



17TH ANNUAL CONFERENCE

25TH -27TH OCTOBER 2019

**SPECIAL POLITICAL AND
DECOLONISATION COMMITTEE**

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MESSAGE FROM THE DIRECTORS

Dear Delegates,

Welcome to the Special Political and Decolonisation Committee of Oxford International Model United Nations Conference! Our role as chairs during the session will be to assist you, give you advice and guidelines, coordinate the discussions that will take place and make sure that you make the most out of your participation. Our advice to you is to do as much research as you can prior to the Conference. Preparation is the key for you to be able to contribute creatively and make the discussions fruitful, constructive and interesting.

Having said that, we would like to introduce ourselves.

Aida Marinaki

I am Aida, I come from Greece and England and I am 18 years old. I am currently attending the second year of my studies at the University of Surrey, pursuing a degree in Law. As a person with a keen interest in international affairs, politics and law, always excited to enrich my knowledge about global issues and interact with people with different views and origins, I approach MUN conferences as the first meaningful steps of my journey in the fascinating world of diplomacy. I decided to begin participating in MUN as a High School student. Since then I have had the privilege to serve as a Committee Director and a Secretarial Officer in various MUN conferences and I have been encouraged to take part in related events through which I have acquired invaluable experiences from becoming a Chairperson at Regional and International Fora of the European Youth Parliament to breaking to the semi-finals and finals of Debate Tournaments. Being offered the chance to have an impact through my work as a chairperson and contribute towards making a conference a meaningful and purposeful experience always consists a

challenge and a privilege. I am more than honoured and grateful to chair the Economic and Financial Committee at such a prestigious event and I look forward to OxIMUN 2019!

Salman Khan Niazi

I am Salman, I reside near the beautiful valleys of the Himalayas, in Islamabad, the capital city of Pakistan. I am currently a student at Forman Christian College University in Lahore, the historic capital of the subcontinent. My major is in political science and my minor is in sociology, with the concentration of my studies being around religious politics, indigenous population and voting patterns. I have an extremely keen interest in Political Philosophy, with my main interest being in medieval political theory, as it plays host to two of my favourite thinkers, Erasmus and Machiavelli. As to how I stumbled in the realms of Model UN, it was a freak accident that brought me to the world of diplomatic debating some nine odd years ago. In those nine years, I have a resume than spans three continents though I am most humbled by the fact that I would be your co-chair for the special political and decolonisation committee at OxIMUN 2019.

We hope that you find this study guide helpful. Should any queries emerge, do not hesitate to contact us.

We look forward to meeting and cooperating with you!

Aida and Salman,

Special Political and Decolonisation Committee Directors

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INTRODUCTION TO THE SPECIAL POLITICAL AND DECOLONISATION COMMITTEE

HISTORY OF THE COMMITTEE

The special Political and Decolonisation Committee (SPECPOL) is the Fourth Committee of the United Nations General Assembly. Initially the Fourth Committee focused solely on trusteeship and decolonisation. When independence was granted to the United Nations trust territories, the Decolonisation Committee merged with the Special Political Committee, establishing the SPECPOL Committee in 1993. The two major issues it addresses are decolonisation and the Middle East. Its agenda has gradually expanded to cover a diverse set of political issues the most significant of which being the review of peacekeeping operations and special political missions, questions relating to information, the impact of atomic radiation, issues concerning occupied territories, refugees and peaceful uses of the outer space. The current Chairperson of the Committee is Dee-Maxwell Saah Kemayah Sr.

STRUCTURE AND FUNCTIONS OF THE COMMITTEE

All 193 members of the United Nations can attend the meetings of the Special Political and Decolonisation Committee, usually represented by Middle East experts and military advisers. Civil society organisations do not take part in C4, however the Committee organises hearings of petitioners (including civil society organisations and private individuals) from the non-self-governing territories. It holds annual meetings that take place from late September to mid-November and it reconvenes briefly in spring when it adopts resolutions and decisions of the United Nations Special Committee on Peacekeeping Operations. It usually adopts various draft decisions and approximately 30-35 draft resolutions per year. The

Committee work is not preceded by a general debate and all decolonisation items are debated jointly. Draft resolutions concerning Israeli practices and questions of UNRWA are adopted following a voting procedure, whereas the remaining agenda items are adopted by consensus.

Several subsidiary bodies report through the Fourth Committee, namely the Committee on Information, the Committee on the Peaceful Uses of Outer Space, the Special Committee on Peacekeeping Operations, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, the United Nations Relief and Works Agency for the State of Palestine in the Near East and the United Nations Scientific Committee on the Effects of Atomic Radiation.

TOPIC A: THE ECONOMIC REALITY OF NON-SELF-GOVERNING TERRITORIES

BACKGROUND

Non-self-governing territories are “territories whose peoples have not yet attained a full measure of self-government” and the administration of which has been undertaken by other states (Article 73 of the UN Charter). Although they constitute a distinct category and are not a synonym of colonies, their aims of self-governance and self-determination tend to overlap. Today there are 17 non-self-governing territories, most of which being situated in the Pacific, the Atlantic and the Caribbean. The issues concerning non-self-governed territories have both political and economic dimensions. Article 20 of the United Nations Declaration on the Rights of Indigenous Peoples grants indigenous people -inter alia- authority over their economic institutions. Nonetheless, the extent of the autonomy the populations of non-self-governing territories enjoy in the finance and trade sector is interconnected with a wide range of factors including the economic policy and activities of the states responsible for their administration and neighbouring countries, different approaches to the decolonisation process as well as the global financial crisis.

UN Charter, Chapter XI, Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognise the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories.

HISTORICAL BACKGROUND

Decolonisation Models

Thus far, decolonisation has taken place in the form of three main models:

- Independence was gained following internal pressure exercised by the indigenous populations to the administering powers, ie Marshall Islands, Nauru, Palau, Samoa and Vanuatu
- Independence was forced by the administering power, ie Fiji, Kiribati, Papua New Guinea, Solomon Islands and Tuvalu
- A continuing diplomatic relationship is maintained between the colony and the administering power after independence is gained, ie Cook Islands (Rarotonga) and Niue

Timeline of Events

1944: The Brazzaville Conference takes place, organised by the French Committee of National Liberation, aims to frame the future relations between France and its colonies

1946: 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 (until 1947), Guam, New Caledonia (until 1947), Pitcairn, Tokelau listing as non-self-governing territories

1950: A Commonwealth Conference of Foreign Ministers in Colombo set up the “Plan for Cooperative Economic Development in South and Southeast Asia” for the economic development of newly independent states

1955: Bandung Conference; Delegations from 29 Third-World countries meet in Bandung, Indonesia, for a conference that marks the start of the Non-Aligned Movement.

1956: Venice Conference; France officially raises the question of relations between the overseas countries and territories (OCTs) and the Common Market

The Ad-Hoc Overseas Territories Group in the Common Market Committee at the Intergovernmental Conference on the Common Market and Euratom draws up a note on the negotiations under way on the question of the possible association of the OCTs with the future EEC

1957: The Rome Treaty; signed by the six Member States of the European Coal and Steel Community (ECSC), the treaties provide for the association of French, Belgian, Italian and Netherlands overseas countries and territories (OCTs) with the EEC for a trial period of five years and a free-trade area is established between the Six and each of the associated countries, and a European Overseas Development Fund (FEDOM), the predecessor to the European Development Fund (EDF) is set up

1958: The French Community replaces the French Union; Established by the Constitution of the Fifth Republic, the French Community is a political association between France and the states in its colonial empire, which is in the process of decolonisation. The overseas territories have the choice between three options: they can maintain their status; become an overseas department (i.e. be integrated into the Republic); or become a state of the French Community (i.e. gain in autonomy)

1963: Western Sahara listing as a non-self-governing territory

Signing of the Yaoundé Convention; the EEC and the eighteen AASM countries sign the first convention, valid for a period of five years, confirming the association between Europe and Africa on the basis of free trade and financial aid from the Six.

1975: 46 African, Caribbean and Pacific (ACP) states and the nine Member States of the EEC sign a cooperation agreement in Lomé

1986: New Caledonia listing as a non-self-governing territory

2003: French Polynesia listing as a non-self-governing territory

Case Study - Decolonisation of the Pacific

1962: Modern decolonisation began in the Pacific when New Zealand withdrew from Western Samoa

1965: New Zealand withdrew from the Cook Islands (Rarotonga)

1974: New Zealand withdrew from Niue

1968: Australia, New Zealand and the United Kingdom withdrew from Nauru

1975: Australia and the United Kingdom withdrew from Papua New Guinea

1970: The United Kingdom withdrew from Fiji

1978: The United Kingdom withdrew from Solomon Islands and Tuvalu

1979: The United Kingdom withdrew from Kiribati

1980: The United Kingdom and France withdrew from Vanuatu

CURRENT SITUATION

List of Non-Self-Governing Territories

Territory	Administering power	Land area (sq.km.)	Population
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Africa

Western Sahara	*	266,000	567,000
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Atlantic and Caribbean

Anguilla	United Kingdom	96	15,000
Bermuda	United Kingdom	53.35	65,391
British Virgin Islands	United Kingdom	153	28,200
Cayman Islands	United Kingdom	264	63,415

Falkland Islands (Malvinas)	United Kingdom	12,173	3,200
Montserrat	United Kingdom	103	5,045
Saint Helena	United Kingdom	310	5,527
Turks and Caicos Islands	United Kingdom	948.2	39,788
United States Virgin Islands	United States	352	104,919

Europe

Gibraltar	United Kingdom	5.8	34,003
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Pacific

American Samoa	United States	200	60,300
French Polynesia	France	3,600	275,918
Guam	United States	540	163,875
New Caledonia	France	18,575	268,767
Pitcairn	United Kingdom	35.5	48
Tokelau	New Zealand	12.2	1,499

*On 26 February 1976, Spain informed the Secretary-General that as of that date it had terminated its presence in the Territory of the Sahara and deemed it necessary to place on record that Spain considered itself thenceforth exempt from any responsibility of any international nature in connection with the administration of the Territory, in view of the cessation of its participation in the temporary administration established for the Territory. In 1990, the General Assembly reaffirmed that the question of Western Sahara was a question of decolonisation which remained to be completed by the people of Western Sahara. In 1991 the Security Council established the United Nations Mission for the Referendum in Western Sahara (MINURSO) creating a settlement plan for a transitional period for the preparation of a referendum

in which the people of Western Sahara would choose between independence and integration with Morocco.

Source: <https://www.un.org/en/decolonization/nonselvgovterritories.shtml#foot1>

Measures in Place

The UN has adopted measures to protect the rights of indigenous populations. The most profound is the United Nations Declaration on the Rights of Indigenous Peoples.

Article 3 “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Article 4 “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

Article 20 “Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities”

Article 26

1) “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired”

2) “Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired”

¹ The United Nations. United Nations Mission for the Referendum in Western Sahara Mandate. <https://minurso.unmissions.org/mandate>

It is extremely hard to gauge what affect these articles have had on the countries that abide by them. Specifically for countries that might have groups that they might not want to have a voice on the global scale. It must also be stated that not all rights contemplated by the UNDRIP can be considered as having reached the status of rules of customary international law. Hence it becomes hard to establish whether any or all of the few indengdigenouhs people's rights have reached the status of the rank of general international law before or after the adoption of the declaration. Countries like Ecuador, El Salvador and Kenya have revised their constitutions in light on UNDRIP, countries like Canada and the United States have come under criticism for changing its laws and over the integration of UNDRIP. There could be copious amount of work done to have greater implementation and further expand on UNDRIP regarding to regional and national disparities. Additionally, the General Assembly has declared the period 2011-2020 the Third International Decade for the Eradication of Colonialism.

External events that have affected the issue

Climate Change

One of the larger issues that plague these Island territories is climate change. While most of these territories are in the Caribbean and the Pacific, they have faced numerous challenges related to how the land, the wildlife and the people are affected. This guide will be using the case study of American Samoa and the US Virgin Islands specifically, to highlight the plights of these territories.

American Samoa, has in the recent years, seen massive changes, with rising sea levels hurting both wildlife ecosystems and human life. Sea level has been increasing in American Samoa at about 0.1 inches per year. While this might not seem to be a very rapid increase, but the effects can quickly add up year after year. Sea level rise causes beach erosion, flooding during high tide and increase flooding due to storm surges and tsunamis. Sea level is expected to continue rising, perhaps by more than 3 feet (1 meter) by the year 2100. This increase in sea level means that anything that makes ocean waves reach farther inland (such as a king tide or a tropical cyclone) will cause more flooding when the sea level was lower. For example, a deadly tsunami struck American Samoa in 2009, due to long term sea level rise over the past century, it

caused more damage than it would have if sea level had not been rising. Higher sea level also affects the availability of food and water. Due to ocean flooding the lands, the salt level of soil rises, which causes damage to natural habitats, while making it harder to grow food. It should also be noted that higher sea level can also reduce the amount and quality of the underground fresh water, that most of these communities rely on.

The US Virgin Islands have seen their nearby waters being increasingly warmed by nearly two degrees since 1901 and the sea level has been rising by an inch every ten years. While the oceans and atmosphere continue to warm, sea levels are likely to rise from one to three feet in the coming century. Due to the rising sea level, marshes, mangroves and dry land have been submerged, beaches being eroded and there is a worsening of coastal flooding.

Due to the warming of the waters near the US Virgin Islands, there is a large risk of harm being caused to the coral reef and increasing the acidity of coastal waters. Rising temperatures can harm the algae that live inside corals and provide food for the ecosystem. The loss of algae, weakens corals and can lead to the death of them. This process is widely known as “coral bleaching”, as due to the loss of algae, the corals turn white. Increased acidity of the water also damages corals. Ocean acidity has increased by 25 percent in the past three centuries, and it is estimated to rise to 50 percent by 2100. Which will start a chain reaction starting with the coral reefs and then affecting large marine life.

Higher temperatures will likely interfere with agricultural productivity in the US Virgin Islands. Higher temperatures threaten animal’s health and cause them to eat less and grow more slowly. Due to reduced water availability during the dry season, certain crops will have reduced yields, while some might be lost or not suitable to grow in further years. Hurricanes and tropical storms have also become more intense in the past 20 years, and because of its placement near the coastline of Florida and the part of the Caribbean, it is extremely susceptible to them. The infrastructure is not at all ready to handle harsh environmental disasters, while rising water levels will likely increase flood insurance premiums. Rainfall during heavy storms has increased by 33 percent in neighbouring Puerto Rico since 1958, and similar

trends have been seen throughout the Caribbean. The trend toward increasingly heavy rainstorms is likely to continue

DISCUSSION OF THE PROBLEM

Causes

The fundamental issue of acquisition of self-determination brings to light consequential questions of the economic rights that the local populations of NSGTs enjoy. The autonomy that the populations of non-self-governing territories enjoy is directly connected to the activities and policies of the administering powers and their neighbouring countries in the finance and trade field and the different approaches to the decolonisation process that have been put forward. In certain cases, the indigenous populations of non-self-governing territories have faced the use of violence and force by the administering powers, underrepresentation in shaping the financial policy of their territories and exploitation of their natural resources.

Guam: One of the bigger territories, Guam has always had issues relating to self-determination with regards to the question of should referendums be explicitly be voted upon by native population, i.e. that the American forces present in Guam should not have any say in what should be done by the native people present there. If the last referendum would not have been delayed, the native people of Guam and their descendants would have would be voting on three options, Statehood, free association or independence from the US. Independence activists want more political freedom from the US, as they want greater decisioning power over the military, specifically when it comes to operations near and around Guam. The native people object to unilateral land seizures like the recent decision to convert a culturally important area into a firing range, something that goes against UNDRIP. While supporters of statehood have pointed out that the US pays, 1.5 Billion dollars a year to the territory of Guam through federal and governmental grants. Which the people need, as they have grown accustomed to life gotten through that aid. it should also be noted that Guam has no representation in the US Congress, other than a non-voting

delegate, which constitutes a first but not final step towards political self-determination. More importantly, Washington has not infringed upon Guam's path to participate in regional diplomacy. Like American Samoa and the CNMI, Guam attained observer status in the Pacific Islands Forum in 2011.

Falkland Islands: Another larger issue, can be seen from the perspective of the Falkland Islands. This famous Island has been a point of conflict between the UK and Argentina governments, over its sovereignty. This conflict resulted in the Falkland war, and still continues to be an issue for both countries as UK still claims to have rights over it. All the while, the UN itself having considered the Falkland Islands to be part of the maritime territory of Argentina. At the same time, the EU and the common wealth of nations have deemed it to be part of the UK, to the extent that EU laws have jurisdiction in Falkland Islands and there has been large EU funding present there as well. This creates a confusing conundrum, as input from the local group of people is rarely seen and when it even heard, it is disregarded. In 2013, a referendum held on the Island resulted in 99.8 of the population wanting to stay British, though still, Argentina still presses claims over the Island. This has led to more recently as 2016, for the foreign ministers of both the Falkland Islands and Gibraltar, another territory held by the British but contested by Spain, to make this Joint Statement: "It also does not say much for the democratic credentials of two large countries that they should seek to gang up in this way in order to bully two very small territories and in the process completely ignore the right of their people to choose what they want to be. Referendums held in both Gibraltar and the Falkland Islands have made those wishes abundantly clear."

Western Sahara: It should be noted that while most of the territories in discussion here are in fact under an administrative body, there is one that is specifically, a disputed territory, without a de-facto power over it. Sovereignty over Western Sahara is contested between Morocco and the Polisario Front and its legal status remains unresolved. Morocco controls the western eighty per cent of the disputed territory, and the Polisario (which stands for the Popular Front for the Liberation of Saguia el-Hamra and Río de Oro) occupies the rest. The Polisario's self-declared Sahrawi Arab Democratic Republic is recognised by the African Union and Algeria, which has given the group military support for decades and currently hosts

more than a hundred and seventy thousand Sahrawi refugees in squalid camps. In June 2019, Eight months of U.S. diplomatic pressures yielded two rounds of formal talks among Morocco, Algeria and the Western Sahara's Polisario independence movement. Though mass protests in Algeria had forced the resignation of the president and last month, the U.N. envoy for the conflict, former German president Horst Köhler, resigned. USIP's Thomas Hill explains why these shifts are important to U.S. interests, and to the Maghreb and Sahel regions and how peace efforts could be buttressed by less formal means. It should also be noted that Eastern Sahara has large untapped oil and mineral reserves which large and small companies have taken advantage of, while Morocco wants these lands due to those reserves and expansionist policies. All the while, larger international bodies, like the EU have sided with Morocco, as the European Parliament backs a trade agreement that includes western Saharra within its remit. EU approved a four-year fisheries deal, which will see the EU pay €208 million in exchange for trawling rights for 10 members states in Moroccan-controlled waters, which includes the waters surrounding western Saharra. Hence it can be seen the economic advantage that western Sahara provides Morocco and its regional importance.

French Polynesia: The last case that we would specify is the French Polynesian. French Polynesia is a small Island in the Pacific. It's history of colonisation also includes a sad history of nuclear testing. Between 1966 and 1996, France conducted 193 nuclear tests in what was then the Overseas Territory of French Polynesia. Forty-six tests were carried out in the atmosphere, the blasts producing radioactive clouds that floated with the winds, depositing radionuclides all over the environment and exposing people, fauna and flora to abnormal levels of irradiation. Due to poor infrastructure, lack of access and a mediocre economy, many cases in Polynesia remained unreported for a long time. That was until 2009, as most cancer patients were evacuated either to New Zealand or France for radiation therapy. Data released by the French Polynesian Ministry of Health earlier this year shows a steady increase in the number of radiation-induced diseases, with 93 new cancer cases reported in the 1992 compared to 467 in 2017. Even after a lengthy process of identification of the issue in the rise of cancer at the island, in 2010, France

agreed that compensation to the victims of this tragedy should be paid. Though out of the 127,000 Polynesians living at the time of testing only 800 dossiers, only 11 people have received compensation.

Challenges to addressing the issue

- Financial autonomy of non-self-governing territories and decolonisation has to be achieved in a case to case basis, due to the difference in the conditions that prevail within each territory - Comparative analyses have found that non-self-governing islands tend to have much better development indicators than sovereign islands.
- The impact of climate change, especially on small island Non-Self-Governing Territories
- The role of regional cooperation, education
- The global financial crisis
- The capacity of those territories for full self-governance
- Decolonisation is a political process highly dependent on the policies of the administering powers

Bloc _____ Positions

Due to the topics divide and the show of support on the eradication of colonialism, as shown by resolution A/RES/65/119, calling for the Third International Decade for the Eradication of Colonialism (2011-2020) there are three major bloc positions for this topic.

Administrative powers:

These include the countries of the United Kingdom, France, United States of America and New Zealand. All four of these countries have shown prompt facilitation of UN resolutions though actual work on those resolutions have left something to be desired. Specifically when making remarks about the US, most of the territories they hold are based around military bases which also rejuvenate the local economy. It should

also be noted that these countries have committed extreme testing, both nuclear and military on these Islands which have caused issues for the people and the habitat on these Territories. Also, while France and the United Kingdom have ratified UNDRIP, New Zealand and the USA did not at first. After 2009, both the countries supported the resolution. Some critics believe that despite their change in position, each nation's commitment remains lukewarm at best. Lightfoot points to the frequency of terms like "aspirational" and "non-binding" in these governments' official announcements and cautions that by using these terms the governments in question seek to exempt themselves from any legal responsibility to the UNDRIP.

Countries with Claims over territories:

These countries include Spain, Argentina and Morocco. Specifically regarding Spain and Argentina, they still claim ownership over territories even after sizeable referendum wins for the government of the UK, which showed the people's resolve with staying with the administrative power. Still these countries have sour relationships with the UK due to the matter, which often bleeds into other discussions. Morocco's internal political issues and their occupation of western Sahara not only undermines the rights of the indigenous population of Western Sahara but also causes a rift between them and other major powers, which stops any formal solution from taking place.

Non-Aligned Movement:

Non-Aligned Movement (hereafter referred as NAM) is a forum that comprises of 120 countries of the developing world. Their main objective, after the Havana Declaration of 1979, is to eradicate imperialism and colonisation in all its many forms. Hence, they are the most staunch critics for the administrative powers, with being vocal during UN debates on the matter and providing many resolutions. Their main focus with regards to non-self-governing territories have been to fight for the right of self-determination of the indigenous populations in these places. Specifically their call to action has been the western Sahara,

supporting the Sahrawi people. This has also provided a platform for smaller developing states to debate the policies of larger powers.

POINTS A RESOLUTION SHOULD ADDRESS

It is important for the Member States of the UN to explore:

- different approaches to decolonisation and ways to accelerate the process,
- the rate of representation of the populations of non-self-governing territories in the decision-making process with regards to various fields
- the economic activities that affect their financial policy
- adopt effective and peaceful actions to promote the independence of those territories, while balancing different financial and political interests.

FURTHER READING

Mouton Victoria. “Interactive timeline of decolonisation: geopolitical issues and impact on the European integration process (1944–1975).” *Centre Virtuel de la Connaissance sur l’Europe*. 2016

https://www.cvce.eu/en/obj/interactive_timeline_of_decolonisation_geopolitical_issues_and_impact_on_the_european_integration_process_1944_1975-fr-74d9fd02-0f16-421f-afa6-cb0946b32a23.html

TOPIC B: REGULATING ILLEGAL ACTIVITIES AT INTERNATIONAL BORDERS

BACKGROUND

The issue of national borders and specifically its policing has been a major issue due to the rise of the inflow of refugees, who travel from either less developed areas or war-stricken lands to the more developed countries. Policing on international borders has been stronger than ever, as foreign terrorist fighters (FTFs) have been streaming through these borders and setting up operations in different countries. The Security Council reacted through the adoption of Resolution 2178 on 24 September 2014, aimed at stemming the flow of these forces. The impact of this resolution is still debatable. It did include advance passenger information, which made it mandatory to provide biometric. However, there are still many instances of illegal border crossings, due to many issues, to mention passport theft and identity theft, where passports are stolen and then sold to make illegal border crossings or commit cross-border crimes easier, as clean passports are considered 'gold' for criminals. These passports further facilitate illegal activities, like terrorism, drug trafficking and other large crimes. This also creates an influx of illegal immigrants that raises issues in local economies and puts pressure on local agencies. Hence it is important for the UN Member States to have a discussion on better policing of borders, previous actions taken by the UN and all dangerous and illegal activities related to international borders.

Measures in Place

Global organised crime is identified as a serious threat to the national and international security by numerous states and various strategies for its prevention have been put forward in the past years, involving risk analysis and mitigation, technical and operational measures to control external borders.

An example is the EU Millennium Strategy on Organised Crime, which includes recommendations for the approximation of the procedural provisions of the Member States, such as methods of police investigation, to mention interception of GSM and satellite telecommunications, controlled deliveries, covert investigations (infiltration) and joint multi-national investigation. The security of EU borders is

also achieved through the cooperation of the European Border and Coast Guard Agency, Europol, European Multidisciplinary Platform Against Criminal Threats.

One approach to the combat of cross-border crime is situational crime prevention (SCP). The originating concept of SCP is “opportunity reduction”. SCP focuses on the understanding of how offenders succeed in committing a crime as a basis to develop intervention mechanisms and move opportunities for crimes to be committed. Situational crime prevention and routine activity theory have been used to prevent cross-border crime in the Netherlands and other countries.

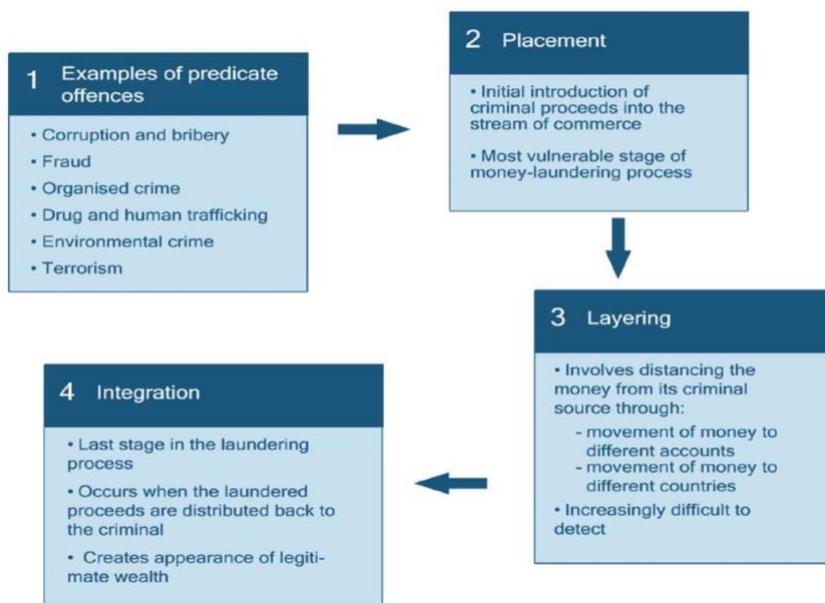
DISCUSSION OF THE PROBLEM

Causes

Crime economy is a volatile phenomenon due to the shifts in the demand for illegal commodities or services and the constant change of its criminal characteristics in accordance with valuations of the society. The supply and demand of illegal commodities is affected by the diversity of financial circumstances that prevail globally, with certain states having achieved prosperity while other states face destitute conditions. There are regional differences in regulations, as certain control methods for criminal activities are of “parochial” nature, limited to a certain area or state, leading to regulatory asymmetries. Subsequently, criminal activities are often based in off-shore financial centres with types of jurisdictions that implement more lenient criminal, banking and company laws. Furthermore, the nature and characteristics of such criminal markets explain the intricacy of the issue. Different criminal activities involve drug trafficking, money laundering, smuggling illegal immigrants, smuggling of stolen vehicles, drugs, firearms, tobacco products, mineral oils and alcohol (excise goods), trafficking of hazardous materials, waste or wildlife trafficking. The crime market is intricate and interwoven, especially in economies in transit. The structure of different criminal activities follows different paths and patterns, while various criminal networks, operate in poly-criminal activities and collaborate with criminal networks engaged in other types of activities. Additionally, the lack of a clear international regulatory framework

and the weaknesses of the existing regulatory patchwork and enforcement mechanisms. The trafficking of people and goods can only be partially hindered by interdiction at the borders. Therefore, interior enforcement and the reduction of demand are essential to achieve a long term solution.

example: money laundering



source:

<https://www.cmi.no/publications/file/3935-corruption-%20and-illicit-financial-flows.pdf>

For an explanation of the operation of money laundering see: Goodman, S. Saul Goodman explains money laundering - Breaking Bad. 2019

<https://www.youtube.com/watch?v=ez6xH-su2xI>

Issues

Kafala System

A labour sponsorship system that monitors foreign workers mainly in the construction and domestic sectors. It is in force in Bahrain, Iraq, Jordan, Lebanon, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE. Under this system labourers are required to have a sponsor, usually their employer, who is responsible for their legal status and visas in the country. This system is controversial and has been subject

to criticism by human rights organisations, as it facilitates the exploitation of workers, who are often unable to seek legal protection. A lot of cases involving passport confiscation, insufficiency of food and medical care, inadequacy of working conditions, along with physical and sexual abuse. As a result, workers have no choice but to endure abuse, mentally, emotionally and physically. While at the same time, there is a huge chance that citizens of these states might sell their visa quotas to sponsor migrant workers to other citizens, expatriates or companies. Due to this Migrants might have to use illegal ways to enter the country only to find they find there is no employment. They then might be forced to work for unscrupulous employers, become stranded or face penalties. Migrants are left with few legal means to leave abusive or other undesirable conditions. They are then often forced to escape, leaving their employer, rendering their status and becoming an illegal immigrant. Undocumented migrants may continue to work in the Gulf but their status can not be changed and they are in further risk of exploitation.

According to The Economist, "The migrant workers' lot is unlikely to improve until the reform of the Kafala system, whereby workers are beholden to the employers who sponsored their visas. The system blocks domestic competition for overseas workers in the Gulf countries."

It should be understood that countries that do send immigrant workers, have large industries catered to the Gulf countries. When the International Labour Organisation surveyed employers across Lebanon, Kuwait, and Jordan, it found that some employers worried their workers might run away or become pregnant on her day off meaning they would need to hire a new domestic worker. Each hiring process can cost employers up to \$4,000 through one of Lebanon's 500 licensed recruitment agencies. The agency is then responsible for bringing the worker into the country.

Case study - Lebanon

Lebanon is home to around 200,000 domestic workers, most of whom migrate from Ethiopia, the Philippines, Bangladesh, Sri Lanka, and Nepal to work as maids. The Lebanon Intelligence agency has admitted that migrant workers present in Lebanon are dying at a rate of two every week as rights for

domestic employees stagnate in the country. The latest statistics reported by a humanitarian-focused news agency IRIN, showed that many deaths are caused by suicide or through botched escape attempts, as migrant domestic workers, nearly exclusively women seek freedom from abusive and exploitative working conditions.

Case study - Qatar

In light of the upcoming 2022 World Cup, for the arrangement of which new stadiums are being built by construction workers arriving from overseas, Amnesty International warns Qatar that it is "running out of time" to honour promised labour reforms. Significant steps have been taken to safeguard the rights of workers since the state signed an agreement with the UN International Labour Organisation in 2017. However, as pointed out by the Human Rights Watch, "there is still a long way to go before migrant workers are protected from abuse and exploitation."

Passport Theft leading to Transnational Terrorism

There are now upwards of more than 54,962,452 passports stolen or lost while 250,000 were only Iraqi or Syrian passports. It should be remembered that two of the men who blew themselves up at the Stade de France on the 13th of November had fake Syrian passports in their possession which they used to cross into Greece just a few days later, Serbian police arrested a man with the same passport details as one found near the body of the suicide bombers. On December 16, Austrian police arrested two men who were seeking asylum using fake Syrian passports after which a few days later two other Syrians were arrested with a Austrian and Norwegian passport in Italy en route to Malta. Abdelhamid Abaaoud, a mastermind of the Paris attack from Belgium. Not only Abaaoud, most of the assailants were from Belgium but one of the suicide bomber carried fake Syrian passports to sneak into France with the other Syrian refugees. Straight after the Paris bombing, United Nations Security Council unanimously passed Resolution 2249 on 20 November 2015, which condemns IS's terror attack against foreign civilians

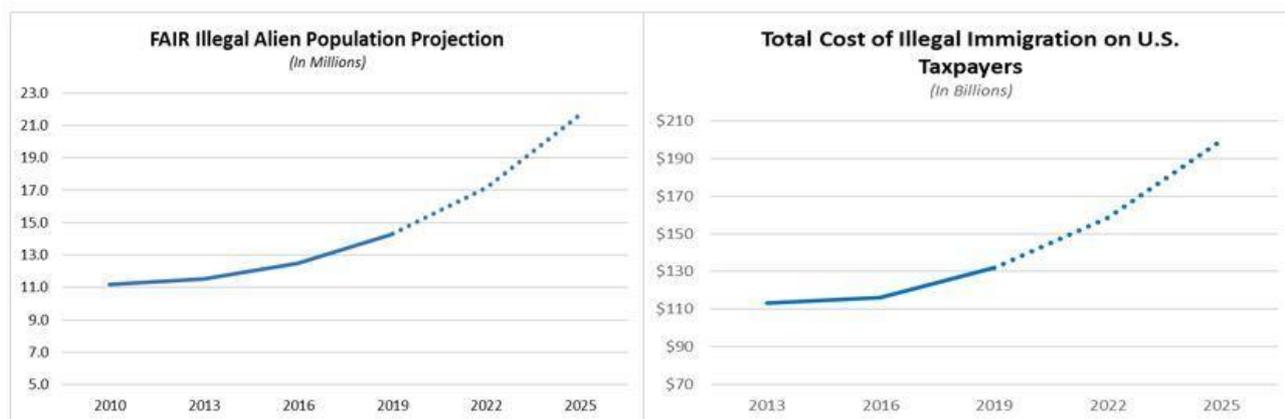
and suppress IS's financial flow by strengthening international borders through member states sharing intelligence. These were only a few cases that were found which only means that they are many more in the circulation. With this new influx of fake ID documents, Interpol is flooded with requests to solve the problem.

Drug Trafficking

Drug trafficking contributes as a financial resource for criminal and terrorist organisations, which empowers the organisation's capability. Transnational drug trafficking establishes trade routes across the foreign borders, consequently expands the black markets. Furthermore, drug trafficking cause violence within the state sovereignty, resulting to civilian casualties. According to World Drug Report 2010 (United Nations Office of Crime and Drug, 2010), currently more than 155 million people regularly dependent on drugs or illicit substances around the world. But yet, continents like Africa and rural developing states in Asia still show devoid of knowledge in relation to drugs and illegal substances so could not strictly enforce drug traffickers. For U.S. and Mexico, technique of crossing the border is evolving due to the development of technology. In April 2016, U.S. border control agents have discovered drug tunnel connects from Tijuana, Mexico to San Diego, California, U.S. The agents seized over a tonne of cocaine, five tonnes of marijuana. The tunnel lays from deep underground stretch to basement of house in Tijuana to a hole on a street with fence to cover as construction sight. This kind of tactic is unnoticeable hence makes difficult for early detection and border security. The evolution of drug trafficking tactics are becoming beyond general mind pool so reflects weakness in the law enforcement in detection of illegal action. This has also resulted into issues pertaining to international co-operation between Mexico and the United States specifically due to the large detention camps.

The cost of Illegal Border immigration:

Illegal border crossings costs on at-least 130 billion US Dollars to the American taxpayer, as they house 14.3 million illegal aliens. Though the sources for the rise are many, which include but not limited to, conflict due to drug trafficking, political instability and economic instability in Latin America, the figure is estimated to rise to 21 million, increasing the cost of housing them to go up to 200 billion US Dollars.



Source: <https://www.fairus.org/issue/illegal-immigration/how-many-illegal-aliens-united-states>

The number comes from the addition of costs for federal, state, and local governments that range from security, to free healthcare, and education of undocumented immigrants. Though it should be noted that these numbers are highly disputed by various organisations and due to the fact that illegal immigrants do not take part in the US consensus regularly, as they face the chance of being prosecuted, it is hard to explicitly work out the actual numbers of how harmful economically can illegal immigration be. Hence there is another cost of illegal immigration that we need to address, the cost of crossing the border itself. A 'Coyote', in the definition used in relation for illegal border crossing, are specific people that facilitate illegal border crossing for a fee. The commonly accepted range for what a coyote will take as a fee ranges from six thousand US dollars to ten thousand US dollars. Though it depends on which type of organisation a migrant is working with. These can be independent operators, ad hoc groups with two or more operators, loose networks, where large small groups work together and full formal networks, which comes under a central authorities with many groups. The type of services provided range from pay as you go to full end to end services. To reduce costs of the trips, migrants will sometimes prefer to use coyotes

for individual services, be it lodging or transportation, while making most of the journey themselves. The importance of end to end services is specifically based on the fact that these larger formal networks and tailor the process for specific people, for example, children, pregnant women and elderly people, by reducing psychological activity during the crossing. Also if they have the power to do so, they are open to the use of decoys, lookouts, safe houses and even bribing corruptible customs officers to 'look the other way' which increase the price extensively. Specifically for the coyotes, a border wall or the fear of a border on the Mexican-US border has increased the price of border crossings. There should also be a connection made between the relation of Drug trafficking organizations (hereafter referred to as TCO) and human smuggling. The larger formal networks discussed previously work hand in hand with TCO's, while most of the time being under the same central leadership. What TCO's provide is the use of smuggling networks and territories for 'Piso', a tax that migrants need to pay for using their services, as a mafia toll fee. They now have more incentive to work in human smuggling as prices have risen. It has also been reported that these TCO's use human smuggling strategically, to draw attention from drug trafficking, even using migrants to carry drugs across the border for reduced fees.

Challenges to Possible Solutions

The coordinated management of social and economic activities in cross border areas inherently encompasses various difficulties. A number of factors have to be taken into consideration when establishing an international regulatory framework and developing strategies to tackle cross border crimes. Different types of criminal activities at the global level require different regulatory approaches to be combated. A type of conduct is characterised as an international crime if it is prohibited under international criminal law, multilateral treaties or customary practice, while cross-border or transnational crimes are acts that violate interests protected under the legal systems of at least two nations and is criminalised in at least one of the concerned jurisdictions. Additionally, the relationship between different criminal groups are complex and often not centrally coordinated and criminal activities are often being concealed behind seemingly legal actors. Subsequently, it is often difficult for authorities to obtain accurate and sufficient

information on the operation of cross-border crime markets, which consequently hinders the development of an efficient regulatory framework.

Bloc positions

Kafala States

Most of these countries do not have amount of labour to do the amount of work they need. The amount of financial backing, the amount of work available in these countries, makes them extremely valuable to under-developed countries. While there are certain countries that are reforming the system, namely Bahrain, Kuwait and Saudi Arabia, it is still used widely as a form of getting cheap labour. Still even for international business, privately use the Kafala system to procure employees, that they treat as slaves. Though even if most countries are working towards abolishing the system, it has no bearing on Private countries and their way of procuring workers.

Migrant worker states

Countries that have sent migrant workers to Kafala states are now working diligently to win back worker's rights. Though countries like the Philippines, Bangladesh, Pakistan and India are working bilaterally to solve issues related to the matter there is still a large influx of migrant workers from these states as economic situations become dire. As stated before, most of the workers are hired by private companies, use private agencies and even use illegal visas to travel, its extremely hard to specify out of all outboard passengers from these states, who is going to specifically work in the Gulf States.

European union

The EU is in an extremely tricky situation due to the migrant crisis. Even though they have the facilities to deal with these situations, the sheer number of migrants coming through shared borders is at a point where policing them becomes a matter of national security. Which makes it harder to scan the migrants for terrorist that might be coming in to cause issues. At the same time, they have to create greater

cohesion at a time where rise of extremist parties might cause internal divisions, which will not help in solving these the terrorism issue in the EU.

United States:

Due to the recent crisis at the border, the United states have had issues internally and externally, from the UN and its member states, to justify the harsh measures its has taken to solve transnational drug trafficking and illegal migrants crisis. There are major reports of human rights violations at the detention camps that United States have created as a way to screen incoming illegal immigrants and refugees from the drug war that has ravaged Central America. It's hard stance has caused friction between its ally, Mexico, to a point where bilateral ways to combat drug trafficking have not been as effective as they were before.

POINTS A RESOLUTION SHOULD ADDRESS

- Previous resolutions and their effectiveness to solve the issue of international border security
- Solving the Kafala issue in a way where both the Gulf states and the Migrants states can agree to
- Providing alternative and safe models for migrant workers to find work
- Creating an easily implemented plan to combat passport theft and the crime related to it.
- Using the US-Mexico example to create a framework that helps in fighting drug trafficking which crosses international borders
- What measures should be taken to address the illegal border crossing and the human smuggling industry that is the result of it.

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