General Assembly Fourth Committee: Special Political and Decolonization

Background Guide

Stanford Model United Nations Conference 2019
Letter from the Chair

Dear Delegates,

Welcome to SMUNC! I’m Lukas Lopez-Jensen, and I’ll be your chair for this Special Political and Decolonization Committee (SPECPOL). I’m a frosh who’s just moved to Stanford from my hometown of Denver, CO, and I’m considering majoring in Economics or Political Science. Although this is my first year doing Model UN at Stanford, it is my fifth year of MUN overall. I competed throughout all four years of high school, and I enjoyed every minute of it. I found that MUN is about sharing our own positions and weighing them against those of others, but the true meaning of a council comes in the solutions it provides. It comes from creative thinking, from nuanced problem solving, and from listening to those around us. That is how change is made in the world, not through forcing our hands to violence or drowning out the voices of our opponents. Those who do Model UN know this, and we articulate it beautifully. It will be of paramount importance that you keep this in mind while discussing the issues of sovereignty in outer space and Antarctica.

This committee is not meant to serve as a partition or an opportunity for your nation to grab power. It is meant to find the best possible solutions to the questions we find ourselves asking as we approach these distant frontiers. This committee is about ensuring that all of humanity can benefit from the vast array of resources found in these remote locations, using fair and revised systems of governance to keep this newfound growth equitable. As delegates of SPECPOL, you will be penning working papers that will decide the means by which humanity moves forward into the unknown. Look to the future while in this committee: it is you who will be shaping it.
If you have any questions or concerns, don’t hesitate to email me at lukaslj@stanford.edu!
I’m looking forward to being your chair, and I can’t wait to see what you do!

Sincerely,
Lukas Lopez-Jensen
Stanford Class of 2023

Committee Overview:

The Special Political and Decolonization Committee, or SPECPOL, considers a vast array of topics related to sovereignty and decolonization. Ensuring that colonial countries and people are allowed full independence is a primary focus of this committee. Questions pertaining to issues such as the conflict between Israel and Palestine and treatment of refugees are central to this committee’s work. SPECPOL also handles political and peacekeeping missions from the United Nations.1

The United Nations was established in 1945, when 750 million people lived in territories that did not govern themselves and depended on colonial powers. The mission of decolonization has been central to the UN from the beginning. Article 1 (2) of the Charter of the United Nations established the principle of “equal rights and self-determination of peoples,” and 1946 marked the first time that a body was convened within the UN to examine issues of colonization. Since then, there have been several committees tasked with monitoring progress toward self-determination, and SPECPOL was created in 1993 to consider agenda items related to decolonization. The body monitors information on progress toward self-determination in any

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territories that are not currently self-governing, which holds countries administering those territories accountable to their obligations to those territories under the Charter of the UN.²

Progress toward global decolonization has been significant since 1945. More than 80 former colonies have become independent. Currently, there are 17 Non-Self-Governing Territories that have not gained independence, free association, or integration with an independent state. These territories are relatively small, as they are home to fewer than two million people combined. Due to the success of past decolonization efforts, the committee’s work has expanded to include preventing colonization in the future.³

Two regions of concern for those wishing to prevent future colonization are Antarctica and outer space. Neither has a large, sustained human presence, but humans from many nations gather aboard the International Space Station and in research centers in Antarctica. Furthermore, missions to space and to Antarctica often require international cooperation. This collaboration can be peaceful and well-organized, but it also raises the potential for conflict over sovereignty in those locations. As humanity continues to explore the vast, unpopulated regions of our world and our universe, SPECPOL will need to determine what, if any, measures need to be taken to prevent our existing conflicts from finding new homes.⁴

Topic A: Sovereignty of Outer Space

The Outer Space Treaty, in force since 1967, has been the primary arbiter of acceptable uses of outer space for over fifty years. As its implementation occurred during the Cold War

³ Ibid.
⁴ “UN General Assembly – Fourth Committee – Special Political and Decolonization.”
amidst an escalating “space race” between the United States and the Soviet Union, a primary focus in the treaty was ensuring that outer space could only be used for peaceful purposes. Specifically, the treaty explicitly forbids the placement or use of nuclear weapons or any other weapons of mass destruction in space. However, the treaty extends beyond simply banning nuclear weapons in space.⁵

Outer space, according to the Outer Space Treaty, is “the province of all mankind.”⁶ This has several implications. First, outer space exploration must be carried out with the interests of all of humanity in mind, and it should have universal benefits. Second, astronauts represent Earth as a whole, not any specific nation on Earth. Third, causing damage or contamination in space is forbidden – every country acting in space must preserve it so that others may access it as well. Finally, and crucially for determining sovereignty, outer space may not be claimed, through use, occupation, or any other means, as belonging to any nation. Under this treaty, no state may claim any portion of space, including bodies such as the moon, for itself.⁷

The Outer Space Treaty’s enforcement is left up to individual nations. Each nation is responsible for any government and private space activity and must ensure compliance with the treaty. For instance, if a satellite or other object in space launched within a country causes damage, that nation’s government must be held liable for the damage.⁸

However, this enforcement mechanism has limitations. Companies could choose to accept consequences, such as fines, for actions in space. In early 2018, Swarm Technologies

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⁶ Ibid.  
⁷ Ibid.  
⁸ Ibid.
launched four small satellites called SpaceBees without approval from the Federal Communications Commission, tasked with monitoring satellites in the United States. The FCC denied the launch based on concerns that the SpaceBees would be too small to track, but Swarm chose to launch them anyway and accepted the associated $900,000 penalty. Once the satellites were launched, the $900,000 fine was the only option available to the FCC, as it was too late to prevent or address the violation itself. While this does not directly correlate with an Outer Space Treaty violation, if a country cannot monitor private activity in space, it cannot ensure that it is compliant with international law. Also, the fine was not high enough to be an effective enforcement. If a country’s legal system cannot keep up with current technology, it risks losing the ability to comply with the Outer Space Treaty.\(^9\)

Several potential loopholes have also been pointed out in the treaty. In 1976, a group of eight countries attempted to claim ownership of a portion of an orbit that would cross through their borders if their borders were projected to infinite altitude. These countries defined these orbits as a natural resource rather than outer space, giving them the right to claim them. This argument that orbits could be considered within a country’s airspace was dismissed, but it illustrates the lack of clarity on what region is considered outer space.\(^10\)

Another issue is the age of the Outer Space Treaty. Anti-satellite weapons are not currently considered weapons of mass destruction under the treaty, as they did not exist in 1967. However, when China launched an anti-satellite weapon against one of its own satellites in 2007, 


an action which was labelled as “aggressive” by Japan, no action could be taken. The creation of space debris is relevant to the mission of preserving access to outer space and avoiding damage and contamination, and the ability to attack assets in space could be reasonably considered a weapon of mass destruction. The Outer Space Treaty, then, would be a reasonable document to consult when determining how to react to the Chinese anti-satellite test. Those consulting it would not find anything to help them.\(^\text{11}\)

Finally, modernization poses other concerns. Private space companies like lunarland have attempted to sell territory in outer space, and, since only countries are currently signatories to the Outer Space Treaty, these companies would only be bound to the treaty to the extent that their country enforces it.\(^\text{12,13}\) As the example of Swarm shows, countries are unable to fully control private space activity. A fine could be insufficient to deter lunarland and others from selling land in space regardless of national obligations to the treaty. Further, once a violation has occurred, it is likely too late to address it through Earth’s legal system.\(^\text{14}\) The buyer of the land could already be using it, and adequate enforcement beyond fines could be impossible.

The United States has been central to the private space industry, which shows in the passage of the Space Act of 2015. As more individuals and companies, particularly within the US, see the opportunity to profit from space travel and resources, demand for unrestricted access to space has skyrocketed. The Space Act gives US citizens the right to engage in the “commercial exploration and exploitation of space resources.”\(^\text{15}\) The Space Act includes a clause

\(^{11}\) Ibid.  
\(^{12}\) Ibid.  
\(^{13}\) “The Outer Space Treaty.”  
\(^{14}\) Werner, 2019.  
\(^{15}\) Stuart, 2017.
that is aimed at avoiding an Outer Space Treaty violation by stating that the United States does not claim territory in space. The idea that the US government may not enforce the Outer Space Treaty against private actors has raised concern, and it illustrates a need for a revision to the treaty.  

This committee is tasked with addressing several questions related to sovereignty in outer space. First, who, if anyone, can claim territory in outer space? Second, how will ownership and sovereignty determined here relate to existing space assets, such as satellites or the International Space Station? Third, what obligations do countries have to each other to protect access to outer space, the lives of astronauts, and any property or territory another country may have in outer space? Fourth, how can the actions of private companies and individuals be addressed by international law? Finally, what enforcement mechanisms are needed so that neither governmental nor private actors violate existing international laws or any new measures proposed here?

**Topic B: Sovereignty in Antarctica**

Exploration and research in Antarctica has been an international pursuit for decades, and questions arose regarding territory ownership in Antarctica after several countries with scientists active in Antarctica began claiming areas of the continent. The seven countries with territorial claims were Argentina, Australia, Chile, France, New Zealand, Norway, and the United Kingdom. Several of these areas overlapped. In 1959, twelve countries with active scientific research in Antarctica, including those that had claimed territory, signed the Antarctic Treaty.

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16 Ibid.
and the treaty came into force in 1961.\textsuperscript{17,18} In effect, the treaty preserved the status quo.

No existing territorial claims were denied, but no new ones could be asserted, supported, or denied with the treaty in force under Article IV of the treaty. As a result, territorial claims from 1959, including Australia’s claim of 42% of Antarctica and a three-way overlap between Argentina, Britain, and Chile, are still valid under the Antarctic Treaty.\textsuperscript{19}

Like the Outer Space Treaty, the Antarctic Treaty was signed and came into force during a time of global tensions, including the Cold War. As a result, a focus of the treaty was preventing military activity in Antarctica. Prospecting for minerals is also banned, and Antarctica is intended to be reserved for peaceful scientific research. Currently, fifty countries have signed the Antarctic Treaty. However, questions abound over the future of the treaty and the extent to which current signatories abide by the treaty.\textsuperscript{20}

Oil has been discovered in Antarctica, and the total amount could be massive – up to 200 billion barrels. This is more oil than is in Kuwait, Abu Dhabi, or other oil-rich locations around the world. While this oil is particularly expensive and currently illegal to obtain, the provision against prospecting in Antarctica will need to be renewed in 2048. By that time, either drilling for oil may become cheaper, or the world may be left with no alternative sources of oil. In either of those cases, the provision banning oil drilling may not be renewed. The land in Antarctica would then become significantly more valuable, and more countries would probably be interested in claiming or using the land. While sharing the land with countries without territorial


\textsuperscript{19} “Who Owns Antarctica?”

\textsuperscript{20} Teller, 2014
claims works well for now, when land use is peaceful and scientific, a world in which many nations seek to drill for oil in Antarctica could look substantially different.\textsuperscript{21}

Further, there are even current reasons to be skeptical of how well countries are complying with directives to act peacefully and not conduct military activities in Antarctica. For instance, Chile and Argentina both maintain a permanent army presence in Antarctica. Also, they may not be the only countries to do so. There are significant worries that military presence is going unreported, or that civilians in related fields, such as security contractors, are travelling to Antarctica to fulfill military objectives. Also, Australia views a Chinese base in Antarctica as a threat because it has a high potential for surveillance, and the clear skies of Antarctica make it an ideal location to test radios and engage in research on deep space, satellite tracking, and other dual-use technology (technology that has both civilian and military applications).\textsuperscript{22}

A possible concern, if current military presence and activities on Antarctica continue or if portions of the Antarctic Treaty are allowed to expire, is that there will be increased military testing there due to the vast open space, up to and including nuclear weapons. The Antarctic Treaty is one of several Cold War-era treaties that restricts the development and use of nuclear weapons, so any adjustment to the treaty would need to account for the possibility that Antarctica is a desirable site for nuclear weapons tests.\textsuperscript{23} Also, in general, the system used in determining territorial claims in Antarctica is old. Many states, including Iran, India, Turkey, and Pakistan, have expanded their operations in Antarctica, which raises questions about the long-term

\textsuperscript{21} Ibid.
\textsuperscript{22} Ibid.
viability of a system that recognizes countries with power 60 years ago and overlooks current nations with growing influence.\textsuperscript{24,25}

It is possible that territory currently in Antarctica will become less valuable going forward, as climate change represents a threat to the region. Funding and other efforts to address the impact of climate change will need a source. Countries with territorial claims would have an interest in protecting those territories, but, for areas claimed by multiple countries or no one at all, it is unclear who would pay the price to preserve them. Also, many countries are present in Antarctica without formal territorial claims. The responsibility to contribute could be distributed differently and perhaps more equitably.\textsuperscript{26}

This committee is tasked with answering several questions about sovereignty in Antarctica. First, which, if any, existing territorial claims should be respected? Second, what system should be in place to handle future claims or disputes over territory? Third, what restrictions should be placed on use of natural resources, including oil, in Antarctica? Fourth, how should current and future military presence and activities in Antarctica be addressed? Finally, who is responsible, if anyone, for mitigating current and future impacts of climate change on Antarctica?

\textsuperscript{24} Teller, 2014  
\textsuperscript{26} Ibid.
Works Cited:


“Who Owns Antarctica?” *Australian Antarctic Division*, Australian Government,

Department of the Environment and Energy, 8 Sept. 2017,