• Study Guide •

UNSC

CCBMUN XI
Do more than just watch!

CCB
Colegio Colombo Británico

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1. Welcoming letter

“The well-being of mankind, its peace and security, are unattainable unless and until its unity is firmly established.” -Bahá'u'lláh

Dear delegates,

It's an honour for us, Mariana Monsalve and Sara Castaño to welcome you to the XI version of CCBMUN’s United Nations Security Council. It's an immense privilege being the ones able to preside over this committee, and to try to emulate the profound and crucial discussions that truly happen around the world. We hope that this experience of embodying influential nations in one of the six main organs of the United Nations will not only enrich you with new knowledge and conflict-solving abilities but will enable you to create a new perspective of our reality today. We aspire for this Model United Nations to contribute to a better understanding of current issues, and hopefully spark a wave of curiosity on how to be the ones that create meaningful changes in this difficult situation.

As many others have said before us, our main goal with this event is to inspire you to at least for a couple of days *“Do more than just watch”*. We, with the best of our abilities, will strive to provide you with the greatest assistance and guidance needed to bring to life the space where you will be able to debate, discuss, investigate, and negotiate. However, the true core of this activity is you, the delegates. We expect all of you to give the best of yourselves and to properly prepare, engage with the material, and faithfully represent your delegations. We hope to give you the tools to make the best of these commission days, but ultimately it is our responsibility to build and shape the best experience possible during the course of CCBMUN.

With this in mind, we invite you to get involved completely with your role in the commission. In this opportunity you will have the possibility to participate in one of the most influential and powerful organs in the international landscape, capable of making strong and applicable decisions to the issues it discusses. Therefore, the main goal of developing diplomatic solutions and maintaining international security and peace, is achievable, and on this occasion, you are the ones with the chance to do so.

Sincerely,

Mariana Monsalve
President of the Security Council

Sara Castaño
Vice President of the Security Council

2. Introduction to the committee.

a) History.

In the aftermath of the Second World War, the international community decided to create the United Nations (UN), an international organization with the main goal of maintaining international peace and security and taking effective collective measures to prevent and remove the threats to peace. The UN Charter is the UN's governing document drafted by 50 states in the San Francisco Conference, from April 25 to June 26, 1945, and later signed by 51 nations. The document established the six main organs of the organization, the Secretariat, the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice, and the Trusteeship Council. The UN Charter came into force on October 24, 1945, after being ratified by China, France, the Soviet Union, the United Kingdom, the United States and by a majority of other signatories. The first session of the Security Council was held on January 17, 1946, at Church House, Westminster, London. Since then, the Council's permanent residence was relocated to the United Nations Headquarters in New York City.

The Security Council not only has the primary purpose of preserving international peace and security, but it also contributes to the development of friendly relations between member states and creates a place to effectively cooperate in solving conflicts among nations. The Council, as stated in article 39 of the UN Charter: *"shall determine the existence of any threat to the peace, breach of the peace, or act of aggression*[1] *and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."* Such decisions are agreed to be accepted and be carried out by the member states in accordance with the Charter[2]. This means that the Security

[1] Threat to peace: originally perceived exclusively to inter-state conflicts, but the idea has expanded to include internal situations, violations of human rights and international humanitarian law, terrorism, climate change and the proliferation of weapons of mass destruction among others.
Breach of peace: less expansive term referring to specific acts that pose a significant threat to international peace and security.
Act of aggression: the term must be understood by the definition established in resolution 3314 of the General Assembly of 1974. *See* A/RES/29/3314 - Definition of Aggression - UN Documents: Gathering a body of global agreements (un-documents.net)

[2] *Article 25: The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.*

Council has the authority to bind all members of the organization, and the members are obliged to follow the measures agreed upon in the Council's resolutions.

The Council consists of fifteen members, five permanent and ten non-permanent members. All members are granted one vote. Originally the 5 permanent states were the United States, the Union of Soviet Socialist Republics, the United Kingdom, the French Republic, and the Republic of China. Later the Republic of China would be replaced at the UN by the People's Republic of China on October 25, 1971, and the Soviet Union would be replaced by the Russian Federation on December 24, 1991. These five nations have veto power over any Council's resolution. The ten non-permanent members are elected for a two-year period, with no consecutive re-election, and are chosen considering geographical distribution. There are 3 representatives from African countries, two from Latin America, two from Asia, two from Western Europe, and one from Eastern Europe.

All decisions on procedural or non-substantial matters need a minimum of nine affirmative votes to pass. The veto power is not applicable in these cases. However, in decisions regarding substantial matters (resolutions), nine affirmative votes are required, including the concurring votes[3] of the five permanent members. Any member of the United Nations who is not a member of the Security Council can be invited to participate in discussions about a situation brought to the Council that especially affects that delegation, although it will not have the possibility to vote. If a member is a party to the dispute in an issue being discussed in the Council, it shall abstain from voting (Article 27 [3]). Finally, if the Security Council is unable to ensure the maintenance of international peace and security because of the exercise of the veto power of the permanent members in a decision of vital importance, members of the council may request, applying the General Assembly resolution 377(V) (United for peace), the referral of the issue to the General Assembly so it can make the necessary recommendations.[4]

b) Powers

The UNSC has three sets of powers according to the Charter:

- Adjustment or settlement powers (Chapter VI)
- Enforcement powers (Chapter VII); and

[3] Abstention, non-participation, absence, or a vote in favor are considered as concurring.

[4] *See* https://ask.un.org/faq/177134 *and* A/RES/377%20(V) - E - A/RES/377%20(V) -Desktop (undocs.org)

- Regional arrangement powers (Chapter VIII)

Adjustment or settlement powers:

The council, to peacefully resolve international disputes or situations that in principle do not yet pose a threat to peace, can take a number of non-coercive measures to settle the dispute. The SC can call upon the parties to a dispute to settle their dispute through *"negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice"* (Article 33 [2]). Also, the Council may investigate any dispute that might endanger international peace and security, and it can establish fact-finding missions and commissions of inquiry to fulfil such purposes. If the efforts mentioned in Article 33 fail to settle the conflict, the SC shall intervene recommending appropriate procedures, methods or terms of settlement or referring the dispute to the International Court of Justice (ICJ), if necessary.

Enforcement powers:

When measures taken under Chapter VI result unsuccessful, the Security Council can take more assertive action under Article 39 by making non-binding recommendations or binding provisional decisions[5] on which process to follow, like issuing ceasefire directives that can help prevent an escalation of the conflict and dispatching military observers or a peacekeeping force to help reduce tensions. In addition, the Council may opt for enforcement measures not involving the use of force, like complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations. Or it may authorize the use of force by air, sea, or land.

Regional arrangement powers:

Chapter VIII allows regional arrangements or agencies to deal with matters relating to the maintenance of international peace and security, if the arrangements and their

[5] To understand when Security Council's decisions are binding the ICJ said, in Legal Consequences for States of the Continued Presence of South Africa in Namibia case (1971), that *"the language of a resolution of the Security Council should be carefully analyzed before a conclusion can be made as to its binding effect... the question whether they have in fact been exercised (powers of Article 25) is to be determined in each case, having regard to the terms of the resolution to be interpreted, the discussions leading to it, the Charter provisions invoked ".*

activities comply with the Purposes and Principles of the UN, the matter addressed is local and adequate for regional action, the arrangement obtains authorization of the SC before undertaking action and the Council is kept fully informed of their activities.

The Security Council has the possibility of establishing subsidiary organs as it deems necessary for the performance of its functions. They include Ad Hoc committees on sanctions, counterterrorism, and nuclear, biological, and chemical weapons, International Criminal Tribunals for Rwanda and the former Yugoslavia, Military Staff Committee and Peacekeeping Operations and Political Missions[6].

3. Topic I: Extraterritorial use of force against non-State actors

a) Introduction

The prohibition of the use of force is considered to be one of the most important norms governing State behaviour and has been the cornerstone of the modern international system ruling international relations. It was established under article 2[4], which states that *"all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations"*. By "*the threat or use of force"* it must be understood the threat or actual use of any 'armed' or 'physical force' since coercive measures, like economic sanctions, are not considered a form of force.

The ban on the use of force is known to enjoy the status of a *jus cogens*[7] rule and there are only two exceptions to it: ii) Chapter VII of the Charter and ii) Article 51. Under chapter VII the SC can not only determine the existence of threats to the peace, breaches of the peace, or acts of aggression as explained above, but may authorize the use of force by member States in order to restore or maintain international peace and security. On the other hand, Article 51 refers to the right to Self-defence stating that: *"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to*

[6] For more information on subsidiary bodies, *see* Subsidiary Organs Branch | United Nations Security Council
[7] *See* glossary

maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

There are various restrictions and procedural requirements included in Article 51. In the first place, self-defence is used in order to respond to an armed attack. Determining exactly which set of actions may constitute an armed attack is strenuous, due to the lack of a proper definition of the term in the UN Charter or in treaty law. Nonetheless, the International Court of Justice's (ICJ) jurisprudence does set some boundaries. In the 1986 Nicaragua merits judgment, [the] court clarifies that it is necessary *"to distinguish the gravest forms of the use of force (those constituting an armed attack) from other less grave forms"* and explains that the difference between an armed attack and those less grave forms of the use of force is the 'scale and effects' of the attack. The statement indicates the requirement for the armed action to meet the threshold of intensity in order to be considered an armed attack. However, various conflicting points of view have emerged between States. For example, State practice has shown that small-scale border attacks (which the Court originally explained to not constitute an armed attack because mere frontier incidents would be below the intensity threshold) involving lethal force are considered by some States as actions that may trigger the right of self-defence. Regardless of the approach on the definition of armed attack, two premises that can be highlighted as to be widely accepted are: that to lawfully use defensive force, the armed attack has to be intentional and specifically aimed at the victim State, and that it is possible to invoke self-defence when an armed attack has occurred on emanations of a State such as embassies and warships which are not directly located within the territory of said State.

In the second place, self-defence can be applied automatically without need of authorization, and the defending State can invite other States to exercise the right of collective self-defence. Self-defence only encompasses the measures necessary to repel or halt an ongoing attack, and these are available until the Security Council has taken actions to maintain international peace and security as noted in Article 51.[8] Finally, when mentioning *"the inherent*

[8] If the measures taken by the SC can obviate the need for self-defense (for instance, taking military collective action under Article 41 or 42 of the Charter), then the victim state may no longer have a claim of self-defense. However, if the SC were to, for example, only condemn the armed attack, then the right to act in self-defense

right" of self-defence, Article 51 references the customary law of self-defence which predated the creation of the Charter. However, the right of self-defence codified in Article 51 should not be interpreted as to preserve all the original characteristics present in the traditional customary practice, known to be articulated in the *Caroline* incident of 1837[9].

In addition, there are other matters relating to the right of self-defence that are as unsettled and divisive. The changing landscape of international conflict in the last decades has demonstrated that inter-State disputes are no longer the only circumstances under which international peace and security may be threatened. Originally, Article 51 was primarily designed to address threats and uses of force coming from States, considering that at set time, international armed conflict[10] was the prominent threat to peace and was to be averted by all means. Notwithstanding, events like the 9/11 attacks and the conflict in Iraq and Syria against ISIS illustrate that non-State actors, which are all actors in international relations that are not States,[11] may be substantially involved in situations where the question of the necessity of self-defence may arise. The international community has debated for decades whether it is possible to exercise self-defence against non-State actors, and how to do it properly. Nonetheless, questions of State sovereignty, territorial integrity, consent, and others, have created divisions within the States' understanding of the right; divisions that eventually must reach an agreement to clear out the regulations of the use of force in this context.

b) Historical background

Self-defence was not a new practice internationally, but a conduct widely spread among States. It is therefore important to comprehend how the right was mainly understood before the prohibition of the use of force, and which aspects of that original application are still relevant. We also have to analyse the early interpretations of self-defence to correctly identify the scope of this principle today, and how it may change as new threats arise.

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would continue. Additionally, the SC could call for – or even demand – a ceasefire or require the States to cease all use of force.

[9] Will be explained below

[10] International law distinguishes two types of armed conflicts: (a) international armed conflicts, opposing two or more States, and (b) non-international armed conflicts, between governmental forces and nongovernmental armed groups, or between such groups only.

[11] These comprises individuals (Individuals in International Law) as well as entities, the latter including a large range of organizations and institutions on the global, regional, sub-regional and local level like corporations, private financial institutions, and NGOs. When analysing the involvement of non-State actors in international conflict, the main kind of non-State actors involved would be armed organizations like paramilitary or armed resistance groups.

Pre-Charter right of self-defence

The traditional interpretation of the right of self-defence in customary international law can be traced to the Caroline case, as mentioned earlier. This originates from the dispute between the US Secretary of State and the British Government concerning British subjects seizing and destroying an American vessel (the Caroline) in an American port. The British government claimed the need for self-defence since the vessel was being used to transport supplies and arms to a group of rebels conducting attacks on Canadian territory (which was under British rule). Nonetheless, the US Government denounced the action as an attack against its territorial integrity. The diplomatic correspondence between the British authorities and the US Secretary of State that followed the incident laid out the criteria that had to be met in order to make use of force under self-defence. In the exchange, the British government noted that "[the local authorities of Canada] did nothing unreasonable or excessive; *since the act justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it"*. And explained that defensive force should be confined to cases in which the *'necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation'.* Two clear parameters for self-defence are expressed in the interaction initially: the requirement for self-defence to be necessary as a result of the unavailability of other possible measures ('leaving no choice of means'), and the need for immediacy ('instant, overwhelming', 'no moment for deliberation').

The principle of necessity requires for all non-forcible measures capable of ending or averting an attack to be exhausted or unavailable, leaving the use of force as the only effective option. If there were to be an alternative not involving military force that could alleviate the need for self-defence while properly defending the State[12], then the forcible measures would not be necessary and the use of force unlawful. Necessity not only assesses whether forcible means are needed at all, but it evaluates what specific amount of force is necessary to halt or avert the attack, and it limits the right to only permit force to achieve that purpose.

The requirement of immediacy refers to the temporal relation between the armed attack and the self-defence response. The criteria would demand that the State victim of the attack

[12] It does not mean that extensive non-forcible measures must always be attempted, as there may be circumstances (such as, i.e., an ongoing barrage of missiles) in which such options cannot reasonably be explored in time and are futile in the specific context.

respond immediately following the attack. However, using the standard of 'no moment for deliberation' is impractical, taking into account that governments may take time to deliberate which actions are pertinent (whether they are peaceful measures or military force), and to follow bureaucratic procedures when giving orders. Therefore, some countries and scholars, although controversially, consider that immediacy would be relevant when referring to the use defensive force in order to anticipate an imminent attack that has not yet happened (anticipatory self-defence)[13].

Additionally, the third parameter noted in the correspondence is proportionality. It indicates that the use of force cannot be greater than the necessary to neutralize or end the attack or threat. All these principles are applicable to the current interpretation of self-defence and need to be considered when recognizing the adequate application of the right, even if it's directed towards non-State actors.

Early approaches to Self-defence against non-State actors

In the decades succeeding the creation of the UN, up until the late 1980s, threats coming from armed non-State actors were very real for several nations. However, the international community handled these kinds of threats during this time, especially in the fight against terrorism, with specific mechanisms. The focus centred around policy making,[14] and States tended to approach armed force by non-State actors as a problem of criminal law[15] to be addressed by means short of (international) military force. Consequently, States that looked to combat armed groups by collective or unilateral forcible action encountered various obstacles.

When facing threats by non-State actors, there are three different scenarios: (i) the armed group responsible for the threats operates within the territory of the victim State; (ii) the armed group operates outside the territory of any state (neutral areas such as the high seas where no State exercises sovereignty); and (iii) the armed group operates within the territory of another State.

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[13] *see* glossary

[14] Various sectoral conventions on specific types of terrorist activities were ratified. Notwithstanding, the international community typically approached this threat in a 'contextual' way, taking account of the causes of terrorism, and was unwilling to condemn it in an unequivocal way.

[15] International criminal law is the body of law that prohibits certain categories of conduct deemed to be serious crimes, regulates procedures governing investigation, prosecution and punishment of those categories of conduct, and holds perpetrators individually accountable for their commission.

If the victim State were to take military action to respond to the threat, in the first two cases, the prohibition against the use of force stated in Article 2[4] would not be relevant. This, because Article 2[4] only requires states not to use force in their international relations, leaving the use of force as a legal response to threats by non-State actors in internal conflicts or in other areas where the territorial integrity or political independence of a second State would not be violated[16]. Nonetheless, in the third case the extraterritorial use of force, by one state, against non-State actors operating within another would inevitably violate the rule, although indirectly. Using forcible measures against individuals or groups does not violate the prohibition itself; however, when those measures are implemented in another State's territory, the action happens inside the scope of the State's international relations, and clearly undermines the territorial integrity of the second State. Therefore, military actions to face these groups extraterritorially had to be justified by either of the exceptions to the prohibition on the use of force.

Originally, it was envisaged that, under the Charter system, enforcement action should primarily be taken by the Security Council through collective intervention under Chapter VII. Nevertheless, it was virtually impossible to carry out that sort of initiatives in the SC during the first four decades of the UN's existence. Between 1945 and the late 1980s, the Security Council's authority was paralyzed by block confrontation. In fact, in no instance had the SC qualified, for example, a specific act of terrorism as a threat to, or breach of, the peace in the sense of Article 39, thus it never took forcible actions against non-State actors.

In consequence, the only other plausible option to respond to threats by armed groups was to claim the right to use unilateral force under self-defence. Yet, the international community's interpretation of self-defence between 1945 and the late 1980s was mainly leaning towards a rejection of the possibility of the right in that context. Nonetheless, there were several incidents during this period where States pleaded for self-defence to justify their use of force, responding to attacks that were not carried out directly by another State. Among them were the Israeli anti-terrorist raids since the 1950s, the South African incursions into neighbouring states during the 1970s and 1980s, or the United States' 1986 attacks on Libya. Notwithstanding, the international community reacted to these events disapprovingly and mostly rejected their legal

[16] Despite not being illegal in those contexts, the force used against the non-State actors would still have to comply with international human rights law and international humanitarian law depending on the case.

justifications for the use of force. For instance, in 1985, when Israel raided the Palestine Liberation Organization (PLO) headquarters in Hammam Chott, Tunisia, the SC *"condemn[ed] vigorously"* the action, declared it an *"act of armed aggression ... in flagrant violation of the Charter of the United Nations"* and urged other states *"to take measures to dissuade Israel from resorting to such acts against the sovereignty and territorial integrity of all States"* (SC Res. 573 [1985])[17].

On the other hand, ICJ's jurisprudence favoured a restrictive analysis of Article 51. Given that Article 51 constitutes an exception to the ban on the use of force, many commentators, including the Court, consider the inter-State requirement (that force is only prohibited if used against another state) of Article 2(4) to apply to Article 51 as well (meaning that self-defence would only excuse the use of force if an armed attack *by a State* occurred). In the previously cited Nicaragua case, the Court expressed exactly that. It said that only attacks made by a state or attributable to a state could justify a claim for self-defence. The Court, taking Article 3(g) of resolution 3314, explained that *"the sending by or on behalf of a state of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another state"* could constitute an armed attack. Nonetheless, it noted that for the conduct of irregular forces to be attributable to the State, that state had to exercise *"effective control [over] the military or paramilitary operations"* in question, whereas logistical or other support would be insufficient, and could only amount to illegal intervention or illegal use of force, but not to an armed attack.

There was abundant criticism of the Court's ruling. Commentators and even some judges of the Nicaragua case criticized the restrictive approach. A considerable number of States have advanced that, because Article 51 does not explicitly mention the nature of the party responsible for the attack (it only says that "*if an armed attack occurs against a Member of the United Nations"* self-defence is lawful), the rule leaves the option of responding open, with defensive force to an armed attack regardless of the attacker.

[17] *See* https://undocs.org/S/RES/573(1985). For earlier condemnations *see* SC Res. 313 (1972), SC Res. 508 and 509 (1982).

Overall, due to the restrictive interpretation from the international community of self-defence and the rules set out by the ICJ, the extraterritorial defensive force against non-State actors was an unavailable option under international law for several decades.

c) Current situation

For the last three decades, threats coming from non-State actors have come to the forefront in conversations about international peace and security. The previous worries about the Security Council's inability to face threats coming from armed groups which operate in one or multiple countries have been losing track as the SC increasingly improves its strategies directed at confronting such actors. The Council has noticeably begun to regard forcible action by non-State actors, especially in the form of terrorism, as threats to peace in the sense of Article 39[18], and has taken enforcement action upon it. Notwithstanding, it has refrained from authorizing military measures, as such actions require the support (or at least acquiescence) of all five permanent members, something that remains difficult to achieve. Therefore, self-defence has prevailed as the preferred course of action if a State seeks to take military action against armed forces in the territory of another State. However, the law of self-defence against irregular forces and the traditional approach to the right began to be questioned by the increasing state practice that pointed towards a wider interpretation of Article 51. There are still differing positions over the issue. The debate whether law prohibits this use of defensive force, and the discussions on which legal standard to use to identify when such force can be applied (in the case it is lawful), are not settled. In the following paragraphs those different positions will be addressed and the matters within those propositions that are still to be defined.

An absolute prohibition

Despite losing the unanimity it used to have during the last century, the restrictive approach is still relevant and is the foundation of numerous States for the claim that using defensive force against an attack by armed groups is unlawful under international law, unless the attack can be attributed to a State. The States who promote this reading of Article 51 consider that: If a state 'A', where to use force in the base of operations of the non-State actor in the territory of a State 'B' (as a response to an armed attack that is not attributable to the

[18] For example, in the SC Resolution 1566 (2004) the Council, acting under Chapter VII, "condem[ned] in the strongest terms all acts of terrorism irrespective of their motivation, whenever and by whomsoever committed, as one of the most serious threats to peace and security".

State 'B'), without its consent, such force would still amount to a violation of the territorial integrity of the State 'B'. The action is seen as holding the host State accountable for acts that are not its own. Under conventional scenarios, where self-defence is used against a State that was responsible for an armed attack, that violation of the ban on the use of force gives the victim State an excuse to violate the territorial integrity of the attacking State. However, in situations where the host State is not responsible for the attack, there is no such excuse. This view advances that instead of taking forcible action, the victim State may lawfully respond to the threat by:

(i) asking the host State to prevent the violence,
(ii) actively cooperating with it in order to combat the threat,
(iii) obtaining the host State's consent to use force, or
(iv) seeking Security Council authorization.

Moreover, even after the 9/11 attacks and the general agreement that the United States was entitled to the right to self-defence[19]; subsequent ICJ's pronouncements were still inclined towards a restrictive interpretation. In the 2004 advisory opinion in *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the ICJ plainly stated that *"Article 51 of the Charter … recognizes the existence of an inherent right of self-defence in the case of armed attack by one State against another State",* and hence, did not justify Israel's construction of a wall aimed at preventing attacks by armed forces operating from within the occupied territories under Israeli control. The statement further affirmed the stance that the Court had previously taken in the Nicaragua case. Similarly in the 2005-Armed *Activities* case between Uganda and the Democratic Republic of the Congo (DRC), The Court found that Uganda's defensive force against the DRC, used to respond to armed attacks by a rebel movement operating from within the DRC were illegal, since the acts could not be attributed to the State.

The main promoters of this prohibition seem to be Latin American States collectively. This can be evidenced by the response to Colombia's 2008 incursion against members of the Revolutionary Armed Forces of Colombia (FARC) located within Ecuador. The operation was highly condemned by a commission of the Organization of American States (OAS), labelling

[19] Will be further explained later

it *"a violation of the sovereignty and territorial integrity of Ecuador and of principles of international law."* Subsequently, the OAS Permanent Council then reaffirmed the *"principle that the territory of a State is inviolable and may not be the object, even temporarily, of . . . measures of force taken by another State, directly or indirectly, on any grounds whatsoever."*. Ultimately, the Rio Group of Latin American States issued a declaration unanimously denouncing Colombia's violation of sovereignty.

Broader approach of defensive action

The international practice of States indicating the move towards an expansive interpretation of the right of self-defence has exponentially increased. The international community's attitude towards defensive force against irregular forces has been mainly shifting, and more States seem willing to endorse, or simply condone, the practice under certain specific circumstances. However, even within the group of States who advance this view, there is not much consensus on questions about when to permit such defensive force, how to justify the violation of the host State's territorial integrity, and which legal standards apply. Essentially, two main grounds for permitting self-defence are conceivable: (a) if the territorial State actively harbours or supports the non-State actors or lacks the governance authority in the area from which they operate and, (b) if the territorial State is unwilling or unable to address the violence of the non-State actor. On occasions the grounds might overlap with each other; nonetheless, their individual scope varies.

a. An Attack coming from a Harbouring or Supporting State or from an Ungoverned Space

This ground requires that the territorial State either harbours or supports the non-State actor or lacks control over the area where it operates. With this standard, force is justified under the premise that the territorial State cannot plausibly face the threat, and the victim State is not able to rely on cooperation or non-forcible measures to deal with the irregular forces due to the active support or harbouring of such forces by the host State. In these cases, the violation of the host State's sovereignty is said to be excused by the territorial State's responsibility,[20]

[20] As stated in the 2001 text about Responsibility of States for Internationally Wrongful Acts adopted by the UN (*see* https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf), States bear responsibility over an internationally wrongful act when such conduct consists of an action or omission: that is attributable to the State under international law and constitutes a breach of an international obligation of the State.

because of its failure to prevent activities that cause injury to another state. Such failure may occur because of the territorial State's lack of compliance with international requirements on combating armed activities, which can be found in multiple conventions and resolutions.

For instance, in the Declaration on Principles of International Law Concerning Friendly United Nations and Security Council resolution 1373, it is stated that States must refrain from, *"organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force*"; and from " *providing any form of support, active or passive, (a) to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists"*. When encountering a harbouring or supporting State, violations of these or other provisions might happen, and if they do, the host State would be violating international law. Similarly, a State who lacks governance over the areas where the non-State actor operates is likely to be unable to enforce preventive measures in its territory or comply with other obligations, so it bears responsibility as well, if it fails to comply with such obligations. Nonetheless, it is contested whether the violation of international responsibilities is sufficient for the plea of the right of self-defence. Many States consider that not all violations of international law give rise to the right to self-defence or allow forcible measures against the territorial State.

The clearest example of States applying a harbour or support standard can be seen in the United States´ and United Kingdom's response to the terrorist attacks of September 11, which was widely supported by the international community. In their corresponding letters to the Security Council, the US and UK reported that they had begun self-defence actions in Afghanistan in order to prevent further attacks from Al Qaeda. The Security Council recognized *"the inherent right of individual or collective self-defence"* in resolutions 1368 and 1373 and shortly after the North Atlantic Treaty Organization (NATO) asserted that the attacks *"directed from abroad"*, triggered the collective self-defence provision of its governing treaty. In this particular case, there was significant evidence of a degree of involvement and responsibility of Afghanistan (under the Taliban *de facto* government) in allowing Al Qaeda to successfully operate within its borders. However, it is unclear whether such involvement could ever amount to the criteria for the attribution (that of "effective control") of the attacks to

Afghanistan. Thus, this case can be said to belong to the category of supporting state or of providing safe haven.

Additionally, it can be found that the African Union in their 2005 Non-Aggression and Common Defence Pact defined "aggression," which generally triggers Article 51, to include *"the encouragement, support, harbouring, or provision of any assistance for the commission of terrorist acts and other violent transnational organized crimes against a Member State."* This indicates a leaning towards the acceptance of this doctrine.

Equally, the harbour or support standard was arguably applied on Israel's 2006 operation against Hezbollah. There, Israel launched an operation in response to Hezbollah's abduction of two Israeli soldiers and a number of rocket attacks that emanated from southern Lebanon into northern Israeli towns. In this case, the Lebanese government was both supportive of Hezbollah and lacked control over areas where it operated. At the time of the operation, Hezbollah participated, and had direct representation in Lebanon's central government. It could easily influence policies and the government's decision making to favour its interests; therefore, the State could be considered as supporting the group. On the other hand, the militant wing of Hezbollah controlled much of Lebanon's territory, which were areas where the State could not exercise power effectively (ungoverned spaces). After Israeli action, a considerable number of states, in principle, recognized Israel's right to use defensive force against Hezbollah.

Finally, incidents where the host State's consent is ambiguous or incomplete could also be described as taking defensive actions in ungoverned areas. Some examples are: the continuous US strikes against irregular forces in Pakistan since 2004, and the Ethiopia's invasion of Somalia in 2006, with the purpose of defending itself from the threat posed by Islamist groups that controlled noticeable portions of Somali territory. In the Pakistani case, the government has publicly condemned some of the strikes, but there are reports that indicate that the country might have (covertly) consented to the strikes[21], leaving the situation unclear. Despite being criticized for its humanitarian failures, the US operation did not receive much response from third States. in the second case, most States remained silent or showed mild support for the

[21] Still, even UN officials have described the strikes as violations to Pakistani sovereignty, *see* https://www.theguardian.com/world/2013/mar/15/us-drone-strikes-pakistan

operation. Ethiopia hinted that the transitional Somalian government had invited the incursion, however, the consent given only by one side in an internal conflict (especially if the other side, the islamist groups, controls great parts of the territory) is imperfect.

b. An Attack from an Unable or Unwilling State

The unable or unwilling standard covers situations where the host State is either not plausibly capable of confronting the threat, (this includes, for example a State that lacks control over the area where the non-State actors operate) or is unwilling to combat the threat individually or to cooperate in operations looking to address the threat (a State that harbours or supports the non-State actor can also fall into this category). Although the standard covers the circumstances explained in the previous section, the unwilling or unable doctrine takes a wider interpretation. The doctrine permits the use of force, even when the host State exercises governance and control over its territory and actively seeks to suppress the violence but is simply ineffective.

The standard is highly controversial as it is prone to unilateral assessments of a State's "willingness" or "ability" to deal with a threat, without much regard for the interests of the host State or the broader prospects for peace and security. As explained by professor Dapo Akande, applying the doctrine would open up *"the possibility of a small group of states, or individual states, taking action based on their own subjective interpretations as to when it is right or proper to use force",* potentially leaving States with less political power, bound to accept the use of unwanted force within their territories. Nonetheless, several states have invoked the standard in concrete cases to justify defensive operations. For instance, in 2008, Turkey invaded northern Iraq in order to incapacitate rebels of the Kurdistan Workers' Party (PKK). Iraq's Kurdish region, although having ample autonomy from the central government, could not be considered as ungoverned. There was no meaningful evidence that the Iraqi government or officials were harbouring or supporting the rebels, in fact, the central Iraqi government was working with Turkey to address the violence. However, the efforts were fruitless, and Iraq was unable to prevent the violence. The incident falls under the unwilling or unable standard; and the global reaction was mainly muted, with some declarations of opposition.

Both Russia's 2002 and 2007 incursions against Chechen rebels in Georgia may receive this categorization. Despite Georgia's measures to suppress the rebels' repeated use of force, the actions taken were not sufficient. Consequently, Russia made use of defensive force. State

responses were mixed, but again there was no absolute condemnation. The most notable exceptions were: the Council of Europe's Parliamentary Assembly's declaration in 2002 that *"Article 51 . . . do[es] not authorize the use of military force by the Russian Federation or any other state on Georgian territory"*, and the US unequivocal opposition to 'unilateral action against Chechen targets on Georgian territory' and its reaffirmation of Georgia's right to territorial integrity. The Turkey-Iraq and Russia-Georgia cases show the trend of States implementing the unable or unwilling standard in practice, where in most instances, third States (with clear exceptions like the Colombian incursion to Ecuador), do not endorse the legal claim, but they tacitly condone the actual operations.

Recent developments: Operations against the Islamic State (ISIS)

If there is an international incident that broadly represents the current state of play of the law on self-defence, it is the operations against the so-called Islamic State in Syria and Iraq. The claims and justifications advanced through this campaign demonstrate the diversity that remains on the interpretation of Article 51, between States who denounced the use of force, those who stayed silent and those who participated in, or supported the operations. Even within the group of nations who made part of the coalition against ISIS, different legal justifications arose.

The initial operations began as a consequence of the Islamic State's occupation of several Iraqi cities including Mosul, Iraq's second largest city. The Iraqi government had requested US's assistance to combat the threat. So, in Autumn 2014, the US, Bahrain, Jordan, Saudi Arabia, and the United Arab Emirates began airstrikes on ISIS positions. However, the Islamic State was seizing more territory in Syria, controlling about 35 percent of its territory, and it was planning and carrying out cross-border attacks in Iraq as well as terrorist attacks elsewhere. Subsequently, in September, the U.S led a coalition in order to initiate strikes in Syria. Unlike later Russian operations[22], the US coalition did not receive consent from the Syrian government to act within its territory. Therefore, the actions would fall under defensive force against non-State actors without the territorial State's permission.

There were more than 60 countries that made part of the coalition, but the States that actively operated were: in Iraq, the US, Australia, Belgium, Canada, Denmark, France, Jordan,

[22] Russia first announced military operations in Syria on September 30, 2015.

the Netherlands, and the UK; and in Syria, the US, Australia, Bahrain, Canada, France, Saudi Arabia, Turkey, the UAE, and the UK. In this case, legal justifications for the use of force could not simply rely on the support, harbouring or unwillingness of the Syrian government to stop the violence, as the regime was directly fighting against ISIS, and it worked alongside Russia to possibly defeat them. The US, on one hand, in its letter of September 2014 to the Security Council asserted that states *"must be able to defend themselves, in accordance with the inherent right to individual and collective self-defence . . . when . . . the government of the [s]tate where the threat is located is unwilling or unable to prevent the use of its territory for . . . [terrorist] attacks"*. Canada and Australia followed with similarly worded letters in March and September 2015, respectively, referring to the unwilling or unable doctrine as well. On the other hand, the Arab states, participating in the air strikes, refrained from invoking the unwilling or unable standard with respect to Syria.

It was only after the ISIS attacks in Paris of November 13, 2015, that States declarations began to change. The Security Council adopted resolution 2249, determining that the ISIS constituted a "*global and unprecedented threat to international peace and security,"* and called upon States *"to take all necessary measures, in compliance with international law, . . . on the territory under the control of ISIL . . . in Syria and Iraq".* France's new position shifted from participating in the operations in Syria as a measure of collective self-defence, to taking measures characterized as individual self-defence after the attacks. France did not invoke the unwilling or unable standard as advanced by the United States, nor did the United Kingdom, which extended its military action to ISIS sites in Syria in December 2015. Despite UK's Prime Minister David Cameron invoking the unwilling or unable doctrine in the House of Commons in November 2015, the official statement of the British position as contained in the December 3, 2015, letter to the Security Council, did not reference the standard, but it did mention that the UK would be acting upon its individual right of self-defence.

Even though resolution 2249 neither authorized the use of force under Chapter VII of the UN Charter nor explicitly endorsed state assertions of self-defence, let alone the unwilling or unable standard, it was still used by other States in their task of justifying defensive force. Germany, for instance, in its letter to the Security Council of December 10, 2015, refers to resolution 2249 and goes on to state that *"ISIL has occupied a certain part of Syrian territory over which the [Syrian] [g]overnment . . . does not at this time exercise effective control"* so that states are *"justified under Article 51 . . . to take necessary measures of self-defence, even*

without the consent of the [Syrian] [g]overnment". Belgium sent a similar letter in June 2016. Both statements centred around the standard of 'ungoverned spaces', pointing out the lack of effective state control in certain parts of Syria.

There is a significant ambiguity inherent in all claims. However, there are certain assumptions made in their legal framework. The invocation of collective self-defence demonstrates the acceptance of the position that declares that a state's consent to operations against non-State actors whose actions are not attributable to the government within its territory are not required. In addition to this, the invocation of individual self-defence, primarily by the UK and France in the course of 2015 as a result of the likelihood of an armed attack authored by ISIS against their countries, assumes the legality of pre-emptive counter strikes or in anticipation of an armed attack. (Anticipatory or pre-emptive self-defence).

Nonetheless, it highlights the opposition of numerous nations to either the strikes themselves or a reinterpretation of Article 51 is of great importance. The most vocal objectors were Russia and Iran, who denounced the operations as unlawful. Furthermore, the Non-Aligned Movement (NAM), a grouping of 120 states, reiterated at a meeting in September 2016 that *"Article 51 of the UN Charter is restrictive and should not be rewritten or reinterpreted"* and specifically *"reject[ed] actions and measures, the use or threat of use of force in particular by armed forces, which violate the UN Charter and international law . . . under the pretext of combating terrorism".* And individually, the legal adviser to the Permanent Mission of Brazil to the UN explicitly stated his view that the unwilling or unable standard is not part of the international law on the use of force.

This landscape accurately reflects the current discussion around the possibility of Article 51 being redefined. The legal standards surrounding defensive force against irregular forces continue to be contested. Some States find it doubtful that the rather heterogeneous practice of a small number of states could have shifted customary law in the face of a silent majority of states, while others interpret the silence as tolerance or even acquiescence for an expansive claim. The global threat of these armed non-State actors is ever present and operations comparable to Syria are very likely to reappear in the future. Hence, States ought to strive for the establishment of legal frameworks that successfully addresses modern threats while guaranteeing the preservation of international peace and security.

d) QARMAS

- Has your country used defensive action against a non-State actor in the territory of a third country? If yes, individually, or collectively?

- Has defensive force been used against irregular forces in your delegation's territory?

- Has your delegation publicly denounced the use of defensive force against non-State actors by other States? Has it been mainly silent? or, has it condoned or supported such force?

- Was your delegation part of the U.S coalition against the so-called Islamic State in Iraq and Syria? Did your delegation support the strikes in Syrian territory?

- Does your country consider that self-defence can be invoked in instances where an armed attack has not yet happened, but is imminent?

- Has your country made any claim of anticipatory self-defence?

e) Recommendations from the chair

As you may have seen, the topic of the extraterritorial use of force against non-State actors is a highly controversial one. The possible ways to debate it, and the subtopics that can be addressed are very flexible. We mainly advise you to focus on the application of the right to self-defence today and what kind of challenges do non-State actors pose to international peace and security. We exhort you to evaluate the possibility of the use of defensive force towards these particular groups, and what challenges it creates in terms of the sovereignty and security of the State where the groups operate. What measures should be exhausted before considering invoking the right of self-defence? Is it only adequate to use force against these actors under collective action by the Security Council? These are the initial questions that may be asked in the debate. If the committee decides to take a more expansive approach, issues of immediacy and proportionality can be brought up, and arguments about the legitimacy of anticipatory self-defence against irregular forces can take place, especially taking into account the relevance of this claim in current scenarios.

f) Supporting links

Which States Support the 'Unwilling and Unable' Test?
https://www.lawfareblog.com/which-states-support-unwilling-and-unable-test?utm_source=pocket_mylist#Denmark

Responsibility of States for Internationally Wrongful Acts
https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

Security Council's meeting on the theme "Upholding the collective security system of the Charter of the United Nations: the use of force in international law, non -State actors and legitimate self-defence" held on 24 February 2021. Summary and legal analysis https://www.justsecurity.org/75487/self-defense-against-non-state-actors-all-over-the-map/; and official statements https://undocs.org/S/2021/247

Statements of Australia, the UK, Denmark, and Brazil over the law of self-defence against non-State actors https://www.justsecurity.org/55126/brazils-robust-defense-legal-prohibition-force/

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Identical letters dated September 8, 2015, from the Permanent Representative of France to the United Nations addressed to the Secretary-General and the President of the Security Council, UN Doc. S/2015/745, http://undocs.org/s/2015/745

Letter dated December 3, 2015, from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council, UN Doc. S/2015/928, http://undocs.org/S/2015/928

Letter dated December 10, 2015, from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council, UN Doc. S/2015/946, http://undocs.org/S/2015/946

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h) Glossary

Customary law: Customary international law is one component of international law. In Article 38 of the Statute of the International Court of Justice it can be found that customary law is considered to be one of the sources of international law just like treaty law. Customary law refers to international obligations arising from established international practices, as opposed to obligations arising from formal written conventions and treaties. (Legal Information Institute, 2021) It is created and sustained by consistent, widespread, and representative state practice, accompanied by a belief that states are legally bound by the norm (opinio juris). To change or modify said law, a new norm (or a new interpretation of a norm) must be equally supported by consistent and widespread practice and accompanied by opinio juris. An example of customary law is the granting of immunity for visiting heads of state and diplomats. [23]

Jus cogens: A peremptory norm of general international law (jus cogens) is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted, and which can be modified only by a subsequent norm of general international law having the same character. Peremptory norms reflect and protect fundamental values of the international community, are hierarchically superior to other rules of international law and are universally applicable. Peremptory norms must be norms of general international law and be accepted and recognized by the international community of States as a rule with *jus cogens* status. Customary international law is the most common basis for peremptory norms, but treaty provisions and general principles of law may also serve as bases for peremptory norms. (The UN Office of Legal Affairs, 2015)[24]

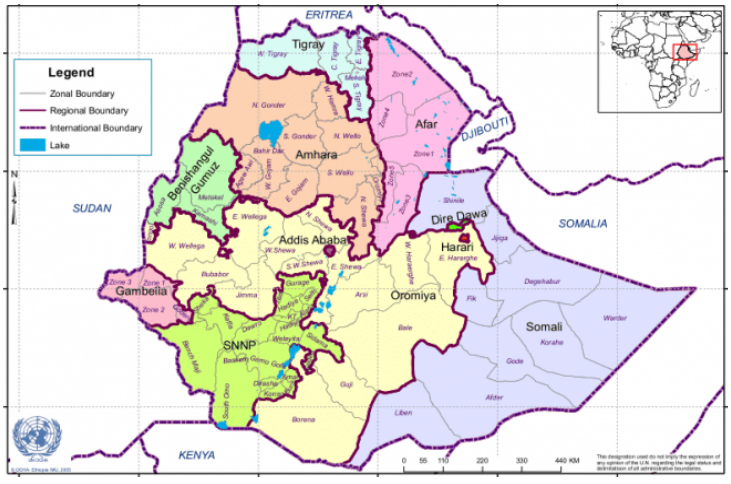
Anticipatory self-defence: An additional controversial area in the realm of self-defence is whether a State may rely on defensive force in order to take forcible measures prior to an armed

[23] For further reading *see* https://www.icrc.org/en/war-and-law/treaties-customary-law/customary-law
[24] For further reading *see* https://legal.un.org/ilc/reports/2019/english/chp5.pdf

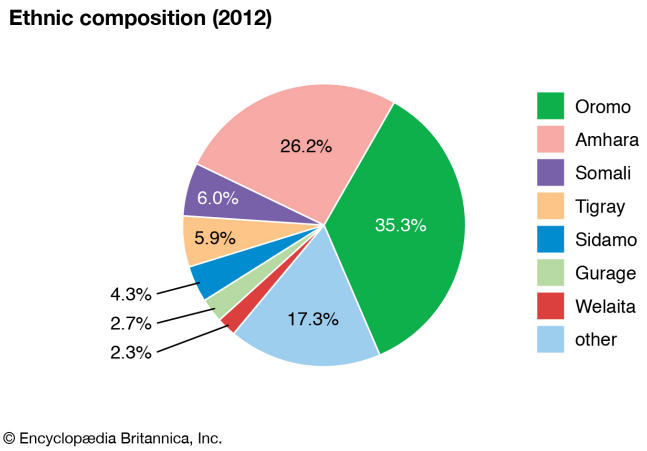
attack. There are two major possibilities: first, that Article 51 of the Charter self-defence only becomes available if an armed attack has actually occurred, taking into account the wording of the article. Second, that self-defence is permissible in the face of imminent attacks that have not occurred yet, where there is substantial and clear evidence of the attack. There is still a debate between supporters of the original two positions; there seems to be increasing support for the view that the right to self-defence does exist in relation to manifestly imminent attacks, in other words that anticipatory self-defence may be available. This position has received further validation in the reports of the UN Secretary-General, although there does not appear to be a clear majority for either side of the debate. Any measures taken under this claim must conform to all the requirements of armed attack, necessity, and proportionality.

4. Topic II: Civil war in Ethiopia

a) Introduction



Ethiopia is the largest and most populated country in the Horn of Africa. It is one of the most influential countries in the region and it is a federation subdivided into ethno-linguistically based regional states and chartered cities. Currently there are 10 administrative regions, and the government has recognized over 80 ethnic groups, which include the Oromo, Amhara, Somali and the Tigrayan, who constitute the most important groups in the country, and are mainly located in the regions with the same name.



In 2018, after the election of a new Prime minister who was ethnically Omoro, tensions began to escalate between the federal government and the Tigrayian people, who had overwhelmingly occupied the most important positions in the Ethiopian government for almost 30 years. Finally, in November of 2020, hostilities erupted and since then, a non-international armed conflict is taking place around the country, mostly concentrated in the Tigray region.

A very serious humanitarian problem is taking place, and not only governments and soldiers are being affected, but also civilians. There have been direct attacks on civilians and civilian infrastructure, widespread and mass extrajudicial executions, rape, and other sexual violence aggressions, and forced displacement and arbitrary detentions. Additionally, this civil war has a deeper foundation than just political grievances, because it has also evolved to an ethnic quarrel, causing a lot of concerns in the international community regarding hunger, ethnic discrimination, possible genocide, use of children as soldiers, and an alarming number of deceased and displaced people; and as it frequently happens with armed conflicts, humanitarian aid that was sent to help the population has not been able to reach its destination.

The government has felt the necessity to recruit civilians to join the army and militias, but insurgents from the Ethiopian ethnic group, Oromo, united with the Tigrayans to weaken the government, causing greater divide. The worsening of the situation heavily impacts in a negative way the country's development and has almost doubled the risk premium fee on Ethiopia's dollar debt, threatening the future of a nation that, before the war, was blooming with great economic growth, and showing its potential as a developing country.

b) Historical Background

Ethiopia is an incredibly diverse country with distinct regions and different ethnic groups. This is because for centuries, since 1270 D.C approximately, the nation was an empire. It was up until the 12 of September of 1974, when Emperor Haile Selassie was overthrown in a coup d'état, and Ethiopia was proclaimed a Socialist state under a collective military dictatorship called the Provisional Military Administrative Council (PMAC), also known as the Derg.

The PMAC did not fully establish their control over the country, which led to numerous civilian opposition groups from all parts of the country to grow. On one side, Eritrean

separatists[25], who had been fighting against the Ethiopian government for independence since 1961, gained control of most of the countryside of Eritrea and were primarily organized in the Eritrean Liberation Front (ELF) and the Eritrean People's Liberation Front (EPLF). On the other side, new rebel groups emerged, ranging from pro-monarchy to rival pro-communist and ethnic insurgencies like the Tigray People's Liberation Front (TPLF), who fought for the autonomy of Tigray, and for the reconstitution of Ethiopia on the basis of ethnically autonomous regions.

By the end of 1976, opposition insurgencies existed in all of the country's fourteen administrative regions. However, in that same year, the Derg implemented a campaign with the aim of repressing the rebels and political opponents known as the "Red Terror". It consisted of systematic summary executions, assassinations, torture, and imprisonment, which only became worst from 1977, after the appointment of Mengistu Haile Mariam as Chairman of the Derg, who continued the campaign up until 1979. Additionally, the 1983–1985 famine (which killed over a million people), economic decline, alarming rates of child mortality and the negative consequences of various government policies, made the general unconformity with the Derg even greater.

As a result, the EPLF and TPLF made a coalition called the Ethiopian People's Revolutionary Democratic Front (EPRDF), which would later include other 3 ethnic insurgencies: the Amhara Democratic Party (ADP), the Oromo Democratic Party (ODP) and the Southern Ethiopian People's Democratic Movement (SEPDM). Finally, in 1991, the strongest ally of the socialist regime, the Soviet Union, was dissolved, and with this change all the aid given to the government was suspended. These allowed the EPRDF to enter the capital, Addis Abada on June 4th, 1991 and take power.

In 1993, the two groups agreed that Eritrea would have an internationally supervised referendum on independence. The election showed almost unanimous support for Eritrean independence and Ethiopia finally accepted and recognized Eritrea as an independent state. The remaining four militias in the EPRDF would remain in power for more than two decades. They established the Federal Democratic Republic of Ethiopia, with a constitution enhancing principles of regionalism and ethnic autonomy. During their administration, the faction with more political and military power was the TPLF. The prime minister Meles Zenawi, elected in 1995, was TPLF along with most of the intelligence and military chiefs.

Conditions did improve under this government. Child mortality significantly decreased, no serious famine occurred, life expectancy arose and from 2000 to 2018, Ethiopia was the third-fastest growing country of 10 million or more people in the world, as measured by GDP per capita (according to the World Bank). Nonetheless, the country did face international conflicts, such as the war over border disputes with Eritrea since 1998. Additionally, consistent allegations of fraud in the elections of the following years and the rising levels of corruption

[25] After World War II Eritrea was annexed to Ethiopia.

within the government increased public discontent and most opponents were faced with persecution and arrest.

However, it was in 2015, when a government plan to expand Addis Ababa, the capital, by linking it with areas in the neighbouring Oromia region generated months of mass protest by the Oromo people. Despite the abandonment of the plan in January 2016, protests continued and were met with support and action from the Amhara regions and, to a lesser extent, in the Southern Nations, Nationalities and Peoples' region. The Party's demands included the release of activists and journalists and more political representation for the regions as the disproportionate economic and diplomatic power of the TPLF aggravated marginalization.

A state of emergency was put in place, and for months security forces responded harshly to the protest, opening fire on protesters, and arresting more than 20,000 people. To ease the tensions, in early 2018, the government released thousands of prisoners, and the Tigrayan prime minister at the moment, Hailemariam Desalegne, who had succeeded Meles after his death in 2012, resigned. The ruling EPRDF appointed Abiy Ahmed, of the Oromo ethnic group, as the successor. Abiy swiftly began to implement reforms to improve the nation's condition. Domestically, he released and pardoned thousands more political prisoners, and worked for the improvement of the economy. Furthermore, the Prime Minister negotiated the end of the border conflict with Eritrea ending the 20-year war. Finally, he removed key Tigrayan officials and military officers accused of corruption and repression.

Many of the reforms resulted in the side-lining of the TPLF, who saw them as an attempt to centralise power and destroy Ethiopia's federal system. When Abiy dissolved the EPRDF in late 2019 and formed the Prosperity Party (PP) with three of the former parties that had constituted the EPRDF, the TPLF refused to join. Moreover, the general elections scheduled to take place in 2020, were delayed for a year due to the COVID-19 pandemic. The TPLF and some other opposition leaders accused Abiy of delaying the elections in order to remain in power past his mandate. Consequently, in September, the Tigrayans held their own regional parliamentary elections, where the TPLF came out victorious. The federal administration declared the TPLF regional government as illegitimate and began withholding funds from the region.

This caused tensions to escalate once more, and on the 4th of November of 2020, TPLF forces attacked and looted federal military bases in Tigray, after which federal troops attacked and launched an invasion of the region.

c) Current Situation

The government's offensive operation targeted the rebel groups present in the north of Tigray hoping that the conflict would be over, but that was far from happening, because this offensive just worsened the situation. The operation was made because during the first days of that month, TPLF forces attacked a military base located in Tigray, because the federal forces

were allegedly going to try to invade Tigray, so they tried to steal their weapons, and after that event was when the Prime Minister decided to order the operation. During the military offensive, various actors directly participated in this procedure. The Ethiopian National Defence Forces (ENDF) were at the centre of the defensive, while Amhara and Afar militias from neighbouring regions in Ethiopia also joined the invasion. Furthermore, as a result of Abiy's increasingly friendly relations with the Eritrean president, Isaias Afwerki, after the peace settlement of the border conflict, Eritrean troops crossed into Tigray and joined the campaign as well. This coalition successfully secured the region's major cities within the first two months of the campaign, and captured the capital, Mekelle.

However, the Tigrayan rebels retreated into the mountains, reorganized, and continued fighting. Finally, by June 28 of 2021, the TPLF re-captured Mekelle and pushed out the government's remaining forces from the area, taking thousands of Ethiopian soldiers' prisoner. That same day, the federal government declared a unilateral ceasefire, citing many reasons including the deployment of essential aid. The Tigrayan forces have not agreed to a ceasefire, as they demand a series of conditions for negotiation. These include the full withdrawal of government troops and their allies, and the restoration of services such as electricity, telecommunications, transport links and banking.

After Ethiopia's military withdrew from Tigray, the conflict spread to the northern provinces of Afar and Amhara, and the TPLF has continued to advance in these provinces, entering the regional capital. The Tigrayans wanted to make a "transitional arrangement", in which they demanded the Prime Minister, Abiy, to be removed from power along with other requirements, but this attempt of arrangement was rejected by the prime minister. He ..., and he called on the citizens to defend the country and the Tigrayan forces, and the government started to release recruitment campaigns, and asked public figures to spread the Ethiopian efforts. A lot of people from all ages and genders attended rallies to support the government forces, along with veterans that decided to re-enlist.

Eritrea got involved in the war to support Ethiopia's government, but a lot of people had blamed Eritrean soldiers of committing the worst abuses in the conflict, and countries such as the United States have encouraged Eritrea to leave Tigray, as well as the Ethiopian government that recognized their presence in March but stated that they would leave as soon as possible. Nevertheless, the United Nations stated that the Eritrean soldiers did not leave the region but started to wear Ethiopian uniforms so they could remain in the conflict and continue to perpetrate horrors.

The conflict has caused a major humanitarian crisis where human rights and humanitarian law[26] have been undermined from both sides. Early on in the crisis, electricity, phone, and internet communications were cut all along the Tigray region by the federal government. After months, utilities and network coverage resumed, but communication blockades have continued

[26] International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. (ICRC, 2004)

to be imposed, particularly in phases when fighting has escalated. In addition, pro-government forces have been preventing aid and supplies getting to Tigray, blocking the key transport routes. Humanitarian workers have been unable to bring in food and medical supplies. This is particularly challenging as the UN estimates that more than five million people are in dire need of humanitarian assistance.

Multiple parties to the conflict, mainly the ENDF and Eritrean forces, have been proven responsible for looting and burning crops, and attacking factories and civilian infrastructure, including hospitals, schools, factories, and businesses, and destroying refugee camps[27] and livestock. The UN also declared that 23 aid workers have been killed in the region since November. The combination of all these factors led to at least 400,000 people living in famine-like conditions, and 33,000 children in inaccessible parts of Tigray severely malnourished and facing imminent death without immediate help.

The crisis has displaced approximately 2.1 million people, forcing about 78,000 people to take refuge in Sudan, while nearly 100,000 people migrated after the TPLF's latest attacks on Afar province. Equally worrying, there is a general concern about Ethiopian civilians being victims of sexual violence. The public health official in the interim government in Tigray have expressed that women are being subjects to “sexual slavery”, and many experts even believe that what is happening there can be classified as “genocidal rape”, as more than 500 cases have been reported. Nevertheless, the information in the reports is very limited, and the perpetrators are often difficult or impossible to identify, but many investigations have implied that sexual violence is being committed by all of the actors in the conflict.

Lastly, violence along ethnic and communal lines has broken out in all 10 regions of Ethiopia, resulting in killings, displacement, and destruction of property. A US government report stated that Ethiopian officials and militia fighters are carrying out a systematic ethnic cleansing operation in the state of Tigray, as a lot of people have been forced to leave their homes by Amhara militias. On the other hand, there have also been claims of systemic killings of civilians who are not ethnically Tigrayan.

As Ethiopia counts with a big population, the war has created fear in neighbouring countries in Africa, threatening to disintegrate Ethiopia. According ..., and according to The New York Times Negotiations and peaceful settlement of the conflict are incredibly difficult to achieve. The Ethiopian government has constantly refused to negotiate with Tigrayan forces, and the international community has been mostly silent. The SC did not have a public meeting about the topic until June of 2021, due to the opposition for public discussion of several countries like China. The only intervention to the conflict has been the authorization of targeted financial sanctions by the US on those found to be responsible for, or complicit in exacerbating

[27] Between November 2020 and January 2021, belligerent Eritrean and Tigrayan forces alternatively occupied the Hitsats and Shimelba refugee camps that housed thousands of Eritrean refugees. Eritrean forces also targeted Tigrayans living in communities surrounding the camps. Furthermore, fighting that broke out in mid-July in Mai Aini and Adi Harush, the two other functioning refugee camps, again left refugees in urgent need of protection and assistance.

the conflict in the region. NGO´s and other organizations are trying to get as much information as possible and are advocating for the crisis to be properly addressed.

d) QARMAS

- Has your country been affected in any way, either directly or indirectly, by the civil war in Ethiopia?
- What kind of strategies or plans should be implemented to address the issue in Ethiopia?
- Does your country support international intervention in these kinds of conflicts? How?
- What type of relationship does your country have with Eritrea? Does it support the Eritrean intervention in the conflict?
- How does the nationalist characteristic of Ethiopia's government affect the conflict? Does your country support this type of strategy?
- What type of relationship does your country have with Ethiopia? Is your country providing or trying to provide humanitarian resources to the people affected by the Ethiopian civil war?

e) Recommendations from the Chair

The chair recommends analysing the different aspects that this situation brings about, such as the human rights violations perpetrated by the different actors of the conflict, the consequences that a conflict as big as a civil war has, as well as the security matters for the civilian population and future of Ethiopia which is in danger of disintegrating. It is important to explore the advantages and disadvantages that different solutions to this conflict may have. Also, it is pertinent to consider the urgency of this war as it can evolve in such a rapid way and destabilize the situation in neighbouring countries, or even in all of the African continent, since Ethiopia is a very influential country in this region, and before, it was a great source of prosperity and an example for similar countries.

f) Useful Links

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Ethiopia: UN chief gravely concerned over 'unspeakable violence' in Tigray https://news.un.org/en/story/2021/08/1098132

100,000 children in Tigray at risk of death from malnutrition: UNICEF https://news.un.org/en/story/2021/07/1096762

Explainer: Understanding the Ethiopian civil war https://erlc.com/resource-library/articles/explainer-understanding-the-ethiopian-civil-war/

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h) Glossary

Genocidal rape: the definition of genocide presented by the United Nations states that:
"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

A. Killing members of the group;
B. Causing serious bodily or mental harm to members of the group;
C. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
D. Imposing measures intended to prevent births within the group;
E. Forcibly transferring children of the group to another group" (United Nations)

Often when genocidal rape happens, we can evidence these five components, but the line that separates genocidal rape with individual rape is when crimes of sexual violence are perpetrated in a way that can be conceived as any other act of genocide because of its nature to target a specific group of people with the intent to destroy or cause harm in a systematic way against civilian population.

Humanitarian crisis: this concept involves a wide range of situations which ultimately have in common problems that aggravate or create situations in which human rights are being

affected. If these situations evolve, we have what its called a “humanitarian crisis”, where the necessities of the people involved are very high.

Ethnic cleansing: “the attempt to create ethnically homogeneous geographic areas through the deportation or forcible displacement of persons belonging to particular ethnic groups. Ethnic cleansing sometimes involves the removal of all physical vestiges of the targeted group through the destruction of monuments, cemeteries, and houses of worship.” (Britannica, 2018, December 28)

Famine: *“*Famine is a situation in which a substantial proportion of the population of a country or region are unable to access adequate food, resulting in widespread acute malnutrition and loss of life by starvation and disease.” (The United Nations Refugee Agency)

5. Country list

- Commonwealth of Australia
- Federal Democratic Republic of Ethiopia
- Federal Republic of Germany
- Federative Republic of Brazil
- French Republic
- Islamic Republic of Iran
- People’s Republic of China
- Republic of the Sudan
- Russian Federation
- State of Eritrea
- State of Israel
- State of Libya
- Syrian Arab Republic
- The United Kingdom of Great Britain and Northern Ireland
- United States of America