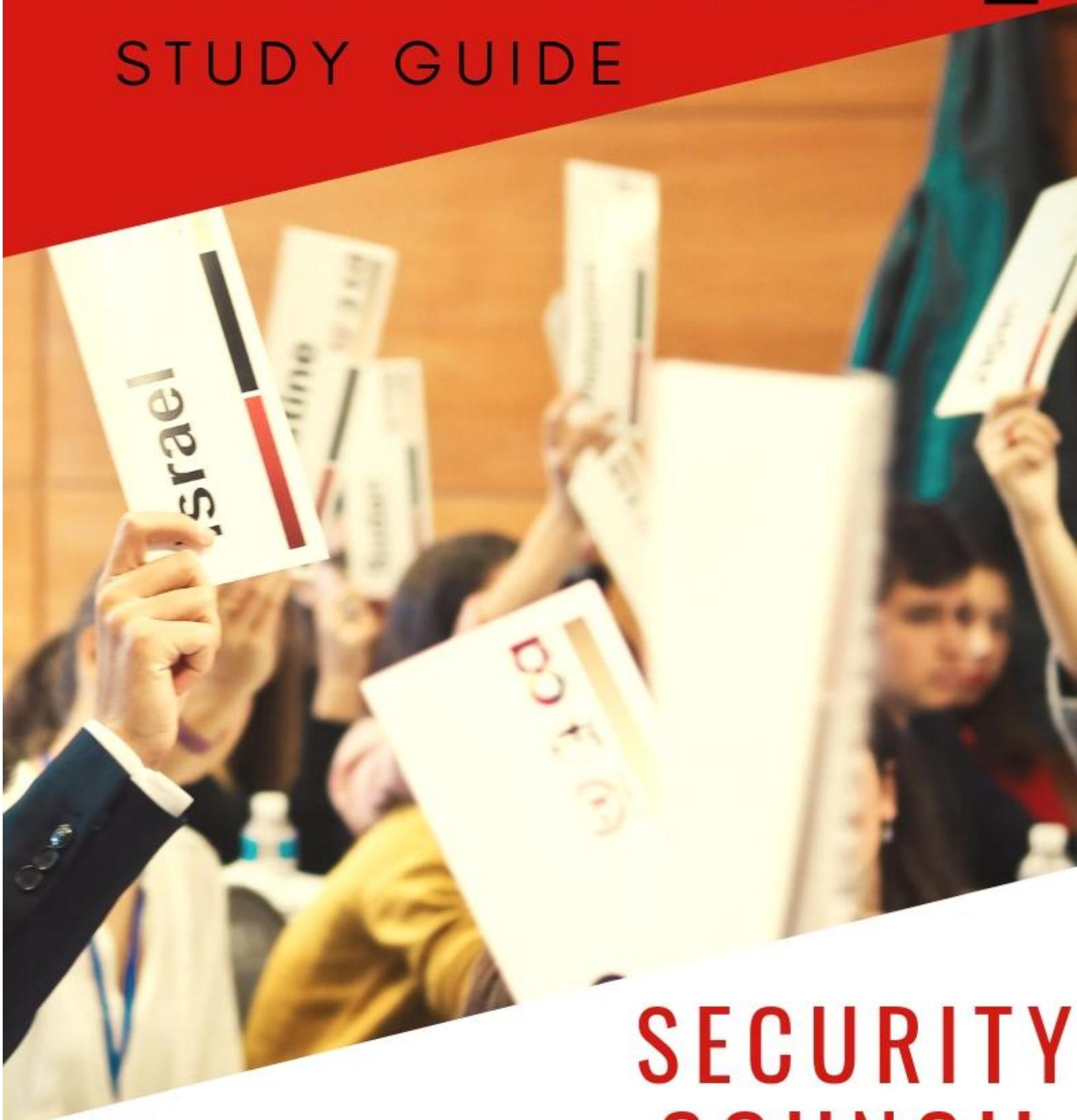


# SYMUN 2018

STUDY GUIDE

uc3m



# SECURITY COUNCIL





**This Study Guide on the topic:**

Kashmir Conflict

**Has been drafted by:**

Isabel Martínez Rivas

Cengizhan Gergef

**Chairs**

**UNSC**

**SYMUN 2018**

© ASOCIACIÓN PARA LAS NACIONES UNIDAS Y EL DERECHO INTERNACIONAL  
*anudi.madrid@gmail.com*  
C/ Madrid 126, 28903 Getafe  
Universidad Carlos III de Madrid



## INDEX

I. Welcome Letter .....	4
II. Competence, Functions And Structure of the Committee.....	5
A. <i>Activities and functions</i> .....	5
III. TOPIC: Kashmir Conflict .....	6
A. <i>Context: definitions and background</i> .....	6
B. <i>Initiatives to tackle the issue</i> .....	9
IV. Questions that should be addressed in a resolution .....	10
V. Sources of information and further reading .....	11
VI. Additional information and reminders.....	12
VI. Position Paper.....	13



## I. WELCOME LETTER

Distinguished delegates,

On behalf of the entire Secretariat of SYMUN 2018, it is a great pleasure to welcome you to the UNSC Committee. We are Isabel Martínez Rivas and Cengizhan Gergef, and as your Chairpersons on this SYMUN Edition, we are glad to have all of you joining us during this UN Model Conference.

The topic we have selected – “The Kashmir Conflict” – is an issue that has been pertinent since decades ago, but has not been fully addressed yet. The ineffective solutions employed by the United Nations have not helped the situation. Therefore, it is necessary to formulate new solutions while keeping in mind the limitations of past solutions - and quick, as the situation continues to worsen over the years.

We hope to see you actively engage with each other during council sessions, collaborating on solutions and evaluating each other's ideas so as to produce Working Papers or Resolutions of a high standard.

We also hope that you will come to understand their respective country's concerns, policies and priorities over the course of debate, and learn how to incorporate their stance, and the stances of other countries while developing effective solutions. Lastly, we wish you to not only focus on the rigor of the debate in the council, but also forge close ties with fellow delegates, walking away from the conference with newfound knowledge on the issue at hand, as well as new friendships.

Isabel Martínez Rivas

Cengizhan Gergef



## II. COMPETENCE, FUNCTIONS AND STRUCTURE OF THE COMMITTEE

The United Nations Security Council (hereinafter "UNSC") is one of the six main committees established by the UN Charter. The role of the UNSC is the maintenance of international peace and security and, thus, the UN Charter recognizes primary responsibility to said committee to act accordingly in any circumstances where peace is endangered. What needs to be underlined with reference to the function of the UNSC is the fact that it is the only committee in the UN system which has the power to make decisions that are legally binding for its Member States.

### A. *Activities & Functions*

The actions taken by the UNSC with the view of maintaining international peace and security are twofold:

- First of all, when a complaint is brought before it, the UNSC proceeds to recommendations to the relevant parties, so as to reach an agreement by peaceful means. For this purpose, the Council shall provide the necessary principles for such an agreement, undertake investigation and mediation, dispatch missions, appoint special envoys, or request the Secretary General to use the necessary tools to achieve a pacific settlement of the dispute.
- Secondly, in case the dispute leads to hostilities, the UNSC's main objective is to terminate them as soon as possible. For this reason, the UNSC is entitled to issue ceasefire directives that can help prevent an escalation of the conflict, dispatch military observers or a peacekeeping force to help reduce tensions, separate opposing forces and establish a calm in which peaceful settlements may be sought.



Under the same scope, the UNSC may opt for enforcement measures, including inter alia economic sanctions, arms embargoes, financial penalties and restrictions, and travel bans, severance of diplomatic relations, blockade or even collective military action.

### **III. TOPIC: RESPONSIBILITY OF STATES WITH THEIR FORMER COLONIES**

#### ***A. Context: definitions and background***

Jammu and Kashmir is a region of 222,236 km<sup>2</sup> of surface and approximately 10 million inhabitants with an ample of Muslim majority, disputed between three States: Pakistan, India and China – on a lesser extent, where two important hydric channels are born: the Indus and the Brahmaputra.

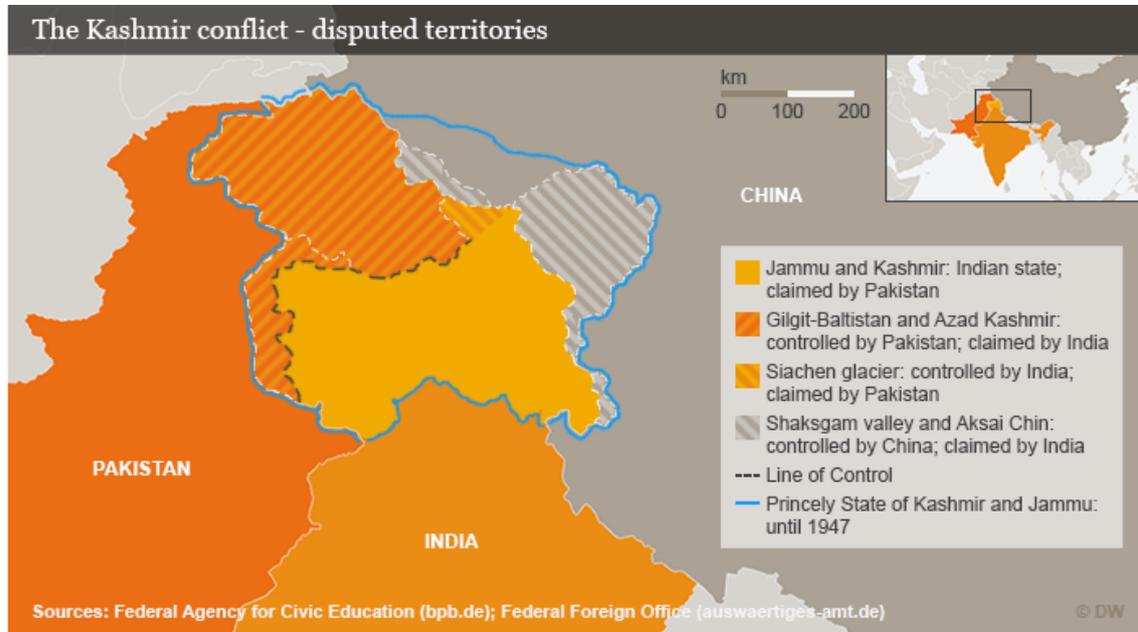
The Kashmir Conflict is a territorial dispute between India and Pakistan, which have been the very reason of the outbreaks of three wars. It is quite safe to claim that the dispute can be regarded as one of the most dangerous territorial conflicts. The cultural and religious origin of the conflict goes back to the moment of the independence of the British colonies in Indian territory. At that time, in 1947, Muslims chose to form a separate state from India, Pakistan, with an Islamic government. At the time of separation, each of the colonial states decide to annex Pakistan or India. However, beyond religion, there were cultural and historical factors that united the populations that settled on both sides of the borders that were established between India and Pakistan. Jammu and Kashmir were two of them: It had a predominantly Muslim population, but a Hindu ruler, was the largest of these autonomous states and limited to both modern countries. Its governor preferred to remain independent, so it was not annexed and complaints arisen from India and Pakistan.

Due to the aforementioned indecisiveness of the Maharaja of Kashmir, the Muslim Conference decided to organize a planned invasion on Kashmir with tribesmen. After the attacks started, it was expected that the men of Maharaja had zero chance against their rivals. Hence, with a quick operation, Kashmir officials formed a Treaty of

Accession which led them to be accepted by India. These specific events led to the first war between the two countries, Indo-Pakistani War of 1947, which would definitely not be the last outbreak of war between the two sides.

The relations between India and Pakistan present great complexity. To understand them, this general vision is necessary, but also to understand the origin of the rivalry. Kashmir, a small territory, former Principality first independent and then member of the Indian Union, is the origin of the discord, as well as the fundamental piece to initiate new neighborly relations. At present the territory is divided in three administrations: The State of Jammu and Kashmir, pertaining to India; Azad Kashmir, territory of Pakistan; and Aksai Chin, controlled by China. Although the dispute began with a mismanagement of the British withdrawal from the Indian subcontinent, its evolution has been conditioned by the international context of the second half of the twentieth century, by the Cold War, as well as by the dynamics and alliances that it generated.





There are two conflicts that take place in the area: one seeks the integration of Kashmir in Pakistan; and the other pursues the independence of the territory. The versions of the history of Kashmir that are in conflict are three, each with its own historical and cultural arguments.

- The pro-independence position understands that Kashmir is a nation whose own identity resides in the majority religion, Sufi Islam, and in a history of struggle against external domination.
- The second version considers that the identity of Kashmir rests on the Islamic nature of its population, which is why it should be part of Pakistan, in accordance with the "two nations" principle that gave origin to this country.
- According to the third position, own identity Kashmir responds to the influence of Hinduism in the region, so a secular and democratic India is the best framework in which to preserve the Kashmiri culture.



The confrontation with India squeezes the Pakistani economy to allocate 45% of the national budget to military spending, while India devotes about half that Pakistan. None of the harms that have been mentioned in this paper is not enough argument for a lasting peace between both States, and for both States. The intense perception of the other as a real threat to one's own survival has proved to be much more powerful and has led both countries to own nuclear weapons, which is quite dramatic when the devastating harms of a possible nuclear attack is considered, both to the country that is attacked and the one that attacks. The fact that both parties did develop nuclear weaponry that would eventually cause great harms to themselves speaks for itself.

### ***B. Initiatives to tackle the issue***

In this part of the Study Guide you should analyze: the violation of international humanitarian law, the right of self-determination of peoples, the conflict with the right to self-defense and the prohibition of the use of force and the guiding principle of 'responsibility to protect' in the performance of the Security Council of the United Nations.

- i. Right of self-determination:** To consider the violation of the right to self-determination of the peoples of Jammu and Kashmir, we should pay more attention to the position and consideration of the United Nations as to whether or not these territories qualify, not as territories in dispute, but as territories with capacity for self-determination of their own status.
  
- ii. Prohibition of the use of force:** Art. 53 of the Vienna Convention on the Law of Treaties defines the *ius cogens* as the set of peremptory norms of general international law established by the international community of States as a whole, applicable *erga omnes* (against anybody), and among them is the prohibition of the use of force.



- iii. **International Humanitarian Law:** Both in the three main confrontations (1947, 1958 and 1971) and in isolated attacks, on one side and on the other, the armed conflict has endangered the lives and the way of life of civilians to each other side of the ceasefire line. This right is embodied in the Geneva Convention, the Hague Conventions, the Convention on the Rights of the Child ...
- iv. **Responsibility to protect:** The conflict of Kashmir is based on an ideological and nationalist struggle with a religious presence, where the Kashmiri people are still the main victims of the conflict. The exercise of the responsibility to protect carries implicit the idea that the protection of human rights must prevail over state interests. This responsibility or obligation to maintain international peace and security grants the power to the United Nations to establish, with the connivance of India and Pakistan, a body of officials and military whose mission is to maintain the conditions of stability to the extent possible. possible, so as not to explode again an armed conflict that harms the civilians who are in the territory

#### IV. QUESTIONS THAT SHOULD BE ADDRESSED IN A RESOLUTION

The question of legitimacy from the perspective of your country:

- a. To what extent is the Indian claim on the region of Jammu and Kashmir legitimate?
- b. To what extent is the Kashmiri claim to self-determination legitimate?
- c. To what extent is Pakistani claim on the region of Jammu and Kashmir legitimate?

Would a plebiscite in Jammu and Kashmir be an effective and appropriate instrument of solving the problem? How would you classify the possible plebiscite in terms of international law?



What role does the United Nations play in resolving the matter? What should be changed?

What caused the failure of previous UN resolutions? How can it be prevented in the future?

## V. SOURCES OF INFORMATION AND FURTHER READING

You should be familiar with the following sources of information. The material contained in this section could either appear during the debate or be useful for you to know more about the topic:

- United Nations Security Council
- CIA WORLD FACTBOOK
- Amnesty International. (2015). India: Accountability still missing for human rights violations in Jammu and Kashmir, from <https://www.amnesty.org/en/latest/news/2015/07/india-accountability-still-missing-for-humanrights-violations-in-jammu-and-kashmir/>
- Basu, I. (2017). Human Rights Watch Has This Crucial Message For The Indian Army In Kashmir, from [http://www.huffingtonpost.in/2017/06/02/human-rights-watchhas-a-crucial-message-for-indian-army-in-kash\\_a\\_22120936/](http://www.huffingtonpost.in/2017/06/02/human-rights-watchhas-a-crucial-message-for-indian-army-in-kash_a_22120936/)
- Chandhoke N. (2011). Contested Secessions: Rights, Self-determination, Democracy, and Kashmir. Retrieved from [https://books.google.nl/books?hl=en&lr=&id=NIAYDwAAQBAJ&oi=fnd&pg=PT5&dq=jammu+and+ kashmir+self-determination+&ots=z44z9YmKla&sig=31WHJ\\_kOw3gjdZQkmAeK6BIY7k&redir\\_esc=y#v=onepage&q=jammu%20and%20kashmir%20selfdetermination&f=false](https://books.google.nl/books?hl=en&lr=&id=NIAYDwAAQBAJ&oi=fnd&pg=PT5&dq=jammu+and+ kashmir+self-determination+&ots=z44z9YmKla&sig=31WHJ_kOw3gjdZQkmAeK6BIY7k&redir_esc=y#v=onepage&q=jammu%20and%20kashmir%20selfdetermination&f=false)
- The United Nations and Decolonization. Main Documents. (2018). Declaration on the Granting of Independence to Colonial Countries and Peoples. Adopted by General Assembly resolution 1514 (XV) of 14 December 1960. Retrieved from <http://www.un.org/en/decolonization/declaration.shtml>



These 5 Facts Explain Why India and Pakistan's Kashmir Dispute Is Going to Get Worse, Times <http://time.com/4504654/india-pakistan-kashmir-dispute/>

## II. ADDITIONAL INFORMATION AND REMINDERS

Regarding preparation for this Conference, that should go beyond is in this guide, you should prepare a Position Paper that has to be send to the Chair before the Conference starts.

Moreover, you should read in detail the Rules of Procedure, especially the articles applying to the dress code of this Model of United Nations:

Delegates attire must be at all moments appropriate to the relevance of the event and the role represented. Therefore, compliance with the so-called Western Business Attire is mandatory.

- Female: full suit of blazer, with blouse or dress or formal shoe. No jeans or sneakers are acceptable. Cocktail dresses will not be accepted.
- Male: full suit or blazer and formal trousers (no jeans are accepted), shirt, tie or bow-tie, and formal shoes. Again, neither sneakers nor formal wear will be accepted.

Despite the above-mentioned provisions, delegates shall wear, at their discretion, clothes, badges, accessories and typical dresses of the countries they represent, if they are appropriate for the occasion according to the protocol of such countries.

Moreover, if you have any doubt or need any information about the Committee, conferences or other issues, don't hesitate to contact us.



## VI. POSITION PAPER

A Position Paper is a document in which is written the official position of the country you are representing, based on the topic that you are discussing. Every topic is ideally segmented in 3 Paragraphs of roughly equal length.

**1st Paragraph:** The first paragraph explains the topic through the viewpoint of your country. You can add a short chronology of milestone events or of events which matter to your country. This way you can shape the topic into the most favorable format for your assignment. Remember that you always represent a State and it may be that your personal opinion clashes with your country's position. A good diplomat puts his own opinion on hold in favour of the country's position, and that should be also reflect in the paper.

**2nd Paragraph:** This part gives room to previously adopted resolutions and official documents. As in the first paragraph, you should concentrate on those documents which are in line with your country's political course. By highlighting certain documents, you can again shape the topic in a favorable manner. Please take care to write down the documents with their official code, e.g. S/RES/1979 (2003). In this case, the S stands for the Security Council, the RES stands for resolution and the number states that this is the 1979th Resolution the UNSC has ever adopted. After the code you add the year. **3rd Paragraph:** This is by far the most important paragraph. That is why it can be longer if it helps you to develop new and innovative ideas.

The 3rd Paragraph should contain concrete measures and action plans dealing with the question on how to tackle the problem which is currently being discussed. The more creative and expansive you are, the higher your advantage is compared to your fellow delegates. Don't just propose new



programs or funds. Lay out how, where, and who pays. Give your plan a name and where it will be located in the UN System, etc

### **Sample Position Paper**

Committee: United Nations Security Council

Topic: Improving Global Emergency Preparedness for Nuclear Crisis Situations

Country: State of Qatar

Delegate's Name: ...

The State of Qatar is fully aware of potential dangers posed by nuclear energy. The nuclear accidents of Chernobyl in 1986 and Fukushima in 2011 demonstrated the uncertainty and the limited controllability of nuclear technologies. Hence, for Qatar, the military use of atomic energy is currently not an option. For Qatar, a serious issue that occurs in the case of a nuclear incident is the lack of networking structures to connect the relevant authorities. Qatar criticises the fact that currently, there is no institutional structure within the IAEA dealing with an effective handling of nuclear crisis situations which includes swift and thorough information as well as quick measures of evacuation. For Qatar there is a need for international transparency and coordination in the case of a nuclear emergency. Therefore, the State of Qatar emphasizes the need for concrete actions and underlines its will to get to a sustainable solution within the IAEA.



Over the past years there have been a number of attempts to contribute to the issue of Emergency Preparedness in Nuclear Crisis Situations, such as the Convention on Nuclear Safety in INFCIRC/449 (1994) and the Joint Convention on the Safety of Spent Fuel Management and the Safety of Radioactive Waste Management in INFCIRC/546 (1997) requesting all states to take appropriate steps to guarantee the safety of their nuclear facilities and materials. GC/55/RES/10 (2011) and GC/56/RES/9 (2012) emphasize the importance of national emergency preparedness as well as the importance of timely and effective responses in case of an emergency. The Nuclear Security Guidance Committee (NSGC) established Safety Standards pursuant to its creation in 2011 and measures to strengthen cooperation in nuclear crisis situations are mentioned in the Director General's report GC/56/6 (2012) referring to GC/56/RES/9 (2012).

In order to tackle the challenge of Improving Global Emergency Preparedness for Nuclear Crisis Situations the State of Qatar proposes a High-speed Emergency Realtime Monitoring and Evacuation System (HERMES). Consisting of an internet-based.

Monitoring System, this IAEA pilot project is connected to every nuclear power plant. In case of emergency, a notice is sent to the System which informs the relevant authorities. The HERMES project improves transparency and offers a window of time for the officials to act immediately whenever needed and initiate evacuation measures.



# GET CONNECTED

[facebook.com/SpainYouthMUN](https://facebook.com/SpainYouthMUN)



[SYMUN.ANUDI.ORG](https://SYMUN.ANUDI.ORG)