

Letter from the Executive Board

It is with profound honor and immense pleasure that we welcome you to the most powerful committee of the United Nations, the Security Council at ACMUN 2025. As the Executive Board, we are dedicated to ensuring a seamless and enriching committee experience over the next two days. Your roles as representatives of member nations are critical as you engage in meaningful debates, deliberations, and consensus-building on our agenda. The EB will do everything in our power to ensure that the committee progresses smoothly over the three days and we hope that every delegate emerges from this committee as a more experienced diplomat.

The agenda for this committee is one of prime importance - the Cambinda Crisis, one of the most underreported international issues that remains unresolved to date.

As you go through your background guide, we have highlighted key topics which are sensitive areas in this conflict.

It is of utmost importance to note that this background guide only serves as a headstart to your research and every delegate is expected to do his/her own research and bring strong and valid arguments to the table. We also hope to emphasise that this experience is more than the awards/certificates you get, it is about building awareness regarding current affairs and building transferable skills such as diplomacy and negotiation.

Last but not least, a committee is only as good as its delegates and we believe that each and every one of you has the potential to excel and lead, first-timer or not. We encourage each and every one of you to speak and participate as it would give us great joy to know that each delegate walked away from our committee with more knowledge than he or she walked in with.

A word of advice - do look into the technicalities of the agenda and be well-versed with your facts. Being prepared is the key to being confident. We look forward to three days of extensive and productive debate. Good Luck!

President
Adithya Krishna

Nature And Proof Of Evidence

The following sources' documents will be regarded as reliable evidence for any claims made in committee or assertions that need to be confirmed:

1. Reuters: Any Contentious remarks made in committee will be supported or refuted by records and stories from the Reuters News agency.
2. Al Jazeera: Reports and news articles from this agency shall be used to corroborate or refute any allegation made in the committee.
3. UN Documents: All UN agencies' documents should be regarded as adequate evidence. All UN bodies' reports, including those derived from treaties, shall be Accepted.

Other sources, such as Wikipedia, Human Rights Watch, and Amnesty. International newspapers like the Guardian, Washington Post, and so on, will not be recognized as reliable evidence. However, they can be used to gain a better understanding of any topic and may even be brought up in a debate if the information they provide is consistent with the views of a delegate or a government.

Introduction To Committee

The core mandate of the Security Council, contained in Article 24 (1) of the UN Charter, gives it “primary responsibility for the maintenance of international peace and security”. The Security Council acts on behalf of the entire UN and has the authority to bind all members of the organization. The Security Council aims to peacefully resolve international disputes in accordance with Chapter VI of the UN Charter, which authorizes the Security Council to call on parties to seek solutions via negotiation, arbitration, or other peaceful means.

Failing that, Chapter VII empowers the Security Council to take more assertive actions, such as imposing sanctions or authorizing the use of force “to maintain or restore international peace and security.” The Council is composed of 15 Member States, with five permanent members –China, France, the Russian Federation, the United Kingdom, and the United States –and ten non-permanent members who are elected for 2-year terms. A/RES/1991 (XVIII) 1 distributes the non-permanent seats regionally: 5 African and Asian Member States –one seat conventionally reserved for an Arab Member State, 1 Eastern European Member State, 2 Latin American and the Caribbean Member States, and 2 Western European and other Member States.

Introduction to the Agenda

Cabinda is considered either a small coastal nation bordered by the Congo and the Democratic Republic of the Congo, or Angola's eighteenth and northernmost province.¹ It is approximately 7,283 square kilometers and has a population of about 300,000.² When Angola gained its independence from Portugal in 1975, it incorporated Cabinda into its territory despite protests from Cabindan separatist guerillas.³ The guerillas opposing this incorporation founded the Front for the Liberation of the Enclave of Cabinda (FLEC).⁴ The conflict has lasted more than thirty years and has seen significant losses and human rights violations on both sides. All of this shows little sign of abating, despite promises of autonomy and further talks. Beneath the blood and turmoil, undisturbed by the bullets and the screams, flows the "black blood" of the industrial world, which has coaxed the Western powers into a soft sanction of the status quo.

The uprising of Cabindan separatists throws into relief a much larger and more basic conflict. The right to self-determination is among the most fundamental concepts of international law, and is central to the U.N. Charter.⁵ This right guarantees all peoples freedom from colonial or other occupying influence and the freedom to determine their own destiny.⁶ On the other hand, a nation's right to territorial integrity is inherent in the formation of nation states⁷—a right that prevents nations from splintering into powerless principalities.⁸ There are times, however, when the right of territorial integrity opposes the right of self-determination.⁹ This conflict between freedom and unity is at the heart of Africa's struggle for peace, and Cabinda is on the front lines.

¹ Unrepresented Nations and Peoples Organization, Cabinda, at <http://www.unpo.org/member.php?arg=13> (last visited Feb. 8, 2005); AD-HOC COMMISSION FOR HUMAN RIGHTS IN CABINDA, *TERROR IN CABINDA: 1ST REPORT ON THE HUMAN RIGHTS SITUATION IN CABINDA* 3 (Dec. 10, 2002), available at <http://www.cabinda.net/H.R.Report.Cabinda02.pdf> (last visited Feb. 8, 2005) [hereinafter *TERROR IN CABINDA*].

² Unrepresented Nations and Peoples Organization, *supra* note 2.

³ *TERROR IN CABINDA*, *supra* note 2, at 3.

⁴ *Id.*

⁵ See U.N. CHARTER art. 1, para. 2 (stating, "[t]he Purposes of the United Nations are: . . . [t]o develop friendly relations among nations based on respect for the principle of equal rights and selfdetermination of peoples").

⁶ See Pius L. Okoronkwo, *Self-Determination and the Legality of Biafra's Secession Under International Law*, 25 LOY. L.A. INT'L & COMP. L. REV. 63, 73–74 (2002).

⁷ See U.N. CHARTER art. 2, para. 4 (stating "[a]ll Members shall refrain . . . from the threat or use of force against the territorial integrity or political independence of any state . . .").

⁸ Okoronkwo, *supra* note 8, at 79.

⁹ *Id.* at 107–08.

The Treaty of Simulambuco¹⁰ incorporated the previous two treaties and established Cabinda as a Portuguese protectorate.¹¹ This was a key foothold for Portugal because it was their only territory north of the Congo River.¹² In return for native support of Portuguese colonization, Portugal agreed to preserve the territorial integrity of individual regions and to maintain the language, culture, and customs of the indigenous peoples.¹³ Meanwhile, Portugal was meeting with several other European states in Berlin to vivisection Africa into a fistful of private empires.¹⁴ The Berlin Conference of 1884–1885 recognized the Treaty of Simulambuco and established Angola and Cabinda as Portuguese protectorates.¹⁵ By 1956, Cabinda was administratively linked to Angola but remained “geographically, linguistically, and ethnically” distinct.¹⁶ A decade later, a massive oil reserve was discovered off the Cabindan coast.¹⁷ American and French oil corporations moved in and began pumping, giving oil revenues to Angola rather than Cabinda.¹⁸ Both Cabinda and Angola remained Portuguese protectorates and cooperated toward a common goal of independence from Portugal.¹⁹

Right to self determination

A dynamic conflict exists between a people’s right to selfdetermination and a nation’s territorial integrity; a conflict between freedom and unity.

¹⁰ Treaty of Simulambuco, Feb. 1, 1885, Port-Cabinda, at <http://www.cabinda.net/Cabinda1.html> (last visited Mar. 26, 2005).

¹¹ THE CABINDA NETWORK, *supra* note 14. The treaty of Simulambuco was signed in response to the Conference of Berlin. The Cabindans insisted that Portugal maintain Cabinda’s territorial integrity and maintain the authority of its regional chiefs. Scramble for Cabinda, *supra* note 12.

¹² THE CABINDA NETWORK, *supra* note 14. Portugal’s historical stronghold north of the Congo was carved away by more powerful nations, such as Britain, Belgium, and France. Cabinda was the sole remaining Portuguese territory north of the Congo, so Portugal was as eager to sign the Treaty of Simulambuco as were the Cabindans, albeit for different reasons. *Id.*

¹³ *Id.*

¹⁴ See Scramble for Cabinda, *supra* note 12.

¹⁵ See THE CABINDA NETWORK, *supra* note 14. Actually, only Angola had been considered a Portuguese colony because Cao discovered it. Cabinda was added as a protectorate only after the Treaty of Simulambuco. *Id.*

¹⁶ Scramble for Cabinda, *supra* note 12.

¹⁷ Swimming in Oil, WASH. POST ONLINE, at <http://www.washingtonpost.com/wp-adv/specialsales/spotlight/angola/article2.html> (last vi

¹⁸ *Id.*

¹⁹ Scramble for Cabinda, *supra* note 12.

Articles 1(2) and 55 of the U.N. Charter refer to the right of self determination.²⁰ Part of the problem in implementing this right is that it lacks a commonly accepted definition.²¹ Many definitions of self determination include the following characteristics: (1) a government based on the will of the people; (2) freedom from internal and external dominance; (3) freedom to pursue economic, cultural, and social development; (4) the right to enjoy fundamental human rights; and (5) the absence of discrimination based on ethnicity or political beliefs.²² The International Court of Justice (I.C.J.) defines the right of self determination as an *erga omnes* right, meaning it applies to all people.²³ Self-determination has also been called an inalienable right.²⁴ In extreme circumstances, the right of self-determination includes a right to secede.²⁵

Inherent in the organization of a country is the right to keep that country together. This right is also included in the Charter of the United Nations. Particularly in the infant nations of post-colonial Africa, countries have a keen interest in preserving their right of territorial integrity. There must be a balance, therefore, between the inalienable right of self-determination and the right to maintain a nation's territorial integrity, because territorial integrity was not intended to preclude the right to self-determination. On one hand, too strict a reading of territorial integrity creates an internationally sanctioned form of fascism, a nation where the people have no freedom to disagree. On the other hand, too broad a definition of self-determination makes it impossible to keep countries together. Therefore, the threshold for secession based on self determination should be very high to avoid fractionalization based on

²⁰ Article 1(2) states that the purpose of the United Nations is to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take appropriate measures to strengthen universal peace." U.N. CHARTER art. 1, para. 2. Article 55 states that relations are "based on respect for the principle of equal rights and self-determination." U.N. CHARTER art. 55, para 1.

²¹ Okoronkwo, *supra* note 8, at 73 (internal citations omitted).

²² *Id*

²³ *Case Concerning East Timor (Port. v. Austl.)*, 1995 I.C.J. 90 (June 30), at 102. "The principle of self-determination of peoples has been recognized by the United Nations Charter and in the jurisprudence of the Court . . . it is one of the essential principles of contemporary international law." *Id.* The *erga omnes* character does not allow the International Court of Justice to act when there is an evaluation of lawfulness of conduct of a nation not a party to the case. *Id.*

²⁴ Okoronkwo, *supra* note 8, at 75.

²⁵ The special rapporteur of the Subcommission on the Prevention of Discrimination and Protection of Minorities further elucidated the definition: The principle of equal rights and self-determination, as laid down in the Charter of the United Nations, does not grant an unlimited right of secession to populations living in the territory of an independent sovereign state, and such a right cannot be regarded as a provision of *lex lata*. The right of secession unquestionably exists, however, in a special, but very important case: that of peoples, territories, and entities subjugated in violation of international law.

minor divergences of interest. In U.N. General Assembly Resolutions 1514 and 1541, the right to self-determination was held to apply only in colonial situations. Later court decisions expanded this to apply to people who are oppressed by foreign occupying powers or otherwise denied the free exercise of self determination. Secession is only allowed in cases of gross human rights violations.

Case study analysis

Several nations have seceded or attempted to secede from oppressive powers based on the doctrine of self-determination. East Timor, also a Portuguese colony, did so successfully as a non-self-governing territory in 1960. Quebec attempted to secede from Canada several times, but in 1998 the Canadian Supreme Court ruled against such secession. Biafra attempted and failed to secede from Nigeria during a bloody three-year civil war. The facts surrounding Cabinda's claim to independence closely resemble some of the events in Biafra. While Biafra's right to self determination was superseded by the old maxim of "might makes right," Cabinda provides an opportunity to see how far diplomacy has progressed over four decades.

1. Biafra

In 1914, when British colonial administrators introduced a plan to amalgamate the Northern and Southern protectorates of the Niger region, the plan was decidedly unpopular. The Northern protectorate, though still a colony, gave serious consideration to the idea of secession Britain, However, continued with the plan, joining the North and South to form a nation that the Prime Minister of Nigeria, Abubakar Tafawa Balewa, described as "existing as one country only on paper." Within these new borders were three distinct and often hostile ethnic groups: the HausaFulani in the Northern region of the country, the Yoruba in the Western region, and the Ibo in the Eastern region. The regions were separated by differences in language, culture, religion, and economic development, which only amplified the animosity between them. By the time Nigeria gained its independence from Britain in 1960, the three main tribes were threatening secession as the "trump card" in a jealous, irrational, and often bloody battle for control. Even

before Nigeria became independent, the tentative stalemate was often inflamed by the perceived advancement of any side. Unfortunately, independence did not quell the rising tide of animosity and suspicion. Instead, with no controlling outside power, the neighboring regions grew more jealous of one another. Tensions also increased due to difficulties suffered by the newly-liberated federation in agreeing on representation. On January 16, 1966, several young Ibo military officers staged a coup and installed Major General Aguiyi Ironsi as head of state. Of course, this triggered jealousy and paranoia in the North and the West, leading to a second coup on July 29, the assassination of Major General Ironsi, and the installation of Lieutenant-Colonel Yakubu Gowon, a Northerner. This Northern paranoia finally boiled over in September and October of 1966, leading to the murder of at least 10,000 Ibos and the expulsion of many more. As violence in the North escalated, Lieutenant-Colonel Gowon feebly attempted to pacify the aggrieved East and to reconstruct the tattered nation. The United Nations refused to intervene, claiming the incident was under the jurisdiction of the Organization for African Unity—who also refused responsibility—arguing it was an “‘internal affair,’ the solution of which was primarily the responsibility of the Nigerians themselves.” Because the international community refused to become involved, several nations took advantage through arms profiteering by offering weapons and allegiances to the highest bidder. The Eastern region’s declaration of secession from Nigeria in 1967, creating the independent nation of Biafra, hardly came as a surprise. Lieutenant-Colonel Gowon’s government responded by declaring war on Biafra, resulting in a bloody civil war. Despite defeat to Nigeria, Biafra’s claim to self-determination and secession seems valid. The Ibo people attempted to exercise their right to self-determination by seceding from Nigeria, which decision was authorized by the only two functioning political bodies in the Eastern region, the Consultative Assembly and the Advisory Committee of Chiefs and Elders.

Stakeholder Analysis

A. Angola’s Arguments against Secession:

- Angola makes three arguments in favor of unifying Angola and Cabinda. First, Angola makes an historical argument, citing the 1956 Alvor Accords linking Cabinda administratively with Angola. Angola's second argument is that Cabinda is neither a colony nor under foreign military occupation according to the guidelines set by the Canadian Supreme Court decision. Cabindans, according to Angola, cannot be considered a people because they do not significantly differ from Angolans, nor are they sufficiently united among themselves. Angola further argues that Cabindans have a meaningful voice in their own government. In fact, several Cabindans have held high positions in Angola's government. Angola's third argument against Cabindan secession is that Cabinda is an essential part of Angola's economy, without which Angola would be left destitute. At present, Cabinda is the richest province in Angola.

B. Cabinda's Arguments for Secession:

- Cabinda's first argument in favor of secession is based on its historical claims to independence. Aside from the Alvor Accords, Cabinda was widely recognized as distinct from Angola. Although Cabinda was annexed to Angola at the Alvor Accords, Cabinda was not invited to the Accords and therefore had no power to prevent this annexation. Cabinda bases its legal claims for independence on the right of self determination as defined by the Canadian Supreme Court, which only allowed secession in cases of colonial occupation, foreign domination or exploitation, and "possibly where 'a people' is denied any meaningful exercise of its right to self-determination within the state of which it forms a part." The Angolan occupation subjects Cabinda to alien subjugation and domination. Major oil exportation and huge profits for Angola leave little doubt that Angola is exploiting Cabinda. In addition, numerous human rights abuses in the area range from unlawful detention and torture, to gang rape and murder. As a result, Cabinda is entitled to a referendum on self-determination, and the United Nations is the only organization in a cognizable position to intervene.

Conclusion

Cabinda's secession from Angola is legitimate based on its geographic, cultural, and linguistic distinctiveness; its historical autonomy; the international body of law supporting self-determination; and the numerous and well-documented human rights violations inflicted on Cabindan citizens. Despite the fact that such secession will damage Angola's economy, the people of Cabinda have a right to profit from their own natural resources and to determine their own destiny. As a result, the Cabindan people should, like the East Timorese and the Quebecois, have the opportunity to determine whether to remain a part of Angola or become a separate nation. For this referendum to become reality, however, the United Nations must take action. The United Nations must take an active role in this referendum to ensure that the vote is an accurate expression of the will of the Cabindan people. The Cabindan people have a right to self-determination, and at present, that right is overshadowed by Angola's financial gain. For the United Nations to remain relevant in the twenty-first century, it must fulfill its mission by guaranteeing choices to oppressed peoples struggling for freedom against economically superior oppressors.