

**II TECMUN**

**en línea**

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International Court of  
Justice

II TECMUN en línea  
**Session Schedule**

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**Jueves 15 de abril**

Ceremonia de Inauguración	8:00 – 9:00 h
Receso	9:00 – 9:30 h.
Primera Sesión	9:30 – 11:00 h.
Receso	11:00 – 11:30 h.
Segunda Sesión	11:30 – 13:00 h.
Comida	13:00 – 14:00 h.
Tercera Sesión	14:00 – 15:30 h.
Receso	15:30 - 16:00 h.
Cuarta Sesión	16:00 - 18:00 h.

**Viernes 16 de abril**

Quinta Sesión	8:00 – 9:30 h.
Receso	9:30 – 10:00 h.
Sexta Sesión	10:00 – 12:00 h.
Receso	12:00 – 12:30 h.
Séptima Sesión	12:30 – 14:30 h.
Comida	14:30 – 15:30 h.
Octava Sesión	15:30 – 17:30 h.
Receso	17:30 - 18:00 h.
Ceremonia de Clausura	18:00 - 19:00 h.

II TECMUN en línea  
**Agenda**

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*Secretary General: Nuria Vidal Castillo*

**GENERAL ASSEMBLY**

*Subsecretary General: Aiko Valeria Aguilar Jiménez*

**Reunión de Alto Nivel de la Asamblea General**

*President: Vanessa Arroyo Jerez*

- A) Estrategias para contrarrestar la expansión territorial del Ejército de Liberación Nacional en la República Bolivariana de Venezuela
- B) Medidas para poner un fin al bloqueo económico, comercial y financiero impuesto por los Estados Unidos de América a la República de Cuba

**Sexta Comisión Jurídica de la Asamblea General**

*President: Samaria Sánchez Ramírez*

- A) Derechos de los pueblos indígenas en la Unión Europea: cuestión territorial y la propiedad de la tierra
- B) Medidas para prevenir violaciones al derecho internacional en respuesta a la anexión ilegal de Crimea y las intervenciones militares rusas sobre el Estrecho de Kerch y el Mar de Azov

**Alto Comisionado de las Naciones Unidas para los Refugiados**

*President: Rebeca Ávila Delgado*

- A) Medidas para hacer frente a las migraciones masivas de Centroamérica a los Estados Unidos Mexicanos y a los Estados Unidos de América
- B) Medidas para hacer frente al desplazamiento masivo de Yemén como resultado de la crisis humanitaria

**United Nations Committee on the Peaceful Uses of Outer Space**

*President: José Mateo González Almanza*

- A) Continued threat posed by falling space debris from developing space programs and further action to prevent civilian danger

B) Elimination of the digital divide between developed and developing countries regarding internet access through the use of satellite constellations, focusing on Latin America and the Caribbean

**Banco Mundial**

*President: Elías Dávila Martínez*

A) Estrategias para evitar repercusiones económicas dentro de la economía venezolana a causa de la implementación de su criptomoneda: El Petro

B) Estrategias para la reconstrucción económica en Latinoamérica tras el cierre económico a causa de la pandemia de COVID-19, enfocado en la República de Argentina y la República de Brasil

**Historical Trusteeship Council**

*President: Andrea Michelle Martínez Lozano*

A) Strategies to avoid the conflict between Argentina and the United Kingdom caused by the sovereignty of the territory of the Falkland Islands (1982)

B) Division and territorial changes after World War II, focusing on Europe and Africa (1945)

**ECONOMIC AND SOCIAL COUNCIL**

*Subsecretary General: Armando Daniel Navarro Sánchez*

**Fondo de las Naciones Unidas para la Infancia**

*President: Manuel Alejandro Rosales Portillo*

A) Medidas para prevenir el involucramiento de infantes con el crimen organizado en América Latina y el Caribe

B) Acciones para garantizar la protección y el bienestar de niños huérfanos de madres víctimas de homicidio y feminicidio con enfoque en América Latina y el Caribe

**Entidad de las Naciones Unidas para la Igualdad de Género y el Empoderamiento de las Mujeres**

*President: Paola González Zapata*

A) Estrategias para combatir la menstruación como un obstáculo para el desarrollo integral de niñas y adolescentes en las zonas rurales de Sudamérica

B) Medidas para erradicar las violaciones a los derechos humanos de trabajadoras domésticas en Asia y el Pacífico

**United Nations Interregional Crime and Justice Research Institute**

*President: Germán Osvaldo Nuñez Benitez*

A) Measures to counter the use of children by extremist groups in the Republic of Iraq and the Syrian Arab Republic, focused on protection, and rehabilitation, and the standard-setting of procedures to protect victims

B) Measures to combat the distribution of child pornography in the Republic of India, focused on the enhancement of standards for the investigation of producers, distributors, and possessors of illicit electronic material

### **Organization for the Prohibition of Chemical Weapons**

*President: María Fernanda Anaya López*

A) Measures to eliminate and prevent the spread of Novichok agents in the European Union

B) Strategies to develop arrangements for the fulfillment of the Chemical Weapons Convention in countries with recent breaches with emphasis in the Syrian Arab Republic

### **Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura**

*President: Mariana Cortés Gallardo*

A) Estrategias para recuperar las industrias culturales y creativas afectadas por la pandemia de COVID-19 en Europa

B) Medidas contra las afectaciones sociales provocadas por la falta de inversión en el desarrollo científico y de nuevas tecnologías en América Latina

### **Conseil de l'Europe**

*President: Lianny Hernández Pérez*

A) La menace de la traite des êtres humains et l'évolution des mesures de lutte contre ce phénomène en la Roumanie, la République de Bulgarie et au le Royaume d'Espagne

B) Élaboration de propositions pour l'éradication des "zones libres de toute idéologie LGBT" en la République de Pologne et la prévention de la propagation de ces pratiques à d'autres pays européens

## **SPECIALIZED AGENCIES AND REGIONAL ORGANIZATIONS**

*Subsecretary General: Montserrat Olivás Ramos*

### **United Nations Human Rights Council**

*President: María Fernanda Casillas Monroy*

- A) Preventive mechanisms towards the enforced disappearance of Nigerian citizens caused by the extremist group Boko-Haram
- B) Measures to prevent discrimination against Muslims under the new policy of the Indian Citizenship Amendment Bill

### **League of Arab States**

*President: Sofía Victoria Solís Uribe*

- A) Measures to ensure State and territorial protection to the State of Palestine to combat the humanitarian crisis as a result of extremists attacks by the Israeli army with special emphasis on violent military interventions in West Bank and the Strip of Gaza
- B) Strategies for the Arab League to reinforce the partnership to help promote and support the flourishing of democracy of the the Republic of Tunisia and the State of Libya's governments

### **Comité Internacional de la Cruz Roja**

*President: Javier Márquez Saucedo*

- A) Medidas para mejorar la calidad de vida de los desplazados y prisioneros de guerra en Sudán del Sur a causa de la reciente crisis humanitaria del conflicto entre las etnias Dinka y Nuer con énfasis en la reconstrucción de lazos familiares y sociales
- B) Medidas para extender el impacto de la metodología "Acceso Más Seguro" en territorio brasileño, con enfoque en las medidas ISO 31000

### **Security Council**

*President: Alejandra Bañuelos González*

- A) Strategies to address the violence and insecurity in the Central African Republic, focused on rebel coalitions' attacks towards the government and the possible restoration of State authority
- B) Measures to prevent current Ethiopia's Tigray conflict from becoming a threat to international peace and security

### **Corte Interamericana de Derechos Humanos**

*President: Fernanda Valentina Martínez Reyes*

- A) Masacre de la Aldea Los Josefinos vs. República de Guatemala (2019)
- B) Mujeres Víctimas de Tortura Sexual en Atenco vs. Estados Unidos Mexicanos (2016)

### **International Court of Justice**

*President: Carolina Elizabeth Vásquez Regalado*

A) Opposition on territorial claims under the Exclusive Economic Zone and Continental Shelf Act (Vietnam, Philippines, Malaysia, Indonesia, and Brunei v. People's Republic of China)

B) Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)

*“Vision without action is just a dream, action without vision just passes the time, and vision with action can change the world”.*

*-Joel Arthur Barker.*

Participante,

En nuestras manos está el destino de la humanidad, es cierto. Suena como una tarea grande, pero no es para el gran grupo de jóvenes que somos. Te darás cuenta de eso en estos tres días. El cambio nunca se logra gracias a un individuo, se necesita a un colectivo con individuos con distintos talentos, oportunidades y capacidades inspiradxs por hacer un cambio real, y eso es lo que somos: personas inspiradas por otras personas motivadas a realizar cambios en el mundo. Lo único que te quiero pedir en este modelo es que esa chispa no se quede en este foro y en estos tres días; te pido que no acabe en un premio, un diploma, o una experiencia. Te pido que salgas y hagas un cambio por ti y por todxs nosotrxs.

Esta no va a ser una carta positiva, ni una carta que te diga que todo estará bien y que des lo mejor de ti, porque eso ya lo deberías de saber. Lo que quiero que saques de este texto es un incentivo para cambiar las cosas, porque el mundo está muy mal. Tan solo ponte a leer algunos de los tópicos que existen en este modelo y trata de abrir tu mente y ser empácticx con las personas que están pasando por esas situaciones tan complicadas. Ahora pregúntate ¿Qué querría que hicieran por mi si estuviera en sus zapatos? ¿Ya? Muy bien, aplícalo. Aplícalo dentro y fuera del Modelo, predica con el ejemplo. Sé extraordinario. Cambia el mundo y ve un paso más allá.

Deja de postergar las cosas, de ver todo tan lejano. Mientras tú lloras y piensas acostadx en tu cama que el mundo está muriendo y que nadie está haciendo nada para detenerlo, hay gente haciendo vacunas, campañas, limpiando las calles y los océanos, haciendo máquinas de energía renovable o bañándose en menos de 5 minutos. Levántate y haz algo, no esperes resultados distintos si sigues haciendo las cosas exactamente igual todos los días. Este modelo representa una mínima parte de tu potencial, úsalo como una prueba contra ti mismo, supérate aquí y ahora. Finalmente, participante, te pido que nunca te conformes, que nunca dejes de tomar pasitos hacia hacer un mejor tú, un mejor nosotros. Y gracias, porque tú que estás leyendo esto, aunque aún no tenga el placer de conocerte en persona, ya cambiaste mi vida.

Nuria Vidal Castillo  
Secretaria General para el  
II TECMUN en línea



“Everyday from right now, gonna use our voices and scream out loud, take my hand together, we will celebrate”- High School Musical 2

¿Qué hacer cuando no sabes qué hacer? es una pregunta que ronda por mi cabeza seguido ¿por qué? porque simplemente soy incapaz de resolver los crímenes de guerra y lesa humanidad en Sudán, Perú, México, Mali o el Congo; porque por el momento no se como erradicar la discriminación racial en Estados Unidos o evitar el enlistamiento de menores en el oeste de Africa. Pero si algo he aprendido en mi corta vida es que es solo después de haber salido de tu zona de confort que comienzas a cambiar, crecer y transformar. “Llega un momento en el que escuchamos un llamado en el que el mundo debe unirse como uno [...]” Pocas personas escuchan este llamado y son menos las que responden, por ahora se que ambos somos parte de esa minoría, ¿Cómo lo sé? lo sé porque estas aquí leyendo esta carta, lo se porque se que te voy a ver levantando tu placa para responder una pregunta en el caucus moderado defendiendo la posición de un país que tal vez apenas te enteraste que existía, porque hoy decidimos dejar de ser parte del *status quo*, dejar de lado lo establecido y convencional para ser ese rayo de esperanza que me hace despertar cada mañana. Para ti que es el cambio, yo lo definiría como: la única cosa que siempre se mantiene igual, que es que las cosas están en constante cambio , la inevitabilidad del cambio es una variable universal. Hace 6 años, 6 semanas, 4 días y 5 horas yo decidí hacer un cambio en mi vida, ser la delegada de Etiopía en UNICEF de la noche a la mañana mi mundo dio un giro de 360°, más de 10 modelos como delegada, 2 semestres de secretariado, 2 presidencias, 2 de alto secretariado, personas extraordinarias, amigos inolvidables, una oficina a la cual llamamos cubo, vender donas, cantar una canción a todo pulmón, llanto al por mayor, martes y jueves de junta en una sala que ya era más mi casa que la propia, 3 increíbles compañeras, largas noches de desvelo tratando de resolver el mundo, y un sinfín de anécdotas que no alcanzaría a contarte en este cuartilla; esto y más es lo que conseguí dentro de TECMUN, podrá parecer 1 palabra, 6 letras, 2 sílabas, pero para mí fue una vida entera de recuerdos inolvidables y sueños cumplidos. A ti te doy las gracias, porque gracias a tu presencia puedo decir delegados, jueces, directores, agentes, contando con la cantidad necesaria de participantes declaró esta sesión formalmente abierta; tu te preguntaras ¿Qué sesión? a lo que yo contestare este nuevo capítulo en el que yo me voy y tu te quedas, para formar tus propios recuerdos y alzar la voz por lo que te importa en la vida. Espero que mi recuerdo perdure en ti, que cada vez que quieras rendirte recuerdes que yo confío en ti porque sé que eres capaz de lograr estremecer al mundo entero con el poder de la palabra si te lo propones y luchas por ello. Hoy después de 2,350 días me toca decirme a misma que declaró la sesión formalmente cerrada concluyo este capítulo en mi vida para iniciar una nueva aventura, pero oye logré llegar a ti para despedirme por última vez, te quiero dejar con esta frase del Lorax: “A menos que alguien como tu se interese de verdad, nada va a mejorar jamás lo hará”, aunque creas que eres minúsculo comparado con los problemas que nos aquejan, levántate y grita tan fuerte como puedas. Este no es un adiós porque espero que muy pronto escuche noticias de ti, y tu de mí, ambos siendo los agentes de cambio que nuestro mundo necesita. Que hoy solo sea un nuevo despertar para ti, el momento en el que te des cuenta que tú y solo tú puedes transformar nuestra realidad. El foro siempre estará abierto para personas como nosotros .....

Montserrat Olivás Ramos

Subsecretaria General para las Agencias Especializadas y Organismos Regionales para el  
II TECMUN en línea

“Courage is not the absence of fear, but the knowledge that there is something more important than fear”. - Cabot, M.

Dear judge, agent;

The world is made of stories, nothing else, just stories, and stories about stories; stories that have a beginning and, inevitably, come to an end as this the last time I will write in a letter what this model has meant for me, in search of leaving something that you can preserve in both your memory and spirit not only during the three days that you will be in this court but for the rest of your life. Stories matter, yours matters, and beyond, stories can also inspire, empower, and humanize. Still, in a world flooded by silence, not all of us have the power to make our story heard, so *what's next?*. Silence is both an echo and a spark, which when it drowns encourages us to react, and in turn, it becomes a flame. I know well that raising your voice is never easy, it takes courage. So find yours.

Yet, what qualifies someone as an agent of change? Someone who's willing to grow, make a difference and learn. If well it is true that you may not be able to solve all the world's problems at once, never underestimate the importance of who you are, your convictions, your story, and your voice; you must be willing upon taking risks and during these three days you have allowed yourself to do it, since from the moment you are reading this you have accepted, perhaps, the greatest challenge of your life and if not, at least you already have taken the first step; from this day forward, promise yourself to be the difference that our world desperately needs. Inspire, humanize, believe, be someone who makes everybody feel like a somebody, and never, not just for a second, allow yourself to be part of the *status quo*. You might don't know it yet, but you're going to love this, so embrace this committee as well as your story, be aware of your courage, and the importance of your voice because the longer you wait, the less likely you are to find it at all.

Carolina Elizabeth Vásquez Regalado  
President of the International Court of Justice  
for the II Online TECMUN.

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# International Court of Justice

## Background

The International Court of Justice (hereinafter referred to as ICJ), is the main judicial organ of the United Nations to solve legal disputes between States and give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. Based in The Hague since 1945 and began work in April 1946, the ICJ was created to give continuity to the Permanent Court of International Justice, under a Statute formed in accordance with the Charter of the United Nations and adopted by 193 States. As a whole, the ICJ, through 15 judges and two agents from across the globe, represents the main legal system of the world by fairly and impartially settling international disagreements, and contributing to the advancement of the rule of law and stable, peaceful societies.

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## Faculties

The ICJ may intervene over two types of instances: contended cases between states in which the court produces binding rulings between the ones that have agreed to submit to its judgment; like so, advisory opinions, which provide reasoned decisions on properly submitted questions of international law, at the request of United Nations organs, such as the General Assembly or the Security Council. Besides, the ICJ settles judgment upon international disputes of legal nature submitted by the States concerning matters provided in the UN Charter or current conventions; as territorial or maritime sovereignty, right of asylum, nationality or economic rights, violation of the international

humanitarian right. These, are submitted by States and no state can be sued before the Court unless it consents to such action; therefore, the ICJ may either clarify and redefine the rules of the international law, apply economic bans or request the withdrawal of troops, even to decline the requests submitted by States, as deemed appropriate, in order to get to an agreement between nations.

# **Affair A**

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Opposition on territorial claims under the Exclusive Economic Zone and Continental Shelf Act (Vietnam, Philippines, Malaysia, Indonesia, and Brunei v. People's Republic of China)

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*By: Carolina Elizabeth Vásquez Regalado  
Rodrigo Vivia Valverde  
Erick Eduardo Silva López*

## ***Outline***

Since 2014 the People's Republic of China has established military bases in artificial islands around the Spratly Islands, a group of islands near the coast in the South of the Philippines, conducting illegal actions on the zone none as the *de facto*<sup>1</sup> Nine-Dash Line, an imaginary line drawn in the South China Sea after World War II. By this territorial claim, 200 miles of neighboring States' exclusive economic zones tend to be breached. Since then, neighboring States had reported tactics taken place by the Chinese Army to control by force all surrounding regions, as The Cabbage Strategy, which includes the illegal annexation of Dongsha, Shisha, or Zhongsha islands perpetrated by China. Furthermore, States such as Indonesia, Malaysia, and Brunei are affected due to the fight over resources in the South China Sea since not only the region is important because of fishing areas and international naval transit, but also for oil and natural gas reserves.

## ***South's China Sea Exclusive Economic Zone political and economic background***

The Exclusive Economic Zone, as stated by the United Nations Convention on the Law of the Sea of 1982 (hereinafter referred to as UNCLOS), is an area of sea in which a sovereign state has special rights regarding the exploration and the use of marine resources, as energy production from water and wind. In 1982, the Exclusive Economic Zone was created to ensure coastal subsistence to neighboring fishing communities' access to offshore fish stocks adjacent to their coasts. Each State's Exclusive Economic Zone breadth is 200 nautical miles long, from the baseline of each territory to the sea. The South China Sea collides with six States alongside its waters and, insofar as different assertions, the center of the sea is supposedly dedicated to international waters.

In March 2013, Xi Jinping happened to be the General Secretary of the Chinese Communist Party, to become the 7th President of the People's Republic of China. Thus,

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<sup>1</sup> **de facto**: existing in fact, although perhaps not intended, legal, or accepted (Cambridge Dictionary, n.d.).

changed the nation's passivity into an assertive strategy to defend China's allegations over territory and border disputes such as the Nine-Dash Line, the geographical basis of Chinese contentions to sovereignty in the South China Sea adopted in mid-1940; at the end of World War II, this line was drawn across the South China Sea based on historical rights the People's Republic of China, the former State in charge of the China Mainland, and covering 90 % of the region, known at that time as the 11-Dash Line. Succeeding the Communist Party, territorial disputes involving Vietnam were clarified and the 11-Dash Line was turned to the Nine-Dash Line, following the principles of the former that is not recognized by the international community. In 2014, the People's Republic of China started the creation of artificial islands and the creation of military installations on the Spratly Islands and the surrounding islands; thus, in an attempt to extend the Exclusive Economic Zone, isolating one of the most sensitive diplomatic issues regarding maritime areas.

### ***Militarization of the Sea***

Militarization is defined as the act of assembling and putting into readiness for war or other emergency mobilization of the troops and equipment. The sea is a strategic location given that it extends to over two-thirds of the entire planet, as well as communicates and lends entrance to all the strategic mainland; furthermore, it gives the living and mineral resources to anyone who controls it. Throughout the year the naval unit stock has increased steadily, as the sea becomes more valuable due to the increasing demand for sea control. Besides, nuclear naval units have grown in population which brings up other environmental risks, as between 1945 and 1976 the naval industry grew by about 2 % in the United States of America.

After the termination in 2019 of the Intermediate-Range Nuclear Forces Treaty between the United States and the Russian Federation, it has been apparent that a naval race has begun between China and the United States, as the militarization of 3,000 dredged-up acres of the man-made islands so-called the Spratly Islands in the South China Sea with

long-range sensor arrays, port facilities, runways, and reinforced bunkers for fuel and weapons, represents an imminent threat to neighboring countries of the Association of the Southeast Asian Nations (hereinafter referred to as ASEAN), as the territory these islands are on is a very important location for trade and transportation, and controlling this place, can serve as intimidation to the ASEAN member States to acquiesce to Chinese allegations. These islands have also been used as hubs from which to sink or harass<sup>2</sup> ASEAN boats, as is the case with Vietnamese fishing vessels, sank in April by Chinese forces.

The militarization of the South China Sea has peaked, due to mainly two reasons, the first one being that the runways have been unoccupied by fighter planes since their construction, due to harsh environmental conditions, although they still represent a threat, as troops and planes can easily be transferred there if needed especially with places countries as Taiwan in a dangerous position due to its geography. The second reason for its peak is all the international backlash<sup>3</sup> and military counterbalance from countries such as the United States, which endangers the usefulness of the islands as a political force, a thing that's more valuable for the Chinese Communist Party. The United Nations takes an important part in this problem, as it has to ensure the sovereignty of all countries involved, as well as the obedience of international law.

### ***Continental Shelf Act***

A continental shelf is the edge of a continent that lies under the ocean, and that extends from the coastline of a continent to a drop-off point known as shelf break. The continental shelf areas occupy about 7 % of the world's oceans, and their economic importance is significantly greater. Shelf seas are of international importance not just in the geographical or economical matter, but in the legal. As a consequence, in recent years there has been a need for the

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<sup>2</sup> **harass:** subject to aggressive pressure or intimidation over a period of time (Cambridge Dictionary, n.d.).

<sup>3</sup> **backlash:** a sudden violent backward movement or reaction (Merriam-Webster Dictionary, n.d.).



development of natural resources on the continental shelf without being prejudicial to actual policies. Ergo<sup>4</sup>, continental shelf areas have been embraced under international law confirming each coastal State's right to explore, protect as well as to exploit the natural resources of its part of the oceanic crust of its continental shelf both through treaty and customary usage.

On 26th, June 1998, the Ninth National People's Congress, an organ through which the Chinese people exercise state power, inaugurated the Exclusive Economic Zone and the Continental Shelf Act which involves China's maritime rights and interests. Its jurisdiction extends beyond China's coast to a distance of 200 nautical miles, according to international law based on the Convention on the High Seas of 1958, an international treaty created with a view on the arrangement of the rules of international law relating to the international waters. The Continental Shelf Act defines the Exclusive Economic Zone within the South China Sea and the continental shelf of the People's Republic of China, emphasizing its jurisdictional powers and historical rights in the nearby maritime areas. Ever since, under its first Article, the Continental Shelf Act has been adopted to safeguard the sovereign rights and jurisdiction exercised by the People's Republic of China over the Exclusive Economic Zone and the continental shelf to protect China's maritime rights and interests; nevertheless, numerous States have claimed they do not agree with the territorial claims under the Act.

### ***The Cabbage Strategy***

In the past years, the People's Republic of China has sought to dominate critical infrastructure across sea lines of communications, by gradually building a global network of access, often at the expense of smaller nations' sovereignty and, subsequently, has taken by force islands in the South China Sea from its neighboring States, as Vietnam, Brunei and The Philippines. The Cabbage Strategy, also known as Salami-Slicing, is described as surrounding

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<sup>4</sup> **ergo**: A Latin word used to introduce a consequence, meaning therefore (Oxford Dictionary, n.d.).

a contested area by many boats, fishermen, fishing administration ships, marine surveillance ships, navy warships so that the island is thus wrapped layer by layer like a cabbage; by this multiple security layers access is denied to other nations and is claimed thereafter. The People's Republic of China, for a long time, has been pursuing the Cabbage Strategy, by land and in the oceans against neighboring countries such as Bhutan, The Philippines, Malaysia, and Brunei as an appliance to expand its frontiers. In 2018, the Cabbage Strategy took place in Ayungin, a submerged reef in a remote corner of the South China Sea, 105 nautical miles from The Philippines.

People's Republic of China reemergence as the second-largest economy and leading country in 2010 is a fact. By this militarily overwhelming strategy, as can be defined under the article *China's Expanding Cabbage Strategy* written by Harry Kazianis, a resident senior fellow at the China Policy Institute at the University of Nottingham and the Hawaii Center for Strategic and International Studies, and published by the diary *The Diplomat*, there are concerns by the international community that China is attempting to change its *status quo*<sup>5</sup> by force, rather than peacefully by rule of law. The now deepening integration of China within the regional and global economy seems threatened whenever China transgresses international law. The infrastructure used in the creation of artificial islands will either redraw or withdraw the strategic economic and secure connectivity of the twenty-first century. Thenceforth, the president in the duty of the People's Republic of China, Xi Jinping, initiated Asia-Pacific Economic Cooperation (hereinafter referred to as APEC), a forum with the projection of the investment of \$1.25 trillion over the next decade overseas and many others \$40 billion in building a new Maritime Silk Road, and the re-establishment of the former Silk Road.

### ***International Court of Justice within the affair***

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<sup>5</sup> **status quo:** is the state of affairs or conditions that exists at a particular time, especially in contrast to a different possible state of affairs (The Collins Dictionary, n.d.).

By the installation of military bases in artificial islands not recognized by the international community and the establishment of military bases within the Exclusive Economic Zone of Vietnam and the Philippines since 2014, the International Court (hereinafter referred to as ICJ or the Court) of Justice recognizes to settle its jurisdiction upon this affair following Article 74 of the United Nations Charter writing down that all Members States of the United Nations agree to their policy in respect of territories to which the Chapter applies, based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

In the same way, the continuity of these actions represent a non-fulfillment of the United Nations Convention on the Law of the Sea 56(1) Article, where it is stated that:

In the Exclusive Economic Zone, coastal States parties have (a.) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or nonliving, of the waters superjacent to the seabed and of the seabed and its subsoil, and concerning the other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents, and winds; (b.) jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations, and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment; (c.) other rights and duties provided for in this Convention (United Nations, 1994).

The International Court of Justice recognizes the breach of international law and the principle of good-neighborliness, keeping in mind interests and well-being of States presented and parties to the United Nations Convention on the Law of the Sea, in social, economic, and commercial matters since the recognition base on the geographical scope<sup>6</sup> of

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<sup>6</sup> **scope:** the extent of the area or subject matter that something deals with or to which it is relevant (Merriam-Webster Dictionary, n.d.).

China's marine extension to clarify the diffuse points within the affair in regard to China's own treatment of the surrounding maritime areas. Beyond, points out the fact that the affair is not a question of applying equity simply as a matter of an abstract justice concept, but to settle the international law which itself requires the application of equitable principles, and underlies the development of the legal regime<sup>7</sup> of treaties and conventions as both the Continental Shelf Act and the United Nations Convention on the Law of the Sea. Thenceforth, State parties are under an obligation to arrive at a meaningful agreement before the Court.

### ***Requests and submissions***

The demanding countries of the Philippines, Malaysia, the Socialist Republic of Vietnam, the Republic of Indonesia, and Brunei governments request the following:

- The dismantling of illegal structures and buildings established in the Spratly Islands by the Chinese government in the Exclusive economic zones of the Philippines and Vietnam;
- The restructuring of Article 14 of the Exclusive Economic Zone and Continental Shelf Act to clarify the historical rights that the People's Republic of China has over the South China Sea;
- Regulations by the naval army force, also the commercial and fishing boats that pass in the international waters of the region, as respecting the borders and patrols of the countries affected by the conflicts;

The People's Republic of China government requests the following:

- The recognition of the Spratly Islands and the territories in a dispute inside the Nine-Dash Line as part of the Chinese mainland;

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<sup>7</sup> **legal regime:** a system or framework of rules governing some physical territory (Cambridge Dictionary, n.d.).

- The identification of all commercial and military flights and naval vehicles to the Chinese forces on the ground that passes over the South China Sea to maintain the peace and security of the region.

The Court based on the Law of the Sea, within the appliance of the international law over international waters disputes, has created an international jurisprudence based on a continental shelf doctrine, going beyond the particular delimitation succeeding the North Sea delimitation affairs. In the same way, and to effect a delimitation on the maritime boundary, the ICJ may first determine what the relevant coasts of the States parties are, in such a way as not to overlap with any existing boundaries or to extend into areas where the rights of neighboring third States might be affected by *uti possidetis juris*<sup>8</sup> or *à titre de souverain*<sup>9</sup>. Ever since, and under Article 74(1) it is provided that maritime delimitation “shall be effected by agreement based on international law, as referred to in Article 38 of the Statute of the International Court of Justice, to achieve an equitable solution between States” (Sepúlveda Amor, 2012). Furthermore, the International Court of Justice together with the International Tribunal for the Law of the Sea (hereinafter referred to as ITLOS) serve as a *corpus*<sup>10</sup> of international law in the settlement of international maritime disputes. By this, the Court has introduced innovation to the previously stated rules, as the international law is constantly changing and evolving, for the establishment of the breadth of the territorial sea, by recognizing the validity of the drawing and settlement of straight baselines for coastal States within nearby islands.

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<sup>8</sup> **uti possidetis juris:** principle in international law that recognizes a peace treaty between parties as vesting each with the territory under its control unless otherwise stipulated (Marriam-Webster Dictionary, n.d.).

<sup>9</sup> **à titre de souverain:** in the name of the sovereign; assertion of territorial acquisition (International Law Glossary, n.d.).

<sup>10</sup> **corpus:** used to mean a body or group of laws, or judicial organs (Cambridge Dictionary, n.d.).

This is regarded as a piece of judicial legislation, leading to the incorporation of a system of straight baselines in the United Nations Convention on the Law of the Sea Article 7(1)(3)(6), where stated:

(1). In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured; (3.) The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters; (6.) The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone (United Nations Convention on the Law of the Sea, 1982).

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## **Affair B**

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Application of the International Convention  
for the Suppression of the Financing of  
Terrorism and of the International Convention  
on the Elimination of All Forms of Racial  
Discrimination (Ukraine v. Russian  
Federation)

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*By: Carolina Elizabeth Vásquez Regalado  
Rodrigo Vivia Valverde  
Erick Eduardo Silva López*

## ***Outline***

On 17th January 2017, the government of Ukraine submitted to the International Court of Justice (hereinafter referred to as ICJ), an application instituting proceedings against the Russian Federation regarding alleged violations of its duties under both, the International Convention for the Suppression of the Financing of Terrorism of 1999, a convention designated to criminalize acts of financing acts of terrorism, and the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, a third-generation human rights instrument, which commits its State parties to the elimination of racial discrimination and the promotion of understanding among all races. This, concerning the financing of terrorism in Ukraine and racial discrimination in Crimea since its annexation<sup>11</sup>. In July 2014, Ukraine alleged that Russia supplied funds, weapons, and training to illegal armed groups that engage in acts of terrorism inside its territory. In the same year, Ukraine pointed out the discrimination and mistreatment of Crimean Tartar and ethnic Ukrainian communities in Crimea annexed by Russia in 2014, by the latter mentioned government. For its part, Russia considers that the dispute submitted by Ukraine to the Court concerns matters that are not connected with two conventions hereby referred.

## ***Russia's social, political and economic background***

During the Soviet era, the Russian Soviet Federated Socialist Republic was subject to the Communist Party of the Soviet Union, under which it nominally was a sovereign socialist state within a federal structure. Throughout this time, Russia was governed by rulers who suppressed revolutionary ideas that originated in the West. Russia, as the largest country on earth, has emerged from a decade of post-Soviet economic and political commotion seeking

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<sup>11</sup> **annexation:** possession taken of a piece of land or a country, usually by force or without permission (Cambridge Dictionary, n.d.).

to reassert itself as a world power. However, a conflict between the Russian Federation and Ukraine within the not long past threatens both nations' political and economic stability.

In 2000, presidential elections were held, as it happens to be each six years, and Vladimir Putin became Russia's dominant political figure since then. In recent years, Russia has been targeted for political activity, criticism, and controversy, capturing the attention of the international community in a process amplified by an emphasis on fierce nationalism and hostility to the West as by the new passport policy announced in Moscow within days of the Ukrainian election in April 2019 and a political sequence that led to Russia's illegal annexation of Crimea in the fall of 2011 along with anti-government protests, which continued intermittently for months and eventually came to an end by an unleashed campaign of repression against the opposition. Nonetheless, the government's worries about alleged<sup>12</sup> revolution plots by Russia's opposition were replaced with a view on a real revolution that broke out in neighboring Ukraine and in March 2014, the Crimean Peninsula, located at the north of the Black Sea in Eastern Europe, was annexed by the Russian Federation.

### ***Ukraine's social, political and economic background***

On December 1st, 1991, Ukraine gained its independence after the collapse of the Soviet Union and declared it right after a referendum<sup>13</sup>, in which 90 % of the voters endorsed independence. However, as a former Soviet territory, Ukraine was immersed in numerous matters of the Russian lifestyle, culture, language, and politics. Back then, the political situation in Ukraine was characterized by the transition from totalitarianism to a State based on market principles and democracy. Ergo, as the Russian Federation did not either recognize

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<sup>12</sup> **alleged:** said or thought by people to be an illegal or bad thing, although there is no proof (Cambridge Dictionary, n.d.).

<sup>13</sup> **referendum:** principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body (Merriam-Webster Dictionary, n.d.).

or consider Ukraine's detachment, having, as a result, the withholding<sup>14</sup> of Russian's arsenal of nuclear weapons created throughout the Cold War in Ukrainian hands until 1995, when the government agreed to give them in return for respecting both Ukrainian independence and sovereignty.

Succeeding Ukrainian governments, as the then-president Leonid Kuchma in 2000, sought closer international relationships towards the European Union (hereinafter referred to as EU). Nevertheless, since 2013 Ukraine has been submerged in the biggest crises of modern history. Thus, initiated with insurrections<sup>15</sup> in the city of Kyiv in 2013 against the former president Víktor Yanukóvich's choice to reject the agreement for greater economic and political integration within the EU. Between 2013 and 2014, the Revolution of Dignity, the fight of Ukrainian citizens for the protection of both human and citizenship rights, prompted by this decision; and further, the domestic political crisis that weakened the State was exploited by Russia, by the annexation of Crimea and then by the launching military aggression, which led to a dramatic loss of human lives, economic collapse and humanitarian crisis in Eastern Ukraine, around 1.4 million civilians fled the conflict zone and relocated to other regions of Ukraine. Yet, in 2016, the Ukrainian economy stabilized, succeeding years of political and economic tension; notwithstanding, the conflict in eastern Ukraine and strained relations with Russia continue to hurt the economy, which remains fragile and dependent on financial assistance by the international community.

### *Ukraine as a buffer state*

A buffer state is an independent country, usually geographically small and located between two major powers with competing interests. As an instance, the current international situation has turned Ukraine into a buffer, in which both the European Union and Russia are trying to

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<sup>14</sup> **withhold:** to refuse to give something or to keep back something (Cambridge Dictionary, n.d.).

<sup>15</sup> **insurrection:** an act or instance of revolting against civil authority or an established government (Merriam-Webster Dictionary, n.d.).

exert<sup>16</sup> influence. Since 2014, as hostilities in Donetsk emerged, separatist problems in Eastern Ukraine arose as well since separatists groups are now both inspired and armed by Moscow as it is located only 300 miles away from Ukrainian territory. Is so, that in March 2014 Russia seized control of Ukraine's Crimean Peninsula, which has given crucial backing to militants who hold parts of both the Donetsk and Luhansk regions in a war that has murdered more than 13,000 people ever since. Meanwhile, in late 2018, Russia maintained systematic harassment by an unofficial naval blockade over Ukraine's Azov Sea coastline as part of efforts to strangle the Ukrainian economy and destabilize local communities in the southern region of the country.

The current Russo-Ukrainian crisis is the result of Russia's movements towards protecting its interests in Ukraine, actions taken out of sheer<sup>17</sup> inter-State insecurity. Besides, Ukraine is the homeland of two critical ports, Odessa and Sevastopol, which are meaningful to Russia in both political and economic matters. By losing commercial and military access to those ports would signify the complete undermining<sup>18</sup> of Russia's influence within the Black Sea and cut off its access to the Mediterranean. Russia's current military doctrine and national security strategy reflect the Kremlin's, a set of civil and religious buildings located in the center of Moscow, overarching obsession with fragmentation and subversion, especially over maritime areas as the Black Sea.

### ***Crimea's annexation and the Tatar community***

In 1954, the Soviet leader Nikita Khrushchev gave the Crimean Peninsula to Ukraine as a gift to celebrate the union of Ukraine to the Soviet Union. Nevertheless, after the dissolution of

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<sup>16</sup> **exert:** apply or bring to bear a force, influence, or quality (Merriam-Webster Dictionary, n.d.).

<sup>17</sup> **sheer:** a turn, deviation, or change in a course (Merriam-Webster Dictionary, n.d.).

<sup>18</sup> **undermine:** make someone less powerful, or less likely to succeed, or to make something weaker, often gradually (Cambridge Dictionary, n.d.).

the Soviet Union, Ukraine became independent with the coveted<sup>19</sup> peninsula. Since the territory means a strategic point that grants access to the Mediterranean Sea through the Black Sea, the Crimean Peninsula was deeply desired to return to Russia. In early 2014, the Russian Federation started a self-styled political mission for the annexation of Crimea, and armed groups seized the peninsula's parliament. After having taken over the territory and to make the annexation legal for international eyes, Russia made a referendum on 16th March 2016, to become again Russian territory. Nevertheless, the international community condemned the annexation to be a violation of international law and Russian-signed agreements that safeguarded the territorial integrity of Ukraine, as the 1975 Helsinki Accords, a treaty signed to reduce tension between the Soviet and the West by securing their common acceptance of the post-World War II *status quo*<sup>20</sup> in Europe.

However, the Tatar community, an East European ethnic group of Crimea refused to support the illegal annexation of Crimea, thus the Russian Federation imposed collective punishment on the Crimean Tatar community, with attacks on the Tatar People, their leaders, and their institutions. Before long, Russia launched a systematic campaign of discrimination aimed at the cultural erasure<sup>21</sup> of a perceived opponent of the regime. In 2014, the United Nations High Commissioner for Refugees reported that most displaced persons from Crimea have been Tatars, and has cited the pressure on their community under Russian rule as the reason for an exodus. In furtherance of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as CERD), and beginning with its illegal invasion and referendum, the Russian Federation has engaged in a wide-spread pattern of discriminatory acts, each of which is an independent violation under Articles 2 and 6, where it is stated that all States members “are committed to engaging in no act or practice of

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<sup>19</sup> **coveted:** strongly desired by many (Cambridge Dictionary, n.d.).

<sup>20</sup> **status quo:** the existing state of affairs, a current situation (Cambridge Dictionary, n.d.).

<sup>21</sup> **erasure:** the act of removing or destroying something that shows that a person or thing ever existed or happened (Cambridge Dictionary, n.d.).

racial discrimination against persons, groups or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation” (CERD, 1965); as well as it is set down that States parties of it undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee, without distinction as to race, color, national or ethnic origin, to equality before the law, notably in the enjoyment of civilian and political rights.

### ***Sponsorship of terrorism***

The International Convention for the Suppression of the Financing of Terrorism states in its Article 2(1), terrorism is defined as any act that constitutes an offense within the scope of and as defined in international treaties, or any other act intended to cause death or serious bodily injury to civilians, or any other person not taking an active part in the hostilities in an armed conflict, within the purpose of such act, by either its nature or context, is intended to intimidate a population, compel<sup>22</sup> a government or an international organization to do or to abstain from doing any act. On 17th July 2014, the Malaysia Airlines Flight MH17 was shot down by pro-Russian rebels in the east of Ukraine, resulting in the death of 298 civilians; a complex missile system was used for the attack and later on, was discovered to be property of the Russian army. Nevertheless, the Russian government never explained the situation to the international community. Other numerous attacks have taken place; as in the city of Mariupol in January 2015, targeted for bombardment with a rocket barrage. One month later, in February 2015, in Kharkiv near Volnovakha, a shelled<sup>23</sup> attack by a string of bomb attacks occurred in a patriotic movement for the Revolution’s of Dignity Anniversary causing several civilian casualties.

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<sup>22</sup> **compel:** force or oblige (someone) to do something (Merriam-Webster Dictionary, n.d.).

<sup>23</sup> **shelled:** having a protective outer case or covering (Cambridge Dictionary, n.d.).

The continuing bombing of cities in Ukraine has grown within the last year, with help of the Russian government. Thus, violating numerous articles of the International Convention for the Suppression of the Financing of Terrorism as Article 20 in which it is stated that all States Parties shall carry out their duties under the Convention in a manner consistent with the principles of sovereign equality, good-neighborliness, and territorial integrity of States and the non-intervention in the domestic affairs of other States. It is so, that the Ukrainian government alleges that the Russian Federation has violated this Convention ever since the annexation of the Crimean peninsula in 2014 by sustaining and instigating armed groups inside Ukraine, and confirmed the illegal supply of armed groups with training, troops, funding, and heavy weaponry. This with not only the purpose of attacking the Ukrainian forces but, to strike civil groups in acts of terrorist attacks.

### ***International Court of Justice within the affair***

By the proceedings instituted by Ukraine following the events which occurred in eastern Ukraine and in Crimea in the spring of 2014, on which State parties hold different positions in allegation of numerous violations of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination. In like manner, Ukraine submitted a request for the indication of provisional measures, following Article 41 of the Statute of the Court stating that the Court has the jurisdiction to indicate, if it considers that circumstances so require, provisional measures that ought to be taken to preserve the respective rights of either party and that the situation, in turn, does not get worse. Following the United Nations Charter, State Members must maintain diplomatic relations based on the general principle of good-neighborliness, the well-being of the rest of the world, under Article 55 of the Charter of the United Nations which states:



With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the States parties of the United Nations shall promote: (a.) higher standards of living, full employment, and conditions of economic and social progress and development; (b). solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c). universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion (United Nations, 1945).

### ***Requests and Submissions***

The State of Ukraine request the following:

- To adjudge and declare that the Russian Federation, through its State organs, State agents, and other persons and entities exercising governmental authority, has violated its obligations under the Terrorism Financing Convention;
- Declare that the Russian Federation bears international responsibility, by virtue of its sponsorship of terrorism and failure to prevent the financing of terrorism under the Convention for the Suppression of the Financing of Terrorism;
- Order the Russian Federation to comply with its obligations under the Terrorism Financing Convention;
- Declare that the Russian Federation, through its entities exercising governmental authority, including the *de facto* authorities administering the illegal Russian occupation of Crimea has violated its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination;

In April 2017, the Court settled its jurisdiction of the respondent to refrain, in the temporarily occupied Crimea, ordered the elimination from any limitations on the ability of the Crimean

Tatar community to conserve its representative institutions. Nevertheless, in its judgment held in 2019, the Court rejected all of the preliminary objections by the Russian Federation; thus, confirming its jurisdiction to consider all Ukraine's claims. Ever since a lawsuit before the Court in consequence of a complex situation that includes various matters, and over which the litigating parties concerned hold opposite opinions.

The UN Charter, in its preamble, sets an objective "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained". Treaties are primary sources of international law and conventional international law is based on the consent of state parties and as such the treaty applies only between those parties; therefore, this case concern quarrellings<sup>24</sup> relating to the application of jurisdictional clauses from the Terrorism Financing Convention and the International Convention on the Elimination of Racial Discrimination. Thence, the development of, and respect for international law is a key part of the work of the United Nations; a work carried out by courts as the ICJ, multilateral treaties, and by the Security Council, which can approve peacekeeping missions, impose sanctions, or authorize the use of force when there is a threat to international peace and security, if it deems this necessary in view of the fact that the Court is a binding committee, and works together with UN organs as the General Assembly, that has budgetary power but also elects all judges of the Court and the Security Council. These days, 14 ongoing sanctions regimes focus on supporting the political settlement of conflicts, nuclear non-proliferation, as well as counter-terrorism, each regime is administered by a sanctions committee chaired by a non-permanent member of the Security Council.

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<sup>24</sup> **quarrellings**: an angry disagreement between two or more people or groups (Cambridge Dictionary, n.d.).

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II TECMUN en línea  
**Glossary for Resolution Papers**

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***Preambulatory Phrases***

*Preambulatory Phrases are used at the beginning of every Resolution Paper in order to give context about the resolutions made for the topic. Preambulatory Phrases must be written in italics followed by a sentence that gives said context. For each Resolution Paper there must be five sentences beginning with a Preambulatory Phrase.*

Affirming	Desiring	Noting with deep concern
Alarmed by	Emphasizing	Noting with satisfaction
Approving	Expecting	Noting further
Bearing in mind	Expressing its appreciation	Observing
Believing	Fulfilling	Reaffirming
Confident	Fully aware	Realizing
Contemplating	Further deploring	Recalling
Convinced	Further recalling	Recognizing
Declaring	Guided by	Referring
Deeply concerned	Having adopted	Seeking
Deeply conscious	Having considered	Taking into consideration
Deeply convinced	Having examined	Taking note
Deeply disturbed	Having received	Viewing with appreciation
Deeply regretting	Keeping in mind	Welcoming

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**Glossary for Resolution Papers**

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***Operative Clauses***

*Operative Clauses are used at the beginning of every resolution within the Resolution Paper on the debated topic. It must be written in italics and bold.*

Accepts	Endorses	Notes
Affirms	Draws the attentions	Proclaims
Approves	Emphasizes	Reaffirms
Authorizes	Encourages	Recommends
Calls	Expresses its appreciation	Regrets
Calls upon	Expresses its hope	Reminds
Condemns	Further invites	Requests
Confirms	Further proclaims	Solemnly affirms
Congratulates	Further reminds	Strongly condemns
Considers	Further recommends	Supports
Declares accordingly	Further requests	Takes note of
Deplores	Further resolves	Transmits
Designates	Has resolved	Trusts