



17-19 January 2020

SECURITY COUNCIL

Background Guide

written by:

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DEAR DELEGATES,

It is a great honor to welcome you to the **Security Council** of Erfurt Model United Nations 2020.

The topics on the agenda will be:

- I. **The Situation in Yemen**
- II. **Maintenance of International Peace and Security: Countering Terrorism**

This Background Guide supports your preparation for the conference. It offers you a comprehensive overview of the committee as well as both topics and will help you focus your further research on the most relevant aspects. We encourage you to thoroughly delve into your countries' policies and their positions concerning the topics. 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 the Security Council, please do not hesitate to contact mun@uni-erfurt.de.

Sincerely,

Carina, Johanna

MEET YOUR CHAIR

Carina Kertscher (President)

Carina studies International Relations and Social Sciences at the University of Erfurt. After she participated in several national MUN conferences and LisboMUN in spring 2019, she is a tutor for the current Erfurt delegations.

Johanna Günkel (Vice President)

Johanna studies International Relations and Social Sciences at the University of Erfurt. Besides participating in several national and international MUN conferences such as NMUN New York 2018, she was a tutor for the Erfurt delegation to NMUN China 2018.

TABLE OF CONTENTS

- Abbreviations 3**
- Committee Overview 7**
 - Introduction 7
 - History..... 7
 - Governance, structure and membership..... 8
 - Presidency..... 9
 - Voting..... 9
 - Functions and powers..... 9
 - Current Issues 10
 - Bibliography 11
- I. The Situation in Yemen 13**
 - Roots of the conflict..... 15
 - International Legal Framework..... 18
 - Regional Legal Framework..... 18
 - The Role of the International System in the Yemen Peace Process 19
 - Conclusion..... 23
 - Further Research..... 24
 - Bibliography 25
- II. Maintenance of International Peace and Security: Countering Terrorism 30**
 - Introduction 30
 - International Framework 31
 - Regional Frameworks..... 32
 - The Role of the International System 33
 - Key Challenges 34
 - Conclusion..... 38
 - Further Research..... 38
 - Bibliography 39

ABBREVIATIONS

AIO	Administrative and Information Office
AP I	Additional Protocol I to the Geneva Conventions
AP II	Additional Protocol II to the Geneva Conventions
AQAP	Al-Qaeda in the Arabian Peninsula
ASEAN	Association of Southeast Asian Nations
ATAO	Assessment and Technical Assistance Office
AU	African Union
CTC	Counter-Terrorism Committee
CTED	Counter-Terrorism Executive Directorate
CTITF	Counter-Terrorism Implementation Task Force
DO	Designated Official
DPO	Department of Peace Operations
EU	European Union
FATF	Financial Action Task Force
FTF	Foreign Terrorist Fighters
GC	Geneva Convention
GCC	Gulf Cooperation Council
GCTF	Global Counterterrorism Forum
GEE Yemen	Group of Eminent Experts on Yemen
GPC	General People's Congress
HC	Humanitarian Coordinator
ICAO	International Civil Aviation Organization
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IHL	International Humanitarian Law
INTERPOL	International Criminal Police Organization
ISIL Yemen	Islamic State of Iraq and the Levant Yemen
MINUSCA	United Nations Multidimensional Integrated Stabilization Mission to the Central African Republic
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MONUSCO	United Nations Organization Stabilization Mission in the DR Congo
NATO	North Atlantic Treaty Organization
NDC	National Dialogue Conference
OAS	Organization of the American States
OAU	Organization of African Unity
OIC	Organization of Islamic Cooperation
OSCE	Organization for Security and Co-operation in Europe
OSESGY	Office of the Special Envoy of the Secretary-General for Yemen
PDRY	People's Democratic Republic of Yemen
PKO	Peacekeeping Operation
RC	Resident Coordinator
RCC	Redeployment Coordination Committee
STC	Southern Transitional Council
UAE	United Arab Emirates

UN	United Nations
UNCCT	United Nations Counter-Terrorism Centre
UNCh	Charter of the United Nations
UNDP	United Nations Development Programme
UNHCT	United Nations Humanitarian Country Team
UNMHA	United Nations Mission to support the Hudaydah Agreement
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNOCT	United Nations Office of Counter-Terrorism
UNODC	United Nations Office on Drugs and Crime
UNOPS	United Nations Office for Project Services
UNVIM	United Nations Verification and Inspection Mechanism for Yemen
USSR	Union of Soviet Socialist Republics
YAR	Yemen Arab Republic

COMMITTEE OVERVIEW

Introduction

After the devastating effects of two world wars, the International Community decided to establish the United Nations (UN) as an intergovernmental organization with the primary responsibility of maintaining international peace and security and creating the conditions conducive to economic and social development while advancing universal respect for human rights.¹ The UN Security Council was established as one of its six principal organs² and was given the primary responsibility to preserve international peace and security.³

The founding of the United Nations marks a significant turning point especially in Western legal history. While earlier the idea that there could be a “just war” (*bellum iustum*) dominated the legal-philosophical debates, the UN Charter (UNCh) abolishes every right to war (*jus ad bellum*) once and for all.⁴ As Art. 2(3) of the UNCh states, “[a]ll Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.”⁵ That also means that any use of force is strictly forbidden (Art. 2(4) UNCh).⁶ Chapter VII of the Charter determines that only the Security Council has the monopoly to the use of force.⁶ Though, the use of military means may only be the last resort (*ultima ratio*) in a response to a violation of international law by a state and necessarily requires a mandate by the Security Council.⁷ The only exception is regulated in Art. 51 UNCh where the UN impair “the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations”, but only “until the Security Council has taken measures necessary to maintain international peace and security.”⁸

History

The Security Council held its first session on 17 January 1946 at Church House, Westminster, London. After its first meeting, the Council relocated to its permanent residence at the UN Headquarters in New York City.⁹ Until 1965, the Security Council was composed of only six non-permanent members rotating every two years alongside the five permanent members.¹⁰ Until 1971, the Republic of China (Taiwan) represented China as Permanent Member at the Security Council, then it lost its seat to the People’s Republic of China.¹¹ Until 1991, the Union of Soviet Socialist Republics (USSR) had a permanent seat in the UN Security Council – after the USSR’s dissolution, the Russian Federation continued the membership of the USSR in the Security Council and all other UN organs with the support of the 11 member countries of the Commonwealth of Independent States.¹²

¹ UN, *Charter of the United Nations*, 1945. Art. 1(1).

² Ibid.

³ Ibid. Art. 24(1); UN Security Council. *What is the Security Council?*, 2019.

⁴ United Nations, *Charter of the United Nations*, 1945. Art. 2(4); International Committee of the Red Cross. *What are jus ad bellum and jus in bello?*, 2015.

⁵ United Nations, *Charter of the United Nations*, 1945. Art. 2(3)

⁶ Ibid. Art. 2(4).

⁶ Ibid. Art. 39ff.

⁷ Ibid. Art. 36 and Art. 42ff.

⁸ Ibid. Art. 51.

⁹ UN Security Council, *What is the Security Council?*, 2018; McVeigh. *Seven key questions in 70 years of the UN security council*, 2016.

¹⁰ UN General Assembly, *A/RES/1991(XVIII)*, 1963.

¹¹ CFR, *What criticisms has the Security Council faced?*, 2019.

¹² Blum, *Russia Takes over the Soviet Union’s Seat at the United Nations*, 1992.

Governance, structure and membership

The Security Council consists of 15 members¹³ and is the only organ whose resolutions are binding and must be implemented by the UN Member States.¹⁴ Five Member States (the United States of America, the People's Republic of China, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation and the French Republic) hold permanent seats in the Security Council, which go along with the entitlement to veto decisions.¹⁵ Apart from the Permanent Member States, there are ten nonpermanent members to the Security Council.¹⁷ In 2020, the non-permanent members will be Belgium, the Dominican Republic, Estonia, Germany, Indonesia, Niger, Saint Vincent and the Grenadines, South Africa, Tunisia, and Viet Nam.¹⁶ Non-permanent members are elected by the General Assembly for two years with the seats being distributed on a regional basis.¹⁷ Five seats are distributed for African and Asian countries, one seat for Eastern European countries, two seats for Latin American and Caribbean countries, and two seats for Western European and other countries.¹⁸ After a Non-Permanent Member State has retired it is not eligible for immediate re-election.¹⁹ Each member of the Security Council has one representative.²⁰ Furthermore, each member of the Security Council has one vote.²¹ Member States and non-member states which are not part of the Security Council may participate in meetings without the privilege to vote if matters are being discussed which affect the interest of said state. However, the Security Council needs to issue an invitation and can set the condition for the participation of a nonmember state of the UN.²²

The Security Council is responsible for the maintenance of international peace and security.²³ If the Security Council determines a threat to peace it usually promotes a peaceful agreement between the parties involved.²⁴ If hostilities occur, the main priority of the Security Council is to bring them to an end by issuing ceasefire directives and dispatching military observers or peacekeeping forces.²⁵ Lastly, the Security Council determines the imposition of sanctions and enforcement measures according to Art. 39 UNCh, such as economic sanctions, arms embargoes, financial penalties and restrictions, blockade or even military action, to name a few.²⁶

In order to come to a decision, the Security Council needs nine members in favor and no permanent member using their veto power by voting against (although a "power of veto" is not explicitly mentioned in the Charter, the fact that "substantive" decisions by the Security Council require "the concurring votes of the permanent members", as determined in Art. 27(3) UNCh,²⁷ means that any of those permanent members can prevent the adoption by a so-called "negative vote"). A permanent member's abstention

¹³ Ibid. Art. 23(1).

¹⁴ Ibid. Art. 25.

¹⁵ Ibid. Art. 23 and Art. 27(3).

¹⁷ Ibid. Art. 23.

¹⁶ United Nations, *General Assembly Elects Estonia, Niger, Saint Vincent and the Grenadines, Tunisia, Viet Nam as NonPermanent Members of Security Council for 2020-2021*, 2019.

¹⁷ United Nations, *Charter of the United Nations*, 1945. Art. 23(1).

¹⁸ UN Security Council, *Frequently Asked Questions: How are the non-permanent members selected?*, 2019.

¹⁹ UN, *Charter of the United Nations*, 1945. Art. 23(2).

²⁰ Ibid. Art. 23(3).

²¹ Ibid. Art. 27(1).

²² Ibid. Art. 31f.

²³ Ibid. Art. 24(1) and (2).

²⁴ Ibid. Chapter VI.

²⁵ UN Security Council, *What is the Security Council?*, 2019.

²⁶ Ibid.; United Nations, *Charter of the United Nations*, 1945. Art. 39 and Chapter VII.

²⁷ Ibid. Art. 27(3).

from voting does not count as a veto and therefore does not alter the prospects of the decision.²⁸ Pursuant to Art. 29 UNCh, the Security Council is enabled to create subsidiary bodies to support the committee in executing its functions.²⁹ The Security Council can create committees such as ad-hoc sanction committees or the Counter-Terrorism Committee. All fifteen members are represented in each committee.³⁰ Furthermore, the Security Council can initiate peacekeeping operations and political missions which consist of military, police and civilian personnel.³¹ Lastly, the Security Council is empowered to set up international courts and tribunals such as the International Crime Tribunal for the former Yugoslavia (ICTY) and the International Crime Tribunal for Rwanda (ICTR).³²

Presidency

Each member of the Security Council holds the presidency of the Council for one month, rotating according to alphabetical order.³³ Security Council meetings can be held at any time when convened by the President and by the request of any Member State. Under Art. 35 UNCh, the President shall call a meeting if a dispute or situation calls the Council's attention.³⁴ The provisional agenda for each meeting is set by the UN Secretary-General and is further approved by the Security Council President.³⁵

Voting

Vote on Procedural Matters

Votes on procedural matters (e.g. organization of the agenda) require a majority vote. This implies that there need to be nine members voting affirmatively on the matter for it to pass.³⁸

Vote on Substantive Matters

Votes on substantive matters, such as the establishment of a peacekeeping force, also require an affirmative majority vote of nine members. Furthermore, the P5 need to be among the majority vote.³⁹

Functions and powers

Under the Charter, the Security Council holds the following functions and powers:

- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction or give rise to a dispute;
- to recommend methods of adjusting such disputes or the terms of settlement;
- to formulate plans for the establishment of a system to regulate armaments;
- 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;

²⁸ Ibid. Art. 27; UN Security Council, *About the Council. Practices, Procedures and Working Methods. Voting System*, 2019.

²⁹ Ibid. Art. 29.

³⁰ UN Security Council. *Committees, Working Groups and Ad Hoc Bodies*, n.d.

³¹ Ibid.

³² Ibid.

³³ UN Security Council, *Security Council Presidency*, 2019.

³⁴ United Nations, *Charter of the United Nations*, 1945. Art. 35

³⁵ UN Security Council, *About the Council. Practices, Procedures and Working Methods. Repertoire of Security Council Practice. Procedural Issues. Provisional Rules of Procedure. Chapter 2 (Agenda)*. Rule 7, 2019. ³⁸ United Nations, *Charter of the United Nations*, 1945. Art. 27(2). ³⁹ Ibid. Art. 27(3).

- to take military action against an aggressor;
- 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.³⁶

In brief, the Security Council holds sanctions, diplomatic tools, military action and partnerships with national and international organizations as mechanisms to guarantee international security.³⁷ Pursuant to Art. 25 UNCh, all members of the UN “agree to carry out and accept the decisions of the Security Council in accordance with the present Charter.”³⁸ This implies that the Security Council is able to bestow legally binding obligations on the Member States.³⁹

Current Issues

So far in 2019, the Security Council held 188 meetings, adopted 38 resolutions and issued nine presidential statements.⁴⁰ The Security Council especially focused on country-specific issues.⁴¹ Of the 38 resolutions the Security Council has adopted in 2019, 31 dealt with country-specific or regional situations, whereas only 7 resolutions addressed thematic issues.⁴⁶ The Security Council has, for instance, issued five resolutions concerning the situation in the Middle East in 2019, including resolution 2481(2019), which addresses the ongoing conflict in Yemen.⁴²

The thematic issues the Security Council has predominantly addressed in its recent sessions include women, peace and security; protection of civilians in armed conflict; and threats to international peace and security including terrorism.⁴³ For example, resolution 2467(2019) on sexual violence in conflict called for the prevention and combating of sexual violence in conflict and post-conflict situations.⁴⁴ Furthermore, the Security Council unanimously adopted resolution 2482(2019) over threats to international peace and security, focusing on the trafficking of arms, persons, drugs, artefacts and cultural property as a means to finance or logistically support terrorist activities.⁴⁵ Finally, the Security Council increasingly discusses threats to peace, security and development caused by climate change.⁴⁶ Even though it is highly controversial among Member States whether the Security Council should address climate change as a threat to international peace and security, the Security Council continues to consider effects of climate change in various resolutions.⁴⁷

³⁶ Ibid. Chapters VI and VII.

³⁷ UN Security Council, *What is the Security Council?*, 2019.

³⁸ United Nations, *Charter of the United Nations*, 1945, Art. 25.

³⁹ Ibid.

⁴⁰ As of 30 September 2019; UN, Dag Hammarskjöld Library, *Security Council Meetings in 2019*, 2019.

⁴¹ Ibid.

⁴⁶ Ibid.

⁴² UN Security Council, *The Situation in the Middle East (S/RES/2481(2019))*, 2019.

⁴³ Ibid.

⁴⁴ UN Security Council, *Women and peace and security: Sexual violence in conflict (S/RES/2467(2019))*, 2019.

⁴⁵ UN Security Council, *Threats to international peace and security (S/RES/2482(2019))*, 2019.

⁴⁶ SDG Knowledge Hub, *UNSC Debates Climate Change Impact on Peace, Security and Development*, 2019.

⁴⁷ UN News, *Climate change recognized as ‘threat multiplier’, UN Security Council debates its impact on peace*, 2019.

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United Nations, Security Council. 8514th Meeting. (2019). *Women and peace and security: Sexual violence in conflict (S/RES/2467(2019))* [Resolution]. Retrieved 30 September 2019 from: [https://undocs.org/S/RES/2467\(2019\)](https://undocs.org/S/RES/2467(2019)).

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I. THE SITUATION IN YEMEN

The Yemen civil war “is not a single conflict but is rather a mosaic of multifaceted regional, local, and international power struggles that are the legacy of recent and long past events.”⁴⁸ Since the unification of the Yemen Arab Republic (YAR) and the People’s Democratic Republic of Yemen (PRDY) in 1990, the territory and the people of Yemen have witnessed various devastating wars.⁴⁹ The current conflict is a civil war, which is rooted in two major developments. First, Yemen has become increasingly politically and economically instable as the reign of the country’s former long-time President Ali Abdullah Saleh came to an end following the “Arab Spring” protests.⁵⁰ Second, armed conflicts between the Yemeni government and the Houthi rebel group have been ongoing since 2004.⁵¹

In 2011, President Saleh resigned and his Vice President, Abdrabbuh Mansur Hadi became the leader of the transitional government and remains president of Yemen’s officially recognized government until today.⁵² The current conflict was sparked in 2015, when Hadi was overthrown by Ansar Allah (Partisans of God) which is a Shiite rebel group also known as the Houthis.⁵³ The Houthis seized control of the northern Saada province and took the capital Sanaa in January 2015, forcing President Hadi to establish a temporary capital in the port city of Aden before he was forced into exile abroad.⁵⁴ As a reaction, Saudi Arabia and eight other states began conducting airstrikes, including inter alia the Operation Decisive Storm, against the Houthis insurgents in 2015, aiming at restoring the Hadi government.⁵⁵ Yet, there are additional factors which complicate the domestic political situation. Indeed, the Southern Movement called Al-Hiraak al-Janoubi emerged already in 2007 and rejects the rule of the south by the north (the Saleh government) and advocates southern independence.⁵⁶ Furthermore, due to the political and economic instability of the country, terrorist activities and influence from both Al-Qaida in the Arabian Peninsula (AQAP) and the Islamic State of Iraq and the Levant – Yemen (ISIL-Yemen) in southern, eastern and central Yemen have increased.⁵⁷ Moreover, the relationships between the Hadi government, the Houthi rebels as well as the pro-Saleh forces is further complicated by the involvement of regional powers, such as Saudi Arabia, Iran and the United Arab Emirates (UAE), that have supported the Hadi government, the Houthis, and the Southern Movement, respectively.⁵⁸

Subsuming, the current civil war is largely a product of geographical and religious fault lines as well as historical conflict structures.⁵⁹ In fact, the country’s split into the YAR in the north and the PDRY in the south reflects the historical division under Ottoman and British rule, respectively.⁶⁰ Parts of the former YAR are predominantly Zaydi Shiite, whereas Sunni Muslims form the majority elsewhere.⁶¹ Additionally, former President Saleh used to be President of former YAR, while President Hadi has more connections to the south.⁶²

⁴⁸ ECFR, *Mapping the Yemen Conflict*, 2019.

⁴⁹ Ibid.

⁵⁰ UN News, *Yemen: UN welcomes new government aimed at bringing peace to country*, 2014.

⁵¹ Ibid.

⁵² UN Foundation, *A Brief Background*, n.d.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ UN Political and Peacebuilding Affairs, *Yemen*, n.d.

⁵⁶ Southern Hiraak, *About the Southern Movement (Al-Hiraak)*, 2019.

⁵⁷ CIA, *World Factbook, Yemen*, n.d.

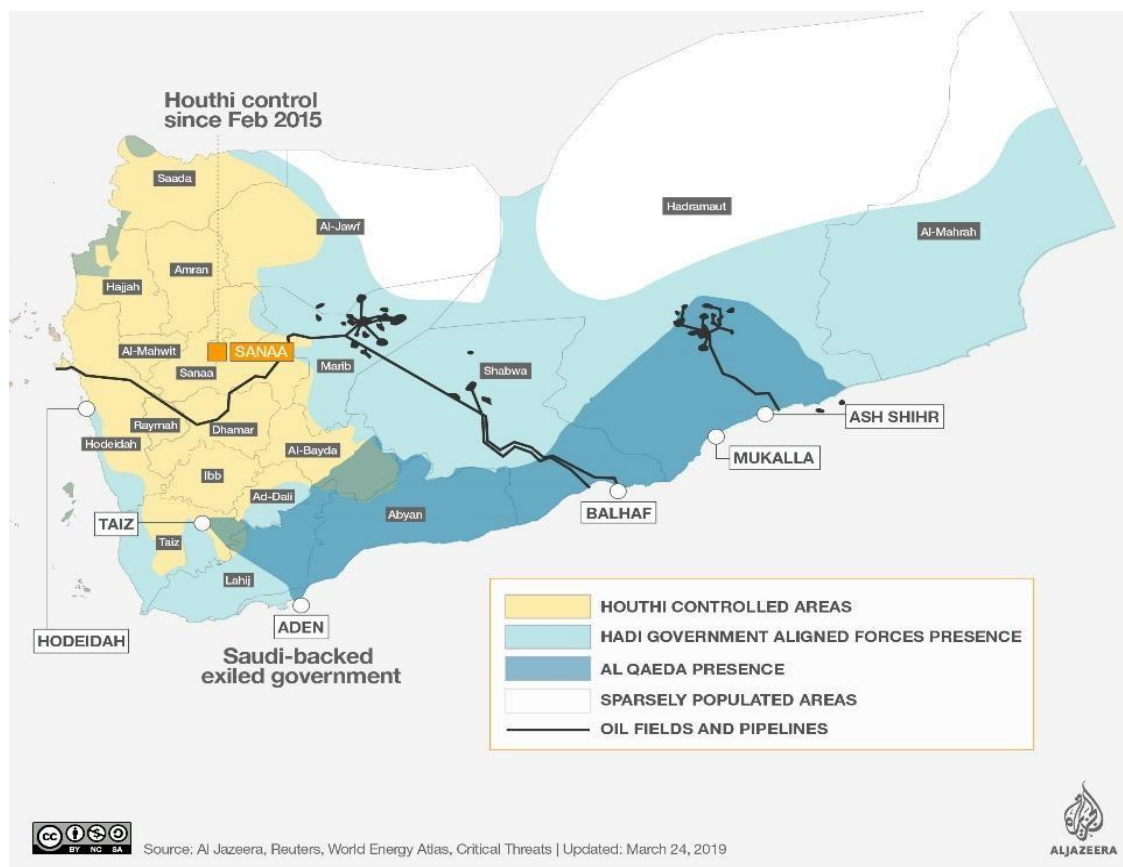
⁵⁸ UN News, *At UN, Yemen Foreign Minister demands end to ‘Iranian-Houthi coup d’etat’*, 2018.

⁵⁹ CFR, *Yemen in Crisis*, 2016.

⁶⁰ ECFR, *Mapping the Yemen Conflict*, 2019.

⁶¹ Ibid.

⁶² Ibid.



Chughtai, A., Edroos, F. *Yemen conflict: Who controls what*, 2019.

The conflict has “grave implications for the country’s future and the whole region.”⁶³ In fact, the Sunni state of Saudi Arabia fears involvement of the Shiite Islamic Republic of Iran, potentially leading to a proxy war in Yemen, which has the potential to destabilize the region.⁶⁴ In addition, the conflict has gained international attention because of its grave implications for the Yemeni population. According to a 2019 UNDP study, the conflict would have caused approximately 233,000 deaths plus 140,000 deaths of children under the age of five if it were to end in 2019.⁶⁵ Further, more than four years of ongoing violence have reversed decades of development progress in Yemen.⁶⁶ Therefore, it has been on the UN’s agenda since 2011, when the UN were involved in mediation talks during the transition government period.⁶⁷

As a reaction, the UN has undertaken measures to mitigate the effects resulting from the conflict by mediating the conflict through providing support to regional organizations. However, the situation remains volatile because of the Yemeni government’s inability to exercise effective control over large parts of the territory.⁶⁸ Furthermore, loyalties between the different armed groups are constantly changing, leading to complex relationships within Yemen and between Yemen and its neighboring countries.⁶⁸

⁶³ UN, OSESGY, *Background*, 2019.

⁶⁴ Nichols, M., *U.N. Yemen envoy says ‘not entirely clear’ who is behind Saudi oil attack*, 2019.

⁶⁵ UNDP, *Assessing the Impact of War on Development in Yemen*, p. 7, 2019.

⁶⁶ UN Yemen, *UNDP Administrator’s Statement: Mission to Yemen*, n.d.

⁶⁷ UN, Political and Peacebuilding Affairs, *Special Envoy Yemen*, n.d.

⁶⁸ Arimatsu & Choudhury, *The Legal Classification of the Armed Conflicts in Syria, Yemen and Libya*, 2014, pp. 20-33

⁶⁸ Ibid.

Roots of the conflict

Main parties

The Hadi Government Forces

President Abd Ramuh Mansur Hadi has been President of Yemen since 2012, after serving as Vice-President from 1994 to 2012.⁶⁹ Pro-government forces are mainly constituted of Sunni tribesmen from the south, and separatists who are helping to keep the city Aden out of Houthi control.⁷⁰ In early 2015, Hadi government forces and coalition group troops restored power in many parts of southern Yemen and managed to establish a temporary capital in the city of Aden.⁷¹ Although Hadi's support within the rest of the country remains low, the international community recognizes his government as the legitimate government of Yemen and provides support for his side in the civil war.⁷²

The Houthi Movement

The Houthi movement is a religious and political movement that originated in northern Yemen and consists of followers of Zaydi Islam, a branch of Shiite Islam.⁷³ They make up a majority of the population in the north, but constitute a minority of Yemen's remaining population, of which most follow Shafi'i Sunni Islam.⁷⁴ According to the 2016 Final report of the Panel of Experts on Yemen, the Houthi movement was provided support by the Islamic Republic of Iran.⁷⁵ After the collapse of the Saleh government during the Arab Spring, they joined the National Dialogue Conference (NDC) which increased their political impact on the national level.⁷⁶ In this forum, they inter alia advocated for as the establishment of a Yemeni federal state based on democratic principles, religious freedom, and a balance of powers in the government.⁷⁷ After taking control of Sanaa and succeeding in a territorial expansion outwards, the Houthi's popularity has decreased in southern Yemen and has led to a strong southern resistance of domestic forces opposing the Houthis.⁷⁸ As the north is the historic heartland of the Houthi movement and is under Houthi military control, support in that area is high, while Hadi has no historical connection to the north.⁷⁹ Although former President Saleh has supported the Houthi movement, he was killed by Houthi forces as clashed broke out in Sanaa in December 2017.⁸⁰

Pro-Saleh Forces

As protests rose in the Arab region in 2011, President Ali Abdullah Saleh was overthrown after his three-decade long rule. Yet, he remains somewhat popular among many of the country's security forces, tribal networks and members of the General People's Congress (GPC) political party.⁸¹ Apart from that, parts of the pro-Saleh forces also supported the Houthi movement.⁸²

⁶⁹ ECFR, *Mapping the Yemen Conflict*, 2019.

⁷⁰ Ibid.

⁷¹ UN Foundation, *A Brief Background*, 2019.

⁷² Ibid.

⁷³ ECFR, *Mapping the Yemen Conflict*, 2019.

⁷⁴ Ibid.

⁷⁵ UN Panel of Experts, *Final report of the Panel of Experts on Yemen established pursuant to Security Council resolution 2140 (2014)*, 2016, p. 3.

⁷⁶ OSESGY, *National Dialogue Conference*, 2019.

⁷⁷ Schmitz, C., *Yemen's National Dialogue*, 2014.

⁷⁸ ECFR, *Mapping the Yemen Conflict*, 2019.

⁷⁹ UN Foundation, *A Brief Background*, 2019.

⁸⁰ HRW, *Yemen. Events of 2018*, 2019.

⁸¹ Schmitz, C., *In Cahoots with the Houthis. Abdullah Saleh's Risky Gamble*, 2015.

⁸² ECFR, *Mapping the Conflict in Yemen*, 2019.

Southern Movement/ Southern Transitional Council (STC)

The Southern Movement emerged in 2007 as a political movement calling for autonomy in the south as they disliked the reign of Saleh who is from the north.⁸³ It is loosely organized in the Southern Transitional Council which consists of politicians, tribal leaders, and military figures allied to the United Arab Emirates (UAE).⁸⁴ The Southern Movement has teamed up with Hadi to leave the interim capital of Aden out of Houthi control in 2015.⁸⁵ In August 2019, the Southern Movement has taken control of the interim capital of Aden.⁸⁶ In September 2019, the Hadi government conducted talks with the STC in the Saudi Arabian city of Jeddah.⁸⁷

Al-Qaeda in the Arabic Peninsula (AQAP)

Founded through a union of the Saudi and Yemeni branches of al-Qaeda, AQAP's presence in Yemen has complicated the situation in many respects.⁸⁸ When then President Saleh moved most of the troops to the capital Sanaa at the beginning of the Yemeni Revolution, Ansar al-Sharia, a rebranding of AQAP or at least a group affiliated with it, used the existing security vacuum in the southern province Abyan and declared Abyan an Islamic emirate.⁸⁹ Since the revolution in 2011, AQAP re-established social services, infrastructure and created sharia courts. Members of AQAP are responsible for the planning and executing attacks against the US Embassy in Yemen, tourists, humanitarian workers, counterterrorism officials and oil facilities.⁹⁰ The UN, other international organizations and also Yemen have designated AQAP as a terrorist organization.⁹¹

Regional Involvement

Tensions have heightened due to the involvement of regional actors, primarily Saudi Arabia, Iran, and the UAE who support different domestic parties of the conflict. Saudi Arabian military involvement began in early 2015 when Hadi was forced to flee the country. As a response, a coalition of Saudi Arabia and nine other countries of the Middle East primarily conducted airstrikes in order to counter the expansion of Houthi control. After the end of Operation Decisive Storm, Saudi and coalition members' military remains present in Yemen, aiming at restoring the Hadi government to power.⁹² This has, however not been reached. In 2015, former Secretary-General Ban Ki-moon emphasized that there is no military solution to the conflict and reminded all Member States to refrain from external interference that could "undermine the unity, sovereignty, independence and territorial integrity of Yemen."⁹³

Humanitarian situation

Labeled as "the worst man-made humanitarian crisis of our time,"⁹⁴ the humanitarian situation in Yemen is disastrous. More than two thirds of the population, about 24.1 million people, are in need of humanitarian support or protection.⁹⁵ Moreover, 14.3 million people are in acute need of assistance in

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ BBC, *Yemen Crisis: Why is there a war?* 2019.

⁸⁶ Crisis Group, *After Aden: Navigating Yemen's New Political Landscape*, 2019.

⁸⁷ El Yakoubi, A., Swilam, A., Heinrich, M., *Yemen's government starts indirect talks with southern separatists in Saudi Arabia: officials*, 2019.

⁸⁸ CFR, *Al-Qaeda in the Arabian Peninsula (AQAP)*, 2015.

⁸⁹ Ibid.

⁹⁰ UN Security Council, *Al-Qaida in the Arabian Peninsula (AQAP)*, 2018.

⁹¹ UNODC, United Nations designated terrorist groups and targeted sanctions, n.d.

⁹² UN Foundation, *A Brief Background*, 2019.

⁹³ UN Secretary-General, *Statement attributable to the Spokesman for the Secretary-General on Yemen*, 2015.

⁹⁴ UN OCHA, *Largest consolidated humanitarian appeal for Yemen to provide a lifeline to 13.1 million people*, 2018, 2018.

⁹⁵ UN OCHA Yemen, *Crisis Overview*, n.d.

order to sustain their lives.⁹⁶ Likewise, 20 million people are confronted with food insecurity and 7.4 million of them are at risk of famine.⁹⁷ Additionally, other major challenges have been the access to safe water, as well as the provision of proper sanitation which thus has increased the risk of communicable diseases.⁹⁸ Additionally, the break-down of public services has contributed to this crisis as only half of health care centers are fully functional and medical equipment is limited.⁹⁹ Furthermore, cholera outbreaks since 2016 have led to more than 2 million suspected cholera cases, including over 3,000 related deaths, as of August 2019.¹⁰⁰ With time, the humanitarian situation has even worsened as humanitarian assistance has been obstructed, preventing the Yemeni population access to basic goods and services, medical treatment, safe drinking water and food.¹⁰¹ Thus, due to these disastrous circumstances, the war has caused approximately 4.3 million people to flee their homes, including 3.3 million displaced persons and 1 million returnees.¹⁰²

Violations of international humanitarian and human rights law

There have been numerous allegations of violations of IHL and human rights law concerning the conduct of hostilities and detention in Yemen. According to the Final Report of the Panel of Experts, the Saudi Arabia led coalition has allegedly conducted indiscriminate attacks against civilians and civilian objects, including residential buildings, medical facilities and personnel, markets and food storage sites.¹⁰³ Additionally, the Houthis have allegedly carried out indiscriminate attacks against medical facilities, directly on civilians, and made use of explosive ordnance.¹⁰⁴ Moreover, the internationally recognized government of Yemen, the Houthis and the UAE have reportedly engaged in arbitrary arrests and detention, illtreatment and/or enforced disappearances of captured individuals.¹⁰⁵ Furthermore, cases of the alleged use of children in armed conflict as child soldiers have come to light and cases concerning the destruction and theft of cultural property have also been recorded.¹⁰⁶ Therefore, the situation of human rights is monitored and reported on by the Group of Eminent International and Regional Experts on Yemen (GEE Yemen) which was established in 2017 on the request of the UN Human Rights Council.¹⁰⁷ GEE Yemen should take an active role in the implementation of Security Council resolution 2216 (2015).¹⁰⁸ The latest report found patterns of continued violations by all conflicting parties.¹⁰⁹ Above that, civilians are continued to be injured and killed and suffer violations of their most basic human rights.¹¹⁰

Terrorism

Both AQAP and ISIL-Yemen have claimed responsibility for terrorist attacks.¹¹¹ AQAP controls parts of the territory and, at times, governed cities.¹¹² Furthermore, airstrikes have been conducted against both.¹¹³

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ WHO Regional Office for the Eastern Mediterranean, *Cholera Situation in Yemen*, 2019.

¹⁰¹ UN Panel of Experts, *Final Report on Yemen*, paras. 163-170, 2019.

¹⁰² Ibid.

¹⁰³ Ibid. paras. 135-141, 2019.

¹⁰⁴ Ibid. paras. 145-149, 2019.

¹⁰⁵ Ibid. paras. 150-158, 2019.

¹⁰⁶ Ibid. paras. 160-163, 2019.

¹⁰⁷ UN HRC, Human rights, technical assistance and capacity-building in Yemen (A/HRC/RES/36/31), 2017.

¹⁰⁸ Ibid.; UN HRC, *Human rights situation in Yemen* (A/HRC/RES/39/16), 2018.

¹⁰⁹ UN HRC, *Situation of human rights in Yemen, including violations and abuses since September 2014* (A/HRC/42/17), 2019.

¹¹⁰ Ibid.

¹¹¹ HRW, *Yemen. Events of 2018*, 2019.

¹¹² Ibid.

¹¹³ CFR, *Recent Developments*, 2019.

International Legal Framework

The *Charter of United Nations*, especially Chapters VI and VII, provide the Security Council framework for peaceful settlement of disputes.¹¹⁴ It is entitled to “determine the existence of any threat to the peace, breach of the peace, or act of aggressions” and can take measures “to maintain or restore international peace and security (Art. 39 UNCh).” The armed conflict between the internationally recognized government and the Houthis as well as between the Saudi Arabia-led coalition and the Houthis, can be classified as a non-international armed conflict.¹¹⁵ Yemen is a party to all four 1949 Geneva Conventions. Applicable legal framework for non-international armed conflicts are Common Article 3 of the 1949 *Geneva Conventions* (GCs) that sets forth minimum standards for all state and non-state parties to the conflict.¹¹⁶

Additionally, Yemen and other states participating (such as Saudi Arabia and the coalition states) in the conflict are bound by 1977 *Additional Protocol II* (AP II) as the conflict has reached “a certain degree of intensity.”¹¹⁷ AP II has, like common Article 3 “humanitarian purpose”¹¹⁸ and secures fundamental guarantees for individuals, such as respect, honor and convictions and religious practices for all persons not taking direct part in the hostilities.¹¹⁹ The Houthis, despite being no part of state military, fulfill the requirements of Art. 1(1) AP II, as they are cohesively organized and exercise control over a part of the Yemeni territory.¹²⁰ Therefore, the Houthis are obligated to cease direct, indiscriminate or disproportionate attacks against civilians and civilian objects.¹²¹ Additionally, rules concerning international armed conflicts, set forth in 1977 *Additional Protocol I* (AP I), are also applicable as customary international law to the conflicts in Yemen.¹²² The provisions of AP I include the principle of humanity that has to be applied in any case.¹²³ The *Convention on the Rights of the Child* (1990) as well as the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (1990) outline the protection of children in armed conflict, and prohibit the use of children as soldiers.¹²⁴

Regional Legal Framework

The *Charter of the Arab League* (1945) emphasizes the principle of the peaceful settlement of disputes among Arab countries and the inadmissibility of the use of force.¹²⁵ There is, however, no mechanism with the objective to achieving peaceful settlement of disputes.¹²⁶ Dispute settlement is further limited to cases “which do [...] not concern a state’s independence, sovereignty, or territorial integrity” and only where “the parties to the dispute have recourse to the Council [of the Arab League] for the settlement of this difference.”¹²⁷ The *Charter of the Arab League* also focuses on “differences which threaten to lead to war

¹¹⁴ United Nations, *Charter of the United Nations. Chapters VI and VII*, 1945.

¹¹⁵ ICJ, *Bearing the Brunt of War in Yemen: International Law Violations and their Impact on the Civilian Population. A Briefing Paper*, 2018.

¹¹⁶ *Geneva Conventions of 12 August 1949*, Art. 3, 1949.

¹¹⁷ ICRC, *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977. *Commentary of 1987*, 1987.

¹¹⁸ *Ibid.*

¹¹⁹ *Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts*, 1977.

¹²⁰ ICJ, *Bearing the Brunt of War in Yemen: International Law Violations and their Impact on the Civilian Population. A Briefing Paper*, 2018.

¹²¹ *Ibid.*

¹²² ICRC, *Customary IHL Database*, n.d.

¹²³ *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts*, 1977, Art. 1(1).

¹²⁴ UN, *Convention on the Rights of the Child* (A/RES/44/25 (1990)), 1990, Art. 38.

¹²⁵ LAS, *Charter*, 1945, Art. 5 and 6.

¹²⁶ *Ibid.* Art. 20.

¹²⁷ *Ibid.* Art. 5.

between two member-states, or a member state and a third state [...].”¹²⁸ In March 2015, the Arab League created a joint Arab military force with the purpose to “counter growing security threats.”¹²⁹

The *Charter of the Organization of Islamic Cooperation* (OIC) promotes “inter-state relations based on justice, mutual respect and good neighborliness to ensure global peace, security and harmony.”¹³⁰ In accordance with the UN Charter, it calls for pacific settlement of disputes and respect for “national sovereignty, independence and territorial integrity of other Member States” and the non-interference with internal affairs of Member States.¹³¹

The Gulf Cooperation Council (GCC) is the regional intergovernmental union of all Arab States of the Persian Gulf (except for Iraq), aiming to increase cooperation in various affairs among the Gulf region.¹³² The 2011 GCC agreement established a two-year period for peaceful political transition of powers from President Saleh to Vice President Hadi, offering Saleh immunity from prosecution in return.¹³³

Supported and facilitated by the UN, the National Dialogue Conference (NDC) was held from 2013 until 2015, bringing together 565 delegates from all regions and political groupings of the country.¹³⁴ The NDC aimed at empowering Yemenis to lead their transition process.¹³⁵ The UN supported the NDC process through diplomatic, political, technical, logistical and financial means.¹³⁶ Prior to the conference, a Technical Preparatory Committee agreed upon the structure, organization and groups to be represented and established nine working groups on different issues.¹³⁷ The outcome document was adopted on 25 January 2015, laying down the foundations for a new and democratic Yemen and supporting good governance, the rule of law, as well as human rights.¹³⁸ As the Southern question became more urgent, the UN facilitated meetings of a sub-committee on this issue, leading to signing the *Agreement on a Just Solution to the Southern Question* on 23 December, 2013. Additionally, the NDC also created a proposal for a federal system of governance which was supposed to include six federal regions. Yet, this proposal was not accepted by all stakeholders, for example the Houthis.¹³⁹

The Role of the International System in the Yemen Peace Process

UN Security Council

The UN Security Council is the organ primarily responsible for maintaining international peace and security.¹⁴⁰ It has taken various efforts to stabilize the situation and to address both the humanitarian and political crisis. Additionally, rising threats of terrorism and violations of human rights and humanitarian law pose a great challenge to the international community.

When a wave of protests against President Saleh threatened the stability of the country in 2011, the Security Council endorsed the GCC Initiative and its Implementation Mechanism calling for a political

¹²⁸ Ibid.

¹²⁹ Mourad, M. & Bayoumy, Y., *Arab summit agrees on unified military force for crises*, 2015.

¹³⁰ OIC, *Charter*, 2008, Art. 6.

¹³¹ Ibid., Art. 2.

¹³² GCC, *Charter of the Gulf Cooperation Council*, 1981.

¹³³ GCC, *Agreement*, 2012.

¹³⁴ UN OSESGY, *National Dialogue Conference*, 2019.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ ECFR, *Mapping the Yemen Conflict*, 2019.

¹⁴⁰ United Nations, *Charter of the United Nations, Chapter I: Purposes and Principles*, 1945.

transition process.¹⁴¹ It also expressed concern about the worsening security and humanitarian situation in the country as well as the rising presence and activity of AQAP in Yemen.¹⁴² In 2012, the Security Council reaffirmed its support for the GCC initiative and Implementation Mechanism as well as its support of the transitional government of president Hadi, while also noting its concern of the reported use of child soldiers and the increased terrorist activity in Yemen.¹⁴³ Thus, Security Council resolution 2140 (2014) supports the implementation of the NDC outcomes and the political transition while also providing grounds for establishing a sanctions regime under Chapter VII of the UN Charter including a Panel of Experts.¹⁴⁴ It drew attention to the rising problem of the illicit proliferation of small arms and light weapons to the region.¹⁴⁵ After the coup d'état in January 2015, the Security Council strongly condemned the Houthi's actions to dissolve parliament and take over the country's government institutions in resolution 2201 (2015).¹⁴⁶ In resolution 2216 (2015) the Security Council further imposed an arms embargo on the Houthis and their allies, the supporters of former president Saleh.¹⁴⁷ In this resolution, the Security Council requested the Secretary-General to intensify the work in Yemen.¹⁴⁸ Acting under Chapter VII, the Security Council placed an arms embargo on, inter alia, Ali Abdullah Saleh and Abd Al-Khaliq Al-Huthi.¹⁴⁹

Security Council resolution 2451 (2018) endorses ceasefire in the Houthi-held port city of Hudaydah which was established by the 2018 *Stockholm Agreement*.¹⁵⁰ The Security Council authorized the Secretary-General to establish and deploy an advance team to begin monitoring and to support and facilitate the immediate implementation of the Agreement.¹⁵¹ Security Council resolution 2452 (2019) authorized the establishment of a new Special Political Mission, called United Nations Mission to support the Hudaydah Agreement (UNMHA) for an initial period of six months.¹⁵² The mandate was renewed for another six months in Security Council resolution 2481 (2019).¹⁵³

The Resident Coordinator of the UN in Yemen (RC)

Managed by the UN Development Programme (UNDP), the RC is the designated representative of the Secretary-General at the UN mission to Yemen and also the leader of the UN Country Team of Agencies (UNCCT).¹⁵⁴ The RC is responsible for preparing joint UN assistance to Yemen, encompassing the work of various UN agencies in the country which thus guarantees its efficiency.¹⁵⁵ The RC is also the Humanitarian Coordinator (HC) and guides humanitarian response efforts in Yemen.¹⁵⁶ The RC/HC oversees the coordination of UN agencies and other partners, policy development, humanitarian advocacy and the

¹⁴¹ UN Security Council, *Middle East (S/RES/2014 (2011))*, 2011.

¹⁴² *Ibid.*

¹⁴³ UN Security Council, *Middle East (S/RES/2051 (2012))*, 2012.

¹⁴⁴ UN Security Council, *Middle East (S/RES/2140 (2014))*, 2014.

¹⁴⁵ *Ibid.*

¹⁴⁶ UN Security Council, *Middle East (Yemen) (S/RES/2201 (2015))*, 2015.

¹⁴⁷ UN Security Council, *Middle East (Yemen) (S/RES/2216 (2015))*, 2105.

¹⁴⁸ *Ibid.*, para 2.

¹⁴⁹ *Ibid.*, para. 14.

¹⁵⁰ UN Security Council, *The situation in the Middle East (S/RES/2451 (2018))*, 2018.

¹⁵¹ *Ibid.*

¹⁵² UN Security Council, *The situation in the Middle East (S/RES/2452 (2019))*, 2019, para. 1.

¹⁵³ Security Council, *The situation in the Middle East (S/RES/2481 (2019))*, 2019.

¹⁵⁴ UN Sustainable Development Group, *The Resident Coordinator*, n.d.; UN in Yemen, *The Resident Coordinator of the UN in Yemen (RC)*, n.d.

¹⁵⁵ UN in Yemen, *The Resident Coordinator of the UN in Yemen (RC)*, n.d.

¹⁵⁶ *Ibid.*

mobilization of financial resources.¹⁵⁷ The RC/HC is also the UN Designated Official (DO) and therefore responsible for the security of UN staff in Yemen.¹⁵⁸

Office of the Special Envoy of the Secretary-General for Yemen (OESGY)

In 2012, the OESGY was established by the Secretary-General in order to guarantee the full and effective implementation of Security Council Resolutions 2014 (2011) and 2051 (2012) as well as the political transition that was agreed upon in the framework of the GCC Initiative and its Implementation Mechanism.¹⁵⁹ UN presence through the OESGY provided support for negotiations between the Yemeni Government, the opposition and other groups.¹⁶⁰ The OESGY has built on the work done by the Special Adviser who had been first appointed by the Secretary-General in 2011.¹⁶¹ The Special Envoy is responsible for exercising good offices of the Secretary-General to “enable the resumption of a peaceful, inclusive, orderly and Yemeni-led political transition process that meets the legitimate demands and aspirations of the Yemeni people [...]”¹⁶² It is also responsible to foster the cooperation with the members of the GCC, the Security Council, international partners in order to ensure “strong and consistent international backing for peace and stability in Yemen.”¹⁶³ In his latest briefing, the Special Envoy has updated the members of the Security Council on the current situation in Yemen, with respect to the Jeddah talks.¹⁶⁴

Additionally, the Special Envoy has mediated several rounds of consultations between the parties in Geneva (June 2015), Biel (December 2015), Kuwait (April to August 2016) and Stockholm (December 2018).¹⁶⁵ The *Stockholm Agreement* (2018) is the outcome of the latest consultation, focusing inter alia on the cities of Hudaydah, and the ports of Hudaydah, Salif and Ras Isa where an immediate cease-fire was agreed upon that entered into force on 18 December 2018.¹⁶⁶ Furthermore, a prisoner exchange mechanism and a statement of understanding of Taiz were part of the Agreement.¹⁶⁷ In this framework, the *Hudaydah Agreement* (2018) established the Redeployment Coordination Committee (RCC), chaired by the UN.¹⁶⁸ Its primary responsibility is the implementation of the *Hudaydah Agreement*, which includes supervising the redeployment, monitoring operations and overseeing the de-mining operations in the ports.¹⁶⁹ Furthermore, its Chairman will submit weekly reports to the Security Council through the Secretary-General on the progress made.¹⁷⁰

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

¹⁵⁹ UN Political and Peacebuilding Affairs, *Special Envoy Yemen*, n.d.

¹⁶⁰ Ibid.

¹⁶¹ UN OESGY, *Background*, n.d.

¹⁶² UN OESGY, *Mandate*, n.d.

¹⁶³ Ibid.

¹⁶⁴ UN OESGY, *Briefing of the Special Envoy of the UN Secretary-General for Yemen to the Open Session of the Security Council*, 2019.

¹⁶⁵ UN OESGY, *Good Offices*, n.d.

¹⁶⁶ UN OESGY, *Agreement on the City of Hodeidah and Ports of Hodeidah, Salif, and Ras Isa*, 2018; UN Secretary-General, *Note to Correspondents: Statement on the Implementation Of The Agreement On The City Of Hudayda And Ports Of Hudayda, Salif, And Ras Isa*, 2018.

¹⁶⁷ OESGY, *Stockholm Agreement*, 2018.

¹⁶⁸ UN OESGY, *Agreement on the City of Hodeidah and Ports of Hodeidah, Salif, and Ras Isa*, 2018.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

Security Council Committee established pursuant to resolution 2140 (2014) and Panel of Experts

In 2014, the Security Council created the Security Council Committee pursuant to resolution 2140 (2014) which oversees sanctions imposed by the Security Council.¹⁷¹ Sanctions include assets freeze, travel ban and targeted arms embargo, and were imposed on, inter alia, the Houthis and members of the pro-Saleh forces.¹⁷² The Committee comprises all 15 Security Council members and makes decisions by consensus. Additionally, the Committee prepares annual reports of its activities that are conducted according to guidelines.¹⁷³ By providing information, analyzing information from states, UN bodies, regional organizations and other parties and submitting reports to the Security Council, the Committee is supported by the Panel of Experts which is comprised of five experts.¹⁷⁴ The Panel of Experts also cooperates with other expert groups and assists the Committee in refining and updating relevant information.¹⁷⁵ The Committee can also seek and review information about individuals or entities who are potential targets for sanctions measures. This includes:

- “Individuals or entities engaging in or providing support for acts that threaten the peace, security or stability in Yemen”¹⁷⁶
- “Obstructing or undermining the successful completion of the political transition, as outlined in the Gulf Cooperation Council (GCC) Initiative and Implementation Mechanism Agreement”¹⁷⁹
- “Impeding the implementation of the outcomes of the final report of the comprehensive National Dialogue Conference through violence, or attacks on essential infrastructure”¹⁷⁷
- “Planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Yemen”¹⁷⁸
- “Violating the targeted arms embargo”¹⁸²
- “Obstructing the delivery of humanitarian assistance to Yemen or access to, or distribution of, humanitarian assistance in Yemen.”¹⁷⁹

The sanction measures were renewed in Security Council resolutions 2266 (2016), 2342 (2017), 2402 (2018) and 2456 (2019).¹⁸⁰

United Nations Verification and Inspection Mechanism for Yemen (UNVIM)

At the request of the Yemeni Government, the UN instituted UNVIM in accordance with Security Council resolution 2216 (2015) in 2016.¹⁸¹ It is managed by the UN Office for Project Services (UNOPS). UNVIM’s responsibility is to facilitate free flow of commercial items to the ports of Hudaydah and Saleef. In the

¹⁷¹ UN Security Council, *Security Council Committee established pursuant to resolution 2140*, 2014.

¹⁷² Ibid.; UN Security Council, *Middle East (Yemen) (S/RES/2216 (2015))*, 2105.

¹⁷³ UN Security Council, *Security Council Committee established pursuant to resolution 2140*, 2014.

¹⁷⁴ UN Security Council, *Middle East (Yemen) (S/RES/2216 (2015))*, 2015.

¹⁷⁵ Ibid.

¹⁷⁶ UN Security Council, *Middle East (S/RES/2140 (2014))*, para. 17, 2014.

¹⁷⁹ Ibid. para. 18(a)

¹⁷⁷ Ibid. para. 18(b)

¹⁷⁸ Ibid. para. 18(c)

¹⁸² Ibid. para. 19

¹⁷⁹ UN Security Council, *Middle East (Yemen) (S/RES/2216 (2015))*, 2015, para. 19.

¹⁸⁰ Security Council, *The situation in the Middle East (S/RES/2456)*, 2019.

¹⁸¹ Ibid.

humanitarian crisis, UNVIM has played a significant role by providing assistance to 80 per cent of the population that are in some form of need.¹⁸²

United Nations Mission to Support the Hudaydah Agreement (UNMHA)

UNMHA was established through Security Council resolution 2452 (2019) on the basis of Chapter VI of the UN Charter for an initial period of six months.¹⁸³ Its mandate comprises leading and supporting the functioning of the RCC, and overseeing the governorate-wide ceasefire, redeployment of forces, and mine action operations.¹⁸⁴ Furthermore, it monitors the compliance of parties to the Hudaydah Agreement and ensuring security in the city of Hudaydah, the ports of Hudaydah, Salif and Ras Isa in cooperation with local security forces.¹⁸⁵ It also facilitates and coordinates UN support to assist the parties in the implementation process.¹⁹⁰ According to a Letter from the Secretary-General addressed to the Security Council of 2019, all parties adhere to the ceasefire agreement in Hudaydah.¹⁸⁶

Office for the Coordination of Humanitarian Affairs (OCHA)

OCHA has been active in Yemen since 2010 and was established in the capital Sanaa in response to the humanitarian crisis due to widespread flooding in Yemen.¹⁸⁷ In 2015, when the conflict escalated, Yemen was declared a System Wide IASC Level 3 Emergency due to which the office was expanded.¹⁸⁸ Its goal “is to ensure the delivery of effective and principled humanitarian action that meets the needs of the most vulnerable people.”¹⁸⁹ OCHA supports the Humanitarian Coordinator and humanitarian partners in operational coordination, humanitarian financing, public information, humanitarian analysis, advocacy and information management.¹⁹⁰ OCHA operates from four Operational Hubs in Al Hudaydah, Ibb, Sa’ada and Aden and the main office in Sanaa, two additional supporting offices are based in Amman, Jordan and Riyadh, Saudi Arabia.¹⁹¹ The latter focus on de-confliction support to humanitarian operations, e.g. for flights and shipping of humanitarian goods.¹⁹⁷ It also ensures the information and advocacy link between the Yemen UNHCT and representatives of the Saudi-led Coalition and the Yemeni government officials based in Riyadh.¹⁹² In his latest statement of October 2019, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator has briefed the Security Council about the humanitarian situation in Yemen.¹⁹³

Conclusion

Four years after the outbreak of the civil war, and eight years after the 2011 Yemeni Revolution, the situation in Yemen remains fragile. The implementation of the Stockholm Agreement is necessary for a

¹⁸² UN VIMYE, *About UNVIM*, n.d.

¹⁸³ UN Security Council, *The situation in the Middle East (S/RES/2452 (2019))*, 2019, para. 1.

¹⁸⁴ *Ibid.*, para. 2.

¹⁸⁵ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁸⁶ UN, *Letter dated 10 June 2019 from the Secretary-General addressed to the President of the Security Council (S/2019/485)*, 2019.

¹⁸⁷ UN OCHA, *About OCHA Yemen*, n.d.

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁹¹ UN in Yemen, *UN Office for the Coordination of Humanitarian Affairs (OCHA)*, n.d.

¹⁹⁷ UN OCHA, *About OCHA Yemen*, n.d.

¹⁹² UN in Yemen, *UN Office for the Coordination of Humanitarian Affairs (OCHA)*, n.d.

¹⁹³ UN OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, Briefing to the Security Council on the humanitarian situation in Yemen, 17 October 2019*, 2019.

political peace process in order to end the conflict which has been ongoing since 2015. The realization of the Hudaydah Agreement as well as the involvement of UNMHA are seen as imperative to stabilize the country as the city is important for the military but also for the humanitarian needs of the Yemeni population. Although parties largely adhere to the Hudaydah Agreement, violent incidents in other parts of the country occur.

Further Research

While researching, delegates should consider the following questions:

- Is my country one of the conflicting parties or does it support one or more conflicting parties?
- If not involved, has my country adopted any diplomatic initiatives or has strategic interests in that area?
- What measures can the Security Council take to consolidate sustainable peace in Yemen?
- What can the Security Council do to harmonize the various and adverse interests in the region in order to facilitate a peace process?
- How can the Security Council enhance the coordination of the UN institutions in Yemen (OESGY, HC/RC, UNMHA) with the existing framework?
- What measures can the Security Council take in order to improve the humanitarian situation in the country?
- How can the SC ensure all conflicting parties' compliance with international law?
- How can the SC prevent a spill-over of the conflict to the region in order to maintain regional as well as international peace and security?

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II. MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY: COUNTERING TERRORISM

“We face an unprecedented threat from intolerance, violent extremism and terrorism. It affects every country, exacerbating conflicts and destabilizing entire regions, and it is constantly evolving.”¹⁹⁴ - Antonio Guterres, Secretary-General of the United Nations

Introduction

As stated in Article 1 of the Charter of the UN, one of the primary purposes of the UN is the maintenance of international peace and security.¹⁹⁵ The UN organ mandated with the main responsibility for this task is the UN Security Council.¹⁹⁶ The UN has developed various instruments to achieve this goal, which can be classified as Preventive Diplomacy and Mediation, Peacekeeping, Peacebuilding, Disarmament, and Countering Terrorism.¹⁹⁷ The Security Council has emphasized the importance of the latter approach by defining terrorism in all forms and manifestations as one of the most serious threats to international peace and security.¹⁹⁸ As the presence of terrorism can also restrict efforts in conflict prevention and resolution, terrorism needs to be tackled first in order to pave the way to successful peace-building and peacekeeping measures.¹⁹⁹ Although the number of terror victims worldwide has decreased from more than 27,000 in 2016 to approximately 13,000 in 2018, terrorism continues to pose a serious global threat.²⁰⁰ In 2017, the most affected regions were the Middle East, Africa and South Asia, together accounting for 95% of all terror victims worldwide.²⁰¹ Nevertheless, terrorism is a global threat that affects every state.²⁰² In addition to supporting the most affected regions in developing sustainable regional counter terrorism measures, the international community needs to further strengthen and coordinate international instruments to combat terrorism in order to maintain international peace and security.²⁰³

On that note, the linkages between international terrorism, violent extremism conducive to terrorism, and organized crime, need to be addressed when discussing counter-terrorism approaches.²⁰⁴ Furthermore, terrorist groups are often supported by Foreign Terrorist Fighters, who prepare or participate in terrorist acts in countries other than their states of residence or nationality.²⁰⁵ Moreover, since Foreign Terrorist Fighters intensify the threats posed by terrorist groups, they need to be taken into consideration by the Security Council.²⁰⁶ Another crucial aspect concerning the challenges the international community faces in this context is the financing of terrorist acts. Terrorism is often financed through human trafficking, illicit drug-related activities, or money laundering.²⁰⁷ Recognizing, preventing and suppressing those activities is

¹⁹⁴ UN, Security Council, *Cooperation between the United Nations and regional and sub-regional organizations in maintaining international peace and security* (S/PV.8626), 2019.

¹⁹⁵ UN, Charter of the United Nations. *Chapter 1: Purposes and Principles*, 1945.

¹⁹⁶ UN, *What We Do. Maintain International Peace and Security*.

¹⁹⁷ *Ibid.*

¹⁹⁸ UN, Security Council, *Maintenance of international peace and security* (S/RES/2347 (2017)), 2017.

¹⁹⁹ UN, Security Council, *Threats to international peace and security* (S/RES/2482 (2019)), 2019.

²⁰⁰ Statista, *Terrorism, Number of Terrorist Attacks Decreases Globally*, 2019.

²⁰¹ Our World in Data, *Terrorism, Where in the world does terrorism occur?*, 2019.

²⁰² UN, Security Council, *Cooperation between the United Nations and regional and sub-regional organizations in maintaining international peace and security* (S/PV.8626), 2019.

²⁰³ UN, General Assembly, *Activities of the United Nations system in implementing the United Nations Global Counter-Terrorism Strategy* (A/72/840 (2018)), 2018.

²⁰⁴ UN, Security Council, *Threats to international peace and security* (S/RES/2482 (2019)), 2019.

²⁰⁵ UN, Security Council, Counter-Terrorism Committee, *Foreign terrorist fighters*.

²⁰⁶ *Ibid.*

²⁰⁷ UN, Security Council, *Threats to international peace and security* (S/RES/2482 (2019)), 2019.

therefore every Member States' obligation.²⁰⁸ Finally, the Security Council should keep in mind existing UN Peacekeeping Operations, which serve as effective instruments for maintaining international peace and security.²⁰⁹

International Framework

The UN is often called upon to coordinate the global fight against terrorism.²¹⁰ In order to achieve this goal, the UN has developed nineteen universal instruments striving against, inter alia, terrorist bombings, the financing of terrorism, and nuclear terrorism.²¹¹ Since the increase of terrorist acts in the 1990s, the international community has agreed upon several conventions addressing the rapid spread of terrorist acts across the world.²¹² An important milestone was the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly in 1994.²¹³ Furthermore, the International Convention for the Suppression of Terrorist Financing, adopted by the General Assembly in 1999 and entered into force in 2002, built the legal framework for the Security Council's repeated requests for Member States to take all lawful measures to prevent and suppress financing of international terrorism in order to curb the emergence of terrorism.²¹⁴

In September 2006, the Global Counter-Terrorism Strategy as first strategic and operational international framework against terrorism, has been adopted by the UN General Assembly.²¹⁵ It includes national, regional and international approaches to counter terrorism.²¹⁶ The Global Counter-Terrorism Strategy consists of four pillars, namely addressing the conditions conducive to the spread of terrorism, measures to prevent and combat terrorism, measures to build states' capacity to prevent and combat terrorism and to strengthen the role of the UN system in that regard, and measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against terrorism.²¹⁷

With the adoption of the *2030 Agenda for Sustainable Development* in 2015, the UN General Assembly agreed upon 17 Sustainable Development Goals (SDGs), building a comprehensive framework of the UNs' work.²¹⁸ Considering the complex nature of terrorism, it is crucial to take into account the 2030 Agenda, especially SDGs 16 and 17, in order to promote sustainable instruments in the global fight against terrorism.²¹⁹ Since terrorist organizations violate peace, justice and strong institutions, SDG 16 on peaceful and inclusive societies, access to justice for all, and accountable and inclusive institutions needs to be taken

²⁰⁸ UN, Security Council, *Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism* (S/RES/2462 (2019)), 2019.

²⁰⁹ UN, Peacekeeping. *Our History*.

²¹⁰ UN, What We Do. *Maintain International Peace and Security*.

²¹¹ UN, Office of Counter-Terrorism, *International Legal Instruments*.

²¹² Audiovisual Library of International Law. *Declaration on Measures to Eliminate International Terrorism, 1994, and the 1996 Supplementary Declaration thereto*; Government of Canada Publications. *The International Convention on the Suppressing of the Financing of Terrorism*, 2001.

²¹³ Audiovisual Library of International Law. *Declaration on Measures to Eliminate International Terrorism, 1994, and the 1996 Supplementary Declaration thereto*.

²¹⁴ Government of Canada Publications. *The International Convention on the Suppressing of the Financing of Terrorism*, 2001; UN Treaty Collection, *Chapter XVIII, 11. International Convention for the Suppression of the Financing of Terrorism*, 1999.

²¹⁵ UN, General Assembly, *The United Nations Global Counter-Terrorism Strategy* (A/RES/60/288), 2006.

²¹⁶ UN, Office of Counter-Terrorism, *UN Global Counter-Terrorism Strategy*.

²¹⁷ Ibid.

²¹⁸ UN, *Sustainable Development Goals Knowledge Platform*.

²¹⁹ ECOSOC, Taking Actions to Improve Lives, *Statement by H.E. Ambassador Inga Rhonda King, President of the Economic and Social Council, Retreat on "Synergies among Developing Countries for Achieving a World Free of Terrorism and Agenda 2030"*, 2019.

into account when discussing counter-terrorism measures.²²⁰ Finally, considering the international nature of the threats posed by terrorism, SDG 17 on global partnership is crucial for the fight against terrorism as it fosters cooperation between states.²²¹

Regional Frameworks

Not only does terrorism pose an obstacle to international peace and security, it can also affect every country and region.²²² Hence, in addition to international organizations and global frameworks relating to the combat against international terrorism, there are several regional organizations dealing with the threats posed by terrorist activities.²²³ Regional organizations that deal with terrorism are, inter alia, the Council of Europe, the Organization of the American States (OAS), the African Union (AU), formerly the Organization of African Unity (OAU), and the Association of Southeast Asian Nations (ASEAN).²²⁴ The OAU Convention on the Prevention and Combating of Terrorism of 1999, along with its 2004 protocol, also focus on cooperation among states in the field of counter-terrorism measures.²²⁵ The Inter-American Convention Against Terrorism of 2002 focuses on preventing the financing of terrorism, on strengthening border controls, as well as on increasing cooperation between different American countries.²²⁶ The Council of Europe Convention on the Prevention of Terrorism of 2005 aims at effectively implementing existing international conventions and frameworks on combating terrorism. In order to achieve this, the Council of Europe established acts that may lead to the commission of terrorist crimes, such as public provocation, recruitment and training, as criminal offences. The Council of Europe furthermore stressed the importance of national as well as international cooperation on prevention of terrorism.²²⁷ The ASEAN Convention on Counter Terrorism, adopted in 2007, also focuses on regional cooperation in combating terrorism.²²⁸ It is remarkable that all the before mentioned regional conventions underline the importance of regional cooperation in order to achieve the international universal agreements and measures to counter terrorism.²²⁹

²²⁰ Sustainable Development Goals, Knowledge Platform, *Sustainable Development Goal 16*.

²²¹ Sustainable Development Goals, Knowledge Platform, *Sustainable Development Goal 17*.

²²² UN, Security Council, *Cooperation between the United Nations and regional and sub-regional organizations in maintaining international peace and security*. (S/PV.8626), 2019

²²³ UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, *E4J University Module Series: Counter-Terrorism, Module 5: Regional Counter-Terrorism Approaches*, 2018.

²²⁴ *Ibid.*

²²⁵ UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, *E4J University Module Series: Counter-Terrorism, Module 5: Regional Counter-Terrorism Approaches: The African Region*, 2018.

²²⁶ Organization of American States, *Actions against Terrorism*.

²²⁷ Council of Europe Portal, *Impact of the European Convention on Human Rights: Council of Europe Convention on the Prevention of Terrorism*.

²²⁸ UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, *E4J University Module Series: Counter-Terrorism, Module 5: Regional Counter-Terrorism Approaches: The Asian Region*, 2018.

²²⁹ UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, *E4J University Module Series: Counter-Terrorism, Module 5: Regional Counter-Terrorism Approaches: The African Region*, 2018; Organization of American States, *Actions against Terrorism*; Council of Europe Portal, *Impact of the European Convention on Human Rights: Council of Europe Convention on the Prevention of Terrorism*; UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, *E4J University Module Series: Counter-Terrorism, Module 5: Regional Counter-Terrorism Approaches: The Asian Region*, 2018.

The Role of the International System

The UN system

In the aftermath of the 9/11 attacks against the United States of America in 2001, countering terrorism has increasingly gained importance in the context of maintaining international peace and security.²³⁰ As a response to the attacks, the Security Council unanimously adopted resolution 1373 (2001), establishing the Counter-Terrorism Committee (CTC).²³¹ The CTC is assisted by the Counter-Terrorism Executive Directorate (CTED), which is responsible for CTC's policy decisions and for assessing measures taken by UN Member States.²³² Both the Counter-Terrorism Committee and its Executive Directorate fall within the remit of the Security Council.²³³ The Security Council has repeatedly emphasized the CTC's and CTED's essential contribution to counter-terrorism measures within the UN.²³⁴ An important part of the CTED's work is the assessment of and assistance to Member States' counter-terrorism efforts.²³⁵ Furthermore, when assessing Member States' efforts, CTED often includes experts from relevant international, regional and subregional organizations, such as, inter alia, the Financial Action Task Force (FATF), the International Civil Aviation Organization (ICAO), and the International Criminal Police Organization (INTERPOL).²³⁶ The inclusion of experts from various regional and subregional organizations allows for a better adaptation of global counter-terrorism strategies to various forms of terrorism in different regions.²⁴³ Another main focus of the CTC's and CTED's work is the containment of the financing of terrorist activities, especially by supporting Member States in taking measures to stop the financing of terrorist activities.²³⁷

Furthermore, the Global Counter-Terrorism Strategy endorsed the Counter-Terrorism Implementation Task Force (CTITF) and the UN Counter-Terrorism Centre (UNCCT).²³⁸ The main purpose behind establishing CTITF and UNCCT was to enhance coordination and coherence of the UN's collective efforts in combating terrorism.²³⁹ In 2018, Secretary-General Antonio Guterres signed the United Nations Global Counter-Terrorism Coordination Compact, which replaced the CTITF coordination agreement.²⁴⁰ The Global Counter-Terrorism Coordination Compact not only aims at coordinating efforts in countering terrorism, but also at ensuring that Member States are provided with policy supports as well as technical assistance when needed.²⁴¹

As another response to the increasing need for coordination of counter-terrorism instruments on the global level, the United Nations Office of Counter-Terrorism (UNOCT) was established through the adoption of General Assembly resolution 71/291 in 2017.²⁴² Together with the United Nations Office on Drugs and Crime (UNODC), UNOCT provides technical assistance and capacity-building to Member States upon

²³⁰ UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, *E4J University Module Series: Counter-Terrorism, Module 1: Introduction to International Terrorism*, 2018.

²³¹ UN Security Council, Counter-Terrorism Committee Executive Directorate (CTED), *Fact Sheet*, 2019.

²³² *Ibid.*

²³³ UN Security Council, Counter-Terrorism Committee, *About the Counter-Terrorism Committee*.

²³⁴ UN Security Council, Counter-Terrorism Committee Executive Directorate (CTED), *Fact Sheet*, 2019.

²³⁵ *Ibid.*

²³⁶ *Ibid.*

²⁴³ *Ibid.*

²³⁷ UN Security Council, Counter-Terrorism Committee, *About the Counter-Terrorism Committee*.

²³⁸ UN, Office of Counter-Terrorism, *Coordination and coherence of the counter-terrorism efforts of the United Nations*.

²³⁹ *Ibid.*

²⁴⁰ UN, Office of Counter-Terrorism, *Entities*.

²⁴¹ *Ibid.*

²⁴² UN, Office of Counter-Terrorism.

request in order to support them in strengthening their response to linkages between international terrorism and organized crime.²⁴³

Non-UN entities

Aside from the UN organs and entities mentioned above, there are several other international and subregional organizations fighting terrorism in order to maintain international peace and security.²⁵¹ The Global Counterterrorism Forum (GCTF), comprised of 29 countries and the European Union (EU), works on tools and strategies on how to counter the evolving terrorist threats.²⁴⁴ It works in close partnership with the UN, especially by fostering the implementation of the UN Global Counter-Terrorism Strategy.²⁴⁵ GCTF focuses its work on countering violent extremism, criminal justice and the rule of law, Foreign Terrorist Fighters (FTFs), and capacity-building.²⁴⁶

The International Criminal Police Organization (INTERPOL) works in close cooperation with UN entities to tackle the problem of international terrorism.²⁴⁷ As INTERPOL has a high expertise concerning complex aspects of terrorism, including FTFs, organized terrorism, and the terrorist use of chemical, biological, radiological, nuclear and explosive materials, the Security Council has repeatedly stressed INTERPOL's global role in combating terrorism.²⁴⁸ Further organizations dealing with terrorist threats to international peace and security are the North Atlantic Treaty Organization (NATO) and the Organization for Security and Cooperation in Europe (OSCE).²⁴⁹

Key Challenges

In its recent resolutions on the maintenance of international peace and security, the Security Council defines some of the most pressing challenges the international community faces in the fight against terrorism.²⁵⁰ Among those challenges are the lack of a universal definition of terrorism; the potential to better embed Peacekeeping Operations in counter-terrorism approaches; the financing of terrorism, which is often based on human trafficking, illicit drug-related activities, and money-laundering; the problem of FTFs; and the linkages between terrorism, violent extremism conducive to terrorism, and organized crime.²⁵¹

Definition of Terrorism

Even though the international community has been dealing with the increasing threats to international peace and security caused by terrorism for almost two decades, there is still no universally agreed legal definition of terrorism.²⁵² However, following a decision of the Special Tribunal for Lebanon' Appeals Chamber in 2011, a customary international law definition of terrorism evolved.²⁶¹ Accordingly, the key elements of this definition are “(i) the perpetration of a criminal act (such as murder, kidnapping, hostage

²⁴³ UN, Security Council, *Threats to international peace and security (S/RES/2482 (2019))*, 2019.

²⁵¹ The Pennsylvania State University, Library Guides, Social Sciences and Law, *Terrorism*, 2019.

²⁴⁴ Global Counterterrorism Forum, *Home*.

²⁴⁵ Global Counterterrorism Forum, *Members and Partners*.

²⁴⁶ Global Counterterrorism Forum, *Home*.

²⁴⁷ INTERPOL, *Partnerships Against Terrorism*.

²⁴⁸ INTERPOL, *Terrorism*.

²⁴⁹ NATO, *Countering Terrorism*; OSCE, *Countering Terrorism*.

²⁵⁰ UN, Security Council, *Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism (S/RES/2462 (2019))*, 2019; UN, Security Council, *Threats to international peace and security (S/RES/2482 (2019))*, 2019.

²⁵¹ *Ibid.*

²⁵² United Nations Office on Drugs and Crime, *The Doha Declaration: Promoting a Culture of Lawfulness. Defining Terrorism*.

²⁶¹ American Society of International Law, *Special Tribunal for Lebanon Issues Landmark Ruling on Definition of Terrorism and Modes of Participation, Volume: 15, Issue: 6*, 2011.

taking, arson, and so on), or threatening such an act; (ii) the intent to spread fear among the population (which would generally entail the creation of public danger) or directly or indirectly coerce a national or international authority to take some action, or to refrain from taking it; (iii) when the act involves a transnational element".²⁵³ This constitutive definition of international terrorism might serve as an orientation for measures taken in order to combat terrorism, however it does neither ensure equally high standards across countries nor the necessary basis for agreement concerning global measures, especially concerning actions taken within the UN system.²⁵⁴

It is therefore an important prerequisite for adequate action regarding the countering of international terrorism to come up with a universally agreed upon definition by the international community.²⁵⁵ The Security Council and all other UN organs working on the topic of international terrorism need to clarify central terminologies and ensure their consistency across countries as a first step towards providing consistent and solution-oriented approaches for the problems at hand.²⁵⁶

Peacekeeping Operations

Since 1948 the UN Security Council has launched Peacekeeping Operations (PKOs) in order to attain and maintain international peace and security.²⁵⁷ During the times of the Cold War, UN Peacekeeping missions were primarily established to maintain ceasefires and to resolve conflicts between states by peaceful means.²⁵⁸ As the nature of conflicts has changed since the end of the Cold War, peacekeeping efforts were increasingly focused on intra-state conflicts and civil wars.²⁵⁹ The UN Department of Peace Operations (DPO), which is responsible for the planning, preparation, management and direction of UN peacekeeping operations, currently leads 14 PKOs.²⁶⁰ A large share of those PKOs is connected to counter-terrorism efforts, inter alia, the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), and the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA).²⁶¹ One of the primary aims of those PKOs is strengthening democratic institutions and the rule of law, which is often disrupted by terrorist organizations.²⁶² An important pillar of the Global Counter-Terrorism Strategy is addressing conditions conducive to the spread of terrorism.²⁶³ Considering that destabilized political institutions are vulnerable for terrorist activities, PKOs that aim at stabilizing the rule of law are vital for containing conditions conducive to terrorism.²⁶⁴

²⁵³ Special Tribunal for Lebanon, *Interlocutory Decision of the Applicable Law: Terrorism, Homicide, Perpetration, Cumulative Charging*, STL-11-01/1, 2011.

²⁵⁴ OHCHR, *Human Rights, Terrorism and Counter-terrorism*, 2007.

²⁵⁵ UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, E4J University Module Series: *Counter-Terrorism, Module 1: Introduction to International Terrorism*, 2018.

²⁵⁶ American Society of International Law, *Special Tribunal for Lebanon Issues Landmark Ruling on Definition of Terrorism and Modes of Participation*, Volume: 15, Issue: 6, 2011.

²⁵⁷ UN, *Peacekeeping. What is Peacekeeping*.

²⁵⁸ UN, *Peacekeeping. Our History*.

²⁵⁹ *Ibid.*

²⁶⁰ UN, *Permanent Missions, UN reform: Two new departments for the peace and security pillar*, 2018; UN *Peacekeeping, Where we operate*.

²⁶¹ MINUSMA, *History*; MONUSCO, *Background*; MINUSCA, *About*.

²⁶² *Ibid.*

²⁶³ UN, Office of Counter-Terrorism. *Pillar 1: Measures to address conditions conducive to the spread of terrorism*.

²⁶⁴ OHCHR, *Human Rights, Terrorism and Counter-terrorism*, 2007.

However, the UN face various challenges concerning PKOs in practice.²⁶⁵ Considering one of the main principles of PKOs, the non-use of force except in self-defense and defense of the mandate, PKOs are often criticized for not being able to effectively protect civilians.²⁶⁶ Moreover, given the fact that UN peacekeeping troops are composed of troops from many different countries, they are vulnerable to the withdrawal of troops by troop-contributing countries.²⁶⁷ For instance, attacks that result in victims within the peacekeeping troops might cause states to withdraw their troops from the mission.²⁷⁷ Thus, the question arises whether PKOs can be better embedded in a comprehensive counter-terrorism approach as they cannot promote stability in regions vulnerable to terrorist activities alone.²⁷⁸

Financing of Terrorism

In its recent resolutions, the Security Council has repeatedly stressed the crucial role of financing for terrorist activities and the necessity to suppress the financing of terrorism.²⁶⁸ Terrorist activities would not be possible in a comparable prevalence without the financial means that terrorist groups obtain through several sources.²⁶⁹ Thus, the financing of terrorism is one of the key challenges that needs to be addressed by the international community.²⁷⁰ In this regard, resolution 1373 (2001) by the Security Council urges all Member States to take all lawful measures to prevent and suppress financing of international terrorism in order to curb the emergence of terrorism.²⁷¹

Although the request of the Security Council for Member States to suppress financing of terrorist activities has often been underlined in resolutions over the years, Member States face various challenges to fulfil this request.²⁷² In its resolution 2462 (2019), the Security Council names the variety of means through which terrorist groups can raise funds.²⁷³ Those means include, inter alia, exploitation of natural resources, abuse of donations and non-profit organizations, human smuggling, drug trafficking, and unlawful arms trade.²⁷⁴ Most recently, the Security Council stressed the close connection between illicit drug-related activities and money laundering, and financing of terrorism.²⁷⁵ Furthermore, terrorist groups can immensely benefit from transnational organized crime as a source of financing.²⁷⁶ Strategies to suppressing the financing of terrorism therefore need to include measures addressing transnational organized crime.²⁷⁷

Several instruments already exist within the UN system to support Member States in suppressing financing of terrorist activities.²⁷⁸ The Financial Action Task Force (FATF), established by the G-7 in 1989, is an

²⁶⁵ Oxford Research Group, *UN Peacekeeping and Counter-terrorism*, 2017.

²⁶⁶ UN Peacekeeping, *Principles of Peacekeeping*; Oxford Research Group, *UN Peacekeeping and Counter-terrorism*, 2017.

²⁶⁷ Oxford Research Group, *UN Peacekeeping and Counter-terrorism*, 2017.

²⁷⁷ *Ibid.*

²⁶⁸ UN, Security Council, *Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism (S/RES/2462 (2019))*, 2019; UN, Security Council, *Threats to international peace and security (S/RES/2482 (2019))*, 2019.

²⁶⁹ FATF, *Terrorist Financing Risk Assessment Guidance*, 2019.

²⁷⁰ *Ibid.*

²⁷¹ UN, Security Council, *Threats to international peace and security caused by terrorist acts (S/RES/1373 (2001))*, 2001.

²⁷² UN, Security Council Counter-Terrorism Committee, *Terrorism financing*.

²⁷³ UN, Security Council, *Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism (S/RES/2462 (2019))*, 2019.

²⁷⁴ *Ibid.*

²⁷⁵ UN, Security Council, *Threats to international peace and security (S/RES/2482 (2019))*, 2019.

²⁷⁶ UN, Security Council, *Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism (S/RES/2462 (2019))*, 2019.

²⁷⁷ *Ibid.*

²⁷⁸ UNODC, *The Doha Declaration: Promoting a Culture of Lawfulness*, E4J University Module Series: *Counter-Terrorism, Module 1: Introduction to International Terrorism*, 2018, p.2.

intergovernmental policy-making body comprised of 39 Member States.²⁷⁹ Its main task is to develop recommendations on international standards for suppression activities such as money laundering, the financing of terrorism, and the proliferation of weapons of mass destruction.²⁸⁰ In 2014, the FATF agreed on the Consolidated FATF Strategy on Combating Terrorist Financing in order to respond to the intensifying scope of terrorist threats across the world.²⁸¹ The Strategy includes the review of existing FATF actions to combat terrorist financing as well as the identification of emerging terrorist threats, and the determination of priority actions to combat those threats.²⁸² It also entails the FATFs commitment to develop further measures to ensure the effective implementation of the Strategy.²⁹⁴ The Security Council recently stressed the important role of the FATF in setting global standards for preventing and combatting money laundering, terrorist financing and proliferation financing.²⁸³

Foreign Terrorist Fighters

The issue of FTFs has increasingly gained relevance in recent years.²⁸⁴ In resolution 2178 (2014), the Security Council defines FTFs as “individuals who travel to a state other than their state of residence or nationally for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”.²⁸⁵ FTFs intensify the threats posed by terrorist organizations, either by providing manpower or by donations made by FTFs themselves or in form of ransoms paid in order to free FTFs from conflict zones.²⁸⁶ Hence, FTFs increase the intensity, duration and complexity of conflicts.²⁸⁷ Furthermore, they pose a serious threat to their states of origin, transit, and destination.²⁸⁸ Considering that FTFs by nature constitute an international threat, international cooperation to deal with this challenge is crucial.³⁰¹

As a response to the increasing number of FTFs, the Security Council obliged all Member States to address the problem of FTFs, inter alia, by taking measures to prevent radicalization and recruitment of FTFs.²⁸⁹ In order to support Member States in taking action against FTFs, UNOCT developed the United Nations Capacity Building Implementation Plan for Countering the Flow of Foreign Terrorist Fighters.²⁹⁰ This Implementation Plan coordinates all UN instruments related to the issue of FTFs and assists Member States in addressing the full life-cycle of the FTF phenomenon.²⁹¹ This includes FTFs’ radicalization, travel, training, operationalization, financing, return and potential resumption of violence in FTFs’ home countries.²⁹²

²⁷⁹ Financial Action Task Force, *About, History of the FATF*; Financial Action Task Force, *About, Who we are*.

²⁸⁰ Financial Action Task Force, *About, Who we are*.

²⁸¹ Financial Action Task Force *Consolidated FATF Strategy on Combating Terrorist Financing*.

²⁸² *Ibid.*

²⁹⁴ *Ibid.*

²⁸³ UN, Security Council, *Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism (S/RES/2462 (2019))*, 2019.

²⁸⁴ *Ibid.*, p.1-5.

²⁸⁵ UN, Security Council Counter-Terrorism Committee, *Foreign terrorist fighters*.

²⁸⁶ *Ibid.*

²⁸⁷ *Ibid.*

²⁸⁸ *Ibid.*

³⁰¹ *Ibid.*

²⁸⁹ UN, Security Council, *Addressing the growing issue of foreign terrorist fighters (S/RES/2178 (2014))*, 2014.

²⁷⁸ UN, Office of Counter-Terrorism. *Pillar 1: Measures to address conditions conducive to the spread of terrorism*; Oxford Research Group, *UN Peacekeeping and Counter-terrorism*, 2017.

²⁹⁰ Inter-Parliamentary Union, *MPs consider the issue of foreign terrorist fighters*, 2019.

²⁹¹ *Ibid.*

²⁹² UN, Office of Counter-Terrorism, *Foreign Terrorist Fighters Implementation Plan*.

Supporting the efforts of UN entities in tackling the problem of FTFs, GCTF's Working Group on Foreign Terrorist Fighters serves as a platform for the development of practical initiatives to help coordinate and build on efforts at the national-, regional- and international-levels to stem the flow of FTFs and address the complex issues related to their return.²⁹³

Conclusion

The maintenance of international peace and security depends to a large extent on the prevention and suppressing of terrorism.²⁹⁴ Further instruments of achieving and preserving peace and security at the global level, such as peace-building, peacekeeping, and disarmament, cannot succeed without having addressed the threat of international terrorism.²⁹⁵ The Security Council and other UN organs have already developed many instruments to prevent and combat terrorist activities, including the establishment of the UN Office of Counter-Terrorism, which is responsible for coordination the multi-faceted instruments and approaches developed by the international community.²⁹⁶ Since there are many different entities involved in fighting international terrorism, successful coordination of those entities' work can only be granted by periodic reviews of the coordination mechanisms.²⁹⁷ Furthermore, it needs to be kept in mind that the problem of terrorism is composed of various aspects, including the problem of FTFs and the many ways to finance terrorist activities.²⁹⁸ Finally, although the international community can rely on a customary international law definition of terrorism, an official definition of terrorism would be an important step towards providing consistent and solution-oriented approaches on countering terrorism.²⁹⁹

Further Research

While researching, delegates should consider the following questions:

- What can the Security Council do to enhance coordination of different approaches of counterterrorism measures within the existing framework?
- How can the work of Member Entities to the United Nations Global Counter-Terrorism Coordination Compact be better coordinated?
- How can the challenge of the non-existence of a universal definition of terrorism be addressed?
- What can be done to address the increasing numbers of FTFs?
- How can existing Peacekeeping Operations be enhanced in order to more effectively promote stability in regions vulnerable to terrorism?

²⁹³ Global Counterterrorism Forum, *Foreign Terrorist Fighters (FTF) Working Group*.

²⁹⁴ UN, Security Council, *Maintenance of international peace and security (S/RES/2347 (2017))*, 2017.

²⁹⁵ UN, Security Council, *Threats to international peace and security (S/RES/2482 (2019))*, 2019.

²⁹⁶ UN, Office of Counter-Terrorism.

²⁹⁷ UN, Office of Counter-Terrorism, *UN Global Counter-Terrorism Strategy*.

²⁹⁸ UN, Security Council Counter-Terrorism Committee, *Foreign terrorist fighters*; UN, Security Council, *Threats to international peace and security caused by terrorist acts: Preventing and combating the financing of terrorism (S/RES/2462 (2019))*, 2019.

²⁹⁹ American Society of International Law, *Special Tribunal for Lebanon Issues Landmark Ruling on Definition of Terrorism and Modes of Participation, Volume: 15, Issue: 6*, 2011.

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