

Southern Regional Model United Nations XX  
*Enhancing Global Commitments to Human Rights and Equality*  
November 19-21, 2009  
Atlanta, GA  
Email: [ga4@srmun.org](mailto:ga4@srmun.org)



Dear Delegates,

Welcome to the 2009 Southern Regional Model United Nations conference! Welcome also to SRMUN's General Assembly Fourth Committee. We would like to introduce ourselves and our committee to you and invite you to contact us if you need anything from now until the conference.

Sameer Kanal will serve as the Director of the General Assembly Fourth Committee. Sameer holds a B.A. in both Political Science, with an emphasis upon International Relations, and in Economics from the University of Washington. Sameer served as the Head Delegate for Clark College Model United Nations for two years, as well as serving as President of the University of Washington's Model United Nations program for two years and subsequently as its Advisor. This will be Sameer's second year at SRMUN, and his ninth year of participation in Model United Nations.

Kyle Proctor will serve as your Assistant Director. Kyle is a graduate of Georgia State University with degrees in Computer Information Systems and Political Science. Kyle has participated in Model United Nations and Model Arab League throughout college, and has served on staff at high school and collegiate level MUN and Model Arab League conferences. Both of us are excited about facilitating the discussions of the General Assembly Fourth Committee at SRMUN this year.

This year, the topics for the General Assembly Fourth Committee are:

- I. Establishing Self-Determination as a Human Right
- II. Addressing the Dangers of Land Mines in Previously Colonized States
- III. Evaluating the Right to Freedom of Expression throughout Member States

The General Assembly Fourth Committee, one of the six main committees of the United Nations General Assembly, is the body most often focusing on the unique issues facing decolonized States and upon the ongoing struggles for independence and statehood across the globe. Comprised of representatives from every Member State of the United Nations, the GA Fourth will be debating these three timely and important issues during SRMUN 2009.

Each delegation is required to submit a position paper which covers each of the three topics. Position papers should be not longer than 2 pages in length and single spaced. Delegates are encouraged to use the position papers as an opportunity to state what your country plans to accomplish in this committee. Strong, well developed position papers are an excellent foundation for conference preparation. It is important to ensure all sides of each issue are adequately addressed and presented in a clear and concise manner that is easy for your audience to understand. More detailed information about how to write position papers can be found at the SRMUN website (<http://www.srmun.org>). **All position papers MUST be submitted by October 23rd, 11:59pm EST using the submission system on the SRMUN website.**

Your committee Director and Assistant Director look forward to the opportunity to guide the discussions and debate of the General Assembly Fourth Committee at the 2009 Southern Regional Model United Nations conference. We look forward to meeting and working with you both prior to and during the conference. Please feel free to contact us if you have any questions.

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## History of the General Assembly Fourth Committee

The General Assembly (GA) and its committees originate from Article III of the Charter of the United Nations, drafted in 1945.<sup>1</sup> Due to its extensive workload, the General Assembly is divided into six main committees. These committees are: the General Assembly First Committee, which addresses disarmament and international security issues, the General Assembly Second Committee, which discusses economic and financial topics, the General Assembly Third Committee, which addresses social, humanitarian, and cultural topics, the General Assembly Fourth Committee, which deals with special political and decolonization issues, the General Assembly Fifth Committee, which addresses administrative and budgetary issues, and the General Assembly Sixth Committee, which focuses on issues pertaining to legalities.<sup>2</sup>

Specifically, the GA Fourth Committee may address “a variety of political subjects not dealt with by the First Committee, as well as with decolonization.”<sup>3</sup> The Fourth Committee, like all other GA main committees, has the power to consider and recommend solutions to issues falling within its mandate; it may discuss any topic that is not being dealt with at present by the Security Council and may also request and conduct expert studies with the collaboration of other UN bodies.<sup>4</sup> All Member States have an equal vote in the Fourth Committee and resolutions require a simple majority for passage.<sup>5</sup> Although GA resolutions are not binding, the GA Fourth’s mandate allows it to take an active role in addressing issues that affect Member States and individuals throughout the international community.<sup>6</sup>

The United Nations declared the importance of decolonization to end the colonial era and allow all peoples the right to self-determination established in Chapter XI of the Charter of the United Nations.<sup>7</sup> Originally, the General Assembly Fourth Committee was known as the Trusteeship Committee, which was solely responsible for matters dealing with Non-Self Governing Territories (NSGTs) and Trust Territories.<sup>8</sup> In 1960, the General Assembly passed A/RES/1514 and A/RES/1541, which established the Declaration on the Granting of Independence of Colonial Countries and Peoples and defined the processes and options of self-determination of colonized areas and Trust Territories.<sup>9</sup> Due to these two landmark resolutions, 80 former colonies have gained independence, 11 trust territories have achieved self-determination, and only 16 official NSGTs remain.<sup>10</sup> In 1961, A/RES/1654 created the Special Committee on Decolonization to work exclusively on decolonization issues and provide assistance to people in NSGTs and Trust Territories.<sup>11</sup> This Special Committee, under the auspices of the Fourth Committee, has done extensive work toward achieving self-determination for all colonial states. In 1988, to further highlight the importance of the Special Committee on Decolonization’s work on self-determination, the United Nations declared 1990-2000 the International Decade for the Eradication of Colonialism.<sup>12</sup> In order to more effectively eradicate colonialism, the United Nations restructured the GA and established the modern General Assembly Fourth Committee in 1993 by A/RES/47/233.<sup>13</sup> This resolution reassigned responsibilities pertaining to political rights from the Special Political Committee to the General Assembly Fourth Committee, whose mandate was then defined

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<sup>1</sup> The Charter of the United Nations. The United Nations. 26 June 1945.

<sup>2</sup> “Main Committees.” The United Nations. <http://www.un.org/ga/maincommittees.html>

<sup>3</sup> “Special Political and Decolonization.” The United Nations. <http://www.un.org/ga/fourth/index.shtml>

<sup>4</sup> “Functions and Powers of the General Assembly.” The United Nations. <http://www.un.org/ga/about/background.shtml>

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> The Charter of the United Nations. The United Nations. 26 June 1945.

<sup>8</sup> Bailey, Sydney. *The General Assembly of the United Nations: A Study of Procedure and Practice*. New York: Frederick A. Praeger Publishers. 1960, p. 108.

<sup>9</sup> “Historical General Assembly Resolutions.” The United Nations. [http://www.un.org/Depts/dpi/decolonization/docs\\_historical%20resolutions.htm](http://www.un.org/Depts/dpi/decolonization/docs_historical%20resolutions.htm)

<sup>10</sup> “History.” The United Nations. <http://www.un.org/Depts/dpi/decolonization/history.htm>

<sup>11</sup> “Special Committee of 24 on Decolonization.” The United Nations. [http://www.un.org/Depts/dpi/decolonization/special\\_committee\\_establishment.htm](http://www.un.org/Depts/dpi/decolonization/special_committee_establishment.htm)

<sup>12</sup> A/RES/43/47. International Decade for the Eradication of Colonialism. The United Nations General Assembly. 22 November 1988.

<sup>13</sup> A/Res/47/233. Revitalization of the Work of the General Assembly. The United Nations General Assembly. 17 August 1993.

as “Special Political and Decolonization (SPECPOL).”<sup>14</sup> Although the Fourth Committee continues to deal with specific cases of self-determination, its mandate has been extended to include issues of political importance.

In order to address the remaining NSGTs, the international community extended its campaign for decolonization by establishing the Second Decade for the Eradication of Colonialism from 2000-2010.<sup>15</sup> Since its new mandate was established in 1993, the Fourth Committee has worked to eradicate colonialism and establish the importance of self-determination.

The Fourth Committee has historically handled decolonization efforts via a case-by-case basis approach to more effectively address the local and regional concerns of self-determination. The Fourth Committee has held a series of regional seminars on the implementation of the Second Decade for the Eradication of Colonialism in which Member States address efforts of decolonization.<sup>16</sup> The most recent seminar, held in Bandung, Indonesia in May 2008, specifically focused on the questions of Western Sahara, the Falkland Islands (Malvinas), and Tokelau.<sup>17</sup> These topics were then submitted to the Fourth Committee’s agenda for the 63<sup>rd</sup> session.<sup>18</sup> In the most recent session, the Fourth Committee passed eight resolutions under Article 73e of the Charter, a resolution dealing with the decolonization of New Caledonia and Tokelau, an “omnibus,” or all-encompassing resolution, (A/63/23) on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, and A/C.4/63/L.5 on the question of Western Sahara.<sup>19</sup> These regionally targeted resolutions, by addressing the importance of self-determination and the Declaration on the Granting of Independence to Colonial Countries and Peoples, have allowed the Fourth Committee to more effectively make progress toward success of the Second Decade for the Eradication of Colonialism.

Although self-determination remains at the core of the Fourth Committee's agenda, A/RES/47/233 established that the Fourth Committee would also address issues of political concern. Thus, in 2008, the 63<sup>rd</sup> Session of the Fourth Committee addressed topics pertaining to UN peacekeeping, the peaceful uses of outer space, atomic radiation and its effects, and committee reports from ad hoc and special committees, such as the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.<sup>20</sup> For example, to address the topic of peaceful uses of outer space, the Fourth Committee committed to working on “Space Applications and Food Security”, which included discussions of the use of global navigation satellite systems to more effectively address problems of sustainable development and food security.<sup>21</sup> The Fourth Committee also recently addressed the continuation of the operation of the United Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) and A/63/273, the report from the Special Committee to Investigate Israeli Practices.<sup>22</sup> Fourth Committee resolution A/C.4/63/L.13 recommends the continuation of the operation of UNRWA, and the Fourth Committee also passed document A/C.4/63/L.15 to highlight the importance of the Committee’s work on the investigation of Israeli violations of international law.<sup>23</sup> These documents, like all approved resolutions of General Assembly Main Committees, were passed on to the Plenary Committee for a vote.<sup>24</sup> This expansive mandate provides for timely and diverse debate on sensitive political issues of international concern among Member States within the Fourth Committee.

All Member States of the United Nations are represented in this committee.

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<sup>14</sup> Ibid.

<sup>15</sup> “History.” The United Nations. <http://www.un.org/Depts/dpi/decolonization/history.htm>

<sup>16</sup> “Decolonization Seminars.” The United Nations. [http://www.un.org/Depts/dpi/decolonization/regional%20seminar\\_main.htm](http://www.un.org/Depts/dpi/decolonization/regional%20seminar_main.htm)

<sup>17</sup> GA/COL/3173. The United Nations Department of Public Information. 15 May 2008.

<sup>18</sup> Ibid

<sup>19</sup> GA/SPD/401. The United Nations Department of Public Information. 13 October 2008.

<sup>20</sup> A/C.4/63/L.10. The United Nations. 8 November 2008.

<sup>21</sup> GA/SPD/401. The United Nations Department of Public Information. 13 October 2008.

<sup>22</sup> GA/SPD/418. The United Nations Department of Public Information. 7 November 2008.

<sup>23</sup> GA/SPD/417. The United Nations Department of Public Information. 6 November 2008

<sup>24</sup> Ibid.

## I. Establishing Self-Determination as a Human Right

*“All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”<sup>25</sup>*

### **Introduction**

The concept of self-determination dates back centuries; philosophers have opined about the idea of governance of the self since the dawn of recorded history, and this forms the basis of classical liberalism. Originally, self-determination was a concept defined around the individual’s self-governance; Saint Thomas Aquinas wrote, “the highest manifestation of life consists in this: that a being governs its own actions. A thing which is always subject to the direction of another is somewhat of a dead thing.”<sup>26</sup>

From this concept of a man governing his own actions grew a collective sense of self-determination - beginning with the premise that a political system either should or should not be set up in which men generally had the right to govern themselves. In the period leading to his drafting of the Declaration of Independence in the United States, Thomas Jefferson mused that “the issue today is the same as it has been throughout all history, whether man shall be allowed to govern himself or be ruled by a small elite.”<sup>27</sup>

Today, the concept has advanced further to the idea of specific groups within populations and within geographical areas having the rights to govern themselves on an equally specific level. The populations of the occupied Palestinian territories (OPT), Chechnya, Abkhazia and South Ossetia, the Kurdish-controlled regions of Iran, Syria, Turkey and Iraq, and minority-controlled regions all over the African continent all proclaim their individual right to self-determination and use this right as justification for their aims at independence, autonomy, a share of political power, or other systemic or political ends.

However, the rights they are guaranteed are not necessarily clear. There are theoretical challenges to the modern conception of the self-determination principle on the grounds of who or what precisely is entitled to self-determination. There are also practical challenges, such as the reality that utilizing the idea that a group has the right to self-determination as justification for creation, destruction or modification of States and their borders can jeopardize the rights of other peoples in the area. Finally, there is the challenge of extremism in that self-determination has been used to justify both extreme violence and ultra-nationalism, which poses risks to safety and security.

On the other hand, the right to self-determination is not considered a ‘human right,’ and is thus devoid of both the strength of that term and the protections of human rights documents, which are in many cases nearly universally recognized (as in the case of the *Universal Declaration of Human Rights*). Self-determination is recognized under the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), both of which were drafted in 1966 and entered into force in 1976. However, only 149 States are party to the ICESCR, and 152 to the ICCPR, leaving a great many states which are not party and thus free not to recognize the rights contained within, including to self-determination.<sup>28</sup> Situations dealing with these states, and states parties who are in non-compliance, form the bulk of examples of challenges to the spread of the right of self-determination until it is in fact a universal right and a human right.

### **Historical Evolution of the ‘Right’ to Self-Determination**

Saint Thomas Aquinas wrote in the thirteenth century of a right, and indeed a moral calling, of individuals choosing to govern themselves.<sup>29</sup> Though a theologian as well as a philosopher, Aquinas was an important intellectual among

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<sup>25</sup> International Covenant on Civil and Political Rights, Article 1. United Nations General Assembly. 1966. [http://www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm)

<sup>26</sup> “Saint Thomas Aquinas Quotes.” Liberty Tree. [http://quotes.liberty-tree.ca/quote/thomas\\_aquinas\\_quote\\_251c](http://quotes.liberty-tree.ca/quote/thomas_aquinas_quote_251c)

<sup>27</sup> “Saint Thomas Aquinas Quotes.” Liberty Tree. [http://quotes.liberty-tree.ca/quote/thomas\\_jefferson\\_quote\\_992b](http://quotes.liberty-tree.ca/quote/thomas_jefferson_quote_992b)

<sup>28</sup> “Status of Ratifications of the Principal International Human Rights Treaties.” Office of the United Nations High Commissioner for Human Rights. June 9, 2004. <http://www.unhcr.ch/pdf/report.pdf>

<sup>29</sup> “Saint Thomas Aquinas Quotes.” Liberty Tree. [http://quotes.liberty-tree.ca/quote/thomas\\_aquinas\\_quote\\_251c](http://quotes.liberty-tree.ca/quote/thomas_aquinas_quote_251c)

his contemporaries in the fields of empiricism and theology; one of Aquinas' primary impacts on the teachings of his intellectual predecessor Aristotle was the increased emphasis upon the primacy of the self in making independent decisions and the acceptability of making decisions without divine intervention.<sup>30</sup> This was expanded upon into a separation of church and religion from governance by John Locke, who lived in the seventeenth and early eighteenth century.<sup>31</sup> Locke wrote that "there cannot be supposed any subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of creatures are for our's."<sup>32</sup> This idea, when taken from the individual level to that of groups and peoples, is an intellectual argument for the right to self-determination.

The modern concept of self-determination was first articulated publicly in the United States' *Declaration of Independence*. Its principal author, Thomas Jefferson, began with a foundation of individual rights, most famously to "life, liberty and the pursuit of happiness," but continued further to state that the maintenance of a political system required the consent of those affected by it, and that when a people are no longer in favor of a political structure, "it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."<sup>33</sup> Furthermore, Jefferson wrote not simply a statement that the British colonies in America were free, but provided the argument that the colonies "of Right ought to be Free and Independent States," putting into practice for the first time the foundational principle that there are reasons a people *should* govern themselves.<sup>34</sup>

In the international context, the principle of the right of self-determination did not arise until the mid-twentieth century. The League of Nations Charter explicitly protected the "existing political independence" of states, but not an explicit right to self-governance.<sup>35</sup> The League of Nations Covenant also created a "Mandate system" for colonies and protectorates that would in principle eventually make them independent, but the system, outlined as a "tutelage" whereby populations would essentially be trained for independence by "advanced nations", required the consent of the Mandatory power and the League.<sup>36</sup> However, the League Covenant did note that the wishes of the governed should be a "principle consideration" in deciding upon which "advanced nation" would serve as the Mandatory, providing implicit groundwork for the future international protections of self-determination.<sup>37</sup>

The *Charter of the United Nations* (1945) lists self-determination as a premise for other principles; under "Chapter I: Purposes and Principles," one of the listed purposes of the United Nations is "[to] develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace."<sup>38</sup> The Charter does not reference self-determination separately in any way or define it.<sup>39</sup>

In 1966, the *International Covenant for Civil and Political Rights* and the *International Covenant for Economic, Social and Cultural Rights* were both adopted by the General Assembly; both entered into force ten years later.<sup>40</sup> Both also included the text "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."<sup>41</sup> These two documents are considered the most central international instruments on rights other than the *Universal Declaration of Human Rights* (1948), which does not reference self-determination or any right not considered an individual right;

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<sup>30</sup> Saint Thomas Aquinas, *Catholic Encyclopedia* (1913), Section IVb.

<sup>31</sup> "John Locke." *Stanford Encyclopedia of Philosophy*. Part 4. <http://plato.stanford.edu/entries/locke/>

<sup>32</sup> "John Locke." *Stanford Encyclopedia of Philosophy*. Part 3.2. <http://plato.stanford.edu/entries/locke/>

<sup>33</sup> Thomas Jefferson. "The Declaration of Independence." 1776. <http://www.ushistory.org/Declaration/document/index.htm>

<sup>34</sup> *Ibid.*

<sup>35</sup> Covenant of the League of Nations, Article 10. December, 1924. [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp)

<sup>36</sup> Covenant of the League of Nations. Article 22. December, 1924. [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp)

<sup>37</sup> *Ibid.*

<sup>38</sup> Charter of the United Nations, Chapter I, Article 1 (2). United Nations. 26 June 1946.

<http://www.un.org/aboutun/charter/chapter1.shtml>

<sup>39</sup> Charter of the United Nations . Articles 1(2) and 55. United Nations. 26 June 1946.

<http://www.un.org/aboutun/charter/chapter1.shtml>

<sup>40</sup> International Covenant on Civil and Political Rights. United Nations. 23 March 1976.

<http://www2.ohchr.org/English/law/ccpr.htm>

<sup>41</sup> *Ibid.*

the idea of self-determination had changed enough by this point from its foundations that by the middle of the twentieth century it was internationally recognized as a *group's* right rather than an individual's.<sup>42</sup>

While there is no internationally recognized standard definition of “self-determination,” the ICCPR and ICESCR, as well as other instruments such as resolutions of the General Assembly specific to situations as wide-ranging as the Congo, the Palestinian question, and China helped create a consensus around a fairly basic definition: a right held by a group of people, this group usually linked with the idea of a nation, which entitles them to determine their own governance.<sup>43</sup>

This definition has been used to justify and give greater weight to a variety of pro-independence and pro-autonomy movements, including the Kurds in Iran, Syria, Turkey and Iraq<sup>44</sup>, the South Ossetians in Georgia<sup>45</sup>, the Jews in the Palestine region prior to the establishment of the State of Israel<sup>46</sup>, the Palestinian people, both before and after the establishment of the State of Israel<sup>47</sup>, the Basques in Western Europe<sup>48</sup>, the Hmong in Southeast Asia<sup>49</sup>, the Tamil Tigers in Sri Lanka<sup>50</sup>, the Muslims in British India<sup>51</sup>, and the ‘Saharawi Arab Democratic Republic’ in Moroccan-controlled Western Sahara.<sup>52</sup>

### *Challenges to Self-Determination*

There are numerous challenges to self-determination across the globe, and many share common threads. These threads include the challenge of defining what constitutes a ‘people,’ the entity which is entitled to self-determination, the challenge of multiple nations or peoples present in a single geographical area, the risk of a state’s majority nation members having their rights violated in areas within the state dominated by a minority group, issues with natural resources, and issues with undoing membership within a larger governing structure such as a federal system or a supra-state.

The contrast between the rights of a state to be sovereign over its territory and the rights of a people to self-determination poses a large conflict that is one of the major conceptual controversies of international relations.<sup>53</sup> This contrast becomes more difficult when one entity, the ‘people’ or sometimes ‘nation,’ is undefined; currently, the international legal system does not classify sub-sections of a state’s population as a separate people.<sup>54</sup>

A people exercising self-determination must control a territory, which includes air, sea and land; the land includes all natural resources within it.<sup>55</sup> This would obviously be a problem if a minority seeking independence happens to

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<sup>42</sup> Universal Declaration of Human Rights. United Nations General Assembly. December 10, 1948. <http://www.un.org/en/documents/udhr/index.shtml>

<sup>43</sup> Betty Miller Unterberger. “Self-Determination.” Encyclopedia of American Foreign Policy, 2002. [http://findarticles.com/p/articles/mi\\_gx5215/is\\_2002/ai\\_n19132482/](http://findarticles.com/p/articles/mi_gx5215/is_2002/ai_n19132482/)

<sup>44</sup> Claude Salhani. “Kurdish Self-Determination ‘by all means’” Middle East Times. December 24, 2007. [http://www.metimes.com/Politics/2007/12/24/kurdish\\_self-determination\\_by\\_all\\_means/3979/](http://www.metimes.com/Politics/2007/12/24/kurdish_self-determination_by_all_means/3979/), par. 20.

<sup>45</sup> “Georgia’s South Ossetia Conflict: Make Haste Slowly.” International Crisis Group. Europe Report No. 183. June 7, 2007. <http://www.crisisgroup.org/home/index.cfm?id=4887>, par. 21.

<sup>46</sup> “Zionism in Brief.” Zionism on the Web. <http://www.zionismontheweb.org/zionism/zionism.html>, par. 2.

<sup>47</sup> Lia Syed. “Palestinian Right to Self-Determination.” Global Policy Forum. December 15, 2003. <http://www.globalpolicy.org/component/content/article/189/38197.html>, par. 15.

<sup>48</sup> “Mayor Bieter praises ETA ceasefire as essential step toward Basque self-determination.” City of Boise, Idaho, USA. March 22, 2006. <http://www.cityofboise.org/Departments/Mayor/NewsReleases/2006/page4450.aspx>, par. 2.

<sup>49</sup> “Call For The Creation Of A Hmong State - Partition Laos, Issued by Congress of World Hmong People.” NewsBlaze. January 15, 2008. <http://newsblaze.com/story/2008011512010200001.ew/topstory.html>, par. 24.

<sup>50</sup> “Tamil Tigers Admit Leader is Dead.” BBC News. May 24, 2009. [http://news.bbc.co.uk/2/hi/south\\_asia/8066129.stm](http://news.bbc.co.uk/2/hi/south_asia/8066129.stm), par. 12.

<sup>51</sup> “India-Pakistan Partition 1947.” Global Security. <http://www.globalsecurity.org/military/world/war/indo-pak-partition.htm>, par. 11.

<sup>52</sup> Alfred De Montesquiou. “UN Envoy Commits to Saharawi Self-Determination.” USA Today. February 22, 2009. <http://content.usatoday.net/dist/custom/gci/InsidePage.aspx?cId=indystar&sParam=30220229.story>

<sup>53</sup> Vita Gudeleviciute. “Does the principle of self-determination prevail over the principle of territorial integrity?” International Journal of Baltic Law: 2/2005. February 2005. [www.ceeol.com/aspx/getdocument.aspx?logid=5&id=3aa23ac1-66e8-4193-a3e1-a7286ee6bfd5](http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=3aa23ac1-66e8-4193-a3e1-a7286ee6bfd5), page 1.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

be confined by borders to land without natural resources, or if one of multiple peoples pursuing the same territory ends up exercising control over the land with the most resources. The latter case is, for example, evident in the Israeli-Palestinian conflict, where recent activities by Israel to encompass or annex, *de facto*, settlements beyond the Green Line within the Israeli Security Barrier have in fact separated the most fertile land in the West Bank on the Israeli side of the Barrier.<sup>56</sup>

The border problem is a subset of the broader issues related to territorial boundaries: often, the borders post-independence, obligated by customary international law to follow *uti possidetis juris* and therefore remain at the pre-independence boundaries, do not follow ethnic or national borders, which has led to increased conflict in Sudan, the Democratic Republic of the Congo (then Zaire), Angola, Nigeria, and most notably the former Yugoslavia.<sup>57</sup>

### ***Case Study: Georgia, South Ossetia, and Abkhazia***

Georgia's two breakaway regions, Abkhazia and South Ossetia, serve as examples of a recent conflict whose source lies in the belief of a group of people in their right to self-determination. Ossetians have been a distinct ethnic enclave residing in the same area for generations. While many speak Georgian or Russian, Ossetian is considered the official language of the proposed breakaway republic.<sup>58</sup> The majority of Ossetians are Christian, as are the majority of Georgians.<sup>59</sup> Nonetheless, Ossetians identify more closely with Russia than with Georgia; they have been historically persecuted by Georgians for their connection to Moscow.<sup>60</sup> As the Soviet Union dissolved and Georgia declared its independence, Ossetia took up its own struggle for independence, resulting in clashes between Ossetia and Georgia. A January 19, 1992, referendum on independence was rejected by the international community, as it was not recognized by Georgian authorities.<sup>61</sup> Hostilities continued until the June 1992 Sochi Ceasefire Agreement, which established a Joint Council Commission (JCC) to monitor the ceasefire and facilitate negotiations.<sup>62</sup>

The resulting peacekeeping force was divided into three divisions: Georgian troops to oversee the Georgian areas of Ossetia, Ossetians to administer their own areas, and Russians to oversee the mixed areas.<sup>63</sup> This agreement worked generally well, though without significant progress in negotiating a resolution until Summer 2004, when Georgia's new President, Mikhail Saakashvili, promised a rededication to resolving the conflict.<sup>64</sup> This meant an increase in Georgian troops inside South Ossetia, which increased tension and resulted in a string of kidnappings, beatings, and minor skirmishes until an August 2004 ceasefire.<sup>65</sup> In response, Saakashvili proposed a JCC-directed peace plan that would eventually result in autonomy, though not independence, for the Ossetians.<sup>66</sup> The plan was endorsed by several international bodies, including the Organization for Security and Cooperation in Europe (OSCE), but has not yet led to any agreements between Georgia and the Ossetians. On November 12, 2006, a referendum on

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<sup>56</sup> "The Humanitarian Impact of the West Bank Barrier on Palestinian Communities." United Nations Office for the Coordination of Humanitarian Affairs. March 2005.

[http://www.humanitarianinfo.org/opt/docs/UN/OCHA/OCHABarRprt05\\_Full.pdf](http://www.humanitarianinfo.org/opt/docs/UN/OCHA/OCHABarRprt05_Full.pdf) page 6.

<sup>57</sup> Malcolm N. Shaw. "Peoples, Territorialism and Boundaries." *European Journal of International Law* 8 (3). 1997.

<sup>58</sup> "Regions and Territories: South Ossetia." British Broadcasting Corporation. July 23, 2008.

[http://news.bbc.co.uk/2/hi/europe/country\\_profiles/3797729.stm](http://news.bbc.co.uk/2/hi/europe/country_profiles/3797729.stm)

<sup>59</sup> R. Reeve. "The OSCE Mission to Georgia and the Georgian-Ossetian conflict: An overview of activities". *Helsinki Monitor*, 17(1), 57-68. 2006.

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> "The United States and the South Ossetian Conflict." United States Department of State. March 31, 2008.

<http://www.state.gov/p/eur/rls/fs/102834.htm>;

<sup>63</sup> R. Reeve. "The OSCE Mission to Georgia and the Georgian-Ossetian conflict: An overview of activities". *Helsinki Monitor*, 17(1), 57-68. 2006.

<sup>64</sup> *Ibid.*

<sup>65</sup> "Georgia: Avoiding War in South Ossetia." International Crisis Group. November 26, 2004.

<http://www.crisisgroup.org/home/index.cfm?id=3128&l=1>

<sup>66</sup> "Georgia unveils Settlement Offer." British Broadcasting Corporation. January 26, 2005.

<http://news.bbc.co.uk/2/hi/europe/4209243.stm>

independence held inside the disputed territory was approved with over 90% of the vote, but the international community dismissed the results for being unsanctioned.<sup>67</sup>

The region remained mostly stable from November 2006 until an August 2008 clash between Georgian and South Ossetian soldiers led to a regional crisis, and then an invasion by Russian forces.<sup>68</sup> The Russian military quickly took control of South Ossetia and entered Georgian territory, where they advanced to the major city of Gori, on the way to the Georgian capital of Tbilisi.<sup>69</sup> Eventually, a French-brokered peace deal largely halted the advance, though, as of June 2009, Russian forces have not completely withdrawn.<sup>70</sup> Instead, residual forces have solidified their positions around key cities inside Georgia and erected permanent checkpoints in an effort to create 'buffer zones' around the breakaway regions.<sup>71</sup>

Georgia's concerns are two-fold. First, they are striving to keep their territorial integrity intact. Just as importantly, though, they are attempting to break free of Russia's sphere of influence, and that rift is creating tension in the region. In South Ossetia, Georgia specifically objects to the influence of Russia, who has aided the breakaway government, provided military advisors, and kept troops in the territory under the initial peacekeeping agreement.<sup>72</sup> Moreover, Russian troops superseded the previous peacekeeping force in 2007.<sup>73</sup> Likewise, Russia is concerned by the dissolution of its previous sphere of influence, and has objected strenuously to Georgia's overtures to NATO and other Western bodies.<sup>74</sup> This tension has fueled the conflict in South Ossetia and created additional impediments to its resolution. It has also threatened to spill into war on several occasions, particularly in the 2007 and 2008 shootings-down of spy planes over Abkhazia.<sup>75</sup>

Such events have bled into stable conflict zones and threaten to spark war. In particular, the presence of Russian troops inside the conflict zone makes negotiations more complex and the slightest incident fraught with catastrophe. The resolution of these and similar conflicts, like the Azeri-Armenian tensions, require engagement with neighbors of the Georgia, Ukraine, Azerbaijan and Moldova (GUAM) region, because GUAM Member States have been largely unsuccessful in resolving them. For example, GUAM's official response to this action was limited to a press conference led by the Georgian Ambassador to Ukraine.<sup>76</sup> Instead, they have turned to other international organizations, such as NATO (which Georgia, Ukraine, and Moldova have all expressed interest in joining), OSCE, the General Assembly and the Security Council for help, as the GUAM countries did in 2006.<sup>77</sup>

### ***Case Study: Western Sahara***

The land currently known as Western Sahara has never been a singular geographic entity, with borders of many nations including portions of the territory for centuries. In the 8<sup>th</sup> century AD, the Almoravides, a Muslim group,

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<sup>67</sup> Michael Schwartz. "South Ossetia Finds Independence Drive Lonely." New York Times. November 13, 2006.  
<http://www.nytimes.com/2006/11/13/world/europe/13russiansumm.html?scp=1&sq=south%20ossetia%20referendum&st=cse>

<sup>68</sup> Margarita Antidze. "Georgia, S. Ossetia talk war after 6 die in clash." Reuters. August 2, 2008.  
[http://www.reuters.com/article/homepageCrisis/idUSL279875\\_CH\\_2400](http://www.reuters.com/article/homepageCrisis/idUSL279875_CH_2400)

<sup>69</sup> Ibid.

<sup>70</sup> "A Georgian-Russian Peace Deal and the French Connection." Stratfor. August 13, 2008.  
[http://www.stratfor.com/geopolitical\\_diary/georgia\\_russia\\_peace\\_deal\\_and\\_french\\_connection](http://www.stratfor.com/geopolitical_diary/georgia_russia_peace_deal_and_french_connection)

<sup>71</sup> "Tbilisi: Russian troops hold Georgian checkpoints." CNN. August 23, 2008.  
<http://www.cnn.com/2008/WORLD/europe/08/23/russia.georgia.withdrawal/index.html>

<sup>72</sup> "Georgia's South Ossetia Conflict: Make Haste Slowly." International Crisis Group. June 7 2007.  
<http://www.crisisgroup.org/home/index.cfm?id=4887&l=1>

<sup>73</sup> Ibid.

<sup>74</sup> Reeve, R. (2006, January). The OSCE Mission to Georgia and the Georgian-Ossetian conflict: An overview of activities. Helsinki Monitor, 17(1), 57-68.

<sup>75</sup> "Russia Says Rebels Downed Plane." British Broadcasting Corporation. April 22 2008.  
<http://news.bbc.co.uk/2/hi/europe/7360864.stm>

<sup>76</sup> "Press conference on the aftermath of Russian-Georgian conflict." GUAM News. August 19, 2008.  
<http://www.guam.org.ua/204.1179.0.0.1.0.phtml>

<sup>77</sup> Nikola Krastev. "UN: GUAM Brings Frozen Conflicts to World Stage." Global Security. September 27, 2006.  
<http://www.globalsecurity.org/military/library/news/2006/09/mil-060927-rferl02.htm>



took control of the area, as well as most of Northern Africa.<sup>78</sup> Very little else besides a list of border conflicts with Moroccans, Ghanans and other Western African peoples is known about the early history of Western Sahara.<sup>79</sup>

At the Berlin Conference in the mid-1880s, most of Africa was divided between the European powers.<sup>80</sup> Western Sahara was given to Spain, partially due to a treaty between a group of tribes and Spanish colonists that established “cooperation.”<sup>81</sup> This was later interpreted by the Berlin Conference as justification for Spanish control of Western Sahara.<sup>82</sup> By 1887, Spanish control extended 150 miles into the interior of Western Sahara.<sup>83</sup> Over the next few decades, Spain gradually took control of the area. Native Western Saharan, or Saharawi, resistance was fully crushed by the Spanish in 1934.<sup>84</sup> The three separate Spanish colonies were merged and renamed Spanish Sahara in 1958.<sup>85</sup>

Over the course of the 1950s, the newly independent Morocco staked claims to various parts of Africa, including Mauritania.<sup>86</sup> However, in 1961, Mauritania became independent, and Algeria also gained its independence, leaving Western Sahara under external control longer than any of its neighbors.<sup>87</sup> Spanish Sahara was also recognized as a province of Spain, and invited to send elected representatives on its behalf in that capacity.<sup>88</sup> But by 1968, with Equatorial Guinea’s independence, Spain’s only colony in Africa was Western Sahara.<sup>89</sup> International pressure on Spain grew to define the future of Western Sahara. At this time, resistance movements within Western Sahara began to organize anti-colonial membership. In 1966, the Organization of African Unity (OAU) called for the “freedom and independence” of Western Sahara.<sup>90</sup> The United Nations General Assembly also reaffirmed the right to self-determination of the Saharawi peoples, calling for a referendum to determine the opinions of the people regarding independence.<sup>91</sup> This was based on the Spanish administration, since 1961, of the territory under Chapter XI of the *United Nations Charter*, which implied a right to self-determination for the residents of the area.<sup>92</sup>

In 1972, Libyan leader Muammar al-Qaddafi announced he would back a war for the independence of Western Sahara.<sup>93</sup> A year later, the Polisario front was formed.<sup>94</sup> Polisario, or the “People’s Liberation Front of Saguia el-Hamra and Rio de Oro,” (Saguia el-Hamry and Rio de Oro were original colonies of Spain merged together to create Spanish Sahara), was both an army and political movement. Algeria began supporting the Polisario movement after two years of attacks against the Spanish military, in July 1974.<sup>95</sup> At this time, a call by the leaders of Morocco to refer the question of Sahara to the International Court of Justice (ICJ) was approved by the General Assembly, allowing Spain to delay the referendum while waiting for a ruling from the Court.<sup>96</sup>

At the beginning of 1975, Mauritania began to oppose Morocco’s claims to the territory.<sup>97</sup> At the same time, Spain suspended the referendum and stated it would provide evidence to the ICJ for their ruling.<sup>98</sup> In response, the UN sent

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<sup>78</sup> “History of Western Sahara.” Western Sahara Online. <http://www.wsahara.net>

<sup>79</sup> Ibid.

<sup>80</sup> Muriel E. Chamberlain. *The Scramble for Africa*. London: Longman, 2004.

<sup>81</sup> John Carthy. *The Western Sahara: A Case Study*. University of Portsmouth. 2004.

<sup>82</sup> Muriel E. Chamberlain. *The Scramble for Africa*. London: Longman, 2004.

<sup>83</sup> John Carthy. *The Western Sahara: A Case Study*. University of Portsmouth. 2004.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> “History of Western Sahara.” Western Sahara Online. <http://www.wsahara.net>

<sup>87</sup> Ibid.

<sup>88</sup> John Carthy. *The Western Sahara: A Case Study*. University of Portsmouth. 2004.

<sup>89</sup> “MINURSO: Background.” United Nations Mission for the Referendum in Western Sahara. [http://www.minurso.unlb.org/MINURSO%20New/01\\_home.htm](http://www.minurso.unlb.org/MINURSO%20New/01_home.htm)

<sup>90</sup> “Countries of the World - Western Sahara.” Association of support of a free and regular referendum in Western Sahara (ARSO). <http://www.studentsoftheworld.info/sites/country/1134.php>

<sup>91</sup> Ibid.

<sup>92</sup> Karen Knop. *Diversity and self-determination in international law*, p. 110. Cambridge University Press, 2002.

<sup>93</sup> “History of Western Sahara.” Western Sahara Online. <http://www.wsahara.net>

<sup>94</sup> “Western Sahara.” *The CIA World Factbook*. April 23, 2009. <https://www.cia.gov/library/publications/the-world-factbook/geos/wi.html>

<sup>95</sup> Todd and Quandt Stora. *Algeria, 1830-2000*, p. 161. New York: Cornell University Press, 1994.

<sup>96</sup> Karen Knop. *Diversity and self-determination in international law*, p. 110. Cambridge University Press, 2002.

<sup>97</sup> “History of Western Sahara.” Western Sahara Online. <http://www.wsahara.net>

<sup>98</sup> Ibid.

a mission of inquiry to the region and its neighbors, and published a report on October 15 claiming that a “majority” of Saharawis was in favor of independence from Spain.<sup>99</sup> The next day, on October 16, the ICJ’s Advisory Ruling countered Moroccan and Mauritanian claims to sovereignty over the land, attributing sovereignty to the Saharawis and Tuaregs, a nomadic Berber people.<sup>100</sup>

King Hassan of Morocco followed the ICJ and UN reports by ordering a “Green March,” sending 350,000 Moroccan civilians into the bordering regions of Western Sahara in order to change the demographics, as well as physically occupy a portion of the land and inhabit it with Moroccans, in the hopes of gaining the entire bloc of land.<sup>101</sup> Moroccan troops also crossed the border, clashing with Polisario fighters.<sup>102</sup> Mauritania, Spain, and the United Nations all condemned the action, but Spain evacuated its citizens and negotiated with Mauritania and Morocco.<sup>103</sup> Spain agreed to end colonial rule and cede the northern and central portions – about two-thirds – of the land to Morocco, and the southern portion – about one-third – to Mauritania.<sup>104</sup> Both the Polisario and neighboring Algeria were left out of the talks and plan, known as the Madrid Agreement, and both declared the agreement null and void.<sup>105</sup>

Before the official transfer of power from Spain to Morocco and Mauritania, the Polisario front declared the Saharawi Arab Democratic Republic (SADR), an independent Western Sahara with a government led by Polisario Secretary-General Mohammed Abdelaziz, who was elected to lead Polisario in August 1976.<sup>106</sup> Algeria recognized SADR within weeks of its declaration, which cost them diplomatic ties to both Morocco and Mauritania.<sup>107</sup> Polisario was recognized by Mauritania as the legitimate government of Western Sahara one month after a coup in Mauritania, and in August 1979, Mauritania officially renounced all claims to the territory.<sup>108</sup> Morocco promptly responded by annexing the land and staking a territorial claim.<sup>109</sup> Within two weeks of the Mauritanian withdrawal, Morocco had control of all of Western Sahara.<sup>110</sup>

During Morocco’s consolidation of control, Mauritania endorsed SADR.<sup>111</sup> Algeria allowed refugees to enter the border town of Tindouf, and allowed the Polisario Front to headquarter itself there.<sup>112</sup> In addition, the United Nations condemned Morocco’s actions and called for direct negotiations between Morocco and the Polisario Front.<sup>113</sup> When this demand was not met, the Polisario Front clashed with the Moroccan army, beginning a civil war that lasted until 1991, with additional interference, both directly and through the use of intelligence and funding, by Mauritania, Algeria, Spain and other states.<sup>114</sup> Refugees fled to Algeria, where 100,000 still remain, and both sides took numerous prisoners of war.<sup>115</sup>

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<sup>99</sup> “MINURSO: Background.” United Nations Mission for the Referendum in Western Sahara.

[http://www.minurso.unlb.org/MINURSO%20New/01\\_home.htm](http://www.minurso.unlb.org/MINURSO%20New/01_home.htm)

<sup>100</sup> Ibid.

<sup>101</sup> “Regions and Territories: Western Sahara.” BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm), par. 6.

<sup>102</sup> John Carthy. *The Western Sahara: A Case Study*. University of Portsmouth. 2004.

<sup>103</sup> “Regions and Territories: Western Sahara.” BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm), par. 7.

<sup>104</sup> Ibid.

<sup>105</sup> John Carthy. *The Western Sahara: A Case Study*. University of Portsmouth. 2004.

<sup>106</sup> “Western Sahara.” *The CIA World Factbook*. April 23, 2009. <https://www.cia.gov/library/publications/the-world-factbook/geos/wi.html>

<sup>107</sup> Todd and Quandt Stora. *Algeria, 1830-2000*, p. 161. New York: Cornell University Press, 1994.

<sup>108</sup> “Regions and Territories: Western Sahara.” BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm), par. 9.

<sup>109</sup> “Regions and Territories: Western Sahara.” BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm), par. 11.

<sup>110</sup> “History of Western Sahara.” *Western Sahara Online*. <http://www.wsahara.net>

<sup>111</sup> Ibid.

<sup>112</sup> “Regions and Territories: Western Sahara.” BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm), par. 11.

<sup>113</sup> “MINURSO: Background.” United Nations Mission for the Referendum in Western Sahara.

[http://www.minurso.unlb.org/MINURSO%20New/01\\_home.htm](http://www.minurso.unlb.org/MINURSO%20New/01_home.htm)

<sup>114</sup> “Western Sahara.” *The CIA World Factbook*. April 23, 2009. <https://www.cia.gov/library/publications/the-world-factbook/geos/wi.html>

<sup>115</sup> Ibid.

In 1991, the United Nations, by Security Council resolution 690, established the United Nations Mission for a Referendum in Western Sahara (MINURSO), following the years of civil war and international support for Saharawi self-determination.<sup>116</sup> The United Nations also helped to broker a ceasefire in the same year between the Polisario Front and the Moroccan government, who had met sporadically and with no resolution of the conflict over the course of the war.<sup>117</sup> The peace plan established in the September ceasefire called for the referendum to take place in January 1992.<sup>118</sup>

But MINURSO was never fully deployed, with only a portion of its mandated 1,000 civilian and 1,700 military personnel ever reaching Western Sahara.<sup>119</sup> At the same time, disputes between Morocco and the Polisario Front emerged over which residents of the area should be allowed to vote.<sup>120</sup> The Polisario Front wanted to use a census from 1973 in order to prevent Moroccans who moved in during the Green March to vote; the Spanish census was taken months before the Moroccan migration.<sup>121</sup> Voter identification concerns continued past the January 1992 deadline, and no referendum was held.<sup>122</sup>

After long discussions and disagreements, in May 1993 the Voter Identification Committee was established and began operating, identifying and registering voters in Western Sahara.<sup>123</sup> But in May 1996, the United Nations suspended the Committee's workings, citing both sides for impeding the work of MINURSO, and withdrew almost all of the civilian staff in Western Sahara.<sup>124</sup> Attempts to revive the process were stalled, largely due to Morocco's concerns that a referendum might not have been in its best interests.<sup>125</sup>

Peace in Western Sahara became a priority for the international community one year later; in 1997, former American Secretary of State James Baker III was appointed as the United Nations Special Representative to the Western Sahara.<sup>126</sup> Special Representative James Baker met separately with representatives of both Morocco and the Polisario Front on June 11-12, 1997.<sup>127</sup> On June 23-25, Baker chaired a face-to-face meeting in Lisbon between the two parties.<sup>128</sup> Additional meetings between the parties, also chaired by Baker, were held in 1997, in Houston and in London.<sup>129</sup> The referendum was renewed, and scheduled to take place on December 7, 1998.<sup>130</sup>

While preparing for the 1998 referendum, the parties discussed United Nations authority during a transitional period, either to independence or to complete integration with Morocco.<sup>131</sup> However, once more the process was slowed by concerns over voter registration, which by September 1998 had been completed except for three tribes.<sup>132</sup> Again, the referendum date passed without it being held, and talks continued into 2000 without significant progress.<sup>133</sup>

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<sup>116</sup> Ibid.

<sup>117</sup> "Regions and Territories: Western Sahara." BBC News. May 12, 2009. [http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm), par. 13.

<sup>118</sup> Ibid., par. 14.

<sup>119</sup> Ibid., par. 15-16.

<sup>120</sup> "MINURSO – Background." United Nations Mission for the Referendum in Western Sahara. <http://www.un.org/Depts/dpko/missions/minurso/background.html>, par. 10.

<sup>121</sup> "Regions and Territories: Western Sahara." BBC News. May 12, 2009. [http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm), par. 17.

<sup>122</sup> "MINURSO – Background." United Nations Mission for the Referendum in Western Sahara. <http://www.un.org/Depts/dpko/missions/minurso/background.html>, par. 6.

<sup>123</sup> Ibid., par. 7.

<sup>124</sup> Ibid., par. 11.

<sup>125</sup> "History of Western Sahara." Western Sahara Online. <http://www.wsahara.net>

<sup>126</sup> "Regions and Territories: Western Sahara." BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm)

<sup>127</sup> "History of Western Sahara." Western Sahara Online. <http://www.wsahara.net>

<sup>128</sup> John Carthy. *The Western Sahara: A Case Study*. University of Portsmouth. 2004.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> "MINURSO – Background." United Nations Mission for the Referendum in Western Sahara. <http://www.un.org/Depts/dpko/missions/minurso/background.html>, par. 10.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

Special Representative James Baker drafted in 2000, and submitted in June 2001, the “Framework Agreement,” also entitled the “Third Way.”<sup>134</sup> Under the Agreement, Western Sahara would be given immediate autonomy under Moroccan sovereignty, a referendum after a four-year transitional period, and voting eligibility for Moroccans who had resided in Western Sahara for over a year.<sup>135</sup> The Polisario and Algeria rejected the plan.<sup>136</sup> By this time, there had been a total of 12 postponements of the original referendum plan.<sup>137</sup> Morocco also submitted their version of the “Third Way,” which called for a ten-year period to evaluate the referendum process.<sup>138</sup> This, too, was rejected immediately; in response, Baker met with Polisario, Mauritania and Algeria in Wyoming in 2001. Moroccan diplomats were not invited to the meeting.<sup>139</sup>

Secretary-General Kofi Annan met with the Security Council on February 19, 2002, and presented them with four options to break the Western Sahara impasse: autonomy, referendum, partition, or complete withdrawal.<sup>140</sup> In July of 2002, MINURSO’s mandate was extended once more.<sup>141</sup> In 2002, Polisario announced diplomatic relations between SADR and the newly independent East Timor.<sup>142</sup> By November 6, 2002, both Morocco and Polisario had publicly dismissed the Framework plan as no longer applicable to the current situation.<sup>143</sup> Morocco stated that the area should be given autonomy, but should be a part of Morocco, under its sovereignty.<sup>144</sup> France supported this stance.<sup>145</sup>

James Baker began 2003 by drafting the “New Baker Plan,” the “Peace Plan for Self-Determination of the people of Western Sahara”, which called for the creation of a Western Sahara Authority (WSA) to administer the territory until 2008 (potentially 2007), when a referendum would be held between autonomy, integration, or independence.<sup>146</sup> Polisario, widely expected to reject the plan, accepted it, noting it was a “basis of negotiations,” but Morocco stalled, and eventually stated that the Kingdom would no longer accept independence as one of the options on the referendum ballot.<sup>147</sup> UNSC Resolution 1495 signaled United Nations support of the new Baker plan, as well as extending the mandate of MINURSO (further extended until April 2006) and calling for a resolution of other issues such as the POWs held by Polisario and a resolution of the status of unaccounted persons by both parties.<sup>148</sup> The United Nations processes were deadlocked by the disagreement of Morocco and Polisario.<sup>149</sup> With no progress, UN Special Representative James Baker resigned in June 2004.<sup>150</sup>

MINURSO had been created in 1991 with a mandate including to “Identify and register qualified voters; [and] Organize and ensure a free and fair referendum and proclaim the results.”<sup>151</sup> This mandate has been extended, most recently by UNSC Resolution 1871, until 30 April 2010.<sup>152</sup> MINURSO was also responsible for pursuing the mission of UNSC Resolution 1495, to allow for a referendum in 2007 or 2008, which also did not happen.<sup>153</sup>

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<sup>134</sup> “Regions and Territories: Western Sahara.” BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm)

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> John Carthy. *The Western Sahara: A Case Study*. University of Portsmouth. 2004.

<sup>139</sup> Ibid.

<sup>140</sup> “History of Western Sahara.” Western Sahara Online. <http://www.wsahara.net>

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

<sup>146</sup> “Regions and Territories: Western Sahara.” BBC News. May 12, 2009.

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/3466917.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/3466917.stm)

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> “MINURSO: Background.” United Nations Mission for the Referendum in Western Sahara.

[http://www.minurso.unlb.org/MINURSO%20New/01\\_home.htm](http://www.minurso.unlb.org/MINURSO%20New/01_home.htm)

<sup>152</sup> “Security Council adopts resolution 1871 (2009), extending mandate of United Nations Mission for Referendum in Western Sahara.” United Nations Security Council. April 30, 2009. <http://www.un.org/News/Press/docs/2009/sc9650.doc.htm>

<sup>153</sup> “MINURSO: Background.” United Nations Mission for the Referendum in Western Sahara.

[http://www.minurso.unlb.org/MINURSO%20New/01\\_home.htm](http://www.minurso.unlb.org/MINURSO%20New/01_home.htm)

## **Conclusion**

The case studies of South Ossetia and Abkhazia, the Western Sahara, and numerous other conflicts cast by one or all sides as a struggle for self-determination highlight the pervasive nature of the self-determination question in contemporary international affairs. The question of who is entitled to the right to self-determination is the first challenge for the international community, which has failed to reach a consensus definition of a 'people' for application of the rights contained in the ICCPR, ICESCR, Montevideo Convention and other international agreements protecting such a right. Once such a definition is decided upon, however, there are still the other factors that must be weighed, from the rights of individuals in the geographic territory occupied by a people achieving self-determination who are not part of that group to the complications with natural resources to the contrast with the sovereign rights of the state originally controlling that territory. Delegates to international bodies such as the General Assembly Fourth committee will need to represent conflicting interests, whether debating a universal standard for application of the rights and definitions associated with self-determination or judging specific situations on a case-by-case basis. Delegates should also consider which ongoing conflicts, such as the situation involving the Sri Lankan government and Tamil Tigers (LTTE), the Israeli-Palestinian conflict, and the Kurdish people in Iran, Iraq, Syria and Turkey, they wish to consider and attempt to ameliorate or intervene in.

## **Committee Directive**

Does your state believe there is a universal standard that can be applied to the self-determination question? If so, how does your state define a 'people', and are there any further restrictions your state believes should apply to such an entity before they are entitled to the rights of self-determination? Which of the relevant documents, such as the ICCPR, UDHR and ICESCR, has your state signed and ratified?

Which, if any, peoples does your state believe are currently in a struggle for self-determination? In each case, does your state support the sovereign or the people seeking self-determination? Should the achievement of self-determination take the form of independence, autonomy, or merely protected rights for the minority group? If either of the former two options are chosen, how should the borders be drawn, and does your state feel the international community, regional powers, or simply the parties to the conflict should be involved in this process and the post-independence (or post-autonomy) governance?

## **II. Addressing the Dangers of Land Mines in Previously Colonized States**

*"... the long-lasting humanitarian impact of these inhuman weapons continues to deny communities the opportunity to rebuild long after the end of the conflicts."<sup>154</sup>*

Former UN Secretary-General, Kofi Annan

## **Introduction**

Unlike many other weapons, land mines remain long after a conflict has ended. These unexploded remnants of war litter the countryside of many previously-colonized states and contribute to the maiming or death of residents of post-conflict areas.<sup>155</sup> Land mines are small explosive devices that are detonated on contact - usually by a person or vehicle.<sup>156</sup> Often buried only 15 cm underground, land mines are designed to incapacitate on contact with the explosion of metal fragments and cause a significant amount of damage to the targeted individual or vehicle.<sup>157</sup> These small explosive devices are divided into two categories: antipersonnel (AP) land mines and anti-tank (AT) land mines. AP land mines are intended to injure individuals while AT land mines are designed to destroy tanks,

<sup>154</sup> SG/SM/10235. The United Nations. 28 November 2005.

<http://www.un.org/News/Press/docs/2005/sgsm10235.doc.htm>.

<sup>155</sup> "UNICEF in Emergencies: Land mines." UNICEF. [http://www.unicef.org/emerg/index\\_land\\_mines.html](http://www.unicef.org/emerg/index_land_mines.html).

<sup>156</sup> "Land mines: FAQs." CARE International.

[http://www.care.org/newsroom/specialreports/land\\_mines/facts.asp](http://www.care.org/newsroom/specialreports/land_mines/facts.asp).

<sup>157</sup> Ibid.

trucks, and other vehicles. Although AP land mines are intended to injure combatants, these weapons are more likely to injure a civilian.<sup>158</sup> Similarly, AT land mines are intended to incapacitate armored and military vehicles. However, they often prevent civilians from using roads and highways as well as inhibit the delivery of humanitarian aid.<sup>159</sup>

Land mines have been widely used since World War II, but they gained distinction during the Vietnam and Korean Wars; today, land mines are continually used as a scare tactic aimed at civilians. The deadly devices cost lives and impair freedom of movement and community development.<sup>160</sup> While there were early efforts by individuals, non-governmental organizations (NGOs), and field surgeons to ban land mines, the groundwork was finally laid for an international treaty during the 1990s.<sup>161</sup> In 1997, land mines became a violation of international law under the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction, or the “Mine Ban Treaty.”<sup>162</sup> The treaty defined and outlawed AP mines as “a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.”<sup>163</sup>

The United Nations, along with NGOs, inter-governmental organizations (IGOs), and non-profit agencies, has been working to disarm land mines and end their production since the Mine Ban Treaty has entered into effect. This endeavor attempts to bring an end to “weapon contamination,” or the contamination of areas that results in populations that have little or no access to water, firewood, farmland, health care and education.<sup>164</sup> Mine contamination also severely inhibits relief work and further exacerbates humanitarian crises.<sup>165</sup> Organizations such as the International Committee of the Red Cross (ICRC), the United Nations Children’s Fund (UNICEF), and the International Campaign to Ban Land Mines (ICBL), work closely to promote freedom of movement and emphasize the importance of protection from danger of civilians in post-conflict areas and previously-colonized states.<sup>166</sup> With international collaboration and cooperation, Member States and civil society take action to reduce the prevalence and number of land mines. Since 1997, 156 Member States have ratified the Mine Ban Treaty.<sup>167</sup> Barriers remain, however, to total land mine disarmament as 39 Member States, including the United States, Russia, China, Cuba, North Korea, Turkey, and Somalia, refuse to sign or ratify the 1997 Convention.<sup>168</sup> These objections stem from political decisions and internal policies, including whether the United Nations should approach this issue from a standpoint of humanitarian intervention or a security threat.<sup>169</sup> Another obstacle lies in the expense of land mine disarmament as these weapons are very costly to find and destroy.<sup>170</sup> All these factors combine to intensify the dangers of land mines on populations in previously-colonized states.

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<sup>158</sup> Earl Turcotte. “Mine Action and Development.” *Journal of Mine Action*. February 2006.  
<http://maic.jmu.edu/Journal/9.2/feature/turcotte/turcotte.htm>.

<sup>159</sup> *Ibid.*

<sup>160</sup> “History of Land Mines.” International Campaign to Ban Land mines.  
<http://www.icbl.org/problem/history>

<sup>161</sup> Hubert, Don. *The Landmine Ban: A Case for Humanitarian Advocacy*. Providence: Thomas J. Watson Jr. Institute For International Studies at Brown University, 2000, p. 7-8.

<sup>162</sup> “Convention on the Prohibition of the Use, Stockpiling, Production, Transfer of Anti-Personnel Mines and on Their Destruction.” United Nations. September 1997. <http://www.apminebanconvention.org/overview-and-convention-text/>

<sup>163</sup> *Ibid.*

<sup>164</sup> “ICRC Preventative Mine Action Operations.” ICRC.  
[http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section\\_mine\\_anduxo\\_awareness?OpenDocument](http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/section_mine_anduxo_awareness?OpenDocument)

<sup>165</sup> *Ibid.*

<sup>166</sup> *Ibid.*

<sup>167</sup> “Ensuring Universal Adherence.” ICRC.  
<http://www.apminebanconvention.org/background-status-of-the-convention/ensuring-universal-adherence/>

<sup>168</sup> *Ibid.*

<sup>169</sup> Don Hubert. *The Landmine Ban: A Case for Humanitarian Advocacy*. Providence: Thomas J. Watson Jr. Institute for International Studies at Brown University, 2000, p. 7-8.

<sup>170</sup> “History of Land Mines.” International Campaign to Ban Land mines.  
<http://www.icbl.org/problem/history>

## *Effects and Dangers of Land Mines*

Land mines originated as a political tool designed to directly injure soldiers during WWII but have evolved to directly target individuals. More resources are required to care for an injured, rather than dead, soldier, which make land mines effective as offensive tools.<sup>171</sup> However, in recent years, the introduction of AP mines as a means to terrorize civilians and communities has made these weapons increasingly dangerous.<sup>172</sup> Although attempts have been made to map and track the location of minefields, civilians and aid workers are often unaware that they have entered a minefield.<sup>173</sup> Further, rainy seasons often shift land mine fields from one location to another and make it more difficult to track and effectively demine large areas.<sup>174</sup> Due to the inability to pinpoint their exact locations, land mines have caused populations, particularly those in previously-colonized states, to become increasingly susceptible to their deadly effects.<sup>175</sup>

Today, there are an estimated 75 Member States that are affected by the dangers of land mines.<sup>176</sup> An AP land mine is intended to maim its victims by shrapnel wounds, but many are killed in the process—often from loss of blood and the unavailability of adequate medical attention.<sup>177</sup> These weapons, often small and cheaply made, are easily triggered with the capacity to injure and devastate their immediate surroundings. AP land mines can be further classified as “explosive blast-affect land mines,” “fragmentation land mines,” or “bounding land mines.”<sup>178</sup> Explosive blast-affect land mines, also known as butterfly mines, are designed to injure the leg and foot. These mines are also brightly colored and are “irresistible” to children who unknowingly attempt to play with the brightly colored plastic.<sup>179</sup> Fragmentation land mines, also known as cluster munitions or bombs, are often encased in metal and filled with ball bearings which lethally explode fragments of metal when detonated.<sup>180</sup> The final type of AP land mines, bounding land mines, or “bouncing betties,” are triggered by a trip wire that launches the mine mid-air before it explodes to kill within a 35 meter radius and injure victims up to 100 meters away.<sup>181</sup> Although there are mines of all shapes and sizes, those in favor of the Mine Ban Treaty argue that each destructive and threatens human growth, development, and prosperity.

Not only are land mines dangerous to citizens, their disarmament poses significant problems to the international community.<sup>182</sup> A key difficulty with land mine disarmament is the cost. While a single land mine costs about 1USD to manufacture, it can cost upwards of 1,000USD to find and disarm.<sup>183</sup> Land mine clearance is a dangerous process which requires high levels of training and precision.<sup>184</sup> For every 1000 square miles that are demined, three deminers are injured or one is killed.<sup>185</sup> Demining typically includes the actual disarmament of individual mines in addition to surveying and mapping of the location of mines and minefields.<sup>186</sup> Mine clearing uses three processes: “manual clearance”, where trained individuals use metal detectors and controlled explosions to disarm mines, the use of “mine detection dogs”, which detect the scent of mines to locate and disarm, and “mechanical clearance”, which utilizes heavy machinery, such as armored bulldozers, to locate and detonate land mines.<sup>187</sup> New,

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<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> “What’s the Problem?” International Campaign to Ban Land mines. <http://www.icbl.org/problem/what>

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> “UNICEF in Emergencies: Land mines.” UNICEF. [http://www.unicef.org/emerg/index\\_landmines.html](http://www.unicef.org/emerg/index_landmines.html).

<sup>180</sup> “Land mines: FAQs.” CARE International. [http://www.care.org/newsroom/specialreports/land\\_mines/facts.asp](http://www.care.org/newsroom/specialreports/land_mines/facts.asp).

<sup>181</sup> Ibid.

<sup>182</sup> “History of Landmines.” International Campaign to Ban Landmines. <http://www.icbl.org/index.php/icbl/Problem/Landmines/History-of-Landmines>

<sup>183</sup> Ibid.

<sup>184</sup> “Mine Clearance.” United Nations Mine Action. <http://www.mineaction.org/overview.asp?o=16>

<sup>185</sup> “The Cost of Landmines.” Public Broadcasting Systems. <http://www.pbs.org/saf/1201/features/landmines.htm>

<sup>186</sup> “Mine Clearance.” United Nations Mine Action. <http://www.mineaction.org/overview.asp?o=16>

<sup>187</sup> Ibid.

experimental means to clear land mines have also been used, such as “telepresence,” which utilizes touch-sensitive, remote operated robotics to demine fields.<sup>188</sup> However, although none of these methods are fully successful and easy to accomplish, manual clearance is the most preferred method to demine as it is the most easily controlled and cost-efficient.<sup>189</sup> In order to combat costliness and danger, most mine action and disarmament programs are carried out through the cooperation of national authorities, UN peacekeeping missions, military units, and NGOs.<sup>190</sup> Despite these efforts at cooperation and cost-effective approaches, the dangers of land mines remain.

### ***Why Previously Colonized States?***

Populations in previously-colonized states are at the greatest risk for mine contamination due to their underdevelopment; such regions remain plagued by conflict and dangerous political environments that contribute to the lasting effects of land mines.<sup>191</sup> Because these states are often left with little sustainable development and resources after an occupying power leaves, the newly-formed political systems are unable to effectively deal with the land mines that pose such a threat to their population.<sup>192</sup> Further, political tensions In addition to the physical danger posed by land mines, social and political implications emerge as a result. Due to these social and political problems, some of these governments, due to ongoing conflict, are unable to provide support in the tracking, mapping, and disarmament of land mines which perpetuates a vicious proliferation of land mines and other explosive remnants of war.<sup>193</sup>

### ***Social Implications***

Member States and organizations in favor of total mine disarmament have moral, political, and social arguments in favor of the Mine Ban Treaty. The first of these repercussions are the severe limitations that land mines pose to development. Land mines not only inhibit economic development, but the indiscriminate nature of land mines also impedes human development.<sup>194</sup> Accordingly, individuals in mine laden areas in previously-colonized states often lack a clean, safe living environment, potable water, freedom of motion, and a means to provide the basic necessities of life.<sup>195</sup> Those living in mine contaminated areas are similarly victimized to those who are directly injured from a land mine.<sup>196</sup> The collateral damage posed by these weapons is extremely high as populations are affected *en masse*.<sup>197</sup> Many of the moral arguments against land mines recognize the ill-effects of these devices on children. Often, children are the most affected by land mines because, unlike adults, a greater percentage of children are illiterate and unable to read danger signs in contaminated areas.<sup>198</sup> Children are also more likely than adults to die from their injuries because a child’s developing bones and tissue often cannot withstand the injury. Often, children must undergo multiple, painful amputations to repair the re-growth of muscle, bone, and tissue damaged by land mines.<sup>199</sup> On average, a prosthetic limb for a child may cost 3000USD; a 10 year old child who is injured can need as many as 25 prosthetic limbs in his or her lifetime which creates a huge financial burden on those who are injured.<sup>200</sup> Not only are children the first to be injured due to their natural curiosity to pick up and play with the brightly-colored “butterfly” mines, but as land mines continue to damage society, families are unable to satisfy the

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<sup>188</sup> “Telepresence.” Xiaojun Shen and Shervin Shirmohammadi.

<http://encyclopedia.jrank.org/articles/pages/6911/Telepresence.html>

<sup>189</sup> “Mine Clearance.” United Nations Mine Action. <http://www.mineaction.org/overview.asp?o=16>

<sup>190</sup> Ibid.

<sup>191</sup> “The Landmine Crisis.” The United Nations Association for the United States of America.

<http://www.unausa.org/Page.aspx?pid=939>

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Earl Turcotte. “Mine Action and Development.” Journal of Mine Action. February 2006.

<http://maic.jmu.edu/Journal/9.2/feature/turcotte/turcotte.htm>.

<sup>195</sup> Ibid.

<sup>196</sup> “UNICEF in Emergencies: Land mines.” UNICEF. [http://www.unicef.org/emerg/index\\_landmines.html](http://www.unicef.org/emerg/index_landmines.html).

<sup>197</sup> Earl Turcotte. “Mine Action and Development.” Journal of Mine Action. February 2006.

<http://maic.jmu.edu/Journal/9.2/feature/turcotte/turcotte.htm>.

<sup>198</sup> “Land-mines: A Deadly Inheritance.” UNICEF. <http://www.unicef.org/graca/mines.htm>.

<sup>199</sup> Ibid.

<sup>200</sup> “The Cost of Landmines.” Public Broadcasting Systems. <http://www.pbs.org/saf/1201/features/landmines2.htm>



basic necessities of life because agricultural fields are often the most heavily mined areas, which leads to a cycle of malnutrition, starvation, and famine.<sup>201</sup>

Another unsettling limitation is the restriction of free movement in areas most affected by land mine contamination. It has been established that land mines violate Article 13 of the *Universal Declaration on Human Rights*, which states that “everyone has the right to freedom of movement and residence within the borders of each state.”<sup>202</sup> The Declaration also states that “everyone has the right to leave any country, including his own, and to return to his country.”<sup>203</sup> Because of the threat of explosion from land mines, citizens in mine-affected areas are unable to move within their own land to obtain supplies or go to school. Additionally, these citizens are unable to move to unaffected areas or be repatriated after a conflict ceases due to the contamination of entire regions.<sup>204</sup> Accordingly, citizens in previously-colonized states living in agricultural areas are unable to provide for themselves or relocate to unaffected regions as a result of land mines.

### ***Political Implications***

Land mines also have political implications that impact the ability of the international community to effectively locate and disarm the weapons. Although there are many Member States that support international laws that outlaw AP land mines and other indiscriminate weapons, other states such as the United States, Cuba, and Turkey remain opposed to an international directive banning land mine proliferation.<sup>205</sup> Many states, such as the United States, argue that it will not sign the Treaty because land mines are “crucial to stopping any ‘human wave attacks’ of North Koreans into South Korea.”<sup>206</sup> Although the United States has reiterated their intent to find “alternatives” to AP and AT land mines, it refuses to sign any treaty which would require a purge of current stockpiles.<sup>207</sup> Other states maintain similar positions. One positive indicator to a policy change, however, emanates from a recent piece of American legislation which banned the exportation of cluster munitions in March 2009.<sup>208</sup> Similarly, Cuba has maintained opposition to the Mine Ban Treaty due to “security threats” posed by the United States’ presence in Guantanamo Bay, an area that Cuba mined in 1961 as a security precaution.<sup>209</sup> These oppositional policies, however, are among a minority that does not favor the universal elimination of land mines.

The states party to the Mine Ban Treaty support action taken to disarm and ban land mines worldwide. States have indicated that they support the Treaty to bring to an end to the suffering, danger, and death caused by land mines.<sup>210</sup> By partnering with NGOs and IGOs, the United Nations has sought to ensure that the Treaty is universally ratified and successfully implemented.<sup>211</sup> States party to the Mine Ban Treaty also pledge that each will institute victim assistance and education programs for land mines.<sup>212</sup> By partnering with individual state governments through programs such as Mine Risk Education implemented by the United Nations Children’s Fund (UNICEF), the international community informs and educates at-risk populations about the dangers of land mines.<sup>213</sup> Currently, UNICEF is working with governments in more than 30 countries to implement Mine Risk Education and provide services for mine survivors.<sup>214</sup> While most social and education programs are carried out by NGOs and IGOs, the

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<sup>201</sup> “Land-mines: A Deadly Inheritance.” UNICEF. <http://www.unicef.org/graca/mines.htm>.

<sup>202</sup> Universal Declaration of Human Rights. United Nations General Assembly. 10 December 1948.

<sup>203</sup> Ibid.

<sup>204</sup> Earl Turcotte. “Mine Action and Development.” *Journal of Mine Action*. February 2006. <http://maic.jmu.edu/Journal/9.2/feature/turcotte/turcotte.htm>.

<sup>205</sup> “Fourth Anniversary of Landmine Treaty Signing.” Center for Defense Information. 7 December 2001. <http://www.cdi.org/program/issue/>

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> “Congress Permanently Bans Cluster Bomb Exports.” United States Campaign to Ban Land mines. 11 March 2009. <http://www.banminesusa.org/>

<sup>209</sup> “Cuba: Mine Ban Policy.” *Landmine Monitor*. November 2005. <http://www.icbl.org/lm/2005/cuba.html>

<sup>210</sup> “Convention on the Prohibition of the Use, Stockpiling, Production, Transfer of Anti-Personnel Mines and on Their Destruction.” United Nations. September 1997. <http://www.apminebanconvention.org/overview-and-convention-text/>

<sup>211</sup> “UNICEF in Emergencies: Land mines.” UNICEF. [http://www.unicef.org/emerg/index\\_landmines.html](http://www.unicef.org/emerg/index_landmines.html).

<sup>212</sup> “Convention on the Prohibition of the Use, Stockpiling, Production, Transfer of Anti-Personnel Mines and on Their Destruction.” United Nations. September 1997.

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

majority of political and de-mining actions are carried out by governments and militaries of individual Member States and United Nations assistance programs.<sup>215</sup>

### *Case Study: Cambodia*

The Kingdom of Cambodia is one of the world's most land mine-laden states. After the French left Indochina and the state of Cambodia gained independence in 1953, political instability and guerilla war allowed Pol Pot and the Khmer Rouge to capture power in 1975.<sup>216</sup> As a result of this conflict, more than 644 square miles of known mined land and a suspected 1,400 square miles of mined land exist in the region, and the Cambodian population remains one of the most endangered as a result of extensive AP and AT mines.<sup>217</sup> Subsistence farming is the dominant means of livelihood in Cambodia - as much as 85% of the population relies on small farms for survival.<sup>218</sup> Because a large percentage of this land is contaminated with mines, economic and social development is severely impaired, leaving Cambodia one of the world's poorest countries.<sup>219</sup>

The Cambodian government has recognized the extent of the remaining demining task, as Deputy Prime Minister Sok An notes that "getting rid of land mines is a prerequisite to lift affected populations out of poverty."<sup>220</sup> Development and political rights of its population continue to be threatened more than 30 years since its freedom from the Khmer Rouge. Cambodia has been a State Party to the Mine Ban Treaty since 1999, and it attended the Ottawa Convention Implementation and Universalization Workshop in 2008, as well as becoming party to the Convention on Conventional Weapons and its Amended Protocol II on land mines in April 2008, which bans the use of weapons that injure or kill civilians indiscriminately.<sup>221</sup> Cambodia also participated in the Dublin Diplomatic Conference on Cluster Munitions in May 2008 that ended in a total ban on all use, stockpiles, and proliferation of all cluster munitions.<sup>222</sup> Accordingly, with one of the largest weapon contamination areas, Cambodia has been exceedingly responsive to the Mine Ban Treaty and the overall eradication of land mines.

Through the Cambodia Mine Action and Victim Assistance Authority (CMAA), Cambodia has implemented a mine action strategy to combat the land mine problem and have "a Cambodia free from the negative humanitarian and socio-economic impacts of landmine[s]."<sup>223</sup> In accordance with the Cambodian National Mine Action Strategy, Cambodia is on target to be cleared of land mines by 2015 in all high priority areas.<sup>224</sup> With only 226 square kilometers remaining of high priority areas to be demined, funding is on target for this goal to be achieved.<sup>225</sup> The National Mine Action Strategy has been extremely successful by instituting policies to eliminate the risk of death and injury from land mines, reduce negative socio-economic effects from land mines, and achieve overall de-mining in all regions of Cambodia by 2020. Cambodia has effectively implemented detection and demining measures through the Hazardous Area Life-Support Organization (HALO) Trust, a non-profit agency which specializes in demining and other post-war disarmament.<sup>226</sup> This de-mining and survey program has successfully cleared more than 42 mined fields in rural Cambodia.<sup>227</sup> The Cambodian government, in partnership with other agencies and non-profit organizations, has also implemented humanitarian programs for victim assistance and education. Cambodia seeks to better prepare its citizens to regain political and social stability within the area through the Spirit

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<sup>215</sup> "Who Does It?" E-Mine: Electronic Mine Information Network.

[http://www.mineaction.org/section.asp?s=who\\_does\\_it](http://www.mineaction.org/section.asp?s=who_does_it)

<sup>216</sup> "Cambodia's Landmine History." Clear Path International. 25 April 2005.

<http://www.cpi.org/cpiblog/archives/000293.php>

<sup>217</sup> LM Report 2008: Cambodia. International Campaign to Ban Land mines. 2008.

<http://www.icbl.org/lm/2008/countries/cambodia.php#footnote-7706-29>

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> "Disarmament." United Nations Office at Geneva.

[http://www.unog.ch/80256EE600585943/\(httpPages\)/4F0DEF093B4860B4C1257180004B1B30?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4F0DEF093B4860B4C1257180004B1B30?OpenDocument)

<sup>222</sup> LM Report 2008: Cambodia. International Campaign to Ban Land mines. 2008.

<http://www.icbl.org/lm/2008/countries/cambodia.php#footnote-7706-29>

<sup>223</sup> Ibid.

<sup>224</sup> "Cambodia." E-Mine: Electronic Mine Information Network. <http://www.mineaction.org/country.asp?c=6>

<sup>225</sup> Ibid.

<sup>226</sup> LM Report 2002: Cambodia. International Campaign to Ban Land mines. 2002. <http://www.icbl.org/lm/2002/cambodia>

<sup>227</sup> Ibid.

of Soccer program, which seeks to remind children “about the basic do's and don'ts of living and playing in proximity to land mines.”<sup>228</sup> With hundreds of thousands of mines already cleared, the Cambodian government and the international community consider this program a success story.<sup>229</sup> However, despite these seemingly successful political and humanitarian programs, Cambodia remains in need of mine action and assistance.

### *United Nations and International Mine Action*

The United Nations and the international community have taken great steps to guarantee the human and political rights of those affected by land mines in previously-colonized states. Through United Nations Mine Action, supported by the United Nations Inter-Agency Mine Action Strategy and a coalition of fourteen UN agencies, the international community has carried out significant efforts to reduce the number of mines through “demining as well as victim assistance, mine-risk education, destruction of stockpiled land mines, and advocating for a world free of the threat of land mines.”<sup>230</sup> Through international law and agreements, such as the Convention on Cluster Munitions, the Anti-Personnel Land Mine Ban Treaty, and the Convention on Certain Conventional Weapons Protocols II and V, states party to these documents promote the “policy of the United Nations in mine action to contribute to the United Nations’ larger efforts to help ensure compliance with relevant resolutions and international legal norms and standards.”<sup>231</sup> Further, the UN Mine Action works within the International Mine Action Standards, which outline procedures for mine detection, destruction, and mine-risk education.<sup>232</sup> Through the Department of Peacekeeping Operations (DPKO) Best Practices Unit and the United Nations Inter-Agency Mine Action Strategy, the international community stresses education, gender balance and mainstreaming, and assistance to “seek to involve them [men, women, boys and girls] to the extent possible in the planning and implementation of mine action initiatives” which are essential in the protection of social and political rights of citizens of previously-colonized states recovering from mine contamination.<sup>233</sup> This coordination among UN bodies and Member States is imperative to highlight and eradicate the dangers posed by the presence of land mines to those living in previously-colonized states.

Further, through cooperation with NGOs and inter-governmental organizations, extensive work has been done in previously-colonized states to eliminate land mines and free citizens from their dangers. Organizations such as the International Campaign to Ban Land Mines (ICBL), CARE International, the Land Mine Monitor, the International Committee for the Red Cross, and Handicap International have worked together to disseminate information regarding the land mine problem and its threats, victim assistance, demining projects, and educational programs in mine laden areas.<sup>234</sup> At the center of the movement is the ICBL, which is a network of 1,400 NGOs that focus on the implementation of the Mine Ban Treaty and additional international agreements, humanitarian aid, support for land mine victims, and lobbying efforts for the universality of the Mine Ban Treaty.<sup>235</sup> These organizations have made marked efforts to promote the rights of individuals living in areas with explosive remnants of war and address the perceived dangers.

### *Conclusion*

Although extensive humanitarian, political, and technical efforts have been made to eradicate the dangers posed by mine contamination throughout the international community, this issue remains at the forefront of the international agenda. The sheer number of land mines and the danger posed by disarmament, as well as some marked opposition to international agreements, are barriers to effectively eradicating the threat of land mines across the world—

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<sup>228</sup> “Using Soccer to Educate Cambodian Youth about the Dangers of Land mines.” Embassy of the United States, Phnom Penh. 19 August 2007. [http://cambodia.usembassy.gov/spirit\\_of\\_soccer.html](http://cambodia.usembassy.gov/spirit_of_soccer.html)

<sup>229</sup> Ibid.

<sup>230</sup> “What is Mine Action?” E-Mine: Electronic Mine Information Network. <http://www.mineaction.org/>

<sup>231</sup> “Treaties and Law.” E-Mine: Electronic Mine Information Network. [http://www.mineaction.org/section.asp?s=treaties\\_and\\_law](http://www.mineaction.org/section.asp?s=treaties_and_law)

<sup>232</sup> “How is the Work Done?” E-Mine: Electronic Mine Information Network. [http://mineaction.org/section.asp?s=how\\_its\\_done](http://mineaction.org/section.asp?s=how_its_done)

<sup>233</sup> UN Inter-Agency Mine Action Strategy: 2006-2010. The United Nations Mine Action: Inter-Agency Coordination Group on Mine Action. 5 May 2006.

<sup>234</sup> “Campaign History.” International Campaign to Ban Land mines. <http://www.icbl.org/campaign/history>

<sup>235</sup> “What is the ICBL’s Role?” International Campaign to Ban Land mines. 02 October 2005. <http://www.icbl.org/tools/faq/campaign/role>

especially in previously-colonized states. Member States in favor of the Treaty maintain that non-party states to these international agreements pose significant obstacles to eradication by maintaining stockpiles or utilizing land mines as a means of conducting war. However, the international community has made significant efforts to emphasize the extent of the problem in areas like Cambodia, where an average of 1 in 290 people are amputees due to land mine explosions.<sup>236</sup> With that number of victims and those whose political rights are being infringed upon due to land mines, the Mine Ban Treaty dictates that the international community must take steps to address the dangers of land mines in previously-colonized states.

### *Committee Directive*

This topic is extremely politicized and has a tendency to have extremely biased sources. Therefore, delegates should take care in finding sources while having an adequate understanding of various international agreements and declarations that make reference to land mines, cluster munitions, and social and political rights pertaining to each. Delegates should refer to the Convention on Cluster Munitions, the Anti-Personnel Land Mine Ban Treaty, the Convention on Certain Conventional Weapons Protocols II and V, and other international agreements when conducting research, as well as refer to other conference findings, such as those of the Nairobi Summit to review the Mine Ban Treaty, to understand the extent of international cooperation and dedication to eradication of the dangers posed by land mines. Additionally, delegates should be well versed in international humanitarian law, such as the Universal Declaration on Human Rights, the Convention on the Rights of the Child, and other documents in order to understand which rights are violated by the threat of land mines. Further, delegates should know which previously-colonized states are affected by extensive mine contamination. It is also important that delegates understand their state's policies on land mines, education, victim assistance, and other related topics as well as their state's involvement in international discourse on the topic.

As this is the General Assembly Fourth Committee (GA 4th), it is imperative that delegates remain within the mandate of the committee, with a special focus on the dangers of land mines in previously-colonized states. By dealing specifically with previously-colonized states, the topic becomes much more manageable. Special focus should remain on the violations of international law with an emphasis on the political and social implications of land mines.

Delegates should consider these questions: What is your state's position and ratification status on the international agreements on land mines? What actions has your state taken to contribute to the international movement to eliminate land mines? It would be beneficial to begin with a search of your state's contributions to the International Campaign to Ban Land mines (ICBL). Many states have individual programs under the auspices of the ICBL. Has your state ever used land mines or does it currently use land mines as a means to conduct war? This information can be highly politically charged. It is imperative that delegates exercise caution in referring to sources indicating land mine use and policies. The Arms Control Association provides a wealth of information on mine stockpiles and use.<sup>237</sup>

Additionally, how should this committee ensure that political and social rights of land mine victims and those living in mine laden areas are protected? Specifically, research should be tailored to your state's position on political and humanitarian assistance programs. How should the international community stress the importance of the Mine Ban Treaty without violating the sovereignty of Non-Party States? Delegates should remember that the General Assembly Fourth Committee cannot take any action against states, but it can make recommendations to the Security Council. Finally, what is your country's perception of the future of land mine assistance and disarmament to protect rights in post-colonial states? These questions should guide research and debate within the committee sessions.

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<sup>236</sup> Stuart Hughes. "Cambodia's Landmine Victims." BBC News. 11 November 2003. <http://news.bbc.co.uk/2/hi/asia-pacific/3259891.stm>

<sup>237</sup> Arms Control Association. <http://www.armscontrol.org/>

### III. Evaluating the Right to Freedom of Expression throughout Member States

*“Freedom of expression is the matrix, the indispensable condition, of nearly every other form of freedom.”*<sup>238</sup>

*Benjamin Cardozo, jurist, lawyer, Associate Justice of the Supreme Court (United States)*

#### **Introduction**

Freedom of expression, or ‘freedom of speech’ as it is often colloquially called, literally denotes the ability to express one’s views without risk or fear of retribution. In the context of political and international affairs, the retribution avoided is that potentially wielded by the state or its allies. While there are some limits that can be put in place for the protection of other rights and the rights of others in the population, most notably the oft-quoted example of yelling ‘fire!’ in a crowded area and thus ostensibly causing an unsafe situation for members of the crowd, generally speaking limitations on what can or cannot be expressed are violations of freedom of expression.<sup>239</sup>

Internationally, there is a very wide disparity in the levels of protected freedom of expression across Member States and even within states based on geography or ideology. Human rights groups such as Amnesty International issue periodic reports on countries and the status of freedom of expression worldwide; while in the majority of Western European states one can state their opinions with no consequences or retribution, there are states reported by numerous watchdog groups and NGOs to be much less open, including Iran, the Russian Federation, China, and numerous despotic or dictatorial regimes.<sup>240</sup> There are, of course, exceptions to this general statement, as inclusion of the state’s allies in evaluation of freedom of expression has led to numerous accusations against the United States and its allies of limiting freedom of expression in their campaign against international terrorism. Additionally, in Germany, Austria, Hungary and Israel it is either prohibited literally or in a *de facto* sense to deny the Holocaust or support anything linked to or reminiscent of Nazism.<sup>241</sup>

The latter point is one example of numerous collectivist objections to *carte blanche* freedom of expression. For societies more concerned with social freedom or collective freedom than individual freedom, the former of which is generally valued higher in Europe and the East and the latter more highly in the United States, there are numerous objectors who support the view that the freedom of an individual to express themselves may in certain cases, such as a neo-Nazi in Germany, jeopardize the freedoms of the society as a whole.<sup>242</sup> Thus a more collective ideal of freedom of expression, one with limits based off of certain ‘universal’ (where universal refers to within the state or jurisdiction) norms, has arisen in areas such as Germany and Israel.<sup>243</sup>

This collective ideal, however, is often used to justify limits on freedom of expression that would violate either the individual or collectivist conception of what such freedom should entail. There are admittedly numerous states worldwide which do not allow the expression of dissent and such limits are formalized in some of these states. In the People’s Republic of China, the Democratic People’s Republic of Korea, the Kingdom of Saudi Arabia, and the Islamic Republic of Iran, for example, open dissent against the government is unheard of due to the relatively high levels of state and state-supported response and reaction to those who express such dissent.<sup>244</sup> Thus regardless of whether a individual or collectivist view of freedom of expression is preferred, supporters of freedom of expression have reason to be concerned when looking at those states in which neither view is supported and expression is severely limited.<sup>245</sup>

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<sup>238</sup>“Benjamin Cardozo Quotes.” ThinkExist.com. [http://thinkexist.com/quotation/freedom\\_of\\_expression\\_is\\_the\\_matrix-the/156066.html](http://thinkexist.com/quotation/freedom_of_expression_is_the_matrix-the/156066.html)

<sup>239</sup>“The Director-General hails the importance of freedom of expression.” United Nations Educational Scientific and Cultural Organization. October 31, 2008. [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=27724&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=27724&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>240</sup>“Home.” Freedom House. <http://www.freedomhouse.org/template.cfm?page=1>

<sup>241</sup>“Irving tests Europe’s free speech.” BBC, February 20, 2006. <http://news.bbc.co.uk/2/hi/europe/4710508.stm>

<sup>242</sup> Ibid.

<sup>243</sup>“Germany: Country Report.” Freedom House, 2009. <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7613>

<sup>244</sup>“Home.” Freedom House. <http://www.freedomhouse.org/template.cfm?page=1>

<sup>245</sup> E/CN.4/2004/62. Civil and Political Rights, Including the Question of Freedom of Expression: The right to freedom of opinion and expression. Report of the Special Rapporteur, Ambeyi Ligabo, submitted in accordance with Commission

## *International Frameworks*

The primary documents that codify universal human rights, included in which is a universal right to freedom of expression, are the *Universal Declaration of Human Rights* (UDHR), *International Covenant on Civil and Political Rights* (ICCPR) and *the International Covenant on Economic, Social and Cultural Rights* (ICESCR).<sup>246</sup> Additionally, there are numerous other documents which codify this right for certain groups, be they geographic, demographic, or class-based groups. All these documents address, in some way or other, the right to freedom of expression.

The *Universal Declaration of Human Rights* was passed in the United Nations General Assembly (GA) on December 10, 1948.<sup>247</sup> The UDHR protects freedom of expression in Article 19, which states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”<sup>248</sup> This is a relatively expansive definition of freedom of expression, as it includes the three related rights of “seek[ing], receiv[ing] and impart[ing] information” in addition to merely expressing what one already thinks.<sup>249</sup>

While the ICESCR, which came into force in 1976, does not explicitly deal with freedom of expression, it does protect rights that are considered corollaries to freedom of expression.<sup>250</sup> Specifically, the ICESCR protects academic freedom, as well as the right to an education for all, both of which relate to the rights to seek, receive and impart information protected under the UDHR as well.<sup>251</sup>

The *International Covenant on Civil and Political Rights* (ICCPR) outlines the modern-day dilemma both in what it guarantees and how it limits such guarantees.<sup>252</sup> The ICCPR guarantees the right to freedom of expression as follows, under Article 19 (1) and 19 (2): “Everyone shall have the right to hold opinions without interference. [...] Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>253</sup>

Similarly to the UDHR, the ICCPR guarantees the rights of seeking, receiving and imparting information, expanding upon the historical definition as well and reaffirming it 28 years after the UDHR, in 1976.<sup>254</sup> In Article 19 (3), however, the ICCPR also protects the rights of the state against exercise of the freedom of expression: The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.<sup>255</sup>

While some possible interpretations of this section of the ICCPR are well within the consensus domestic limitations on freedom of expression, the last section in particular can be used, and has been used historically, to justify more

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resolution 2003/42. United Nations Commission on Human Rights, December 12, 2003.  
[http://www.unhcr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/e3bd67929b7f8939c1256e450062dd77/\\$FILE/G0317169.pdf](http://www.unhcr.ch/huridocda/huridoca.nsf/e06a5300f90fa0238025668700518ca4/e3bd67929b7f8939c1256e450062dd77/$FILE/G0317169.pdf)

<sup>246</sup> Ibid.

<sup>247</sup> Universal Declaration of Human Rights. United Nations, 10 December 1948. <http://www.un.org/en/documents/udhr/>

<sup>248</sup> Ibid.

<sup>249</sup> “Freedom of expression in the 21st century” By Robert Trager, Donna Lee Dickerson page 108.

<sup>250</sup> International Covenant on Economic, Social and Cultural Rights. United Nations. 16 December 1966.

[http://www.unhcr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhcr.ch/html/menu3/b/a_ceschr.htm)

<sup>251</sup> Ibid.

<sup>252</sup> International Covenant on Civil and Political Rights. United Nations, 23 March 1976.

[http://www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm)

<sup>253</sup> Ibid.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid.

expansive regulation and limitation upon freedom of expression than the spirit of the Article suggests.<sup>256</sup> Simultaneously, though, it may also pose a challenge for the state in that the right of an individual to seek and receive information *from* the state is guaranteed under paragraph 2 and limited only as stated by paragraph 3, under a legal protection against the release of certain information for one or more of the reasons listed.<sup>257</sup>

### *Frameworks Specific to Regions and Groups*

The *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), signed in 1965, addresses the issue of freedom of expression in Article 5, stating that “racial and ethnic minorities equally should not be discriminated against and have equal access to airing their views and sharing information of concern to them.”<sup>258</sup> Furthermore, the ICERD also says that broadcasters “have a responsibility to promote a culture of tolerance and ensure that their broadcasts do not become a vehicle for spreading hatred and contempt of minority groups.”<sup>259</sup>

The linkages between racial discrimination, freedom of religion, and freedom of expression were further articulated recently at the Durban Review Conference.<sup>260</sup> During the conference, the numerous challenges facing the world in terms of exacerbated tensions in inter-community relations resulting from expressing racial or religious hatred were addressed. In a joint statement made by Mr. Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ms. Asma Jahangir, the Special Rapporteur on freedom of religion or belief, and Mr. Frank La Rue, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, it was stated that “while the exercise of freedom of expression could in some extreme cases affect the right to manifest the religion or belief of certain identified individuals, it is conceptually inaccurate to present ‘defamation of religions’ in *abstracto* as a conflict between the right to freedom of religion or belief and the right to freedom of opinion or expression.”<sup>261</sup>

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression is a key institution within the UN system charged with addressing this issue.<sup>262</sup> Established in 1993 by the Commission on Human Rights, the Special Rapporteur gathers information, provides comprehensive background, and makes linkages between relevant issues and their area of focus.<sup>263</sup> For example, in preparation for the World Summit on the Information Society, the Special Rapporteur did a comprehensive review of the UN action in the field of freedom of expression in order to allow member states a foundation with which to “make fresh proposals for a new direction in the future.”<sup>264</sup>

The right to expression within the context of women’s rights was articulated within the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), specifically within Article 3.<sup>265</sup> It is there that countries articulate the importance of equal access to and representation of women in the media, in order to ensure that coverage of issues of concern to women is carried out in full and also that the participation of women in decision-making is allowed. In addition, CEDAW states the need for effective measures that will combat discrimination against women and promote their access to media.<sup>266</sup> Related to the issue of access to media, in

<sup>256</sup> “Freedom of expression and freedom of information” By J. Beatson, Yvonne Cripps, David Glyndwr Tudor Williams page 226-227.

<sup>257</sup> “Freedom of expression and freedom of information” By J. Beatson, Yvonne Cripps, David Glyndwr Tudor Williams page 226-227.

<sup>258</sup> International Convention on the Elimination of All Forms of Racial Discrimination. United Nations, 4 January 1969. [http://www.unhchr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhchr.ch/html/menu3/b/d_icerd.htm)

<sup>259</sup> Ibid.

<sup>260</sup> “Freedom of expression and incitement to racial or religious hatred: OHCHR side event during the Durban Review Conference, Geneva, 22 April 2009. United Nations, 22 April 2009. <http://www2.ohchr.org/english/issues/opinion/docs/SRJointstatement22April09New.pdf>

<sup>261</sup> Ibid.

<sup>262</sup> “Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.” Office of the United Nations High Commissioner for Human Rights. <http://www2.ohchr.org/english/issues/opinion/index.htm>

<sup>263</sup> Ibid.

<sup>264</sup> E/CN.4/2004/62. Civil and Political Rights, Including the Question of Freedom of Expression: The right to freedom of opinion and expression. Report of the Special Rapporteur, Ambeyi Ligabo

<sup>265</sup> Convention on the Elimination of All Forms of Discrimination against Women. United Nations, 18 December 1979. <http://www2.ohchr.org/english/law/cedaw.htm>

<sup>266</sup> Ibid.

1978, UNESCO proposed a resolution called *Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War* which further integrates freedom of expression into the fundamental human rights we share particularly in situations during and before conflict.<sup>267</sup>

Regional organizations have been successful in addressing this issue through multiple documents. For example, the Organization of American States (OAS) not only adopted the *American Convention on Human Rights* in 1969, in which Article 13 protects the right to freedom of thought and expression, but the organization also has an extremely active Special Rapporteur on Freedom of Expression. This institution was created in October 1997 to “strengthen the implementation of the right to freedom of expression.”<sup>268</sup> The mandate of the Special Rapporteur includes the collection of information, the preparation of annual and thematic reports and country visits, as well as the “immediate notification of serious situations, or early warning, as well as promotional activities.”<sup>269</sup>

Recently, the OAS adopted the *Declaration of Principles on Freedom of Expression*, which is meant to be a “fundamental document for the defense of freedom within the inter-American system.” The document, which consists of 13 principles, is lauded as the “most important step for freedom of expression in recent years, which not only constitutes recognition of the importance of freedom of expression in the Americas, but also establishes international standards for more effective protection of this right.”<sup>270</sup>

### **Media in Conflict and Post-Conflict Situations**

Conflict and post-conflict zones are hazardous environments for journalists for many reasons; these reasons include the safety of the journalists themselves, the availability of information, and instability within governments, which often leads to infringements of free speech and freedom of the press. In post-conflict situations, it is necessary to rebuild a state’s capacity by building infrastructure, re-establishing law and order, providing for social services, and regaining political legitimacy both within and without the country.<sup>271</sup> Independent media can be invaluable in monitoring ongoing conflict situations, holding governments accountable to the commitments made during peace processes, and collection of data. Within this sub-topic, there are five important issues that should be discussed: institutional media development, media and election coverage, security and safety of media professionals, strengthening professional journalism, and supporting media legislation.

Within the UN system, a high priority is given to “strengthening the capacities of communication institution, improving awareness about the necessity of freedom of expression, and raising awareness of the public on the utilization of available communication resources.”<sup>272</sup> Specifically, projects ranging in focus from training for media specialists, public service broadcasting and community media, and training in media literacy have been undertaken by the UN, particularly through UNESCO.<sup>273</sup> Upgrading technical skills is a crucial part of the work of UNESCO and other organizations, as is putting an emphasis on the development of a strong Public Service Broadcasting (PSB) system.<sup>274</sup>

In both the escalation and resolution of conflict, elections are a crucial event. The professionalism, access, and ability of media to monitor elections in a fair and safe manner is equally as important in ensuring elections are free and fair themselves. Member States have been encouraged in the past to ensure laws allow for full, fair and efficient disclosure of information to journalists as well as the production and distribution of guidelines and information

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<sup>267</sup> Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War, United Nations Educational, Scientific and Cultural Organization, 28 November 1978. [http://www.unhcr.ch/html/menu3/b/d\\_media.htm](http://www.unhcr.ch/html/menu3/b/d_media.htm)

<sup>268</sup> “Who we are.” Office of the Special Rapporteur for Freedom of Expression, Organization of American States. <http://www.cidh.org/Relatoria/showarticle.asp?artID=52&IID=1>

<sup>269</sup> Ibid.

<sup>270</sup> Ibid.

<sup>271</sup> “A cause of instability or Foundation of Democratic Development? Press Freedom Post-Conflict.” International Media Support, December 2007. <http://www.i-m-s.dk/files/publications/1274%20Post-Conflict.v4%202007.pdf>

<sup>272</sup> “Institutional Media Development.” United Nations Educational, Scientific and Cultural Organization. [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=22195&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=22195&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>273</sup> Ibid.

<sup>274</sup> Ibid.



regarding the rights of journalists.<sup>275</sup> Strengthening the professionalism of journalism as well as ensuring the safety of media professionals is often most effective when done through grassroots organizations or regional groups in cooperation with intergovernmental organizations, donors and national authorities. Technical and professional assistance is often invaluable to local media organizations and will have a long lasting impact on the ability of those journalists to do their job effectively.<sup>276</sup>

Finally, in post-conflict situations, in order to ensure structural stability for media in terms of guaranteeing freedom of expression, legal frameworks within the country should be based on international standards which, among other things, promote media pluralism, and are regulated by an interdependent body. In many of these post-conflict situations, the public outcry for media is not very strong, therefore support for the developing print and broadcast market is “crucial in helping to provide economic support for new media outlets: pulling together with start up costs, professional expertise, even equipment and materials, all of which may be beyond the reach of many would-be owners, editors and producers.”<sup>277</sup>

The role of media in conflict and post-conflict situations can have a significant impact, but if not given the opportunity, the right to expression will be stifled and sustainable peace will not be achieved.

### ***Case Study: The 2009 Iranian Presidential Election and its Aftermath***

The 2009 Iranian Presidential Election was held on June 12, 2009 between four candidates.<sup>278</sup> Running for re-election was incumbent Iranian President and former mayor of Tehran, Mahmoud Ahmadinejad, first elected in 2005 and widely considered a conservative or hard-liner among Iranian candidates in both the 2005 and 2009 elections.<sup>279</sup> Only three other candidates were approved to run for election: Mohsen Rezaee, former Commander of the Iranian Revolutionary Guard; Mehdi Karroubi, former Speaker of the Iranian Majlis or Parliament; and Mir Hossein Mousavi, former Prime Minister of Iran (1981-1989).<sup>280</sup> Rezaee is considered a conservative and currently serves as Secretary of the Expediency Discernment Council, which advises Iranian Supreme Leader Ayatollah Ali Khamenei.<sup>281</sup> Karroubi and Mousavi are considered ‘reformists’.<sup>282</sup>

The campaign was particularly heated for Iranian politics, and was described as “bitter” between the candidates.<sup>283</sup> Early indications showing an incredibly tight race with the possibility of any candidate achieving a top-two finish, which would guarantee them a spot in a runoff scheduled for June 19 if no candidate achieved a majority in the June 12 vote.<sup>284</sup> A great deal of the focus of campaigning was on foreign policy, with Rezaee joining Karroubi and Mousavi in criticizing Ahmadinejad’s well-known and controversial foreign policy decisions. The 2009 campaign was considered the first major challenge to a sitting President in Iran’s post-Revolutionary history, in which Presidents usually win election to a second and final term easily.<sup>285</sup> As the campaign continued, Mousavi emerged as the leader of the reformist movement and consequently the strongest perceived challenger to Ahmadinejad.<sup>286</sup>

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<sup>275</sup> Ibid.

<sup>276</sup> Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> “Race is on in Iran’s presidential election.” Euro News, 22 May 2009. <http://www.euronews.net/2009/05/22/race-is-on-in-iran-s-presidential-election/>

<sup>279</sup> “Country Profile: Iran.” BBC, 1 July 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/790877.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/790877.stm)

<sup>280</sup> “Race is on in Iran’s presidential election.” Euro News, 22 May 2009. <http://www.euronews.net/2009/05/22/race-is-on-in-iran-s-presidential-election/>

<sup>281</sup> “Iran: Who holds the power?” BBC. [http://news.bbc.co.uk/2/shared/spl/hi/middle\\_east/03/iran\\_power/html/expediency\\_council.stm](http://news.bbc.co.uk/2/shared/spl/hi/middle_east/03/iran_power/html/expediency_council.stm)

<sup>282</sup> “Race is on in Iran’s presidential election.” Euro News, 22 May 2009. <http://www.euronews.net/2009/05/22/race-is-on-in-iran-s-presidential-election/>

<sup>283</sup> “Iran Elections: Latest News.” Washington Post, 12 June 2009. <http://www.washingtonpost.com/wp-dyn/content/discussion/2009/06/12/DI2009061202321.html>

<sup>284</sup> “The Foreign Policy Factor in Iran’s Presidential Race.” Council on Foreign Relations, 5 May 2009. [http://www.cfr.org/publication/19494/foreign\\_policy\\_factor\\_in\\_irans\\_presidential\\_race.html](http://www.cfr.org/publication/19494/foreign_policy_factor_in_irans_presidential_race.html)

<sup>285</sup> Ibid.

<sup>286</sup> Ibid.

The perceived strength of Mossavi relative to Ahmadinejad was such that it was considered highly likely no candidate would receive a majority of the votes on June 12 and that it would likely be Mossavi, the leader of the opposition, facing incumbent President Ahmadinejad on June 19 in a runoff.<sup>287</sup> The election results were labeled in international and Iranian media as “unpredictable [with] no odds-on favorite,” “extremely close,” and “neck-and-neck on election eve [...] too close to call.”<sup>288</sup> Yet despite 40 million paper ballots being cast, it took only two hours after polls closed for the Iranian authorities to declare that Ahmadinejad had not only won the election, but achieved well over the majority required to avoid a runoff altogether.<sup>289</sup> The results, which ended with a 62.6%-33.8% victory for Ahmadinejad over Moussavi, were questioned, challenged and analyzed within moments of being announced by the Iranian Interior Ministry.<sup>290</sup> The resulting period, beginning with substantial post-election discontent, upheaval and instability, is described as “the greatest challenge to [...] the Shi’ite regime”.<sup>291</sup>

Both candidates had claimed upwards of sixty percent of the vote immediately after the polls closed, with a turnout of over eighty percent – which seemed at first glance to favor the opposition candidates.<sup>292</sup> Claims of election rigging began immediately, and thousands of opposition supporters took to the streets in Tehran and eventually numerous other cities worldwide.<sup>293</sup> When the Iranian religious militia, known as the Basij, joined the police and Revolutionary Guards in responding to the protests upon the order of Supreme Leader Khamenei, at least 17 people were killed and hundreds jailed.<sup>294</sup> The certification of the results by the Iranian Guardian Council, the most powerful authority in Iran except the Supreme Leader, as well as statements by Khamenei and Ahmadinejad minimizing or in opposition to the concerns of the protesters and Moussavi’s June 15 call to opposition against the election results, only served to foment the discord in the streets of Iran, but eventually the protests dwindled in the face of concerted government response culminating on June 20.<sup>295</sup>

Concurrent with campaigning, the election and the ensuing unrest, two types of media were influencing and being influenced by the Iranian public, the Iranian government, and the international community. The Iranian government prevented foreign reporters from covering the rallies and protests on June 16.<sup>296</sup> On June 19, the BBC increased the satellite count devoted to Iranian-language television, noting “persistent interference” with existing satellite transmissions originating within Iran.<sup>297</sup> BBC Correspondent Jon Leyne was given a 24-hour notice to leave the country on June 21, with state-run radio noting Leyne and his reporting created a “distortion of news regarding the Islamic Republic of Iran and particularly news pertaining to the election.”<sup>298</sup> Also on June 21, American magazine Newsweek reported that its reporter Maziar Bahari, a Canadian citizen of Iranian descent who had worked in Iran for a decade, was detained by Iranian authorities.<sup>299</sup> Accusations were made that the Iranian government had blocked out the internet and cell phone signals.<sup>300</sup> The National Iranian American Council reported that the American news outlets NBC and ABC had their cameras and film confiscated as early as June 14.<sup>301</sup> The BBC’s John Simpson also claimed to have his tapes confiscated and noted that his crew had to “film more discreetly” after the government

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<sup>287</sup> Ibid.

<sup>288</sup> “Iran’s presidential election still unpredictable amid tight race.” Xinhua, 11 June 2009.

[http://news.xinhuanet.com/english/2009-06/11/content\\_11522937.htm](http://news.xinhuanet.com/english/2009-06/11/content_11522937.htm)

<sup>289</sup> “Iran.” New York Times. <http://topics.nytimes.com/top/news/international/countriesandterritories/iran/index.html>

<sup>290</sup> “Country Profile: Iran.” BBC, 1 July 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/790877.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/790877.stm)

<sup>291</sup> “Iran.” New York Times. <http://topics.nytimes.com/top/news/international/countriesandterritories/iran/index.html>

<sup>292</sup> “Laura Secor: The Iranian Vote.” New Yorker, 13 June 2009.

<http://www.newyorker.com/online/blogs/newsdesk/2009/06/laura-secor-irans-stolen-election.html>

<sup>293</sup> “Country Profile: Iran.” BBC, 1 July 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/country\\_profiles/790877.stm](http://news.bbc.co.uk/2/hi/middle_east/country_profiles/790877.stm)

<sup>294</sup> “Iran.” New York Times. <http://topics.nytimes.com/top/news/international/countriesandterritories/iran/index.html>

<sup>295</sup> Ibid.

<sup>296</sup> “Timeline: The week of protest that shook Iran’s clerical regime.” Telegraph, 20 June 2009.

<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5588578/Timeline-The-week-of-protest-that-shook-Irans-clerical-regime.html>

<sup>297</sup> “Iran expels BBC correspondent: official.” Reuters, 21 June 2009.

<http://www.reuters.com/article/newsMaps/idUSTRE55K15S20090621>

<sup>298</sup> Ibid.

<sup>299</sup> “NEWSWEEK Reporter Detained.” Newsweek, 21 June 2009. <http://www.newsweek.com/id/203015>

<sup>300</sup> “Laura Secor: The Iranian Vote.” New Yorker, 13 June 2009.

<http://www.newyorker.com/online/blogs/newsdesk/2009/06/laura-secor-irans-stolen-election.html>

<sup>301</sup> “Live-blogging election unrest, day two.” National Iranian American Council, 14 June 2009.

<http://niacblog.wordpress.com/2009/06/14/election-unrest-day-two/>

crackdown.<sup>302</sup> The Christian Science Monitor, tracking media coverage of the Iranian unrest, broadened Simpson's observation to the entirety of the foreign media, and noted that "much of the video in [Simpson's] broadcast appears to be shot from a camera hidden in a bag."<sup>303</sup> The UK-based Telegraph asserted that "Iran's regime was doing its utmost to choke off the flow of news from its capital," including giving only 10-day visas to foreign reporters – without possibility for renewal.<sup>304</sup>

Reporters without Borders (RSF) condemned the censorship by the Iranian government, going as far as to justify non-recognition of the election's results on the grounds of the censorship: "An election without free flow of news and information is not democratic [...] An election won by means of censorship and arrests of journalists is not democratic."<sup>305</sup> Yet despite the media crackdown, which violated Iranian obligations under numerous international instruments protecting freedom of expression, and the outraged response, the Iranian attempt to limit the flow of information has been described as "futile" due to the influence of non-traditional and new media: "Today's technology ensures that Iran's regime will not be [successful]."<sup>306</sup>

The Iranian government had understood the influence of new media and social networking, and its disproportionate impact on different sectors of the electorate, in the late weeks of the campaign; while Moussavi showed 5,000 supporters on his page at the social networking site Facebook, the Iranian government blocked Facebook on May 23 amidst the widespread belief that social networking was a tool used, and used more effectively, by the opposition and reformist movements than by the conservatives and incumbents.<sup>307</sup> In a way, these fears were justified and validated by the events of June 20, when Neda Agha-Soltan was killed during a protest.<sup>308</sup> While walking with her singing instructor down a Tehran street, the 26-year-old philosophy student was shot with a single bullet and died shortly after.<sup>309</sup> Another Iranian on the same street was making an amateur video of the protest and filmed 40 seconds of the incident, which became the first and longest of many videos and photographs of the dying Agha-Soltan; it was posted first on Facebook and eventually on video-sharing site YouTube, American cable news outlet CNN, spreading until as of July 2009 it is nearly universally-accessible.<sup>310</sup>

While public mourning of Agha-Soltan has been broken up by the Iranian government, this directive has been resisted, including by defeated candidate Karroubi, who announced his appeal for a June 22 demonstration for Agha-Soltan on Facebook to join numerous others in Iran and worldwide.<sup>311</sup> The possibility that the practice of Shi'a Muslims, who make up a majority of Iranians, to mourn on the third, seventh and fortieth days after the death might spawn additional rallies, which might themselves have victims and foment further chaos, is not lost on the Iranian government; this is in fact one of the defining characteristics of the revolutionaries' conflict with the Iranian Shah's forces in the 1979 Revolution that brought the current government into being.<sup>312</sup> Yet none of these consequences and possible further outcomes would be possible if traditional media alone operated in Iran, due to the government censorship; it took new media and cell phone cameras to get the images online where they could be viewed and reacted to by a global audience of billions rather than by the hundreds or thousands on the street where it occurred.

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<sup>302</sup> "Iran election sparks clashes." BBC, 13 June 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/8098942.stm](http://news.bbc.co.uk/2/hi/middle_east/8098942.stm)

<sup>303</sup> "Iranian media crackdown prompts Tweets and blogs." Christian Science Monitor, 15 June 2009. <http://www.csmonitor.com/2009/0615/p99s01-duts.html>

<sup>304</sup> "Iran struggles to censor news of protests." Telegraph, 15 June 2009. <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5543145/Iran-struggles-to-censor-news-of-protests.html>

<sup>305</sup> "An election without free flow of news and information is not democratic." Reporters Without Borders, 14 June 2009. <http://www.rsf.org/An-election-without-free-flow-of.html>

<sup>306</sup> "Iran struggles to censor news of protests." Telegraph, 15 June 2009. <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5543145/Iran-struggles-to-censor-news-of-protests.html>

<sup>307</sup> "Iran blocks access to Facebook: report." Gulf News, 24 May 2009. <http://www.gulfnews.com/region/Iran/10316413.html>

<sup>308</sup> "Neda Agha-Soltan." New York Times, 22 June 2009. [http://topics.nytimes.com/topics/reference/timestopics/people/s/neda\\_gha\\_soltan/index.html?inline=nyt-per](http://topics.nytimes.com/topics/reference/timestopics/people/s/neda_gha_soltan/index.html?inline=nyt-per)

<sup>309</sup> Ibid.

<sup>310</sup> Ibid.

<sup>311</sup> "Iran: Funeral prohibited for Neda, Demonstration at 4 PM." Agenzia Italia, 22 June 2009.

[http://www.agi.it/world/news/200906221348-pol-ren0027-iran\\_funeral\\_prohibited\\_for\\_neda\\_demonstration\\_at\\_4pm](http://www.agi.it/world/news/200906221348-pol-ren0027-iran_funeral_prohibited_for_neda_demonstration_at_4pm)

<sup>312</sup> "In Iran, One Woman's Death May Have Many Consequences." TIME, 21 June 2009. <http://www.time.com/time/world/article/0,8599,1906049,00.html>

The circumstances and aftermath of Agha-Soltan's death are perhaps the most prominent example of the impacts of new media, but by no means are they the only example. Hundreds of YouTube videos have been posted showing alleged beatings by Iranian riot police of protesters, with these videos often ending up broadcast on international television stations.<sup>313</sup> Iran has arguably the most bloggers per capita in the world, and their blogs, which may be banned within Iran but not internationally, give first-hand accounts of the unrest.<sup>314</sup> But the most widely-reported new media story of the Iran protests is the website Twitter, which allows users to send short messages to other users who subscribe to their messages.<sup>315</sup>

Twitter is designed in a way that makes it effective for organizing events which support popular causes such as the opposition rallies in Iran, allowing times and locations to be rapidly disseminated.<sup>316</sup> Twitter was so widely used as a primary source of information that it was lobbied successfully to change its scheduled downtime for maintenance to a time that accommodated Iranian users, taking Twitter offline during the afternoon in the United States so that it would be in the Iranian late night.<sup>317</sup> The lobbying came primarily from its own users but also from the United States Department of State, which called Twitter an "important form of communication" that if left up would allow Iranians to continue to communicate.<sup>318</sup> Worldwide, Twitter users who followed news of the Iranian situation began trying to protect their fellow users in Iran from government crackdown by changing their settings to show their location and time zone to Tehran's, hiding real Iranian users among the fake Iranians they appeared to be.<sup>319</sup> Meanwhile, international news outlets devoted airtime and print space to the phenomenon of Twitter as a news source.<sup>320</sup> More significantly, news outlets disseminated user *content*, allowing the unfiltered voice of the Iranians using Twitter and other similar forms of communication to be heard worldwide.<sup>321</sup>

The aftermath of the Iranian Presidential Election demonstrates the ability of individuals to express themselves freely and to exercise their right to impart information more freely by use of a type of technology that is more difficult to suppress. It also demonstrates the impact freedom of expression can have, both in terms of the risks to governments such as Iran, who perceived a great enough risk to ban or block both Facebook and Twitter, and in terms of influencing international opinion, as was demonstrated by the effects the use of Twitter as a news source upon the State Department of the United States. These effects, most notably those within the country's borders itself, have been noted as well in the Philippines, Ukraine, Myanmar, Belarus and Moldova in recent years.<sup>322</sup>

## Conclusion

The right to freedom of expression is not simply reserved for the ability to speak or write freely, but also includes notable related rights under international law, most notably the rights to seek, receive and impart information. A variety of legal instruments protect freedom of expression globally, as well as more specifically in nearly every region of the world and for various populations including women, racial minorities, and all parties during a conflict or post-conflict period. Government repression is one of the key challenges to freedom of expression, as well as the related challenge of media control, often by the government as well. Media access, neutrality and openness, as well as independence, is a necessity to establish and ensure freedom of expression. Despite numerous steps forward in ensuring this right globally, there are still specific challenges to protecting freedom of expression, in regions such as

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<sup>313</sup> "Laura Secor: The Iranian Vote." *New Yorker*, 13 June 2009.

<http://www.newyorker.com/online/blogs/newsdesk/2009/06/laura-secor-irans-stolen-election.html>

<sup>314</sup> "Iran struggles to censor news of protests." *Telegraph*, 15 June 2009.

<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/5543145/Iran-struggles-to-censor-news-of-protests.html>

<sup>315</sup> "Twitter." *Twitter*. <http://twitter.com/>

<sup>316</sup> "Twitter's Activist Initiation." *Forbes*, 16 June 2009. <http://www.forbes.com/2009/06/16/twitter-iran-election-markets-equity-dissent.html>

<sup>317</sup> "With Iran All A-Twitter, Service Maintenance Pushed Back." *PC World*, 15 June 2009.

[http://www.pcworld.com/businesscenter/article/166716/with\\_iran\\_all\\_atwitter\\_service\\_maintenance\\_pushed\\_back.html](http://www.pcworld.com/businesscenter/article/166716/with_iran_all_atwitter_service_maintenance_pushed_back.html)

<sup>318</sup> "Twitter responds on Iranian role." *BBC*, 17 June 2009. <http://news.bbc.co.uk/2/hi/technology/8104318.stm>

<sup>319</sup> "Twitterverse working to confuse Iranian censors." *CNet News*, 16 June 2009. [http://news.cnet.com/8301-17939\\_109-10265462-2.html](http://news.cnet.com/8301-17939_109-10265462-2.html)

<sup>320</sup> "Internet brings events in Iran to life." *BBC*, 15 June 2009. [http://news.bbc.co.uk/2/hi/middle\\_east/8099579.stm](http://news.bbc.co.uk/2/hi/middle_east/8099579.stm);

<sup>321</sup> "#IranElectionCrisis: A Social Media Timeline." *Mashable*, the Social Media Guide, 21 June 2009.

<http://mashable.com/2009/06/21/iran-election-timeline/>;

<sup>322</sup> "Iran Elections: A Twitter Revolution?" *Washington Post*, 17 June 2009. <http://www.washingtonpost.com/wp-dyn/content/discussion/2009/06/17/DI2009061702232.html>

Iran, for populations such as women, and in situations such as conflicts. The rapid growth of new media has presented new challenges but also given a great deal of opportunity for individuals to exercise their rights, and moving forward it will be necessary to integrate new communications technologies into existing frameworks. At a foundational level the commitments made by Member States to relevant international doctrine must be adhered to. In addition, the UN has noted in recent reports that there must be a greater effort to integrate issues related to gender and racial equality within already existing frameworks.<sup>323</sup> Legal reform within specific Member States has been suggested as a way to not only address basic equality issues, but also correct unbalanced and discriminatory situations. Additional initiatives and avenues of action that can be taken include public education on the importance of freedom to expression; human rights trainings facilitated by the UN or other entity within media companies; continued state support of civil society and encouragement of open debate within professional and public forums on the evolution of freedom of expression within societies.

### *Committee Directive*

What is your state's interpretation of the rights to freedom to expression? Where does your state's government draw the line between individual liberty of expression on the one hand and collective 'benefit to society' arguments for some limitations on freedom of expression? What has your state done within its domestic legal framework to guarantee that these freedoms exist in your state? Has your state signed and ratified the instruments guaranteeing freedom of expression universally, such as the UDHR and ICCPR? Which, if any, more specific documents has your state signed and ratified? What contradictions, if any, are there between domestic law and international commitments in your state, and what, if anything, does your state intend to do to remove these contradictions?

How does your state believe the international community, and specifically the United Nations General Assembly Fourth Committee, should work towards guaranteeing freedom of expression for all people? At what point does your state believe sovereignty should no longer be absolute when dealing with a repressive state? Is there a universal standard for intervention or other international action, and if so, should the General Assembly Fourth Committee be drafting such a standard in its discussions? Delegates should work towards the guarantee of enumerated rights, and strive to achieve a balance in international action between sovereignty and freedom. The General Assembly Fourth Committee, when discussing this issue, should strive to find common ground on achieving freedom of expression broadly within member states. This should be paired with the achievement of parity in the ability to exercise the right to freedom of expression for groups based on race, gender or political status, which are cross-cutting problems across international borders. In achieving both a broad advancement and specific improvements in the right to freedom of expression, the General Assembly will need to work to determine specific needs and methods to improve both legal frameworks and enforcement mechanisms in targeted states and regions.

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<sup>323</sup> "Human Rights Documents." United Nations Office of the High Commissioner for Human Rights. [http://ap.ohchr.org/documents/dpage\\_e.aspx?m=85](http://ap.ohchr.org/documents/dpage_e.aspx?m=85)

## Topic I. Establishing Self-Determination as a Human Right

“The implementation of the right to self-determination as a contribution to conflict prevention.” *Report of the international conference of experts held in Barcelona from 21 to 27 November 1998*. UNESCO. March 2, 1994. <http://www.unpo.org/content/view/446/83/>

*This document provides a comprehensive overview of the proceedings and outcomes from the 1998 International Conference of Experts. The objective of the conference was to explore ways in which the implementation of the right to self-determination can contribute to the prevention of conflicts. This resource is important for delegates in providing an additional layer of knowledge in regards to the complexities of self-determination.*

Wolfgang Danspeckgruber. “Self-determination, Self-governance, and Security.” *International Relations* 15:1 (April 2000) pp. 11-21.

*This source is an article outlining the various dilemmas associated with neutral analysis of movements claiming to be for self-determination. It highlights the challenges of protecting security while simultaneously honoring the rights to self-determination for peoples seeking it, while asserting the need to first determine that the people in question is entitled to such a right. Delegates will find this useful to find reasons against self-determination claims being honored in some or all cases, in contrast to sources more biased in favor of self-determination movements.*

Graham E. Fuller. “Redrawing the world’s borders.” *World Policy Journal* (Spring 1997).  
[http://findarticles.com/p/articles/mi\\_hb6669/is\\_n1\\_v14/ai\\_n28687519/](http://findarticles.com/p/articles/mi_hb6669/is_n1_v14/ai_n28687519/)

*This article is a thought experiment of how the redrawing of borders to accommodate the needs of the peoples living in such areas would affect the world. It highlights both the positives of such a scenario in terms of ensuring self-governance and the downsides, including ‘endless’ subdivision of states and rapid increase in the size of the international community and the United Nations. Delegates will gain from this source an understanding of what a global move towards self-determination movements being favored in all cases could accomplish and determine on both a positive and negative level.*

Mark Lehman. "The Right to Self-Determination and Security: A New U.N. Mechanism" *Paper presented at the annual meeting of the Midwest Political Science Association, Palmer House Hotel, Chicago, IL, Apr 12, 2007.*

*The essential conflict is a clash between two rights: a state’s right to security and a nation’s right to self-determination. In the interest of facilitating conflicting claims to security or self-determination, this paper proposes making a fundamental addition to the United Nations by proposing a tribunal mechanism for mitigating self-determination movements.*

“Peace and Conflict 2008.” Center for International Development and Conflict Management. 2008.  
<http://www.cidcm.umd.edu/pc/>

*This global report details major trends in armed conflict, self-determination movements, and democracy through the contemporary era and provides a "conflict ledger" assessing each country's "peace-building capacity" in 2008. This document explore a collection of factors that often operate concurrently to undermine the stability of states and erode the foundations of human security as well as strip people of the right to self-determination. This document is extremely useful for delegates in gaining accurate and current information on movements globally and current crises.*

Helen Quane. “The United Nations and the Evolving Right to Self-Determination.” *International and Comparative Law Quarterly* 47 (July 1998) pp. 537-572

*This article outlines the historical definitions of ‘peoples’ to start a discussion of who is entitled to self-determination in a contemporary view. The document explores the history of the United Nations’ view on*

*the subject, focusing on African self-determination movements in particular. Delegates will find this document useful as a source for background information on the conflicting views on the right to self-determination and the bearers of those rights.*

Unrepresented Nations and Peoples Organization. "Self determination and conflict transformation." 2002.  
<http://www.unpo.org/content/view/87/83/>

*This source is an article justifying and outlining recommendations made by the Unrepresented Nations and Peoples Organization (UNPO) to the United Nations on the issue of self-determination struggles worldwide. The authoring organization aims to provide a voice for peoples it feels are not represented, including nearly 6300 such nations and peoples. The article outlines specific cases of the United Nations' disparate responses to such instances, highlighting the Uighur people of China among others. Delegates will find this source useful as highlighting cases of individual responses being different than those claimed in the ideals of the United Nations.*

## **Topic II. Addressing the Dangers of Land Mines in Previously Colonized States**

Arms Control Association. "Facts Sheets and Briefs." <http://www.armscontrol.org/factsheets>

*Arms Control Association provides information on the weapons programs in major states such as the United States, Russia, Israel, and North Korea. Further, this site has important elements to understanding documents important to subjects dealing with disarmament and demining. This resource may be helpful to understand the weapons programs of States, including conventional arms and strategic arms policies.*

Hansen, Toran "The Campaign to Ban Landmines." *Peace Review*, September 2004, Vol. 16, Issue 3. pg. 365, 6 pgs.

*This article addresses the three main concerns to the landmine ban. Proponents of the ban argue that the first efforts must be for better survivor treatment after one is injured. The next step is that all existing mines must be disarmed and removed. Finally, a comprehensive mine ban should be adopted and enforced to prevent the further proliferation of landmines. The article then examines non-governmental organization (NGOs) efforts through the International Campaign to Ban Landmines (ICBL) to implement demining and humanitarian assistance programs in mine affected countries.*

McGrath, Rae. *Landmines and Unexploded Ordinance*. Pluto Press. 2000.

*McGrath's book comprehensively investigates the entirety of the landmine crisis. It specifically examines the impact of landmines on the individual, including social and political implications, and the response of the international community to mine assistance. Using case studies and statistics, this resource provides valuable information on landmines and their implications.*

United Nations General Assembly. GA/SPD/329. October 2005.  
<http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-6HKR6X?OpenDocument>

*This report provides policy statements from the United Nations General Assembly Fourth Committee on landmines and economic development. Although landmines pose serious challenges to the international community and economic and social development, Member States recognize that demining is imperative to build and sustain peace in post-conflict and previously colonized regions. Statements from representatives are especially useful to research and understand the varied policies on mine action.*

Walters, Brian. "Detecting Hidden Threats." *Armada International*. May 2003. pg. 18, 4 pgs.

*The most efficient means to disarm and demine is often debated. This article examines the methods currently employed to demine, as well as focuses on technological developments useful to disarming landmines. The article utilizes statistics and case studies to highlight the benefits and drawbacks to demining with newly developed technology as well as more traditional means, such as demining by hand.*

Williams, Jody. "Landmines: A Global Socioeconomic Crisis." *Social Justice*. Winter 1995. Vol. 22, Iss. 4 pg. 97, 14 pgs.  
<http://proquest.umi.com/pqdlink?Ver=1&Exp=06-27-2014&FMT=7&DID=9364457&RQT=309>

*This article focuses on the socioeconomic problems associated with landmine contamination. It provides extensive background information on the landmine problem and includes many statistics regarding landmines in affected countries. While it gives further context to the landmine crisis in Cambodia, the author also addresses landmines in other areas. This article is specifically directed to understand the efforts of the International Campaign to Ban Landmines and other proponents of the Mine Ban Treaty.*

World Bank. "Landmine Contamination: A Development Imperative," Social Development Note No. 20, October 2004. Conflict Prevention and Reconstruction Unit. <http://www.worldbank.org/conflict>

*The World Bank addresses the dangers of landmines from an economic and developmental perspective. By approaching the topic in such an objective manner, this resource highlights the challenges and controversies of mine action, as well as the development challenges of landmines in previously and post-colonial states. It describes the financial, social, and political implications posed by international mine action.*

Wurst, Jim. "Closing In On a Landmine Ban: The Ottawa Process and U.S. Interests." July 1997.  
[http://www.armscontrol.org/act/1997\\_06-07/wurst](http://www.armscontrol.org/act/1997_06-07/wurst)

*This article examines the United States' opposition to specific wording of the Ottawa Process and the Mine Ban Treaty. Accordingly, this provides context to the opposition of the Mine Ban Treaty and the precarious nature of the Mine Ban Treaty for the foreign policy of some Member States.*

### **Topic III. Evaluating the Right to Freedom of Expression throughout Member States**

"The Article 19 Freedom of Expression Handbook: International and Comparative Law, Standards and Procedures." Article 19 Organization. 1993. <http://www.article19.org/pdfs/publications/1993-handbook.pdf>

*This handbook brings together, summaries of decisions from courts around the world which establish precedents protective of the rights to freedom of expression, assembly, association and access to information, organized by topic. Also included are summaries of the most relevant international case-law (protective as well as restrictive of freedoms), basic information about the main human rights treaties, and procedures for filing complaints with intergovernmental bodies. The handbook is intended to be of use to diverse groups including lawyers, researchers and human rights campaigners, and therefore is well suited for delegate use.*

"Background Paper on Freedom of Expression and Internet Regulation." International Seminar on Promoting Freedom of Expression. 2001. <http://www.article19.org/pdfs/publications/freedom-of-expression-and-internet-regulation.pdf>

*This paper aims to draw out the most important questions with regard to Internet regulation and freedom of expression. First, it discusses the issue of Internet access. This includes the question whether public authorities are under a positive obligation to provide access, for example by providing Internet terminals in libraries or other public places, as well as a discussion of various measures that have been taken in countries such as Saudi Arabia and China to restrict access to the Internet. Second, this paper discusses the issue of content regulation, including through self-regulation by Internet Service Providers and the use of blocking and filtering software. Third, this paper will discuss the chilling effect that excessive monitoring and surveillance has on freedom of expression on the Internet, whether by the State or by private actors such as employers, and how anonymity software and encryption may be used to protect freedom of expression online.*



“Freedom of Expression.” Human Rights Education Association. n.d. [http://www.hrea.org/index.php?doc\\_id=408](http://www.hrea.org/index.php?doc_id=408)

*This website overviews the various aspects of the right to freedom of expression. Included within this website are sections on international and regional instruments, national protections, and advocacy resources. This resource provides foundational information for delegates and is a great starting point for research on these topics.*

“Freedom on the Net: A Global Assessment of Internet and Digital Media.” Freedom House. 2009. [http://www.freedomhouse.org/uploads/specialreports/NetFreedom2009/FreedomOnTheNet\\_FullReport.pdf](http://www.freedomhouse.org/uploads/specialreports/NetFreedom2009/FreedomOnTheNet_FullReport.pdf)

*Freedom on the Net provides a comprehensive look at these emerging tactics, raising concern over trends such as the "outsourcing of censorship" to private companies, the use of surveillance and the manipulation of online conversations by undercover agents. The study covers both 'repressive' countries such as China and Iran and democratic ones such as India and the United Kingdom, finding some degree of internet censorship and control in all 15 countries studied. This is an important aspect of the topic of freedom of expression which needs to be addressed in the coming years and which delegates should pay special attention to.*

“Homepage.” Global Forum on Freedom of Expression. 2009. <http://expressionforum.org/>

*This site is the home page for the Global Forum on Freedom of Expression, which was held 1-6 June 2009 in Oslo, Norway. On the pages within the website, materials are available from the seminars, keynotes and trainings during the Global Forum, including links to presentations, papers, and video on YouTube. The resources provide cutting edge analysis and insight into the current issues within the international community in relation to this topic.*

“Homepage.” International Freedom of Expression Exchange. <http://www.ifex.org>

*IFEX is a dynamic network that monitors, promotes and defends freedom of expression worldwide. IFEX was founded in 1992 in Montréal, Canada when leading free expression organizations came together to create a mechanism that would improve cooperation and allow for the rapid exchange of information on free expression issues. IFEX has over 80 member organizations operating in more than 50 countries, the majority of which are in the developing world and countries in transition. The scope of this organization makes it an invaluable resource for delegates; additionally, their materials are high quality and well respected within the international community, making this website crucial for all delegates.*

“Promoting literature. Defending Freedom of Expression.” International Pen. <http://www.internationalpen.org.uk/go/home>

*This website is the home page of International PEN which is the largest organization for writers in the world. At the heart of their work is the defense of the right to freedom of expression, and therefore their website also is a portal for further resources on this topic. Their advocacy and efforts have been instrumental since the early 1920s in passing the most important international mechanisms which now protect freedom of expression, and in recognition of this they have a significant archive which chronicles the past and current struggle for this human right.*

“World Press Freedom Day 2008.” United Nations Educational, Scientific and Cultural Organization. 2008. [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=25875&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=25875&URL_DO=DO_TOPIC&URL_SECTION=201.html)

*This website provides documents and links related to the 2008 World Press Freedom Day, organized by UNESCO. For the 2008 event, UNESCO emphasized the how media freedom and access to information feed into the wider development objective of empowering people. This website provides accurate and specific information on an important aspect of the overall topic of freedom of expression.*