



DELHI PUBLIC SCHOOL  
Whitefield

Rotary  
Club of Bangalore  
A YOUTH SERVICES  
INITIATIVE

# UNSC



## Agenda:

Deliberating on the situation in Western Sahara with special emphasis on reviewing and renewing the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO)

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# Letter from The

# Executive Board

Greetings everyone,

It is a great pleasure to welcome you all to our simulation of the United Nations Security Council (UNSC) as part of DPS Whitefield MUN. The Agenda that has been set in place for the conference is as follows:

Deliberating on the situation in Western Sahara with special emphasis on reviewing and renewing the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO)  
The UNSC tends to be a fairly technical committee – for it includes a thorough understanding of the mandate of the Council, International Law inter alia. As you will see further – in the "About the Council" part of this guide – this Council is arguably the most powerful body of the United Nations. The mandate of the Council is so integral to the functioning of the UN that it sets off 4 separate chapters (Chapters V-VIII) to detail solely on the Council's mandate. You will see further of this "powerful"ness of the Council in further parts of this guide: all from peacekeeping missions, to the UN coming together to take collective action (sometimes even military action), to creating new bodies like the CTC – the Council is perhaps the most important body of international decision-making.

The point of saying all that was not to intimidate you delegates – we understand how difficult such a Committee can be, and hence aim to give you this guide to demystify it all a little for you. This is something we put our sweat into writing so that it gives you the best of our knowledge, in the easiest-to-understand form. While it has become customary to put a paragraph saying (I [Eshwar] agree with the following too) –

"This background guide is not to be treated as exhaustive research on the agenda, but instead as an effort to provide a short yet comprehensive description of the committee and the nuances within the agenda. We encourage and expect each delegate to explore topics/aspects of the agenda not covered within this guide. Regarding the topics mentioned in this guide, we request delegates to treat them as a starting point for their research."

- Note that this document is indeed comprehensive – if not "exhaustive" – research of the Committee and its Agenda: we encourage that you read this document in full before you proceed with further research. The structuring, too, has been done in a manner that we have left a "note by the author" after each section, to better help you understand the topic. So do read the document – thoroughly, in full – after which you can access the curated resources we have given at the end of each section to further your research, along with all other material you may find online.

Further, with our responsibilities as the Executive Board (the people judging you and moderating you), our responsibility is 2 fold:

1. Making sure we judge you in a fair and unbiased fashion
2. Making sure everyone gets an equitable opportunity to participate

This is how we intend on executing these 2 responsibilities: as for the judgement criterion, a sample scoresheet template will be provided on the morning of the conference for you delegates to understand and know the basis of our judgement. Throughout the course of the conference, we fully intend on meticulously maintaining verbatims – each word said in your speeches, and verbal Pols will be noted down or recorded by us. After the closing ceremony, we will be immediately sharing the scoresheet with you via WhatsApp – you may approach us for any clarifications there itself. The scoresheet follows what is called – popularly – a "weighted average" system: although I (Eshwar) do not fully agree with this use of terminology, the system entails a both quality, and quantity based assessment of your performance – one good speech can significantly increase your score compared to 3 bad ones, while also solely giving one good speech and sitting silent for the rest will not benefit you either. You can look at a sample scoresheet that uses this very criterion: [link](#)

With regard to the Rules of Procedure, we intend to follow the Rules broadly as enacted in the UNA-USA format, with modifications in 2 regards – 1. Customary Bangalore Circuit Practices; 2. Specific UNSC-mandated procedure: Informal Interactive Dialogues are an example. The Rules shall be explained to delegates in the first committee session, along with a PDF handout at the same time, which details the same rules as explained – something you delegates can hold onto and skim through in case any questions persist.

Further, on a lighter note – MUNs are not debate competitions where you are just trying to depose, or defeat the "other side". The reason being – there is no "other side" as such in this exercise. In a committee of 'x' people, it ain't like a topic is being given to you for debate, and we expect ' $x/2$ ' people to debate 'for' the topic, and the rest to debate 'against'.

The nature of MUNs is such that each one of you participants holds a unique stance that you call your "foreign policy". MUNs are not about showing off which of your stances are better, but rather coming together – despite your differences in ideas and approach – debating (not to depose the other side, but to understand the ideas of the other side) and then collaborating, and coming up with solutions to the problem at hand.

Hence, when you step into the committee, do not come with a "I will win this time"; instead, come with a "I will try to learn, collaborate, and constructively do something to try to resolve this issue" — the scoring criterion is set such that you can only win if you come with the second attitude. This is not a zero-sum game where you can win by being the loudest or the most condescending "know-it-all" delegate — put a genuine effort, and no one will stop you from getting what you want.

Do not hesitate to reach out to us — write us an email — in case you have any doubts.  
We look forward to an exciting and thoughtful debate for these 3 days!

With warm regards,  
President - Eshwar R A  
(eshwarras5@gmail.com)  
Vice-President - Ajinkya Mhaskar  
(ajinkya.mhaskar21@gmail.com)

# About the Security Council: Past actions & Working

The United Nations Organisation was founded on October 24, 1945, after 29 nations had ratified the United Nations Charter. The UN Charter, which established the organisation, was adopted on June 25, 1945, following the drafting process that began on April 25, 1945, when 50 nations met in San Francisco, California for a conference. The UN's mission and work have been guided by the purposes and principles contained in its founding Charter.

The UN Charter established 6 principal organs(mentioned in Article 7 of the Charter):

- 1.The General Assembly
- 2.The Security Council
- 3.The Economic and Social Council
- 4.The Trusteeship Council\* (Not functional currently)
- 5.The International Court
- 6.The Secretariat

While the function and mandate of all these 6 principal organs are beyond the scope of this guide's discussion, we shall briefly discuss the functions of 3 to understand the UN System better.

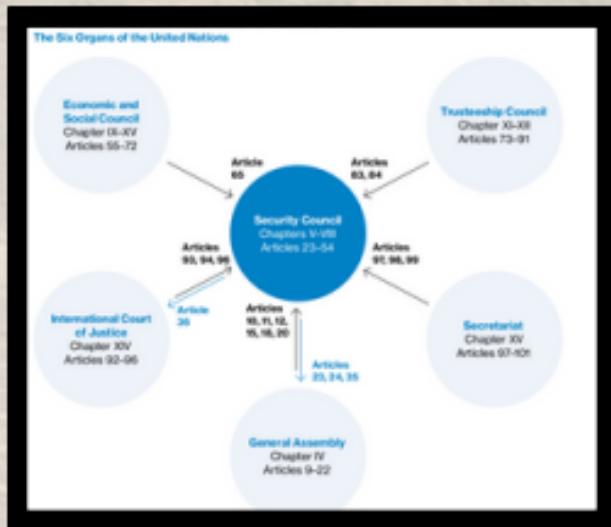
The International Court of Justice (ICJ) is analogous to the Judiciary of a government. The ICJ is mandated with(as established in the Statute of the International Court of Justice):

1. Settling legal disputes (Contentious Cases) submitted by states to it in accordance with International Law. In this case, the court's judgment is binding on the members of the dispute.
2. Providing Advisory Opinions on legal questions posed by member states, UN organs, and specialised agencies. These are not binding but help answer relevant and important questions in International Law.

While the ICJ's judgements are not binding on future decisions of the court or any other UN body, they lay out a guiding path to legal questions that may arise in the future concerning the application of International Law.

The United Nations General Assembly (UNGA) is the main policy-making organ of the UN analogous to a legislature, comprising every UN member state, each having one equal vote (unlike UNSC where permanent members have the power to veto substantive matters). It is central to the UN system as it is entrusted with making key decisions like the appointment of the Secretary-General (on the UNSC's recommendation), the election of non-permanent members to the Security Council, approving the UN Budget while also hosting world leaders on an annual basis during the General Assembly week.

The Security Council (UNSC) is analogous to the Executive branch of a government (Note that the UNSC has in the past taken legislative decisions, for example by establishing the ICTY, but this discussion is beyond the scope of this guide). It consists of fifteen members, five of which are permanent: China, France, Russia, the United Kingdom, and the United States. The Security Council has the authority to issue binding resolutions to member states, establish peacekeeping operations, enact international sanctions, and authorise military action. It was created after World War II to address the failures of the League of Nations in maintaining global peace. The Security Council's powers are outlined in the UN Charter, and it is the only UN body with the authority to issue resolutions that are binding on member states.



Source: The UNSC Handbook

The United Nations Security Council (UNSC) plays a crucial role in the UN system, primarily focusing on maintaining international peace and security. As outlined in the UN Charter, the Security Council has the primary responsibility for this task and acts on behalf of all UN members to ensure prompt and effective action. The Council is empowered to determine threats to peace, breaches of peace, or acts of aggression (Article 39 of the UN Charter[Chapter VII]) and make recommendations (Chapter VI of the UN Charter) or decide on measures to maintain or restore international peace and security (Chapter VII of the UN Charter). It has the authority to issue binding resolutions to member states (Article 25 of the UN Charter), making it the only UN body with such power. The Security Council's composition includes fifteen members, with five permanent members who hold the "veto" power over substantive matters like passing resolutions. The Council's role extends to investigating threats to peace, recommending peaceful dispute resolutions, and enforcing decisions through military or other necessary means. Additionally, the Security Council recommends the appointment of the UN Secretary-General and new member states for admission to the UN.

#### UNSC Actions to Maintain Peace and Security:

- **Determining Threats:** The UNSC takes the lead in identifying threats to peace and acts of aggression, urging parties to resolve disputes peacefully.

- **Enforcement Measures:** Under Chapter VII, the UNSC can implement enforcement measures to restore or maintain international peace and security. These measures range from economic sanctions to military action.
- **Peacekeeping Operations:** The UNSC establishes and authorises UN Peacekeeping Operations and Special Political Missions to address conflicts and promote stability.
- **Conflict Prevention:** The UN plays a crucial role in conflict prevention through diplomacy, mediation, and good offices to help nations prevent and resolve conflicts peacefully.

#### **UNSC Resolutions and Binding Nature:**

- **Chapter VII Mandate:** Resolutions adopted under Chapter VII are particularly significant as they authorise enforcement actions, including military intervention, to address threats to peace and security.
- **Article 25 of the UN Charter:** Article 25 states that member states agree to accept and carry out the decisions of the UNSC. This makes UNSC resolutions binding on all UN member states.

To best understand the Council's mandate, please read  
the following handbook:

<https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/the-un-security-council-handbook-by-scr-1.pdf>

You can skip Part II about the conduct of Business and  
the actual Rules followed by the UNSC – the  
provisional Rules. We will instead be following the  
UNA-USA rules for the purposes of simulation in this  
conference.

The other Parts of the handbook— I, III, and IV shall be  
incredibly helpful to you!

# About the Agenda:

## An Introduction

Western Sahara is the last chapter of a story that began in the wake of World War II, when the world's colonial empires started to break apart. In the decades after the war, France spun off about two dozen countries, including Morocco in 1956. The United Kingdom let go of roughly 40 territories. The sweep of decolonisation, formalised in the UN's 1960 "Declaration on the Granting of Independence to Colonial Countries and Peoples," rapidly redrew the map of the world.

# Timeline of Events

1884	Spain colonised the region now known as Western Sahara
1934	The region now known as Western Sahara became a Spanish province and was known as Spanish Sahara.
1960s	Nationalism emerged in the 1960s, as nomadic Saharans, or Sahrawis, settled in the region.
1965	The UN urges the decolonisation of Western Sahara.
1970s	"Most other countries got independence. Look at Namibia, Mozambique...look at Bosnia and Kosova, even South Sudan. But why are the Sahrawis left behind?" <b>NOTE: Kosovo does not have independence, Bosnia got it in 1995, and South Sudan got it in 2011.</b>
1973 (May)	The Polisario Front, Frente Polisario, FRELISARIO or simply POLISARIO, a Sahrawi rebel national liberation movement working for ending the occupation of Western Sahara first from Spain and since 1975 from Morocco. The movement took up arms. Some 100,000 refugees still live in POLISARIO's camps in Algeria.
1975-1991	<b>Guerrilla warfare between the POLISARIO and the Moroccan Army:</b> By 1982 POLISARIO had liberated nearly eighty-five per cent of their country. More than 300 Sahrawi ARE detained and tortured in secret prisons and denied legal counsel. In the early years of the occupation, several Sahrawi civilian camps were bombed. The survivors were rounded up and forced to take residence in highly militarised areas. Families were denied information as to their relatives' whereabouts or condition, and were often subjected to police surveillance. These mass relocations tore apart families and destroyed the Sahrawis' traditional nomadic lifestyle.

1975 (Oct)	<p>In 1974, Morocco asked the International Court of Justice (ICJ) to decide its claims of sovereignty over Spanish Sahara, with Mauritania later joining the claim. On October 16th, 1975, the ICJ issued an advisory opinion, concluding that "the materials and information presented to it do not establish any tie of territorial sovereignty between the territory Western Sahara and the Kingdom of Morocco or the Mauritanian entity," thus ruling in favor of the right to selfdetermination of the Sahrawi people.</p>
1975 (Nov)	<p>On November 6, 1975, immediately after the decision of the ICJ, Moroccans participated in "The Green March" (known to Sahrawis as "The Black March") when King Hassan II of Morocco called on 300,000 civilians to move into and claim Spanish Sahara as their own. The Moroccan government used the mass demonstration strategically to force Spain to hand over the disputed, autonomous semi-metropolitan Spanish Province of the Sahara to Morocco</p>
1975 (Nov)	<p>By 1975, in the face of growing international pressure and fierce fighting by the newly formed Polisario, Spain was ready to relinquish what was then called the Spanish Sahara. NOTE: Key to this was also "The Green March," orchestrated by the Moroccan government.</p> <p>Following the Spanish evacuation of Spanish Sahara, Spain, Morocco, and Mauritania signed the Madrid Accords on November 14, 1975, leading to both Morocco and Mauritania moving in to annex the territory now known as Western Sahara.</p> <p>Spain and Portugal were slower to unwind their dominions. The most notable of those, East Timor, suffered near genocidal violence when Indonesian forces took control from Portugal in 1975. After a bloody referendum in 1999, East Timor finally got its independence, but it remains impoverished and corrupt, largely because of this damaging process.</p>

1975 (Dec)	Spanish Sahara becomes known as Western Sahara.
1976 (Feb)	Spain withdrew on February 27th, 1976. The Sahrawi Arab Democratic Republic (SADR) was proclaimed by the Polisario Front in Bir Lehlu, Western Sahara. Moroccan planes bombard Sahrawi civilians fleeing the conflict with napalm and cluster bombs. Tens of thousands of Sahrawis take refuge in Tindouf, located in the south-western part of the Algerian desert. Their descendants remain there to this day
1976 (Aug)	The current Sahrawi Arab Democratic Republic (SADR) president, Mohamed Abdelaziz, was elected POLISARIO secretary-general in August 1976.
1979 (Aug)	When Mauritania, under pressure from POLISARIO guerrillas, abandoned all claims to its portion in August 1979, Morocco moved to occupy that sector shortly thereafter and has since asserted administrative control over the whole territory.
1981-1987	Moroccans built a 2,500 km wall separating the Free Territories of Occupied Sahara. It is the world's largest defensive structure. Over 5,000,000 mines and 100,000 Moroccan soldiers guard what the Saharawi call the <b>Wall of Shame</b> .
1984	Morocco leaves the <b>Organisation of African Unity</b> in protest at the SADR's admission to the body, and it has not rejoined since. POLISARIO claims to have killed more than 5,000 Moroccan soldiers between 1982-85.
1988	Moroccan and POLISARIO representatives agree on the joint OAU-UN Settlement Plan, which envisioned a cease-fire and a transitional period followed by a referendum, which would enable the people of Western Sahara to choose between independence and integration.

1975-1991	<p>Guerrilla warfare between the POLISARIO and the Moroccan Army: By 1982 POLISARIO had liberated nearly eighty-five per cent of their country. More than 300 Sahrawi ARE detained and tortured in secret prisons and denied legal counsel. In the early years of the occupation, several Sahrawi civilian camps were bombed. The survivors were rounded up and forced to take residence in highly militarised areas. Families were denied information as to their relatives' whereabouts or condition, and were often subjected to police surveillance. These mass relocations tore apart families and destroyed the Sahrawis' traditional nomadic lifestyle.</p>
1991	<p>The United Nations Mission for the Referendum in Western Sahara (MINURSO), the United Nations peacekeeping mission in Western Sahara, is established under the United Nations Security Council Resolution 690 as part of the Settlement Plan, which had paved way for a cease-fire in the conflict between Morocco and the Polisario Front over the contested territory of Western Sahara. This settlement included plans for a referendum on self-determination for early 1992.</p>
1991 (June)	<p>After the UN brokered a cease-fire, the Moroccan government freed 324 former Sahrawis that were initially disappeared.</p>
1992	<p><b>The independence referendum</b> was originally scheduled for 1992, but it does not held due to opposition from Morocco.  <b>NOTE:</b> Sources cite conflicts over voter eligibility and note that both sides blamed each other.</p>
1996 (May)	<p>The UN suspends the identification process for voter eligibility in a referendum and recalls most MINURSO civilian staff. Military personnel stayed to oversee the truce.</p>
1997	<p>James Baker mediates in talks between POLISARIO and Morocco in London, Lisbon and Houston.</p>

1997 (Sep)- 2004	<p style="text-align: center;"><b>The First Sahrawi Intifada</b></p> <p>The first Sahrawi Intifada was a part of the ongoing Western Sahara conflict for independence. It transformed into the Independence Intifada or the Second Intifada in 2005. The main phase lasted from September 1999 to early 2000. The first of successive peaceful uprisings in occupied Western Sahara (1999, 2001, 2005, and 2010) was due to the lack of human and economic rights for the Sahrawi people, as well as due to the lack of progress in the referendum process.</p>
2000	<p>James Baker mediates in talks between Polisario and Morocco in London. Agreements were reached on the release of prisoners of war, a code of conduct for a referendum campaign, UN authority during a transition period, but not on voter eligibility. Further talks were held in Berlin and Geneva in 2000, but again ran into trouble.</p>
2000- 2002	<p>In November 1999, Sahrawi political activists, who had been jailed and "disappeared", formed the Truth and Justice Forum, which sought government redress for human rights violations and injustices. A Sahara branch of this group was formed in El Aaiún on August 26th, 2000. The Moroccan government had little tolerance toward the Sahara Branch and, in November 2002, Moroccan courts created legislation to outlaw the organization.</p>
2001 (June)	<p>In a new bid to break the deadlock, James Baker submits a "Framework Agreement," known as the Third Way. It provides for autonomy for Sahrawis under Moroccan sovereignty, a referendum after a four-year transition period, and voting rights for Moroccan settlers resident in Western Sahara for over a year. This formula is rejected by POLISARIO and Algeria.</p>

2001-2006	<p>In 2001, Morocco created the Equity and Reconciliation Commission (ERC) to address the many remaining cases of forced disappearance carried out between 1956 and 1999 and to recommend reparations for the victims and their families. The Commission report, published in January 2006, referred only to 36 unresolved Sahrawi cases, while also noting that of those, 23 individuals were killed while in prolonged arbitrary detention and 13 were sentenced to death. Many people believe that it has failed to satisfy scores of victims on both sides of the conflict and that their recommendations have not been fully implemented, denying access to justice, truth, and reparation to many victims.</p> <p>King Mohammed VI (son and as of 1999, successor of King Hassan II) starts a controversial tour of Western Sahara, the first by a Moroccan monarch for a decade.</p>
2001 (Nov)	<p>King Mohammed VI (son and as of 1999, successor of King Hassan II) starts a controversial tour of Western Sahara, the first by a Moroccan monarch for a decade.</p>
2003-2004	<p>In July 2003, the UN adopted a compromise resolution proposing that Western Sahara become a semi-autonomous region of Morocco for a transition period of up to five years. A referendum would then take place on independence, semi-autonomy or integration with Morocco. This compromise is seen as addressing Moroccan concerns, in a bid to entice it to agree to a referendum. POLISARIO signals its readiness to accept, but Morocco rejects the plan, citing security concerns.</p> <p>Envoy James Baker resigns in June 2004, and the UN process remains deadlocked. In August of the same year, Kofi Annan appointed Alvaro de Soto as Special Representative for Western Sahara. Special Representative de Soto left his position in May 2005 and Peter van Walsum of the Netherlands took his place. Van Walsum oversaw four rounds of talks until August 2008.</p>

2005 [May - Nov]	<p><b>The Second Sahrawi Intifada</b>      [a.k.a. the Independence Intifada of Sahrawi, the May Intifada, or The El Aaiún Intifada] The "Camp of the Dignity of Gdeim Izik" was later established near El Aaiún, where this intifada began.</p>
2006	<p>The OHCHR conducts a mission to Western Sahara, producing a report confidentially transmitted to Algeria, Morocco, and the POLISARIO. The report, which called for continuous monitoring of the human rights situation in Western Sahara and the refugee camps, was leaked and quoted on several websites and in news articles.</p>
2008 [Mar]	<p>Talks resumed between Morocco and the Polisario Front in March 2008 in New York, with Mauritania and Algeria also attending. They make no progress.</p>
2009 [Aug]	<p>In January 2009, U.S. Ambassador Christopher Ross was appointed as the new Personal Envoy of the Secretary General. From August 2009 to April 2012, Ross conducted nine rounds of informal talks between Morocco and the POLISARIO, with Algeria and Mauritania attending as observers. The May 2012 Secretary General Report on the Situation concerning Western Sahara raised concerns over a lack of UN access and the undermining of MINURSO's ability to fulfil its mandate as a neutral party. Following the release of the report, Morocco announced the withdrawal of confidence in Christopher Ross. The UN maintained confidence in Ross, and in October 2012, Ambassador Ross was allowed to visit Western Sahara for the first time since his nomination as Envoy.</p>

2009 (Aug)	<p>WIKILEAKS cable: In a recently-released cable from the U.S. charge d'affairs in the U.S. embassy in Morocco, Robert P. Jackson, he makes the assertion that the independence struggle is essentially an Algerian creation, ignoring decades of popular resistance and longstanding Sahrawi nationalism which pre-dated Algeria's support for the nationalist Polisario Front. He bases this claim on the fact that because the POLISARIO has failed to claim Sahrawi-populated parts of southern Morocco as part of the Western Sahara state, this somehow proves that the struggle is "less nationalist than geopolitical, linked to the much older dispute between Algeria and Morocco, and hardly boosts the case for an independent state."</p>
2009 (Oct)	<p>On October 8, 2009, seven Sahrawi human rights activists returning from a visit to the Sahrawi refugee camps in Algeria were arrested by Moroccan police in Casablanca. The Casablanca Group, as they later became known, publicly criticised the government of Morocco and King Mohammed VI in a press conference that aired on Algerian television. They were referred to a military court and charged with harming external state security and treason. Four of the activists were released on humanitarian grounds, and the remaining three were granted royal pardons in April 2011. The case was then referred to a civilian court in Casablanca, where two trials ensued, one on October 15, 2010, and the second on November 5, 2010. The group is currently on provisional release, pending a final decision. Among the group are three well-known human rights defenders: Ali Salem Tamek, vice-president of CODESA; Brahim Dahan, President of the ASVDH; and Degja Lachagar.</p>

2009  
(Nov)

Western Sahara activist, Amintou Haidar – campaigner for indigenous Sahrawi rights – goes on hunger strike at the Lanzarote airport in Spain after being expelled from her home country by Moroccan authorities over her refusal to accept Moroccan nationality.

After participating in a peaceful demonstration in 1987, Haidar was arbitrarily detained and held incommunicado for four years. During this time, Haidar was tied to a wooden plank with her head down and repeatedly kicked; she had chemical-soaked cloths forced in her mouth and received electric shocks all over her body. Throughout the entire period of her detention, Haidar was kept blindfolded and held in solitary confinement. After her release from prison, Haidar faced repression from Moroccan authorities. On June 17, 2005, during a nonviolent demonstration in El Aaiún, Moroccan police beat Haidar, broke three of her ribs, caused a head wound that required 12 stitches, followed her to the hospital where she was treated for her injuries and arrested her. She was then detained for seven months in El Aaiún's Black Prison.

Amintou Haidar: With the hunger strike that occurred in Lanzarote airport in 2009, I wanted to demonstrate that international law, individual and collective rights of the persons, and dignity, are above economic and political interests. It was a victory for my people, which gave the Saharawi cause the focused attention of international media. ... That victory strengthened us, and in less than a year, we were able to organise the Camp of the Dignity of Gdeim Izik.

2010  
(April)

A bipartisan majority of the US Senate goes on record calling on the United States to endorse Morocco's illegal annexation of Western Sahara.

2010 [Oct/ Nov]	<p>The protest tent city, "Camp of the Dignity of Gdeim Izik," grows outside the city of El Aaiún. (NOTE: El Aaiún is where the 2005 Intifada began.) Several people were killed in violent clashes between Moroccan security forces and protesters shortly before UN-mediated talks on the future of the territory were due to open in New York. It is considered a prelude to the Arab Spring. On November 8th, 2010, the Camp was violently evacuated by Moroccan security forces, causing fatalities.</p> <p>NOTE: 24 Sahrawis were arrested and convicted in February 2013 with sentences ranging from 20 years in prison to life imprisonment.</p> <p>The Saharawi people still await and hope of being able to vote to decide on their future. Many voices clamour for a return to arms; they feel betrayed by the UN, Spain, the USA, France and the rest of the European Union.</p>
2011 [May]	May 4th is a landmark in Western Sahara's history: More than 6,000 Sahrawis protested peacefully, demanding the right to self-determination and independence.
2012 [Aug]	During the Robert F. Kennedy Centre's visit, the delegation receives hundreds of testimonies from Sahrawi men and women victims of human rights violations at the hands of Moroccan authorities - reproduced anonymously in their report.
2013 [Feb]	UN Special Rapporteur on Torture, Juan Méndez's final report on his visit to Morocco and Western Sahara states: "torture and ill-treatment were used to extract confessions and that protestors were subjected to excessive use of force ... and that members of the Sahrawi population are specifically, but not exclusively victims of such violations."

2013  
(April)

The US backs calls for the UN to monitor human rights in the territory, prompting another rift with Morocco. The US redeployed forces intended for joint military exercises in Morocco in April 2013 after Morocco cancelled them. In spite of all the evidence of human rights violations, the UN Security Council has extended MINURSO's mandate more than 20 times, but has not approved a human rights mandate for MINURSO.

On 11 April, the Council held a closed meeting with the troop and police-contributing countries to MINURSO. On 22 April, the Special Representative of the Secretary-General and head of MINURSO, Wolfgang Weisbrod-Weber (Germany), and the Secretary General's Personal Envoy for Western Sahara, Christopher Ross (US), briefed Council members in consultations on MINURSO's activities and recent developments since the Secretary-General's report. In his briefing Ross covered his visits to North Africa from 18 March to 3 April and from 8 to 11 April. On 25 April, Council members adopted resolution 2099 and extended the mandate of MINURSO for another year. A draft resolution prepared by the US, the penholder on Western Sahara, had been discussed earlier by the Group of Friends of Western Sahara (France, Russia, Spain, the US and the UK) and between the US and Morocco in bilateral consultations. The initial draft included language giving MINURSO a mandate to monitor and gather information on human rights violations and included a reference to human rights monitoring in the camps near Tindouf, Algeria, but by the time the draft was distributed to all Council members, this language had been withdrawn.

2014  
(April)

On 16 April, the Council held a closed meeting with the troop- and police-contributing countries to MINURSO. On 17 April, the head of MINURSO, Special Representative Wolfgang Weisbrod-Weber briefed Council members in consultations along with Personal Envoy Christopher Ross on MINURSO's activities and developments in the Secretary-General's report. On 29 April, the Council adopted resolution 2152 and extended the mandate of MINURSO for a year (S/PV.7162). The resolution supports the Secretary-General's request for an additional 15 military observers, within existing resources. It also encourages the parties to continue their efforts to enhance the promotion and protection of human rights in Western Sahara and the Tindouf refugee camps in Algeria, including the freedoms of expression and association, and welcomes the initiatives taken by Morocco, including the planned visit of the Office of the High Commissioner for Human Rights in 2014.

For Further details:

<https://www.securitycouncilreport.org/chronology/western-sahara.php>

# Legalities

## Right to Self Determination

The right of peoples to self-determination is a foundational principle of the United Nations Charter and international human rights law. Under Article 1(2) of

the UN Charter, "peoples" possess the right to determine their political status and pursue their economic, social and cultural development. This was elaborated in General Assembly Resolution 1514 (XV) of 1960 ("Declaration on the Granting of Independence to Colonial Countries and Peoples"), which—though a non-binding GA resolution—carries significant normative weight and was later treated by the International Court of Justice (ICJ) as an authoritative interpretation of the Charter's decolonization mandate.

Further practical modalities were set out in Resolution 1541 (XV), which enumerates three decolonization options: independence, free association and integration, all contingent upon the "freely expressed wishes of the territory's peoples".

In parallel, the twin Covenants—the ICCPR and the ICESCR—embed the right to self-determination in their common Article 1, obliging States Parties "to promote the realization of the right of self-determination, and shall respect that right" in conformity with the UN

Charter. The Human Rights Committee's General Comment No. 12 further confirms that self-determination applies universally to all peoples and constitutes an ongoing obligation, not merely a historical event

## The ICJ Advisory Opinion on Western Sahara

(16 October 1975)

In response to a request by the UN General Assembly, the ICJ delivered an advisory opinion clarifying two questions:

1. Whether Western Sahara was terra nullius at colonisation; and
2. What legal ties existed between the Territory and Morocco or Mauritania at that time.

On Question I, the Court found that Western Sahara was not terra nullius when Spain began its administration, noting existing legal ties of allegiance between the Sultan of Morocco and certain tribes, and between the Mauritanian entity and nomadic groups—yet it concluded these did not constitute territorial sovereignty.

On Question II, crucially for self-determination, the Court held that no ties of territorial sovereignty were established between Western Sahara and either Morocco or Mauritania at the time of colonization. More importantly, it affirmed that the principle of self-determination "through the free and genuine expression of the will of the peoples of the Territory" must guide decolonization procedures, irrespective of overlapping tribal allegiances or claims. The Court emphasized that consultation of the Sahrawi people was an "inescapable imperative" under both the Charter and successive GA resolutions (notably 1514 and 1541) to ascertain their freely expressed will toward independence, integration or association.

## Application of Existing Frameworks

Building on the ICJ's legal findings, subsequent UN instruments have operationalised self-determination in Western Sahara:

### UN General Assembly Resolutions:

- 1514 (1960) reaffirmed the inalienable right of colonial peoples to independence.
- 1541 (1960) prescribed consultation mechanisms for non-self-governing territories.
- 2625 (1970) ("Friendly Relations Declaration") reiterated that on decolonization, "emergence into any political status" must be "freely determined by a people".

### International Covenants:

- ICCPR and ICESCR Common Article 1 obliges administering States to promote and respect self-determination without discrimination.

### Human Rights Committee Guidance:

- General Comment No. 12 (1984) underscores self-determination as essential for effective guarantee of individual human rights and extends its application beyond classic independence scenarios to include cultural, economic and social autonomy.

More about Right to Self Determination and its precedent in International Law in APPENDIX 1

## Human Rights - IHL & IHRL Ramifications

International humanitarian law (IHL) and international human rights law (IHRL) operate as two complementary regimes in the Western Sahara context. IHL—rooted in the

Geneva Conventions of 1949 and their Additional

Protocols—applies specifically in situations of armed conflict, whether international or non-international, and

sets rules on the conduct of hostilities and the protection of persons hors de combat. IHRL—embodied in instruments such as the International Covenant on Civil

and Political Rights (ICCPR)—applies at all times (in

peace and in war) to all persons under a State's jurisdiction, prohibiting abuses such as torture, arbitrary detention, and discrimination. In Western Sahara, where

an armed conflict and a continuing situation of occupation coexist, both regimes bind Morocco—and any de facto authorities—to uphold guaranteed standards of humane treatment and basic civil and political rights.

Western Sahara's classification as a non-international armed conflict (NIAC) and as a territory under belligerent occupation triggers multiple IHL rules. Common Article 3

of the Geneva Conventions (applicable to NIACs)

mandates humane treatment for all “persons taking no active part in hostilities,” prohibiting violence to life and

person, torture, and summary executions. Additional Protocol II (which “develops and supplements” Common Article 3) applies where organized armed groups control part of the territory, reinforcing fundamental guarantees—such as respect for religious practices and prohibition

of collective punishment—while preserving State sovereignty over law and order.

Meanwhile, the Fourth Geneva Convention extends IHL's full protections to civilians under occupation (Article 2), meaning Morocco must respect the lives, property, and dignity of the Sahrawi population, maintain public order under occupation law, and refrain from deportations or arbitrary detentions.

Independently of conflict law, Morocco remains bound by IHRL norms it has ratified. Under Article 2 of the ICCPR, States undertake "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized" in the Covenant, including non-discrimination and effective remedies for rights violations. This obligation does not cease in times of hostilities and is of immediate effect. Moreover, Article 4 makes clear that certain rights—such as the right to life, freedom from torture, and recognition before the law—are non-derogable, even under emergency powers.

Where IHL and IHRL overlap during armed conflict, IHL generally serves as *lex specialis* governing conduct of hostilities, while IHRL fills gaps in protection, especially concerning detention standards, freedom of expression and movement, and judicial guarantees. For example, the prohibition on torture under Common Article 3 is echoed—and reinforced—by the absolute ban in IHRL instruments such as the Convention against Torture. Conversely, IHL's rules on detention of combatants and civilians may inform, and sometimes override, domestic or human-rights-law standards, but must always meet minimum guarantees of fair trial and humane treatment.

Victims and observers may invoke IHL violations before the International Committee of the Red Cross, national courts under universal jurisdiction, or UN bodies monitoring grave breaches. IHRL claims can be advanced via individual communications to UN treaty bodies (e.g., the Human Rights Committee under the ICCPR), special procedures of the Human Rights Council, and regional bodies such as the African Commission on Human and Peoples' Rights. While enforcement remains challenging –due to contested sovereignty and political sensitivities

–these parallel mechanisms provide avenues for documenting abuses and pressuring compliance.

In Western Sahara, overlapping IHL obligations (as NIAC and occupied territory) and continuous IHRL responsibilities create a dense legal landscape.

Ensuring that security operations comply with proportionality and distinction (IHL) while upholding rights to free expression, assembly, and an effective remedy (IHRL) demands rigorous training of security forces, transparent rule-making, and access for independent monitors. Ultimately, strengthening respect for both regimes is essential to safeguarding the human dignity and fundamental freedoms of all Sahrawis.

# Bloc Positions

## Popular Front for the Liberation of Saguia el Hamra and Rio de Oro (POLISARIO FRONT)

The Frente POLISARIO was "born as a unique expression of the masses, opting for revolutionary violence and the armed struggle as the means by which the Saharawi people can recover its total liberty and foil the manoeuvres of Spanish colonialism".

The POLISARIO saw growth from a mere 11 members to a solid 21-member political bureau and finally a nine-member executive committee. Since 1976, Mohamed Abdelaziz has held the post of Secretary-General of the Frente POLISARIO. This structure aims at minimizing and ultimately prohibiting corruption within this revolutionary struggle.

The POLISARIO is against Moroccan occupation of the disputed region and has not renounced their use of weaponry in this ongoing struggle. However, a laudable stance is that they have chosen to exhaust all diplomatic channels before resorting to their armed prowess. The Sahrawis are awaiting a self-determination referendum, which decides their political fate, until which they have unanimously accepted the POLISARIO as their sole representative. Thus, it can be understood that this political structure includes in its objectives the protection of the Sahrawi people, their identity, and national unity that shall pave the way to a sovereign Sahrawi State.

The Frente POLISARIO rejects Morocco's territorial claims to Western Sahara and illegal occupation of its land. The

Frente POLISARIO bases its claims to the territory on multiple UN Resolutions, among others, 1514 XV, 2072 XX, and 2229 XXI, and on the Organization of African Unity's principles and call to respect colonial boundaries.

#### Morocco

Moroccan claims over the disputed region are partly political, with a substantial basis in religion. Though it was historically understood that the Sultan's influence over the Western Sahara region was very minimal, it is argued that the Sultan did represent the Church as well as the State, and therefore Western Sahara must be considered a part of Moroccan territory. To further support this argument, the various sultans did have various personal allegiances with the tribes of the region and therefore exercised control until its colonization. In addition, Morocco points to specific agreements and treaties that it established with major foreign powers during colonization. It serves as proof of its control and dominion over Western Sahara during the colonial period.

Morocco has always refused to formally recognize the Frente POLISARIO and denounces the political outfit as a separatist terrorist organization. Thus, Morocco uses

Algeria to mount allegations and names it as the primary actor in the conflict. The monarchy has declared that it will not accept a referendum if independence is an option for the Sahrawi people.

### Mauritania

Mauritania's assertion is a very selfish one. It desired to create a situation of political standstill between itself and Morocco, which at one point claimed all of Mauritania and the Western Sahara region. Thus, Mauritania was completely onboard the plan to partition Western Sahara with Morocco with hopes of protecting its own economic, political, and military position. However, ignoring its own political fragility, Mauritania did underestimate the impact of the conflict.

The Frente POLISARIO targeted Mauritania as the weaker of the two invaders and concentrated its energy and military efforts in southern Western Sahara. Through strategically planned guerrilla attacks, the revolutionary force successfully penetrated Mauritanian frontiers and caused a political collapse there. Following the Algiers Agreement, Mauritania's withdrawal was decided from the disputed region, post which Mauritania also took a backseat in the dispute.

### United States of America

The United States officially recognizes Moroccan sovereignty over Western Sahara, a position formalized in December 2020 and maintained since. The U.S. strongly supports Morocco's 2007 Autonomy Plan, describing it as the only viable and credible framework for resolving the Western Sahara dispute. Consequently, the U.S. no longer endorses a referendum that includes independence as an option for the Sahrawi people.

While the U.S. consistently backs the renewal of the United Nations Mission for the Referendum in Western Sahara (MINURSO), it emphasizes that the mission's role should focus on maintaining stability, monitoring the ceasefire, and facilitating a political solution based on Morocco's autonomy proposal rather than organizing an independence referendum. Furthermore, the U.S. remains the largest donor of humanitarian aid to Sahrawi refugees in the Tindouf camps and advocates for enhanced cooperation with the UN and international bodies to improve human rights protections in the region.

#### France

France's approach to the Western Sahara conflict is marked by a blend of pragmatism and self-interest, rooted in its longstanding alliance with Morocco. As Morocco's largest trading partner in Africa and the top foreign investor in the country, France has significant economic interests at stake, particularly in sectors such as banking, telecommunications, and infrastructure.

France also views Morocco as a crucial partner in regional security, especially in counterterrorism efforts in the Sahel and in managing migration flows to Europe. On the diplomatic front, France has repeatedly used its influence as a permanent member of the UN Security Council to shield Morocco from resolutions that could undermine its control over Western Sahara, including blocking attempts to expand MINURSO's mandate to include human rights monitoring.

France has publicly endorsed Morocco's 2007 Autonomy Plan, calling it a "serious and credible" basis for negotiations, but has stopped short of supporting a referendum on independence for the Sahrawi people. While Paris formally backs the UN-led peace process and the renewal of the MINURSO mandate, it has never seriously challenged Morocco's claims, preferring to maintain the status quo to safeguard its strategic interests in North Africa.

### Russia

Russia's stance on Western Sahara is calculated and opportunistic, reflecting its broader ambitions as a global power rather than a direct concern for the region's population. While Russia often invokes the principles of international law and self-determination, it avoids taking a firm side in the conflict, instead using its position as a permanent member of the UN Security Council to maintain flexibility and influence. In Security Council debates, Russia has at times expressed support for the Sahrawi people's right to self-determination, but has also abstained from votes or softened its language to avoid alienating Morocco or Algeria, both of which are important partners in arms sales and energy cooperation. Russia's real interest lies in leveraging the Western Sahara issue as a bargaining chip in its diplomatic dealings across North Africa, and in presenting itself as a neutral mediator in African affairs. Moscow supports the renewal of the MINURSO mandate, but insists that any solution must be negotiated under UN auspices and reflect the interests of all parties.

Russia has also hosted delegations from both Morocco and the Polisario Front, reinforcing its image as a potential mediator, but has not taken any concrete steps to resolve the conflict.

# Appendices

# Appendix 1

## Legalities surrounding the Right to Self-Determination

Let us first start with a preliminary legal analysis of the definition of the Right to Self-determination: As defined in Common Article 1(1) of both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966:

"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The right to self-determination has two aspects to it, internal and external. The internal aspect addresses the "right of people and the government to determine their own destiny in regards to their political status and economic, social, and cultural development." While the external aspect mentions the right of peoples to determine their own political status and to be free of alien domination, including formation of their own independent state.

The right to self-determination was first established in the case of people belonging to territories under colonization and soon the scope expanded to entail people living in dependent or non-self-governing territories (NSGTs) as well as people living in racist regimes where they are systematically denied the right to participate in the government of the state or if they suffer systematic and gross violations of human rights that make their participation in that state impossible.

Although international law is clear that the right to self-determination belongs to all people, in practice, the extent to which this right is exercised is quite limited. The main reason being that there exists a lack of consensus on what all the right entails as well as about its applicability.

Inadvertently, the claims of several groups to cultural autonomy (i.e. the ability to develop and practice laws and customs central to a particular group's culture, separate from the majority culture) are often recognized but rarely seen in implementation, while on the other hand, certain groups that desire independence from their host state, and that are not under colonial occupation or living in racist regimes are rarely recognized. The challenge of determining which groups' claims of self-determination are legitimate is further complicated when it comes to defining exactly who or what can classify as "peoples." The United Nations Educational, Scientific and Cultural Organization (UNESCO) report International Meeting of Experts on further study of the concept of the rights of peoples (1989) provides a definition: "peoples" are defined as a group of people with "common historical tradition, a racial identity, a shared culture, linguistic unity, religious unity, a territorial connection and a common economic life." The fact that a group need not have all these common aspects, but rather, at least one, allows for a large number of groups to possess a claim to self-determination.

The International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social, and Cultural Rights (1966) recognize the right of self-determination. However, the exact meaning, application, and which groups of peoples can claim self-determination is unclear, as evidenced by the two leading interpretations on the right to self-determination.

One interpretation holds that the right to self-determination applies only to states as a way to safeguard their sovereignty.

The other holds that the right to self-determination allows distinct ethnic, linguistic, religious, and other nationalistic groups separate from the dominant culture the right to secede from their host state.

Despite these differing interpretations, the position of most Member States and peoples exercising their right to self-determination is that recognition of this right is more important than whatever outcome results from this right. That is, the process for exercising self-determination is more significant than the outcome, which could include cultural autonomy, self-government, or even independence. Thus, the development and application of the right to self-determination is a complex subject, which will require member States and the UN system to continue discussions on their role in enabling peoples to exercise their right to self-determination.

### Important elements of research

#### International and Regional Framework

The Charter of the United Nations (1946) states in Article 1, Section 2, that the UN is "based on respect for the principle of equal rights and self-determination of peoples." The Declaration on the Granting of Independence to Colonial Countries and Peoples (1961) was among the first international instruments to identify the right of all peoples to self-determination as a direct result of growing anti-colonial movements following

World War II. The Declaration on the Granting of Independence to Colonial Countries and Peoples stated that colonization, domination, and exploitation are contrary to the Charter, and violate fundamental human rights. An important result of the declaration is the assertion that inadequate political, economic, social, and/or educational institutions should not circumvent the independence of colonized peoples. Succeeding human rights instruments, including both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, also acknowledged the right to self-determination in common Article 1.

Condemning in the strongest terms the subjugation, domination, and exploitation of peoples, the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations (1970) further reaffirms the importance of the right to self-determination. Additionally, subsequent international human rights declarations have included other cases of self-determination, including those of indigenous peoples and peoples in the former Soviet Republics.

### Violence, Armed Conflict, and Self-Determination

Violence and armed conflict pose a threat to peoples' right to exercise self-determination and the full enjoyment of human rights. Violence during the struggle for self-determination is well documented, for example with the situations of former Soviet Republics, South Sudan, and Palestine. Many of these cases stem from either the denial of the right to self-determination, or the oppression, discrimination, and arbitrary detainment by the host state of peoples claiming self-determination.

Such acts by Member States only further marginalize groups claiming self-determination, and increase the likelihood of hostilities, if not outright violence and armed conflict. Without a legitimate process that recognizes peoples' expression of their right to self-determination, the frustrations of a few groups of people can lead to tensions and even conflict.

### Self-Determination as a Right to Independence

Questions of secession and independence by groups pursuing their self-determination highlight the contradiction between a peoples' right to self-determination and Member States' right to territorial integrity. On the one hand, the right to self-determination granted to peoples safeguards their political, economic, and social development; on the other hand, Member States have a right to maintain territorial integrity and prevent not only external threats to their sovereignty but also internal, separatist threats.

The Declaration on the Granting of Independence to Colonial Countries and Peoples, for example, proclaims the right of all peoples to self-determination, while at the same time stating that attempts at disrupting the territorial integrity of a Member State are incompatible with the Charter. Similarly, the Declaration on Principles of International Law Concerning Friendly Relations and

Cooperation among States in Accordance with the Charter of the United Nations states that any efforts meant to "disrupt the territorial integrity of a state or country or its political independence are incompatible with the principles of the Charter of the United Nations."

While some movements exercising their right to self-determination can be seen as legitimate in their cause, the governments of some Member States can and do use both declarations to delegitimize such movements. All this coupled with the international community's ruling in the Kosovo judgment, shows that the general attitude towards secession has had varying responses.

Note: Delegates will be expected to use specific articles or clauses of these legal documents in their speeches and chits. The following is simply an overview of various legalities to help you understand, in brief, some international law required for this committee. The source documents will also be linked in the footnotes of the pages.

### Important conventions:

#### Declaration on the Granting of Independence to Colonial Countries and Peoples

The Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted by the United Nations General Assembly on December 14, 1960, under UNGA Resolution 1514. The resolution condemned colonialism emphasizing that it was "an affront to fundamental human rights" and reiterated that "all peoples have the right to self-determination." It further called for an immediate and unconditional end to colonialism and declared that political and economic subjugation of any group of people was fundamentally incompatible with the Charter of the United Nations. This declaration was a reaction to the global anti-colonial movements, predominantly occurring in Africa and Asia, during which colonized populations sought independence from European powers.

The Declaration emphasized that granting independence to colonies should be a non-violent process bringing harmony and stability among the nations. It directed member states to take urgent steps to ensure the transition in power and the smooth transition towards self-rule in the colonies. Although the Declaration is not legally binding (it is not customary international law), it had and still has strong moral force and was looked to later in the United Nations resolutions and actions toward ending colonialism. Decades later, it helped develop a rapid decolonization period and produced many formerly colonized countries as independent. It established the United Nations's stance regarding colonialism and helped influence international normative understandings of self-determination and human rights.

## United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly of the United Nations on September 13, 2007, and provides an all-embracing framework for the rights of indigenous peoples. It is a comprehensive document that attempts to encapsulate issues regarding indigenous self-determination, cultural preservation, and land rights as it affirms the different histories, different cultures, and differences in the experiences of indigenous peoples. It promotes the argument that the indigenes are entitled to preserve their identities, traditions, and forms of governance. The declaration further reinforces their right to involve the indigenous people in decision-making processes that have implications for them and the right to preserve and enrich their cultures without any form of discrimination or interference. Even though UNDRIP does not hold as binding, it is an important document that governments and the international community use in establishing policies that honor the rights of the indigenous people.

UNDRIP attaches considerable importance to land and resource rights, as many Indigenous peoples have long been subjected to features of displacement, exploitation, and marginalization. It says the indigenous peoples have the right to own, usufruct and protect the lands and resources they traditionally occupy, in addition to restoration or compensation for lands taken without their free, prior, and informed consent. Lastly, FPIC is a central tenet of the Declaration: states must consult and obtain consent from indigenous peoples before projects affecting their lands or resources are carried out.

Since its adoption, UNDRIP has inspired several national laws, further inspired Indigenous advocacy, and has offered an international medium for airing Indigenous grievances, representing a crucial step toward redressing historical injustices and supporting Indigenous self-determination worldwide.

#### Other Important case law

##### Kosovo Advisory Opinion

On 8 October 2008 (resolution 63/3), the General Assembly decided to ask the Court to render an advisory opinion on the following question : "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

In its Advisory Opinion delivered on 22 July 2010, the Court concluded that "the declaration of independence of Kosovo adopted on 17 February 2008 did not violate international law".

Before reaching this conclusion, the Court first addressed the question of whether it possessed jurisdiction to give the advisory opinion requested by the General Assembly. Having established that it did have jurisdiction to render the advisory opinion requested, the

Court examined the question, raised by a number of participants, as to whether it should nevertheless decline to exercise that jurisdiction as a matter of discretion. It concluded that, in light of its jurisprudence, there were "no compelling reasons for it to decline to exercise its jurisdiction" in respect of the request.

With regard to the scope and meaning of the question, the Court ruled that the reference to the "Provisional Institutions of Self-Government of Kosovo" in the question put by the General Assembly did not prevent it from deciding for itself whether the declaration of independence had been promulgated by that body or another entity. It also concluded that it was not required by the question posed to decide whether international law conferred a positive entitlement upon Kosovo to declare independence ; rather, it had to determine whether a rule of international law prohibited such a declaration.

The Court first sought to determine whether the declaration of independence was in accordance with general international law. It noted that State practice during the eighteenth, nineteenth and early twentieth centuries "points clearly to the conclusion that international law contained no prohibition of declarations of independence". In particular, the Court concluded that "the scope of the principle of territorial integrity is confined to the sphere of relations between States". It also determined that no general prohibition of declarations of independence could be deduced from Security Council resolutions condemning other declarations of independence, because those declarations of independence had been made in the context of an unlawful use of force or a violation of a *jus cogens* norm. The Court thus concluded that the declaration of independence in respect of Kosovo had not violated general international law.

The Court then considered whether the declaration of independence was in accordance with Security Council resolution 1244 of 10 June 1999. It concluded that the object and purpose of that resolution was to establish "a temporary, exceptional legal régime which . . . superseded the Serbian legal order . . . on an interim basis". It then examined the identity of the authors of the declaration of independence. An analysis of the content and form of the declaration, and of the context in which it was made, led the Court to conclude that its authors were not the Provisional Institutions of Self-Government, but rather "persons who acted together in their capacity as representatives of the people of Kosovo outside the framework of the interim administration". The Court concluded that the declaration of independence did not violate resolution 1244 for two reasons. First, it emphasized the fact that the two instruments "operate on a different level": resolution 1244 was silent on the final status of Kosovo, whereas the declaration of independence was an attempt to finally determine that status. Second, it noted that resolution 1244 imposed only very limited obligations on non-State actors, none of which entailed any prohibition of a declaration of independence. Finally, in view of its conclusion that the declaration of independence did not emanate from the Provisional Institutions of Self-Government of Kosovo, the Court held that its authors were not bound by the Constitutional Framework established under resolution 1244, and thus that the declaration of independence did not violate that framework.

Consequently, the Court concluded that the adoption of the declaration of independence had not violated any applicable rule of international law. On 9 September 2010, the General Assembly adopted a resolution in which it acknowledged the content of the advisory opinion of the Court rendered in response to its request (resolution 64/298).

#### Namibia Advisory Opinion

On 27 October 1966, the General Assembly decided that the Mandate for South West Africa was terminated and that South Africa had no other right to administer the Territory. In 1969 the Security Council called upon South Africa to withdraw its administration from the Territory, and on 30 January 1970 it declared that the continued presence of the South African authorities in Namibia was illegal and that all acts taken by the South African Government on behalf of or concerning Namibia after the termination of the Mandate were illegal and invalid; it further called upon all States to refrain from any dealings with the South African Government that were incompatible with that declaration. On 29 July 1970, the Security Council decided to request from the Court an advisory opinion on the legal consequences for States of the continued presence of South Africa in Namibia. In its Advisory Opinion of 21 June 1971, the Court found that the continued presence of South Africa in Namibia was illegal and that South Africa was under an obligation to withdraw its administration immediately.

It found that States Members of the United Nations were under an obligation to recognize the illegality of South Africa's presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts implying recognition of the legality of, or lending support or assistance to, such presence and administration. Finally, it stated that it was incumbent upon States which were not Members of the United Nations to give assistance in the action which had been taken by the United Nations with regard to Namibia.

#### East Timor (Portugal v Australia)

On 22 February 1991, Portugal filed an Application instituting proceedings against Australia concerning "certain activities of Australia with respect to East Timor", in relation to the conclusion, on 11 December 1989, of a treaty between Australia and Indonesia which created a Zone of Cooperation in a maritime area between "the Indonesian Province of East Timor and Northern Australia". According to the Application, Australia had by its conduct failed to observe the obligation to respect the duties and powers of Portugal as the Administering Power of East Timor and the right of the people of East Timor to self-determination. In consequence, according to the Application, Australia had incurred international responsibility vis-à-vis the people of both East Timor and Portugal. As the basis for the jurisdiction of the Court, the Application referred to the declarations by which the two States had accepted the compulsory jurisdiction of the Court under Article 36, paragraph 2, of its Statute. In its Counter-Memorial, Australia raised questions concerning the jurisdiction of the Court and the admissibility of the Application.

The Court delivered its Judgment on 30 June 1995. It began by considering Australia's objection that there was in reality no dispute between itself and Portugal.

Australia contended that the case as presented by Portugal was artificially limited to the question of the lawfulness of Australia's conduct, and that the true respondent was Indonesia, not Australia, observing that

Portugal and itself had accepted the compulsory jurisdiction of the Court under Article 36, paragraph 2, of the Statute, but that Indonesia had not. The Court found in that respect that there was a legal dispute between the two States. The Court then considered Australia's

principal objection, to the effect that Portugal's

Application would require the Court to determine the rights and obligations of Indonesia. Australia contended that the Court would not be able to act if, in order to do

so, it were required to rule on the lawfulness of Indonesia's entry into and continuing presence in East

Timor, on the validity of the 1989 Treaty between Australia and Indonesia, or on the rights and obligations of Indonesia under that Treaty, even if the Court did not have to determine its validity. In support of its argument,

Australia referred to the Court's Judgment in the case concerning Monetary Gold Removed from Rome in 1943.

After having carefully considered the arguments advanced by Portugal which sought to separate Australia's behavior from that of Indonesia, the Court

concluded that Australia's behavior could not be assessed without first entering into the question why it was that Indonesia could not lawfully have concluded the 1989 Treaty, while Portugal allegedly could have done so ;

the very subject-matter of the Court's decision would necessarily be a determination whether, having regard to the circumstances in which Indonesia entered and remained in East Timor, it could or could not have acquired the power to enter into treaties on behalf of East Timor relating to the resources of the continental shelf. The Court took the view that it could not make such a determination in the absence of the consent of Indonesia.

The Court then rejected Portugal's additional argument that the rights which Australia allegedly breached were rights *erga omnes* and that accordingly Portugal could require it, individually, to respect them. In the Court's view, Portugal's assertion that the right of peoples to self-determination had an *erga omnes* character, was irreproachable, and the principle of self-determination of peoples had been recognized by the Charter of the United Nations and in the jurisprudence of the Court, and was one of the essential principles of contemporary international law. However, the Court considered that the *erga omnes* character of a norm and the rule of consent to jurisdiction were two different things, and that it could not in any event rule on the lawfulness of the conduct of a State when its judgment would imply an evaluation of the lawfulness of another State which was not a party to the case.

The Court then considered another argument of Portugal which rested on the premise that the United Nations resolutions, and in particular those of the Security Council, could be read as imposing an obligation on States not to recognize any authority on the part of Indonesia over East Timor and, where the latter is concerned, to deal only with Portugal.

Portugal maintained that those resolutions would constitute "givens" on the content of which the Court would not have to decide *de novo*. The Court took note, in particular, of the fact that for the two Parties, the territory of East Timor remained a non-self-governing territory and its people had the right to self-determination, but considered that the resolutions could not be regarded as "givens" constituting a sufficient basis for determining the dispute between the Parties. It followed from all the foregoing considerations that the Court would necessarily first have to rule upon the lawfulness of Indonesia's conduct. Indonesia's rights and obligations would thus constitute the very subject-matter of such a judgment made in the absence of that State's consent, which would run directly counter to the principle according to which "the Court can only exercise jurisdiction over a State with its consent". The Court accordingly found that it was not required to consider Australia's other objections and that it could not rule on Portugal's claims on the merits.

# Appendix 2

## The Rules of Procedure and Documentation Guidelines

You can find the Rules of Procedure in the format of slides at this link:

[https://www.canva.com/design/DAGNt\\_AGdow/5qu1OKs39WYX4OfwmiUtyQ/edit?utm\\_content=DAGNt\\_AGdow&utm\\_campaign=designshare&utm\\_medium=link2&utm\\_source=sharebutton](https://www.canva.com/design/DAGNt_AGdow/5qu1OKs39WYX4OfwmiUtyQ/edit?utm_content=DAGNt_AGdow&utm_campaign=designshare&utm_medium=link2&utm_source=sharebutton)

### What is a Resolution?

A resolution is a formal document containing all the proposed solutions that the committee wishes to introduce on a specific issue. It is discussed and voted upon in the committee. If passed, it serves as a set of recommendations or suggestions to the member states that choose to support it.

### Key Terms

#### Sponsors

1. Countries that draft and support the resolution.
2. Must agree with every clause of the resolution.
3. Are responsible for answering questions related to the resolution during debates.
4. Typically, 2 to 4 sponsors are permitted. The exact number will be informed to the committee during the conference.

### **Signatories**

1. Countries that want the resolution to be discussed, even if they do not fully support it.
2. A delegate may be a signatory to multiple resolutions.
3. A resolution must have at least one-third of the committee's strength as signatories to be introduced.

### **Amendments**

An amendment refers to any edit, addition, or deletion made to the resolution after it has been introduced in the committee.

1. Amendments are submitted after the resolution has been debated.
2. They require a motion to move into the amendment session.

### **Types of Amendments**

#### **Friendly Amendment**

1. Accepted by all sponsors.
2. Automatically incorporated into the resolution without a vote.

#### **Unfriendly Amendment**

1. Not accepted by all sponsors.
2. Requires a simple majority vote in the committee to be adopted.

#### **Important:**

If more than one-third of the operative clauses in a resolution are accepted as amendments, the resolution is considered invalid and will be scrapped.

## Voting Procedure

Before voting begins, a roll call is conducted where each delegate must state their voting status. Delegates may respond in one of two ways:

### 1. "Present"

1. You may vote Yes, No, or Abstain.
2. Used when your country wants the flexibility to abstain from voting.

### 2. "Present and Voting"

1. You may vote Yes or No, but cannot abstain.
2. Used when your country wants to take a definitive stance on the resolution or amendment.
3. Once you take "Present and Voting" in any session, you cannot switch your roll call stance back to "Present" in successive sessions.

## Types of Votes

During the vote, delegates may respond with:

1. Yes: You support the resolution fully.
2. No: You oppose the resolution.
3. Abstain

- Only allowed if you said "Present" during roll call.
- You are choosing not to take a position. This does not count as a vote for or against the resolution but may affect whether it passes.

## Outcome of the Vote:

1. For a resolution to pass, it needs 'Yes' votes equal to a special majority (2/3rds) of the strength of the committee.
2. For example, if 18 countries are present in the committee, 10 vote 'Yes' and 8 abstain, the resolution would not pass. It would need 2/3rds of the committee (12 delegates) to vote 'Yes' for it to pass.

### Relevant motions:

Purpose	Motion Format
To Introduce a Resolution	"The delegate of [your allotted country] would like to raise a motion to introduce [Resolution Name]."
To commence a Q&A session	"The delegate of [your allotted country] would like to commence a motion for a Question & Answer session for a time period of [time]"
To Table Debate	"The delegate of [your allotted country] would like to raise a motion to table debate"
To Close the Debate	"The delegate of [your allotted country] would like to raise a motion for closure debate"

### Tabling and Closing Debate – explained:

"Tabling" debate theoretically refers to a temporary stop to debate, while "Closure" refers to a permanent end to it: this is as described in Robert's Rules, as UNA-USA does not clearly define closure and tabling—it only enlists the procedure.

Owing to circuit practice, the following understanding of tabling and closure has evolved—

- **Tabling debate:** Once such a motion passes, all debate on the agenda freezes (regardless of whether any DR/WP is introduced or not). After such a motion passes (2/3rd majority), you can either adjourn the committee session or introduce another agenda

- **Closure of debate:** This indicates that all debate on the agenda has permanently ended. If a DR/WP has been introduced, post closure (after all observers are made to leave the room) any amendments (if there) are read out, and voted upon (if unfriendly in nature), after which the EB conducts a vote on the DR(s).

#### Resolution Guidelines

- Font Size - 12
- Font Style - Times New Roman
- Resolutions must have at least 1/3rd of the committee's strength as signatories to be able to present them to the committee.
  - The names of countries listed as signatories and sponsors must strictly conform to their official full names in English as provided in the UTERM database (link attached below). Note that the list includes both the full official name, usually beginning with 'the', and the short form. Only the full official name may be used.  
<https://unterm.un.org/unterm2/en/country>.
- Resolutions must end with a full stop.
  - A resolution cannot contain a full stop anywhere except at the end of the final operative clause.
- Every preambulatory clause must end with a comma. However, if a comma is placed in the middle of a preambulatory clause, it will not be treated at the end of a preambulatory clause. Therefore, multiple commas can exist in a single preambulatory clause.
- A preambulatory clause cannot have a sub clause.

- Every operative clause must end with a semicolon.
- If an operative clause has multiple sub clauses, the sub clauses must be introduced with a colon.
- Every sub clause must end with a comma.
- If sub clauses are being used in an operative clause, the final sub clause must end with a semicolon.
- An operative clause must not contain only a single sub-clause; if sub-clauses are used, there must be at least two.
- Operative clauses must be numbered (e.g., 1), 2), 3)).
- Sub-clauses must use lowercase letters in parentheses (e.g., a), b), c)).
- If using sub-sub-clauses, use Roman numerals: (i), (ii), (iii)
- Every annexure must be introduced via an operative clause. It is sufficient if the Annexure (Annexure I, Annexure 1, Annexure A etc.) is simply mentioned in an operative clause.
- The expanded form of an abbreviation has to be used before you use the abbreviation itself. The abbreviated form must be introduced through brackets. For example, if you wish to use the abbreviation UNSC, it must be introduced in the following manner: "United Nations Security Council (UNSC)". After you have expanded an abbreviation in either a preambulatory clause or an operative clause, you may use the abbreviation in any operative clause without needing to expand it.
- Resolutions cannot contain double spaces.

- Resolutions cannot violate the mandate of the committee of which a resolution is being tabled in. For example, a United Nations Security Council resolution cannot violate the mandate of the United Nations Security Council, an Economic and Social Council resolution cannot violate the mandate of the Economic and Social Council and so on.
- Any terminology used in the resolution must be clear and concise. Implementation of terms that create ambiguity and that are redundant is not allowed.
- While referring to the cases of an international court or tribunal, the advisory opinions of the International Court of Justice, or any other external document, only the official name must be used.
- However, an exception exists for cases in the International Court of Justice, where the period can be removed after the 'v.' between countries.
- While mentioning the official name of ICJ cases, the full name of the case must be mentioned. For example, Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America, 1986), not Nicaragua v United States of America.
- Except in communications from Member States, country names should not be used in the possessive form: the population of the Sudan, not the Sudan's population.
- Every operative clause must begin with an operative phrase, and every preambulatory clause must begin with a preambulatory phrase.
- Every preambulatory clause must begin with a preambulatory phrase.. Every preambulatory phrase has been mentioned in Addendum 1.
- Every operative clause must begin with an operative phrase. Every valid operative phrase has been mentioned in Addendum 2.

- Every preambulatory phrase must be italicised and every operative phrase must be italicised and bolded.
- The sponsor of a resolution cannot be the signatory to their own resolution.
- The date of a resolution can only be presented in the following format: 1 January 2025
- Only proper nouns can be capitalised.
- A UNSC resolution must end with an operative clause stating: "Decides to remain actively seized of the matter."
- Annexures need not adhere to any specific format. They can contain multiple full stops. They will not be treated as part of the resolution.
- References to the seasons of the year (spring, summer, autumn, winter) should be avoided unless accompanied by the geographical location. A conference to be convened "in the spring of 2005" would be held at different times of the year depending on the hemisphere, whereas a conference to be convened "in the spring of 2005 in New York" is unambiguous. In the first case, it would be preferable to say "early in 2005".
- A session of the General Assembly should always be referred to by its number, for example, "the fifty-seventh session", not "the current session" or "the next session". A session of a body that does not have numbered sessions should be identified by the time of the session, for example, "at its session to be held in 2005", or "at its most recent session, held in 2003".

- If reference is made in a draft resolution to a statement, specific identification of the statement should be given, including, as applicable, the name and/or title of the speaker, the meeting number (if any), the date of the statement, the document number (if any) and the occasion on which the statement was delivered.
- Wording such as "15-16 June" or "12-16 June" should be avoided. Instead, "15 and 16 June" and "from 12 to 16 June" or, if necessary, "from 12 to 16 June, inclusive" should be used.
- Similarly, the General Assembly or other organ "takes note" when the object is a report, a statement, or a decision taken by another body, which is being brought to its attention for the first time.
- Whenever reference is made, within a resolution or decision, to an earlier resolution or decision or to a resolution or decision of another organ, the date of the resolution or decision should be given the first time it is mentioned. The correct forms are shown below.
  - Example: The General Assembly,
  - Recalling its resolutions 55/212 of 20 December 2000 and 56/209 of 21 December 2001
  - The exact format mentioned in Addendum 3 is the only valid format for this conference.

If at any point in time a resolution violates the guidelines listed above, the Executive Board reserves the right to scrap/not ratify any delegate's resolution.

## Addendum 1 - Preambulatory Phrases

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"><li>• Affirming...</li><li>• Alarmed...</li><li>• Anxious...</li><li>• Fully...</li><li>• ...aware...</li><li>• ...believing...</li><li>• Approving...</li><li>• Aware of...</li><li>• Bearing in mind...</li><li>• Being convinced...</li><li>• Believing...</li><li>• Cognizant...</li><li>• Concerned...</li><li>• Confident...</li><li>• Conscious...</li><li>• Considering ...</li><li>• Contemplating...</li><li>• Convinced...</li><li>• Declaring...</li><li>• Deeply disturbed...</li><li>• Desiring...</li><li>• Determined...</li><li>• Emphasizing ...</li></ul> | <ul style="list-style-type: none"><li>• Expressing...</li><li>• ... appreciation...</li><li>• ...deep appreciation...</li><li>• Expecting...</li><li>• Fulfilling...</li><li>• ...bearing in mind...</li><li>• Grieved...</li><li>• Guided by...</li><li>• Having...</li><li>• ...adopted...</li><li>• ...approved...</li><li>• ...considered...</li><li>• ...examined further...</li><li>• ...received...</li><li>• ...reviewed...</li><li>• Keeping in mind...</li><li>• Mindful...</li><li>• Noting...</li><li>• ...further</li><li>• ...with approval...</li><li>• ...with concern...</li><li>• ...with deep concern...</li></ul> | <ul style="list-style-type: none"><li>• ...with regret...</li><li>• ...with satisfaction...</li><li>• Observing...</li><li>• Reaffirming...</li><li>• Realizing...</li><li>• Recalling...</li><li>• Recognizing...</li><li>• Referring...</li><li>• Regretting...</li><li>• Reiterating...</li><li>• Seeking...</li><li>• Stressing...</li><li>• Welcoming...</li><li>• ...with grave concern...</li><li>• Encouraged...</li><li>• Endorsing...</li></ul> |
|--|---|---|

## Addendum 2 - Operatory Phrases

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"><li>• Accepts...</li><li>• Adopts...</li><li>• Affirms...</li><li>• Appeals...</li><li>• Appreciates<br/>...</li><li>• Approves...</li><li>• Authorizes...</li><li>• Calls upon...</li><li>• Commends...</li><li>• Concurs...</li><li>• Condemns...</li><li>• Confirms...</li><li>• Congratulate<br/>s...</li><li>• Considers...</li><li>• Decides...</li><li>• ...<br/>accordingly...</li><li>• Declares...</li><li>• Further...</li><li>• ...concurs...</li><li>• ...invites...</li><li>• ...proclaims...</li><li>• ...reminds...</li><li>• ...<br/>recommends</li><li>...</li><li>• ...requests...</li><li>• ...resolves...</li></ul> | <ul style="list-style-type: none"><li>• Instructs...</li><li>• Invites...</li><li>• Notes...</li><li>• ...with<br/>appreciation...</li><li>• ...with<br/>approval...</li><li>• ...with<br/>interest...</li><li>• ...with<br/>satisfaction...</li><li>• Reaffirms...</li><li>• ...its belief...</li><li>• Deplores..</li><li>• Designates...</li><li>• Directs...</li><li>• Emphasizes...</li><li>• Encourages...</li><li>• Endorses...</li><li>• Expressing...</li><li>• ...its<br/>appreciation...</li><li>• ...its<br/>conviction...</li><li>• ...its regret...</li><li>• ...its<br/>sympathy...</li><li>• ...its thanks...</li><li>• ...the belief...</li><li>• ...the hope...</li></ul> | <ul style="list-style-type: none"><li>• Recognizes...</li><li>• Recommends<br/>...</li><li>...</li><li>• Regrets...</li><li>• Reiterates...</li><li>• Renews its<br/>appeal...</li><li>• Repeats...</li><li>• Suggests...</li><li>• Strongly...</li><li>• Supports...</li><li>• Takes not of...</li><li>• Transmits...</li><li>• Urges...</li><li>• Welcomes...</li></ul> |
|--|---|---|

## Addendum 3 - Sample Resolution

### Draft Resolution XYZ

1 January 2025

**Sponsor(s):** the Islamic Republic of Afghanistan

**Signatories:** the United Kingdom of Great Britain and Northern Ireland, Tuvalu, Saint Lucia

**Agenda:** XYZ

*The Economic and Social Council,*

*Recalling* the principles of the International Covenant on Civil and Political Rights (ICCPR),

*Guided by* the principles of the Charter of the United Nations and Statute of the International Court of Justice (United Nations Charter),

**1. Notes** that synthetic drug and chemical control should align with international human rights law, ensuring:

a) Due process in interdiction and prosecution, as affirmed by articles 9(1) and 14(1) of the ICCPR,

i) Including the provision of microgrants and technical training for women and indigenous farmers,

b) Prohibition of arbitrary detention or collective punishment during anti-drug operations, as affirmed by article 9 of the ICCPR;

**2. Recommends** all Member States to either ratify or reaffirm commitment to the ICCPR, as well as create and enforce domestic legislation in line with the principles of the aforementioned legislation.