

BAMUN conference NOVEMBER 2025 ISB: Security Council

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Topics : The Question of Sovereignty over the West Bank in Relation to the State of Israel, *The Situation in Kashmir*

Topic 2: The Situation in Kashmir

Figure 1: Map of Regions of Kashmir (BBC)



Central Debate Ideas/Questions:

1. *What is the appropriate role of the United Nations in Kashmir today?*

Should the UN expand its existing monitoring missions? Should it mediate negotiations between India and Pakistan?

2. *How should the stakeholders of Kashmir maintain and balance human rights, civil liberties and security?*

In disputed regions, what limits on counter-terrorism are imposed by states? Considering the reports on disappearances, torture, and restrictions on freedom of expression, how should accountability for these be ensured?

3. *Are there any existing modalities that could support a referendum, plebiscite or some process of self-determination in Kashmir?*

E.g Is there any realistic way in which the people of Kashmir can vote on their future relationship with India, Pakistan or independence?

4. *What are some methods to manage cross-border terrorism and proxy conflict through the regions of Kashmir?*
5. *What humanitarian and economic measures can mitigate conflict in Kashmir?*
6. *Should regional actors (Saudi Arabia, China, the U.S, Shanghai Cooperation Organisation/SCO) play a role in the situation in Kashmir?*

Background Information:

At the partition of British India in 1947, princely states, including Kashmir, were given the option to join either India (mostly Hindu-majority areas), Pakistan (mostly Muslim-majority areas) or remain Independent. Kashmir's population at the time consisted of a majority muslim population whilst their ruler, Maharaja Hari Singh, was Hindu. Tensions grew throughout Kashmir as the Maharaja became indecisive about whether to join India or Pakistan, and in effect, a war broke out between local rebels and the Maharaja, to which he asked India for military help. A negotiation was hence arranged between the Maharaja and India, where he signed the Instrument of Accession (a legal agreement to join India) in exchange for military support. Considering the local rebel groups (muslim-majority) were reinforced by Pakistan, Pakistan argued that the muslim-majority population of Kashmir should have rightfully joined their nation. As such, this developing tension ignited the first India-Pakistan war in 1947-1948. Over time, however, parts of the region (eg. Aksai Chin) came under Chinese control. Unfortunately this means that in the Aksai Chin region, there is a tripartite dispute in some zones.

In an effort to end the conflict, the UN brokered a ceasefire, where Kashmir was divided into Indian-administered Kashmir (now known as Jammu and Kashmir and Ladakh) and Pakistan-administered Kashmir (Azad Jammu and Kashmir and Gilgit-baltistan) *see figure one for visual representation*. The dividing line is known as the line of control (LoC). With the ceasefire, the UN proposed to Kashmiris that one day in future they would arrange a plebiscite regarding their relationship with India or Pakistan. However, this vote has since never occurred due to the ongoing tensions between the two countries and hence a lack of organisation.

In recent decades, there have been major developments in the divide:

For decades, particularly in India-administered Kashmir, calls for independence have been developing since the late 1980s and early 1990s, some also advocating for accession to Pakistan. As such, tensions have been ever-rising and escalating, with an abundance of counter-insurgency operations, heavy militarisation, curfews, communications

blackouts, extra-judicial allegations of abuses, security crackdowns, kidnappings and disappearances. These occurrences have all played a factor in curating a tense, complicated dynamic. In August of 2019, the Indian government revoked Jammu and Kashmir's special status (see Article 370 of the Indian Constitution), which reorganised the state into two Union Territories, meaning that these Indian-administered territories of Kashmir were more tightly integrated (politically) under New Delhi's control. Actions accompanying the revocation include the cutting off of communication lines in the Kashmir valley (this was however restored after 5 months). As a result of controversy, additional security forces were deployed to prevent any rebel uprising. Indian Government officials described this revocation as a means to enable people of the state to achieve improved access to education, right to information, reservation, and other governmental programmes. The reactions to this revocation in Kashmir valley were suppressed through the imposition of a curfew and a subdue of communication. Evidently, this move has been deeply controversial. Human rights groups have flagged several concerns over the restrictions on movement, free speech, and a huge lack of political representation in the region. Moreover, terrorist attacks continue, including Pakistan-backed militants attacking the tourists in the Baisaran Valley near Pahalgam on 22 April 2025, which killed 26 people. In regards to the actions of the UN security council on this event, they issued a press statement on this same date condemning the terrorist attack, and calling for accountability from the militants. Regardless of previous efforts by the UN, the conflict imposes immense socio-psychological and developmental costs, including trauma, economic stagnation, migration, reduced foreign and internal investment and damage to infrastructure.

Key Structures and Actors

The Government of India

- Considers Jammu and Kashmir as a part of India and rejects any international interference regarding this situation.
- Deems the Instrument of Accession made Kashmir's status final and legal.
- Claims that Pakistan is the source of cross-border terrorism and ultimately destabilises the region.
- Has treated Kashmir since 2019 as a Union Territory.
- Finds UN supervision to be outdated and irrelevant.

The Government of Pakistan

- Maintains that Kashmir is not legally part of India and remains a disputed territory.
- Supports UN resolutions that call for a plebiscite/referendum to allow Kashmiri citizens to decide their future.
- Condemns human rights violations and militarisation that is under Indian rule.

- Feels that Indian's revocation of Article 370 violates international law and UN commitments, and with such seeks for greater UN involvement.

China:

- It controls Aksai chin which is a portion of the former princely state of Kashmir, and has border disputes with India.
- Sides with Pakistan (diplomatically) and often calls for dialogue and restraint of violence between both countries.
- Opposes Indians revocation of 2019 because it included Ladakh, a territory claimed by China.
- Respects UN resolutions and hopes for a peaceful settlement between the two countries.

United States

- Has in the past tried to mediate the conflict, particularly during the cold war. However, it now encourages dialogue between India and Pakistan.
- Feels that Kashmir is simply a bilateral issue and hence should not involve any external intervention.
- Concerned about terrorism and the regional stability of Kashmir, often raising human rights concerns.
- In regards to relations with India and Pakistan, the U.S has a strategic partnership with India but often continues cooperation with Pakistan for security issues.

United Kingdom

- Calls for peaceful and bilateral solutions respecting human rights and the rule of law.
- Avoids taking sides and with such acknowledges India's administrative control but also acknowledges that UN resolutions remain relevant.
- Due to the UK's large Kashmiri population, it is politically sensitive.
- Supports dialogue between the two countries.

Russia

- Strongly backs India's position that Kashmir is an internal matter and opposes external interference and UN intervention.
- Sees its alliance with India as strategically important in South Asia.

France

- Aligns with the UN and EU on facilitating dialogue and de-escalation.
- Emphasises human rights but often avoids a direct criticism of India.
- Feels that bilateral talks will be more useful than UN involvement.

- Supports anti-terrorism and stability cooperation with India and Pakistan.

Saudi Arabia

- Expresses concerns for the rights of Muslims living in Kashmir.
- The Organisation of Islamic Cooperation collectively supports Pakistan, and calls for UN solutions to be implemented to aid in the conflict.
- Has had strong economic ties with India in recent years and has therefore become more neutral in the conflict.
- Calls for dialogue between the two countries with a respect for international law.

Past UN action:

January 1st 1948: UN security council established the United Nations Commission for India and Pakistan (UNCIP) to investigate the situation.

April 21st 1948: Security Council Resolution 47 called for an immediate ceasefire and for Pakistan to secure the withdrawal of all tribesmen and Pakistani nationals to investigate and mediate.

January 1st 1949: Ceasefire enforcement where the UN helped enforce a ceasefire between India and Pakistan, establishing the Line of Control.

1949: The UN established the UN Military Observer group in India and Pakistan (UNMOGIP) to supervise the ceasefire.

The UN has furthermore been involved in ongoing diplomatic efforts between the two countries, including circulating official letters from member states like Pakistan and to the Security Council regarding the conflict at hand as well as ceasefire violations.

Key Vocabulary

<u><i>TERM</i></u>	<u><i>DEFINITION</i></u>
Plebiscite	The direct vote of all the members of an electorate, focused on an important public question .
Referendum	The general vote of members of an electorate focused on a political question (referred to them).
Proxy Conflict	Where two larger powers fight indirectly by supporting smaller groups (allegedly Pakistan supports militant groups in India-administered Kashmir and India fights these groups).

Tripartite Dispute	A disagreement involving three separate parties (India, Pakistan and China in some areas of Kashmir).
Revocation	The cancellation/withdrawal of a special status/law.
The Instrument of Accession	A formal document used during the partition of British India to join Pakistan or India in 1947.
Bilateral dialogue	Dialogue between two parties.
Self-Determination	The means in which a country forms its own government and determines its own statehood.
Territorial Integrity	A principle under international law that ensures a state's borders are inviolable and that other states are not allowed to use force, either to annex its territory or alter them.
Autonomy	Condition/right of self government.
Union Territory	A region that is ruled directly under the central government rather than having its own full state government.
Sovereignty	Authority or supreme power/a country's independent and complete right to govern itself.
UNMOGIP	United Nations Military Observer Group in India and Pakistan: created to monitor the line of control between India and Pakistan in the region of Kashmir.
Ceasefire	A suspension of fighting (in this case administered by the UN).
Demilitarisation	Removing or reducing the military forces and weapons from a particular area (Kashmir is one of the world's most militarised regions).
Confidence Building Measures (CBMs)	Actions taken to reduce suspicion and tension between two countries/parties in general in a conflict.
Militant (groups)	Groups or individuals who favour violent/upfront methods to support a political or social cause.

Sources for Delegates:

[History of the conflict](#)

[History of the conflict](#)

[Article 370 of the Constitution of India](#)

[UN Plebiscite Request](#)

[Security Council Past Resolutions](#)

[Terrorism Reports](#)

[Hostilities](#)

[Primary Source Interviews & Recent Events](#)

Topic One: The Question of Sovereignty over the West Bank in Relation to the State of Israel

Main Questions for Debate

1. Who holds legitimate sovereignty over the West Bank?
2. Are Israeli settlements in the West Bank legal under international law?
3. What role should the UN Security Council play in resolving this conflict?
4. What obligations do third states have regarding the West Bank?
5. To what extent should other nations be allowed to directly interfere?
6. What are the legal consequences of Israel's policies in the West Bank?
7. How can Palestinian self-determination be realized?

Background Information

Historical Context

The West Bank's contested status originates from multiple historical layers. Under Ottoman rule until 1917, the territory became part of the British Mandate for Palestine (1920-1948) following World War I. The 1917 Balfour Declaration, incorporated into the Mandate, expressed British support for "a national home for the Jewish people" in Palestine while stating that "nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities". This created tensions between Zionist aspirations and Palestinian Arab rights that persist today.

In 1947, the UN General Assembly adopted Resolution 181, recommending the partition of Palestine into Jewish and Arab states with Jerusalem under international administration. The 1948 Arab-Israeli War followed, after which the 1949 Armistice Agreements established the "Green Line"—the demarcation between Israeli-controlled territory and areas controlled by neighboring Arab states. Jordan administered the West Bank from 1949 to 1967, though its 1950 annexation was recognized by only two countries.

The 1967 War and Occupation

The Six-Day War of June 1967 fundamentally transformed the situation. Israel captured the West Bank, East Jerusalem, Gaza Strip, Sinai Peninsula, and Golan Heights from Egypt, Jordan, and Syria. On June 7, 1967, Israel gained control of the entire West Bank and began its military occupation, establishing military government through the "Proclamation Regarding Law and Administration (The West Bank Area) (No. 2)—1967".

Following the war, the UN Security Council adopted Resolution 242 on November 22, 1967, emphasizing "the inadmissibility of the acquisition of territory by war" and calling for "withdrawal of Israeli armed forces from territories occupied in the recent conflict" alongside recognition of every state's right to live in peace within secure boundaries. The resolution's deliberate omission of the word "all" before "territories" has generated decades of debate about whether Israel must withdraw from all occupied land or can retain some through negotiations.

Israel has occupied the West Bank for 57 years, making it the longest military occupation in modern history. The occupation has fundamentally shaped Palestinian life, Israeli politics, and regional dynamics.

Israeli Settlements and Annexation Measures

Shortly after 1967, Israel began establishing civilian settlements in the West Bank in violation of international law. Today, approximately 700,000 Israeli settlers live in over 130 settlements across the West Bank and East Jerusalem. These settlements are built on land confiscated from Palestinians and are connected by Israeli-only roads, creating a matrix of control that fragments Palestinian territory.

In 1980, Israel passed the Basic Law: Jerusalem, officially annexing East Jerusalem and declaring the entire city Israel's "eternal, undivided capital". The UN Security Council responded with Resolution 478, declaring the annexation "null and void" and a violation of international law. Despite this, Israel continues to exercise full sovereignty over East Jerusalem.

Israel disputes that the Fourth Geneva Convention applies to the West Bank, arguing the territory is "disputed" rather than "occupied" because there was no legitimate sovereign before 1967. This position has been unanimously rejected by the international community, including the International Court of Justice, which affirmed in 2004 and again in 2024 that the West Bank is occupied territory and Israeli settlements violate international law.

The Oslo Accords and Current Administrative Division

The 1993 Oslo Accords between Israel and the Palestine Liberation Organization created the Palestinian Authority as an interim self-government body and divided the West Bank into three zones:

- Area A (18%): Full Palestinian civil and security control, comprising main Palestinian cities

- Area B (22%): Palestinian civil control with joint Israeli-Palestinian security control
- Area C (60%): Full Israeli military and civilian control, containing all settlements and most natural resources

This division was intended as temporary, lasting five years until a final status agreement by 1999. However, negotiations collapsed, and the division remains in force today. Israel maintains overall security control even in Areas A and B, regularly conducting military operations there.

The Palestinian Authority, established in 1994, was meant to evolve into an independent Palestinian state. Instead, it has become a permanent interim body with limited authority, criticized as lacking legitimacy and functioning as a subcontractor for Israeli security. PA security forces, trained and funded by the United States, coordinate with Israeli forces to suppress resistance to the occupation.

Useful Vocabulary / Key Terms

1. **Occupied Palestinian Territory (oPT)** - The West Bank (including East Jerusalem) and the Gaza Strip, which are territories that have been occupied by Israel
2. **Self Determination** - The right of people to freely determine their political status and make one's own choices without external interference, for both individuals and nations
3. **Settlements** - Israeli civilian communities established in the West Bank and East Jerusalem since 1967 and onwards, however they are considered illegal as they violate the Fourth Geneva Convention
4. **Fourth Geneva Convention** - The treaty (1949) prohibiting an occupying power from transferring civilians into occupied territories
5. **Belligerent Occupation** - When a foreign armed force holds and exercises control over a territory without the consent of the state (usually following a conflict)
6. **Right of Return** - The right of Palestinian refugees displaced in 1948-1967 to return back to their homes and properties

International Law Frameworks

International Humanitarian Law: The 1907 Hague Regulations and 1949 Fourth Geneva Convention regulate belligerent occupation. Key principles include:

- Occupation is temporary and confers no sovereignty
- The occupying power must protect the occupied population's welfare
- Article 49(6) of the Fourth Geneva Convention prohibits transferring the occupying power's civilians into occupied territory
- The occupying power cannot make permanent changes to the territory

The Prohibition of Annexation: The UN Charter and customary international law strictly prohibit acquiring territory by force. UN Security Council Resolution 242 explicitly affirmed "the inadmissibility of the acquisition of territory by war". Any annexation, whether through formal declaration or de facto measures, is illegal and void.

Right to Self-Determination: The Palestinian right to self-determination is recognized as a peremptory norm (jus cogens) of international law. The UN General Assembly and Security Council have repeatedly affirmed this right, which includes the right to establish an independent Palestinian state.

Prohibition of Apartheid: The International Convention on the Elimination of All Forms of Racial Discrimination prohibits racial segregation and apartheid. The 2024 ICJ Advisory Opinion found that Israel's policies in the occupied territories violate this prohibition.

Past UN Action

UN Security Council Resolutions

Resolution 242 (1967): Adopted unanimously after the 1967 war, this foundational resolution emphasized "the inadmissibility of the acquisition of territory by war" and called for "withdrawal of Israeli armed forces from territories occupied in the recent conflict" alongside termination of belligerency and recognition of every state's right to secure borders. The deliberate absence of "all" before "territories" has fueled debate, though the French version uses the definite article.

Resolution 338 (1973): Adopted after the 1973 Yom Kippur War, calling for immediate ceasefire and implementation of Resolution 242.

Resolution 446 (1979): Determined that Israeli settlement policy "have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace". Called for Israel to abide by the Fourth Geneva Convention.

Resolution 476 (1980): Condemned Israel's annexation of East Jerusalem, declaring it "null and void" and a violation of international law.

Resolution 478 (1980): Reiterated condemnation of Israel's Basic Law annexing Jerusalem, determining it violated international law and calling on member states not to recognize it and to withdraw diplomatic missions from Jerusalem.

Resolution 2334 (2016): Reaffirmed that settlements "have no legal validity and constitute a flagrant violation under international law," demanded Israel immediately cease all settlement activities, and stated the Council would not recognize any changes to the 1967 lines except those agreed through negotiations.

UN General Assembly Resolutions

Resolution 194 (1948): Resolved that Palestinian refugees "wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date" and that compensation should be paid for property losses. The Assembly has reaffirmed this resolution annually since 1949.

Resolution 3236 (1974): Reaffirmed "the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted".

ES-10/14 (2003): Requested the ICJ advisory opinion on the legal consequences of the barrier's construction.

September 2024 Resolution: Adopted 124-14 following the 2024 ICJ advisory opinion, calling for Israel to end its occupation within 12 months, cease settlement activity, and evacuate settlers.

Past International Action

Failed Camp David Summit (2000)

In July 2000, President Clinton (USA) convened a summit at Camp David between Israeli Prime Minister Ehud Barak and Palestinian President Yasser Arafat to negotiate a final peace agreement. The summit represented a critical opportunity to resolve final status issues after seven years of Oslo implementation.

Key Issues Discussed:

- Establishing a Palestinian state with control over 91-95% of the West Bank (sources differ)
- Israeli annexation of settlement blocs containing 85% of settlers, with land swaps
- Palestinian control over Arab neighborhoods in East Jerusalem
- The right of return for Palestinian refugees
- Security arrangements

Why It Failed: Palestinians objected that Barak's offer would create a non-contiguous state divided into cantons without genuine sovereignty. The most contentious issue was Jerusalem, particularly sovereignty over the Temple Mount/Haram al-Sharif, with both sides claiming exclusive control. Arafat rejected proposals without making counteroffers, and Clinton blamed him for the summit's failure.

Palestinian negotiators contend they offered far-reaching concessions but that Israel continued rapidly expanding settlements during negotiations, undermining trust. The summit collapsed on July 25, 2000, and the Second Intifada erupted two months later.

The 2004 ICJ Advisory Opinion on the West Bank Barrier

In 2003, the UN General Assembly requested an advisory opinion from the International Court of Justice regarding Israel's construction of a separation barrier in the West Bank. Israel argued the barrier was necessary for security to prevent terrorist attacks.

On July 9, 2004, the ICJ ruled 14-1 that the barrier's construction in the occupied Palestinian territory violated international law. The Court found that:

- The West Bank is occupied territory to which the Fourth Geneva Convention applies
- Israeli settlements in the occupied territory are illegal under international law
- The barrier's route, designed to include most settlements on the Israeli side, constituted de facto annexation
- Construction severely impedes Palestinian self-determination

- Israel must cease construction, dismantle completed sections, and provide reparations

Outcome: The UN General Assembly endorsed the opinion 150-6, but Israel rejected it and continued construction. Ten years later, 62% of the barrier had been completed.

UN Security Council Resolution 2334 (2016)

On December 23, 2016, the Security Council adopted Resolution 2334 in a 14-0 vote (with the United States abstaining) concerning Israeli settlements. The resolution:

- Reaffirmed that settlements "have no legal validity and constitute a flagrant violation under international law"
- Demanded Israel "immediately and completely cease all settlement activities"
- Stated the Council "will not recognize any changes to the 4 June 1967 lines" except those agreed through negotiations
- Distinguished between Israeli territory and occupied Palestinian territory

Outcome: Israel condemned the resolution and temporarily recalled ambassadors from countries that supported it. The resolution reinforced the international consensus on settlements' illegality but included no enforcement mechanisms. Settlement expansion continued, with the settler population growing by over 100,000 during the preceding years. Prime Minister Netanyahu declared there would be no Palestinian state, directly contradicting the resolution's framework.

2024 ICJ Advisory Opinion on Israel's Occupation

In December 2022, the UN General Assembly requested the ICJ's opinion on legal consequences arising from Israel's policies in the occupied Palestinian territory. This became the largest case in ICJ history, with 52 states and three international organizations presenting arguments.

On July 19, 2024, the ICJ issued a comprehensive advisory opinion concluding:

- Israel's occupation since 1967 is unlawful because it violates Palestinian self-determination and the prohibition on acquiring territory by force
- Israel's settlement enterprise, annexation measures, and exploitation of natural resources are illegal
- Israel's policies violate the prohibition on racial discrimination and apartheid
- Israel must end its occupation "as rapidly as possible," cease settlement activity, evacuate all settlers, and provide full reparations
- All states must not recognize the occupation as legal, must distinguish between Israel and the occupied territories, and must not provide aid or assistance maintaining the illegal situation

Implementation: On September 18, 2024, the UN General Assembly voted 124-14 (43 abstentions) to adopt a resolution calling for Israel to withdraw within 12 months. The resolution also called on

member states to stop importing settlement products and halt arms transfers where reasonable grounds exist they may be used in the occupied territory.

Current Status: Israel rejected the opinion, and implementation efforts face significant obstacles. The United States and several other countries opposed the UNGA resolution.

Sources for Delegates:

1. UN Palestine Website: <https://www.un.org/unispal/history/>
2. International Court of Justice statements & perspectives: <https://www.icj-cij.org/>
3. Security Council report: <https://www.securitycouncilreport.org/monthly-forecast/2025-10>
4. Article on current ceasefire:
<https://www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/israelpalestine/understanding-israel-hamas-truce>
5. European roles:
<https://www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/israelpalestine/toward-stronger-european-stand>
6. 2016 SC Resolution: <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>
7. EU Standpoint:
https://www.eeas.europa.eu/eeas/what-eu-stands-gaza-and-israeli-palestinian-conflict_en
8. General conflict info: <https://www.britannica.com/procon/Israeli-Palestinian-conflict-debate>
9. OCHA September 2025 Snapshot: <https://www.ochaopt.org/content/west-bank>