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BACKGROUND GUIDE 2017

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ERFURT MODEL UNITED NATIONS 2017

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Dear Delegates,

We are pleased to welcome you to the Security Council of Erfurt Model United Nations 2015. Your staff for the conference will be Thai Linh Nguyen (Director), Viviane Clemens (Vice-President), and Johanna Maria Kresin (Rapporteur).

Thai Linh Nguyen is a B.A. student of International Relations at the University of Erfurt. She has been to New York as a delegate at the National Model United Nations conference and has involved herself in other MUN conferences with competence and enthusiasm. This will be her first time to chair in the Security Council.

Viviane Clemens is a B.A. student of International Relations and Communication Science at the University of Erfurt. This is her second year of MUN experience. As delegate she has attended several Model United Nations conferences including NMUN New York 2016. This will be her first time as part of the staff in the Security Council.

Johanna Maria Kresin is a B.A student of Social Sciences and Economics, focusing her research on security as well as peace and conflict studies. She has conducted one year of studies at the Moscow State Institute of International Relations, which has given her an interesting new perspective on the global political situation. Since she started participating MUN conferences three years ago, she has predominantly simulated the Security Council, both as a delegate and a chair.

The topics before this year's Security Council are:

- I. The Situation in Eastern Ukraine
- II. Counter-Terrorism Measures

We hope that this Background Guide will help you with the preparation for this conference. It will give you a comprehensive overview over the committee and both topics and will help you to focus your further research on the most relevant aspects. We encourage you to prepare your countries' policies and their positions concerning the topics and hand thoroughly. When preparing for the conference, please keep in mind the mandate of the Security Council.

If you have any questions regarding the conference or your preparation for Security Council, please do not hesitate to contact mun@uni-erfurt.de.

Sincerely,

Thai Linh Nguyen, *Director*
Viviane Clemens, *Vice President*
Johanna Maria Kresin, *Rapporteur*

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Abbreviations

APEC	Asia-Pacific Economic Cooperation
CSO	Civil Society Organizations
CTC	Counter-Terrorism Committee
CTED	Counter-Terrorism Committee Executive Directorate
CTITF	Counter-Terrorism Implementation Task Force
E10	Non-permanent Members of the Security Council
EU	European Union
FARC	Revolutionary Armed Forces of Colombia
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHL	International Humanitarian Law
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
P5	Permanent Members of the Security Council
SC	Security Council
UDHR	Universal Declaration of Human Rights
UNCCT	UN Counter-Terrorism Centre
UNHCHR	UN High Commissioner for Human Rights
U.S.S.R.	Union of Soviet Socialist Republics

Committee Overview

History

With the ratification of the UN Charter, the Security Council (SC) was created by the victors of World War II on October 24, 1945¹. One year later on January 17, 1946, the SC held its first session at Church House, Westminster, London². Ever since, the SC has its permanent residence at the UN-Headquarters in New York³.

Its original structure was consisting of six temporary Members, rotating every two years and the five permanent Members China, U.S.S.R. (today Russia), France, the United Kingdom, and the United States⁴. In 1948, the first UN peacekeeping mission was deployed to the Middle East⁵.

Governance, Structure and Membership

The SC consists of fifteen Members of the UN⁶, which are subdivided into permanent (the P5) and non-permanent Members (the E10).



The permanent Members (P5) to the SC are:

The Republic of China, France, the Russian Federation (former: the Union of Soviet Socialist Republics), the United Kingdom of Great Britain and Northern Ireland, and the United States of America⁷.

The non-permanent Members to the SC are elected for two years by the General Assembly⁸ and represent countries of the following regions: African group (three seats), the Asian group (two seats), Eastern Europe group (one seat), the Latin American and the Caribbean group (one Seat), and Western Europe and Others group (two Seats)⁹. The current non-permanent Members of the SC are: Angola, Egypt, Malaysia, New Zealand, Ukraine, Uruguay, Japan, Spain and Venezuela.

After a non-permanent Member has retired, it is not “eligible for immediate re-election”¹⁰.

¹ United Nations Foundation. 2016. *What we do: The UN Security Council*.

² UN Security Council. 2016. *United Nations Security Council: About*.

³ Ibid.

⁴ United Nations Foundation. 2016. *What we do: The UN Security Council*.

⁵ Ibid.

⁶ UN. 1945. *Charter of the United Nations*, art.23.

⁷ Ibid.

⁸ UN Security Council. 2016. *United Nations Security Council: Members*.

⁹ Australian Government. 2016. *The role of the United Nations Security Council*.

¹⁰ Ibid.

Each Member of the SC has one representative¹¹. Furthermore, each Member of the SC has one vote¹².

Vote on Procedural Matters

Votes on procedural matters (i.e.: organization of the agenda) require a majority vote. Meaning, there need to be nine members voting affirmatively¹³ on the matter for it to pass.

Vote on Non-procedural (substantive) Matters

Votes on substantive matters such as the establishment of a peacekeeping force, an affirmative majority vote of nine members is required as well. Furthermore, the P5 need to be among the majority vote.¹⁴

Veto-Right

Due to their “key roles in the establishment of the United Nations”¹⁵ and the continuing high importance in regards to the maintenance of international peace and security, the Permanent Member States (see p.5) of the SC hold a special voting power: The “right to veto”¹⁶ against a matter of substance (i.e.: a draft resolution) and with this prevent the adoption of a resolution.

Participation

Article 31 UN-Charter allows any Member State, which is not a member of the SC to participate by invitation in the discussions brought before the SC “whenever the latter considers that the interests of that Member are specifically affected”. Those “participating” members do not hold the right to vote¹⁷.

Presidency

The presidency of the council is held by every Member of the Council for a time period of one-month, rotating in accordance with the alphabetic order¹⁸.

Functions and Power

Under the Charter of the United Nations, the SC holds the following functions and powers:

- to maintain international peace and security in accordance with the principles and purposes of the United Nations¹⁹;
- to investigate any dispute or situation which might lead to international friction or give rise to a dispute²⁰;
- to recommend methods of adjusting such disputes or the terms of settlement²¹;
- to formulate plans for the establishment of a system to regulate armaments²²;
- to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- to take military action against an aggressor²³;

¹¹ UN. 1945. *Charter of the United Nations*, art.23.

¹² Ibid. Art.27.

¹³ Ibid.

¹⁴ Australian Government. 2016. *The role of the United Nations Security Council*.

¹⁵ UN Security Council. 2016. *United Nations Security Council*.

¹⁶ Ibid.

¹⁷ UN. 1945. *Charter of the United Nations*, art.31.

¹⁸ UN Security Council. 2016. *United Nations Security Council: Presidency*.

¹⁹ UN. 1945. *Charter of the United Nations*, art.24.

²⁰ Ibid. Art.34.

²¹ Ibid. Art.36.

²² Ibid. Art.41.

²³ Ibid. Art.42.

- to recommend the admission of new Members;
- to exercise the trusteeship functions of the United Nations in "strategic areas";
- to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

In brief, the Security Council holds sanctions, diplomatic tools, military action and partnerships with national and international organizations as tools, to guarantee international security.

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Australian Government. 2016. *The role of the United Nations Security Council* [Website]. Retrieved April 14, 2016 from: <http://dfat.gov.au/international-relations/international-organisations/un/unsc-2013-2014/Pages/therole-of-the-united-nations-security-council.aspx>

I. The Situation in Eastern Ukraine

Introduction

According to the United Nations, the armed conflict in Ukraine not only caused deaths and injuries, but also demonstrated a complex humanitarian crisis. The crisis is still ongoing since 2014, and the conflict has never ceased completely. Shelling and clashes are reported to increase drastically, more than 9,200 people have been killed to date, 21,000 people have been injured, and many more are traumatized.²⁴ The stand-off between Russia and the West over Ukraine has important repercussions in the entire eastern neighborhood of the European Union (EU), affecting its security, blurring the prospect of democracy, and alienating societies.²⁵ The crisis appears to be a potential turning point for the international security and specifically in Euro-Atlantic security.²⁶

International and regional framework

Although the on-going war/ crisis in eastern Ukraine is a recent development, several international and regional legal instruments are dealing with the issue.

United Nations Framework

Chapter VI and VII of the *Charter of the United Nations* provide the Security Council framework for pacific settlement of the dispute and “actions with respects to threats to the peace, breaches of the peace and acts of aggression”.²⁷ Therefore, if all previous attempts for alternative dispute settlement and resolutions have failed, Member States are required to refer any dispute to the Security Council.²⁸ The Council will decide what “measures not involving the use of armed forces are to be employed” after it has examined the existence of a threat to international peace and security,²⁹ and it is noted that the use of force comes as recourse in case measures under Article 41 are considered or proved to be inadequate.³⁰ The use of force can appear and be varied as an authorized intervention by Member States, a military blockage or a peacekeeping operations.³¹

Protection of civilians

The *Universal Declaration of Human Rights* (UDHR, 1948), the *International Covenant on Civil and Political Rights* (ICCPR, 1966) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR, 1966) are fundamental legal documents of international human rights law. The UDHR listed the fundamental rights to which all human beings are entitled and that Member States are bound to security and protection.³² Moreover, the ICCPR complements ICESCR, so that together they create a completion of civil and political rights, including the right to life, freedom from arbitrary detentions, region and electoral rights, prevention of child soldiers’ recruitment as well as economic, social and cultural rights, including right to education, right of vulnerable populations and right to special protection and assistance.³³ Both the Russian Federation and Ukraine have signed and ratified both treaties.³⁴

Equally important as the treaties mentioned above are the 1949 *Geneva Conventions* and the *Additional Protocols* which aim to protect civilians in armed conflicts and other situations of violence.

²⁴ United Nations Ukraine. 2016. *10 Things You Need to Know about Ukraine’s Crisis*.

²⁵ Europe Policy Paper. 2014. *Regional repercussions of the Ukraine crisis, Challenges for the Six Eastern Partnership Countries*.

²⁶ NATO Review Magazine. 2015. *The Ukraine crisis and NATO-Russia relations*.

²⁷ Charter of the United Nations. 1945. *Chapters VI & VII*.

²⁸ Ibid. *Chapter VI*.

²⁹ Ibid. *Art. 41*.

³⁰ Ibid. *Art. 42*.

³¹ United Nations. 2014. *United Nations Security Council: Frequently Asked Questions*.

³² UN Documents. 1948. *Universal Declaration of Human Rights (A/RES/217)*.

³³ United Nations Human Rights. 1966. *International Covenant On Economic, Social And Cultural Rights. International Covenant On Civil And Political Rights. Optional Protocol To The International Covenant On Civil And Political Rights*.

³⁴ UN Office of Legal Affairs. 2014. *UN Treaty Collection: International Covenant on Civil and Political Rights. UN Treaty Collection: International Covenant on Economic, Social and Cultural Rights*.

Role of the international system

The international system is represented by a diverse range of regional and international organizations, UN agencies and programs, non-UN entities, civil society organizations and the UN Security Council playing an essential role driving peace and security efforts.

United Nations Security Council

Many aspects of the situation in eastern Ukraine have been repeatedly monitored and analyzed by the UN Security Council since 1.3.2014 upon the requests of Ukraine (Letter of 28.2.2014)³⁵ and the Russian Federation (Letter of 13.4.2014)³⁶. The UN Security Council has since then dealt with issues of the Crimea in its 7124th³⁷, 7125th³⁸, 7134th³⁹ and 7144th⁴⁰ meetings. The Security Council has also actively considered the activity of insurgents in the south-east of Ukraine in the 7154th⁴¹, 7157th⁴² and 7205th⁴³ meetings, as well as discussed the aircraft crash in the 7219th⁴⁴, 7221th⁴⁵ meetings, respectively.

Due to a lot of tensions within the Ukraine and the pressure of the international community to the Security Council, only one resolution was adopted in 2014 (S/RES/2166),⁴⁶ condemning “the downing of Malaysia Airlines flight MH17 on 17.07.2014 in Donetsk Oblast, Ukraine resulting in the tragic loss of 298 lives” and demanding that “all States refrain from acts of violence directed against civilian aircraft”.⁴⁷ Recognized the situation in Ukraine continuously has worsened, all Members of the Security Council expressed their grave concern and unanimously adopted Resolution 2202 endorsing the “Package of Measures for the Implementation of the Minsk Agreements”, which was adopted and signed in Minsk on 12.02.2015.⁴⁸ This resolution is considered as one of the most important legal documents regarding the situation in eastern Ukraine with the “Package of Measures” contained in Annex I and the declaration by the Head of States of the Russian Federation, Ukraine, France and Germany in support of the “Package of Measures” and their commitment to implement the agreements contained in Annex II.

The United Nations System

Other UN organs have actively taken actions, such as the proclamation of the *UN High Commissioner for Human Rights* (UNHCHR) that it is necessary to respect the rule of law, to observe human rights and to cease violence,⁴⁹ as well as the establishment of the *UN Human Rights Monitoring Mission* to observe and report monthly the situation in Ukraine.⁵⁰ The UN General Assembly adopted resolution A/RES/68/262 calling upon states not to recognize changes in the status of Crimea region.⁵¹

³⁵ United Nations Security Council. 2014. *Letter dated 13 April from the Permanent Representative of Russian Federation to the United Nations to the United Nations addressed to the President of the Security Council* (S/2014/264).

³⁶ Ibid.

³⁷ UN Security Council. 2014. *S/PV.7124*.

³⁸ UN Security Council. 2014. *S/PV.7125*.

³⁹ UN Security Council. 2014. *S/PV.7134*.

⁴⁰ UN Security Council. 2014. *S/PV.7144*.

⁴¹ UN Security Council. 2014. *S/PV.7154*.

⁴² UN Security Council. 2014. *S/PV.7157*.

⁴³ UN Security Council. 2014. *S/PV.7205*.

⁴⁴ UN Security Council. 2014. *S/PV.7219*.

⁴⁵ UN Security Council. 2014. *S/PV.7221*.

⁴⁶ UN Security Council. 2014. *S/RES/2166*.

⁴⁷ Ibid.

⁴⁸ UN Security Council. 2015. *S/RES/2202*.

⁴⁹ Douhan, Alena F.. 2015. *International Organizations and Settlement of the Conflict in Ukraine*. p. 203

⁵⁰ United Nations Ukraine. 2014. *UN Human Rights Monitoring Missions in Ukraine*.

⁵¹ UN General Assembly. 2014. *A/RES/68/262*.

Non-UN entities

The *Organization for Security and Cooperation in Europe* (OSCE) plays a significant role in the settlement of the conflict, as well as providing conflict resolution and takes a strong lead in mediation and facilitating dialogue across the contact line. It has made multiple efforts for the observation and settlement of different aspects of the conflict,⁵² including the establishment of the *Special Monitoring Mission for Ukraine* in 2014,⁵³ which aims to contribute to reducing tensions and fostering peace, stability and security, and help monitor and support the implementation of all OSCE principles and commitments.⁵⁴ As a member of the Trilateral Contact group on Ukraine together with Russia and Ukraine, OSCE has its best interest in conflict settlement in Ukraine, and has included the issue in the agenda of the annual OSCE Security Review Conference in Vienna on 24.06.2014.⁵⁵

The *European Union* (EU) does not recognize the result of the referendum in Crimea⁵⁶, condemned the accession of Crimea to Russia and the deteriorating human rights situation in Crimea after the accession.⁵⁷ The EU further imposed sanctions on Ukrainian and Russian officials and organizations for the misappropriation of state funds and violations of human rights.⁵⁸ It also implemented restrictive measures against the separatists in eastern Ukraine and extended the EU economic sanctions as well as sanctions over actions against Ukraine's territorial integrity.⁵⁹ Noticeable of the EU is the launching of a *Support group for Ukraine at the European Commission*⁶⁰ and the signing of the "*EU-Ukraine Association Agreement*" with Ukraine that includes inter alia provisions on cooperation in security (Title III) and human rights (Art. 14).⁶¹ The EU has shown its financial support in the OSCE activity in the conflict settlement in Ukraine⁶² and the signing of a declaration on the settlement of the conflict was the result of its participation in the Geneva talks between Russia and Ukraine.⁶³

North Atlantic Treaty Organization (NATO) has also actively evaluated and shown its deep concern the situation in eastern Ukraine. The NATO condemned breaches of international law committed by Russia regarding Russia's annexation of the Crimea and the escalation of Russia's military aggression against Ukraine. It has made negotiations with Ukraine as well as had discussions concerning the conflict within the NATO-Russia Council.⁶⁴ The NATO further called upon Russia to honor its international commitments and has asserted its support for the Ukraine.⁶⁵

Civil Society

Civil Society organizations (CSO) are very involved in, and committed to, work on conflict related issues in Ukraine.⁶⁶ Noticeable are CSOs' key activity in providing humanitarian assistance to internally displaced persons (IDPs) through finding accommodation, by providing clothes and food or household items, assisting them to get social or medical services and legal aid, or providing psychological assistance to traumatized individuals.⁶⁷ In addition, Ukrainian military units and volunteer battalions fighting in the conflict zone also get

⁵² Douhan, Alena F. 2015. *International Organizations and Settlement of the Conflict in Ukraine*.

⁵³ OSCE. 2014. *PC.DEC/1117*.

⁵⁴ OSCE. 2014. *OSCE Special Monitoring Mission to Ukraine*.

⁵⁵ OSCE. 2014. *2014 Annual Security Review Conference*.

⁵⁶ Council of the European Union. 2014. *Press Release 3312th Council Meeting*.

⁵⁷ Council of the European Union. 2014. *Statement of the Heads of State or Government on Ukraine*.

⁵⁸ European Union. 2014. *Restrictive Measures in Force*.

⁵⁹ Council of the European Union. 2016. *Timeline – EU restrictive measures in response to the crisis in Ukraine*.

⁶⁰ European Commission. 2014. *Support Group for Ukraine*.

⁶¹ Delegations of the European Union to Ukraine. 2016. *EU-Ukraine Association Agreement*.

⁶² European Union. 2014. *Press Release: Increased EU Support for the OSCE's Work in Ukraine*.

⁶³ U.S. Department of State. 2014. *Geneva Declaration on Ukraine*.

⁶⁴ NATO. 2014. *North Atlantic Council Statement on the Situation in Ukraine*.

⁶⁵ Douhan, Alena F.. 2015. *International Organizations and Settlement of the Conflict in Ukraine*. p. 208.

⁶⁶ OSCE. 2015. *Thematic Report: Civil Society and the Crisis in Ukraine*. p.5.

⁶⁷ OSCE. 2015. *Thematic Report: Civil Society and the Crisis in Ukraine*. p.6.

their benefits and receive humanitarian assistance from CSOs.⁶⁸ Compared to conflict relief work, fewer of the CSOs work on issues related to conflict resolution or dialog; they are located mostly in the urban areas of Kyiv, Lviv and Kharkiv.⁶⁹ Their work lies at inter-regional and local levels, and so far roundtable discussions and dialogue that bring pro and anti-Maidan groups have been organized.⁷⁰

Regional Context

The ongoing tensions between the Ukraine government and the pro-Russian rebels that are supported by the Russian military have resulted in unrest in Donetsk and Luhansk in eastern Ukraine. Ukraine classifies the self-declared states in eastern Ukraine, People's Republic of Luhansk and People's Republic of Donetsk as terrorist organizations.⁷¹

Until now, the most important regional implications of the Ukraine conflict have been made, which are the “*Protocol on the results of consultations of the Trilateral Contact Group*”,⁷² signed in Minsk on the 5 September 2014 and the “*Package of Measures for the implementation of the Minsk Agreement*” signed in the following year by the *Trilateral Contact Group*.⁷³ Although the Minsk Protocol contains vital points, most of them failed to go into full force, including an immediate bilateral ceasefire under the OSCE's monitoring and verification and the decentralization of power to the rebel-held regions of Donetsk and Luhansk.⁷⁴ The “*Package of Measures*” was hoped to be more promising regarding the ongoing conflict between the involved parties, but is considered to have been failed as well.⁷⁵

History of the conflict

Since its independence in 1991 Ukraine has faced controversies regarding its geopolitical, economic and cultural orientation. The population is divided into two different groups. Some Ukrainians prefer closer ties with Russia, while others are in favour of a stronger orientation towards the European Union (EU).⁷⁶

Tensions grew in November 2013 when former Ukrainian president Viktor Yanukovich backtracked from the *Association Agreement* regarding trade and cooperation between the European Union and Ukraine. In contrast to most of West Ukraine, Yanukovich - as well as its power base in the east of Ukraine - preferred to pursue a pro-Russian policy. As a consequence, for months, Kiev's central square, the Maidan, was occupied by protesters which demanded early parliamentary and presidential elections, independent legal authorities and the ending of corruption. Soon protests spread throughout the entire country.⁷⁷

Violence between protesters and security forces erupted in February 2014 when at least 77 protesters were killed on the Maidan. Shortly afterwards president Yanukovich abruptly fled to Russia and the parliament appointed an interim government.⁷⁸ After Yanukovich's departure a new conflict arose in the east of Ukraine and on the Crimean peninsula, an autonomous region with strong Russian loyalties. Apparently Russian military forces without national markings step by step seized and then annexed the peninsula.⁷⁹ Under their supervision an unrecognized referendum was held in March 2014 in which the Crimean citizens decided to integrate the peninsula into the Russian Federation. This referendum met with resistance in the international society, being condemned as violating international law by the Ukrainian Government, the EU and the United Nations General Assembly (GA). With *A/RES/68/262* the GA affirmed its commitment to the territorial integrity of Ukraine and

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ OSCE. 2015. *Thematic Report: Civil Society and the Crisis in Ukraine*. p.8.

⁷¹ Kyiv Post. 2014. *Ukraine's prosecutor general classifies self-declared Donetsk and Luhansk republics as terrorist organizations*.

⁷² Ministry of Foreign Affairs of Ukraine. 2014. *Protocol on the results of consultations of Trilateral Contact Group (Minsk, 05/09/2014)*.

⁷³ United Nations Peacemaker. 2015. *Package of Measures for the Implementation of the Minsk Agreement*.

⁷⁴ Reuters. 2015. *Factbox-Positions before Minsk summit on Ukraine*.

⁷⁵ Nilsson, Carl Hvenmark. 2016. *Revisiting the Minsk II Agreement, The Art and Statecraft of Russian-brokered Cease-fires*.

⁷⁶ BpB. 2015. *Ukraine*.

⁷⁷ LpB. *Nervenkrieg um die Ukraine*.

⁷⁸ BBC. *Ukraine profile - Timeline*.

⁷⁹ BpB. 2015. *Ukraine*.

in this way refused to acknowledge the referendum.⁸⁰ Because of Russia's actions in the Crimea the EU and the USA posed sanctions on certain Russian officials and their allies.⁸¹ Meanwhile in the eastern regions of Donetsk and Luhansk there were fights between pro-Russian separatists and citizens in favour of a more western orientation, as well as, Ukrainian military forces. Finally, in May 2014, separatists declared independence from Ukraine after another controversial referendum.⁸²

In the same month in Kiev Petro Poroshenko won the presidential elections and, only one month later, signed the *EU Association Agreement*. But fights between Ukrainian troops and separatists continued and reached a whole new dimension when a Malaysia Airlines flight was shot down above separatist-held territory which was dealt with in *S/RES/2166*.⁸³ In September 2014 the Ukrainian government and pro-Russian separatists agreed upon the *Minsk Agreement* ceasefire. This agreement had been composed by the so called Trilateral Contact. Created in May 2014 in order to mediate between the different conflict parties, this group consists of representatives from Russia, Ukraine and the OSCE.⁸⁴ Nevertheless, the situation remained volatile and violations of the agreement followed quickly.⁸⁵

In October 2014 parliamentary elections were held in Ukraine. Ongoing violence in the territories seized by pro-Russian separatists and on the Crimean peninsula however made it impossible for citizens of these areas to vote.⁸⁶ Pro-European parties declared victory in these elections but were not accepted by pro-Russian separatists. In fact, separatists in the eastern regions Donetsk and Luhansk had their own parliamentary and governmental elections in November 2014 won by the two pro-Russian rebel leaders Igor Plotnizki and Alexander Sachartschenko.⁸⁷

Due to repeated violations of the Minsk ceasefire agreement Germany and France mediated between Ukraine and Russia. Outcome of these talks in Minsk was a new ceasefire deal, referred to as *Minsk Agreement II*. As its predecessor the new agreement, which went into effect on the 15th of January 2015, was violated again and again by both warring factions.⁸⁸

In July 2015, European foreign ministers extended sanctions on Russia due to its special role in the conflict. The NATO had stated in 2014 that evidence suggests that Russia supports rebels in eastern Ukraine and in the Crimean peninsula through troops, tanks, weapons etc. However Russia disapproved these sanctions as "unfounded and illegal".⁸⁹

Until today the situation in eastern Ukraine and in the Crimea remains fragile and leads to severe human rights violations⁹⁰, even though there has been a recommitment to a ceasefire on 1 September 2016.⁹¹

Human Rights:

On 15th September 2016 the Office of the *United Nations High Commissioner for Human Rights* (OHCHR) published its 15th periodic report on the human rights situation in Ukraine, covering the period from 16 May to 15 August 2016. This report, which is based on the work of the *United Nations Human Rights Monitoring Mission in Ukraine*, reveals that the overall precarious and unsustainable situation continues to undermine

⁸⁰ CIA. 2016. *The World Fact Book - Ukraine*.

⁸¹ CNN. 2016. *Ukraine Fast Facts*.

⁸² LpB. *Nervenkrieg um die Ukraine*.

⁸³ Nick Thompson. 2016. *Ukraine - Everything you need to know about how we got here*.

⁸⁴ Zentrum für Internationale Friedenseinsätze. 2014. *Die OSZE und der Waffenstillstand in der Ukraine: Vermitteln, Beobachten, Überwachen*.

⁸⁵ BBC. *Ukraine profile - Timeline*.

⁸⁶ CNN. 2016. *Ukraine Fast Facts*.

⁸⁷ LpB. *Nervenkrieg um die Ukraine*.

⁸⁸ Nick Thompson. 2016. *Ukraine - Everything you need to know about how we got here*.

⁸⁹ Ibid.

⁹⁰ United Nations News Centre. 2016. *After two years of conflict, situation in eastern Ukraine remains 'grim' – UN report*.

⁹¹ Gilmore, Katy. 2016. *Cooperation and assistance to Ukraine in the field of human rights*.

human rights, especially of those people living near the conflict line and in areas controlled by the armed groups.⁹²

Rights to life, liberty, security and physical integrity:

According to art. 3 of *The Universal Declaration of Human Rights*, “everyone has the right to life, liberty and security of person”. However, an increase in hostilities along the contact line in eastern Ukraine has led to a spike in civilian casualties by 66% in comparison to the previous reporting period. Between 16 May and 15 August 2016, 160 civilians were wounded and 28 were killed in areas of the Donetsk and Luhansk regions on both sides of the contact line. Not included in this number are civilians who suffered or died as a consequence of secondary effects of violence, such as for example lack of access to food, water, medicine. In total there have been 31,814 casualties due to conflict in eastern Ukraine. Apart from civilians this number comprises Ukrainian armed forces, as well as, members of the armed groups.⁹³

This increase in casualties is due to several reasons: Currently, along the contact line, the Ukrainian Government and the separatists have positioned their forces in close distance to each other. Often only 300 to 500 metres separate the two opposing parties which has increased the intensity of hostilities.⁹⁴ As a consequence the Trilateral Contact Group agreed on a *Framework agreement on Disengagement of Forces and Hardware* on 21 September 2016 which contains a step-by-step approach to withdraw armed forces from their current positions at the contact line.⁹⁵ Moreover Government forces and armed groups endanger civilians by operating from residential areas risking possible return fires.⁹⁶ There is evidence that both warring parties violate *International Humanitarian Law (IHL)*, as schools and hospitals have been attacked regardless of their protected status.⁹⁷ The destruction of important civilian infrastructure causes further suffering among civilians in the areas around the contact line.⁹⁸ Arms and ammunition provided by the Russian Federation exacerbate the situation because their proliferation facilitates Human Rights violations.⁹⁹

In addition, both warring parties infringed articles 5 and 9 of *The Universal Declaration of Human Rights* which forbid torture or cruel, inhuman or degrading treatment and arbitrary arrest and detention amongst other things. While the access to places of deprivation of liberty has been improved in territories controlled by the Government of Ukraine, the self-proclaimed “Donetsk people’s republic” and the “Luhansk people’s republic” still do not allow external observation. This denial suggests that there are more cases of torture or cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence, than reported. On the other hand, evidence was found that, despite training sessions on torture prevention conducted by the Security Service of Ukraine, Government and armed groups perpetrated such crimes, as well.¹⁰⁰ Cases of torture, ill-treatment, and incommunicado detention prior to transfer to the criminal justice system in fact amount for 70% of all cases of human rights violations reported in areas controlled by the Ukrainian Government. Furthermore, the report reveals that Ukrainian officials gave permit to the deprivation of liberty of individuals in secret for prolonged periods of time as well as enforced disappearances for periods of up to two years.¹⁰¹ Especially in the “Donetsk people’s republic” there have been similar human rights violations. The OHCHR reported a higher number of detentions and disappearances at checkpoints controlled by separatist armed forces. Many detainees are held incommunicado. This situation raises concerns about possible human rights violations in the course of detention, such as for example torture.¹⁰²

⁹² Office of the United Nations High Commissioner for Human Rights. 2016. *Report on the human rights situation in Ukraine: 16 May to 15 August 2016*.

⁹³ OHCHR. 2016. *Report on the human rights situation in Ukraine: 16 May to 15 August 2016*, p.12.

⁹⁴ Ibid. p.5.

⁹⁵ OSCE. 2016. *Disengagement: OSCE is monitoring how sides in eastern Ukraine deliver on agreement*.

⁹⁶ OHCHR. 2016. *Report on the human rights situation in Ukraine: 16 May to 15 August 2016*, p.10.

⁹⁷ Ibid. p.11.

⁹⁸ Gilmore, Katy. 2016. *Cooperation and assistance to Ukraine in the field of human rights*.

⁹⁹ OHCHR. 2016. *Report on the human rights situation in Ukraine: 16 May to 15 August 2016*, p.5.

¹⁰⁰ Gilmore, Katy. 2016. *Cooperation and assistance to Ukraine in the field of human rights*.

¹⁰¹ OHCHR. 2016. *Report on the human rights situation in Ukraine: 16 May to 15 August 2016*, p.14.

¹⁰² Ibid. p.15.

Fundamental freedoms:

Constraints on freedom of movement, as laid down in art.13 of The Universal Declaration of Human Rights, affect the daily life of civilians living close to the contact line. As checkpoints have been relocated due to the approximation of forces, water, sanitary and medical facilities at the new crossing points are mostly inadequate. Every day up to 32,000 people seek to cross the contact line, often having to wait up in line for hours under inhumane conditions. At the crossing-points access to shade, latrines, water, medical aid, or shelter in case of shelling is non-existent or limited.¹⁰³

Art.19 of *The Universal Declaration of Human Rights* guarantees the right to freedom of opinion and expression. In territories under control of the Ukrainian Government journalists and media workers experience pressure from Ukrainian authorities when reporting on sensitive issues regarding the on-going hostilities.¹⁰⁴ An increase in harassment and violation against journalists further has led to self-censorship. The situation is aggravated by the fact that Ukrainian authorities refuse to investigate assaults on journalists and a free media system.¹⁰⁵ In the “Donetsk people’s republic” there is not only a self-censorship but, in fact, publications are subject to strict censorship by the “ministry of information policy”. Especially foreign media professionals face strong constraints on their ability to publish because mostly they were denied “accreditation”. This problem, however, does not affect Russian journalists.¹⁰⁶

Additionally, the OHCHR documented certain violations of the freedom of peaceful assembly and the freedom of association in whole Ukraine.¹⁰⁷ In the region of the “Donetsk people’s republic” protests were organized where people had to join in order not to be reported to their superiors.¹⁰⁸ In the areas controlled by armed groups OHCHR also observed restrictions on independent associations. In contrast to that the number of “governmental” organisations is increasing. In the part of Ukraine, which is under Government control, Communist party members repeatedly have been subject to harassment.¹⁰⁹

Conclusion

Although there have been various ceasefire agreements and mediation efforts by the OSCE, the conflict in eastern Ukraine is still far from over, which has a severe impact on human rights. In order to accomplish sustainable peace and security, it is necessary to ensure the full implementation of the *Minsk agreements*. As a first step to achieving this goal, it is of utmost importance, gradually to create disengagement areas as laid down in the *Framework agreement on Disengagement of Forces and Hardware*. If the military forces move further away from the contact line, withdraw their military equipment and demine the territories left behind, the intensity of the conflict possibly diminishes, causing less civilian and military casualties. Hence, for a sustainable ceasefire, there have to be found new measures in order to build up trust between the two warring parties. Only by realizing the Minsk Agreements, there is a basis for further negotiations and a possible settlement of the conflict. Furthermore, for reaching sustainable peace and security the situation within the different territories has to be improved – not only in the areas controlled by armed forces but also in those under governmental control. Fundamental Human Rights and Freedoms are violated on both sides of the contact line increasing the future conflict potential even more. For example, to end torture the UN should consider possible ways to improve access to places of deprivation of liberty.

Further research

To prepare themselves for the topic, delegates should focus on following questions:

Concerning their countries:

- Is her*her country already involved in the conflict?
- If the country is not affected by the conflict, did it already take sides in the conflict?
- Or did it get active in any way to help find a solution or to mediate between the two warring parties (such as for example Germany during the negotiations for *Minsk II*)?

¹⁰³ Ibid. p.24.

¹⁰⁴ Ibid. p.27.

¹⁰⁵ Ibid. p. 6.

¹⁰⁶ Ibid. p.27.

¹⁰⁷ Ibid. p.25-26.

¹⁰⁸ Ibid. p.25.

¹⁰⁹ Ibid. p.26.

Concerning the possibilities of the SC to support the *Minsk agreements* and the intentions of the Trilateral Conflict Group to build up a ceasefire:

- How can the SC ensure the realisation of the plan laid down in the *Framework agreement on Disengagement of Forces and Hardware*?
- Are there any ways to build up trust between the two warring parties or any other measures, which could accompany the already existing efforts such as the *Framework agreement on Disengagement of Forces and Hardware*, to create a ceasefire in accordance to the *Minsk Agreements*?
- Should there be a platform such as the *Trilateral Contact Group*, which includes not only Ukraine and Russia but also the armed forces controlling the regions of Donetsk and Luhansk?
- How can Russia's support of the separatist groups be addressed within the SC?
- Is it possible to guarantee a sustainable ceasefire, having in mind, that there have been already various attempts to diminish hostilities?

Concerning the protection of Human Rights within the different territories:

- Are there any possibilities to improve access to places of deprivation of torture in the areas controlled by the armed groups?
- How can the SC support efforts of the Ukrainian Government to train its Security Service in torture prevention? Can the SC advise the Government about possible other measure which supplement the training sessions?
- How can the situation at checkpoints be improved in order to ensure the right of movement?

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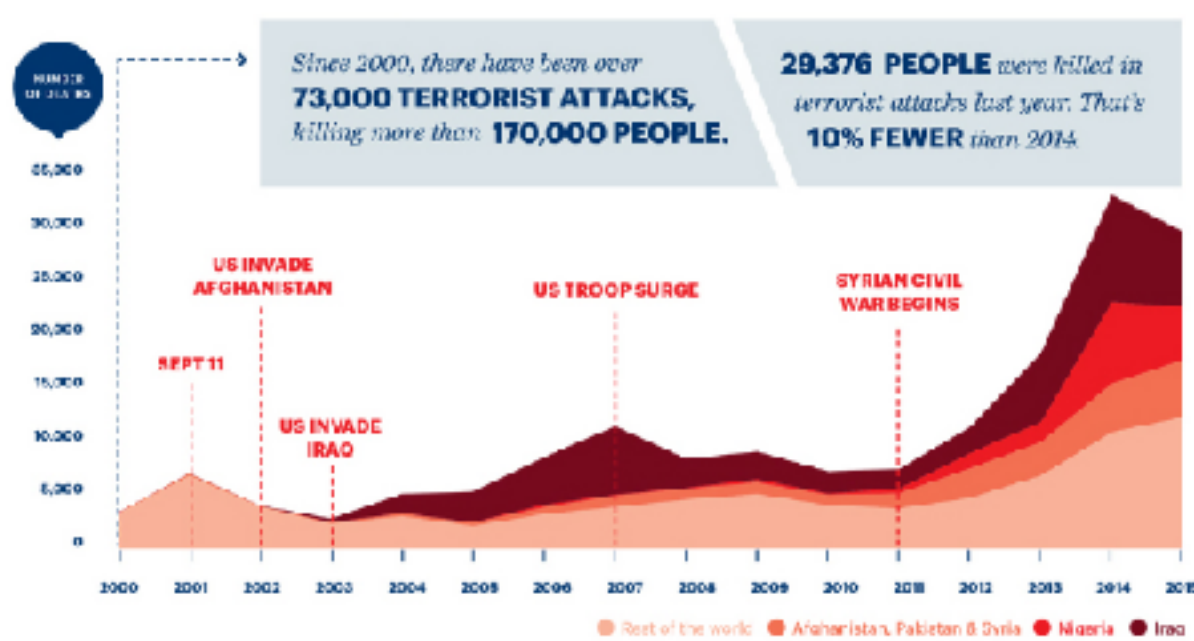
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II. Counterterrorism Measures

Introduction

Since 9/11 and the subsequent reinforced global fight against terrorism, terrorist incidents have increased rapidly, according to the Global Peace Index.¹¹⁰ Terrorist groups are mainly operating from Middle Eastern and North African countries (MENA), which are hence suffering from most attacks and report the most casualties. However, the rest of the world, especially Europe and the US, are also highly influenced by occasional terrorist attacks as well as the high number of refugees, emigrating from their home countries. The terrorist threat, predominantly caused by violent Islamic extremism, destabilizes countries on all continents. The growing number of terrorist incidents shows the failure of the current counter-terrorism approach. Thus new strategies for countering terrorism and new impulses by the United Nations Security Council are vital for reshaping and improving the current approach and effectively implementing new measures.



Deaths from Terrorist Attacks, source: <http://www.visionofhumanity.org/#/page/indexes/terrorism-index>

International and Regional Framework

Fourteen universal legal documents and four amendments have been passed within the UN since 1963 with the ultimate goal to prevent and counter terrorist acts. Significant achievements have shown in international conventions such as the *Convention for the Suppression of Unlawful Seizure of Aircraft* (1970), the *International Convention against the Taking of Hostages* (1979), the *Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation* (1988), the *Convention for the Suppression of Terrorist Bombings* (1997), the *International Convention for the Suppression of the Financing of Terrorism* (1999), the *Convention on the Suppression of Unlawful Acts relating to International Civil Aviation* (2010).¹¹¹ In the “*United Nations Global Counter-Terrorism Strategy*” which was adopted by the General Assembly on 8 September 2006, Member States emphasized the importance of existing international counter-terrorism instruments by pledging to consider becoming parties to them without delay and implementing their provisions.¹¹²

It is fundamental for the international community to prevent terrorist acts by fighting the roots of terrorism, to actively protect human rights and to strengthen state capacity to prevent terrorism. The UN General Assembly has successfully integrated the desires of all Member States by adopting the *UN Global Counter-Terrorism Strategy*¹¹³ by consensus in 2006. Reaffirmed by the resolution *A/RES/68/119*¹¹⁴ on measures to eliminate international terrorism as well as strengthening the existing instruments and bodies to combat terrorism, the

¹¹⁰ Vision of Humanity. 2016. *Global Terrorism Index 2016*.

¹¹¹ UN CTITF. 2016. *International Legal Instruments*.

¹¹² Ibid.

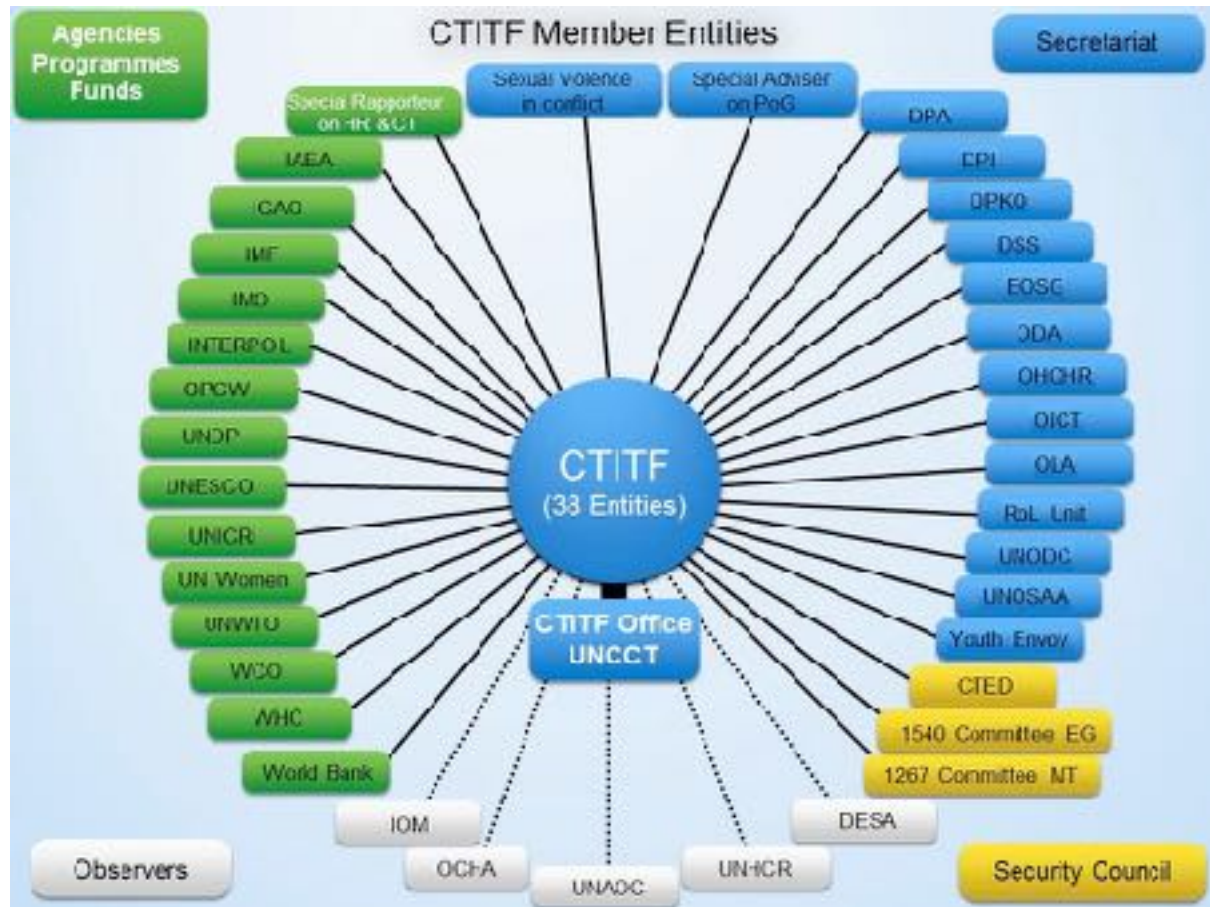
¹¹³ UN General Assembly. 2006. *A/RES/60/288*.

¹¹⁴ UN General Assembly. 2013. *A/RES/68/119*.

General Assembly also prosperously adopted the resolution *A/RES/68/187*¹¹⁵ on improving technical assistance to fight terrorism by cooperating with the UN Office on Drugs and Crime.

Counter-Terrorism Strategy

Until now, the strongest and most effective instrument to combat terrorism is the *Global Counter-Terrorism Strategy* from the General Assembly resolution *A/RES/60/288*¹¹⁶ that contained a concise Plan of Action in its Annex with four pillars (1) Measures to address the conditions conducive to the spread of terrorism, (2) Measures to prevent and combat terrorism, (3) Measures to build State' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system and (4) Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism. It further endorsed the *Counter-Terrorism Implementation Task Force (CTITF)* and the *United Nations Counter-Terrorism Centre (UNCCT)* established by the UN Secretariat to strengthen coordination and coherence of the UN's collective efforts in combating terrorism. The CTITF especially ensures that Member States are provided with policy supports as well as technical assistance when needed.¹¹⁷



CTITF Member Entities// Source: <https://www.un.org/counterterrorism/ctitf/en/structure>

Protection of Civilians

The protection of civilians is one of the major priorities for the UN for decades. In its unanimously adopted resolution *A/RES/68/178*,¹¹⁸ all Member States reaffirmed the importance of human rights' protection and simultaneously strengthened the refugee and humanitarian law while countering terrorism. In addition to the effort made by the General Assembly, a Special Rapporteur was appointed by the Human Rights Council in

¹¹⁵ UN General Assembly. 2013. *A/RES/68/187*.

¹¹⁶ UN General Assembly. 2006. *A/RES/60/288*.

¹¹⁷ UN CTITF. 2016. *About the Task Force*.

¹¹⁸ UN General Assembly. 2003. *A/RES/68/178*.

resolution 2005/80 to promote and protect human rights while countering terrorism, specifically the rights of victims of terrorism.¹¹⁹

Role of the international system

As a primary organ that is in charge of the maintenance of international peace and security, the Security Council plays an utmost important role in the field of counter-terrorism.

UN Security Council

Within the UN system, the Security Council is the lead body responding to counter-terrorism. Although countering terrorism has been on the agenda of the UN system for decades, the attacks against the United States on 11 September 2001 prompted the Security Council to adopt resolution 1373 in 2001, which established the *Counter-Terrorism Committee* (CTC)¹²⁰. The CTC works to bolster the ability of United Nations Member States to prevent terrorist acts both within their borders and across regions, and is assisted by the *Counter-Terrorism Committee Executive Directorate* (CTED), which carries out the policy decisions of the Committee, conducts expert assessments of each Member State and facilitates counter-terrorism technical assistance to countries.¹²¹

The UN system

Other UN entities have been actively discussed and dealt with counter-terrorism issues. Most recently, the UN General Assembly stressed the importance of balanced, integrated implementation of the “Global Counter-Terrorism Strategy” in its latest resolution A/RES/70/291¹²² adopted on the 1 July 2016.

Non-UN entities

The NATO has significant works on combating terrorism, including its focus on enhancing awareness of the threat, developing capabilities to prepare and respond, and strengthening engagement with partner countries and other international actors.¹²³ The NATO demonstrated its effort in the field of counter-terrorism by invoking its collective defense clause stated in Article 5 for the first and only time in response to the terrorist attacks of 11.09.2001.¹²⁴ The most important strategy is “*NATO’s policy guidelines on counter-terrorism*” with its focus on alliance efforts on awareness, capability and engagement.¹²⁵ The NATO not only strives to ensure shared awareness of terrorist threats through consultations, intelligence-sharing, strategic analysis and assessment, but also aims to establish adequate capabilities for prevention and protection against and response to terrorist threats.¹²⁶

The OSCE also acknowledges the growing threat of terrorism, a threat that can demolish peace, security and stability, as well as the enjoyment of human rights and social and economic development within the OSCE community and beyond.¹²⁷ Similar to the NATO, the OSCE also has its own guiding principles in countering terrorism, and it mostly focuses on promoting and strengthening cooperation among different international and regional actors. Noteworthy is a range of official documents demonstrating great achievements, among them are the “*2001 OSCE Bucharest Plan of Action for Combating Terrorism*”,¹²⁸ the “*OSCE Charter on Preventing and Combating Terrorism*” (2002),¹²⁹ the “*OSCE Ministerial Statement on Supporting the United Nations Global Counter-Terrorism Strategy*” (2007)¹³⁰ and the “*OSCE Consolidated Framework for the Fight against*

¹¹⁹ United Nations Victims of Terrorism Support Portal. 2015. *Special Rapporteur on Promotion and Protection of Human Rights while Countering Terrorism- Specific work on victims of terrorism*.

¹²⁰ United Nations. 2016. *United Nations Action to Counter Terrorism*.

¹²¹ Security Council. 2016. *Counter-terrorism Committee*.

¹²² UN General Assembly. 2016. *A/RES/70/291*.

¹²³ NATO. 2016. *Countering terrorism*.

¹²⁴ *Ibid*.

¹²⁵ NATO. 2016. *NATO’s policy guidelines on counter-terrorism*.

¹²⁶ NATO. 2016. *Countering terrorism*.

¹²⁷ OSCE. 2016. *Countering terrorism*.

¹²⁸ OSCE, 2001. MC(9).DEC/1.

¹²⁹ OSCE. 2002. MC(10).JOUR/2.

¹³⁰ OSCE. 2007. MC.DOC/3/07.

Terrorism” in the decision No. 1063¹³¹ of the OSCE Permanent Council. OSCE has countless and comprehensively contributed to the international effort against terrorism and will continue to promote dialogue and co-operation on counter-terrorism issues.

CSOs and Non-Government Organizations

Non-governmental organizations (NGOs) and *civil-society organizations* (CSOs) are important strategic partners to multiply the policies of the UN and work with the civil society in respective countries. They aid with tasks like fundraising, contacting lawmakers and establishing contact to local and regional stakeholders in order to conduct joint projects. The inclusion of regional instruments like the *African Union Counter-Terrorism Framework*¹³² or the *APEC Counter-Terrorism Task Force* (Asia-Pacific Economic Cooperation) can be an important asset in implementing regional and sub-regional UN programs.

Key Challenges

“The direct targets of the violence [caused by terrorism] are not the main targets.”¹³³ This means that the victims of a terrorist attack are usually not those, that the attack is directed against. Terrorist groups aim for a disruption of the system to the maximum extent possible in order to be able to reform the current system or ultimately create a new order;¹³⁴ The attacks are thus directed against the current system or the representatives of the system – the governments. Hence, the aim to affect and possibly take the lives of a large number of civilians, causing a maximum extend of economic, social and political damage. The UN and the international community need to confront ever-changing and renewing strategies and structures of terrorist groups, which have been adapting to the reinforced international response to terrorism after 9/11. A major challenge in this fight will be the trade-off between the increase of security and the upholding individual freedoms.¹³⁵

Changing Structures

The structures of terrorist groups have developed over the past years, modifying into more horizontal and bottom up systems. Firstly, this shows in ill-defined, decentralized structures within the terrorist organizations, which are much harder to tackle than original hierarchical structures with a clear distribution of responsibilities.¹³⁶ Targeting the leaders and empowered commanders as well as holding them accountable gets significantly more difficult, as they are usually impossible to identify. Secondly, it shows in the emergence of affiliate groups, which are leading independent insurgencies, as can be seen on the example of al-Qaida, analyzed in Security Council Report *A/68/841*.¹³⁷ This further exacerbates the identification of clear structures and objectives of terrorist groups. Not only the structures within one group are diversifying. The difficulties to project terrorist movements amplified by increasingly fluid strategies, which foster asymmetric and non-linear operations. These developments impede not only the drawing-up of targeted counter-terrorist programs but also the gathering of intelligence and the prediction of goals and targets. These trends imply the necessity of changing the methods of gathering intelligence to a more qualitative rather than quantitative analysis, which may be able to take into account the context of the situations.¹³⁸

Underdevelopment and Grievances

Operating out of failed states and using a political and social vacuum for expanding spheres of influence and power is not a new strategy. It has been working as a strategy for various groups like the Revolutionary Armed Forces of Colombia (FARC) or Al-Shabaab in Somalia This strategy to gain power and influence is continuously used and perfected by terrorist groups. It presents the terrorist groups with two advantages. Operating out of failed states, which serve as “safe havens”, terrorist groups use the inactiveness of the state to plan and conduct

¹³¹ OSCE. 2012. PC.DEC/1063.

¹³² African Union Peace and Security. 2015. *The African Union Counter Terrorism Framework*.

¹³³ Kumar, Chanchal. 2012. *Challenges of Global Terrorism-Strategies, Dimensions and Response: In Search of a Perspective*, p. 2.

¹³⁴ Ibid, p. 2, p. 6.

¹³⁵ Kumar, Chanchal. 2012. *Challenges of Global Terrorism-Strategies, Dimensions and Response: In Search of a Perspective*, p. 6.

¹³⁶ Council on Foreign Relations. 2013. *The Global Regime for Terrorism, sect. Strengths and Weaknesses – Overall Assessment*.

¹³⁷ United Nations Security Council. 2014. *Report of the Secretary General – Activities of the United Nations system in implementing the United Nations Global Counter-Terrorism Strategy, Clause 13, p. 3*.

¹³⁸ Kumar, Chanchal. 2012. *Challenges of Global Terrorism-Strategies, Dimensions and Response: In Search of a Perspective*, p. 5.

operations or even function as the new state power.¹³⁹ In addition, local grievances, underdevelopment and governance issues as well as missing economic opportunities foster anger and dissatisfaction of the masses towards the political leadership. This enhances radicalization and thus the support for extremist groups, which are often able to reveal a seemingly appealing alternative or even address grievances in the short term, frequently taking over state responsibilities of supply and protection.¹⁴⁰ Due to the notorious under-education in failed states, countering the narratives of terrorist groups is difficult. This promotes the recruitment of local followers for the terrorist cause. Fund For Peace identifies a slightly increasing number of states to be “on alert” to become fragile or failed states.¹⁴¹ Taking into account how terrorist groups are able to take advantage of fragile states, this is a worrisome development.

Countering intra-societal affinity for terrorist movements is precarious. Aggressive counter-terrorism approaches by the state or third states regularly cause civilians deaths and negatively affects their lives. Thus offensive methods have the potential to draw the citizens further away from the government and aggravate existing grievances. This in turn may be perceived by civilians as a legitimization for the terrorist cause and increase support for the terrorist organization.¹⁴² A more sustainable approach are recently introduced education programs related to inter-religious communication and exchange, community building, and others. They are conducted by national governments in cooperation with the CTC and are supposed to prevent the radicalization. However, the success of these programs cannot be verified yet.¹⁴³

Transnational Crime

Globalization opened up new possibilities for terrorism. Developments including but not limited to enhanced and easy communication, urbanization, and rapid means of transportation present terrorist groups with innovative opportunities to plan and carry out their operations. Terrorism is certainly not a consequence of globalization, but integration endows terrorists with new possibilities and means. Transnational organized crime is profiting from similar situations and developments. In the traditional sense, the purpose of terrorist groups and international criminal groups do not match.¹⁴⁴ However, their interests overlap in certain sectors. Financial means being vital for carrying out operations, terrorist groups employ criminal methods to gather financial assets. For this purpose, terrorist groups often use the expertise as well as the infrastructure of criminal organizations. This cooperation is based on the benefits and is solely a matter of business. Ideological ideas do not play a role for traditional crime networks.

Simultaneously with the growth of cooperation between terrorist groups and translational criminal groups, the differentiation between transnational organized crime and terrorism is more and more fluent. Nowadays, terrorist groups adapt characteristics of criminal groups and the other way around, if this serves their purpose. This confluence is a new development and still another example of how terrorist groups become more hybrid.¹⁴⁵ Whether terrorist groups and criminal organizations are connected by a business contract or whether both phenomena occur in one group – international crime and terrorism have the potential to foster and reinforce each other in different ways.¹⁴⁶

United Nations Capacities

Definition

The UN Member States have not been able to agree on a universal definition of terrorism so far. Due to severe differences in what different Member States perceive as terrorism, reaching a definition remains currently unrealistic and the UN will need to continue taking action without an official definition. This lack of a definition is a key problem in effectively countering terrorism on the global stage; it complicates negotiations on counter-terrorism approaches as the terms are vague and thus used incoherently. It is the main reason for the absence of

¹³⁹ Aziz, Sahar F. 2016. *Rethinking Counterterrorism in the Age of ISIS: Lessons from Sinai*, p. 2.

¹⁴⁰ Ibid, p. 6.

¹⁴¹ Fund For Peace. 2016. *The Fragile State Index*.

¹⁴² Aziz, Sahar F. 2016. *Rethinking Counterterrorism in the Age of ISIS: Lessons from Sinai*, p. 64.

¹⁴³ Council on Foreign Relations. 2013. *The Global Regime for Terrorism, sect. Strengths and Weaknesses - Developing Effective Terrorism Prevention Strategies*.

¹⁴⁴ While for criminal organization the profit is of primary importance, terrorist groups aim to change the system/ the „current order“, be it economic, political, religious, etc. Thus, criminal organizations will try to conduct their operations unnoticed by the state, whereas for terrorist group it is the major goal to disrupt the state order.

¹⁴⁵ Kumar, Chanchal. 2012. *Challenges of Global Terrorism-Strategies, Dimensions and Response: In Search of a Perspective*, p. 6.

¹⁴⁶ Galeotti, Mark. 2015. “*The Global Dimension of organized crime: transnational aspects.*” [lecture]

an general and overarching international treaty on terrorism, which is unlikely to be reached anytime soon.¹⁴⁷ Even the adoption of a more concrete counter-terrorism plan or an adequate response to terrorist threats poses difficulties before this background.¹⁴⁸

United Nations fields of advantage

One-size-fits-all counter-terrorism strategies are not able to tackle the various forms of terrorism in the current global environment. Thorough investigation of the underlying issues and the framework in which the terrorist groups act are of vital importance. The cooperation with local experts is indispensable for long-term success and self-reliant programs.¹⁴⁹ Due to changing realities, more emphasis is put on the balance between soft power and hard power in accomplishing counter-terrorism objectives within the UN framework, especially through the *Global Counter-Terrorism Strategy*.¹⁵⁰

The UN can foster above mentioned goals by strategically leading the global counter-terrorism efforts and coordinating various counter-terrorism approaches. Uniting 193 Member State and cooperating with various governmental and non-governmental organizations, it is the ideal platform to convene all stakeholders and foster dialogue and cooperation. One aspect of this is to take the primary role as a norm-setting institution, identifying connecting norms and values that the counter-terrorism measures have to be based on. Furthermore, the UN has unequivocal advantages acting as the main capacity building body. A vital goal is to establish self-reliant states with the capabilities to counter terrorist groups and prevent terrorist movements. Finally, functioning as a monitor while reviewing, reinforcing and adapting existing measures is an important mechanism to ensure the high standard of counter-terrorism measures within the UN.¹⁵¹ The *Global Counter-Terrorism Strategy* touches upon some of these tasks. However, the four pillar cannot take full effect as they are not sufficiently incorporated into the existing instruments.

Inclusive and multidimensional approach

The *Global Counter-Terrorism Strategy* with its four pillars gives an important framework for sustainably countering terrorism. A central strength is its emphasis on preventing conditions conducive to the spread of terrorism (pillar 1), which stresses the importance of effective prevention. However, the strategy did not earn enough attention with Member States and is not implemented rigorously enough in the various approaches by different UN bodies, including the Security Council. One reason this multidimensional approach has not been implemented as swiftly as possible is the role of the CTITF. Composed of more than thirty entities, the particular interests of the bodies often take precedence before an inclusive and coherent approach tackling terrorism.¹⁵² Therefore the CTITF and the UNCCCT did not manage to provide the leadership that is necessary to firstly, unite various approaches of different UN and third-party agencies into one targeted strategy and secondly, refine this approach into a self-sustaining counter-terrorism system within the UN system.¹⁵³

Thus, the UN, including the SC, continues supporting a security-driven, rather than a development-driven counterterrorism strategy.¹⁵⁴ This approach, namely the exclusive conduction of legal and law enforcement measures, is disapproved by the Group of 77.^{155,156} Law enforcement measures are predominantly implemented after an attack and therefore not bolstering the prevention of the rise of terrorism.¹⁵⁷ Therefore, the security-centered approach by the SC is criticized for not countering root causes and consequently not being sustainable.

¹⁴⁷ There are several international treaties concerning terrorist, however all of them are related to a specific challenge rather than terrorist in general.

¹⁴⁸ Council on Foreign Relations. 2013. *The Global Regime for Terrorism, sect. Strengths and Weaknesses - Establishing Counterterrorism Norms*.

¹⁴⁹ Aziz, Sahar F. 2016. *Rethinking Counterterrorism in the Age of ISIS: Lessons from Sinai*, p. 65.

¹⁵⁰ Cockayne, Millar, Cortright & Romaniuk. 2012. *Reshaping United Nations Counterterrorism Efforts*, p. iii.

¹⁵¹ Cockayne, Millar, Cortright & Romaniuk. 2012. *Reshaping United Nations Counterterrorism Efforts*, p. iii.

¹⁵² Council on Foreign Relations. 2013. *The Global Regime for Terrorism, sect. Strengths and Weaknesses – Overall Assessment*.

¹⁵³ Cockayne, Millar, Cortright & Romaniuk. 2012. *Reshaping United Nations Counterterrorism Efforts*, p. iv.

¹⁵⁴ Aziz, Sahar F. 2016. *Rethinking Counterterrorism in the Age of ISIS: Lessons from Sinai*, p. 3ff.

¹⁵⁵ The Group of 77 (G-77) is the largest intergovernmental organization of developing countries in the UN, providing countries of the South with a platform to articulate and promote collective economic interests. Group of 77. 2016.

¹⁵⁶ Council on Foreign Relations. 2013. *The Global Regime for Terrorism, sect. Strengths and Weaknesses – Overall Assessment*.

¹⁵⁷ Reardon, Martin. 2014. *Big rethink for Counterterrorism*.

While promoting international peace and security is the main focus of the Security Council, it is vital to take into account other aspects than the establishment of short-term security but addressing underlying issues of terrorism. It is of special importance that the SC, as the one organ able to pass legally binding resolutions, supports inclusive initiatives, which are already promoted by other UN bodies.¹⁵⁸

States have become aware of the importance of the prevention of radicalization, which are especially achieved through pillars I and IV in the *Global Counter-Terrorism Strategy*. The prevention of radicalization tackles one of the most important root causes of terrorism. However, these pillars are not implemented well enough yet.¹⁵⁹ Through the security-driven approach UN counter-terrorism measures predominantly focus on the symptoms rather than on root causes and underlying issues. It is a common phenomenon, that counter-terrorism capacities are used in regions or countries currently struggling with terrorist activities, whereas areas potentially suffering from terrorist activities in the future, are not sufficiently taken into account.¹⁶⁰ Although countering terrorist activities is vital for upholding international security and stability, a reinforced focus on the prevention of terrorist movements has the potential to avoid the much more difficult fight against terrorist groups in the future.

Recognition of the measures

Hesitant leadership by the CTITF and missing enforcement of the multidimensional strategy are not the only reason that hinder a joint and forceful front against terrorism. A single legal umbrella for counterterrorism measures is not feasible as some countries do not rank terrorism as a priority threat. Especially African countries often have more pressing issues and thus do not consider terrorism a priority. Thus, they neither abide to the obligatory and agreed-on steps nor do they report back to the CTC.¹⁶¹ The CTC does not have a mandate to punish states not abiding to obligations and they have never referred a case back the UNSC.¹⁶² Therefore, the local enforcement of SC policies, which are predominantly pursued by the CTC, is inadequate. An aggravating factor is that the CTC is not considered to be legitimate by all Member States. As an SC sub-committee it is considered to be out of touch with relevant countries effected by terrorism, as those countries are predominantly not Members of the SC.¹⁶³

Implementation of the measures

Despite efforts by the CTC to aid countries, especially less and least developed nations were not able to implement many of the legal mechanisms.¹⁶⁴ The work of the CTC and the CTED as well as the CTITF are worthwhile in the sense, that they manage to cooperate with local authorities and thus add a lot of value to capacity building initiatives. However good this approach is, opportunities are being lost, as these field missions lack UN guidance. This results in bad coordination of the field program and a bad connection to the UN system. The lack of donor demands, resource constraints and poor information circulation, further obstruct the successful implementation of CTC mechanisms.¹⁶⁵ Only eight Member States are parties to all UN treaties and instruments countering terrorism. Especially countering of financing terrorism and preventing terrorists from acquiring WMD lacks capability and willingness.

Conclusion

Terrorist groups have been rapidly developing their strategies and structures, adapting to enhanced global integration, new economic possibilities and reinforced security frameworks. The United Nations is slowly introducing a more comprehensible counter-terrorism approach, taking into account addressing underlying issues, preventive measures, capacity building and strengthening of human rights. Still, the United Nations have not adapted to the reality of rapidly changing and highly complex structures of terrorist groups. The existing measures are not implemented rigorously enough and especially the UNSC has not effectively revised its counter-terrorism strategies and measures. Focusing on traditional security concerns and partly on human rights issues rather than tackling root causes and preventive measures, the UNSC is missing out on the opportunity to implement more sustainable solutions.

¹⁵⁸ Cockayne, Millar, Cortright & Romaniuk. 2012. *Reshaping United Nations Counterterrorism Efforts*, p. v.

¹⁵⁹ Council on Foreign Relations. 2013. *The Global Regime for Terrorism*, sect. Scope of the Challenge.

¹⁶⁰ Ibid, sect. Strengths and Weaknesses - Developing Effective Terrorism Prevention Strategies.

¹⁶¹ Ibid, sect. Strengths and Weaknesses – Overall Assessment.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid, sect. Strengths and Weaknesses - Developing Effective Terrorism Prevention Strategies.

¹⁶⁵ Cockayne, Millar, Cortright & Romaniuk. 2012. *Reshaping United Nations Counterterrorism Efforts*, p. v.f.

Further research

To prepare themselves for the topic, delegates should focus on following questions:

Concerning their countries:

- Is the country effected by terrorism, either as a source and/or basis for terrorist supporters and groups or as a main target for terrorist attacks?
- How is the country involved in countering terrorism? Is terrorism perceived as a major threat?
- Which international instruments, treaties, UN documents etc. does the country support?

Concerning the key challenges originating from terrorism:

- Which are, according to your country, the key challenges in fighting terrorism?
- How can the UNSC and its subsidiary committees adapt to the rapid changes to structures and strategies of terrorist groups?
- How can the UNSC address the increasing cooperation and confluence of terrorist groups and translational criminal organizations?
- How can root causes and underlying problems promoting terrorism be identified and countered more effectively?

Concerning revising UNSC counterterrorism measures:

- Which UNSC and CTC measures and programs need to be reformed and how?
- Does the Counter-Terrorism Strategy need reform? If so, how can the UNSC positively encourage such a development?
- How can the UNSC implement all four pillars of the Counter-Terrorism Strategy as well as new strategic approaches into its measures?
- How can the UNSC improve cooperation with other UN agencies while countering terrorism?
- How can the UNSC gather vital information more reliably and turn them into effective counter-terrorism measures?
- How can the UNSC address the current and upcoming key challenges by improving its counter-terrorism approach and measures?
- Does your country support a more comprehensive counter-terrorism strategy? How should this look and how should it be implemented in the UNSC?

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