

SPECPOL

Special Political and Decolonization
Committee



Topic 1: Non-Refoulement

**Topic 2: Sovereignty over
the Falkland Islands**



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May 20, 2017 - May 21, 2017

Letter from the Head Chair

Dear delegates,

My name is Arthur Chater, and I am currently a second year International Relations and Economics major with a minor in French at the University of California, Davis. I was born and raised in Brasília, Brazil where I attended an American school since I was five. During my sophomore year, I moved to London to pursue a pre-IB program to better prepare me for the International Baccalaureate. I returned to Brazil at the beginning of my junior year, going on to completing the IB program and successfully graduating with three diplomas; American, Brazilian and IB. Coming from a diverse background, my father being a Lebanese immigrant and interacting with different cultures all my life, I've acquired a profound taste for languages, cultures, and music. I have studied Arabic, French, German, Italian and Portuguese, alongside English.

My relationship with MUN began my freshman year of high school when my history teacher at the time invited me to one of the meetings. I was overwhelmed by the elegance and poise of the debates that were carried out in those meetings. At the time, my school's MUN club was only five years old and still needed a lot of nurturing and caring to ensure its survival. Hence, I became an active delegate, going to conferences both within Brazil and Latin America as well as beyond, in the United States. Until I arrived at UC Davis, I never had the opportunity to chair a conference or even be part of a Dais. Fortunately, the MUN club at Davis presented me with the opportunity of seeing how a conference is held from the moderating side. I was vice-



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chair for the Legal Committee at DMUNC and head chair for a specialized GA committee on Frexit at AggieMUN. This made me realize how much I would like to expand my knowledge and understanding of this particular side of MUN.

During the last few months, I have been closely following the unraveling of the Syrian refugee crisis and its implications around the globe. While there are various news and points of view floating around, I hope that this topic guide may bring you an unbiased and informing perspective of the situation so that you may walk into committee ready for a fruitful and rational debate. If at any point you have questions regarding the topics, the topic guide or the sources recommended, please feel free to contact me.

On behalf of my Dais and myself, I would like to thank you for your participation in DMUNC XV and this committee. We look forward to an enlightening debate and a better understanding of the issue at hand.

All the best,

Arthur Chater
Head Chair, SPECPOL, DMUNC XV
dmunc.specpol@davismun.org



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About the Committee

The Fourth Committee of the United Nations General Assembly is the main committee concerned with decolonization, refugee crises, peacekeeping and public information.¹

Established in 1993, SPECPOL is the combination of the Decolonization Committee (formerly the Fourth Committee) and the Special Political Committee. The creation of SPECPOL was largely determined by the United Nations decision to name 1990-2000 as the "International Decade for the Eradication of Colonialism." Such a decision was crucial because, at the time of the UN's creation, more than 750 million people lived in some form of a colony. Since then, the Fourth Committee has worked tirelessly to diminish these numbers, and today only 2 million still live in colonies², an astounding feat for the international community.

Including all 193 members of the United Nations, SPECPOL's main goal is to minimize the conflicts and problems created by colonization and imperialist ambitions. Following its creation in the 1990s, SPECPOL has become increasingly concerned and focused on atomic radiation and its adverse effects on humans and the environment. Events such as Chernobyl have long been the subject of debate for SPECPOL that has done everything in its capacity to ensure that its effects were minimized and that such a disaster never occurs again. In October of 2015, SPECPOL approved the creation of UNSCEAR, a



¹ "United Nations, main body, main organs, General Assembly." United Nations. Accessed March 31, 2017. <http://www.un.org/en/ga/fourth/>.

² "United Nations Official Document." United Nations. Accessed March 31, 2017. http://www.un.org/en/ga/search/view_doc.asp?symbol=A%2FC.4%2F71%2FINF%2F1.



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draft resolution that supports the UN Scientific Committee on the Effects of Atomic Radiation.³

The UNSCEAR is primarily focused on assessing the actual damage of environmental catastrophes and of educating nations and institutions about the consequences of their environmental negligence.

Thus, from political and colonial issues to environmental disasters, the fourth committee of the United Nations is determined to ameliorate the lives of the average citizen and to grant nations and states more autonomy in every possible way. As such, SPECPOL has become an indispensable committee of the UN and has been in charge of resolving a variety of issues that have been presented in the last few decades.

³ Unsear. "UNSCEAR - United Nations Scientific Committee on the Effects of Atomic Radiation." United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR). Accessed March 31, 2017. <http://www.unsear.org/>.



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Topic 1: Non-Refoulement and its Applicability to the War in Syria

Historical Background

Before beginning to explore this topic, we must first acquaint ourselves with the principle of nonrefoulement as determined by the United Nations and its applicability in international law. Simply stated, nonrefoulement is “a concept which prohibits states from returning a refugee or asylum seeker to territories where there is a risk that his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion.”⁴ While such principle can be interpreted and used in a variety of different settings and reasons, for the purpose of debate, we will focus on the purposes of refoulment expressed by Article 33 of the 1951 Convention Relating to the Status of Refugees⁵, which claims that:

1. No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

⁴ Feller, Erika, Volker Türk, and Frances Nicholson. *Refugee protection in international law: UNHCR's global consultations on international protection*. Cambridge: Cambridge University Press, 2005.

⁵ United Nations High Commissioner for Refugees. "Convention and Protocol Relating to the Status of Refugees." UNHCR. Accessed March 31, 2017. <http://www.unhcr.org/en-us/3b66c2aa10>.



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Hence, the concept of nonrefoulement is the guarantee that those who are fleeing oppressive regimes have that they will not be forced to return. However, as many may have noticed in the past few years, this concept has been widely ignored or blatantly overlooked. Following the breakout of the war in Syria in 2011, many countries in Europe, especially in the southern regions facing the Mediterranean Sea, have experienced a large inflow of Syrian refugees, who often travel in unsuitable and inhuman conditions, to flee the conflict between the Islamic State (ISIS) and that of Bashar Al Assad (President of Syria). Countries like Greece and Italy have experienced an inflow of 57,000 and 160,000 Syrian refugees, respectively, since 2011.⁶ While countries in the Levant, those who share a border with Syria, have experienced even greater migratory influxes making nations like Lebanon, whose total population barely reaches 4 million, receive over 2.2 million Syrian refugees.⁷

These ever-growing refugee numbers have caused great alarm in the international community that is not just related to the safety of the average Syrian refugee. Many nations, especially in Europe, have voiced their growing concern towards the Syrian immigrant influx and the possible negative effects that it may have culturally and sociologically in their countries. These concerns have led to great political, demographic and social change in the region that will be thoroughly explored in this topic guide.

⁶ Harris, Mary. "Mary Harris." News from Greece. June 14, 2016. Accessed March 31, 2017. <http://greece.greekreporter.com/2016/06/14/how-many-refugees-are-in-greece-heres-the-head-count-ahead-of-world-refugee-day/>.

⁷ Jazeera, Al. "UN: Number of Syrian refugees passes five million." Syria News | Al Jazeera. March 30, 2017. Accessed March 31, 2017. <http://www.aljazeera.com/news/2017/03/number-syrian-refugees-passes-million-170330132040023.html>.



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International Involvement

The idea of refoulment and its applicability in the international community has long been subject to change and modifications since it was first formulated in the 1951 Convention Relating to the Status of Refugees. Refoulement was, in this convention, almost entirely based upon Article 14 of the 1948 Universal Declaration of Human Rights. This article, created due to the pressures of the vast displacement of peoples in Europe following the end of World War II, “recognized the right of persons to seek asylum from persecutions in other countries”⁸. While the intent of the article was to recognize the universal right to asylum unanimously, many questions and scenarios were left unclear and also failed to take into consideration the national sovereignty of nations that have the right to deny access to anyone or group of people that they see fit.

Thus, with the growing international influence of the UN in the years following the end of the war, a more specific and direct concept of asylum had to be formulated to ensure the protection of those fleeing persecution. The 1951 Convention tried to do just that with the creation of the idea of nonrefoulement. Basing itself on the French word “fouler,” meaning to expel or return⁹, the concept of nonrefoulement strictly forbids nations from denying entry to those who seek asylum, independent of their origin, creed or political views. While the formulators of this concept had an absolute view towards the catering and protection of refugees, many nations were reluctant to openly and freely accept anyone into their borders.

⁸ "Universal Declaration of Human Rights," 217 (III) A (Paris, 1948)

⁹ "English Translation of “refouler” | Collins French-English Dictionary." English Translation of “refouler” | Collins French-English Dictionary. Accessed March 31, 2017. <https://www.collinsdictionary.com/dictionary/french-english/refouler>.



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Such unwillingness of UN members to completely accept the concept of Non-Refoulement led to a small and yet incredibly decisive alteration to Article 14 of the 1951 Convention. Such alteration was brought forth in the 1967 Declaration on Territorial Asylum adopted unanimously by the United Nations General Assembly. In this declaration, Article 3, which addressed specifically the migration of asylum seekers, adds a new characteristic to Non-Refoulement. An exception to the foregoing principle was made where asylum could be denied by a nation if there were “overriding reasons of national security or to safeguard the population, as in the case of a mass influx of persons.”¹⁰ This small amendment to the principle, thus, introduces a re-shaping of the concept of asylum and has paved the way to the Syrian Refugee Crisis seen today in Europe and many other parts of the world.



Above: Syrian refugees arriving in the Greek island of Lesbos after crossing the Mediterranean via Turkey

¹⁰ United Nations High Commissioner for Refugees. "Refugee protection in international law: the scope and content of the principle of nonrefoulement: opinion (2.1)." UNHCR. Accessed March 31, 2017. <http://www.unhcr.org/en-us/publications/legal/419c75ce4/refugee-protection-international-law-scope-content-principle-non-refoulement.html>.



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This change in the concept of Non-Refoulement has led to great problems between the UNHCR (UN's Refugee Agency) and member states. For the purpose of fruitful discussion, we will focus on the Syrian Refugee Crisis and how the altered concept of Non-Refoulement has shaped the migratory patterns of asylum seekers.



Above: Syrian President Bashar Al-Assad (left) and Russian President Vladimir Putin (right) in a meeting at the Kremlin, Moscow – Russia (2014)

To fully comprehend the mass migration out of Syria in recent past, we must first explore its origins. The Syrian Civil War, which has claimed over 300,000 lives in a little bit more than 6 years, had its origins in a peaceful protest against the oppressive government of Bashar Al-Assad in 2011.¹¹ The war took a violent turn at the end of the same year when the Islamic State Militia, commonly known as ISIS, joined the conflict. Ever since, the war has taken extremely destructive steps that have endangered Syrian life, culture and institutions. The development of

¹¹ "Why is there a war in Syria?" BBC News. March 13, 2017. Accessed March 31, 2017. <http://www.bbc.com/news/world-middle-east-35806229>.



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the war led to various groups siding with internal Syrian forces. America, for example, while claiming that the government of Al-Assad is unlawful and oppressive, has done little to aid rebel forces fearing that a strong military assistant might strengthen the power of terrorist groups.¹² Russia, on the other hand, has increasingly shown its support to the political legitimacy of Assad's government and has continually supplied pro-government forces with weapons and ammunitions.¹³ The presence of foreign superpowers has enabled the Syrian Civil War to assume unprecedented violence and continuity, leading to perpetual violence and mass displacement of peoples.

With all forces in the Syrian conflict being well armed and supplied for war, no side has been able to establish full control cover the nation, leading to pro-government forces dominating the western part of the country and the Islamic State the eastern part.¹⁴ Faced with this inability to achieve peace in the region, the international community voiced their concerns via the United Nations proposition to solve the Syrian conflict through a political solution.¹⁵ The Security Council of the United Nations hence, decided to implement the 2012 Geneva Communique, which "envisages a transitional governing body with full executive powers formed on the basis of mutual consent"¹⁶. While such ideas were warmly welcomed by the international community,

¹² Hudson, John. "Here's Where America's Aid for Syria Is Going." *Foreign Policy*. February 04, 2016. Accessed March 31, 2017. <http://foreignpolicy.com/2016/02/04/heres-where-americas-aid-for-syria-is-going/>.

¹³ "Syria conflict: Russia 'to continue Assad military aid'" *BBC News*. September 15, 2015. Accessed March 31, 2017. <http://www.bbc.com/news/world-middle-east-34256389>.

¹⁴ "Syrian Civil War Map." *Syria | Al Jazeera*. Accessed April 01, 2017.

<http://www.aljazeera.com/indepth/interactive/2015/05/syria-country-divided-150529144229467.html>.

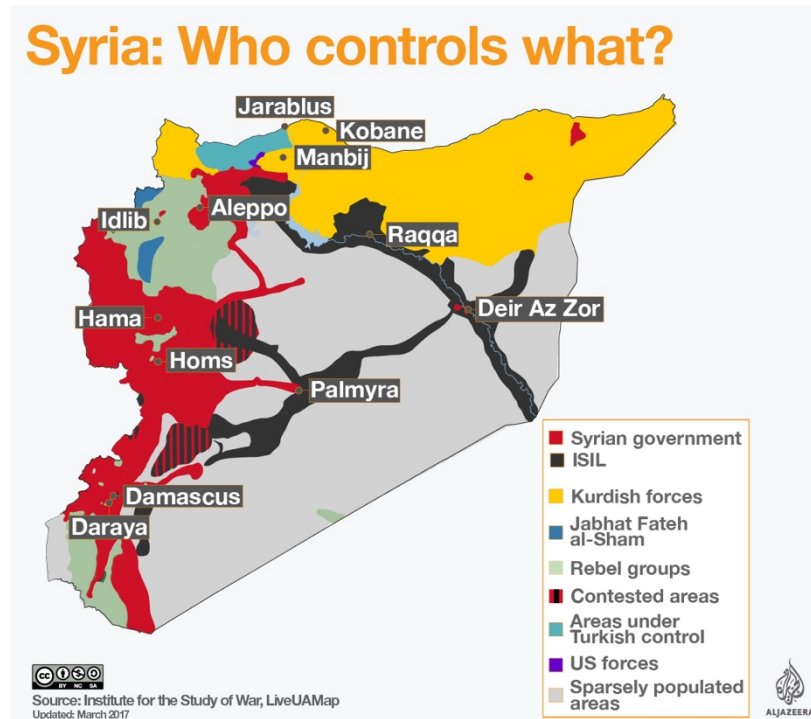
¹⁵ Besheer, Margaret. "Geneva Communique: Road Map for Syria Political Transition." *VOA*. January 25, 2014. Accessed April 01, 2017. <http://www.voanews.com/a/geneva-communique-road-map-for-syria-political-transition/1837514.html>.

¹⁶ "Why is there a war in Syria?" *BBC News*. March 13, 2017. Accessed March 31, 2017. <http://www.bbc.com/news/world-middle-east-35806229>.



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the members of the opposing forces in Syria were too reluctant to cooperate or accept the need to step down.



Above: Syrian Map portraying controlled areas as of June

Such reluctance from Syrian forces led to further peace talks in early 2014 that were named Geneva II¹⁷. However, similar to the first approach, talks of peace were soon abandoned when the Syrian government refused to discuss opposition demands. Backed by Russia, Assad's government had the leverage needed to halt negotiations and thus ensure that no privileges or forms of power were taken from them due to the conflict with the Islamic State (ISIS). With that, two more years of full on armed struggle continued, with peace talks only resuming again in January of 2016 in Geneva. This time, both the USA and Russia encouraged opposing forces to attend the peace talks. However, the talks were halted in their preparatory stage when Assad's

¹⁷ "What is the Geneva II conference on Syria?" BBC News. January 22, 2014. Accessed April 01, 2017. <http://www.bbc.com/news/world-middle-east-24628442>.



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government launched an offensive on Aleppo (controlled by ISIS). Talks resumed again in March of the same year but were once again interrupted the following month due to Jihadist attacks.

Hence, to solve the problem of Syrian migration, we must first and foremost focus on the causes and how to peacefully deal with these problems. As an international community concerned with the lives of thousands of Syrian refugees who have fled social chaos, we must find a solution to the problem that will minimize casualties and ensure complete protection for the Syrian people. Also, for those Syrians who have successfully migrated to other countries, we must ensure their peaceful and untroubled assimilation to their new environment.

Possible Solutions

The aim of this conference is to be able to effectively and efficiently address the situation of Syrian refugees that have experienced hostility in the countries to which they have immigrated. However, as much as this is an important aspect of the topic, we must also focus on the origins of such migration and how SPECPOL, as a General Assembly committee of the UN, can mediate and improve the Syrian situation.

There are several ways in which we can approach these issues as a group. Below you may find a list of possible areas to focus your research and debate. This list is by no means exhaustive, and delegates are expected to go well beyond these topics when preparing for the conference. This list serves to explore the direction which the debate should take.

- The role of foreign superpowers on the Syrian conflict (specifically the USA and Russia) and how the international community should approach and view it.



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- The concept of Non-Refoulement and how amendments have made it possible to be overlooked and, in several instances, ignored.
- The limitations of SPECPOL as a UN committee and how said limitations can be overcome to ensure a more decisive solution to the problem at hand.
- The role of culture and prejudice in the incorporation of Syrian refugees into their new countries.

Possible solutions to the Syrian Refugee Crisis will probably stem from one of the points mentioned above and should approach key ideas of migration and displacement.

Useful Resources:

When preparing for the conference, please visit these websites as they contain crucial information about the topic and can provide greater insight to the causes and possible solutions to the crisis.

- <http://www.unhcr.org/en-us/publications/legal/419c75ce4/refugee-protection-international-azelaw-scope-content-principle-non-refoulement.html> (The Scope and Content of the Principle of Non-Refoulement)
- <http://www.unhcr.org/en-us/3b66c2aa10> (Convention and Protocol Relating to the Status of Refugees)
- <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqueActionGroupforSyria.pdf> (Action Group for Syria Final Communiqué 30.06.2012)



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- https://docs.unocha.org/sites/dms/Syria/2017_Syria_hno.pdf (Humanitarian Needs Overview: Syrian Arab Republic)
- https://docs.unocha.org/sites/dms/Documents/ERC_USG%20Stephen%20OBrien%20Statement%20on%20Syria%20to%20SecCo%2022FEB2017%20CAD.pdf (Statement to the Security Council on Syria; Stephen O'Brien)

Other Useful News Sources:

- BBC (www.bbc.com)
- Al-Jazeera (www.america.aljazeera.com)
- CNN (www.cnn.com)
- Le Monde (www.lemonde.fr)
- New York Times (www.nytimes.com)



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Questions to consider

1. Can legal measures be effective in preventing honor-based violence? If so, what types of legal and criminal justice reforms are needed to deal with this issue adequately?
2. How can long standing regressive ideas about the role of women in society be changed? How can this be done without disrespecting communities' cultures, customs, and values?
3. Does the international community have a responsibility to involve itself in preventing honor based violence? If so, to what extent should foreign nations involve themselves in local affairs?
4. What steps can be taken to protect vulnerable women and girls from abuse and honor killings?
5. How can we study honor based violence and find accurate numbers when so many cases go unreported or are covered up?
6. How can law enforcement be held accountable in how they handle cases of honor based violence? What types of incentives or repercussions may be implemented?



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Topic 2: Sovereignty over the Falkland Islands

Historical Background

Located off the Southern Atlantic coast of South America, the Falkland Islands have long been the subject of dispute and debate. Having an advantageous location near the Magellan Strait in the extreme southern tip of South America, the Falklands were first claimed by Britain in 1765, and for almost one hundred years the islands were frequently visited by British, French and Spanish fleets. Conflicts regarding the sovereignty of the archipelago began On October 6th 1832, when an Argentine military garrison landed and attempted to impose Argentine sovereignty over the islands. The Argentine garrison was soon dealt with by the Royal British Navy, and shortly thereafter the British established a permanent administration over the islands. Stanley, the current capital of the Falkland Islands, was then established in 1845.¹⁸

The issue of sovereignty over the Falklands was only brought to question once again on April 1st, 1982 when Argentine forces arrived at Stanley. Such trespassing was met with hostility by the British, who engaged in a 74-day offensive against the Argentinians, leading to over 1000 casualties and the expulsion of Argentine presence in the Falklands. Ever since, both Argentina and the United Kingdom have continued to argue over the Falklands sovereignty and its role in the international community.

This committee will analyze the Falkland War and sovereignty from an international perspective and assess the legitimacy of the different claims on the islands. Supporting the anti-colonial doctrine that SPECPOL has so vehemently advocated for in the past decades, this

¹⁸ "Our History. Back." Falkland Islands Government. Accessed April 01, 2017. <https://www.falklands.gov.fk/our-people/our-history/>.



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committee will focus on the decisions of the Falkland Islands and to whom they would like to respond.

The conflict

On the beginning of April of 1982, an Argentinian fleet invaded the Falkland Islands under the pretense that such territory was rightfully Argentinian due to its location in the nation's proximity. During this period, Argentina was experiencing some internal struggle while desperately trying to legitimize its newly formed junta.¹⁹ This decision from the Argentinian government was met with austerity by Thatcher's government that sought to regain its popularity after a long and crippling economic and industrial depression.²⁰ Britain, hence, dispatches its Royal Navy to defend the Falklands 8,000 miles away from home.

The battle began with a "200-mile exclusion zone" from the part of the British that quarantined all the Falkland Islands and denied international entry. Such decision was crucial in ensuring that the British navy had enough time to prepare and arm themselves against a possible offensive against the Argentinians.²¹ When the war began on April 22nd, 1982, Britain was 28,000 troops strong against Argentina's meek 12,000 conscripted soldiers. However, as much as the chances of winning clearly favored the British, the Argentinians had the advantage of being closer to home, hence having easier access to basic supplies.²²

¹⁹ "Dirty War." Encyclopædia Britannica. Accessed April 03, 2017. <https://www.britannica.com/event/Dirty-War>.

²⁰ McSmith, Andy. "Did Margaret Thatcher really 'save' Britain?" The Independent. April 09, 2013. Accessed April 03, 2017. <http://www.independent.co.uk/news/uk/politics/did-margaret-thatcher-really-save-britain-8566596.html>.

²¹ "In Depth." BBC News. Accessed April 03, 2017. <http://news.bbc.co.uk/2/shared/spl/hi/guides/457000/457033/html/nn4page1.stm>.

²² Jenkins, Simon. "How Margaret Thatcher's Falklands gamble paid off." The Guardian. April 09, 2013. Accessed April 03, 2017. <https://www.theguardian.com/politics/2013/apr/09/margaret-thatcher-falklands-gamble>.



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By April 25th, the Royal Air Force began its first attempt at retaking Stanley from Argentinian control. Such attempt miserably failed due to the British underestimating the military force mounted around the capital. They were forced to retreat and attempt to liberate the city by land. After capturing San Carlos 7 weeks after the conflict started, the British military was able to secure a passageway to Stanley. Argentinian forces were breached on June 10th, and by June 14th Argentina surrendered and left the island, hence acknowledging their defeat. The islands were then fully restored to British rule and have been so since then.²³

The impact of the conflict over the Falklands has reverberated well into international relations and the diplomatic relations between both countries. Britain and Argentina re-established diplomatic relations in 1990 and have reinstated mutual agreements. However, the Falklands issue has ever since become an unfortunate and disconcerting event that holds both countries back when interacting in international platforms. Argentina still maintains a peaceful claim over the islands while the subject of the Falklands sovereignty is still out of the question for the British. To this day, more than 1,000 British troops are still permanently located on the island and in charge of patrolling it to ensure its security from invaders. In the recent past, the discovery of oil in the islands has re-sparked an interest for the area, and the question of sovereignty has once again been brought to light.

²³ "Falkland Islands War." Encyclopædia Britannica. Accessed April 03, 2017.
<https://www.britannica.com/event/Falkland-Islands-War>.



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Possible Solutions:

The solution to the Falkland War will not be easily formulated nor accepted. The conflict between the United Kingdom and Argentina over this remote archipelago in the Southern Atlantic has been overlooked for too long and has to be promptly addressed. It is up to the international community to voice their opinions and come up with plausible and effective solutions for the problem. This committee, hence, will work to minimize the conflict between the two countries and to ensure that the decisions made take into consideration the wants of the native inhabitants of the islands.

Possible solutions should take into consideration the following points:

1. Historical background of the Falkland Islands.
2. The origin of the Argentinian claim to the islands.
3. The role and significance of the British intervention in the 1982 Falkland invasion.
4. The discovery of oil fields off the coast of the archipelago in recent history.
5. The geopolitical role of the Falkland Islands in South America and the world.

Useful Resources:

When preparing for the conference, please visit these websites as they contain crucial information about the topic and can provide greater insight to the causes and possible solutions to the crisis.

- <http://www.independent.co.uk/news/uk/politics/did-margaret-thatcher-really-save-britain-8566596.html>
- <http://news.bbc.co.uk/2/shared/spl/hi/guides/457000/457033/html/n4page1.stm>
- <https://www.britannica.com/event/Falkland-Islands-War>



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- <https://www.falklands.gov.fk>

Closing remarks:

Two topics later, I hope that this topic guide has served to clarify some current issues and helped to spark a greater interest on what our committee will be debating. As I've mentioned before, feel free to write with any questions, remarks, comments at dmunc.specpol@davismun.org and I will gladly get back to you. Below are a few more links that may be used to prepare and keep yourselves updated for our conference in May.

- <http://www.lefigaro.fr> (Le Figaro)
- <http://www.economist.com> (The Economist)
- <https://www.theguardian.com/us> (The Guardian)
- <https://www.wsj.com> (Wall Street Journal)
- <http://www.lemonde.fr> (Le Monde)

Information on the 4th committee of the UN (SPECPOL):

- <http://www.un.org/en/ga/fourth/>
- <http://www.un.org/en/ga/fourth/index.shtml>
- <http://www.un.org/en/ga/fourth/archives.shtml>

With that being said, I hope you all have an amazing time preparing for this conference, and I cannot wait to meet all of you in May!