

Heidelberg National Model United Nations Conference 2017
General Assembly of the United Nations
Study Guide



**“Safeguarding the right to
self-determination in the 21st century”**

I. Introduction

Honourable Delegates,

We warmly welcome you to the General Assembly at Heidelberg National Model United Nations Conference 2017, held on January 7th and 8th in the wonderful “Neue Aula” in the old town of Heidelberg.

This year, the General Assembly will be debating a highly interesting and complex topic. The people’s right to self-determination is as relevant as ever and we are certain that every country has reasonable interest to provide his perspective in the debate and cooperate in the creation of a common resolution.

This study guide should serve as a thematic introduction. We want you to get acquainted with the different facets and aspects of self-determination of people and hope to create an idea of the major challenges you should tackle. We encourage you to use this as a basis for further research and most importantly, try to learn as much as you can about your countries position. We hope that all delegacies will be able to demonstrate their standing on the topic, based on country history and politics.

We are very much looking forward to the conference. We are sure this weekend will be an amazing experience for all of you, with interesting debates, great speeches, and of course meeting delegates with different backgrounds from all over Germany. If not during committee or lunch breaks, then surely at the pub crawl on Saturday evening!

We especially welcome all MUN newcomers in our committee. Don’t be shy, just start talking and debating, and you surely will catch the spirit, feel the groove and quickly be in full MUN mode! See you all soon!

Best,
Your chairs Katharina Wahedi and Jeremy Schmidt



II. Committee overview: United Nations General Assembly (UNGA)

Established in 1945 under the Charter of the United Nations, the General Assembly is one of the six principal organs of the United Nations and holds a central position as the main policymaking and representative organ. It is one of the six principal organs of the United Nations. All 193 member states of the United Nations have a seat in the General Assembly and all countries have equal voting rights. The GA holds annual overall meetings, which serve to consider and approve the yearly budget, appoint financial contributions of member states, consider reports from the Security Council or other UN organs and appoint non-permanent members to the Security Council.

The UNGA is a forum for discussion of the full spectrum of international issues covered by the Charter. Resolutions are generally passed by a simple majority and are non-binding towards member states. Still, they have a high political impact. Resolutions may serve make recommendations on international issues of peace and security comment on questions of international law, human rights violations, and international collaboration in the economic, social, humanitarian, cultural, educational and health.

Recently, efforts have been increasingly aimed towards adopting a resolution based on consensus rather than voting in order to achieve more support from the member states. The GA meetings are overseen by the GA president; the president of the current 71th session (Sep. 2016- Sep. 2017) of the General Assembly is Mr. Peter Thomson of Fiji.

III. Topic Overview

a. Introduction

“The principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation”
(Declaration of the Rights of Man and the Citizen, 26 August 1789, the National Assembly of France)

“Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists. National aspirations must be respected; peoples may now be dominated and governed only by their own consent. **‘Self-determination’ is not a mere phrase.**” *(President Wilson's Address to Congress, 11 February, 1918, Analysing German and Austrian Peace Utterances)*



Both citations draw similar conclusions, but use entirely different phrasing. Implementing a world in which people themselves act as sovereign and decide about their respective governance without any superior influence can be traced back to the United Nations Charter and can be linked to some of the most principal human rights. The comparison of both citations however raises the question of how to define this self-determination. Is it a status of national sovereignty or a matter of self-determination of people or even peoples? Does this make a difference? It possibly did not in a world of aristocracy and colonialism, when national authority applied only to a few actors who did not feel representative of the majorities. It certainly does though, in a multinational world with a rising awareness through international law and historical examples that a state cannot be seen as one nation, and a nation does not necessarily imply all people living inside the territory of this nation. Various crises, conflicts, civil wars and wars between states, nations and peoples have been fought over gaining or denying sovereignty of states, ethnic groups, political movements or religions. It is an issue of great international importance, but widely lacks internationally an accepted code of conduct and guidelines.

To find a pathway between self-determination of people and sovereignty of states will be the great challenge for the General Assembly and the international community this year; especially regarding recent local developments and general changing circumstances in a globalising world.

b. Historic and current UN policy

The first mention of the term "self-determination" in international policy context is closely connected to Woodrow Wilson in the above-mentioned speech in 1918. Still, it was not until 1945 that it emerged as a principle of international law during the San Francisco Conference of the United Nations.

Following that, the international community decided to include self-determination as one of the main principles of the UN Charter, inserting it in Articles 1 and 55, phrased as principle of "equal rights and self-determination of peoples." However, both terms, 'self-determination' and 'peoples', were not further defined or elaborated and remain open for interpretation until today. Interestingly enough, during the establishment of the Charter, the Soviet Foreign Minister referred to the idea as "equality and the self-determination of *nations*." This mirrors the widespread assert of the international community that the only facet of the right to self-determination is the freedom of people from colonial domination. It seems only logical, that in a bi-polar world architecture, people would be interpreted as nations and self-determination limited to these nations. In our multi-polar world, which recognises different aspects factoring into identification and group identity and cannot take unconsidered separatist movements, this conclusion seems out-of-date.

Consequently, the General Assembly expanded the concept beyond anti-colonialism in 1970. In its Declaration on 'Principles of International Law concerning Friendly Relations' it addressed the right



of "peoples" to secede from an established state if they are not fully represented in their government. The GA also stated that emergence into any political status freely determined by a people constitutes a mode of implementing the right of self-determination, while further elaborating:

"Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour. "

The disclaimer was reiterated in the Vienna Declaration emanating from the 1993 UN World Conference on Human Rights, with one significant change, rephrasing the final sequence into "a Government representing the whole people belonging to the territory without distinction of any kind." This development of the right to self-determination from 1960 over 1970 to the most recent framework from 1993 shows a huge upgrade for groups of people – still not clearly defined – to lean up against a government that is unrepresentative of people who are defined by characteristics no longer limited to race, creed or colour, but only resulting in a non-representation in the existing policy system. Still, the principles of national sovereignty and territorial integrity remain precedent and only in very exceptional cases superable. Up to now, the international community has not found decision criteria as to decide when to support separatism movements and award them recognition and assistance, and when to promote the consistency and entity of the respective state.

c. Separatism and its role in the international community

A common definition of separatism is the advocacy of a state of cultural, ethnic, tribal, religious, racial, governmental or gender separation from the larger nation. Separatist groups do not feel fully represented or even disadvantaged and repressed by leading authorities in the territory they are living. While this is often aimed at full political secession, separatist groups may also seek solely greater autonomy and thus recognition as independent entity within their nations.

Separatism groups can use different methods to achieve their goals; including, but not limited to demonstrations, cultural independence, separate political parties, territorial claims, with both non-violent and violent means.

There are several highly diverse reasons and motivations for separatism. In most cases, various aspects combine and add up, leading to a situation in which only a catalyse is needed to give the separatism movement the final motivation for specific actions. Those catalysts can be (reactive) steps by the government and the people behind it, recent developments in the crisis or similar patterns in different crisis.



Unlike one might imagine, a secession including building up an entirely individual state is only the very last step of a separatism movement. Gaining autonomous rights either in specific areas or in overall policy and administration has proven to be a satisfying step in many examples. However, most of these conflicts do not touch the international community and their policymaking, as they can be solved peacefully inside the respective state. In the following we will therefore focus on movements and conflicts which affect the international community due to their border-crossing nature, their violent methods, or their degree of destabilization.

Separatism movements usually define themselves by claiming differences from the existing government. These can be of political, ethnic, religious or historic nature. Consequently, they claim their right to self-determination and their existence as an autonomous or independent authority, laws and even territory. They both demonstrate their suppression and unequal representation, but also present solutions and a possible better future after a possible autonomy or secession. This is where the main conflict becomes visible: Where does national sovereignty of the majority of the people and territorial integrity as main defining parameter of this sovereignty end, and where does self-determination of peoples begin?

Researchers of the Washington State University of Law found a way to illustrate and combine these two aspects, as seen in the following graphic:

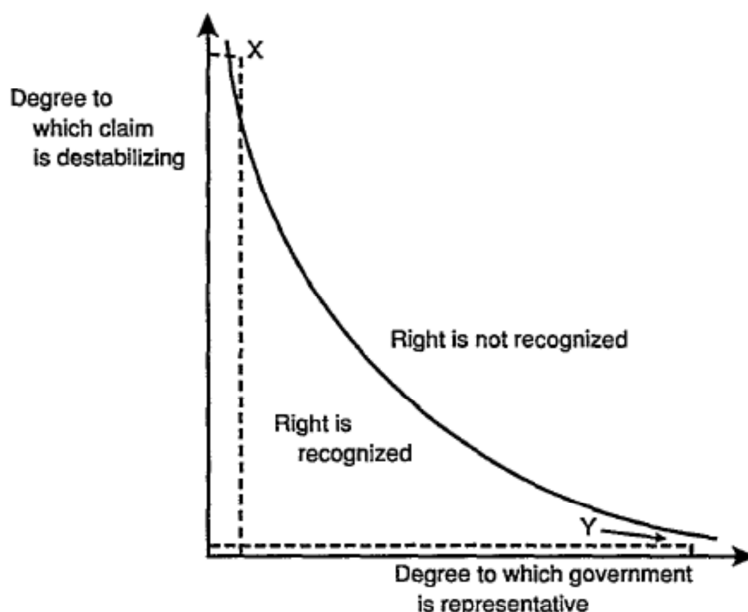


FIGURE 1. LEGITIMACY OF SELF-DETERMINATION CLAIMS

They convincingly show, that the combination of destabilization and non-representation decides about the support and recognition of the international community. The graphic also shows the main



problem of most separatism movements. The prime example of a movement, which is based on a grave non-representation but does not destabilize the existing status, is difficult to find in both history and presence. Usually, the strong neglect of a government of certain groups makes a movement more destabilizing.

It should be emphasized that in order to do each movement justice, every case with its different aspects and facets should be evaluated and has to be judged individually. Still, the guidelines and principles, which form the basis of these judgements, should and are to be set by the international community. In most recent cases, as elaborated below, satisfying solutions could not always be found between the conflict parties themselves. The international community and the United Nations in its most representative form plays an increasingly important role in dealing with these conflicts and finding appropriate solutions, especially considering the violent nature of many conflicts arising out of separatism movements.

d. Current national policies – case studies

In order to provide some perspective of the spectrum of separatists' movements, we have selected four completely different case studies. The groups struggling for self-determination may share their religion (South Sudan), their culture and language (Catalonia), their ethnicity or political beliefs (Kurdistan). They show that the degrees of neglect and underrepresentation by the respective governments can differ greatly (Catalonia vs South Sudan), but still lead to the same consequence: The demand of independence. While in some conflicts independence of the separatists' group is still far from realistic -even though fighting for it for decades-, others achieved independence in relatively little time. Varying degrees of violence and varying support from the surrounding states causes can lead to very different developments of the conflicts.

I: Kurdistan. Home to the Kurds, is a historical region currently belonging to four different states: Iran, Iraq, Syria and Turkey. Kurdish history in the 20th century was marked by a rising sense of Kurdish nationhood aiming towards an independent Kurdistan. The Treaty de Sèvres following the end of the first World War recognised the right to establish an independent Kurdish state and outlined the respective region, on now Turkish territory. Before the proposal could be implemented, the treaty was annulled by the Treaty of Lausanne, but the following incorporation of Kurdish areas into the Turkish territory was opposed by many Kurds and has resulted in a long running separatist conflict, in which thousands of lives have been lost. Iraqi Kurdistan is the only region which –since 1970- is considered an autonomous entity within the federal republic of Iraq. In Iran, there is a province called Kurdistan, however it is not self-ruled. The Syrian Civil War led to the de facto establishment of Kurdish autonomous region of Rojava (*Federation of Northern Syria-Rojava, NSR*): While the region is not internationally recognised it declared the establishment of a federal



system of government, adopted a constitution and established a governance model based on local management and democratically elected committees.

II: South Sudan. Until 1946, the British government had administered South Sudan and Sudan as two separate regions, but merged them into one as Sudan gained independence from the British and Egyptian rule in 1956. Fear of oppression by the North and tensions between Southern and Northern territory quickly led to the first Sudanese Civil War, which lasted until 1972. The Addis Ababa Agreement established the Southern Sudan Autonomous Region and introduced a decade of relative peace.

However, disputes over resources and territory between the North did not cease and when the rise to power of Islamic fundamentalists in the North led to the declaration of Sudan as an all Islamic state under Shari'a law in 1983, the conflict re-escalated and caused the Second Sudanese Civil War. After another 22 years of fighting, two million casualties and one million internally displaced people, in 2005 both the Northern ruling government, the NCP, and the main Southern political party, the SPLM, signed the comprehensive peace agreement. It arranged for a six-year autonomy period of the South, followed by a referendum on their independence and addressed the division of oil revenues, jobs and armed forces.

In the following referendum on the Southern Sudanese independency in 2011, 98.83% of the Southern population voted in favour of independence. South Sudan gained formal independence on July 9, 2011 and is now the 193rd country of the UN and 54th country to join the African Union. Still, tensions between different ethnic groups in South Sudan and conflicts over power continue and caused 2013 the South Sudanese civil war between the governing SPLM and anti-governmental forces (SPLM *-in opposition*). The United Nations Peacekeeping Mission in South Sudan (UNMISS) was created in 2011 and has since been constantly working towards resolving conflicts and calling for cease fires. The latest peace agreement, the 'Compromise Peace Agreement' was signed in 2015 by all conflict parties under threat of United Nations sanctions.

III: East Timor. Until November 1975, East Timor was a Portuguese colony. West Timor had also been colonised by the Portuguese in the 16th century, but was soon taken over by the Netherlands. Upon Indonesian independence in 1945, West Timor became part of the Republic of Indonesia, while East Timor remained a Portuguese colony. When factually abandoned during the Portuguese Revolution, the Revolutionary Front for an Independent East Timor (*Fretilin*) unilaterally declared independence and resisted an attempt of the Timorese Democratic Union to unite both parts of the Island. Fearing communist involvement on their territory and backed up by the British, US and UK military Indonesia invaded East Timor and declared it its 27th province.



Opposing the invasion, the UN decided to keep its status as 'non-self-governing territory under Portuguese administration'. Due to the brutality and high death toll of the Indonesian involvement, resistance all over the world grew and with the resignation of Indonesian president Suharto, an agreement between Indonesia and Portugal allowed for a UN-supervised popular referendum, which resulted in a clear vote for independence. At the same time, East Timorese pro Indonesia militia were formed with the help of the Indonesian military, which used high levels of violence to oppose the newly gained independence and led to an Australian-led UN peacekeeping mission. In May 2002, the Constitution of the Democratic Republic of East Timor was established and internally recognised.

IV: Catalonia. Political voices calling for a Catalan independency from Spain emerged in 1922, when a strong pro-Catalan movement led by Francesc Macià called for a Catalan Republic. Negotiations with the Spanish government were settled with on high degree of autonomy of the Catalan region. With the Spanish civil war and the Franco dictatorship (1939-1975), the newly gained autonomy was quickly abolished. Catalan parties were prohibited and persecuted, Catalan culture and language were banished from public institutions, schools, universities and public administration and their use prohibited. With the end of the Franco era, democratic liberties were restored, Catalan parties, language and culture permitted and the 1978 Spanish constitution recognised the existence of multiple national communities and created the division of the country in autonomous communities. Catalan parties concentrated achieving political autonomy, rather than independence from Spain.

The current independence movement became popular, when several articles from a 'Statute of Autonomy', which had been agreed by both the Spanish government and a referendum were declared unconstitutional. The respective articles concerned the preference of Catalan language over Spanish, the financial obligations of Catalonia towards other Spanish regions and the recognition of Catalonia as a nation.

The Catalan government announced to hold a referendum on the independency in 2014. However, as it was ruled unconstitutional by the Spanish Constitutional Court it was changed from a binding referendum to a non-binding consultation. 84 Percent of population voted in favour of the independence, but voter turn-out was only 42 percent. In September 2015 a new parliament was elected, which soon passed a resolution declaring the start of the independence process and announcing an official referendum to be held in 2017. The Spanish government continues to oppose Catalan independence.



e. Aspects to be addressed in the resolution

When self-determination of people aims for the succession from their respective states it endangers the national integrity of their state. If it is true, that in case population groups are subject to systematic and fundamental discrimination due to their belonging to their respective groups they should be granted the right to succession, then the violation of national integrity is unavoidable.

Central aspects which should be addressed include: What are indicators or criteria for measuring a people's integration and representation? Or how do we recognise and measure fundamental discrimination and underrepresentation? What defines a people (ethnicity, history, culture) and who will lead investigations and have decision authority? To what extent will this disadvantage the rest of the people living inside a state with separatist movements?

As described above, a broad solution in terms of guidelines and principles to analyse separatism movements, and following criteria to judge those movements in terms of international recognition and support are needed. The case studies exemplify commonalities and differences of movements to implement a right to self-determination, and can be used as basis for discussion. Still, in this meeting the General Assembly should not work to find specific solutions for single conflicts, but use historical experience to create a resolution at a general and universal level. In an optimal situation, a procedure to respond to a separatist movement should be characterised. The following should demonstrate one broad example of how this could be realised.

1. A separation movement arises in a certain state
2. No solution can be found nationally or inside regional policy actors
3. The United Nations become involved
4. The UN applies before specified criteria or article which are founded on international law
5. The UN has instruments to either support a movement or to find any other appropriate solutions in diplomacy.
6. All states support these procedures and adopt to its results.

Delegates, we know this is not an easy task. We call upon you to believe in your ability as international community to recognize the severe need for solutions, and to produce a resolution, which would finally send out this long-needed signal:

Self-determination is not only a mere phrase; it is a defined principle of international policy.



IV. References and further research

Committee info:

<http://www.un.org/en/ga/>

<http://www.un.org/en/ga/about/background.html>

UN Charta: <http://www.un.org/en/charter-united-nations/>

Historic and current UN Policy:

1960 UN Declaration on the Granting of Independence to Colonial Countries and Peoples:

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

1970 UN Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations: <http://www.un-documents.net/a25r2625.htm>

<http://www.un-documents.net/a25r2625.htm>

1993 UN Vienna Declaration and Programme of Action:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

History of the right of self-determination:

<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1957&context=dlj>

Separatism and its role:

Further historical and legal foundations and problem definition:

<http://scholarlycommons.law.wlu.edu/cgi/viewcontent.cgi?article=1382&context=wlufac>

Problem definition: <http://www.austlii.edu.au/au/journals/MqLJ/2003/1.html>

Self-determination in international law:

<http://opil.ouplaw.com/view/10.1093/law:epil/9780199231690/law-9780199231690-e873>

Case studies:

South Sudan:

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

<http://www.auswaertiges-amt.de/DE/Aussenpolitik/Laender/Laenderinfos/01-Laender/Suedsudan.html>



Timor Leste:

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

<https://web.archive.org/web/20081029065300/http://www.timor-leste.gov.tl/AboutTimorleste/history.htm> (Archived from www.timor-leste.gov.tl)

Catalonia:

<http://www.faz.net/aktuell/wirtschaft/eurokrise/spanien/katalonische-unabhaengigkeitsforderung-ein-neuer-staat-in-europa-11947767.html> (German)

http://www.focus.de/politik/ausland/symbolisches-referendum-80-1-prozent-stimmen-fuer-enspaltung-kataloniens_id_4261994.html (German)

Kurdistan:

<https://en.wikipedia.org/wiki/Kurdistan>

General information on the topic:

In-depth abstract: <https://www.usip.org/sites/default/files/pwks7.pdf>

Wikipedia: <https://en.wikipedia.org/wiki/Self-determination>

<https://en.wikipedia.org/wiki/Separatism>

General information on your country:

CIA World Factbook: <https://www.cia.gov/library/publications/the-world-factbook/>

Auswärtiges Amt: <http://www.auswaertiges->

[amt.de/DE/Aussenpolitik/Laender/Laender_Uebersicht_node.html](http://www.auswaertiges-amt.de/DE/Aussenpolitik/Laender/Laender_Uebersicht_node.html) (only German)

Official websites of your country

All sources were last reviewed on the 13th of December 2016.