Surf City XIX

Huntington Beach High School

4th SPD

Topic A: *South China Sea*

Topic B: *Independence for Non-Self Governing Territories*

Welcome Letter

Dear Delegates,

On behalf of the Huntington Beach High School Model United Nations Program, we would like to welcome you to our Surf City XIX advanced conference!

Our annual Surf City conference upholds the principles and intended purpose of the United Nations. Delegates can expect to partake in a professional, well-run debate that simulates the very issues that those at the United Nations discuss every day. Both novel and traditional ideas will be shared, challenged, and improved.

It is our hope that all delegates will receive the opportunity to enhance their research, public speaking, and communication skills as they explore the intricacies of global concerns through various perspectives, some of which may be very different from their own. We hope their experiences here give them new insight and values that they can apply outside of the realm of Model UN for the betterment of the world community.

Please do not hesitate to approach our Secretariat or Staff Members with any questions or concerns that you may have throughout the day. We wish the best to all our participants and hope that they may share a fulfilling experience with us!

Enjoy the conference!

Sincerely,

_____
Zach Bernstein
Secretary General

_____
Vivian Bui
Secretary General

_____
Lauren Le
Secretary General

_____
Alison Miu-Martinez
Secretary General

Meet The Dais

Vi LePham

Welcome delegates! My name is Vi LePham and I'm excited to be one of your chairs for 4th SPD. I am currently a senior at HBHS and one of the HBHSMUN Chief of Staffs responsible for travel conference logistics and communications. Although MUN has brought many sleepless nights, I have learned how our generation can solve issues pertinent to our future; something I find truly amazing. When I'm not researching how to solve organ trafficking or maritime pollution, I can be found scooping ice cream for work or obsessively binge-watching West Wing or Bungo Stray Dogs. For this committee, my hope is for the delegates to learn about pertinent, but less obscure issues facing the world all while creating solutions and participating in a vigorous debate.

Jake Alvarez

Hi everyone! I'm Jake Alvarez and I'm happy to have the opportunity to chair 4th SPD this year at Surf City. I am a senior and currently in my 4th year of MUN at HBHS. I am also a senior teacher this year, meaning I have the honor of teaching 35 freshmen the ins and outs of MUN at HBHS, and get to spend time hanging out with my freshmen in the library preparing for their upcoming MUN conferences. Outside of MUN, I spend most of my time throwing pottery in ceramics at HBHS, spending time with my family and friends, or watching Star Wars. I still remember having an amazing time competing at Surf City as a delegate myself, and I can't wait for you all to have that same, fun learning experience that I had. Can't wait to see you all in committee!

Luke Stockman

Hi, I'm Luke Stockman. I am your third chair for the 4th SPD Surf City committee. I have been a part of the Huntington Beach Highschool MUN program for the past 3 years and am a senior. I I am also on the Varsity Tennis team where I play singles. In my free time I bingwatch random shows on Netflix. I hope that you all come into this committee understanding that you are not only trying to win, but also think and debate critically about important geo-political problems. I can't wait to hear your brilliant solutions and see you all in committee.

All Papers are due on **JANUARY 30, 2022** by 11:59 pm to
surfcity.4spd@gmail.com

Topic A: South China Sea

Background

   The South China Sea is a 3.5 million square-kilometer body of water located in Southeast Asia. The area contains over 250 islands, reefs, and shoals that are extremely desirable to nations due to their natural resources and therefore, their potential for economic benefit. The South China Sea includes several groups of sought-after islands including the Spratly Islands, Pratas Island, Paracel Islands, and Macclesfield Bank. The sea and its islands surrounding it are incredibly important, because the possession of territories within sea allows nations to access its rich natural gas reserves as well as abundant marine life. The Spratly and Paracel Islands alone contain more than 190-trillion cubic feet of natural gas in its reserves, as well as 7-billion barrels of crude oil[1]. Oil and natural gas reserves are increasingly valuable in the South China Sea, as the oil and natural gas in the reserves can be excavated and either used or sold to benefit the nation's economy. China, for example, relies on the burning of fossil fuels such as crude oil and natural gas to produce 70% of their total electricity[2]. In addition, because of the South China Sea's rich marine life, many nations rely on fishing from the sea as a staple in their food supply and economy. In China, fisheries produced $45.9 billion in 2004, employing more than 3.7 million Chinese fishermen and accounting for nearly 3% of China's national economy[3][4]. Lastly, the South China Sea plays a crucial role in international maritime trade, as more than 22% of total international trade and 60% of international maritime trade flows through the South China Sea. In 2016, more than $3.4 trillion of international trade passed through the South China Sea[5]. The South China Sea's rich oil reserves, abundant sea life, and importance to international trade provide a large economic benefit to the nations who possess territory within the sea, which is one of the main reasons that nations' claims to the South China Sea have caused major territorial disputes in recent years.

   In the aftermath of World War II in 1947, China established the nine-dash-line, declaring China's territorial claim to 90% of the 3.5 million square-kilometer South China Sea. China's nine-dash-line causes severe conflict and dispute about the legitimacy of the claim, as China's claimed territory encroaches on the Exclusive Economic Zones (EEZs) of other nations in the South China Sea. As defined in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), Exclusive Economic Zones are areas extending 200 nautical miles from the coastline of nations in which they have the right to exploration, excavation and use of natural resources, and economic regulation of the territory[6]. Exclusive Economic Zones are incredibly important in the South China Sea, as they provide each nation with the right to excavate crude oil and natural gas, tap into the fishing industry, and regulate trade 200 nautical miles from their coast. China's nine-dash-line extends as far as 650 nautical miles from their coastline, exceeding their Exclusive Economic Zone by 450 nautical miles. In addition, China's nine-dash-line reaches within 200 nautical miles of parts of Malaysia, the Philippines, and Vietnam, encroaching upon their Exclusive Economic Zone and creating conflict in the process because of their claim to the Spratly, Paracel, and Pratas Islands[7]. China's basis for their nine-dash-line lies in their historical possession of the territory, as the South China Sea had been in China's possession since the reign of the Han dynasty[8]. However, these historical claims have been proven to be not legally valid. In 2016, the Permanent Court of Arbitration in The Hague, Netherlands, ruled on a case between the Philippines and China involving the nine-dash-line. China's nine-dash-line had claimed parts of the South China Sea that lie within 200 nautical

miles of the Philippines' coastline for China, and had begun establishing man-made islands and fishing establishments in these disputed areas. The Philippines claimed that China's establishments were located within their Exclusive Economic Zone, because they were within 200 nautical miles of the Philippines' coastline. The Permanent Court of Arbitration agreed with the Philippines, stating that China had no right to conduct economic endeavours such as establishing man-made islands or fishing in the area, as it lay in the Philippines' Exclusive Economic Zone. The Court's ruling stated that China's historic claims to the South China Sea through nine-dash-line were not legally valid and violated UNCLOS, because it encroached upon the Philippines' Exclusive Economic Zone[9].

The territorial disputes in the South China Sea has recently led to an escalation of military tension in the area, as nations attempt to uphold their territorial claims within the South China Sea. For example, China has increased their military presence in the Spratly and Paracel Islands in order to support their territorial claims to the islands, as established in China's drawing of the nine-dash-line. By 2017, China created 20 outposts in the Paracel Islands and 7 outposts in the Paracel Islands equipped with fighter jets, helicopter landing pads, missiles, and a radar system[10]. Military outposts, including outposts built upon natural islands and man-made islands, in the South China Sea serve as a crucial way for countries to maintain their territorial claims. For example, the Spratly Islands are a highly contested territory within the South China Sea due to their untapped natural resources of crude oil and natural gas, as well as a thriving fishing industry. Currently, 6 different nations lay claim to the Spratly Islands: China, Taiwan, Philippines, Vietnam, Brunei, and Malaysia. Despite many different nations laying claim to the Spratly Islands, China is in the best position to maintain control of the Spratly Islands because of their military establishments within the area, most importantly Woody Island. Woody Island is currently perceived as the most advanced military base within the South China Sea, as it contains surface-to-air missiles, fighter jets, as well as a fully-sized airstrip and hangar[11].

A prime example of territorial disputes causing military tension in the South China Sea occurred in 2012 between China and the Philippines in the Scarborough Shoal. In 2012, 8 Chinese fishing boats were spotted by the Philippines surveillance planes and intercepted by the Philippine Navy's inspection vessels[12]. The Chinese vessels were fishing in the Scarborough Shoal, an area claimed by both China and the Philippines, as the area lies within China's nine-dash-line and the Philippines' EEZ. The Philippines believed the Chinese vessels were illegally fishing within their EEZ, which prompted their sending of their largest armed naval frigate to arrest the fishermen. However, before the fishermen could be arrested, they sent out a distress signal to Chinese authorities, who sent two Chinese Marine Surveillance vessels that had been on patrol nearby. As a result, a 2-month standoff occurred between the Philippine Navy and Chinese military, causing many to fear a breakout of armed conflict between the two nations[13]. The Chinese fishermen also violated their rights to freedom of navigation, as they fished within the territorial sea of the Philippines, an action that is illegal under UNCLOS.

Freedom of navigation is a right declared in 1982 by the United Nations Convention on the Law of the Sea (UNCLOS) for all ships, both civilian and military. Freedom of navigation gives vessels the right of innocent passage through the territorial waters of other nations, as long as the vessel does not conduct military exercises, surveillance operations, polluting, and fishing. Freedom of navigation is a major aspect of the South China Sea conflict, as Freedom of Navigation Operations (FONOPs) have been created in order to ensure the right of vessels to freedom of navigation and prevent nations from limiting that right. Freedom of navigation has major implications in the South China Sea, as ships' rights to innocent passage are sometimes denied by nations. For example, the Chinese government believes that the right to freedom of navigation should not extend to military vessels, therefore violating UNCLOS.

United Nations Involvement

In 1982, the United Nations General Assembly adopted the United Nations Convention on the Law of the Sea (UNCLOS). It has proven to be the most crucial international framework to the South China Sea conflict because of its implementation of Exclusive Economic Zones (EEZs) for each nation as well as freedom of navigation. Article 55 of UNCLOS defines Exclusive Economic Zones as a 200-nautical-mile zone extending from the coast of a nation in which that nation possesses sovereign rights to exploration, management and use of natural resources, and economic regulation of the territory within their Exclusive Economic Zone. Through UNCLOS's recognition of Exclusive Economic Zones, the United Nations enshrined within international law the rights of nations to the economic use of waters extending 200 nautical miles from their coastline. Exclusive Economic Zones have extremely prominent impacts especially in the South China Sea. All nations bordering the South China Sea have legitimate legal claims to the territory within their Exclusive Economic Zone, as emphasized in the previously mentioned Philippines v. United States ruling of the Permanent Court of Arbitration in the Hague. Part VII of UNCLOS defines nations' freedom of navigation on the high seas, as well as within the Exclusive Economic Zones of coastal nations[14]. However, freedom of navigation and innocent passage within nations' Exclusive Economic Zones are subject to many restrictions. UNCLOS includes many actions not permitted under innocent passage, which primarily include conducting military operations, weapons tests, surveillance operations, and fishing[15]. Any of these actions serve as justification for coastal nations to limit a vessel's right to freedom of navigation and innocent passage, as they can interfere either economically or militarily with the nation's Exclusive Economic Zone. For example, the Philippine Navy intercepted 8 Chinese fishing vessels in 2012, as previously mentioned. They justified their actions by stating that the vessels were fishing within the Philippines' Exclusive Economic Zone, therefore economically interfering with their waters. UNCLOS is the most crucial aspect of international law in regards to the South China Sea conflict. It provides nations with the legal justification for their territorial claims by way of Exclusive Economic Zones, as well as the freedom of navigation in the South China Sea.

The United Nations, as well as many of the nations involved in the South China Sea conflict are committed to resolving the dispute in a peaceful manner as to avoid an outbreak of armed conflict. In 2002, the Association of Southeast Asian Nations (ASEAN) and China signed the Declaration on the Conduct of Parties in the South China Sea. By signing the Declaration, each nation signified their intention to find peaceful resolutions of territorial disputes and their intention to uphold each nation's right to freedom of navigation in the South China Sea[16]. Many of the international frameworks and agreements relating to nations' relations in the South China Sea conflict have been largely ignored by many parties. For example, the Treaty of Amity and Cooperation in Southeast Asia was signed by members of ASEAN in 1976. The Treaty aimed to promote peace and cooperation between the nations in the South China Sea through abiding by the fundamental principles of respect for the territorial integrity of nations, peaceful resolution of disputes, and acknowledgement of the sovereignty and legal possessions of all nations. The Treaty ultimately fell short of its goal to create peace and collaboration between the parties involved, as many nations still fail to peacefully resolve their territorial disputes and find a lasting solution to managing the territorial claims of each nation. The Spratly Islands, for example, are claimed by 6 different nations. The current state and effectiveness of international law and frameworks in the South China Sea must be thoroughly considered in order to properly address the conflict in the South China Sea.

Case Study: The Philippines

The involvement of The Philippines and the South China Sea represents the political complexities that affect the conflict occurring in the South China Sea. The Philippines is one of many countries with a claim to territories within the South China Sea. More specifically, the Philippines has claimed sovereignty over the Scarborough Shoal and areas in the Spratly Archipelago. These territories are known to be extremely resource rich in large quantities of natural gas, oil, titaniferous magnetite, zircon, monazite, tin, gold, and chromite. Given that, as a whole, the China Sea produces nearly 190 trillion cubic feet of natural gas and 11 billion barrels of oil being prevented from utilising this region to the most is largely prohibitive for growing Asian economies. Additionally, outside of the archipelagos, there is an abundance of fish, as they are an easy and accessible source of food stability, especially among small countries, making the area invaluable to countries wishing to expand their growth.

The Philippines has claimed sovereignty over the region according to the 1982 UN Law of the Sea Convention. Under this convention, the guidelines that determine ownership of islands based upon baselines are met for 80 of the Archipelagos. Moreover, the UNCLOS has emphasized the legality of the Philippines' claims and the illegality of the actions made by China. Despite the Philippines' claims, China has taken aggressive military and developmental action in claiming the Scarborough Shoal. Moreover, even while China technically has claim to the territory, their claim is over ruled by the fact that the Scarborough Shoal is 400 nautical miles closer to the Philippines than it is to China. Additionally, even though the Philippines owns a 200-nm EEZ that warrants the ability to be fished freely according to UNCLOS a multitude of physical conflicts generated from the larger South China Sea crisis as a whole.

Despite the precedent that has been set by the UN and the UNCLOS as well as the promises that China had made to the Philippines to work in a joint capacity, China has made little effort to partner with the Philippines and has gone out of its way to hinder them instead. Most notably and recently, on November 18 of 2021, the Philippines faced a military encounter with China, which resulted in a delay in the delivery of crucial supplies to Filipino outposts. During a resupply route which facilitates $3 trillion worth of ship born trade, Chinese coast guards used high pressure water cannons and positioned their vessels in the path of the Filipino vessels. While no one was injured by the attack, it caused the Filipino boats to abandon their course and return to the mainland. This action was a clear and blatant violation of international accord. Moreover, it was followed by a complete lack of punishment for such atrocious actions. The Philippines issued a severe denunciation and condemnation of China's actions and stated that "China has no law enforcement rights in and around these areas. They must take heed and back off". China replied with a staunch defence of its actions stating that the actions were warranted, believing that because the territory was lying within their nine-dash line, which encircles nearly the entirety of the South China Sea.[17] Moreover, hundreds of Chinese fishing boats remain in The Philippines EEZ leeching crucial resources away from Philippine fishers that have the right to the area. Additionally, China has put significant military outposts on the Spratly Islands, the second of the two areas contested by the Philippines. These bases are potentially armed with missile launchers, attack helicopters, and other assault weaponry. In addition to this threatening arsenal, China has also put in place roaming Zumwalt-Class Aircraft Carriers. China has chosen to take bold and clearly aggressive action in pursuit of the South China sea and it is not just for show either.

This interaction is not an isolated incident. China has effectively established dominance and steamrolled its way through any claims by The Philippines or any other state attached to the South China Sea. Despite the Philippines having clear formal approval by the UN and its

accompanying judicial bodies, this has failed to daunt China in the slightest. As a whole, at the core of the issue, is the refusal of China to cede the land that is owed to others. With China's refusal to cede some of its occupied territory within the Philippine's EEZ they also create an unstable relationship between the two country's political relationship. China, however, does not fear the possible ramifications of their actions as the Philippines relies heavily upon China as a trade partner as the Philippines makes up nearly 10 million dollars and 13% of Filipino imports and exports. This is the case for a majority of the states that have claims within the South China Sea and is also a contributor to the overall lack of action within the area against China. The Philippines extensive reliance on China is demonstrated in actions such as the creation of Sino-Philippine Agricultural Technology Center that was sponsored in large part by China in 2003. Additionally, later in the same year, China acted as a major negotiator for The Philippines as it entered negotiations during the Asian Association of Parliament for Peace whilst The Philippines pursued a $400 billion loan. These are only a few of the ways in which the Philippines has come to rely heavily upon China. Because of their reliance on China, in tandem with lacking international support, the Philippines is left without guidance nor the resources necessary to defend their claim.

Questions to Consider

1. Considering the abundant economic potential of the South China Sea, such as crude oil and natural gas reserves as well as rich marine life, how can the international community ensure that nations involved in the South China Sea conflict respect the Exclusive Economic Zones of other nations?
2. To what extent are international frameworks such as the United Nations Convention on the Law of the Sea effective in the South China Sea conflict? How can these international laws and frameworks be amended in order to address the many facets of the conflict in the South China Sea?
3. In light of the recent militarization of islands and creation of artificial islands for military purposes, how can the international community effectively reduce the threat of armed conflict in the South China Sea?
4. Does your nation have any territorial claims in the South China Sea? If not, how can your nation's allies within the area shape your policy regarding the issue?
5. How can border disputes between nations' claims in the South China Sea be effectively resolved, while also maintaining each nation's legal territorial possessions in the South China Sea?
6. How can the United Nations and members of the international community ensure nations' rights to innocent passage and freedom of navigation under the United Nations Convention on the Law of the Sea?

Endnotes

1. https://www.globalsecurity.org/military/world/war/spratly-oil.htm
2. https://fortune.com/2021/03/29/china-coal-energy-electricity-xi-jinping-2020-ember/#:~:text=But%20China%20continues%20to%20power,generation%20by%20burning%20fossil%20fuels.
3. https://borgenproject.org/fishermen-poverty-in-the-south-china-sea/#:~:text=In%20addition%20to%20being%20a,at%20least%203.7%20million%20people.
4. https://www.fao.org/fi/oldsite/FCP/en/CHN/profile.htm
5. https://chinapower.csis.org/much-trade-transits-south-china-sea/
6. https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm#:~:text=The%20exclusive%20economic%20zone%20is,relevant%20provisions%20of%20this%20Convention.
7. https://storymaps.arcgis.com/stories/4791710315c54e6fb963e10496faa4db#:~:text=The%20nine%2Ddash%20line%20represents,Pratas%2C%20all%20belong%20to%20them.
8. https://time.com/4034455/south-china-sea-admiral-yuan-yubai-maritime-dispute/
9. https://www.cnbc.com/2016/07/12/south-china-sea-breathtaking-ruling-against-china-to-have-lasting-impact.html
10. https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea
11. https://www.cnbc.com/2018/03/29/how-china-perfected-military-outpost-in-south-china-sea.html
12. https://www.abc.net.au/news/2021-05-26/china-philippines-stand-off-over-scarborough-shoal/100145586
13. https://amti.csis.org/counter-co-scarborough-standoff/
14. https://www.un.org/depts/los/convention_agreements/texts/unclos/part7.htm
15. https://www.belfercenter.org/publication/freedom-navigation-south-china-sea-practical-guide
16. https://map.nbr.org/2020/10/declaration-on-the-conduct-of-parties-in-the-south-china-sea/#:~:text=The%20Declaration%20on%20the%20Conduct,in%20the%20conduct%20of%20activities.
17. https://www.reuters.com/world/china/philippines-condemns-chinese-coast-guards-action-south-china-sea-2021-11-18/

Topic B: Independence for Non-Self Governing Territories

Background

Though an issue not greatly prevalent in the grand spectrum of the international community, independence for Non-Self Governing Territories (NSGTs) has been present for generations of residents in these territories. Defined under the United Nations Charter as "territories whose people have not yet fully attained a full measure of self-government," the issue arises from the debate on what characteristics qualify a NSGT to achieve independence from host nations. The debate boils down to three stances: pro-independence (complete separation), pro-autonomy (independent but influenced by host), or pro-integration (complete unification). For example, the United States relationship with the U.S. Virgin Islands demonstrates a pro-autonomous NSGT as certain aspects of the Constitution govern them, but generally, the Virgin Islands are left to their own governance and local affairs. After the end of World War II, the number of NSGTs peaked at 72, but since then due to increasing referendums for independence, has been reduced to 17 (owned by the United Kingdom, United States, and France).[18] The United Nations does not hold any jurisdiction over these territories, except for Western Sahara, opting to transfer administration and responsibilities to member states, who are known as administering powers.

Rooted deep in colonialism, NSGTs were introduced en masse after World War II as colonial powers began to lose their foothold in key colonies.[19] Africa, 90% monopolized by colonial powers, made a majority of NSGTs. Colonies such as Togoland left colonial powers to merge with other colonies, forming the countries present in Africa such as Cameroon, Somalia, Togo, and Rwanda.[20] However, the marks of colonialism were left with the newly freed and independent African nations struggling to establish politically stable environments.Thus civil wars began to arise in nations, leading to one of the first wars in the newly liberated African states: the First Congo War. With over 5 states involved in the war, the First Congo War followed by the Second Congo War left 5.4 million dead. A result of the sudden power vacuum, any resemblance of structure in colonial periods were erased leading to chaos. Political and social turmoil has not only occurred in newly liberated nations but NSGTs as well. In recent events, Western Sahara has become a volatile area due to the lack of an administering government leading to internal instability, and strife between warlords. Independence for NSGTs is eruptive in nature. Any moves to grant freedom must be taken carefully as a dangerous precedent of violence and bloodshed has been established from past territories.

Inevitably, the lack of any political autonomy for NSGTs has left politically unstable territories unable to protect themselves against rival claims by neighboring nations.[21] Thus relying on neglectful nations to enforce key policies of national security. Due to the ambiguity of statehood, the lack of structure and authority in NSGTs act as barriers to the enforcement of policy implementation. International perspectives have viewed the system of Non-Self Governing Territories as a modern form of colonization coupled with restricted political autonomy. The relationship between NSGT and its administering bodies are largely determined by the administering state. Leading to an inequity in power, NSGTs in neglectful relationships are more likely to be taken advantage of in regards to their natural resources. Thus, as the calls for independence increase in nations such as Kurdistan and Western Sahara, routes toward

autonomy and self-regulation have been presented. There are three routes for NSGTs to attain sovereignty: emerging as a sovereign state, association with a free state, and integration with an independent state[22]. With a multitude of different options, the most favored option comes with emerging as a sovereign state. Achieving a sovereign state often occurs through a referendum, international recognition by the United Nations, or receiving an agreement from administering states for the territories' independence.[23] Even with three routes towards sovereignty, NSGTs remain in limbo. Statehood can be challenged by the administering body or can quickly collapse into domestic turmoil as the power grabs in the newly freed territory destroy the political, economic, and social formations. After declaring independence, a host nation can choose to deny sovereignty, creating a state unrecognized and unrepresented in international politics.[24] The desire to retain a territory which provides some economic or military benefit. Pathways to sovereignty and independence for NSGTs do not fall under the purview of the UN Charter, as the focus on membership to the UN is based on already sovereign states.

Referendums, a democratic exercise, is the main method used to achieve sovereignty as shown in the case of East Timor. As of 2002, East Timor became the most recent NSGT to change its status to a sovereign nation. With an overwhelming 78.5% opting for independence a transitional phase of 2.5 years was put into effect to assist the new nation.[25] Assisting with the preparations towards a new nation, the United Nations formed the United Nations Transitional Administration in East Timor (UNTAET). The UNTAET acted as an election watchdog at the beginning of its conception, registering voters, halting acts of election fraud, and maintaining civil order when pro-integration militias initiated a campaign of violence[26]. After elections results had been finalized, the UNTAET shifted towards assisting a new structure of governance in East Timor which limited any capability of collapse soon after recognition of being a sovereign state by the international community. Under the guidance of the UN, multiple bodies and organizations were formed with the sole purpose of creating a stable government during the transitional period, one of which was the National Consultative Council, NCC. When finally achieving sovereignty in 2002, the framework left behind during the transitional period remained an integral part of maintaining a politically stable environment. However, East Timor is a representation of a successful referendum. On the other end of the spectrum, French Polynesia has no desire of attaining independence according to President Eduardo Fitch, opting for autonomy instead. As demonstrated in French Polynesia, the process towards referendum often results in internal conflict as pro-independence and pro-integration forces clash. The difference between the seemingly similar ideologies is: pro-independence movements advocate for a full separation, whereas pro-autonomy forces advocate to stay with a governing state with some realm of self-governance. However, with a lack of effort made by the French to implement a referendum, the fate of the territory has yet to be decided decisively[27]. Lacking a finality to the question of independence, multiple grievances have been aired in the international forum in regards to France's administration.

Advocates for independence in NSGTs often bring out violations of administrative states to garner support for their plight. In French Polynesia, pro-independence citizens brought to light the restrictions the French government was placing on the education system. With the threat of reductions of funding, teaching became severely limited in regards to curriculum. In addition, France holds the power to delegate national diplomas, forcing a French-approved curriculum onto one of the lowest ranked education systems in the international community. Not only does France maintain a large hold in the educational system of French Polynesia but the economic sector as well. Electricite de Tahiti, a subsidiary of a French company, monopolized the creation and distribution of electricity generating over 52.27 million in revenue. A blatant abuse of their powers as an administering body, local officials were rendered helpless as the French company

superseded their jurisdiction. The inherent disconnect from administering states to the needs of the governed is an issue that has plagued the conversation between independence and autonomy.

Economically intertwined, NSGTs rely heavily on administering states to effectively represent the territory's policies on trade in the international community. With the lack of sovereignty, NSGTs are unable to act quickly with economic policies when presented with turmoil. As in the case of Puerto Rico, which could not rapidly respond to the needs of citizens after hurricanes due to a reliance on US aid.[28] Further highlighting the interdependence of territories on administering body, leaving room for numerous economic abuses as seen in the previous territories of French Polynesia and Puerto Rico. Using their economic power, many administering states have leveraged their power so territories are forced to adopt policies that may be detrimental to their environment and their safety. An economic infrastructure must be implemented in territories that opt for autonomy, which provides them a source of economic control in their future. Territories that attain sovereignty must be left an infrastructure which provides economic and political stability.

United Nations Involvement

Created originally as a body to address issues of decolonization, the Special Political and Decolonization Committee aims to see the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, also knowns as the Declaration on Decolonization in the Non-Self Governing Territories. The Declaration of Decolonization, as its title states, was a legislative move by the United Nations towards bringing a quick end to colonialism while affirming the belief all people have the right to self-determination[29]. In the United Nations Charter, Section XII and Section XIII establishes an International Trusteeship System and Trusteeship Council, respectively. The International Trusteeship System forms the basis for proper governance of the Non-Self Governing Territories in regards to political, social, economical, and educational advancement of residents in territories. Acting as a watchdog for the behavior of administering bodies in their assistance of territories reaching the goals presented in the UN Charter, the Trusteeship Council was created. Annual reports are submitted to the Trusteeship Council by Administering states and are reviewed to ensure objectives of the UN Charter are followed. Currently, the Trusteeship Council convenes when needed[30].

Reaching a full-government requires: emergence as a sovereign state, integration with an independent state, or freely associating with an independent state. If a territory meets one of the criteria under resolution 1541, steps can then be taken to establish the territory as a sovereign nation. In an effort to grant territories sovereignty, the UN produces reports on the eradication of colonialism which contains opinions from Member States, UN bodies, specialized agencies, and international institutions[31]. In the recent Third International Decade for the Eradication of Colonialism report, the UN stresses the importance of granting independence for territories in a timely and stable manner while addressing issues within territories such as the Falkland Islands[32].

SPECPOL constantly receives representation from NSGTs to give addresses to the UN on the events and necessary actions needed by their territories from the international community. Economic independence along with overall independence is a key factor in the stability of a newly sovereign nation. Recognizing this, the General Assembly passed a multilateral treaty: the International Covenant on Economic, Social, and Cultural Rights, ICESCR. Committing to enforcing fair standards in the economics sector, the ICESCR advocates for labor rights, rights to health, education, and a good quality of life to those residing in NSGTs[33]. Recently, resolution E/2021/L.31, or Support to Non-Self-Governing Territories by the specialized agencies and

international institutions associated with the United Nations entered into effect a broader range of support from different organizations and bodies in the pathway towards eradication of colonialism[34]. In an effort to combat the preying of natural resources by administering states, resolution 1803 aims to create permanent sovereignty over natural resources with respectful dialogue between territories and their administering bodies to establish an equitable agreement[35]. A multitude of other resolutions have passed aimed at raising the standard of living and the socio-economic conditions residents in the territory endure[36].

Resolutions have been passed to improve human rights, self-determination, and economic conditions in NSGTs. Although the UN, especially SPECPOL, has maintained an active role in establishing better living conditions for those living in territories, independence can only be granted in a few ways and it's often a tricky journey requiring the assistance of numerous bodies and countries.

Case Study: Western Sahara

Western Sahara is an area that has held the status of being a Non-Self Governing Territory since Spain's colonization of the area in 1963 as stated in the General Assembly document A/5514, Annex III. Western Sahara consists of an area adjacent to the Atlantic Ocean and the nations of Mauritania, Algeria, and Morocco. The transfer of administration from Spain to the UN has shown the implications created by Western Sahara's NSGT status for both the 567,000 Western Saharans currently living within the area and the surrounding states. Western Sahara remains a focal point of administering neglect, being that it remains the only NSGT under UN administration.

The Process of Spanish colonization began in 1476, when the Spanish merchant, Diego García de Herrera, incorrectly believing that he had reached the Rio de Oro Bay, established a limited trading post called Santa Cruz de Mar Pequeña on the coast of the West African territory. Introduction of the Spaniards to this area did not immediately yield any change to the status of the area, but some time later in 1884, after the Berlin Conference, Emilio Bonelli, a member of the Sociedad Española de Africanistas y Colonistas, or the Spanish Society of Africanists and Colonists, under Spanish directive claimed the bay as a Spanish protectorate. However, Spanish progress inland was halted by France's claims to Mauritania and Morocco. The eventual independence of Morocco from France in 1957, led to the first major conflict within Western Sahara.

With Morocco gaining independence, the new country aimed to expand its borders and sought to acquire Western Sahara as a means of doing so. Because of this, Spain was forced to repel Moroccan military attempts on the land with military action. Following this confrontation, Spain added the territory of Saguia el-Hamra completing the area that would be known as the Spanish Sahara. A second confrontation was forced when Mauritania, which had recently become independent, claimed the area of Spanish Sahara for themselves. The state of these disputes only increased as the territory of Western Sahara was found to have extensive phosphate reserves in its northern region. Additionally, without any fashion of UN intervention, the NSGT had no ability to make use of its resources leading to a majority of the wealth in Western Sahara to be exported to Spanish businesses and industry.

With the news of Western Sahara's abundant natural resources, Spain was no longer facing pressure solely from outside of the territory but from the native population that had lived under Spanish Colonialism. The movement to free Western Sahara of Spanish influences would come to be known as the Polisario Front and took to guerilla methodology in order to make their

intentions known. Because of the increasing threat of conflict, Spain finally agreed to begin planning its exit in 1976 with document A/30/56-S/11997.

       With both Mauritania and Morocco making claims that could spark conflict within the area, the World Court advised Spain against giving any territory to either party. Despite this advice, Spain divided the land, giving the northern two-thirds of the land to Morocco and Mauritania the southern third. Spain did this on the basis that Morocco granted 35% of the phosphate reserves to Spain, demonstrating the lasting effect that Spain had left on the western Sahara economy. Moreover, Spain's deleterious effects on the Western Sahara are also seen within the language most commonly spoken, as it has become a variant of Spanish and remains so to this day. Vastly unsatisfied with this arrangement, Mauritania and Morocco engaged in numerous skirmishes over the borders of the settlements. While this was occurring, the Polisario or native movement within Western Africa, began surging once more. Once Mauritania made a truce with the Polisario in 1979, the civil war finally came to a slow end as the UN offered a peace agreement between the Polisario and Morocco in 1988 that was accepted by both sides three years later in 1991. Under this agreement, administration would be shifted once more to the UN this time and a cease-fire would take place while the Western Sahara underwent reorganization. During this time a ballot took place meant to determine the political climate within the area. UN efforts to make peace and administer peace effectively, however, continued to be undermined by Morocco's expansion of infrastructure into areas of Western Sahara. While the Polisario gained support from its neighboring country Algeria, the stability of the country fell due to continued conflict, displacing somewhere between 40,000 to 80,000 members of the Polisario to be displaced to semi-permanent refugee camps in Algeria. In the years following, there have been many talks of autonomy for the territory but little action as negotiations have been stunted by Morocco's unwillingness to agree upon terms for such plans and hold a referendum where the topic would officially be voted upon. The state of affairs devolved once more in late 2020 as the Palisario front declared that it would stop following the cease-fire on the grounds that Morocco continued to take aggressive military action around key phosphate reserves. Despite the clear call for independence made by the native Western Saharan population, because of both the interference of foreign politics and the poor decision making of the prior administrative body, Spain, the slim pathway for such a plan has been blocked.

       Within Western Sahara, the status of NSGT has led to conflict, loss of a primary non-renewable resource within the region, and lasting governmental instability. There is no clear path for Western Sahara, as they are currently unrecognized as an independent state. Moreover, because a majority of the international community, spearheaded by the United States of America has refused to acknowledge the Polisario front's independence in exchange for Morocco's cooperation with Israel, the Natives of Western Sahara have fallen victim to an administrative body that is not willing to take action on behalf of the peoples it is governing. Without action Western Sahara and other NSGTs like it are left voiceless and without clear governance.

Questions to Consider

1. Considering some territories such as the Falkland Island have decided to remain under the control of an administering state, should independence still be pushed on towards these territories?
2. Since NSGTs heavily rely on administering nations for educational, political, and economic means, what can be done to ensure a fair and equitable relationship?
3. What can be done to maintain a stable economic and political condition after independence is granted in NSGTs?
4. Should a transition period exist from the vote to actual independence? If so, what should happen during the transitional phase?
5. In areas such as Western Sahara, where conflict is present, is there any way to guarantee independence in a stable manner?
6. Would your country agree to attempts to grant independence to NSGTs, especially those that have jurisdiction over territories?
7. Given that oftentimes NSGTs have little input in their administration, are there methods to allow citizens of the NSGT to have a voice in governance?
8. What role should the United Nations have in aiding administering parties if any?
9. How can administering parties create and facilitate sustainable governments that can work long after their exit from the NSGT?

Endnotes

18. https://www.un.org/dppa/decolonization/en/about
19. https://www.google.com/url?q=https://en.wikipedia.org/wiki/United_Nations_list_of_Non-Self-Governing_Territories&sa=D&source=docs&ust=1638497951112000&usg=AOvVaw2dAlFFdabJxqE8dW_kUQDP
20. https://www.un.org/dppa/decolonization/en/history/international-trusteeship-system-and-trust-territories
21. https://www.odu.edu/content/dam/odu/offices/mun/docs/ib-2018-fourth-non-self-governing-territories.pdf
22. https://www.un.org/dppa/decolonization/sites/www.un.org.dppa.decolonization/files/10_faqs_un_and_decolonization_print_en.pdf
23. https://theconversation.com/how-does-a-country-become-a-country-an-expert-explains-81962
24. https://theconversation.com/how-does-a-country-become-a-country-an-expert-explains-81962
25. https://www.odu.edu/content/dam/odu/offices/mun/docs/ib-2018-fourth-non-self-governing-territories.pdf
26. https://peacekeeping.un.org/sites/default/files/past/etimor/UntaetB.htm
27. https://www.rnz.co.nz/international/pacific-news/453328/un-invited-to-french-polynesia-as-decolonisation-stalled
28. https://sdg.iisd.org/news/un-committee-focuses-on-sdg-needs-in-non-self-governing-territories/
29. https://www.un.org/dppa/decolonization/en/about
30. https://www.un.org/dppa/decolonization/en/history/international-trusteeship-system-and-trust-territories
31. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_75_220.pdf
32. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_75_220.pdf
33. https://en.wikipedia.org/wiki/International_Covenant_on_Economic,_Social_and_Cultural_Rights
34. https://undocs.org/pdf?symbol=en/E/2021/L.31
35. https://www.ohchr.org/Documents/ProfessionalInterest/resources.pdf
36. https://research.un.org/en/docs/decolonization/keydocs
37. https://en.wikipedia.org/wiki/Governance_of_the_Gaza_Strip#:~:text=The%20Hamas%20government%20of%202016,dominated%20by%20members%20of%20Hamas.
38. https://encyclopedia.1914-1918-online.net/article/british_mandate_for_palestine