

# Research Reports

Forum Title: Security Council

Issue: Developing Protocols for Handling Territorial Disputes, while also encouraging increased comprehension and appreciation for sovereignty and territorial integrity.

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## Introduction

On our planet characterized by diverse cultures, historical legacies, and the geopolitical goals of national entities continuing to overlap and clash, territorial disputes have remained a persistent source of tension and conflict. These disputes not only threaten international peace and security but also challenge the fundamental principles of sovereignty and territorial integrity, which lie at the heart of the United Nations' mission. Recognizing the critical need to address these issues, the Model United Nations Security Council of the 2023 Lorentz MUN has embarked on an initiative to develop protocols for handling and settling conflicts related to territorial disputes. This report serves as a comprehensive look into the workings of territorial disputes and should be used as a framework to develop such protocols.

The principles of Sovereignty and territorial integrity are core to identity and function of the United Nations, with them being enshrined within its Charter.

## **Article 2(4)**

### **Text of Article 2(4)**

The Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following principles.

...

4. 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.

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Text of Article 2(4)

We underscore the right of every nation to govern its own affairs without external interference and the undeniability of a nation's borders. However, due to varying reasons, modern geopolitics, historical legacies, and competing territorial claims have made it increasingly challenging to uphold these so deeply cherished concepts. Territorial disputes have, regrettably, led to conflicts that have claimed countless lives and wracked our global society with some many other lingering issues in the social, economic, and political stability of it all.

This report wants acknowledges the very multidimensional nature of these disputes, which often intertwine issues of historical grievances, ethnic and cultural identities, and economic interests. It supports and encourages the importance of diplomacy, dialogue, and peaceful negotiations as the primary means of resolving such disputes. This United Nations report recognizes that no single resolution can fit all scenarios, and so, stresses the importance that the protocols presented by the members of this Security Council are created to be adaptable to different contexts. As well as invites participating national representatives to be supportive to the establishment of safe and unbiased lines of communication as to allow for proper dialog.

In conclusion, this United Nations report will represent a comprehensive and collaborative approach to dealing with territorial conflicts. It aims to not only provide guidance to participating members for conflict resolution but also to foster a deeper appreciation for the principles of sovereignty and territorial integrity. By embracing these protocols and principles, nations can aspire to a world where territorial disputes are settled in a more diplomatic and peaceful manner.

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<sup>1</sup> “Contents Article 2(4) - United Nations - Office of Legal Affairs.” *Legal.Un.Org*, [legal.un.org/repertory/art2/english/rep\\_supp7\\_vol1\\_art2\\_4.pdf](https://legal.un.org/repertory/art2/english/rep_supp7_vol1_art2_4.pdf). Accessed 22 Sept. 2023.

## Definitions of key terms

The use of correct and accurate diction is important and even more so in an international politics context. Below are some terms and their definition that will often come up in any United Nation resolution of Territorial disputes.

*i. Territorial Dispute:*

A disagreement between two or more states over the ownership, control, or the specific boundaries of a defined geographic area or territory, often involving overlapping or opposing historical claims, resources, religious, cultural, or ethnic factors.

*ii. Sovereignty:*

The principle that a state or national entity has the exclusive and legitimate authority to govern its territory, make decisions for its people, and exercise control over its borders, without the fear of external interference, in accordance with international law.

*iii. Territorial Integrity:*

The principle that a state's recognized borders, as established by international agreements or historical boundaries, should remain unviolated and respected, safeguarding the state against external aggression or the violation of its sovereignty.

*iv. Mediation:*

The impartial involvement of a third party, such as a trusted diplomat or international organization, in facilitating direct discussions and negotiations between conflicting states to find mutually acceptable solutions to territorial disputes.

*v. Bilateral*

Referring to discussions, negotiations, or agreements between two specific states directly involved in a territorial dispute.

*vi. Multilateral*

The exact same as Bilateral but in referring to more than two states.

*vii. Border Demarcation*

The official and recognized marking of geographical boundaries between neighboring states, often set in place to resolve disputes and preventing future conflicts over territorial claims.

*viii. Self Determination*

The principle that states that distinct communities or peoples, within states with territorial disputes, should and have the right to choose their political status, including options such as independence, autonomy, or remaining part of a larger state, as per international law.

## General Overview

The United Nations plays a significant role in dealing with territorial disputes, which are conflicts that arise when multiple parties lay claim to land, maritime boundaries, or resources. These

disputes have been a persistent challenge to global peace and stability throughout history. The UN's mission, driven by its core principles, highlights the organization's dedication to preserving world peace, fostering cooperation among nations, and providing a platform for diplomatic efforts and conflict resolution. A fundamental principle of the UN is the importance of respecting sovereignty and territorial integrity, serving as the foundation for its involvement in addressing territorial disputes.

The UN Security Council serves as the principal body responsible for managing conflicts and threats to international peace and security. This entity possesses the authority to handle territorial disputes through various means, including authorizing peacekeeping missions, imposing sanctions, and issuing resolutions aimed at resolving specific disputes. The Security Council frequently acts as a mediator or facilitator in negotiations, deploying diplomats and experts to aid conflicting parties in reaching mutually agreeable solutions.

Central to the UN's strategy for resolving territorial disputes is diplomatic negotiations. The organization provides a neutral forum for conflicting parties to engage in dialogue, mediation, and negotiations. Mediation efforts may involve UN-appointed envoys or international mediators who work towards finding common ground and facilitating agreements.

International law and agreements play an integral role in the UN's framework for conflict resolution. States are encouraged to adhere to established legal principles, including treaties, conventions, and customary practices, as a framework for addressing territorial disputes. For instance, the United Nations Convention on the Law of the Sea (UNCLOS) offers a comprehensive legal framework for resolving maritime territorial disputes.

To support the peaceful resolution of territorial disputes, the UN deploys peacekeeping missions in affected regions. These missions, comprised of military, police, and civilian personnel, play a crucial role in monitoring ceasefires, facilitating dialogue, and supporting conflict resolution efforts on the ground.

However, addressing territorial disputes is a complex undertaking. These disputes often have deep historical, cultural, and political roots, making their resolution particularly challenging. Striking a balance between the principle of sovereignty and the imperative of international peace can also be delicate, requiring the UN to proceed cautiously.

As part of its broader mission, the UN is committed to conflict prevention, employing early warning mechanisms, diplomacy, and international cooperation to address territorial issues before they escalate into full-blown conflicts.

In conclusion, the United Nations serves as an essential global platform and mediator in addressing territorial disputes. It leverages diplomacy, international law, peacekeeping missions, and conflict prevention strategies to promote peaceful resolutions that uphold the rights and aspirations of all involved parties while respecting sovereignty and territorial integrity.

## Major Parties Involved

In this section there would usually be an explanation of important countries within the issue, but as the issue of international territorial disputes is such a broad one this section will be dedicated to some examples of territorial disputes between two or more nations. But we also encourage delegates to find examples pertaining to their own nation or their allies.

### China -India

In 1962 China and India went to war for a month over the remote Aksai Chin plateau, which both claiming as part of their own state subdivisions. In the end it came under the control of China, but there was no actual agreement on a permanent border, but instead a something called “The Line of Actual Control” a de facto border between the countries. As of late there has been several clashes over the disputed region, with both sides accusing the other of crossing over the de facto border.

### China-Countries Bordering the South China Sea

In December 2013 China started to construct artificial islands within the South China Sea with military installations upon them. This is because a country can claim up to 12 nautical miles off their coast to be their exclusive territory and up to an additional 200 nautical miles of an exclusive economic zone. So

by doing so they can claim large swaths of the South China Sea, which is very rich in natural resources. They are also attempting to claim large parts of the sea based on an old map depicting 9

dash lines across the sea, which the Chinese government claims constitute legitimate legal backing

for exclusive resources extraction within the area. This Nine dash line often overlaps with many countries who border the South China Sea which has caused a straining of relations between these countries. Though recently the Chinese claim has been ruled to be illegal this has not stop the CCP from continuing to build new islands.



“Nine Dash Line and Chinese made Islands”<sup>2</sup>

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<sup>2</sup> Domínguez, Gabriel. *Nine Dash Line*. DW, <https://www.dw.com/en/chinas-nine-dashed-line-has-no-basis-under-international-law/a-18609290>.

## Armenia-Azerbaijan

The Nagorno-Karabakh conflict was a long-standing territorial dispute between Armenia and Azerbaijan that erupted into open warfare multiple times, most notably in 1988-1994 and again in 2020, but most recently in September 2023. The core issue revolved around the status of Nagorno-Karabakh, a predominantly Armenian-populated region within Azerbaijan.

In the late 1980s, as the Soviet Union began to unravel, ethnic tensions escalated, and demands for Nagorno-Karabakh's unification with Armenia grew. In 1988, violence erupted, leading to a full-scale war in 1992. Armenia supported Nagorno-Karabakh's self-declared independence, and the conflict resulted in significant casualties and displacement.

A ceasefire was brokered in 1994, but sporadic skirmishes continued for years. The status quo remained largely unchanged until September 2020, when hostilities flared up again. Azerbaijan launched a military offensive, rapidly regaining control over several areas within Nagorno-Karabakh with the support of Turkey. A ceasefire agreement, brokered by Russia, who is one of the few supporters of Armenia, was reached in November 2020, resulting in Azerbaijan gaining control of key territories. With Russia now being mostly focused in Ukraine, Armenia lost its main security guaranty. Because of this Azerbaijan has begun a so called “local anti-terrorist operation” after having cutting of the roads connecting it to Armenia late last year. Armenia has all but given up the territory lacking any real capability to reclaim it.

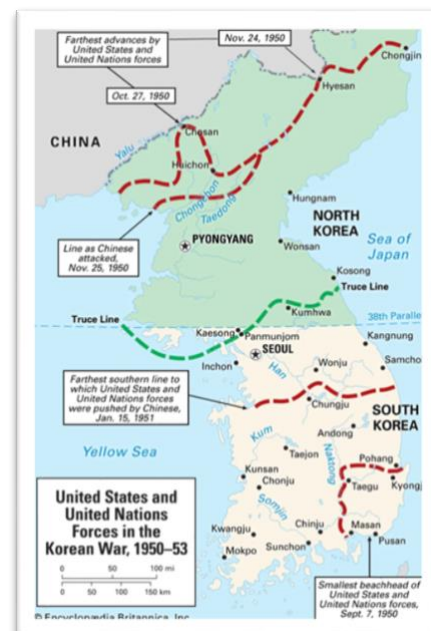
## Timeline of Key Events

### i. 19 45-United Nations Charter

The United Nations Charter is adopted on June 26, 1945, laying the foundation for principles such as sovereignty and territorial integrity.

### ii. 1950-53 -Korean War<sup>3</sup>

On June 25, 1950, North Korean forces crossed the 38th parallel, initiating the Korean War. The conflict occurred due to a territorial dispute between North and South Korea, with each side claiming sovereignty over the entire Korean Peninsula. The United Nations Security Council passed Resolution 82, calling for North Korea to withdraw forces to the 38th parallel and authorizing a UN multinational force to repel the North Korean invasion if not done, and which had to be deployed. The war resulted in significant loss of life and devastation



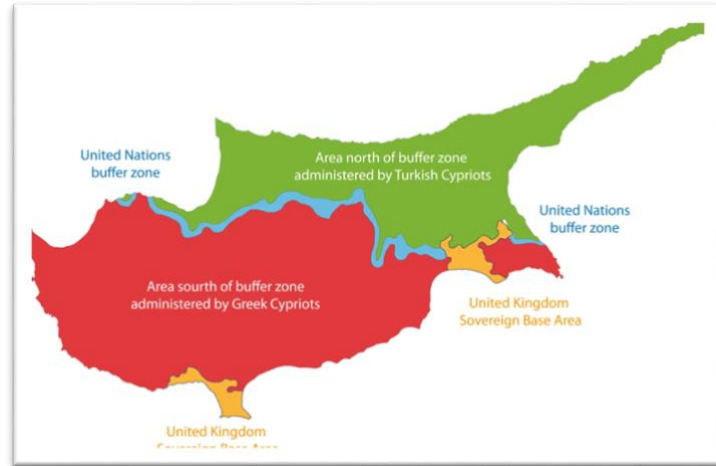
<sup>3</sup> “38th Parallel.” *Encyclopædia Britannica*, Encyclopædia Britannica, inc., [www.britannica.com/place/38th-parallel](http://www.britannica.com/place/38th-parallel). Accessed 23 Sept. 2023.



and ended in a ceasefire agreement in 1953, with the Korean Peninsula still divided along the 38th parallel.

**iii. 1974-Present – Cyprus Conflict**

The Cyprus conflict stems from disputes between Greek Cypriots and Turkish Cypriots over territorial control and political power on the island. In July 1974, Turkey invaded Cyprus in response to a Greek Cypriot coup, leading to a divided island. The United Nations has been involved through various peacekeeping missions, including the United Nations Peacekeeping Force in Cyprus (UNFICYP), to facilitate negotiations and maintain stability. Despite ongoing diplomatic efforts, the Cyprus issue remains unresolved, illustrating the complexity of long-standing territorial conflicts.



A internal division of Cyprus <sup>3</sup>

**iv. 1984 – United Nations Convention on the Law of the Sea (UNCLOS)**

UNCLOS is adopted on December 9, 1984, providing a recognized international framework for maritime boundary disputes, a common form of territorial disputes due to recourses found at sea.

**v. 1995 - Dayton Agreement**

The Dayton Agreement, reached on November 21, 1995, ends the Bosnian War and demonstrates successful international mediation in a territorial conflict. It internally divided Bosnia between the Bosniak, Croat and Serb ethnicities giving large concessions and autonomy to the Serbian minority.

**vi. 2002 – International Court of Justice – Cameroon vs. Nigeria**

The ICJ settles a territorial dispute between Cameroon and Nigeria over the Bakassi Peninsula, setting a precedent for peaceful resolution through international legal mechanisms. Though this matter was not resolved by the Security Council it is a good example of a properly resolved territorial conflict through legal and peaceful ways.

**vii. 2008 – Kosovo’s Independence**

Kosovo's declaration of independence from Serbia in February 2008 resulted from longstanding disputes over territorial control and Kosovo's desire for self-determination along religious and ethnic lines, after the collapse of Yugoslavia. The United Nations Security Council has been divided over the recognition of Kosovo's independence, with 102 countries recognizing it. With

notably Serbia continuing to not recognize as a country continue to claim as a part of thier territory.

viii. **2013 – Philippines vs, China Arbitration**

“On 22 January 2013, the Republic of the Philippines instituted arbitral proceedings against the People’s Republic of China under Annex VII to the United Nations Convention on the Law of the Sea (the “Convention”). The arbitration concerned the role of historic rights and the source of maritime entitlements in the South China Sea, the status of

certain maritime features in the South China Sea, and the lawfulness of certain actions by China in the South China Sea that the Philippines alleged to be in violation of the Convention.

China adopted a position of non-acceptance and non-participation in the proceedings. The Permanent Court of Arbitration served as Registry in this arbitration.”<sup>5</sup>



## Previous Attempts to solve the Issue

### The “Land for Peace” Framework:

This strategy has been previously employed to address disputes in 1979 after the peace treaty between Israel and Egypt. It should be used in a context where one party seeks to recover territory lost through conflict or occupation. It emphasizes the exchange of territorial concessions for lasting peace and recognition.<sup>6</sup>

It stresses the key steps of:

- Identification of the disputed territories and the parties involved.

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<sup>4</sup> *Claims of Territorial Waters, South China Sea - Researchgate*, [www.researchgate.net/figure/Claims-of-Territorial-Waters-South-China-Sea\\_fig1\\_265057806](http://www.researchgate.net/figure/Claims-of-Territorial-Waters-South-China-Sea_fig1_265057806). Accessed 23 Sept. 2023.

<sup>5</sup> “The South China Sea Arbitration (the Republic of Philippines V. the People’s Republic of China).” *PCA*, [pca-cpa.org/en/cases/7/](http://pca-cpa.org/en/cases/7/). Accessed 23 Sept. 2023.

<sup>6</sup> “Land-for-Peace Principle.” *United Nations Economic and Social Commission for Western Asia*, 30 Dec. 2015, [archive.unescwa.org/land-peace-principle](http://archive.unescwa.org/land-peace-principle).



- Negotiation to establish the terms of the exchange, which may include the withdrawal of occupying forces and the recognition of each other's sovereignty.
- Implementation of agreed-upon territorial changes, often with the involvement of international monitors.
- Confidence-building measures to build trust and promote peaceful coexistence.

## Chapter VI Articles 33-38

Chapter six of the UN charter containing articles 33 through 38 focus on a framework to how nations and non-state entities are allowed to bring up and voice their concerns on possible territorial conflicts in an attempt to prevent escalation and future conflict.<sup>7</sup>

## Possible Solutions

A possible solution for territorial conflicts created by this Security Council should try to contain the following aspects. The reason for this is because they have been determined as some important factors that can lead to a sustainable solution to a conflict.

- **Neutral Mediator**

Engaging a neutral third-party mediator, selected in consultation with both State X and State Y, to facilitate negotiations and bridge differences, is something that is very constructive to the resolution of conflict. The mediator's role will be to foster open and constructive dialogue, ensure fair representation, and guide the parties toward a mutually agreeable solution.

- **Joint Border Commission**

Establish a Joint Border Commission, consisting of experts from both countries and international boundary specialists, to thoroughly review historical records, conduct field surveys, and propose potential border demarcation solutions. This would allow for a more peaceful and smooth transition of territory.

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<sup>7</sup> “Chapter VI: Pacific Settlement of Disputes (Articles 33-38).” *United Nations*, United Nations, [www.un.org/en/about-us/un-charter/chapter-6#:~:text=The%20parties%20to%20any%20dispute,or%20other%20peaceful%20means%20of](http://www.un.org/en/about-us/un-charter/chapter-6#:~:text=The%20parties%20to%20any%20dispute,or%20other%20peaceful%20means%20of.). Accessed 23 Sept. 2023.

- **Commitment to Peaceful Resolution**

Both State X and State Y will commit to peaceful coexistence and non-aggression, refraining from any hostile actions or rhetoric during the mediation process. As having both states agree to peaceful development is something that is doubtlessly necessary to any attempt at future development.

## Further Reading

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