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STUDY GUIDE

FOR THE

UNITED NATIONS

SECURITY COUNCIL

WELCOME LETTER

Honourable delegates,

As committee directors of the United Nations Security Council of this year's SOFIMUN conference, we would like to warmly welcome you to the conference and to our committee.

Konstantin is a third year student of Economics and International Relations at the University of St Andrews, where he is also Vice-President for Finance of the St Andrews MUN Society and part of the Secretariat of SaintMUN, the university's own conference. A native of Sofia, he is a veteran of two SofiMUNs and two dozen other conferences all around the world. His MUN experience is primarily on topics regarding questions of international security and their implications for the international financial and legal systems, as well as dynamic crisis simulations. His hobbies include reading, calligraphy, writing epic poetry, and performing in the Victorian-era comic operas of Gilbert and Sullivan.

Johanna is currently studying Political Sciences and Economics in her second year at the University of Erfurt. She started attending MUN conferences in December 2013 and got addicted right away, so that she participated in over ten conferences since, both as a delegate and a chair. Her most exciting experience so far was the participation in the Security Council at NMUN New York in 2015. Her main interest being international peace and security, she mostly participated in DISEC and Security Council so far. What she values most about MUN is the opportunity to exchange views with people from different nations and to foster international understanding and friendships.

We are delighted to present this year's topics for the Security Council, which are "Improving Security Cooperation in the South China Sea" and "The Drug War in Colombia as a Threat to Regional and International Peace and Security". None of these topics was in the focus of the Security Council so far, although both situations pose an increasing threat to international peace and security. Therefore both topics give you the opportunity to establish new and innovative solutions for the issues at hand. This study guide is a basis for your research and will give you a general overview over the committee and the topics. However, to make this conference a success further research on the committee's competences, the topics, your countries' positions and possible solutions is essential. We expect all of you to be well prepared for the conference, in order to have powerful discussions and firm negotiations. If you have any questions regarding the conference or the topics please do not hesitate to contact us.

We are very much looking forward to the conference!

Yours sincerely,

Konstantin Velichkov and Johanna Kresin

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COMMITTEE SUMMARY

The United Nations Security Council is the organ tasked with safeguarding international peace and security. It was one of the original organs of the United Nations, and its structure and functions are described in Chapters V, VI and VII of the UN Charter¹. It consists of fifteen members; of these five are permanent (The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America), while the rest are elected from regional groups for two-year terms. Each permanent member has a veto on substantive votes, meaning that no resolution can be passed if it receives a negative vote from any of the permanent members (abstentions do not count as negative votes).

Under Articles 24 and 25 of the Charter, the UNSC's resolutions are considered legally binding on all member states. Only the Security Council, acting under Chapter VII, can authorise the legitimate use of armed force by member states in cases where it decides that a threat to peace or act of aggression must be contained. The Council may also deploy peacekeeping forces, provided by member states but operating under the flag and authority of the United Nations, to areas of instability in order to prevent the outbreak of hostilities.

In addition to authorizing the use of armed force by member states in response to breaches of the peace, the Security Council may impose economic sanctions on the responsible states under Article 41 of the Charter. The Council may request advisory opinions from the International Court of Justice on questions of international law relevant to the items on its agenda.² Under the Rome Statute, it may in theory refer individuals suspected to have committed genocide, crimes against humanity or war crimes to the Prosecutor of the International Criminal Court; in practice the non-acceptance of the Statute and non-recognition of the jurisdiction of the ICC by a number of Security Council members has made this difficult to implement.³ In such situations the Council may institute ad-hoc criminal tribunals, such as those created for the former Yugoslavia in 1993 and Rwanda in 1994.⁴

Under Chapter VIII of the Charter, the Security Council may cooperate with regional security organizations in implementing the peaceful resolution of disputes; organizations are even provided with the capacity to take enforcement actions under Article 53, provided this is always done with a Security Council mandate.

The Security Council meets in its chambers at the United Nations Headquarters in New York. Each member of the Council is required to have a representative present at all times, so that the Council can meet immediately should the need arise.

A (significantly) more extensive overview of the Security Council can be found in the *Repertoire of the Practice of the Security Council*, a periodically updated document detailing the Council's interpretation and implementation of the UN Charter and its own rules of procedure since 1946.⁵

¹ The Charter is available in its entirety here: <http://www.un.org/en/documents/charter/> . Other parts of the Charter address structural and procedural matters pertaining to the council; for a summary see: <http://www.un.org/en/sc/about/methods/selectcharter.shtml>

² Article 96, *UN Charter*.

³ The only instances of referral to the Prosecutor so far have been the situation in Darfur (Para. 1, S/RES/1593(2005)) and Libya (Para. 4, S/RES/1970(2011)). Both available from: <http://www.un.org/en/sc/documents/resolutions/index.shtml>

⁴ See S/RES/827 (1993) and S/RES/955 (1994), *ibid*.

⁵ Available in its entirety from: <http://www.un.org/en/sc/repertoire/structure.shtml>

IMPROVING SECURITY COOPERATION IN THE SOUTH CHINA SEA

Introduction

The South China Sea is situated between the mainland of the Asian continent and the Philippine and Indonesian Archipelagos. It is an area of great geostrategic importance for maritime trade; one third of the world's oil shipments pass through the sea en route to China and other countries in East Asia.⁶ The South China Sea is also the arena of several territorial disputes resulting from overlapping claims over the Spratly and Paracel Archipelagos, an overview of which is provided by the map in Fig.1.

Fig. 1: Territorial Claims in the South China Sea⁷



Several steps have been taken in the past to reconcile these conflicting claims, as well as to arrive at a mutually beneficial security arrangement that reduces the risk of armed conflict breaking out as a result of the disputes. There has been little progress in the former, but negotiations on the latter resulted in the 2002 Declaration of Conduct in the South China Sea between the member-states of the Association of South-East Asian Nations (ASEAN) and the People's Republic of China (PRC).⁸

However, in the past five years the unresolved territorial disputes have given rise to several maritime incidents, outlined below. The continued escalation of these disputes threatens to disrupt the security framework of the region and harm mutually beneficial relations between the states surrounding the South China Sea. It is therefore the Security Council's task, consistent with its mission of developing collective security mechanisms and overseeing the peaceful resolution of international disputes, to consolidate and further improve security cooperation among the countries of the region in order to avoid the emergence of threats to international peace.

⁶ U.S. Energy Information Administration. "South China Sea Analysis Brief." Retrieved from <http://www.eia.gov/countries/regions-topics.cfm?fips=scs>.

⁷ Credit: *The Economist*

⁸ Full text available at <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>

Historical Developments

The islands of the South China Sea were occupied and claimed by Japan in World War II. Under Article 2(f) of the San Francisco Peace Treaty,⁹ Japan formally renounced its claims, but the treaty did not specify to which country sovereignty over the islands should be transferred. Several conflicting claims arose as a result.

The Chinese claim over the islands of the South China Sea (the so-called ‘nine-dash line’; red in Fig. 1) was issued by the Republic of China (ROC) in 1947 when it was still in control of the Chinese mainland. The PRC maintains this claim to this day, most recently in a letter to Secretary-General Ban Ki-Moon from 7 May 2009.¹⁰ The same territories continue to be claimed by the ROC, even after its retreat to the island of Taiwan and its subsequent loss of international recognition after 1971. In 1956, the ROC established de facto military control over Taiping Island, one of the largest in the Spratly Archipelago.

Vietnam’s claim was inherited from France’s colonial claim on both archipelagos, established in the 1930s, upon the country’s independence in 1956. In 1958, North Vietnam renounced its claims over the islands, recognising those of the PRC¹¹, while South Vietnam maintained them. In 1974, the South Vietnamese forces occupying the Paracel Islands were ousted by PRC forces; furthermore, the PRC occupied the western half of the Spratly Archipelago. After the country’s reunification in 1975, Vietnam reversed its 1958 decision and reasserted its claim to both archipelagos. Vietnam maintains de facto control of about half of the 100 or so Spratly Islands.

The Philippines declared Scarborough Shoal (see Fig. 1) and the Spratly Islands as *terra nullis* and on that basis issued a territorial claim to both in May 1956. In 1972, Philippine surveys discovered oil in the South China Sea, and commercial production began in 1979.¹²

In 1982, the United Nations Convention on the Law of the Sea¹³ (UNCLOS) established states’ exclusive economic zones 200 nautical miles off their coastlines; this resulted in another series of disputes caused by the overlap of such zones in the South China Sea. Another point of contention was the question of to what extent the Spratly Islands can generate EEZs, given that some of them are partially submerged atolls and most are not inhabited; this has given rise to contentious and conflicting interpretations of Article 13 of the Convention. It should be noted that UNCLOS does not make any statements on the sovereignty of any country over the islands in the South China Sea, nor has it been used to substantiate such claims.

In May 1988, the PRC attacked Vietnamese forces in the Spratly Archipelago, killing 74 sailors and sinking 3 ships.¹⁴ Vietnam responded by occupying several reefs in the archipelago. In 1992, the PRC passed a Law on the Territorial Sea¹⁵, which enshrined its claim over the South China Sea in domestic law. This was followed by another Chinese military operation against the Philippine-controlled Mischief Reef in the Spratlies in January 1996. In consequence, security cooperation between the Philippines and the USA was heightened. Wary of provoking further US involvement in the region, the PRC agreed “to exercise self-restraint in the conduct of activities that would complicate or escalate disputes” in the 2002 Declaration of Conduct in the South China Sea.

⁹ <https://treaties.un.org/doc/Publication/UNTS/Volume%20136/volume-136-I-1832-English.pdf>

¹⁰ http://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf

¹¹ A facsimile of the controversial letter from Prime Minister Pham Van Dong to Zhou Enlai is available here: http://commons.wikimedia.org/wiki/File:1958_diplomatic_note_from_phamvandong_to_zhouenlai.jpg

¹² For an overview of energy resources in the South China Sea, see the analysis by USEIA, cited above.

¹³ http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

¹⁴ For a timeline of the military confrontations, see <http://www.cfr.org/asia-and-pacific/chinas-maritime-disputes/p31345#/>

¹⁵ http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/CHN_1992_Law.pdf

Current Developments

Several developments have taken place in the previous five years which place in question the security arrangement of 2002. In June 2011, the Philippines protested a PRC naval incursion into what they claim as their territorial waters; in the same month, Vietnam alleged that Chinese vessels had repeatedly harassed Vietnamese ships surveying the Spratlies for hydrocarbons. In both cases the PRC reasserted its claims to the entirety of the archipelago, asserting that its vessels were within their rights. In response, the Philippines renamed the sea as the “West Philippine Sea” and continue to refer to it thusly in all official communications.

Tensions escalated in April 2012, when in response to Philippine warships disrupting the activities of Chinese fishermen the PRC sent its own naval forces to the Philippine-controlled Scarborough Shoal, resulting in a two-month standoff. Philippine protests were met with unilateral economic sanctions by the PRC (harming Philippine fruit exports and tourism).¹⁶ In response, the Philippines held joint military exercises with the USA.

Later in the year, Taiwanese forces on Taiping Island held a widely-publicised live-fire exercise against an imaginary Vietnamese incursion. Vietnam protested vociferously and adopted a law similar to the 1996 Chinese one, asserting sovereignty over the Paracels and Spratlies. This was met with an equally vociferous counter-reaction from the PRC that it would establish a new city in the Paracels to administer the entire region. Tensions were so high during the annual ASEAN meeting in July that for the first time in the organisation’s 45-year history, no communique was issued. Later in the year, the PRC launched its first aircraft carrier, demonstrating its previously stated commitment to naval modernisation and a greater involvement in its neighbouring seas.

The United States has also become increasingly involved in the region. In 2010, Secretary of State Hillary Clinton declared an interest to open access to Asia’s maritime commons, but refused to take any side in the sovereignty disputes.¹⁷ In a landmark speech in November 2011, President Barack Obama declared a strategic pivot of the USA to the Pacific, pledging an increased military presence in Australia and Singapore.¹⁸ In 2014, this strategic rebalancing was further consolidated with the signing of a 10-year defensive pact between the USA and the Philippines and further increases in the deployment of US forces to the region.¹⁹ These measures are widely seen as aimed at containing the expansion of Chinese influence, and as a counter to the shift from a land-based to a naval defence policy in the PRC.

Japan has also become increasingly involved in this security arrangement. In 2012, its own maritime dispute with the PRC and ROC over the Senkaku Islands north of Taiwan flared up. Consequently in 2013 Shinzo Abe’s government issued a radical re-interpretation of its post-war pacifist constitution, arguing that Japan had the right to participate in “collective self-defence.” Subsequently Japan, for the first time in its post-war history, sent military aid to the Philippine navy.

In March 2013, the Philippines submitted its dispute with the PRC over Scarborough Shoal to the International Tribunal on the Law of the Sea (ITLOS) for arbitration.²⁰ This was the first time the issue was brought before any international tribunal. The PRC unilaterally rejected the process and refused to participate.

¹⁶ <http://yaleglobal.yale.edu/content/standoff-south-china-sea>

¹⁷ <http://www.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm>

¹⁸ <https://www.whitehouse.gov/the-press-office/2011/11/17/remarks-president-obama-australian-parliament>

¹⁹ <http://www.reuters.com/article/2014/04/29/us-philippines-usa-obama-idUSBREA3S02T20140429>

²⁰ http://www.cnas.org/files/documents/publications/CNAS_Bulletin_Dutton_TheSinoPhilippineMaritimeRow_0.pdf

Potential Future Developments

At this stage it is difficult to speculate on the future of the situation in the South China Sea. However, a lasting and effective diplomatic solution appears increasingly difficult to envision. The PRC's refusal to submit to arbitration raises doubts as to whether other states would attempt to bring their claims before the ITLOS. In general, it appears that further attempts at arbitration without any additional incentives are not likely to yield significant results.

It is likely that the PRC will escalate its military presence in the Paracels and Spratlies. Satellite photographs²¹ show that the PRC has been constructing airbases and naval facilities on those islands currently under its control. The PRC is also expected to continue its use of nationalist rhetoric among the domestic population, especially if economic growth is lower than forecasted. Chinese military spending has increased by 240% between 2003 and 2012²², and this is likely to continue; furthermore, its navy is undergoing a massive modernisation programme. It is expected that Chinese vessels and aircraft will apply increasingly pro-active tactics in patrolling the disputed areas, leading to a greater likelihood of incidents and confrontations with other forces.

The United States' strategic rebalancing is likely to continue; the withdrawal from the Middle East and Afghanistan means an increasing number of available forces which can be re-directed to Asia, assuming that the recent NATO shift to defending Eastern Europe does not absorb too much of them. In addition to its own increased presence, the USA is certain to seek to further consolidate security agreements with its allies in the region. Japan in particular is now expected to play a much greater role in the framework.

Vietnam has increased its defence budget by more than 60% since 2011²³ in response to Chinese naval activities. There has also been a thawing of economic and diplomatic relations between Vietnam and the United States; should Chinese military activities intensify, it is not unlikely that Vietnam may seek some form of security cooperation as well.

The unity of ASEAN is likely to be further undermined by this bifurcation between those of its member states seeking closer ties to the PRC and the ones in defensive partnerships with the USA. This is likely to inhibit the evolution of the organisation into a regional collective security mechanism.

In general, the increased concentration of military force in the South China Sea and the political bifurcation of security arrangements have resulted in an atmosphere that is not conducive to the peaceful resolution of existing political disputes.

The Role of the Security Council

The Security Council has not thus far deliberated on the question of security cooperation in the South China Sea. However, given the failure of attempts at arbitration and the military build-up in the region, these unresolved conflicts constitute a potential threat to peace. Accordingly, the Security Council's mandate under Chapter VI of the United Nations Charter requires it to take the issue into consideration.

The Council's task is not to settle the question of the sovereignty of the Spratly and Paracel Archipelago; rather, it should seek a means by which this can be done by the states themselves in a peaceful and diplomatic manner. The Council may use all of the means that are granted to it for this end, including, if necessary, the imposition of economic sanctions on states which refuse to settle their disputes peacefully, in contravention of their obligations under Article 2(4) of the Charter.

²¹ Available here: <http://www.economist.com/news/china/21650150-china-tries-strengthen-its-hand-dangerous-dispute-making-waves>

²² Source: *Stockholm International Peace Research Institute Military Expenditure Database*, available here: http://www.sipri.org/research/armaments/milex/milex_database

²³ *Ibid.*

In addition, the Council must put in place an effective collective security mechanism in the region, whereby all states may deter potential threats to the peace of acts of aggression. Significantly, this requires avoiding the polarization of security arrangements between the United States and its allies on the one hand and the PRC on the other. It is needless to say that, given the vast military capabilities of both powers, any full-scale armed conflict between them is bound to be catastrophic for humanity as a whole.

Research Questions

In addition to their country's official position, delegates should consider the following questions. These are meant to be a guide for their further research, and effective resolutions will take them into account.

- 1) What are the current arrangements safeguarding peace and stability in the South China Sea, and how can these be strengthened?
- 2) How can existing economic ties between countries in the region be used to build trust and cooperation?
- 3) What role should ASEAN play in the security framework of the region?
- 4) What are the implications of the international status of Taiwan for its role in regional security cooperation?
- 5) What international institutions in addition to ITLOS can arbitrate the political disputes over the Spratly and Paracel Islands, and how can the Security Council incentivise the parties to the disputes to submit to arbitration?
- 6) How can excessive concentrations of military force and a regional arms race be avoided?
- 7) What arrangements can be created between armed forces in the region to prevent small accidents from escalating into armed confrontations?
- 8) What measures can be put in place to ensure the security of civilian maritime and air traffic in the South China Sea?

THE DRUG WAR IN COLOMBIA AS A THREAT TO REGIONAL AND INTERNATIONAL PEACE AND SECURITY

Introduction

The Colombian Conflict has been going on for over 40 years, heavily influencing the economic situation and the security of the Colombian population. Starting out as an ideological conflict, economic objectives grew more and more important over the last decades.

The conflict includes various players and motives. Initially, the conflict broke out between the government and terrorist left-wing guerrillas, the most influential of which are the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) and the National Liberation Army (Ejército de Liberación Nacional, ELN). The FARC, founded to counter government violence, is the oldest and largest guerrilla group. It realizes profits from drug-trafficking, kidnappings, extortion and illegal taxation and mainly controls the rural southern parts of Colombia. The ELN was founded by students, intellectuals and churchmen. It was strongly influenced by the Cuban Revolution and Christianity.²⁴ Getting their main revenue from drug-trafficking, they are also involved in kidnappings and they generate protection money.²⁵ Although occasionally cooperating, a general hostility between these groups cannot be denied and contentions are no rarity.

Both are fought by the government and its military on the one hand and by right-wing paramilitary groups on the other. The paramilitaries were originally founded to counter the guerrilla groups and were supported by the government for that purpose. Still acting under the pretence of protecting civilians from the FARC, those groups are major participants in drug-trafficking, controlling about fifty percent of all drug-trafficking in Colombia. What is more, they are more and more involved in further terrorist activity, like kidnappings. Therefore the government started countering the paramilitaries' actions in recent years. This further complicates the situation in Colombia.

One major problem has been the inconsistency of government policy to counter terrorist groups. Currently the government engages in peace talks with the FARC, which are slowly progressing. However, due to a missing ceasefire agreement between the two negotiating parties, the insurgencies continue. Furthermore the negotiations do not comprise the ELN, therefore the odds for peace with all left-wing groups remain long. Further considering the strong development of the right-wing groups in recent years, the imminent settlement of the dispute is unlikely.

Although the conflict is mostly carried out within the Colombian borders, it has a heavily destabilizing effect on all surrounding countries. The history has also shown the criminal's high potential to quickly adapt to new situations. A major combating of drug cultivation in Colombia has led to an increase of cultivation in Bolivia and Peru. This shows that a unilateral approach is not sufficient to solve the issues of the drug war but rather leads to further problems on an international scale.

Historical Developments

The legacy of Spanish colonialism in Colombia were small local elites, to whom their local power was more important than the concept of a nation state.²⁶ The opposition between the elites and the poor was also reflected in the growing tensions between the two political parties, the Conservative Party, endeavouring a centralized state with connection to the Catholic Church,²⁷ and the Liberal Party,

²⁴ James F. Rochlin. *Vanguard Revolutionaries in Latin America – Peru, Colombia, Mexico*. p. 103. Lynne Rienner Publishers. London 2003

²⁵ <http://www.unric.org/en/colombia/27013-the-guerrilla-groups-in-colombia>

²⁶ Grace Livingstone. *Inside Colombia – Drugs, Democracy and War*. p. 59. London 2003, Latin America Bureau

²⁷ <http://partidoconservador.com/el-partido/historia/>

striving for a secular and federal state²⁸. This resulted in a civil war, known as La Violencia, the conservative president suppressing the impecunious supporters of the Liberal Party. It ended in 1953 in a coup d'état, but although the rebels were granted amnesty by the new president, many groups refused to lay down their weapons. These groups were the basis for the establishment of left-wing guerrilla groups in the mid-1960s, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) and the National Liberation Army (Ejército de Liberación Nacional/ ELN) amongst others.²⁹

Initially the development of the guerrilla groups and an increase of drug economy were not connected. The lack of sufficient farmland forced peasants to migrate to the eastern lowlands. Due to the absence of state authority, the cultivation of marijuana, coca, opium and poppies exploded.³⁰ Taking advantage of the absence of governmental authority, the FARC spread into those regions, establishing their own rudimentary health and education systems. Although originally opposed to drug cultivation, the FARC did not take action against it, in order to win over the peasants. Despite not being involved into the trafficking of drugs, the FARC earned a considerable amount of money by taxing the drug trade.³¹ The rise of guerrilla troops eventually led to the legalization of private security squads that landowners could employ to defend themselves against the guerrilla exploitation. Those multiple paramilitary groups united to the United Self-Defence Forces of Colombia (Autodefensas Unidas de Colombia/ AUC) in 1997, remaining hostile towards the guerrilla groups.³²

Starting out in the southern parts of Colombia, cultivation of illicit crops and their trafficking soon spread over the rest of the country. The rise of the drug economy was initiated by few drug cartels, controlling the whole drug traffic of Colombia for over two decades. After severe government programs the cartels gradually lost their power, giving the AUC and the guerrilla groups the opportunity to take over the drug markets. Today the criminal groups and the drug economy are closely connected to each other.

In the Colombian history there have been various examples to make peace with the guerrillas. In 1986 members of the FARC participated in the elections, represented in the Unión Patriótica (UP), however in the following years over 3000 UP candidates and supporters were shot.³³ A new round of peace talks was initiated in 1998, starting out with a huge demilitarized zone in southern Colombia. However the peace talks failed, firstly, due to the adoption of the Plan Colombia, a plan for the military fight against drug-trafficking. This plan made the guerrillas doubt the government's willingness to cooperate. Secondly, the FARC began severe bombings and kidnappings to demonstrate its power. Thus the president did not believe in their interest for peace and ended the negotiations in 2001 by bombing the former demilitarized zone in southern Colombia without a warning to the civilians.³⁴ Simultaneous peace talks with the ELN failed as the guerrilla group reacted to the refusal of a demilitarized zone with mass kidnappings and the hijacking of an airplane.

Current Developments

Although the AUC agreed to demobilize in 2006, not all members abandoned their weapons.³⁵ Numerous *bandas criminales* (BACRIMS) developed as secession organizations of the AUC, the most powerful of which are Las Aguiras Negras and Los Rastrojos. Nowadays those right-wing paramilitary groups are especially involved in drug-trafficking. Colombia remains the country with the most refugees in Latin America due to the violence between the guerrillas and the paramilitaries. Both

²⁸ <http://www.partidoliberalcolombiano.info/PartidoLiberal/EILiberalismo/Historia/tabid/142/Default.aspx>

²⁹ Grace Livingstone. Inside Colombia. p. 67 f.

³⁰ Grace Livingstone. Inside Colombia. p. 77

³¹ Thomas Jäger, Anna Daun, Daniel Lambach, Carmen Lopera, Bea Maass, Britta Margraf. Die Tragödie Kolumbiens – Staatszerfall, gewaltmärkte und Drogenökonomie. S. 64 f. Wiesbaden 2007, VS Verlag für Sozialwissenschaften

³² Grace Livingstone. Inside Colombia. p. 78

³³ Grace Livingstone. Inside Colombia. p. 79

³⁴ Grace Livingstone. Inside Colombia. p. 85f.

³⁵ <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/85>

groupings are involved in drug trafficking, kidnappings, employment of child soldiers and extrajudicial executions.

Being an advocate for a harsh approach against the guerrillas and the paramilitary groups and their activities, former president Alvaro Uribe (2002-2010) pursued a hard line for the containment of drug trade, especially implemented by broad fumigations of coca plants and other illicit crops. Although the coca cultivation was contained from 2007 to 2013³⁶, there is no positive correlation between fumigation and the spread of drug cultivation.³⁷ Between 2000 and 2010 the Plan Colombia contributed essentially to the containment of the illicit trade in drugs. However, this success backfired in three ways:

- By tackling the regions with highest crime rates, the drug abuse has not been eradicated but pushed to other quarters.³⁸ In addition, the fumigation caused not only the intoxication of people, animals and the environment but also the quick resettlement of coca fields to other regions.³⁹ The drug cartels have proven to be very flexible concerning their geographical needs.
- As former cartels were partly brought under control and the room of action for the big cartels diminished, other structures were implemented. Today, the trade is not conducted by a few big cartels anymore but it is more decentralized. The structures are much flatter and the organizations are smaller and more diverse.⁴⁰ One bigger cartel might be comprised of up to 700 smaller entities, each one acting independently.⁴¹ So instead of containing the drug cartels, the structures have only changed in recent years. Therefore intelligence on those groups is limited and it is harder to control and contain their activity.
- The close cooperation between military and paramilitary groups led to increased paramilitary violence. The groups that helped containing the guerrillas are now posing an immense threat to regional and international stability themselves. Thus, the government itself helped to build up criminal groups.

The current president Santos has changed the strategy, focussing on cooperation with the guerrilla groups rather than deterrence. In August 2012 he announced preparatory talks for possible peace negotiations with the FARC and the ELN. Peace talks with the ELN could not be accomplished. However, in November 2012 Colombia entered into peace talks with the FARC, which declared a two month ceasefire, following the beginning of negotiations. During the talks, agreements have been reached on a land reform, the political participation of the rebels, and the elimination of the drug trade. If the latter is realistic is doubtful though. The rights of victims in violent conflict, the disarmament of the rebels and the implementation of all points have not been discussed yet.⁴² A point that is not touched by the negotiations but has potential for trouble is the Marxist orientation of the FARC and how it will fit into the capitalist system of Colombia.⁴³ Although the conflict parties have decided not to let outside events influence the negotiations, president Santos stopped the peace talks after the kidnapping of Colombian General Alzante. Although not stopping the peace talks, another setback

³⁶ http://www.unodc.org/documents/crop-monitoring/Colombia/Colombia_coca_cultivation_survey_2013.pdf, p. 17

³⁷ Thomas Jäger, Anna Daun, Daniel Lambach, Carmen Lopera, Bea Maass, Britta Margraf. Die Tragödie Kolumbiens. p. 65

³⁸ Isaac de León Beltrán & Juan Carlos Garzón. Urban drug markets and zones of impunity in Colombia. December 2014. Online: <http://www.tni.org/sites/www.tni.org/files/download/dmv2.pdf>

³⁹ Thomas Jäger, Anna Daun, Daniel Lambach, Carmen Lopera, Bea Maass, Britta Margraf. Die Tragödie Kolumbiens. p. 65

⁴⁰ <http://www.theguardian.com/global-development-professionals-network/2014/feb/03/us-war-on-drugs-impact-in-latin-american>

⁴¹ A. Rabasa & P. Chalk. Colombian Labyrinth: The Synergy of Drugs and Insurgency and Its Implications for Regional Stability (2001)

⁴² <http://www.bbc.com/news/world-latin-america-19875363>

⁴³ <http://www.ft.com/cms/s/0/ecfac32e-ef3c-11e4-87dc-00144feab7de.html#axzz3ZDMmdpAd>

was the killing of 10 Colombian soldiers by the FARC in April 2015.⁴⁴ Both events show the fragility of the situation.⁴⁵

The Colombian strategy to counter drug-trafficking is still ineffective. It mainly focuses on the peasants and not on the businessmen and drug lords. The tiny share that the peasants earn becomes visible, as the refined cocaine has a value more than 500 times higher than the original coca paste. Only 1% of the profit ends up with the peasants.⁴⁶ Effectively, the Colombian drug market is still controlled by businessmen with connections to Colombian establishment and the US.⁴⁷ This also shows the ongoing corruption of both individuals and institutions. Especially the latter is a severe problem as illegal activities are fostered by state officials. In the public, political parties, the parliament and legislature, and the police are perceived as ‘very corrupt’. 56% of the population has the feeling that corruption increased from 2007 to 2010.⁴⁸

The containment of illegal drug trade is not a simple task. Firstly, vast parts of the country, including some quarters in cities, are so-called ‘zones of impunity’, which are under criminal authority and without proper jurisdiction.⁴⁹ This makes it impossible for the government to control the cultivation or traffic of illicit substances. Secondly, the citizens suffer from income inequality and poverty. Therefore, for many peasants growing coca is the only possibility to earn their living.⁵⁰

Potential Future Developments

The situation in Colombia is fragile. The ongoing peace talks with the FARC give occasion to hope for an improvement of the relation between the government and the guerrilla group. However, the FARC is sceptical due to the outcome of the peace negotiation in 1986 and 2001. As only half of the points on the agenda have been discussed, the continuation of the talks for several years is probable. In the meantime the assaults of the FARC proceed. In addition, the ELN and the BACRIMs contribute to the destabilization of the situation and a solution to these struggles is not in sight. If the peace talks with the FARC succeed, there could be a possibility for the ELN to join the agreements, which would save both parties a lot of time and trouble. Furthermore without having to counter the FARC, the government could fully concentrate on countering the remaining criminal groups.

Important solutions to contain the inner-state conflict are the following amongst others:

- Health and safety of civilians have to be considered while countering drug cultivation and drugs have to be treated as public health issue.⁵¹
- The state has to increase its presence in rural areas to regain authority over the drug corridors.⁵²
- An agrarian reform, redistributing the land between rich landowners and peasants is necessary to stop the migration of people in need to the lowlands to grow coca plants.
- The implementation of support for victims of drug trade, including poor coca producers and drug users, as demonstrated by Bolivia could help containing the situation.⁵³
- To strengthen the legal economy investments into health education and other social goods have to be implemented in addition to the already existing investments into the police, judiciary capacities and prisons.⁵⁴

⁴⁴http://www.nytimes.com/2015/04/16/world/americas/colombia-attack-attributed-to-farc-threatens-peace-talks.html?_r=0

⁴⁵ <http://www.theguardian.com/world/2014/nov/17/colombian-president-halts-farc-talks-after-general-kidnapped>

⁴⁶ http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf p. 54

⁴⁷ Grace Livingstone, Inside Colombia. p. 128

⁴⁸ http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf, p. 55 ff.

⁴⁹ Grace Livingstone. Inside Colombia. p. 123

⁵⁰ <https://www.cia.gov/library/publications/the-world-factbook/geos/co.html>

⁵¹ Global Commission on Drug Policy

⁵² http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf

⁵³ <http://www.theguardian.com/global-development-professionals-network/2014/feb/03/us-war-on-drugs-impact-in-latin-american>

⁵⁴ http://www.oas.org/documents/eng/press/Introduction_and_Analytical_Report.pdf

- The UNODC encourages sharing of best practice, the support of international conventions and national strategies and the development of national capacities in the fight against drugs and to counter crime.⁵⁵

The initially national conflict gains more and more international weight. In an increasingly globalized world, the external impacts of national conflicts increase. As in Columbia the cultivation of drugs decreased until 2014, the development in neighbouring countries is opposing. The coca production in Peru and Bolivia was increasing in recent years, which clearly shows the relocation of illegal cultivation to foreign countries.⁵⁶ Moreover, negative development does not only occur concerning cultivation. In addition, the cocaine consume in Peru has risen by 60 percent during three years.⁵⁷ The surrounding countries are also heavily affected by the high number of refugees from Colombia, which amounted to 70.000 officially recognized refugees in 2012. In Ecuador for example 98% of all refugees are Colombian.⁵⁸ Without an international plan the threat of the further internationalization of the conflict increases.

The Role of the Security Council

The Colombian Conflict has been rarely addressed by the United Nations in recent years. Although the United Nations Office for Drugs and Crime (UNODC) regularly reports on Colombian drug-trafficking and the United Nations Office of the High Commissioner for Human Rights (OHCHR) monitors the peace negotiations with the FARC, neither the drug war and the violence emanating from guerrilla groups and the BACRIMs nor the international effects of the situation in Colombia are sufficiently addressed.

The Security Council can engage in the enforcement of Human Rights and International Humanitarian Law while countering guerrilla groups and the BACRIMs. This would foster the protection of civil society and therefore enable it to more actively engage in the fight against terrorist groups.

Furthermore, the Security Council should encourage the peace process with the ELN and the dialogue with the BACRIMs. As the UN is already involved in the peace talks with the FARC, the Security Council has to consider how to support the implementation and supervision of such an agreement.

Most importantly, the Security Council has to initiate the international coordination of actions against drug-trafficking and the violence emanating from it. International solutions are crucial to prevent spillover effects of violence to other countries and to avoid increasing drug cultivation in neighbouring states while countering cultivation in Colombia. Especially the prevention of transnational cooperation between criminals is crucial and can only be realized within a broad international framework.

Research Questions

- 1) How are the guerrilla groups and the BACRIMs connected to the drug-trafficking in Colombia?
- 2) To what extent do the criminal groups follow ideological aims, to what extent do they follow economic goals?
- 3) How can the violence emerging from the criminal groups be contained?
- 4) How can peace agreements be enforced in Colombia, considering the lack of government authority in certain regions?
- 5) What measures can be implemented to protect civilians against violent conflicts between the criminal groups?
- 6) In what aspects do governments have to cooperate in order to contain the spread of drug-related violence across borders?

⁵⁵ <http://www.unodc.org/colombia/en/mandato.html>

⁵⁶ <http://www.unodc.org/unodc/en/frontpage/2009/June/coca-survey-report-for-colombia-peru-and-bolivia.html>

⁵⁷ Centro de Información y Educación para la Prevención des Abuso de Drogas (CEDRO). El Problema de las Drogas en el Perú. June 2013, Lima

⁵⁸ <http://www.resettlement.eu/page/colombian-refugee-situation>

7) Which regional organizations can assist to counter drug-related international struggles?