

Special Political and Decolonization Committee (SPECPOL)

Welcome

Dear Delegates,

Welcome to BUSUN 2009 and the Special Political and Decolonization Committee (SPECPOL)! My name is Stephanie Koh and I will be BUSUN 09's DISEC chair this November.

To start off, allow me to briefly introduce myself. I am currently a junior concentrating in International Relations and Comparative Literature. I was involved with Model UN for two years in high school. This will be my second time chairing a committee at BUSUN.

This guide has been assembled to provide you with history and context. It also asks some questions with regard to the issues at hand. However, please keep in mind the fact that this background guide was written several months before we meet; it is crucial that you keep yourself updated on these topics and thus incorporate new elements into the debate. I urge you to know your country's history and foreign policy well, and encourage you to spend plenty of time exploring and understanding these topics. This will only add to your overall BUSUN experience.

Please keep in mind that this committee is committed to decolonization and self-determination. All three topics involve territories that seek independence. How can decolonization be supported without jeopardizing other tenets enshrined in the UN Charter?

I look forward to reading your position papers. Should you have any questions, please e-mail me at specpol@busun.net. See you in November; it's going to be a lot of fun!

Regards,
Stephanie Koh
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Committee History

The 4th Main Committee of the General Assembly (Special Political and Decolonization Committee) deals with a variety of political subjects not dealt with by the First

Committee, as well as with decolonization¹. The committee came into being in its present recognizable form in 1993. Its origins can, however, be traced to the Special Political Committee that was formed as an ad-hoc committee in 1947 to deal specifically with issues of international politics and security.

The General Assembly maintained SPECPOL as an ad-hoc committee until 1978, when it replaced the Trusteeship Committee as the Fourth Committee. Ten years later, the United Nations declared the 1990s to be the "International Decade for the Eradication of Colonialism."² In furtherance of this goal, the United Nations moved to modify SPECPOL, turning it into the Special Political and Decolonization Committee, with a mandate to oversee decolonization. As of 2005, the United Nations recognizes 15 Non-Self-Governing Territories.³ This number, of course, is highly disputed as some territories have had referendums where the people have rejected self-governance.

SPECPOL is primarily an advisory committee, recommending courses of action to the Security Council, specialized agencies of the United Nations, governments of member states, international organizations and non-governmental organizations (NGOs). It does not have the power to take military action nor pass a binding resolution. During this conference, however, there will be no plenary session; therefore, all resolutions passed during the committee session will be deemed binding.

Topic 1: Protection of Civilians in the Occupied Palestinian Territories during Times of War

UBackground

While the Arab-Israeli (or more accurately, the Palestinian-Israeli) Conflict stretches over a time-span of almost a century, the issue of *occupied* territories has its roots in the Six-Day War of 1967.

The Six-Day War was the first major armed conflict between Israel and some of her Arab neighbours – Egypt, Jordan and Syria— after the 1948 Arab-Israeli War. This war, as its name implies, only lasted six days, and proved to be a humiliating defeat for the Arab armies. The three Arab countries suffered significant territorial losses. Egypt lost the Sinai Peninsula and the Gaza Strip, a territory it had seized in 1948. Jordan lost East Jerusalem

¹ UN General Assembly – Main Committee (<http://www.un.org/ga/maincommittees.shtml>)

² Please refer to General Assembly Resolution 43/46

³ Refer to A/60/71.

and the West Bank, both of which were also annexed during the 1948 War. Syria lost the Golan Heights.

While the Sinai Peninsula was returned to Egypt in 1982, the Golan Heights have mostly remained under Israeli control, with only a small part returned to Syria. This remains a point of tension between Syria and Israel.

The political status of the West Bank and the Gaza Strip —now recognized as a single entity—is highly controversial. Since the occupation of the West Bank and the Gaza Strip, the Israeli government has actively encouraged and promoted the construction of Jewish settlements in the Occupied Territories. Palestinians were subjected to Israeli military administration without Israeli citizenship until 1993.

In 1993, the Oslo Accords were signed by the Israeli government and the Palestine Liberation Organization. Under the Accords, certain powers and responsibilities were transferred to the Palestinian Authority. Israel remained in control of external security as well as the internal security and public order of Israeli settlements and citizens. Israeli forces withdrew from the Gaza Strip in 2005, while settlement building in the West Bank continues until today.

Current Situation

The West Bank is currently governed by the Palestinian Authority, while the Gaza Strip is governed by Hamas. The Peace Process has since stalled because Hamas considers Israel an illegitimate state and Israel views Hamas as a terrorist group that must be dismantled.⁴ Israel conducted airstrikes and raids in Gaza in 2007 and 2008 while Hamas (and other paramilitia) increased their rocket and mortar attacks into Southern Israel. This finally culminated in a fragile six-month truce that ended on December 19, 2008. Hamas then resumed its attacks on Israeli cities. This finally led to Israel's Operation Cast Lead against Hamas. The Gaza Strip was bombed intensely; even schools were not spared. A BBC report⁵ summarizes the damage thus:

- More than 1,300 Palestinians killed
- Thirteen Israeli deaths
- More than 4,000 buildings destroyed in Gaza, more than 20,000 severely damaged
- Tens of thousands of Gaza civilians homeless

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<http://www.nytimes.com/2008/12/20/world/middleeast/20mid-east.html?scp=2&sq=Ethan%20Bronner%20December%202008%20gaza&st=cse>

⁵ http://news.bbc.co.uk/2/hi/middle_east/7836869.stm

The one-month-long war against Hamas has prompted international outrage and accusations leveled against Israel for “war crimes.” At the root of this concern is the 1949 Geneva Convention, especially relative to the protection of civilian persons in time of war, and a growing conviction that there is a “responsibility to protect” civilians. An advisory opinion rendered on 9 July 2004 by the International Court of Justice has stated that the Fourth Geneva Convention is applicable in the Occupied Palestinian Territory. It is worth noting that the UN General Assembly passed a resolution demanding that the Israeli government respects the Geneva Convention in December 2008, *before* Operation Cast Lead was launched.

Questions to Consider:

1. To what extent does the Israeli government have to protect Palestinians at a time of war? How can the Israeli government protect its citizens while respecting the Fourth Geneva Convention?
2. What is the role of the international community? How should the international community ensure the Convention is obeyed and how should it react when it is not?

Bloc Positions:

Most countries have denounced the disproportionate and indiscriminate use of force. Allies of Israel —most notably the US, the European Union (EU) and their allies—generally focus on attacks on Israel and emphasize Israel's sovereignty and need to protect the Jewish population. The Middle East and other Muslim countries tend to condemn Israeli cruelty and willful rejection of UN Resolutions. Other countries, like China, have been quite neutral on the matter, condemning both sides in the conflict.

Topic 2: UN Membership: Kosovo and Taiwan

Kosovo

In the 1990s, Yugoslavia was marked by immense bloodshed and violence as it disintegrated. After the Dayton Accords of 1995, Yugoslavia and more specifically, Kosovo —originally an autonomous region—, was plunged into war. Once the war ended, Kosovo was placed under the United Nations Interim Administration Mission in Kosovo (UNMIK) and was protected by the Kosovo Force (KFOR), a NATO-led international force.⁶

International negotiations began in 2006 to determine the final status of Kosovo, led by UN Special Envoy Martti Ahtisaari. Ahtisaari drew up a plan in 2007, one supported

⁶ UN Security Council Resolution 1244

by the United States and the European Union but opposed by Serbia and the Russian Federation. These negotiations and talks ultimately failed to resolve the question of Kosovo's constitutional status. Kosovo declared independence from Serbia unilaterally on February 17, 2008.

Kosovo's current constitutional status is uncertain. The Constitutional Court of the Republic of Serbia deemed the act of secession illegal, insisting that it was not in coordination with the UN Charter, the Constitution of Serbia, the Helsinki Final Act, UN Security Council Resolution 1244 and the Badinter Commission. The United States, Canada, Australia, Japan and most of the European Union have recognized its independence. Significantly, Taiwan recognized Kosovo's declaration of independence, as did other separatist movements. Most UN member states—including China and the Russian Federation—, however, have not.

Republic of China (Taiwan)

Taiwan formally became a province of China in 1885, under the Qing dynasty. Ten years later, however, the Qing lost the Sino-Japanese War and the island was ceded to Japan under the treaty of Shimonoseki. Japanese colonization ended in 1945, and Taiwan was returned to the Republic of China. At that time, the Kuomintang (KMT) was in power in China.

Things took a sharp turn in 1949, when the Chinese Communist Party (CCP) defeated the Kuomintang in the civil war. KMT officials, including then-President, Chiang Kai-Shek, fled to Taiwan. Chiang established a provisional capital in Taipei, with hopes of taking the mainland back. Internationally, the ROC was recognized as the official representative at the UN until 1971, primarily because the United States blocked most votes to change the status quo. The ROC finally lost its seat at the United Nations in 1971. Resolution 2758 officially recognizes the People's Republic of China (PRC) as 'China'.

Taiwanese independence was never considered before the abolition of martial law in 1987, as the recovery of the mainland and national reunification were the goals of the ROC. After 1987, however, independence—now strongly associated with the Democratic Progressive Party—has become increasingly popular amongst the Taiwanese. The ROC, under the Democratic Progressive Party, has often—and aggressively—appealed for international support in the issue of Taiwanese independence. Taiwan has petitioned to join the UN since 1993, but only to represent the people of Taiwan.

The PRC has been adamant and consistent in its treatment of Taiwan: in the eyes of the PRC, Taiwan is part of China and the PRC remains committed to reunification and the 'one China' policy. Indeed, the PRC has vowed to take military action against Taiwan should the latter declare independence unilaterally.

Taiwan is currently divided on the issue of independence, even if most Taiwanese desire autonomy. The recent victory of Ma Ying-Jeou has been seen as a mandate for increased separation from China, but not independence. The PRC has not retreated from its on talks for 'one China'. The PRC and Taiwan have a more amicable relationship since Ma took office, with the evident strengthening of economic and diplomatic ties. However, Taiwan has been operating as a 'semi-state' for decades, even issuing passports and recently, with the support of the PRC, obtaining observer status at the World Health Assembly. Even so, as recently as 2007, the United Nations refused to consider Taiwan a candidate for membership, choosing instead to reiterate its 'One China' policy.

UN Membership

Chapter II, Article 4 of the UN Charter has two stipulations for membership:

1. *Membership in the United Nations is open to all other peace-loving states which accept the obligation contained in the present Charter, and in the judgment of the Organization, are able and willing to carry out these obligations;*
2. *The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.*

While only sovereign states are admitted to the United Nations in principle, four of the original members were not fully sovereign at the time of admission. Some entities are not members because the UN does not consider them sovereign states, because of a lack of international recognition or opposition from certain members—usually the permanent members of the Security Council.

The Issues and Questions to Consider

Also central to both the Kosovo and Taiwan cases—and the resulting question of UN membership—are the doctrines of self-determination and state sovereignty. Self-determination, a Wilsonian doctrine that was originally a reason for decolonization, has become a reason for secession (and irredentist claims). While the bases of the two claims to independence are different, they both hinge

on the argument that the people of a given territory should have the freedom to make decisions, especially that with regard to the people's political status. State sovereignty, however, is enshrined in the United Nations charter. Secessionist claims, by their very nature, disregard existing borders, choosing instead to draw new ones. Keeping these ideas –and the inherent tension between them—the following questions should be considered:

1. When does a group of people in a given territory have the right to declare independence?
2. When should the United Nations grant membership to secessionist states? Also, should states maintain their veto powers when it comes to membership?

Bloc Positions

The US and most of the EU have recognized Kosovo's declaration of independence. Even so, some European states facing separatist movements of their own have been more ambivalent. However, these same countries do not recognize Taiwanese sovereignty. Countries like the Russian Federation and China that are very protective of state sovereignty and face secessionist movements on their own soil –and countries that rely on them—are strongly opposed to Kosovo's secession. Most African and South American countries do not recognize Kosovo as independent. These countries also tend not to recognize Taiwanese sovereignty.

Topic 3: The Question of Western Sahara

Background

Western Sahara came under European rule after the Berlin Conference of 1884 that led to the 'Scramble for Africa'. Spain seized control of Western Sahara, over the protests of the Sultan of Morocco. When Morocco gained independence in the 1950s, the country repeatedly restated its claims over Western Sahara, by then a Spanish province.

Nationalism emerged in the late 1960s, as nomadic Sahrawis settled in the region.⁷ The Polisario Front was formed in 1973, establishing itself as the sole representative of the people. Morocco and Mauritania claimed sovereignty over the territory. The International Court of Justice (ICJ) rejected these claims in 1975. The ICJ determined that the territory was not *terra nullius* and although Morocco and Mauritania had *legal* ties to the territory, these ties did not

translate into sovereignty. The results have since been a source of tension and debate.

Spain signed a tripartite agreement with Morocco and Mauritania, known as the Madrid Agreement, effectively partitioning the territory. Spain left the colony in February 1976. Polisario declared the Saharan Arab Democratic Republic (SADR) in the same month. Mauritania relinquished its claims two years later; Morocco annexed Mauritania's share of the land. Polisario led a guerrilla war against Moroccan forces until 1991, when a ceasefire was overseen by the United Nations Mission for a Referendum in Western Sahara (MINURSO), under the terms of a UN Settlement Plan. The transition –that should have led to a referendum in 1992—was never completed. A significant problem emerged - the decision of who was eligible to vote, known as the "identification process". Despite repeated attempts, the stalemate continued into the 21st century.

The Present

The Baker Plan of 2000 envisioned an autonomous Western Sahara Authority, followed by a referendum five years later. The Polisario rejected this. Further versions of the plan, including the Baker II, were rejected by Morocco. In place of independence, Morocco has offered Western Sahara autonomy. In pursuance of UN Security Council Resolution 1754, talks between Morocco and the Polisario –as well as Algeria and Mauritania—resumed in New York in March 2008 (Manhasset Negotiations). No progress was made.

On June 8, 2009, Mohammed Abdelaziz, Polisario leader, pleaded with the UN Secretary General to urge Morocco to back down on its plan of organizing elections in Western Sahara, planned for June 12, 2009. It will be necessary for delegates to keep abreast of events unfolding in Western Sahara.

Questions to Consider

1. How should the UN, and more specifically, SPECPOL, ensure the relevant parties work towards a viable solution and prevent another deadlock from forming?
2. How can the doctrine of self-determination be pursued, taking into account the fact that migration by Moroccans into the region has made native Sahrawis a minority?
3. What will the best end result be? Autonomy, as proposed by Morocco, or full independence, as advocated by the Palisario?

⁷ BBC Regional Profile: Western Sahara

4. While talks continue, how can the UN and the international community at large ensure either side does not commit human rights abuses?

African News Agency:

http://www.afrol.com/countries/western_sahara/news

Bloc Positions

Most African countries are aligned with the Polisario –the African Union recognizes the Sahrawi Arab Democratic Republic. No state formally recognizes Moroccan sovereignty over Western Sahara. Most countries are neutral on the issue.

Resources:

If you have access to academic papers, they are also a good source of information.

Geneva Convention relative to the Protection of Civilian Persons in Time of War

<http://www.unhchr.ch/html/menu3/b/92.htm>

Taiwan's UN Campaign:

<http://www.mofa.gov.tw/webapp/ct.asp?xItem=26680&ctNode=1028&mp=6>

Ministry of Foreign Affairs of the Republic of Kosovo:

<http://www.ks-gov.net/>

The Serbian Ministry for Kosovo-Metohija:

www.kim.sr.gov.yu/cms/item/home/en.html

MINURSO

<http://www.un.org/Depts/dpko/missions/minurso/>

News Sources:

BBC: www.bbc.co.uk

New York Times: www.nytimes.com

Palestine Monitor: www.palestinemonitor.org

Ha'aretz: <http://www.haaretz.com/>

Xinhua News: www.news.xinhua.net/english

Taipei Times: www.taipeitimes.com

Balkan Insight: <http://www.balkaninsight.com/en/>

Western Saharan News (Moroccan-run):

<http://www.westernsaharaonline.net>