

Dartmouth Model United Nations

International Court of Justice

April 3-5, 2009





DARTMOUTH MODEL UNITED NATIONS CONFERENCE

Fourth Annual Conference • April 3-5, 2009

Dartmouth College • 0015 Hinman Box • Hanover, NH 03755
949.291.5825 • E-mail: model.un@dartmouth.edu • www.dartmouth.edu/~modelun

April 2009

Chris Talamo
Secretary-General

Greetings delegates,

Megan Caughey
Director-General

This document in your hands is the background guide for your DartMUN 2009 committee (assuming you opened the correct one, of course). Inside of it you'll find the hard work of our staff that took months to compile and write. We've taken great care to select only the best staff members to run our conference, and we think you'll agree we have a truly exceptional team of dais members this year.

Farshad Chowdhury
Administrative Director

While the information in this guide is extensive and your dais very well educated in their topics, I must stress to you that this guide is *not* to be considered the extent of your research! These guides are meant only as a primer for your own independent research to be done in the coming weeks. In order for our committees to be a success, we have to trust you, the delegates, to bring your own solutions and information during committee. Of course, noting the high caliber students I've seen at DartMUN in the past, I'm not worried about this at all.

Jason Laster
Asst.
Administrative Director

Katie Paxton
Under-Secretary General

Best of luck with your research in the coming weeks, and if there's any way I or the rest of our conference's administrative staff can help you, please contact us at dartmun@dartmouth.edu. Of course, your dais team should also provide you with their e-mails, and I would encourage you all to contact them before you arrive in Hanover.

Max Ross
Under-Secretary General

Chris Bachand-Parente
Director of External Affairs

Jerry Guo
Program Director

Best wishes,

Chris Talamo
Secretary General
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Dear Delegates,

My name is John Lee, and I will be your Director this year. I am very pleased to welcome you to the International Court of Justice (ICJ) at DartMUN 2009. International law is a fascinating and exciting topic to explore, especially at this moment in history, so I am looking forward to having a very fruitful conference with all of you!

Our case this year is especially relevant to the War on Terror, and especially the problems of sovereignty and national security in central Asia. With President Barack Obama's renewed commitment to upping the ante in Afghanistan, I do not think we could have a more germane and interesting case to examine than the one we have prepared. This case should test your abilities to grapple with and grasp international law to the fullest, and I look forward to seeing all you have in store.

As for me, I am a sophomore at Dartmouth, majoring in economics with potential minors in history and public policy. I have been on the Dartmouth Model UN team for almost one and a half years now (gosh I almost feel old), and I just joined the DartMUN conference committee this last fall. In my spare time I write a bit about various political and economic issues, usually for my blog, but sometimes for *The Dartmouth Independent*. I love card games and 8-ball pool, both of which ate insane amounts of my precious little free time as a freshman in college (I like to think I've managed to tone it down since then).

I hope you have a great time preparing for the conference, and if you have any questions, comments or just poker-playing tips (I can't bluff to save my life), just drop me a line! Best of luck, and I'll see you in the spring!

Best,

John Lee

Ming.K.Lee@dartmouth.edu



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Committee Overview

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. Based in The Hague, Netherlands, it adjudicates cases between member states and provides advisory opinions on issues referred to it by the General Assembly. Its decisions have a major impact on the development of international law and international relations.

The ICJ was established in 1945 by the UN Charter, but traces its heritage back to the Permanent Court of International Justice, originally established by the League of Nations. Its main constitutional document is the Statute of the International Court of Justice.

Fifteen judges sit on the ICJ, each serving for a maximum of three terms of nine years each. Article 9 of the ICJ statute charges it with the representation of the “principal legal systems of the world,” and although the only restriction on the bench’s composition is that no two judges may be of the same nationality, in practice, all five permanent members of the Security Council are usually represented among the fifteen justices. In contentious cases, each party is permitted to nominate an ad hoc judge (usually from the same nations as those participating in the case) to represent its point of view in deliberations, meaning that as many as seventeen judges may hear a particular case.

The ICJ generally sits as a full bench, but on occasion permits the hearing of cases in smaller chambers of typically three to five judges. Article 26 of the ICJ statute permits the formation of chambers to hear cases dealing with particular topics; in 1993, a chamber was established to hear cases involving environmental matters, but as of this writing, it has yet to be used. Article 26 also allows the formation of ad hoc chambers for the hearing of specific disputes.

All members of the UN are automatically party to the ICJ statute and as such subject to its jurisdiction, and allowed to participate in cases. Non-UN member states may also become party to the ICJ statute and place themselves under its jurisdiction. Jurisdiction is often a major issue in



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contentious cases, as states must often voluntarily submit to the ICJ's jurisdiction. Jurisdiction arises if:

- Both parties refer the case to the court;
- The case involves a treaty which provides for dispute resolution by the ICJ;
- Both parties have previously voluntarily declared that they will submit to ICJ jurisdiction;
- Jurisdiction was inherited from the Permanent Court of International Justice;
- Both parties explicitly or implicitly accept ICJ jurisdiction over the matter.

Unlike in contentious cases, decisions issued in advisory opinions are not binding. However, they are often widely respected and acknowledged as a source of international law. Decisions in contentious cases are enforced by the Security Council; however, as all permanent members of the Security Council have veto power, any one could veto a motion to enforce an ICJ decision.



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Simulation

The ICJ is easily the most unique committee that most MUN conferences feature. The rules significantly deviate from standard parliamentary procedure, and the cases the committee deals with are of a substantially more legal nature. This body will make an effort to simulate the actual ICJ in its more pure, idealistic sense. Delegates will not be assigned countries they hail from, as the ICJ strictly encourages all justices to maintain a strictly neutral approach to every case. Instead, delegates should come to the conference with a thorough understanding of the international laws surrounding the chosen topics and be willing to question every aspect of their cases. Differing viewpoints are strongly encouraged, as it is only through thorough deliberation that a comprehensive decision about this case can be made.

Standard parliamentary procedure will be all but scrapped in this simulation. The delegates will be participating in an open simulation of a court, and will be allowed to speak freely at their own discretion (if you'd like to imagine it in terms of parliamentary rules, just imagine a permanent unmoderated caucus where the delegates are asked to remain seated). The function of the dais is only to ensure the proper flow of debate.

Of course, just because there are no rules to debate doesn't mean that the committee cannot choose what style of debate to participate in. Should the committee feel that a round of speeches would benefit the spread of ideas, then the dais may ask for a straw poll and enforce such debate as long as the committee feels is necessary. As such, through dais-led straw polls, the committee to choose to debate however is most efficient for them.

There is, however, a general structure that the body tends to follow. After reviewing this initial document, in which the history of the conflict and the specific case itself is presented, justices should prepare a written report for presentation to the committee. Please note that this will



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replace the position paper required for the conference. The document should reflect the amount of research put in by the delegate before arriving at committee, and should include a number of references to international laws and agreements outside of those presented in this document. These documents will be summarized by the delegates in an introductory speech given to the body at the beginning of the first committee session. Afterwards, discussion of the actual case will ensue. The deliberations will be peppered with testimonies from various witnesses, including representatives of the states involved in the case and individuals who were witness to the specific incident(s) in question.

Pursuant to the role as moderators of the discussion, the members of the dais, who will represent the President and Vice President of the Court, will have the jurisdiction to limit the topics of deliberation as they see fit. Straw polls among committee members for such decisions will be the habit, but not the rule if the dais feels that the committee is failing to address some aspect of the case. The dais will not be participant in the deliberations themselves, however, as its role is solely supervisory.

The quality of the committee will be decided to a great extent by the amount of research delegates have done prior to coming into the committee. The dais asks that all delegates do thorough research in basic international agreements prior to arriving in committee. Should have any delegate have a question about the procedures of the committee, please feel free to contact the director at Ming.K.Lee@Dartmouth.edu.



Topic 1: CONTENTIOUS CASE – Pakistan vs. Canada

History

The United States (US) and North Atlantic Treaty Organization (NATO) have had troops stationed in Afghanistan since 2001, when coalition forces invaded and toppled the Taliban regime ruling the country as part of a proclaimed war on terror. Since then, both the US and NATO have maintained bases and troops in Afghanistan, assisting in rebuilding the country and protecting Afghans from Taliban rebels and attacks from fundamentalist Muslim militant groups, mainly Al-Qaeda. The coalition forces comprise troops from NATO, including Canada.

Taliban and other Islamist forces have retreated to the border provinces of Pakistan to regroup. After the 2001 invasion of Afghanistan, Al-Qaeda reestablished itself in the federally-administered tribal areas (FATAs) of Pakistan, setting up bases and training camps.¹ They have since continued to launch violent attacks into Afghanistan. The Pakistani government has signed a ceasefire agreement with Islamist militants, promising not to attack the Islamist groups provided they refrain from attacking government installations. Since then, cross-border attacks have significantly increased. US Secretary of Defense Robert Gates has personally attributed this increase to the ceasefire agreement. Other coalition officials have noted that Pakistani border posts are often the source of incursions into Afghanistan, suggesting that parts of the Pakistani government could be actively cooperating with Islamist militant groups.² The American Central Intelligence Agency and British MI6 have claimed that the Pakistani army and the main government intelligence service, the Inter-Services Intelligence (ISI), have been directly collaborating with the Taliban, ferrying

¹ Rashid, Ahmed. *Descent into Chaos: The United States and the Failure of Nation Building in Pakistan, Afghanistan, and Central Asia*. New York: Penguin, 2008. 148.

² Baker, Aryn. "Pakistan: Negligent on Terror?" *Time.com*. 30 June 2008. *TIME Magazine*. <http://www.time.com/time/world/article/0,8599,1819125,00.html?loomia_si=t0:a16:g2:r2:c0.186531:b19286005&xid=loomia>.



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militants in army trucks, providing covering fire for militants, and setting up medical facilities near the border for injured fighters.³

These problematic border provinces have been termed “Talibanistan,” a territory which has never really been subjected to any outside control. The British Empire failed to subjugate the native Pashtun of the FATAs, and instead cut a deal whereby the British would leave the Pashtun alone, and the Pashtun would keep foreign invaders out of the region. Pakistan maintained the arrangement post-independence. In the present day, the seven FATA tribal agencies of Khyber, Kurram, Orakzai, Mohmand, Bajaur, and North and South Waziristan comprise just over 3 million Pashtun. FATA is ruled directly by the President, who appoints a governor of the North-West Frontier Province to administer the area. The governor in turn appoints a “political agent” for each of the seven agencies; the political agent has wide-ranging powers under the archaic Frontier Crimes Regulation (FCR), inherited from the British. The FATA is generally left to itself, the tribesmen largely governing themselves by their own system of tribal laws. No rights or basic social services are granted to the tribesmen of the FATA provinces under Pakistani law; the region lags behind the rest of Pakistan in many measures of social wellbeing, and has a per capita GDP of 500 USD, half that of the country as a whole. Further complicating the situation is how the British originally partitioned the Indian subcontinent; in 1893, the British drew up the Durand Line, dividing Afghanistan from India (and later, Pakistan). This wound up dividing the Pashtun between Afghanistan and Pakistan; today in addition to the three million in the FATA, there are 28 million in Pakistan and another fifteen million in Afghanistan. As a result, the border between Afghanistan and Pakistan has never been definitively agreed upon after both nations gained independence. After Pakistan was created from India, the already independent Afghanistan refused to recognize the Durand Line, arguing that the existence of a new Pakistani state called for a redelineation of the borders. It refused to

³ Rashid, *op. cit.*, 222–3.



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recognize the accession of Pakistan to the UN, and actively claimed the FATA as part of its territory. The present Afghan government under President Hamid Karzai has not recognized the Durand Line, and the Pakistani government has not been actively pressing the issue, leaving the matter unresolved.⁴

After the terrorist attacks of 11 September 2001, which were traced back to the Taliban government in Afghanistan and the Afghanistan-based Al-Qaeda group, Pakistan slowly moved to contain the looming militant threat in the borderland provinces. By 2004, however, it was apparent that American air strikes into Waziristan combined with Pakistani police action had actually radicalized young Pashtun and other Waziris.⁵ It was clear that local citizens resented the imposition of the central government, and eventually the Pakistani government was forced to sign a ceasefire. Yet, it is also apparent that they equally regard the Taliban as outsiders, but have been coerced into complying with the Islamist militants' demands by use of force. The Pakistani government's fraying grip on its border provinces and inability to enforce its will there has frustrated both coalition forces in Afghanistan and tribal leaders in the border provinces; in 2007, a delegation of Pakistani tribesmen from the border provinces actually visited Afghan President Hamid Karzai to seek his assistance in expelling the Islamist militants, calling him their president.⁶

Citing Pakistan's refusal or inability to handle the threat of cross-border insurgency, coalition forces have begun launching raids into Pakistani territory. As early as 2003, the US military had been threatening to retaliate against attacks launched from within Pakistan, and began using drones to launch air strikes on suspected militants.⁷ The drones have generally been tacitly accepted by the Pakistani government, and have been proving more effective in targeting suspected militants while

⁴ Rashid, *op. cit.*, 265-7.

⁵ Ali, Tariq. *The Duel: Pakistan in the Flight Path of American Power*. New York: Scribner, 2008. 242.

⁶ Baker, Aryn. "The Truth About Talibanistan." *Time.com*. 22 Mar. 2007. *TIME Magazine*.
<<http://www.time.com/time/printout/0,8816,1601850,00.html>>.

⁷ Rashid, *op. cit.*, 269.



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minimizing civilian casualties. Although Pakistan has publicly complained about the drones, behind the scenes officials have made it clear to the press and coalition officials that they do not intend to take action with regard to the issue of drones being used to pursue militants in Pakistani territory.⁸ However, the coalition forces, in particular the Americans, believed they needed more latitude to act against militants. In July 2008, former President George W. Bush secretly signed an order authorizing American Special Forces to carry out raids on Pakistani-controlled territory without prior permission from the Pakistani government. The order was made public in September 2008, and met with the strong disapproval of the Pakistani government.⁹

In 2008, a new democratic government replaced the military dictatorship of Pervez Musharraf; unlike Musharraf's government, the new leaders have been increasingly hostile to coalition incursions into Pakistan. In September 2008, Pakistani border guards clashed with two American helicopters on the Afghan-Pakistani border. Coalition officials respond in turn that Pakistan has been unable to sufficiently tackle the threat, to the point that the militant build-up in the border provinces threatens the very survival of the Pakistani state. The new Pakistani government argues in reply that it has actively reasserted itself in the frontier territories, launching a massive offensive in Bajaur province towards the end of 2008. Pakistani officials claim that as a direct result, militant activity in the Afghan territory bordering Bajaur has fallen; coalition officials in Afghanistan deny such reports. The democratic government of Pakistan insists that unlike Musharraf's regime, it will not contemplate a ceasefire with Islamic militant groups, and will fight to the end. It further argues that coalition incursions have been detrimental to their anti-insurgent efforts, claiming that the vast majority of Pakistanis are furious at what they perceive to be a violation of Pakistani sovereignty, and that coalition border incursions only result in more militant

⁸ Saletan, William. "Drone Ask, Drone Tell." Slate.com. 17 Nov. 2008. Slate. <<http://www.slate.com/id/2204790/>>.

⁹ Schmitt, Eric, and Mark Mazetti. "Bush Said to Give Orders Allowing Raids in Pakistan." NYTimes.com. 10 Sept. 2008. The New York Times. <http://www.nytimes.com/2008/09/11/washington/11policy.html?_r=1&ref=todayspaper>.



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recruits. Coalition officials, in particular the Americans, have defended cross-border pursuits of militants as a necessity, and refuse to back down.¹⁰

Most border incursions have been violations of Pakistani airspace, typically by American-controlled drones, but towards the end of 2008, coalition troops began setting foot on Pakistani territory. The first such recorded instance was on 4 September, 2008, when foreign troops were inserted by helicopter into a rural Pakistani border village. Although coalition forces refused to comment on the incident, the Pakistani government insisted that American or NATO commandoes had killed fifteen civilians in the raid. "There is no high-value target or known terrorist among the dead. Only innocent civilians, including women and children, have been targeted," said Foreign Minister Shah Memood Qureshi.¹¹ Such illicit cross-border raids are becoming more common in the war on terror; a similar American cross-border commando strike, also conducted through an insertion by helicopter, was alleged by Syria in late October 2008. Like Pakistan, Syria also insisted that only civilians had been killed. However, American officials going off the record say they have been increasingly frustrated by the refusal or inability of countries like Pakistan and Syria to cooperate with American anti-terror activities, forcing them to "[take] matters into our own hands," according to one unnamed US military official.¹² One of the most dramatic examples of violence originating from the Al-Qaeda camps in Waziristan was when then-Pakistani President Musharraf was wounded in a suicide bombing of his convoy in December 2003. The attackers had trained in and obtained explosives from bases in Waziristan.¹³

The situation, which had simmered through the years since 2001, finally came to a boil in

¹⁰ Robinson, Simon. "The US vs. Pakistan: With Friends Like These." Time.com. 22 Oct. 2008. TIME Magazine. <<http://www.time.com/time/world/article/0,8599,1852345,00.html?xid=feed-cnn-topics>>.

¹¹ BBC News. "Pakistan fury over 'US assault.'" BBC.co.uk. 4 Sep. 2008. BBC News. <http://news.bbc.co.uk/2/hi/south_asia/7597529.stm>.

¹² BBC News. "'US helicopter raid' inside Syria." BBC.co.uk. 27 Oct. 2008. BBC News. <http://news.bbc.co.uk/2/hi/middle_east/7692153.stm>.

¹³ Ahmed, op. cit., 230-1.



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2008. In retrospect, 2008 was the year when the US and its coalition partners in Afghanistan decided they could no longer tolerate attacks on their military installations and Afghan civilians from bases in Pakistan. Crossborder military actions increased across the board throughout the year, without being stunted by the prospect of a new Pakistani government with a renewed determination to combat militants in the FATA. The election of US President Barack Obama heralded an even more aggressive approach in Afghanistan, Obama having threatened strong action if Pakistan were uncooperative in the war on terror.¹⁴ 2009 would be the year when matters finally came to a head, and Pakistan filed suit in the ICJ.

There is certainly legal precedent for such cases. The disputed border between Afghanistan and Pakistan is certainly within the purview of the ICJ, assuming both parties agree to submit to ICJ jurisdiction (as they both have in this case). The issue of poorly-defined borders dating back to the era of colonialism is one the ICJ has recently been dealing with. In May 2008, the ICJ issued a ruling on the issue of sovereignty over Pedra Branca, Middle Rocks and South Ledge in Malaysia/Singapore, where British delineation of boundaries had been unsatisfactory.¹⁵ Likewise, the issue of armed intervention in territory controlled by another state has come up before in the ICJ, the Contra scandal in Nicaragua being the perhaps most famous example in recent history. (The cases dealing with border and transborder armed actions in this instance being *Nicaragua v. Honduras* and *Nicaragua v. Costa Rica*.¹⁶) The situation was ripe for Pakistan to escalate the matter and bring it to the attention of the ICJ.

¹⁴ Hitchens, Christopher. "Pakistan Is the Problem." *Slate.com*. 15 Sept. 2008. *Slate*. <<http://www.slate.com/id/2200134/>>.

¹⁵ International Court of Justice. "Press Release 2008/10." *ICJ-CIJ.org*. 23 May 2008. International Court of Justice. <<http://www.icj-cij.org/docket/index.php?p1=3&p2=2&lang=en>>.

¹⁶ International Court of Justice. "List of Cases referred to the Court since 1946 by date of introduction." *ICJ-CIJ.org*. 2008. International Court of Justice. <<http://www.icj-cij.org/docket/index.php?p1=3&p2=2&lang=en>>.



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Presentation of the Case

At 0415 19 May, 2009, twenty NATO commandoes of Canadian nationality set foot on Pakistani soil. Inserted by helicopter, they were in hot pursuit of about a dozen Al-Qaeda militants who had crossed the border from Afghanistan into Pakistan roughly half an hour before. The militants were returning from a raid on a NATO base just north of the border, and had inflicted heavy casualties on coalition forces. Guided by surveillance drones, the NATO commandoes followed the militants to a nondescript Pashtun village, and engaged in a firefight with the militants. Although the engagement ended with the death of all twelve militants and one Canadian soldier, as many as forty-six of the villagers were killed in the crossfire, and over 90 other civilians were wounded. Although coalition forces had been stepping up crossborder operations as Al-Qaeda attacks intensified, this was by far the most destructive since the beginning of crossborder raids. The Pakistani government, in a historic first, gave international journalists unprecedented access to the FATA. One such reporter stumbled across footage of the engagement filmed with a cellphone; images of the fighting and the ensuing aftermath were broadcast around the world. The video made it clear beyond a doubt that coalition troops had not only set foot in Pakistani territory, but were actively engaging militants there.

Announcing it could no longer tolerate the situation, Pakistan filed suit in the ICJ against the US, Canada, and other NATO countries with troops in Afghanistan, arguing that their repeated transgressions of the border constituted a breach of the obligations they bear under customary international law and the UN Charter. The ICJ does not permit a country to file a single contentious case against multiple countries, so each country constitutes a separate case; delegates will only be dealing with the case of Pakistan v. Canada. In its application to the ICJ, Pakistan cites Article 2, paragraph 4 of the UN Charter, which states that “All Members shall refrain in their international



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relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”¹⁷ Pakistan also cites four obligations states hold to one another under customary international law: the obligation not to interfere in the affairs of another state; the obligation not to use force against another state; the obligation not to violate the sovereignty of another state; and the obligation not to kill, wound or kidnap the citizens of other states. Pakistan argues that Canada has violated these five obligations under the UN Charter and customary international law, and refers in particular to the raid of 19 May, 2009, which in its application it calls the “latest but most egregious in a series of continuing breaches of Canada’s obligations.”

In its memorial to the ICJ, Canada argues that Pakistan has failed to exercise active sovereignty over the FATA; that the actual borders between Afghanistan and Pakistan are poorly defined; and that Canada has been acting in self-defense against militants based in Pakistan. Canada does not question the jurisdiction of the ICJ, as both Canada and Pakistan have previously declared in accordance with Article 36 of the ICJ Statute that they submit to its jurisdiction.¹⁸ However, Canada argues that Pakistan has previously failed to directly assert its rule over FATA, leaving the region to fend for itself and treating it almost as not even a part of Pakistan. In this regard, Canada refers to the nature of Pakistani law, which provides for very limited government control over the FATA, and does not grant or guarantee any rights or basic social services to Pakistani citizens living in the FATA. Canada also brings up the disputed boundary between Afghanistan and Pakistan, claiming that the legally ambiguous nature of the border and the still active Afghan claim to the FATA provinces mean Canada’s actions cannot have violated the sovereignty of or Canadian obligations to Pakistan. Finally, Canada cites the militant activity in Pakistan, whereby groups such as

¹⁷ UN Charter.

¹⁸ Statute of the International Court of Justice.



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Al-Qaeda use the FATA as a staging ground for their attacks against Canadians in Afghanistan, arguing that as its raids have only been in active pursuit of militants whom Pakistan refuses to bring to justice, it has been merely acting in self-defense.



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Bloc Positions

*** Please note that these bloc positions are NOT meant to give delegates a sense of what their policy is. Delegates will NOT be assigned countries of origin. Instead, the bloc positions are meant to give delegates a sense of the global reaction this case faces.***

Pakistan's side has been popular with a number of Muslim countries and a few other states which have been generally opposed to the US. Iran, Russia and North Korea in particular have been supportive of the Pakistanis, and their representatives at the General Assembly have made statements decrying coalition crossborder raids as a violation of Pakistani sovereignty. Many international jurists have also defended the Pakistani argument as a textbook interpretation of international law.

The Canadian side is generally supported by its coalition partners in NATO, especially the US, Afghanistan and also by India. The NATO position is natural, in light of the multiple suits filed by Pakistan against the NATO member states. Afghanistan has likewise supported the Canadians in this case; their delegate at the General Assembly called the incident of 19 May, 2009, "a completely justified response to the acts of terror repeatedly inflicted upon the Afghan people and their partners in this war on terror." Afghanistan also continues to dispute the present definition of the Afghan-Pakistani border, which follows the Durand Line, and as such sees the coalition actions as not constituting a violation of Pakistani sovereignty. According to some press reports, Afghanistan is contemplating filing another suit against Pakistan, asking the ICJ to resolve the border dispute, and also in response to what one unnamed official in the Afghan foreign ministry refers to "acts of aggression supported by and based in territory controlled by Pakistan." India has likewise supported the NATO/Afghan position, primarily because of its own problems in dealing with what it alleges to



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be Pakistani-based militants (a recent example being the attacks of November 2008 in Mumbai) and its own border disputes with Pakistan.

Questions

1. Has Pakistan been exercising sufficient sovereignty over the FATA for Canadian actions on it to plausibly constitute a violation of Canada's obligations to Pakistan under international law? Does their previous tacit acceptance of coalition violation of their airspace through drones have any relevance to the issue of sovereignty?
2. What, if any, bearing does the disputed border between Afghanistan and Pakistan have on the issue of Canadian military action in the FATA?
3. Is the claim of self-defense sufficient reason for a state to justify military intervention on the territory of another state? What would constitute good reason for a claim of self-defense?
4. Are Canada's actions an unjustifiable violation of Pakistani sovereignty and independence, and therefore a breach of Canadian obligations under international law?
5. If Canada's actions are found to be an unjustifiable violation of Pakistani sovereignty and independence, should there be any additional obligation on the part of Pakistan to prevent further attacks on Canadians in Afghanistan from bases in Pakistani-controlled territory?