legislation and international frameworks?
3. What's the threshold for making the trade-off between strengthened AML measures and privacy laws?
4. How can regulation be strengthened in central banks in order to effectively deter illicit financial activities?
5. How can countries overcome the inherent political conflict of interest in order to effectively deter the functioning of non-state actors
6. Can the mandate of pre-existing instruments be extended to effectively tackle the aforementioned link?
7. Does an increase in regulation and oversight in trade adversely affect small and medium-level enterprises, especially in developing economies?

Note to Delegates

The Executive board's role will primarily be to moderate debate, and we will ensure that we exhibit minimal involvement. However, there is a threshold that we have established with regard to the expectation of the nature of debate.

There are a variety of views an individual can possess while obtaining knowledge about the agenda at hand, and the nature of debate might vary depending on country policy, and the nature of the individual. Keeping that in mind, here are some general instructions-

1. Cite your Sources - The agenda being discussed is not unprecedented or predictive in nature, and hence the delegates are expected to have a variety of facts relating to previous occurrences in the international community. These facts must be cited, and only then will the executive board consider them in committee. Please keep in mind that we only recognize BBC, and Al Jazeera as valid sources. If you wish to

provide evidence for any accusation, the executive board will confirm your sources and the decision of the Executive board will be final.

2. Stick to the Mandate - If your solution requires a recommendatory measure, or an economic forum, it's something you'd rather present to the ECOSOC and hence holds minimal value in the Security Council. However, if you wish for the enforcement of a legally binding document, or appointment of a peacekeeping commission, But keep in mind that the Executive Board looks favorably upon a resolution which can be majorly implemented by the SC itself. Here is a link to the most common interpretation of the SC [mandate](#).
3. Format your resolution - While a working paper may be poorly formatted, a resolution must be perfect, since it is a document that may go on to impact people. Here is an example of an SC [resolution](#).