

EKIN COLLEGE

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**“REACH FOR JUSTICE”**

**SPECPOL**

CHAIR: Teoman COŞKUN

Co-CHAIR: Nehir KAYAALP

## RESEARCH REPORT

### Welcome Letter from the Secretary General

It is with my utmost pleasure to welcome you all to the 3rd annual session of EKIN Junior Model United Nations. My name is Isabella Yazici and I will be serving as your Secretary General. Our conference will take place in Izmir, Turkey between the 11th and the 13th of January, 2019. In alliance with our annual slogan imagine, innovate, inspire we are aiming for younger generations to comprehend that they have the capability of changing the world.

As Albert Einstein once said, "In the middle of difficulty lies opportunity." This year in EKIN JMUN we will simulate 12 extraordinary committees. In light of these words, these committees will focus on finding the spark of light within all of the darkness and try to solve the crises both our world and the conference presents. I fully believe that every participant will do their best to make the world a better place. Both the academic and organizational team have worked many hours to bring you the best version of EKIN JMUN and an overall inspiring, unforgettable experience that will stay with you your whole life.

To come to a conclusion, on behalf of our academic and organizational team I would like to invite you to the third annual session of the biggest JMUN organization in the region. I cannot wait to meet you in January.

Sincerely,

Isabella Yazici

EKINJMUN 2019 SG

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### Introduction to the committee:

The Special Political and Decolonization Committee (Fourth Committee) considers a wide variety of issues including a cluster of 5 decolonization-associated agenda items, the outcomes of atomic radiation, questions referring to records, a comprehensive review of the query of peacekeeping operations in addition to a review of special political missions, the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), the Report of the Special Committee on Israeli Practices and International cooperation in the peaceful uses of outer space. In addition to these annual items, the Committee also considers the objects on Assistance in mine movement, and University for peace biennially and triennially respectively.

### TOPIC A - THE QUESTION OF OCEAN PRIVATIZATION

#### Introduction to the topic:

Maritime issues have gained international prominence in current decades, fueled by the decline in worldwide fishing catches, the scramble for oil and mineral resources, and states' preference to lay sovereign claims to their maritime spaces. States are willing to use militarized force to guard their maritime claims, as the United Kingdom-Iceland "Cod Wars" and militarized confrontations between Greece and Turkey inside the Aegean Sea demonstrate. This committee will focus on the idea of resolving maritime conflicts mostly by evaluating some primary mechanisms such as the creation of private ownership of maritime zones in the form of Exclusive Economic Zones (EEZ) and more. The issue is important due to extinction of current resources and countries border securities. Therefore the member countries of the General Assembly Fourth Committee should be open for every possible solution to solve this issue.

#### Definition of Key Terms

**Maritime:** Connected with the sea in relation to navigation, shipping, etc.

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**Liberty:** The state of being free within society from oppressive restrictions imposed by authority on one's behavior or political views.

**Privatization:** The transfer of a business, industry, or service from public to private ownership and control.

**Property:** A thing or things belonging to someone; possessions collectively.

**Socialism:** A political and economic theory of social organization which advocates that the means of production, distribution, and exchange should be owned or regulated by the community as a whole.

**Mile:** A unit of linear measure equal to 1,760 yards/ a very long way or a very great amount.

**Individualized:** Give an individual character to something

**Treaty:** A formally concluded and ratified agreement between states.

### General Overview

Ocean privatization is the sale of the oceans to private individuals or companies. Libertarians have long proposed such privatization. The Market for Liberty, posted in 1970, stated that "as companies drilling for off-shore oil has proved, there is no reason why a piece of land cannot be owned and used simply because it is covered by water." In proposing privatization, Walter Block (an American economist) stated that "there are vast areas of human existence where private property rights play no role at all; oceans, seas, rivers and other bodies of water. But why should we expect that there would be any better results from such 'water socialism' than we have experienced from socialism on land?" The idea of ocean privatization comes from end a possible war when countries starts to deplete their resources such as food, clean water, oil...

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Blue border countries has already have 12 mile terrain except Aegean sea bordered countries because of the distance but the problem is there are still lots of water resources in the world since its 97% covered with oceans and seas, 2% with glacier. In total 1.4 billion km<sup>3</sup> in the world is water and we are yet to use all of them. Oceans are difficult to manage individually because the goods are difficult to exclude from free-riders. The next possible solution is non-governmental management. However even when oceans totally individualized private ownership is still impossible and closer to the human prosperity is better. So managing viewpoints of the ocean, by tagging fish, and sharing the costs and benefits of ownership among as small a group as possible is the best available option, the one that comes closest to full privatization. Another thing to discuss is Exclusive Economic Zones (EEZ). An Exclusive Economic Zone (EEZ) is an area which is beyond, and is contiguous to, a given country's territorial seas, and extends no more than 200 nautical miles

(370 kilometers) out from a country's own coastlines. It can be seen that if the area for EEZ is overlapped and it is still less than 400 nautical miles, then it falls upon the respective states to delineate the actual boundaries of the coastlines. The area which is under the EEZ of a state gives them full rights to explore and exploit the marine resources in its adjacent continental shelf.

The EEZ's also have additionally got financial importance as they do no longer handle setting the bounds, however are also the source of livelihood for many countries due to their fisheries, natural gasoline reserves, and tourism. Even the delivery of products also takes vicinity through those zones from many different international locations. The scientific significance of EEZs consists of the carrying out of scientific research on varied marine creatures, and the sampling of the seabeds for oil and natural fuel purposes which also can be finished therein. Every country has been given the right to protect their territorial waters, but if

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some countries wish to discover the sources, then they need to input into a bilateral settlement with the respective neighboring country.

Many countries have also come to be disputed in regards to their marine waters, and the governance problems for a lot of these had been negotiated for several years. The most important examples given on this regard can be seen in the "Cod Wars" between the UK and Iceland, the South China Sea issues among and between China, Taiwan, Brunei, Malaysia, the Philippines, and Vietnam, other East Asian maritime territorial disputes involving North Korea, South Korea, Japan, Indonesia, and others, the Cyprus disputes over the EEZ between Cyprus and Turkey, which is further complicated by Lebanese claims of an overlapping of its EEZ by those of Cyprus and Israel.

## UNCLOS

The United Nations Convention on the Law of the Sea (UNCLOS), also known as the Law of the Sea Convention or the Law of the Sea treaty is the international agreement that eventuate from the third United Nations Conference on the Law of the Sea (UNCLOS III), which happened between 1973 and 1982. The Law of the Sea Convention defines the rights and obligations of nations with admire to their use of the arena's oceans, organizing hints for agencies, the surroundings, and the control of marine natural assets. The Convention, concluded in 1982, changed four 1958 treaties. UNCLOS got here into pressure in 1994, a 12 months after Guyana became the sixtieth nation to ratify the treaty. As of June 2016, 167 international locations and the European Union have joined inside the Convention. It is unsure as to what quantity the Convention codifies standard international law.

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### Timeline of Events

<b>EVENTS</b>	<b>TIMELINES</b>
<b>1973-1982</b>	<b>United Nations Convention on the Law of the Sea treaty explains the rights and responsibilities of countries with respect to their use of the world's oceans, organising pointers for corporations, the surroundings, and the management of marine herbal sources.</b>
<b>31 March 2014</b>	<b>Exclusive Economic Zones (EEZ) prescribed by the United Nations Convention of the Law of the Sea (UNCLOS)</b>
<b>1976(Cod Wars)</b>	<b>The wars for the territorial waters had been sequence of confrontations between United Kingdom and Iceland</b>

	<p style="text-align: center;"><b>RESEARCH REPORT</b></p> <p><b>on fishing rights inside the North Atlantic</b></p>
<p><b>10 December 1982</b> <b>(UNCLOS Chapter XXI)</b></p>	<p><b>Part XI of the Convention presents for a regime relating to minerals at the seabed outside any state's territorial waters or Exclusive Economic Zones (EEZ). It establishes an International Seabed Authority (ISA) to authorize seabed exploration and mining royalty</b></p>

## **Possible Solutions**

Trades or sales of the seas, which are not included in the continental margins, should be privatized and privatizing trades should be controlled by existing UN organ or a new one if committee decides its significance

UN should be encouraged to solve the problem of controlling the activities in privatized seas. To be effective on controlling whether owners violates the marine and nature rights and also to be ensure that if it protects the habitats and generally the rights of the marine animals.

## **TOPIC B - THE ISSUE OF POLITICAL CORRUPTION AND INSECURITY TOWARDS THE LAND RIGHTS OF INDIGENOUS PEOPLE**

### **Introduction to the topic:**

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Indigenous peoples throughout the history suffered massively from slavery and forced labour and many still maintain to do even today. Indigenous peoples, who are estimated to number around 370-400 million people (approximately 5% of the world's population) include about 5000 distinct groups, living across more than 90 countries all around the globe, constituting as the world population's poorest %15. While the devastating consequences of corruption are definitely not limited to indigenous people, they have been among the sections of the society most terribly affected.

For indigenous peoples their land is the place that their own culture evolved; they manage their lands in their own ways for centuries so that they hold an intense historical connection and affinity. Despite, %65 of the world's land is under indigenous customary proprietorship, some governments have recognized only an inconsiderable number of this land as formally or legally belonging to indigenous peoples. Nevertheless, due to the fact that the lands which they live in are usually rich in resources so, their lands have been sold, hired out and contaminated by governments and private companies illegally; and this is referred to the word "corruption". Unfortunately, due to the fact that indigenous peoples are in an extreme poverty and the fact that they have a low level of technological expertise is the reason why they are vulnerable to corruption.

All states have historical responsibilities towards indigenous peoples and it is the time for them to start protecting them. It is time for the states to preserve their rights to their inherited lands effectively and permanently.

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### Definition of Key Terms

**Indigenous People:** (also called tribes/tribal people) As well as an official definition for these populations has never adopted by UN, there are several well-known definitions. One of them was produced by Jose R. Martinez Cobo, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his Study on the Problem of Discrimination Against Indigenous Populations. According to it, *“Indigenous communities, peoples and nations are those that, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.”*<sup>(1)</sup> Other well-known definitions which are adopted by ILO (International Labor Organization). According to The First Article of ILO Convention No. 169 indigenous peoples are defined, both subjective and objective, in 3 ways; *as descendants of populations “which inhabited a country or geographical region during its conquest or colonization or the establishment of present state boundaries.* (first objective criterion) and *“retain some or all of their own social, economic, cultural and political institutions.* (second objective criterion). *Self-identification as belonging to an indigenous people* is the only substantive criterion and the most vital one.

**Corruption:** Dishonesty and illegal behaviour by people in positions of authority or power.

(1) Santa Clara Journal of International Law Article 7

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**Discrimination:** The practice of treating one person or a group of people less fairly or less well than other people or groups.

### General Overview

Since their very first arrival back in the 15th-16th century while they used to speak for the most diversified group on earth, coming from everywhere; they had to deal not only with invasions and enslavement but with compulsory displacement, deprivation of land and restraint of their access to natural sources. Until 1950s their land rights had been totally denied, but after 1950s things started to change. The reason for this is Second World War (WW2). After WW2, people started to realize the importance of human rights. Doing so realize that indigenous peoples' had an essential value that had to be preserved for their own purpose. Even states are willing to it.

Indigenous peoples also have an intense relationship with their traditional lands because traditional lands are where nations belong and where their traditional knowledge improved but because their lands are often rich in sources it puts their land at higher. Throughout the history indigenous peoples' lands and territories have been polluted, sold, leased by governments, private companies or by the eminent people and we call this "corruption". Corruption in this text is not only *the assertion of power over indigenous people by conquest* but *actions that are dishonest in the legal system*.

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There are 3 forms of political corruption which is made against indigenous peoples. These are;

1. When government officials appropriate the land or sources for their individual gain.
2. When government allows (by omission or by active support) private individuals or companies to appropriate the land.
3. When government itself acts illegal ways (under international law) in order to appropriate the land.

Also ,corruption has 3 basic impacts on indigenous peoples which are:

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**1.No access to ancestral land:** Specifically the dispossession of indigenous peoples of their lands that have a damaging impact on tribal communities as it is a threat to the economic and cultural survival of these communities.

**2.Lack of natural resources management:** As it has been stated before, these communities often live in the areas which are rich in natural sources that mean these resources are what their livelihoods are directly depend on.

**3.Human right violations and insecurity:** As well as there are many examples of human rights violations against indigenous peoples, it is often made by active support of governments.

Indigenous people are discriminated in everywhere, even at the schools.

Indigenous people face a lot of obstacles in accessing education. In today's world many of the indigenous students have to abandon their homes, their lands in order to get education in boarding schools. Moreover, the reports have proven that the tactic of boarding schools in the past in the context of a policy of "cultural genocide" was used by the governments in order to gain control over indigenous peoples, their lands and sources. However, countries should consider that education is the most important weapon that these communities can pass their culture to.

Indigenous communities also cannot find access to employment. Access to decent work is hard for these peoples, harder for the women who have to face with a lot of difficult obligations. The reason why is because they still rely on their traditional occupations that assessed as inadequate by natural development policies and they speak their own language and they have lack or low level of technological expertise. In addition, they are often forced to abandon their long-lasting activities with their lack of education and skills that block their

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access to the modern labor market by conflicts and development projects. So that, remain among the poorest.

Another challenge that they face with is human trafficking. According to the ILO (International Labor Organization), there are 12.3 million people are victims of forced labor; this kind of forced labor is outstanding all over the world and directly affects indigenous communities. The US State Department 2015 Report on Trafficking in Persons has shown the vulnerability to trafficking of about 98,000 men, women and children from some states in Myanmar. These communities have to face with environmental degradation, armed conflict, discrimination and marginalization and these make those communities especially vulnerable to trafficking, exploitation and forced labor.

### Treaties and Events

#### National Indigenous Peoples' Rights Act (IPRA)

In the Philippines IPRA provides recognition and protection of the rights of the indigenous communities. The IPRA was found in 1997, even though the National Areas System was already established since 1992. According to the Act, *protected areas within or overlapping ancestral domains will remain as protected areas*. But, the main responsibility of maintaining, developing and protecting such areas was undertaken by Indigenous Cultural Communities.

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### **ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries, No.169**

This convention was adopted on June,1989 in Geneva by the International Labor Conference and inured to the benefit on September,1991. The most important operative international law that's about the rights of indigenous peoples' is considered as this one.

*(Articles 13-19): Ratification is required in order for the Convention to become legally binding for a state but unfortunately it has been ratified only by 22.*

*(Article 11):"the right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognized".*

### **The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the United Nations General Assembly on 13 September 2007.

A majority of 144 states were in favor, 4 voted against and 11 abstained. The Four Member States that voted against the Declaration was Australia, Canada, New Zealand and the United States of America. These member states held that the justification for their vote was *the fact that the document included provisions on self-determination, land and resources rights, which will allow indigenous peoples to intervene to State's management of resources.* But, their votes seem to been

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turned nowadays. The Declaration wasn't legally necessary but it reflects the undertaking of UN Member States in another aspect; which purposes combating against human rights violations against the 370 million indigenous people worldwide.

**(Article 10):** *"indigenous peoples shall not be forcibly removed from their lands and territories".(2)*

**(Article 26,1):** *"right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."(3)*

**(Article 26,3):** *requires States to give legal recognition and protection to these lands, territories and resources.(4)*

**(Article 27):** *requires States to establish and implement a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples land tenure system.(5)*

## Timeline of Events

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<b>1923-25</b>	<i>First International Involvement; Haudenosaunee Chief Deskaheh travelled to Geneva to defend the right of his people in 1923. Although, they didn't allowed him to speak and came back home in 1925 it was the first move.</i>
<b>1981</b>	<i>As mentioned before UN has never adopted a definition of "indigenous peoples", however, Jose R. Martinez Cobo, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities gave one of the most cited definitions in his study on the Problem of Discrimination against Indigenous Populations.</i>
<b>1982</b>	<i>The Working Group on Indigenous Populations (WGIP) was found as a subsidiary organ to the Sub-Commission on the Promotion and Protection of Human Rights. An opportunity was ensured for indigenous populations to share their experiences and concerns at the UN by The Working Group.</i>
<b>1989</b>	<i>The ILO(International Labour Organization) concerning Indigenous and Tribal Peoples in Independent Countries was adopted.</i>
<b>1993</b>	<i>The UN General Assembly Resolution A/RES/47/75 declared that 1993 was the International Year of the World's Indigenous People.</i>
<b>1994</b>	<i>The resolutions A/RES/48/163 was adopted by UN General Assembly and declared the International Decade of the World's Indigenous Peoples. (1995-2004)</i>

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<b>2000</b>	<i>In July 2000 UN Permanent Forum on Indigenous People was found as an Advisory Body to the Economic and Social Council to argue economic and social issues, cultural, educational, environmental problems and other kinds of problems related with indigenous communities.</i>
<b>2001</b>	<i>A Special Rapporteur on the rights of indigenous peoples was designated as part of the system thematic Special Procedures by the Commission on Human Rights .</i>
<b>2005</b>	<i>Years of 2005-2016 was decided to be the Second International Decade of the World's Indigenous People by UN General Assembly Resolution 59/174.</i>
<b>2007</b>	<i>UN Human Rights Council found the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) under the resolution 6/36.</i>
<b>2007</b>	<i>On Thursday September 13, 2007 UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP)</i>
<b>2014</b>	<i>On 22-23 September 2014 the first World Conference on Indigenous Peoples was organized by UN General Assembly.</i>

## **Possible Solutions**

There are many solutions that can be proposed in order to give indigenous peoples a better life but the main issue in here is discrimination and corruption.

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Their better lives can be started by us by offering them equality. Laws in countries, occupies a large part in this sense even though sometimes corruption can be illegal. States should realize the existence of these people and should prevent them their rights. While laws are most easy to implement, responses from the society are inescapable. Changing the minds of individuals and more importantly the minds of the people who do the corruption are crucial. An UN Organ can be found which works just on the issues of indigenous peoples in order to give them exclusive interest and to solve this issue quicker and to make it sustainable. UN and all of the states should be aware of this issue immediately and should participate the searchings of a radical solution for this issue.

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