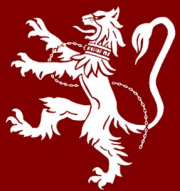




PEA  MUN

Chairs:
Marie Leighton
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General Assembly III

National Sovereignty

PEAMUN VIII
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Dear Delegates,

Welcome delegates to PEAMUN VIII! This is Richard Chen, Marie Leighton McCall, Aivant Goyal, and Khanh Nguyen, your chairs and co-chairs for the General Assembly on the topic of National Sovereignty. We are excited to work with you to discuss this global issue and guide you in forming blocs and proposing resolutions!

National sovereignty, by definition, is the right for a nation to declare itself as an independent country and be able to control and make its own government. However, despite this simple definition, not all countries that declared independence are recognized as sovereign nations, and not all territories claimed are peacefully settled between nations with definitive borders. The question of whether or not a country can declare independence is highly debated, and the process of recognizing a territory as a country is even more contentious. Many factors must be taken into consideration, such as a country or territory's history and the ethics of colonization and territorial control. We hope that each and every delegate will join us and participate as we tackle this difficult issue and immerse ourselves in the world of global politics and ethics.

As of today, there are over 50 territorial disputes between two or more nations even though we cover only a few. Many territories are trying to declare independence, but are stuck in the chaos of politics between nations to move forward with the ideas of sovereignty. To add on to this disorder, some countries have executed invasions to "reclaim" their territories and land. All of these conflicts and topics are subjects of debate as we enter a realm of disarray and controversy.

For the conference, each of you will be assigned a country in which you will represent that country's United Nations delegate. Below is the background guide we have put together to help you better understand the topic; however, just reading the background guide is not sufficient in terms of research. You must research your country's position on this topic so that we can have enriched discussions and debates as an entire committee. From territories such as Kosovo trying to declare independence from Serbia, to the political tensions between Ukraine and Russia, each and every country should have a stance on these issues. We encourage all of you to review parliamentary procedure, and we hope that a great amount of thought will be put into this as we prepare to investigate this topic further.

If you have any questions, please feel free to contact: Richard Chen (rchen@exeter.edu), Marie Leighton McCall (mlmccall@exeter.edu), Aivant Goyal (agoyal1@exeter.edu), or Khanh Nguyen (knguyen@exeter.edu). Armed with your notes, research, and powerful minds, we thank you for joining us as we try to untangle the morals and nature of this topic. As a United Nations General Assembly of 90 countries, let's hope to pass as many fruitful resolutions as we can. Best of luck to all of you, and see you this coming fall!

Best Regards,

Richard Chen, Chair

Marie Leighton McCall, Chair

Aivant Goyal, Co-Chair

Khanh Nguyen, Co-Chair

Introduction

On February 27, 1996, the United Nations General Assembly passed a resolution based upon the “respect for for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral process.”¹ This resolution reaffirms that each and every independent country has the right to form their own effective government based upon a variety of factors such as, but not limited to history, politics, culture, and religion. In addition, each country is allowed to manage its own economic structures and pass its own laws and legislation. With these groundworks set, once a country is officially deemed independent, every country in the United Nations must respect the new nation’s rights.

There are, of course, many obstacles and flaws around this fundamental policy. Although the UN Resolution of 1996 defined the rights of an independent nation, the process for a territory to become an independent nation proves much harder. Unlike centuries ago, where territories can declare independence through means of revolutions and civil wars, there are steps and qualifications in which a territory must achieve in order to properly be declared independent and be admitted into the United Nations. Thus, becoming an independent nation is a difficult, tedious, and a long feat.

Furthermore, there are many political and ethical issues surrounding the issue of national sovereignty. Many countries today are disputing over the ownership of territories and borders. In addition, some countries refuse to recognize other nations as independent due to historical, religious, political, or cultural issues surrounding the disputes. As the world is still developing, many countries are on the verge of declaring independence and/or are in a state of dispute. As a

¹ <http://www.un.org/documents/ga/res/50/ares50-172.htm>

whole, the UN must consider and make amendments if necessary, to the process for a territory to become independent. The UN must also consider the historical contexts between countries and territories. Within this, the UN must keep in mind the many other disputes (such as border control and the claiming of territories) and find ways to peacefully solve these issues. Finally, the UN must keep in mind whether or not it is within a nation's or territory's best interest to declare independence.

Declaring Independence

Ever since the United Nations was founded, countries had gathered together to fully outline the rights of an independent nation. In order for a territory to declare itself independent, it must first achieve statehood and must meet all of the criterion adopted by the Seventh International Conference of American States in 1933 during the Montevideo Conference.² In that conference, the member states, including the United States, Brazil, Panama and other nations from North and South America. have defined four notable criteria qualifications for a country to declare statehood under the first article: 1. The territory must have permanent population. 2. The territory must have a defined terrain. 3. The territory must have a working and stable government. 4. The territory must have the capacity of entering into relations with other states.³ With these qualifications fulfilled, a territory can officially be declared a state.

After a territory is recognized as a state, it must officially declare independence. In order to do so, it must be recognized as an independent nation from other nations. Professor Stefan

² <http://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml>

³ Ibid.

Talmon, a professor of public international law at Oxford University, stated that once a territory had declared itself as a de-facto state, it guarantees some sovereignty and has territorial integrities.⁴ Despite these advantages, the territory is still not officially independent from its parent country; the territory needs to gain legitimacy through the United Nations Security Council and the General Assembly. In order to move forward, there are two more qualifications that the “state” needs to fulfill: none of the permanent five nations in the Security Council can veto the country’s admittance in the UN and it needs to have a 2/3rd majority of recognition from the General Assembly.⁵ These steps can be achieved through a letter from the territory declaring independence to the Secretary-General of the United Nations, in which he or she will put bring it in front of the UN.⁶ If and only if these steps are approved can a territory become a recognized country. This long and tedious process has been debated upon: whether or not it is an effective system, as there are some flaws within the system that hinder acceptances and recognitions of newer countries.

Sudan and South Sudan

On July 9, 2011, a memorable event happened in Juba, South Sudan: it had recently been recognized and accepted as an independent country from Sudan and was admitted into the United Nations.⁷ Though it had successfully become an independent nation, it took more than five decades for South Sudan to finally be recognized and admitted in the UN.⁸ However, in the

⁴ <http://foreignpolicy.com/2008/02/26/how-to-start-your-own-country-in-four-easy-steps/>

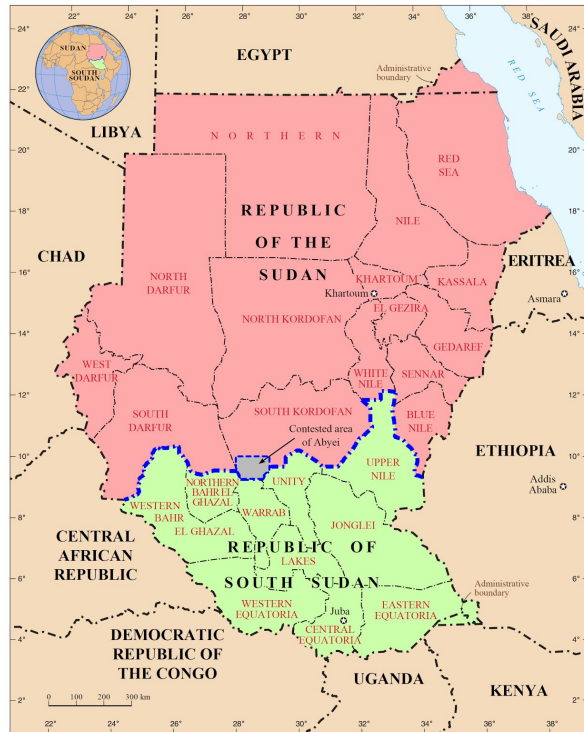
⁵ Ibid.

⁶ <http://www.un.org/en/ga/about/ropga/adms.shtml>

⁷ http://www.nytimes.com/2011/07/10/world/africa/10sudan.html?_r=0

⁸ Ibid.

present day, there are many territories that are still trying to be recognized as an independent nation from its parent nation. The most notable, Kosovo, is recognized as a country in many nations, but there are quite a large number of countries in which it is not, including Spain,



Map compiled from United Nations data, for information purposes only. Borders are approximate.

Russia, China, Greece, etc.⁹ Though recognition of all countries are not required, a territory needs the backings of the major countries in the UN. This is the step where many have debated about regarding the process of declaring independence. Taking Kosovo's independence from Serbia as an example, Russia has long been an ally of Serbia and China has been an ally of Russia for quite some time.¹⁰ Under the current regulations, if China and Russia decline Kosovo's admittance in the United Nations and do not recognize Kosovo

as a country, Kosovo will never "officially" be deemed an independent nation. The rejection of this country in the UN is purely based on a political sense and many claim that there was a bias in the decision-making process. Others have debated that individual countries should not have this much power regarding decision makings for the admittance of new countries. The political nature around the admittance and recognition of new countries and membership in the UN still

⁹<http://www.unitedexplanations.org/2011/07/13/why-is-it-so-difficult-to-become-an-independent-country/>

¹⁰ Ibid.

Image:

https://www.canadainternational.gc.ca/sudan_south_sudan-soudan_soudan_du_sud/assets/maps-cartes/Sudan_SouthSudan.PNG

proves to be difficult to achieve, but it is through this process, will states or territories be classified as independent, instead of a band of rebels from their parent countries.

Historical Sovereignty

Colonization: Pros

When it comes to historical sovereignty, questions about the ethics of colonization arise. In a modern sense, the act of colonization is against the core values and ideals upon which the United Nations was formed. Since the creation of the United Nations, it has liberated over 80 colonies, many of which are independent nations to this day, and over 750 million people.¹¹ There are, however, many colonies that still exist today and are subject to decolonization. These colonies are: West Sahara, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands (Malvinas), Montserrat, Saint Helena, Turks and Caicos Islands, United States Virgin Islands, Gibraltar, American Samoa, French Polynesia, Guam, New Caledonia, Pitcairn, and Tokelau.¹² All of the territories stated above are under the United Nations' List of "Non-Self-Governing Territories," all of which are on the path to independence by the General Assembly's Department of 24 (C-24).¹³ This department was created on December 14, 1960 in order to grant sovereignty to those dependent territories and help them develop as new nations.¹⁴

Colonization: Cons

¹¹ <http://www.un.org/en/decolonization/>

¹² <http://www.un.org/en/decolonization/nonselvgovterritories.shtml>

¹³ <http://www.un.org/en/decolonization/specialcommittee.shtml>

¹⁴ Ibid.

Although colonization has always had a negative connotation, there are benefits that must be considered for a colonised territory. In many postcolonialism studies, scholars have argued that the parent country that reigned over the colonized territory would build and improve infrastructures that a territory in destitution couldn't have before, and the parent country would help modernize and industrialize the territory as a whole.¹⁵ Other benefits of post colonization is the increase of trade within that nation and for a poor territory to be dependent upon its (usually much more powerful) parent country.¹⁶

As always, the questions and morals of colonization may not be as evident as one may have thought it was. In regards to sovereignty, if a dependent non-self-governing territory wants to stay dependent and reliant upon its parent country, should it still be granted the same rights as an independent nation?

Examples of Foreign Territory Disputes

Israeli-Palestinian Conflict

Historical claims to territories have divided the world with the question of legitimacy to govern that territory. As of today, there are many conflicts regarding the sovereignty of territories and claims to lands, the most notable being the Israeli-Palestinian conflict over the Gaza Strip. In this example, both Israel and Palestine have claims on the West Bank and the

¹⁵<http://www.washington.edu/omad/ctcenter/projects-common-book/mountains-beyond-mountains/unequal-global-exchange/>

¹⁶<http://www.washington.edu/omad/ctcenter/projects-common-book/mountains-beyond-mountains/unequal-global-exchange/>

Gaza Strip. After World War II and the Holocaust, many Jewish people wanted their own country to call home. In response, the United Nations helped them found the nation of Israel, which is considered to be an ancient home for the Jewish population; however, the founding of this nation proved to be problematic, as the territories overlapped Palestine's borders.¹⁷ Tensions rose between the two nations as they battle for those territories: Palestine claimed that the Israeli occupation impedes their sovereignty, and Israel claimed that the territory had been an ancient home to the Jewish population, thus having the rights to "reclaim" it.¹⁸ Situations, such as the Israeli-Palestinian conflict, have divided the world regarding the legitimacy of historic claims to territories, and thus, must be kept in mind on how to solve this issue.



¹⁷ <http://www.bbc.co.uk/newsround/20436092>

¹⁸ Ibid.

(<http://www.ifamericansknew.org/images/FourMaps2.png>)

Serbia and Kosovo

Kosovo has historically been a disputed territory. Arguments over the land have gone on between Albania and Serbia for decades, and though claims have been made on both sides, the Serbs have been in control most recently.

The control of Kosovo has changed hands many times in the last century. In 1918, Kosovo was conquered by Serbia and governed solely by the Serbs until they joined forces with the Croats and Slovenes to create Yugoslavia in 1931. This body continued to collectively control Kosovo and tried to rid it of its Albanian majority until the body disbanded in 1941.¹⁹ At that time, Italy grouped the Kosovars with the Albanians until the region was brought back under Serbian control in 1945 following the end of World War II.²⁰ Unrest grew as the ethnically Serbian Kosovars and the ethnically Albanian Kosovars were treated differently under the Serbian regime until protests and violence broke out in the 1990s. In 2008, Kosovo declared their independence from Serbia.²¹ This is a hotly debated act and one which split the UN's Security Council countries, meaning those with veto power, into opposing groups.²²

One piece of information to consider when going through the checklist laid out by the UN's Resolution of 1996, which defines the rights of an independent nation, is the number of countries which accept Kosovo's newly declared independence. Serbia, for example, does not respect the rights demanded by this new country as the Serbs hope to reclaim control of the

¹⁹ <http://www.historytoday.com/robert-bideleux/kosovos-conflict>

²⁰ Ibid

²¹ Ibid

²² Ibid

region. In addition, Serbia's ally Russia, a country with veto power in the UN, has promised support for Serbia on the issue of Kosovo.²³

Another side of the issue to consider, according to the UN's 1996 Resolution, is the history of the people of Kosovo. To the people, the question of to whom the land belongs has long been one of culture and origins. Claims have been made about the ancestry of Kosovo's citizens by both Serbia and Albania, and they are considered to be descendants of both groups living in the area.²⁴ The history of Kosovo is shared with that of Serbia, as some important Serbian dates and battles are said to have taken place in Kosovo as early as the thirteenth century.

Russia and Ukraine

At the end of the Ukrainian Revolution of February 2014, President Viktor Yanukovich was deposed and the country reinstituted measures of their constitution that weakened the power of the country's president. The newly-appointed interim government agreed with the European Union (EU) to reform the country's corrupted judicial, political, and economic systems, and the International Monetary Fund (IMF) pledged more than \$18 billion in loans contingent on the adoption of those reforms.²⁵ For Ukraine, this was to be a greatly-needed forward change in the way the country ran; however, Russia had different plans. Refusing to recognize the provisional government, Vladimir Putin began a covert invasion of the Crimean Peninsula in Ukraine. This was the start of what came to be known as the "Crimean Crisis" in which Russia infiltrated

²³ <http://www.rferl.org/content/russia-serbia-putin-us-criticism-belgrade/26640165.html>

²⁴ http://news.bbc.co.uk/1/hi/special_report/1998/kosovo/110492.stm

²⁵ <https://www.theguardian.com/world/2014/feb/21/agreement-on-the-settlement-of-crisis-in-ukraine-full-text>

Crimea, swayed its political sentiment, and had the country accede to Russia. Naturally, this operation broke many rules and directly went against multiple UN resolutions declaring the annexation invalid. However, Russia's power won out and Crimea became a part of the Russian mainland. This infamous territorial dispute characterizes the type that is born from historical circumstance.

In 1954, the Soviet Union gifted the land mass of Crimea to Ukraine to commemorate Ukraine's decision to unify with Russia 300 years prior.²⁶ However, at that point, they could not predict that the Soviet Union would dissolve and that they would lose Crimea and the strategic advantages it offered, to its next door neighbor. Regardless, the Crimean Peninsula still held the largest majority of Russian speakers in the entirety of Ukraine, and the land mass nearly



bordered Russia. When Ukraine ousted its government in late February, 2014, Russia did not recognize it as a legitimate government, but rather one appointed by a coup d'état; this contrasted Western countries' support of the new government, stirring global political tensions.

Though the United Nations reaffirmed the territorial integrity of Ukraine, and NATO declared Russia's annexation invalid and illegitimate, the country of Crimea "requested" to join Russia immediately after the referendum and the process began on March 18. Russia opposed the event being called an "annexation" but the United Nations encouraged all nations not to recognize any part of it as valid.²⁷ Ukraine's parliament condemned the accession treaty and

²⁶ <http://www.history.co.uk/shows/articles/10-facts-about-russias-history-with-crimea>

²⁷ <http://www.vz.ru/news/2014/3/21/678310.html>

required the immediate withdrawal of all armed forces from the Crimean Peninsula. The government recognizes the situation as a “provisional occupation” by the Russian military, and has since decreased its flow of necessary resources to the country drastically.

This territorial dispute concerns Russia’s attack on Ukraine’s national sovereignty but also a wider category of issues grounded in historical context. The disagreements relate to colonization, territories, and child nations. As a General Assembly, we must now consider issues like these and begin to ask the questions of exactly what rights and limits countries have to negotiate territorial disputes such as this, and how we can better enforce these rules.

Questions to Consider

Membership to UN/Gaining Independence

- What qualities separate a territory trying to gain independence from a rebel territory of a parent nation?
- In what ways can the United Nations improve the process of membership?
- Can there be a specific “checklist” that a territory must fulfill to become independent?
- What keeps territories all over the world from massively declaring independence, thereby forming many new nations?
- In what ways can a territory be considered an independent nation?

Historic

- Should a powerful nation be allowed to colonize a “Third-World” country, thereby increasing the colonized territory’s infrastructure, government, economy, etc.?

- If a postcolonialism colony wants to stay dependent to the parent country, should it have the same rights that an independent nation have?
- Does historical claims have legitimacy over the legal claims (by a country) over a territory?

Kosovo-Serbia/Ukraine-Russia

- Are there ways to peacefully answer the question of a country's independence?
- What steps could a territory take if it wants to become independent?
- What are the qualifications for a territory to declare independence?
- Can the United Nations decide if it is in a country's best interest to declare independence?

Works Cited

(This is an abridged list of resources used to make this background that we deemed to be useful in terms of research. Please feel free to use these sources as a means to grasp the basics of this topic, but we encourage you to research further on your own.)

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