



# MODEL UNITED NATIONS

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# **DIRECTORS WELCOME LETTER:**



Dear Delegates and Faculty Advisors,

It is my pleasure to welcome you to the American University of Sharjah Model United Nations (AUSMUN) 2020. This conference has been the home of fruitful debate, practical resolutions, dedicated moderators, spectacular delegates, and diligent advisory and executive boards for the past twelve years and is continuing to do so for its thirteenth year. With 1000 delegates registered from more than 45 national and international educational institutions, this conference will be the biggest one yet!

This year's theme 'Embracing Diversity, Shaping the Future' has been designed to capture the essence of issues that surround our globalized society. Even though we have come this far in time, there has been little to no improvement in accepting diversity as portrayed by the latest atrocities in several countries around the world. However, the future can be successfully shaped for us, the youth, only by embracing diversity in every sector of life and we hope to draw attention to this.

This background guide has been formulated by our hard-working chairs and the research team to provide delegates with the starting point of their preparation for this three-day conference. The guide is initially divided into two sections based on the two topics and is further split into logical components. Firstly, the Summary and History section acts as an introduction to the issue by highlighting important events, terms, history, and global implications. Secondly, the Discourse on the Issue section establishes a link between the issue, its implications, significance, and the United Nations Charter. Lastly, the Past International Organization (IO) Actions and Latest Developments section elaborates on the previous action that has been taken and latest development in terms of the last actions taken with regards to the issue. At the end of each issue, delegates will find sections of Questions the Discussions and Resolutions Should Address and Suggestions for Further Research that aim to streamline the process of delegate's research. However, in order to grab a better understanding of the topic and be able to position yourself better to participate during the conference, it is advised to go beyond the background guide since this guide does not encapsulate enough information to be sufficient for every country and is only a brief introduction to the issues at hand. It is highly encouraged for delegates to view the 'Delegate Handbook' on the AUSMUN website and the 'How to Research' video on YouTube created by AUSMUN.

Finally, I would like to extend my sincerest gratitude to all the contributors to this background guide. It is the collaborative work of the Moderators, AUSMUN Research Team, and the AUSMUN Media Team. On behalf of them all, I truly hope that this guide will be of great help to you.

All the very best for the conference and if you have any queries or concerns, please do not hesitate to contact me at [research@ausmun.com](mailto:research@ausmun.com).

Sincerely,  
Manaswi Madichetty  
Director of Research  
AUSMUN 2020

# **MODERATORS WELCOME LETTER:**



**Farah Mujahed**

**Khaled Khayatt**

**Azmi Shahal**

Most esteemed AUSMUN delegates,

With great pleasure, we would like to welcome you all to the annual session of the American University of Sharjah Model United Nations, which will take place between the 13th and 15th of February 2020. This year's conference will mark the second time ever, for the simulation of the International Court of Justice. Please note that this committee follows different rules of procedure compared to all other committees, which is what makes it both interesting and challenging in many ways. The International Court of Justice (ICJ) is one of the six main organs of the United Nations (UN), which deals with judicial affairs. It was first established in 1945 in The Hague, through the UN Charter. With the use of international law, the court aims to settle disputes among Member States and gives advisory opinions on legal questions posed by UN organs of UN specialized agencies. However, the ICJ only works with the consent of the Member States. Given that, it is incapable of gaining jurisdiction over a case unless the states in question approve of it. There are fifteen judges that are selected by the UN General Assembly and UN Security Council to contribute to the ICJ's responsibilities for a term of nine years. Although the judges are not representatives of their state, no two judges may come from the same nation. Instead, an informal understanding makes certain that judges are selected proportionally from each region of the world. These judges each represent their interpretation on a legal dispute, where decisions are then taken by majority. If the votes turned out to be equal, the president of the ICJ decides on the matter. Furthermore, the parties in question of the case may choose to bring an ad-hoc judge into the case of their choice.

AUSMUN looks forward to provide a chance for all participating delegates to increase their awareness of global conflicts, and to facilitate the necessary debates that address these issues through effective conflict resolution. Delegates in the ICJ committee will be assigned the roles of judges and counsellors. Counsellors present their arguments through proposal of evidence, witness examinations and cross examinations to convince the judges to draft a verdict in their favor. The role of the ICJ in the United Nations is crucial, as it makes valuable recommendations to the Security Council and the General Assembly on the legal consequences of a member state's actions.

The following background guide will provide all of you a brief overview of the two topics for this committee. We strongly encourage that you use this background guide as a starting point for your research, and then conducting your own research to construct valid arguments based on legal precedent. The ICJ is a very unique committee, with different rules of procedure that will be explained to all of you on the first day. We hope that this conference meets all of your expectations for a fruitful and productive debate.

If you have any questions, comments or concerns, please do not hesitate to contact us at [b00075458@aus.edu](mailto:b00075458@aus.edu).

Welcome to AUSMUN 2020!

Best Regards,  
The ICJ Chairs



**ICJ**

**International Court of Justice**

# Topic I

## Russian Annexation of Crimea

The lawsuit that Ukraine brought to the ICJ is both extremely important and unprecedented. The Ukraine is bringing a case against the Russian Federation, arguing that Russia was in violation of international law and the United Nations Charter by annexing Crimea in 2014. This issue is incredibly important because it is the first time a UN Security Council permanent member uses force against a non-permanent member state. Therefore an immediate response by the ICJ to address this issue is paramount, because failure to respond will pose future questions about the efficacy of the United Nations as an instrument for international peace.

On March 21, 2014, the Russian Federation annexed Crimea, an area of Ukraine by municipal law. (Grant 2015, p.1) In order to have a better understanding of how this came about, it is important to review the historical events that led to this act of aggression. In November 2013 civil unrest eventually sparked the Ukrainian revolution of 2014, or the "Euromaidan Revolution". The protests were a direct response to the governments "as there was a sudden refusal to sign the Free Trade and Association Agreements within the European Union" (Onuch 2016, p.1). The protestors argued that Ukraine joining the EU has tremendous socio-economic benefits and will bring about positive political change. (Onuch, 2016). Eventually, the protests led to Ukrainian MP's (members of Parliament) voting to oust sitting President Viktor Yanukovich on 25 May 2014 (BBC, 2014). The sitting president claimed this to be an unlawful "coup" and "compared the actions of the opposition to the rise to power of Nazis in 1930s Germany" (BBC, 2014).

Armed troops entered the Crimean region in 2014 (D.Grant, 2015) and on March 6, 2014, "the local legislative organ in Crimea adopted a decree on the All Crimean Referendum" (D.Grant, 2015, p.68). This referendum presented two options: "(1) Do you support the reunification of the Crimea with Russia as subject of the Russian Federation? (2) Do you support the restoration of the Constitution of the Republic of the Crimea of 1992 and the status of the Crimea as a part of Ukraine?" (D.Grant, 2015, pp.68-69). The results for this referendum were reported to be 96.77% percent for the reunification of Crimea with the Russian Federation. (D.Grant, 2015, p.69). It is also important to examine the historical aspects that can explain Russia's actions. Going back to the 1940's the Soviet Union made reclaiming its peninsula its top priority. (Yesilot, 2014). This is because of the majority Tatar population. It can be argued that Putin had been motivated to reclaim Crimea because of the ethnic implications. Putin used this as a justification for the introduction of a second referendum. "Public support for the annexation among the ethnic Russian population in Crimea was strong. Ethnic Russians, who make up 60 percent of the peninsula's population, voted overwhelmingly for the incorporation of Crimea into Russia in the referendum held on March 18, 2014" (Larrabee, Wilson and Gordon, 2015).

### **Questions the Discussions and Resolutions Should Address**

- What do the protestors from the Euro Maiden protests want? Are they justified?
- Was ousting President Yankovich an organized coup or legitimate parliamentary procedure? On what grounds?
- Are the results of the referendum potentially questionable?
- Is the Russian Federation ultimately justified in their actions?

- What kind of precedent will a decision by the ICJ set for future cases of a permanent member breaking international law and state sovereignty?



# Topic II

## The Dispute regarding Jammu & Kashmir

### 1. Summary & History

In 1947, the British chose to partition British India into two independent states: The Union of India and Dominion of Pakistan. Jammu & Kashmir, a Princely state, was given 3 options— whether to join India or Pakistan, or to remain independent. The region's stance was never politically decided, causing much up rise. The dispute regarding Jammu & Kashmir is one that has troubled international organizations for seven decades and has yet to be resolved. Nuclear powers, specifically India, Pakistan and China have continuously claimed territory over Jammu & Kashmir, thus making it a constant battleground and a region of instability. Over the years, Jammu & Kashmir has been subjected to many wars; notably the Indo-Pak war of 1947, which resulted in a cease fire line, as well as the Kargil War of 1999. First, Pakistan Controls 30% of the land but not a lot of population. India had the most control over the population (about 70%) but it only occupied 55% of the land. The rest of the land is occupied by China (about 15%).

In the 1950s, India released and approved Article 370 and Article 35A. The two articles played a major role in keeping a certain form of –although not permanent – peace in the Indian Occupied Kashmir (IoK). The articles granted Kashmir and its secondary state Jammu (K&J) an autonomous statue. The following allowed K&J to live under laws decided by themselves, to carry their own flag, and allowed Kashmiris to be the sole owners of the land. India only dealt with Kashmir's international relations but not further. On August 5th 2019, India took a sudden move of revoking article 370 and 35A. In the beginning of August of 2019, strange events of oppression within the IoK began. Additional troops were added to the region, local politicians were sentenced to house arrest, internet and telephone connections were cut and more. Soon after came the abolishment of both article 370 and 35A by Prime Minister Narendra Modi. New Delhi, the Indian capital, states that it has committed the removal of the article with the goal of stabilizing the region and merging it completely with the Indian state. The current government, under PM Modi, targeted their campaign on creating local governance and supporting investments in the “lagging” state of Jammu & Kashmir. Though this move has raised implication for major conflicts between India and Pakistan, claims have been set that this is India's attempt to override the Muslim demographics within Kashmir by allowing Hindu Indians to purchase land within the Kashmiri border. Experts have disagreed about whether the PM's move is of benefit to India or catastrophic. Furthermore, the legality of revoking the articles has been questioned. A year earlier, the Supreme Court ruled that the article has become of permanent statue and cannot be legally removed unless both India and Kashmir's “state governments” reach an agreement to revoke (which has yet to occur). On the other hand, some experts have claimed that the process and decision was completely legal. Overall, foreign countries and the UN have expressed deep concern towards the expected increase in violence rates.

### **Questions The Discussions and The Resolutions Should Address**

- What do the people of K&J want? Must that be considered in proposed solution?
- Should the disputed land be split and merged or become an independent state?

- Should the Demographics of religion be the first priority in understanding how the land is split up?
- Should previous agreements founded between K&J and India still be held?
- Are India and Pakistan's actions justifiable in this dilemma?

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