

Forum:	Political Committee (PC)
Issue:	Addressing the political consequences of national secession
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Introduction

The number of Member States has seen a sharp increase from 51 to 193 since 1945 in the United Nations (UN). Decolonization, new recognitions and many more factors have contributed to this increase, arguably the most important fact was the immense number of countries who declared and gained independence to form nation states. The 193rd Member State, South Sudan was admitted to the UN after its secession and consecutive independence from Sudan in 2011.

Secession is the act of a state willingly leaving its nation in order to establish a new independent state or to join an already established one. One of the most well known example of national secession is the Secession War in United States of America between 1861 and 1865, when colonies in the American continent broke ties with the United Kingdom and declared themselves independent from the mainland administration. There are also examples of national secessions in the recent past: India and Pakistan in 1947, Russia from USSR in 1991, South Sudan from Sudan in 2011. It is very crucial to tackle this controversial issue in the Political Committee (PC) because there are ongoing attempts of secession which are legitimate according to the seceding party but illegitimate and unacceptable for the nation it wants to secede from. The most recent and commonly discussed example of national secession is the Catalans wanting to secede from Spain.

In the Political Committee (PC) we will analyze the topic from the political and legal perspective. Also this issue is strongly related to the theme of RCIMUN 2018, which is *Political Polarisation: Fostering Accord in a World of Intolerance*, because a secession can affect international relationships as well as the civil peace of the nation from which a group secedes. When groups feel that they are discriminated and polarized in a community, they attempt to secede, but unmanaged secession attempts may spark up hatred and polarise societies more. Therefore, there should be institutions and legal procedures to ensure that national secession doesn't cause problems in the current world of intolerance.

Definition of Key Terms

Secession: the act of separating from a nation or state and becoming independent ("Secession").

Self-determination: the right of the people of a particular place to choose the form of government they will have ("Self-determination").

Partition: to divide (a place, such as a country) into two or more territorial units having separate political status ("Partition").

De facto: a government, or a state of affairs that must be accepted for all practical purposes, but is illegal or illegitimate ("De Facto").

De jure: the legal, legitimate government of a state and is so recognized by other states ("De Jure").

Federation: a group of organizations, countries, or regions that have joined together to form a larger organization or government ("Federation").

Self-defense: someone's act of defending himself/herself or his/ her property or the state ("Self-defense").

Decolonization: the act of getting rid of colonization, or freeing a country from being dependent on another country ("Decolonization").

Autonomy: the quality or state of being self-governing ("Autonomy").

General Overview

National secession is the withdrawal of a state from a larger entity such as a nation. All nations aim to preserve their economic power, political stability and border unity. Thus, most nations consider secession of a state to be a criminal offense that should be punished. In rare cases, the government of a nation can recognize the independence of a seceding state. Other countries' support to the seceding state plays an important role in these recognitions ("Secession"). While domestic factors can help explain the path to *de facto* statehood, which could include a functioning regional government with a high degree of autonomy, *de jure* statehood is not possible without external recognition, so the significance of the international community is clear (Nelson). Separatist movements can range from small towns to entire regions and the motivations for seceding are equally as diverse, including linguistic and cultural differences as well as economic and historical justifications (Ellyatt). On the other hand, sometimes the peaceful secessions attempts can turn violent. The violent political secession movements are often led by separatist parties that may express themselves by extreme actions such as terrorism, or a war of independence.

The United States Civil War is one of the most ambitious secessions in the history that led to a civil war. Some states seceded because they objected to attempts by the federal government to abolish the enslavement of black people. The mass secession led to four years of civil war and the death of hundreds of thousands of people. The seceding states established their own government called the Confederate States of America and fought the U.S. military forces with their own army. When the Confederate forces were defeated in April 1865, the seceding states joined the United States again.

A contemporary example could be that of the South Sudanese independence. After half a century long conflicts, South Sudanese finally were able to convince the government of Sudan to hold an independence referendum. And even though it was a democratic procedure, the aftermath of the secession was not pleasant for neither country. First there was a dispute over the oil fields and refineries that lay along the newly demarcated border. Secondly, there was an absence of authority in the newly established state of South Sudan, and a civil war emerged quickly as a consequence (Olgac).

The tensions between the country and the seceding state occurs because most countries believe that the involuntary loss of land and wealth is unacceptable. Most countries have laws that punish people who attempt to secede. Most separatist movements do not succeed in their goal however there are examples of successful secessions, such as the breakup of Czechoslovakia, the separation of the Baltic States from the Soviet Union, and Norway's separation from Sweden (Somin).

There are also some ongoing attempts of secession. Catalonia's parliament declared independence from Spain in October 2017 following a referendum that was decided to be illegal by the central authorities of the government of Spain. Spain dismissed the region's government, and declared that a new election should be held. Catalan politicians leading the independence movement could be imprisoned for decades, if found guilty of rebellion and sedition ("The struggles" 00:20). The autonomous Kurdish region in Iraq also held an independence referendum in September 2017. Approximately 93.25 percent of votes cast were in favour of independence. However, the Baghdad government claimed the independence referendum was illegal and claimed back the lands Kurds had taken in their region. ("The struggles" 01:00). Another example is Somaliland, a semi-desert territory on the coast of the Gulf of Aden. The Somaliland state is attempting to secede from Somalia. They declared independence from Somalia in 1991 and currently have their own government, police force and currency, but no foreign government recognises them.

Finally there are attempted secessions that were partly successful or unsuccessful. For example, Taiwan seceded from the People's Republic of China because Taiwanese officials believe that after Japan left the island of Taiwan, Taiwan became the successor state. The Taiwan independence movement is a political movement to pursue formal independence of Taiwan, and currently Taiwan is a modern, democratic state in all but international law. It's an island off the south-eastern coast of China which functions as an independent state and has its own constitution and democratically elected leaders. People in

Taiwan are around three times richer than those in mainland China, but China regards Taiwan as a illegitimate province. It insists that no country can have diplomatic ties with both itself and Taiwan. Currently only 19 Member State and the Holy See officially recognise it. ("The struggles" 02:10).

Since 1960s, there have only been two major changes to African borders, and the aftermaths of these successful national secessions were not favorable by any involved party. Eritrea declared independence from Ethiopia in 1993 and today it has an oppressive government and its people are living in poverty. In 2011 South Sudan seceded from Sudan; it became the world's newest country and the 193rd member of the United Nations. Soon after the establishment of South Sudan, a civil war broke out and displaced around 2.2 million people. Civil war ended in 2015, but still South Sudan is dealing with problems such as poverty and plague.

Major Parties Involved and Their Views

United States of America (USA): In USA, secession was declared during the Civil War between the States and today it is in favor of the unity of its borders

People's Republic of China: There are secessionist movements on the western regions of Xinjiang and Tibet, namely Tibetan independence movement and East Turkestan Islamic movement. China sees the seceding states as illegitimate provinces and it has ratified Anti-Secession Law in 2005 to formalize its non-peaceful actions against Taiwan ("Anti-Secession Law").

Spain: The 1978 Spanish constitution recognised the existence of multiple national communities and created the division of the country in autonomous communities. The Spanish declared the Catalan independence referendum unconstitutional and the government continues to oppose Catalan independence.

Catalonia: It is an autonomous community of Spain which is designated as a nationality by its Statute of Autonomy. The Catalan government announced to hold an independence referendum in 2014, which resulted in majority of the voters wanting independence.

Timeline of Events

1860–61	11 Southern states seceded from the Union to form the Confederacy. The American Civil War followed.
15 January 2011	South Sudan seceded from Sudan, becoming the newest country to join the United Nations

25 September 2017	Iraqi Kurdistan independence referendum was held. Approximately 93.25 percent of votes cast were in favour of independence.
1 October 2017	Catalan government's independence referendum is held. 92 % of people who vote in the referendum support independence on a 43 % turnout.

UN Involvement

Since its creation in 1945, the United Nations has had a significant role in aiding states that are seeking self-determination and secession. The Charter of the United Nations states that one of the purposes of the Organisation is to 'develop friendly relations between nations based on respect for the principle of equal rights and self-determination of peoples' ("Secession United"). This recognition of the concept in the UN Charter gives international legitimacy to seceding states. More significant is the subsequent practice of its organs, particularly the General Assembly, which has incrementally developed the right of self-determination and secession in the context of decolonisation.

Relevant UN Documents

1945 Charter of the United Nations <http://www.un.org/en/charter-united-nations/index.html>

1960 UN Declaration on the Granting of Independence to Colonial Countries and Peoples:

<http://www.un.org/en/decolonization/declaration.shtml>

1970 UN Declaration on Principles of International Law concerning Friendly Relations and Cooperation

among States in accordance with the Charter of the United Nations:
<http://www.undocuments.net/a25r2625.htm>

1993 UN Vienna Declaration and Programme of Action:

(<http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>)

UN Resolutions 637(VII), 3328(XXX), 35/35(1980), 1514(XV), and 2625(XXV)

Treaties and Events

According to The 1933 Montevideo Convention, a region needs to fulfill 4 prerequisites to become a state:

- a permanent population
- a defined territory
- a government
- and the capacity to enter into relations with other states.

Previous Attempts to Resolve the Issue

The Unilateral Declaration of Independence (UDI) in Kosovo in February 2008 has raised several fundamental questions of international law in terms of the legal status of secessionist states. The legality of the actions taken during secessionist attempts are important to discuss because they can increase the tension between the parties. UN Security Council has the right to exercise its powers to maintain and restore the international peace and security; however, in the Kosovo case, the International Court of Justice (ICJ) was asked by the United Nations General Assembly to give its opinion on whether the declaration of independence of Kosovo was in accordance with international law. Although self-determination and secession had been treated differently in a number of its previous decisions, this was the first time that an attempted secession had been the direct subject of a judicial process before the ICJ. The Court determined that the declaration did not violate international law. As a result of the ICJ decision, a joint Serbia-EU resolution was passed in the United Nations General Assembly which called for an EU-facilitated dialogue between Kosovo and Serbia to "promote cooperation, achieve progress on the path to the European Union and improve the lives of the people." ("2008 Kosovo"). The dialogue resulted in the 2013 Brussels deal that aimed to normalize the relations between the governments of Serbia and Kosovo. However, the current situation of Kosovo cannot be expected to be stable either in regional or global terms. At the regional level, Serbia remains opposed to the independence of Kosovo; at the global level, the independence of Kosovo is opposed by such major players as India, China and Russia. Thus both at regional and global level the independence of Kosovo will continue to encounter the opposition and counter-action that will adversely impact on the stability of its position. Presumably the sponsors of the Kosovo independence have understood that the state whose independence they supported will neither gain the general recognition of the international community, nor will it be admitted to the United Nations. ("Statehood, Recognition" 43,44).

Possible Solutions

In the preceding section the case of declaration of independence in Kosovo is presented. The case is crucial to understand because although secession wasn't very successful and Kosovo didn't gain international recognition, the methods used by Kosova to secede from Serbian government should serve as a model for the Political Committee's delegates. Delegates should

know that threats of secession can be a strategy of the seceding state for achieving more limited goals, so in order to find a solution to the issue of national secession, bilateral talks are crucial. In the Kosovo case 2013 Brussels deal was an example of bilateral talks as it involved the negotiations of the two major parties of the issue.

As also seen in the Kosovo case, International Court of Justice (ICJ) is the principal judicial organ of the UN. It settles legal disputes between member states and gives advisory opinions to authorized UN organs and specialized agencies. As the question of secession has a legal aspect as important as its political aspect, advisory opinions from the ICJ and the UN General Assembly's Legal committee will legally strengthen the secession attempt.

In extreme cases that involves armed conflict between the parties, UN Peacekeepers can be used as possible solutions. UN Peacekeepers are neutral troops that aim to protect the peace in a region. They can't fire their arms unless they are attacked by a group so they can be reduce the risk of an independence war during an attempt of secession. The UN Peacekeeper forces that are sent to the region by Security Council (UNSC) should be closely regulated and reported in order to prevent any misuse of power.

All in all, delegates who aim to recognize a seceding state should keep in mind that in order for the secession attempt to be truly successful, the secession should happen gradually so that the wealth of the nation will be equally distributed and most importantly the people of the seceding state and the previous host nation will not be polarized.

Notes from the Chair

While searching for possible solutions to this issue, delegates should keep in mind the reasons why governments do not recognise any seceding state. For example, in the case of Somaliland that was mentioned in General Overview section, to recognise Somaliland would encourage other separatists in the region. If other states also attempt to secede and be successful, the already-weak federal governments will become undermined. The distribution of power in a region can lead to war.

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