

DISARMAMENT AND INTERNATIONAL SECURITY

Shanshan Cao
Undersecretary-General

Leslie Dubeck, *Chair*

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Dear Delegates,

Welcome to the General Assembly of ILMUNC 2003! The GA is the largest deliberative organ of the United Nations, composed of representatives of all member states. This year, ILMUNC is simulating five GA committees with topics ranging from the regulation of chemical weapons to the prohibition of human cloning.

My name is Shanshan Cao, and I am the Under Secretary General of the General Assembly. This very long title basically means I will be in charge of the five GA committees – my responsibility is to make sure each committee runs smoothly and that delegates enjoy themselves and are engaged in productive debate and negotiation.

I am currently a sophomore at Wharton, University of Pennsylvania, and my concentration is Finance and Accounting. I have been involved with Model United Nations for five years, starting as a freshman in high-school. In my junior year, my school attended ILMUNC, and I enjoyed the conference so much that it became one of my main considerations when applying for college.

I hope you will enjoy ILMUNC as much as I did, and I encourage you to email me any questions you have concerning UPenn's Model United Nations program or just applying-to-college concerns in general.

See you at conference!

Sincerely,

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Dear delegates:

It is my pleasure to welcome you to ILMUNC 2003. My name is Leslie Dubeck and I will be your chair for the First Committee, Disarmament and International Security. I am currently a junior, studying Diplomatic History and American Politics. I am from just outside of Washington, DC, more specifically Arlington, Virginia, home of the Pentagon, the National Cemetery and fun government-related things like that. DC has rather disappointing sports teams, but nevertheless, I am a Caps fan.

I have been an active participant in Model United Nations for eight years, since my first experience representing the U.S. on Security Council in eighth grade. Most recently I served as the Secretary-General for ILMUNC's sister conference, UPMUNC.

With eight years of experience, I can confidently tell you that debate is no fun unless you have done research and understand the topics. The topics should appeal to a broad range of interests related to different aspects our committee's purpose. Most of the problems we will be discussing have been addressed, with little success, previously. Thus, the challenge for you is to create enduring structures that will not serve as a quick fix, can provide a foundation for lasting change.

If you have any questions about research, about the conference, about Philadelphia, or why the Caps are going to win the Stanley cup this year, please do not hesitate to contact me.

Best regards,

Leslie Dubeck
Chair, Disarmament and International Security

Disarmament and International Security

As the United Nations was conceived and created, six committees were formed to delegate the immense amount of responsibilities and issues brought before the General Assembly. The first of these six committees, previously named Political and Security before becoming the current Disarmament and International Security Committee in 1993, deals exclusively with the topics of armament and the admission, suspension, and expulsion of the members which constitute the UN. The First Committee consists of all Member States and recommends draft resolutions to the General Assembly for adoption.

In 1965, a specialized committee, the Special Political Committee, was instituted to narrow the field of the First Committee's jurisdiction. Because of this subgroup, Political and Security was limited to disarmament and arms questions while Special Political handled sanctions and national liberation movements. Since 1990, the subjects of nuclear disarmament and nonproliferation, biological and chemical warfare, demilitarized zones, prevention of an arms race in outer space, and illicit arms trafficking have dominated the committee's attention. Despite this, general security issues of noninterference, a peaceful Middle East, and a strong international security plan often surface in the deliberations.

The First Committee primarily works to decrease the threat of annihilation by weaponry, whether it be conventional, nuclear, biological, or chemical. A major effort is underway to limit and reduce nuclear arms, which are advancing in power and technology as the modern era progresses. At the same time, chemical weapons provide an easier and cheaper means of destruction for the poorer nations in turmoil. It becomes just as vital to limit and cease production and distribution of these chemical weapons, and the First Committee works toward establishing meaningful, multilaterally-negotiated proposals relating to both areas of warfare.

As much as creating and utilizing these weapons is reprehensible, it is also necessary to work towards the prohibition of selling arms and technology to nations that do not yet possess this power. With already armed nations posing such a difficult problem for regulatory action, the addition of more countries to the roster of warfare readiness may prove to be the breaking point. The committee must attempt to prevent these consequences.

Priority dictates how this organization is permitted to act. While Special Political receives the overflow from and concurrent specific problems of the Security Council, the Disarmament and International Security Committee has the duty and power to deal with the general issues concerning a multitude of nations and groups. These problems must be dealt with on a case by case basis, and those who take it upon themselves to deal with these matters do

not enjoy the luxury of preordained procedure. In many of these circumstances, it is impossible to learn from history because there is none from which to learn.

With Resolution 47/233 of 1993, the Disarmament and International Security Committee was officially instated with the purpose of encouraging more detailed and focused discussion of relevant agenda items. This allows the committee to adapt to the constant changes throughout the world and specialize in guiding people towards the maximum quality of world peace and security.

TOPIC ONE

Nuclear-Weapon Free Zone

Introduction

The United Nations has attempted to assist in reducing weapons of mass destruction, and treaties regarding the non-proliferation of nuclear weapons have been signed. Participating states ratify the treaty to limit or to disarm nuclear weapons in accordance to the agreements. Major treaties include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

The Branch of Weapons of Mass Destruction provides substantive support for the activities of the UN in the area of disarmament whose main focus will continue to be on weapons of mass destruction (nuclear, chemical and biological weapons). The Branch follows closely all developments and trends with regard to weapons of mass destruction in all their aspects in order to keep the Secretary-General fully informed and to provide information to Member States and the international community. It supports and participates in multilateral efforts to strengthen the non-proliferation of weapons of mass destruction and in this connection cooperates with the relevant intergovernmental organizations and specialized agencies of the United Nations system, in particular the IAEA, the OPCW and the CTBTO PrepCom.

Background

Landmark treaties in the establishment of Nuclear-Weapon Free Zones include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

The NPT is a landmark international treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote co-operation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament. The Treaty represents the only binding commitment in a multilateral treaty to the goal of disarmament by the nuclear-weapon States. Opened for signature in 1968, the Treaty entered into force in 1970. A total of 187 parties have joined the Treaty, including the five nuclear-weapon States. More countries have ratified the NPT than any other arms limitation and disarmament agreement, a testament to the Treaty's significance.

To further the goal of non-proliferation and as a confidence-building measure between States parties, the Treaty establishes a safeguards system under the responsibility of the International Atomic Energy Agency (IAEA). Safeguards are used to verify compliance with the Treaty through inspections conducted by the IAEA. The Treaty

promotes co-operation in the field of peaceful nuclear technology and equal access to this technology for all States parties, while safeguards prevent the diversion of fissile material for weapons use.

The provisions of the Treaty, particularly article VIII, paragraph 3, envisage a review of the operation of the Treaty every five years, a provision which was reaffirmed by the States parties at the 1995 NPT Review and Extension Conference. The 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) met at the United Nations in New York from 24 April to 19 May 2000. The Conference was the first to meet following the Treaty's indefinite extension at the 1995 Conference. States parties examined the implementation of the Treaty's provisions since 1995, taking into account the decisions on the principles and objectives for nuclear non-proliferation and disarmament and the strengthening of the review process for the Treaty as well as the resolution on the Middle East adopted at the 1995 Conference.

ENTRY INTO FORCE: 5 March 1970.* DEPOSITARY GOVERNMENTS: Russian Federation, United Kingdom of Great Britain and Northern Ireland and the United States of America. TOTAL NUMBER OF PARTIES AS OF March 2002: 187 Parties

Comprehensive Nuclear-Test-Ban Treaty (CTBT)

The Conference on Disarmament (CD) – the single multilateral disarmament negotiating body began its substantive negotiations on a comprehensive nuclear-test ban treaty in January 1994 within the framework of an Ad Hoc Committee established for that purpose. Although the CD has long been involved with the issue of a test-ban, only in 1982 did it establish a subsidiary body on the item. Disagreement over a mandate for that body blocked tangible progress for years.

After more than two years of intensive negotiations, the Chairman of the Ad Hoc Committee, Ambassador Jaap Ramaker of the Netherlands, presented a final draft Treaty to the CD in June 1996. An overwhelming majority of Member States of the CD expressed their readiness to support the draft Treaty. India, for its part, stated that it could not go along with a consensus on the draft text and its transmittal to the United Nations General Assembly. The main reasons for such a decision, as India pointed out, were related to its strong misgivings about the provision of the entry into force of the Treaty, which is considered unprecedented in multilateral practice and running contrary to customary international law, and the failure of the Treaty to include a commitment by the nuclear-weapons States to eliminate nuclear weapons within a time-bound framework.

As a result, Australia, on 22 August 1996, requested that the General Assembly resume the consideration of agenda item 65, entitled "Comprehensive Test-Ban Treaty" as provided for in resolution 50/65 of 12 December 1995. For that purpose it also submitted the draft CTBT, identical to that negotiated in the CD, for adoption by the Gen-

eral Assembly. On 10 September, the General Assembly by resolution (A/RES/50/245) adopted the Comprehensive Nuclear Test-Ban Treaty and requested the Secretary-General of the United Nations, in his capacity as Depositary of the Treaty, to open it for signature at the earliest possible date. The Treaty was opened for signature in September 1996.

A significant and recognized method of advancing nuclear nonproliferation is the establishment of internationally recognized nuclear-weapon-free zones (NWFZs). The General Assembly defined a NWFZ as any zone created by virtue of a treaty by a group of States whereby “the statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined” and “an international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.”¹ According to the same definition, nuclear weapons states should respect the NWFZ, refrain from contributing to the violation of the treaty, and refrain from using nuclear weapons against States in the zone.

Current states possessing nuclear weapons are the United States, China, Russia, Pakistan, India, France, the United Kingdom, and Israel (although not formally declared). States in the international realm hope to reduce their vulnerability, but this can be accomplished in many ways, such as by openly declaring nuclear capabilities or by renouncing nuclear weapons with hopes to avoid escalation and instability.² In some cases, the willingness of a power such as the United States to offer protection may contribute to the decision to renounce nuclear weapons. This is arguably the case of Taiwan and South Korea. However, no superpower influence could convince North Korea, Israel, Iraq, or Pakistan to renounce their nuclear development programs.

States who agree to Nuclear-Weapon-Free Zone (NWFZ) treaties often request that the signatories make a commitment not to use or threaten to use nuclear weapons against them because they are agreeing to abolish nuclear weapons completely in their zones.

In 1959, the Antarctic Treaty indicated that any actions of military nature would be prohibited within the territory of Antarctica; no nuclear explosions could be conducted in the area, but the territory would instead be used for scientific international cooperation. The Treaty was signed by the governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and North Ireland, and the United States of America.

The 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelalco) similarly outlawed the testing, use, production, storage, and deployment of nuclear weapons in Latin America. However, States, under the guidelines of this treaty, could use nuclear energy for peaceful purposes and explode devices similar to nuclear weapons with advance notice provided to the

IAEA. In 1985, the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) also addresses testing of nuclear devices, as well as manufacturing and acquisition of nuclear weapons. . The United States, along with the United Kingdom and France, signed the protocols for this Treaty on March 25, 1996, at a ceremony in Suva, Fiji.

In 1995, the Treaty of Bangkok (Treaty on the South-East Asia Nuclear-Weapon-Free Zone) prohibited the development, possession, testing, etc of nuclear weapons in Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. In the following year, two critical agreements were reached with respect to the establishment of these zones. First, the African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba), with the belief that its implementation could protect African States from nuclear attacks, disallowed the development, manufacturing, stockpiling, etc of nuclear devices in the region. The affected zone consists of the entire continent of Africa as well as several islands, including Cape Verde, Madagascar, Mauritius, and others. In the same year, the Cairo Declaration established a nuclear-weapon-free southern hemisphere and adjacent area in order to pursue the eventual goal of a world free of nuclear weapons. The declaration emphasized the importance of establishing nuclear-weapon-free zones, especially in conflict regions, in order to reestablish peace and security.³ Mongolia has additionally declared itself a zone free of nuclear weapons, and Central Asia declared its intent to become a NWFZ.

In 1997 the Presidents of five States in Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan—declared their advocacy of a nuclear-weapon-free zone. They created a working group which addressed the desire to create a zone entirely free of nuclear weapons with an effective control system and with an adherence to IAEA guidelines. Russia supported the creation of this zone. The United Nations General Assembly passed resolutions 52/38S and 53/77A to support the Central Asian States, call upon all other States to support them, and request that the Secretary General assist these States in cultivating the legal framework for a NWFZ. An UN-sponsored Expert Group was created on the subject.

Russia has not signed the protocol to the treaty addressing a NWFZ in South-East Asia, even though the treaty would not restrict Russia’s maritime capabilities. Also, the Chinese Ambassador was the only one of the five permanent Security Council members to vote for the NWFZ in the Southern Hemisphere.

In 2000, the Review Conference for the Non-Proliferation Treaty (NPT) asserted that “the establishment of internationally-recognized NWFZs enhances global and regional security and strengthens the nuclear non-proliferation regime and contributes towards realizing ... nuclear disarmament”.⁴

Included in the First Committee’s agenda for the 2001 fifty-sixth session were various related issues such as a discussion of the African Nuclear-Weapon-Free Zone treaty

and the establishment of a nuclear-weapon-free zone in the Middle East.⁵ The agenda also made reference to the nuclear-weapon-free southern hemisphere.

According to some analysts, the establishment of NWFZs is one of the most effective methods of advancing nonproliferation. They contend that the positive factors outweigh the negative, and that the creation of a NWFZ in Asia is critical in addressing proliferation in the region, especially with respect to North Korea.⁶ Various NGOs have advocated NWFZs in the region so that formal guidelines can be established for the region rather than relying upon deterrence and international cooperation.

Bloc Positions

South Korea ratified the Non-Proliferation Treaty (NPT) in 1975, and, by the end of the 1980s, many segments within the nation were pursuing a NWFZ. Several South Korean labor and business groups did not want to risk economic sanctions that could jeopardize the nation's growth rates for nuclear capabilities. The United States removed tactical nuclear weapons from South Korea in 1991, but, despite this action, the North Koreans refused to allow full and unrestricted IAEA inspections. In many ways, an ambiguous stance on possession of nuclear weapons was an expression of North Korean independence, and in March 1993 the nation expressed its desire to withdraw from the NPT. As was previously stated, non-governmental organizations (NGOs) have been advocating the establishment of a NWFZ in Asia, and if actually created, a NWFZ may contribute to stability in the region.

In 1974, Egypt first proposed to Iran the creation of a NWFZ. But, after its revolution in 1979, Iran abandoned such proposals, and although Iran is a signatory of the NPT, it has been suspected of having its own nuclear development initiatives. In 1992, the vice-president of the nation, Mohajerani, urged the people that it was necessary to "cooperate to produce an atomic bomb, regardless of UN efforts to prevent proliferation." (1)

In Israel, many Labor party leaders have favored the formation of a NWFZ. In 1980, Israel voted in favor of the proposal by Egypt for a NWFZ. In 1992, the Labor coalition had a political return, but it is difficult for any Israeli Labor government to make nuclear agreements without a peace settlement and resolution of issues with Iraq and Iran.

The proposal for a NWFZ in the Middle East has been longstanding; it includes a UN General Assembly proposal stating that such a zone would be accompanied by a reciprocal declaration by States in the area to refrain from acquiring or possessing nuclear devices. Also, States would place all of their nuclear facilities under International Atomic Energy Agency safeguards. General Assembly Resolution A/RES/53/80 of January 1999 states:

"Calls upon [Israel,] the only State in the region that is not party to the Treaty on the Non-Proliferation of

Nuclear Weapons 2/ to accede to the Treaty without further delay and not to develop, produce, test or otherwise acquire nuclear weapons, and to renounce possession of nuclear weapons, and to place all its unsafeguarded nuclear facilities under full-scope International Atomic Energy Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security."

Furthermore, the IAEA, in a 1999 resolution, "*Further calls upon* all States in the region to take measures, including confidence-building and verification measures, aimed at establishing a NWFZ in the Middle East."⁷

In 1995, Cuba signed the Tlatelco treaty, despite previous claims that it could not join because of the US military base, Guantanamo. Historically, in both Argentina and Brazil, the formation of nuclear weapons programs had been pursued, and for a long time both nations rejected the NPT and resisted nuclear nonproliferation. Finally, in 1992, both nations publicly agreed to reject nuclear weapons and to implement mutual verification and inspection procedures.

When Belarus and Ukraine called for a Central European NWFZ, Poland declared that such a zone would be "incompatible with our sovereign resolve".⁸

Analysis

The NPT, in Article VII, foresees the added commitments that States will undertake with respect to NWFZs. Since 1996, the General Assembly's Disarmament Committee has been considering this issue. There have been several unilateral declarations on global prohibition of nuclear weapons, such as in Norway and Sweden.

Geographic, political, and regional specifics result in each NWFZ being distinct. The idea that the concept of a NWFZ can be extended to cover other weapons of mass destruction is a newly debated subject. There is certainly growing interest in expanding the scope of the existing NWFZs to cover these other weapons, including chemical, biological, and radiological weapons as well as long range missiles. Thus far, the creation of such zones has proved to be lengthy process that can extend over years or even decades.

There are no requirements for the size of a NWFZ. Sometimes, a part of a State may be denuclearized while others are not. The general acceptability of a NWFZ is contingent on many criteria. The United States, the European Union, and China, for instance, have all stated specific guidelines to which they believe that any NWFZ should adhere. In Europe, there are questions as to whether it is possible for a State to be a member of a NWFZ and also be a member of NATO, an alliance with nuclear capabilities. New member states of NATO must host nuclear weapons if necessary, although NATO states that it has no intention to deploy nuclear weapons into their territory. The eastward expansion of NATO creates a unique situation

for NATO candidates in Eastern Europe. An expansion of NATO may also result in Russia abandoning arms control agreements with the West.

A solid verification system is required to implement any NWFZ agreement. If a State is suspected to be non-compliant, a method of settling complaints is also important. Much of the verification is related to IAEA safeguards, but as a result of recent issues with Iraq and North Korea, these safeguards may need to be revised. Regional bodies may also be established for verification. There is also a possibility that on-site inspections could be permitted for any State.

In the Middle East, for example, far-reaching verification methods that go beyond IAEA procedures would be necessary to ensure compliance. After 1991, it was revealed that Iraq had been pursuing the acquisition of nuclear weapons and it was ordered by the Security Council to destroy all facilities. If a zone were to be established in the Middle East, Israel would request bilateral verification rights. There is heightened interest in a Middle East free of all weapons of mass destruction, including nuclear, biological and chemical weapons. The feasibility of such an initiative and the implementation potential is yet to be decided.

A NWFZ in South Asia has been hindered by the fact that India has voted against such a resolution. India believes that disarmament should be a global initiative and that the specific focus on South Asia should be abandoned in favor of a more global approach. A zone could potentially apply to all members of the South Asian Association for Regional Cooperation, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka. India and Pakistan both have significant nuclear capabilities, and have thus far not been subject to full IAEA requirements. Considering the escalating tensions in the region in 2002, the topic of nonproliferation has acquired greater significance. As a related issue, the topic of the Indian Ocean being declared a zone of peace has been on the United Nations agenda.

As discussed earlier, with respect to Central and Eastern Europe, one concern is the risk that NATO weapons can be stationed in this territory and that Russia will react by deploying its own weapons westward. When Belarus suggested a NWFZ stretching from the Black to Baltic Sea, one possible result of this proposal would be to make NATO expansion free of nuclear weapon provisions.⁹ The proposal would include all of the nations formerly part of the Warsaw Pact. Such a proposal would have to address several pertinent issues, including the military powers of NATO and Russia that would surround the NWFZ, the already existent security guarantees and arms control agreements that apply to the region (i.e. special security assurances given to Ukraine by the United Kingdom and Russia), and the nuclear power industry. Similarly, in Central Asia, the five States that propose a NWFZ need to better define the specifics of such a zone.

With respect to the Southern Hemisphere, all States

fall within the confines of a NWFZ treaty, and all nuclear-weapon States are located within the Northern Hemisphere. However, many sea areas are not subject to any treaty. The five NWFZs in the Southern hemisphere have similarities, but the challenge is to integrate them into a single, legally binding treaty. Another goal is to permanently remove a category of nuclear weapons from all oceans internationally.

One of the main roadblocks in the establishment of NWFZs worldwide is the lack of consensus on implementation, location, and regulation.

Conclusion

The world community obviously has a clear stake in pursuing an alternative to the future of competitive nuclear armament leading to a final Armageddon. Facing the horrors of thermonuclear warfare, the peoples of the world can not allow their leaders to arrive at the point where global security is completely disregarded.

Disarmament, unfortunately, is not an automatic process. It requires sustained human attention and action by all sectors of society from the most powerful leaders to the average citizen. The ideal combination is one of enlightened, dedicated leadership coupled with a well-informed and equally determined public — all united in a network of cooperation spanning the globe.

The only way to attain the goals at hand, though, is to make concessions. The main problem with Nuclear Non-Proliferation is the lack of agreement on how to deal with the problem. The theories range from minimalist in nature to mutually assured destruction. The goal, though, is to come up with something to which most nations, ideally all nations, can agree.

Endnotes

1 <http://www.uspid.dsi.unimi.it/proceed/cast97/prawitz.html#intro3>

2 Solingen, Etel, "The Political Economy of Nuclear Restraint", *International Security*, Vol. 19, No. 2. (Autumn, 1994), pp. 126-169.

3 <http://www.nuclearfiles.org/docs/treaties-nwzf.html>

4 <http://www.dfat.gov.au/security/nwzf.html>

5 <http://www.un.org/ga/56/first/ac1561.pdf>

6 AU:XIA-Liping TI: Nuclear-weapon-free zones: lessons for nonproliferation in Northeast Asia. SO: The Nonproliferation Review 6 (4), Fall 1999: 83-91..

7 "APPLICATION OF IAEA SAFEGUARDS IN THE MIDDLE EAST", GC(43)/RES/23, October 1999, Forty-third regular session. <http://www.fas.org/nuke/control/menwzf/docs/gc43res23.html>.

8 <http://www.fas.org/nuke/control/cenwzf/>

9 Prawitz, Jan, *The Role and Theory of Nuclear-Weapon-Free Zones*, Swedish Institute of International Affairs, Stockholm. <http://www.uspid.dsi.unimi.it/proceed/cast97/prawitz.html#intro3>.

TOPIC TWO

Proliferation of Chemical and Biological Weapons

Introduction

Much focus has recently been given to nuclear weapons, and their destructive force. There exist, however, equally potent, and more easily accessible alternatives to nuclear weapons: biological and chemical weapons. These weapons of mass destruction have equally, if not more, widespread destructive capabilities than nuclear weapons. They pose a greater threat to global stability because of the ease with which terrorist groups can obtain them as well as because of the possible long-lasting effects of the weapons themselves.

Statement of the Issue

As terrorist groups amass greater wealth, and as global stability is subject to increasing stress, the global community must see the imminent need for the non-proliferation of Chemical and Biological weapons. The world has already witnessed the misuse of these weapons during the 1995 Japanese Subway Attack, where a terrorist group used Sarin, a deadly nerve gas, in a crowded subway. We have also witnessed governments use chemical weapons on their own citizens. In 1992, Saddam Hussein released Mustard Gas against the Kurdish minority in Northern Iraq. Such events are growing more commonplace, and with the anthrax attacks in the United States the past year, global action is mandatory.

During the end of the Cold War, nations like the United States and the U.S.S.R. were racing to create the deadliest chemical, biological, and nuclear weapons. Upon the conclusion of the Cold War, more so in Russia, many programs were abandoned and the research and products were left vulnerable. These stockpiles of chemical and biological material are in the process of being cleaned up, but they are still rather accessible. Groups are able to buy these weapons and materials with ease on black, and sometimes legitimate, markets. As a result, terrorist groups now have much more effective means of achieving their end. Non-proliferation and the safe destruction of stockpiles of chemical and biological weapons lie at the crux of global security and stability. International action is necessary.

History

Chemical warfare dates back to the 17th century in which poison bullets were used against the French by the

Prussian army. In 1675, a Franco-Prussian agreement was signed which prohibited the use of poisoned bullets. The next two hundred years saw a gradual increase in the advancement and potency of chemical weaponry. Such advancements forced the Brussels Convention on Law and Customs of War (1874) which outlawed the use of poisoned weapons, or arms/projectiles/materials which caused unnecessary suffering. In 1899, another treaty was signed that prohibited the use of projectiles filled with poison gas.

The 20th century ushered in a new era in chemical warfare. Beginning with World War I and continuing to the present, chemical weapons have been growing more potent and lethal. The first major-use of chemical weapons took place in Ieper, Belgium during WWI. Modern estimates contend that nearly 100,000 tons of chemicals (chlorine, mustard gas, and phosgene) were used against soldiers and civilians. These estimates also place the casualty tally at around 90,000 deaths. The atrocities of WWI lead to the 1925 Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Bacteriological Methods of Warfare. Although the Geneva Protocol bans the use of such weapons, it does nothing in the way of preventing development or possession of the weapons. As a result, most nations signed on the treaty with great caution, acknowledging their "right" to use such weapons in self-defense. They also reserved the right to use chemical weapons against states that had not ratified the Protocol.

Following World War II, a war in which chemical and biological weapons were not used, the global focus shifted to nuclear weaponry. For nearly 20 years after WWII, the global community had put chemical and biological weapons on the backburner. The topic was once again raised in the 1960s and 1970s when (1) the United States used poisonous gas in Vietnam as a defoliant and (2) when the arms race was locked in dead heat in regards to nuclear power, and an alternative of equal destructive force was necessary. As a result, the 1971 Conference of the Committee on Disarmament completed work on the prohibition of stockpiling and production of bacteriological and chemical weapons. The Biological Weapons Convention (BWC) was opened for signature and ratification in 1972, and was put into place in 1975.

The BWC, entered into force in 1975, was the first international treaty to ban an entire class of weapons. It prohibits the development, stockpiling, and acquisition of biological and toxin weapons, and thus supplements the prohibition on the use of biological weapons contained in the 1925 Geneva Protocol. This landmark Convention remains the internationally recognized document and protocol in dealing with biological weapons. The problem that exists with this Convention, though, is its lack of guidelines for implementation. As has been the case with Iraq, implementation of the BWC is nearly impossible because it is not included within the framework of the Convention itself. Hence, the conflict between the United States and

Iraq, in regards to weapons inspectors, is difficult to resolve as the BWC prohibits production, etc., but does not have guidelines to ensure that all parties are complying.

In 1980, at the Conference of the Committee on Disarmament, an ad hoc working group was asked to draft the text of a convention banning chemical weapons. Negotiations lasted more than 12 years. In September of 1992, the Conference on Disarmament was opened for signature. For the first time, a treaty had been opened for signature which contained within its text suggestions for compliance. The treaty created the Organization for the Prohibition of Chemical Weapons (OPCW). Since the Chemical Weapons Convention entered into force in 1997, the OPCW has grown into a major international player in the reduction and elimination of chemical weapons stockpiles. So far, nearly 10% of the global stockpile has been eliminated and the OPCW anticipates destroying all stockpiles by 2007. As of 2001, the OPCW covered 90% of the world's population, 92% of the world's landmass, and 98% of its chemical industry. Furthermore, in 2000, the UN entered into an agreement with the OPCW for the exchange of information, resources and personnel. As of the present, China, France, Iran, and Japan have all completely destroyed their former Chemical Weapons Productions Facilities (CWPFs) or have converted them to peaceful uses. The United States has destroyed 5 out of 13 CWPFs, the UK has destroyed or converted 6 out of 8 of its similar facilities, and the Russian Federation has destroyed 8 out of 24 of its CWPFs. When examining the progress made, the OPCW is making strides in way of reducing and eliminating chemical weapon stockpiles.

Analysis

This paper has contended that the threat of chemical and biological warfare is greater than that of nuclear warfare. Although such a claim may seem ludicrous, it is actually quite accurate.

In 1998, the United States, in collaboration with the UK and Japan, launched 3 satellites into orbit, which could detect the rapid decay, characteristic of nuclear material. These satellites can detect most common forms of radioactive material, and are sensitive enough to locate nuclear material within a city block of accuracy. Most talk of dirty-bombs and of bringing a nuclear warhead into a crowded city is mainly hype from the media. The truth is that such amounts of nuclear waste material can easily be detected by satellite technology. And, seeing that such waste is detectable, it can be thwarted prematurely. Furthermore, nuclear weapons, if detonated, destroy – and render uninhabitable – 100% of structures in a 1 mile radius and 75% of structures in a 3 mile radius. The risk of radioactive material, of dangerous levels, traveling much further than 5 or 6 miles is unlikely.

Chemical and biological weapons, though, pose a much greater risk to global security. Chemical agents, such

as sarin, mustard gas, VX, etc., are all neurological deactivators. Each targets the central nervous system, and depending on the dose, can cause immediate death or permanent neurological damage. Even the slightest ingestion of such chemicals renders an individual incapable of functioning normally. Similarly to nuclear weapons, though, chemical warfare is easy to contain as once the chemical has been exposed, it begins to be diluted by the volume of atmosphere in which it has been released. The problem arises, however, with accessibility. Although chemical weapons research is being curbed around the globe, there are still massive stockpiles of loosely guarded chemical weapons in areas of the Russian Federation, the Middle East, and in South Asia. These weapons are oftentimes sold, by individuals commissioned to guard them, to chiefs and agents of the black market. Once in the black market, these weapons are sold at very high cost to nations desiring to continue stockpiling and studying chemical weapons. In June of 1999, a tab of over \$200 billion was discovered between the Russian underworld and Iranian and Iraqi officials. While the Iranian and Iraqi officials declined comment, the Russian underworld revealed the content of the orders: Mustard Gas and VX. Similar incidents have taken place between Russia and N. Korea as well as between China and a multitude of nations of the Middle East. The result is very dangerous. A study put out by the UN in 2000 contended that documented chemical and biological weaponry only account for 70% to 75% of all such weaponry that actually exists. This indicates that 25% to 30% of chemical and biological weapons are being traded illegitimately. Thus, these weapons are very hard to keep under close watch.

In addition to facility in obtaining chemical weapons, the ease of production is quite high for building chemical weapons. As has been indicated on CNN and BBC (in the recently acquired *Al Qaeda* training tapes), building potent chemically destructive weapons requires no more than a few ingredients available at a university laboratory and hardware store. Chemical agents with similar neurological effects as those mentioned above, can be created and distributed rather easily. As a result, unlike nuclear weapons in which obtaining nuclear/radioactive substances is the largest barrier, chemical weapons – even if not supplied – are easy to create. They are also easy to disguise. Most chemical weapons and detonators can easily fit into an average sized backpack. They require very little space, and can be triggered by anything from a match to a dial-in cell phone. Hence, the threat of chemical weapons – because they are easily made or accessed, and easily disguised – is much more of a concern to governments and global stability.

Biological weapons, on the other hand, are much more far-reaching than chemical or nuclear weapons. The following scenario is a very plausible one: an individual or group obtains a strain of small-pox. They release it in an airport in Tokyo on a Monday. Life goes on in the airport for 3 to 5 days, as small-pox has a gestation period of

comparable length. In 5 days time, cases of small-pox arise in Tokyo: so also in New York, Beijing, Delhi, Moscow, Paris, and every other city that receives flights from Tokyo. Such an outbreak would be impossible to counter, as containment would be absolutely impossible. Biological agents such as anthrax or small-pox do not require detonation, nor do they require elaborate schemes and devices. Small-pox can infect an area by merely sitting outside in an open flask. Anthrax can render an area unsafe by merely dusting door-handles. Furthermore, when dealing with contagious biological agents, the effects will be witnessed worldwide and would bring global security and stability to the brink. A small-pox outbreak would cause the deaths of hundreds of millions of individuals across the globe.

Although not as easily accessible as chemical weapons, biological agents are readily available on black markets worldwide. Following the end of the Cold War, Russian scientists were forced to abandon work on biological weaponry. As a result, stockpiles of ultra-purified biological contagions were left unguarded. Scientists were also cut-off from government funding, and were left broke. This leads these individuals to turn to the black market to obtain money. These scientists ended up either selling manufacturing techniques to scientists interested in production of biological warfare agents, or they sold the actual biological agents to the black market. Following September 11, 2001 and the attack of Afghanistan, American media went inside of a captured weapons cache to find stockpiles of Russian chemical and biological warheads. Many of these scientists are now contracted by terrorist groups, such as *Al Qaeda*, as well as by nations themselves. As of 1999, over 50% of the Iranian weapons engineers were Russian scientists. The threat, however, does not stop there. The anthrax attacks on the United States in 2002 revealed that biological agents are available illegitimately even in wealthy, well-funded research nations such as the United States, as the US had concluded that both the source and propagator was domestic.

Throughout the past few months, the threat of chemical and biological warfare has been heightened, and as a result, the global media has been frequenting the topic. For example, in the CNN and BBC *Al Qaeda* "training tapes," the labels of the bottles used for the production of the neurological agents were blurred out in the first 3 tapes. The 4th tape, however, was not edited well enough by the news media companies, and as a result, many of "compound 6's," a degenerative neurological compound, ingredients were revealed. Similar incidents in press coverage took place during the American anthrax scare, as well as during the Gulf War, when British media examined various forms of nerve gas and the facility in obtaining them. Hence, the press has been a highly destructive force in the non-proliferation of chemical and biological weapons as well.

Possible Solutions

In regards to the production and non-proliferation of chemical and biological weaponry, there are numerous potential solutions which may each contribute to the reduction of stockpiles and production of such weaponry. Treaties may urge nations to cut stockpiles and halt production of biological agents and chemicals used in warfare. As has been elucidated by the evidence presented in the "History," treaties are only effective when mechanisms are in place to ensure compliance. One of the few ways to ensure compliance is to use economic incentives. The reason that Russian weapons and labs are so loosely guarded is because they are dramatically underfunded. Many labs which produce chemical and biological agents do so because it is more profitable to sell such things on the black market rather than putting their labs to legitimate use. As a result, economic incentives that urge compliance would aid in reducing production.

Second, nations must crack down on terrorist groups operating within their borders. Although there is a problem with certain governments possessing chemical and biological weaponry, the major global threat comes from groups that can use it at any point in time. Such groups are terrorist groups which are fostered and funded by many nations. Economic incentive to crack-down and eliminate such groups would also aid dramatically in the reduction of the threat of chemical and biological warfare.

Third, there must be global action to ensure that the press uses discretion in what it does and does not report. Be mindful that this is not at all an effort to limit the scope of the global media: it is merely an effort to ensure they are not providing terrorist groups with all that they need to build weapons of mass destruction. In other words, providing such groups with a list of ingredients necessary to create weapons of mass destruction falls outside a reasonable standard of reporting for the international press.

Lastly, nations must be accountable for their weapons arsenals. Constant accountability would be a safeguard against the unnoticed disappearance of weapons of mass destruction from national stockpiles. Forcing nations to keep constant tabs on their stockpiles and weapons would decrease global incidence misplacement of chemical and biological weaponry from stockpiles. Perhaps an independent organization to make yearly verifications of a nation's account of weapons would aid in decreasing such global incidence.

Conclusion

We have examined the case for the non-proliferation of chemical and biological weapons in the global community. Such weapons are, without a doubt, weapons of mass destruction whose use could result in global mayhem. With global instability hanging by a fine thread, such weapons cannot be accessible and available to all. Some mechanism of regulating stockpiles and production of such weapons must be put into force. Recent global events have

shifted focus to the destructive capabilities of such weapons. The world is now cognizant of the power of biological and chemical agents. It is now merely an issue of acting upon our knowledge.

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Topic Three

Case Study: The India/Pakistan Conflict**Introduction**

The United Nations committee on Disarmaments and International Security faces a challenging issue that requires swift action. Involved in this conflict are issues of self-determination, national sovereignty, religion, nuclear-weapons proliferation, and many other similar issues. The culmination of these issues results in a highly intricate, fragile situation that requires attention. These issues both come into play in the conflict between India and Pakistan over the area known as Kashmir. The goal of the committee is to bring stability to the region so as to keep the global community safe from the threat of nuclear warfare. Such factors as religious beliefs and political views further complicate the situation, but the goal is as always security.

Statement of the Issue

The following is a case study of relations between India and Pakistan with a specific focus on the conflict over the region of Kashmir. Since October 26, 1947 the entire relationship between India and Pakistan has virtually revolved around the disputed territory of Kashmir.

Although technically still belonging to India, Kashmir is considered "disputed territory" by much of the international community. In the beginning of 1949 the UN determined that Kashmir did indeed lawfully belong to India by way of Treaty, but nothing was really done to enforce it. Between then and now the UN's decision has become convoluted by all sorts of new twists in the relations between Pakistan, India, and Kashmir. The use of terrorism in the region and the proliferation of nuclear warheads have only added to the confusion and need for stability in the region.

The region of Kashmir is predominantly Muslim, whereas India is predominantly Hindu. The territory, though, has become a symbol for both nations. For India, retaining control over Kashmir is symbolic of its influence and power in the region. For Pakistan, Kashmir is a symbol of its struggle against India. In either case, resolve must be brought to this situation before tension escalates to war.

History of the Issue

The Kashmir conflict is rooted in the aftermath of British Imperialism. British India was ruled in two distinct fashions. From London, some were ruled according to the British legal system. Other states were considered

Princely and Britain controlled only defense, foreign affairs, and communications.

When Britain backed out of India a partition was created in 1947 from which both India and Pakistan emerged. The states were given the option to become part of either India or Pakistan based upon such factors as demography and location of the state. While Pakistan relied upon national identity, specifically ethnic sentiments of a large Muslim population, for its statehood, India was declared a constitutional and secular state. During this split of states a large portion of the Muslims in India moved to Pakistan to live in the new Muslim state.

At the time of the split, Kashmir was one such Princely State faced with the option of joining India or Pakistan. Although there was a Hindu monarch, Maharajah Hari Singh, there was a Muslim majority residing there. Bordered on either side by Pakistan and India, each wanted Kashmir for its own reasons: India to prove that a Muslim society could thrive under a secular society and Pakistan for its Muslim population. Neither country wanted to negotiate; they simply wanted Kashmir.

Maharajah Singh wanted an independent monarchy in Kashmir; however, in October of 1947 a tribal rebellion broke out in western Kashmir. There was no way for Singh to hold off the rebels from taking over the capital city, Srinagar, without outside help. This is where India stepped in and agreed to ward off the rebellion so long as Kashmir would accede to India and the largest Kashmiri democratic organization would have consultations with India. Kashmir agreed to the deal and Article 370 of the Indian Constitution was born declaring Kashmir a Part of India with special privileges (See Appendix). India did her part to stop the rebels, but still decided to refer the case to the UN Security Council due to a concern as to the reality of the accession.

The UN said that India would keep Kashmir and Pakistan had to remove forces from Kashmir while the ultimate fate of the region was being decided. Pakistan signed a security agreement with the United States around 1954 after which bilateral negotiations were held in 1962-1963. Even with the push of America and Britain, the negotiations failed. These proceedings were then followed by a war in 1965 at Pakistani provocation, but it ended in a stalemate as well.

The area remained in stalemate and relative rest until 1971 when Pakistan's domestic problems escalated into the War of 1971. East Pakistan wanted a federal government or wanted to secede and form its own government. 250,000 East Pakistanis were killed fighting for secession.

To avoid the war, there was mass migration to India. 9.8 million people fled over the boarder throughout the war. India was particularly encouraging of the war and provoked the Pakistanis by supporting groups to sustain the fighting. Finally, India won and East Pakistan became Bangladesh.

After this war another began in 1989 after many goings on to provoke and support it. First of all, by this time

there is a completely new generation of Kashmiris in the region and they have a particular aversion to the political unrest. In 1984, the elected chief minister Farooq Abdullah was dismissed only to be reelected in 1987, Kashmiris challenged the election. Of course Pakistan saw the uprisings as a chance to incur greater damage to India, so Pakistanis got in the midst of the fighting as well. India was thus forced to use huge force to bring the rebellions under control.

A new twist in the entourage of messes came in 1974 when India tested its first nuclear test. This explosion of a 15-kiloton bomb set of an arms race that almost erupted in an Indian-Pakistani war in 1998. Both sides had nuclear weapons by then and it is becoming increasingly inevitable that international action must be taken.

Since then terrorist actions have been on the rise. Terrorists assaulted India's Parliament in New Delhi on December 13, 2001 and five of the gunmen killed in the attack were linked to Pakistani-based Islamic terrorist organizations. Such Pakistani terrorist groups have been renowned for attacking Indian targets since the 1980's.

Even now the fighting is still going on in Kashmir. Both Pakistan and India continue to match the others ways of indirectly pushing the other to fight. New skirmishes break out on a regular basis and the fear is now for the International Community by way of nuclear scares.

International Action

After formally filing a complaint to the Security Council on January 1, 1948, the Security Council passed a resolution stating that Kashmir should remain under the control of India, and Pakistan should remove their forces until a free and democratic plebiscite could be held (see appendix). This plebiscite was never held due to sustained Pakistani occupation of the area. And since this resolution new problems have arisen.

On February 24, 1975, Jammu and Kashmir signed an accord with India making it a "Constituent Unit" of India on February 25, 1975 (see appendix). With this, the Indian Parliament reaffirmed its right to legislate on any matter concerning the territory of the Kashmir. Disregarding the Security Council's and the UNCIP's resolutions, Pakistan remains a threat in the area.

Since both India and Pakistan have declared themselves nuclear states, there are a variety of international treaties with relevance to this issue. Both India and Pakistan refuse to become parties to The Comprehensive Test Ban Treaty (see www.ctbto.org) and the Nuclear Non-Proliferation Treaty (see cns.miis.edu).

Analysis and Possible Solutions

Given the long history of this problem, it is important to consider past international action and its failures.

First of all, the question of whose territory is Kashmir should be addressed. Past UN resolutions have called on Pakistan to remove its forces have failed to produce change. Two UN mediators had warned that these resolutions were becoming obsolete: "The implementation of international agreements of an ad hoc character which has not been achieved fairly speedily, may become progressively more difficult because the situation with which they were to cope has indeed to change,"¹; "It referred to a major clause regarding mutual troops withdrawal and said that "the execution of the provisions of the resolution of 1948 might create more serious difficulties than were foreseen at the time the parties agreed to that. Whether the UN representative would be able to reconstitute the status quo which had obtained 10 years ago, would seem to be doubtful."² Forty-four years have now elapsed and the situation is no better off.

There should be distinct care taken in the next round of decisions about Kashmir, if indeed they even come up, and shy from making resolutions that are unable to be enforced or ones that the nations are unwilling to enforce.

This committee is charged with the responsibility to draft a resolution that will help bring settlement to the border dispute so as to thwart future uprisings between India and Pakistan. Given the failures of past resolutions, it is clear that a resolution will only be successful if it can be beneficial to both India and Pakistan.

The next and possibly most consequential area of concern is how to prevent this volatile situation from escalating to the use of nuclear weapons. Attempts to convince India and Pakistan to sign the Comprehensive Test Ban Treaty and the Nuclear Non-Proliferation Treaty have failed; but certainly there are other options. One possibility would be a bilateral treaty promising not to strike first, but only to use nuclear weapons in retaliation. An agreement like this would be an important first step in getting India and Pakistan to work together to guarantee their own safety.

Another issue that continues to upset the fragile balance in Kashmir is terrorism. Control terrorism in the region is another aspect of the problem that would be mutually beneficial to India and Pakistan. Terrorism acts have destabilized the region, caused economic destruction and killed many people in both countries. Measures to deal with terrorism have not been successful in the past, but surely working together to eliminate terrorism would be a more effective means of control.

The key to finding a solution to the problem, or at least alleviating the strained relations is open communication between India and Pakistan. This committee should consider the various institutions that can be established to guarantee communication and avoid misunderstanding.

Bloc Positions

The United States has a particular newfound interest in terrorism and the Middle East. With the new emphasis on the abolishment of terrorism and the providers for terrorist groups, India has been quick to solicit help from the US claiming that Pakistan should be harshly reprimanded for its well-known funding of terrorists. Pakistan, on the other hand, will not let United States forget the key role it played in the campaign against terrorism. Pakistan is both strategically and politically vital to the US.

The Western bloc as does not support the idea of nuclear proliferation, and have been calling on India and Pakistan to sign the relevant international treaties since the day nuclear weapons were tested in the region.

Developing nations generally feel that it is the right of all countries to attain whatever means is necessary for national security be it nuclear or otherwise. They refuse to let the West retain a monopoly over advanced weaponry while they are restricted to nothing at all.

Since religion is a key source of controversy over Kashmir, Muslim nations support Pakistan's claim to the region. They almost unanimously understand the occupation of the disputed territory and wish to make Kashmir a precedent for similar cases.

Conclusion

The conflict at hand is sensitive to say the least. There are not only the issues of two warring nations at hand, but also the possibility of world-felt conflict. Opposing religious and political views must be calmed and eased in order to come to a bilateral agreement that will benefit the world as a whole. Each player needs to have their own needs met, but given the capabilities of both India and Pakistan the all of international community has a stake in this matter.

Endnotes

- 1 Gunnar Jarring, April 29, 1957
- 2 Dr. Frank Graham's dated 28 March, 1958.

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Appendix

ARTICLE 370 OF THE INDIAN CONSTITUTION

Temporary provisions with respect to the State of Jammu and Kashmir

(1) Notwithstanding anything in this Constitution, (a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to,

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

(c) the provisions of article 1 and of this article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify: Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State: Provided further that no such order which relates to matters other than those referred in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State

referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

The Resolution of the U.N. Security Council of August 13, 1948 to which Pakistan was a party but observed it only in its breach reads:

The United Nations Commission for India and Pakistan.

Having given careful consideration to the points of view expressed by the representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir; and

Being of the opinion that the prompt cessation of hostilities and the correction of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation;

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

PART I: CEASE-FIRE ORDER

A. The Governments of India and Pakistan agree that their respective High Commands will issue separately and simultaneously a cease-fire order to apply to all forces under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides.)

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the ceasefire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the

observance of the cease-fire order.

E. The Government of India and the Government of Pakistan agree to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

PART II: TRUCE AGREEMENT

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their representatives and the Commission.

A

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.

B

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistani nationals referred to in Part II, A, 2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of its forces from that State in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Government will maintain within the lines existing at the moment of the cease-fire the minimum strength of its forces which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Government of the State of Jammu and Kashmir will take all measures within its powers to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

4. Upon signature, the full text of the truce agreement or a communique containing the principles thereof as agreed upon between the two Governments and the Commission, will be made public.

PART III

Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

1. The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India had been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like welfare measures cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to clause 2 of the Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of Constitution of the State of Jammu and Kashmir relating to any of the under mentioned matters, shall take effect unless the

Bill, having been reserved for the consideration of the President, receives his assent; the matters are:

(a) the appointment, powers, functions, duties, privileges and immunities of the Governor, and

(b) the following matters relating to Elections namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the legislative Council, being matters specified in sections 138, 139 140 and 50 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore, remitted to the Principals.