



Forum: Special Political and Decolonization Committee (GA4)

Issue: The Question of Possession of Neutral Territories

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Position: Co-chair

"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"

Charter of the United Nations, Article 1, Part 2

"In a world already moving in certain directions, where wealth and power are already distributed in certain ways, neutrality means accepting the way things are now."

Howard Zinn

Declarations of Independence: Cross-Examining American Ideology

INTRODUCTION

When we think about the United Nations, the fundamental principle that we have to find out is clearly tolerance. This is the concept and the essence of this organization and, as declared in the Charter of the United Nations (June 26th 1945), its main purpose is to create cooperation between Member States in order to achieve peace.

Bearing in mind this basic conditions, we have to remember that the main rules of this organization were created taking care of necessities, difficulties and problems of the Members. In the Special Political and Decolonization Committee (GA4), we must understand how to be clear and effective as better as possible in order to protect one, or maybe the most important right and request of every population: the need of a territory.

All around the world, every single population, in any situation or condition demands and asks for its own territory and country. This problem has followed our history since we are conscious of our cultural and national differences, and it will probably remain such an important problem forever.

In our society to be part of a specific group is something of fundamental importance and to create a different and specific group for people with the same characteristics is a basic right of every population. During the history of human civilization and cultural development we established that this right and act of grouping people together is an equivalent of creating states and in particular borders. Territories and concrete states have become so important that we discuss and fight in order to obtain more space. In these cases it is evident that from a misunderstanding may begin a conflict.

A conflict, in fact, occurs when two different parts take two different points of view and obviously think that their own is the right one. However, if we consider a third position that is not interested in the theme of the discussion or in the discussion itself but is maybe territorially involved in this situation, it must have the right to take the position of one of the two parts but also to keep out from the conflict. This condition or possibility is called neutrality.

In this report we will try to explain as clearly as possible if, how and when this right or condition can represent a serious problem, especially for the safeguarding of the principles of the United Nations.

DEFINITION OF KEY TERMS

Neutrality: it is the tendency not to side in a conflict (physical or ideological), which may not suggest neutral parties do not have a side or are not a side themselves.

Airspace: it is the portion of the atmosphere controlled by a country above its territory, including its territorial waters or, more generally, any specific three-dimensional portion of the atmosphere. It is not the same as aerospace, which is the general term for Earth's atmosphere and the outer space in its vicinity.

International zone: it is a type of extraterritoriality governed by international law, or similar treaty between two or more nations. The term can also refer to the areas of international airports outside customs and immigration controls. In areas of conflict there may be international zones called green zones that form protective enclaves to keep diplomats, journalists and defenseless innocent citizens safe. Countries in conflict may also have international zones separating each other.

BACKGROUND INFORMATION

HISTORY OF THE NEUTRALITY PRINCIPLE AND HISTORICAL BACKGROUND

After wars and conflicts the first stability condition of the territorial division in our world, as it was known in that period, can be considered the period of the 13th century. For the first time, in fact, the population who belonged to one common culture fused together in order to create a state with an independent government. After this, sometimes, the territory and the geographical area itself has become to be more important than the cultural unity of the country and the main interest of the most of the population has become to have more and more to control and rule.

In more than six centuries, in a lot of different situations and with different excuses and purposes, land has caused the most of the wars and conflicts during our modern history. Only in 1814 when the biggest European countries met in order to restore order after the French Revolution we have the first example of neutrality, an example that would have faced two world wars, and would remain still today: Switzerland.

This is the first case of a declaration of neutrality in our history and it has changed irreparably the diplomatic and political concept of neutrality. When we analyze the meaning of neutrality as the policy or status of a nation that does not participate in a war between other nations, it is clear, knowing the history of our own countries, that except for Switzerland there are not so many cases of neutral countries or states; in fact they can be divided into three main groups:

- Neutral countries: Costa Rica, Liechtenstein, Panama, Switzerland, Turkmenistan, Vatican City;
- Neutral European Union members: Austria, Finland, Ireland, Malta, Sweden;
- Those claiming to be neutral: Ghana, Japan, Mexico, Mongolia, Moldova, Rwanda, Serbia.

When the United Nations was established in 1945, 750 million people – almost a third of the world’s population – lived in Territories that were non-self-governing, dependent on colonial Powers. Today, fewer than 2 million people live in such Territories.

The Charter of the United Nations established, in Chapter XI (Articles 73 and 74), the principles that continue to guide United Nations decolonization efforts, including respect for self-determination of all peoples.

The United Nations Charter also established the International Trusteeship System in Chapter XII (Articles 75-85) and the Trusteeship Council in Chapter XIII (Articles 86-91) to monitor certain Territories, known as “Trust” Territories. Those Territories, each subject to separate agreements with administering States, were formally administered under Mandates from the League of Nations, or were separated from Countries defeated in the Second World War, or were voluntarily placed under the system by States responsible for their administration. Eleven Territories were placed under this system.

Since the creation of the United Nations, more than 80 former colonies have gained their independence. Among them, all eleven Trust Territories have achieved self-determination through independence or free association with an independent State.

There are 17 Non-Self-Governing Territories remaining today. Hoping to speed the progress of decolonization, the General Assembly adopted, in 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples. Known as the Declaration on Decolonization, it stated that all people have a right to self-determination and proclaimed that colonialism should be brought to a speedy and unconditional end. The Charter binds administering Powers to recognize that the interests of the inhabitants of the dependent Territories are paramount, to agree to promote social, economic, political and educational progress in the Territories, to assist in developing appropriate forms of self-government and to take into account the political aspirations and stages of development and advancement of each Territory.

Administering Powers are also obliged under the Charter to convey to the United Nations information on conditions in the Territories. The United Nations monitors progress towards self-determination in the Territories. The main Non-Self-Governing Territories are: Western Sahara, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Montserrat, Saint Helena, Turks and Caicos Islands, United States Virgin Islands, Gibraltar, American Samoa, French Polynesia, Guam, New Caledonia, Pitcairn, Tokelau.

In 1962 the United Nations General Assembly established the Special Committee on Decolonization (formally the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples) to monitor implementation of the Declaration and to make recommendations on its application.

In 1990, the General Assembly proclaimed 1990-2000 as the International Decade for the eradication of Colonialism and adopted a Plan of Action. In 2001, the Second International Decade for the eradication of Colonialism was proclaimed. In 2011, the General Assembly proclaimed 2011-2020 as the Third International Decade for the eradication of Colonialism.

MAIN EXAMPLES OF NEUTRAL TERRITORIES SOLVED IN CONTEMPORARY HISTORY

Saudi Arabian–Iraqi neutral zone

The Saudi–Iraqi neutral zone was an area of 7,044 km² on the border between Saudi Arabia and Iraq within which the border between the two countries had not been settled. The neutral zone came into existence following the Uqair Protocol of 1922 which defined the border between Iraq and the Sultanate of Nejd (Saudi Arabia's predecessor state). The neutral zone officially ended in 1981, when Iraq and Saudi Arabia agreed on the partition of the zone.

The Saudi-Kuwait neutral zone

The Saudi Arabian–Kuwait neutral zone, also known as the Divided Zone, was an area of 5770 km² between the borders of Saudi Arabia and Kuwait that was left undefined when the border was established by the Uqair Convention of 2 December 1922. In the area, which was later called the "Neutral Zone" or "Divided Zone", the Uqair Convention stated that "the Government of Najd and Kuwait will share equal rights until through the good offices of the Government of Great Britain a further agreement is made between Najd and Kuwait concerning it". However, there was little interest in a more definitive settlement in the so-called "Neutral Zone" until the discovery, in 1938, of oil in the Burgan (Burqan) of Kuwait. With the probability of the discovery of oil within the "Neutral Zone" itself, concessions were granted in 1948–1949 by each government to private companies. Later the two countries exploited the oil under a joint operating agreement. The partitioning negotiations commenced shortly after the rulers of Kuwait and Saudi Arabia met and decided, in October 1960, that the Neutral Zone should be divided. On 7 July 1965, the two governments signed an agreement (which took effect on 25 July 1966) to partition the Neutral Zone adjoining their respective territories.



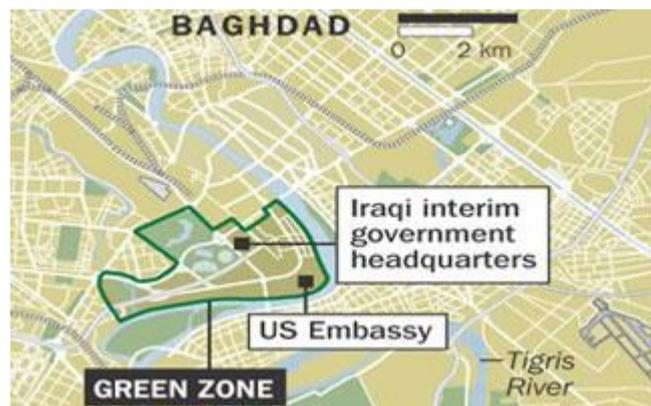
Saudi Arabia – Kuwait and Saudi Arabia – Iraq neutral zones

The international zone of Baghdad

The International Zone (formerly known as the Green Zone) was the heavily guarded diplomatic area of closed-off streets in central Baghdad where US occupation authorities lived and worked. The Green Zone in the central city includes the main palaces of former President Saddam Hussein.

The area housed the civilian ruling authority run by the Americans and British and the offices of major US consulting companies. The precise boundaries of the "Green Zone" were difficult to determine, and indeed may change with time. The core of the Green Zone appeared to be Hussein's former presidential complex.

Since the handover of sovereignty to Iraqis, many of the facilities in the Green Zone have been turned over to the new Iraqi government. It is still a base for western private military contractors, and home to the U.S., British, Australian and Egyptian embassies. The permanent U.S. embassy is located in the southern part of the International or "Green" Zone overlooking the River Tigris. On 1st January 2009, full control of the International Zone (formerly "Green Zone") was handed over to Iraqi security forces and on 4th October 2015, it was opened to the public with certain restrictions.



“Green zone in Baghdad”

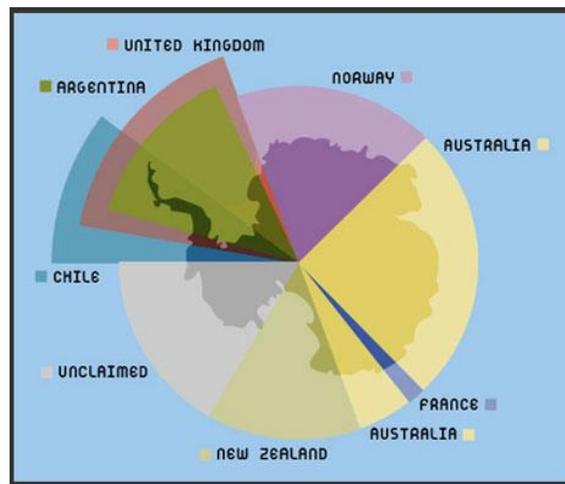
MAIN EXAMPLES OF NEUTRAL TERRITORIES NOT YET SOLVED OR UNDER DISCUSSION

International waters

High Seas, International Waters or Trans-Boundary Waters apply where any of the following types of bodies of water transcend international boundaries: oceans, large marine ecosystems, enclosed or semi-enclosed regional seas and estuaries, rivers, lakes, groundwater systems (aquifers), and wetlands. International waters have no sovereignty, and are considered as "Terra nullius" as no state controls it. All states have the freedom of: fishing, navigation, overflight, laying cables and pipelines, and research. Oceans, seas, and waters outside of national jurisdiction are also referred to as the high seas or, in Latin, *mare liberum* (meaning free sea). The Convention on the High Seas, which had 63 signatories, defined "high seas" to mean "all parts of the sea that are not included in the territorial sea or in the internal waters of a State" and where "no State may validly purport to subject any part of them to its sovereignty." The Convention on the High Seas was replaced by United Nations Convention on the Law of the Sea, which recognized Exclusive Economic Zones extending 200 nautical miles from the baseline, where coastal States have sovereign rights to the water column and sea floor as well as the natural resources found there.

Antarctica

Antarctica, the uninhabited land surrounding the South Pole, is the size of a small continent. Portions of the Antarctic, defined by the coastline and the meridian drawn from the extreme points of that line (called “sector principle”), were claimed on the grounds that they were no man's land, by several states. In 1948 the United States proposed without success to internationalize the Antarctic and to put it under the trusteeship of the United Nations; finally in 1959, by a Convention signed at Washington D.C. by 12 States, Antarctica was neutralized. The first article of this Convention reserves the Antarctic for peaceful purposes, prohibiting the establishment of military bases and fortifications, tests with conventional weapons, nuclear tests and permitting exclusively scientific researches.



Original division of Antarctica before 1959

The Argentine, British and Chilean claims all overlap, and have caused friction. On 18th December 2012, the British Foreign and Commonwealth Office named a previously unnamed area Queen Elizabeth Land in tribute to Queen Elizabeth II's Diamond Jubilee. On 22nd December 2012, the UK ambassador to Argentina, John Freeman, was summoned to the Argentine government as protest against the claim. Argentine–UK relations had previously been damaged throughout 2012 due to disputes over the sovereignty of the nearby Falklands Islands, and the 30th anniversary of the Falklands War. The areas shown as Australia's and New Zealand's claims were British territory until they were handed over following the countries' independence. Australia currently claims the largest area. The claims of Britain, Australia, New Zealand, France and Norway are all recognized by each other. Other countries participating as members of the Antarctic Treaty have a territorial interest in Antarctica, but the provisions of the Treaty do not allow them to make their claims while it is in force. Brazil has a designated “zone of interest” that is not an actual claim; Peru has formally reserved its right to make a claim; Russia has inherited the Soviet Union's right to claim territory under the original Antarctic Treaty; South Africa has formally reserved its right to make a claim; the United States reserved its right to make a claim in the original Antarctic Treaty.

Outer space and celestial bodies

The breakthrough of man into outer space since 1957 and the landings on the Moon since 1969 have raised important legal questions regarding outer space. The United Nations General Assembly on 20th December 1961 unanimously adopted the principle that international law, including the United Nations Charter, applies to outer space and celestial bodies. By resolution 2222 (XXI) of 19th December 1966, it approved the Treaty on Principles governing the Activities of States in the Exploitation and Use of Outer Space, including the Moon and Other Celestial Bodies and affirmed that all these are not subject of national appropriation by claim of sovereignty, or by means of use or occupation “in the interest of maintaining international peace and security”.

RELEVANT UN TREATIES AND EVENTS

The United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention or the Law of the Sea Treaty, is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. The Law of the Sea Convention defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

POSSIBLE SOLUTIONS

After all these considerations, we should ask ourselves if and how we can solve concretely this topic and the possible problems related with it. First of all, you have to know clearly the different situations in which this topic may represent a real problem and focus on the part you would like to discuss. As we said before this topic can be easily divided in three main categories: territorial or physical problem of a country, division of the sea or the territorial waters, and international or cosmic situations.

Considering that the most of the areas that has been declared neutral are the direct consequence of a conflict between two countries or are territories that have not already been divided among a certain number of countries, we can consider that this problem can be solved in different and also contrary ways. Obviously, it depends on the role you would like to give to your own country, to the other Member States and to the United Nations in general, but you must also remember that it is not compulsory to solve at the same time all the three specific areas of the topic. As we said, the work and the documents produced by the United Nations are a great starting point, but before taking decisions we must be sure to know what we are really looking for, respecting, first of all, the fundamental principle of neutrality.

NOTES FROM THE CHAIR

This report is just a starting point to get you aware of the issue, and to help you to find out more information about the topic. Before starting the discussion be sure to know what is fundamental for neutral territories but also to prevent the possibility of conflicts about this question; try to work in order to obtain the best solutions for everybody!

We hope to have been clear enough about the topic in general and why it is of great importance today, your task now is to find out how to solve it!

We hope you will enjoy this experience and your research.

See you soon in Ptuj.

USEFUL LINKS

- <http://www.un.org/en/index.html>
- <http://www.un.org/en/ga/fourth/>
- <http://www.un.org/en/decolonization/nonselvgovterritories.shtml>
- <http://www.ats.aq/e/ats.htm>
- http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
- <http://amjohannes.wikidot.com/neutrality-and-impartiality-of-the-united-nations-peacekeepi>
- <http://www.un.org/en/decolonization/declaration.shtml>