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SPECPOL[†] 2 BRIEFING PAPER



[†] Special-Political and Decolonisation Committee

Question of Regional Minority Languages

Background

A regional minority language is defined as a language spoken by the minority of the population of a territory - throughout the 196 internationally recognised sovereign states, there is an estimated number of 5,000-7,000 minority languages spoken worldwide. Half of these languages are estimated to die out by the end of the century without state protection.

These languages may be:

1. Recognised as the official language of a state, such as Irish (the official language of Ireland)
2. Recognised as the co-official language of an autonomous community, such as Catalan (the co-official language of Catalonia, an autonomous region of Spain)
3. Unrecognised despite being spoken by a significant linguistic minority in the country, such as Russian (unrecognised as a minority language in Estonia and Latvia despite over 25% of the population declaring this as their mother tongue)
4. Unrecognised in any country as an official language, such as Sudanese (40 million native speakers)

Legislation concerning minority languages is determined by each sovereign state, leading to a discrepancy with regards to the rights of minority groups between different countries.

The established definition of a 'regional or minority language' for the purposes of the European Charter for Regional or Minority Languages includes only languages that are:

1. Traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population
2. Different from the official language(s) of that State

The European Charter for Regional or Minority Languages is the main international legal framework for protecting the rights of these languages. It was adopted by the Council of Europe in 1992 to protect and promote historical regional and minority languages in Europe, but has only been ratified by 25 states.

In November 2018, this Charter underwent reforms with a view to strengthen the rights of minority languages, which entered into force in July 2019.

- The Charter, covering 79 languages, is designed to enable speakers to use regional minority languages both in public and private life, and therefore obliges the States involved to actively promote the use of these languages in education, courts, administration, media, culture, economic and social life. Thus, the Charter goes beyond minority protection and anti-discrimination, requiring its States to also take active promotional measures for the benefit of minority languages. The Council of Europe monitors that the Charter is applied in practice.

- By placing promotional obligations on the state, the Charter complements the individual rights of minority language speakers ensuing from national and international minority protection. This adds momentum to the implementation of minority rights in daily practice.
- The Charter is based on an approach that fully respects national sovereignty and territorial integrity. It does not conceive the relationship between official languages and regional or minority languages in terms of competition or antagonism. According to the Charter, each language has its rightful place.

UN actions:

The General Assembly resolution 47/135 of 18 December 1992 affirms the need to protect the rights of linguistic minorities, detailing exactly what these rights are, and introduces the issue of education, a key source of dispute surrounding regional minority languages.

Key issues to consider

1. **Bureaucracy:** if a regional minority language is adopted as an official language of a state, this means that all state documents and forms must be provided in both languages, as well as street signs, and bureaucrats must be employed that are able to speak the minority language. In judicial proceedings, court sessions must be available to be conducted in either official language.
2. **Education:** education must be provided in all official languages of the state. If a minority language is not adopted as official, this lack of recognition in the education sector can be a hugely important factor in the decline of a minority language, given that children do not have the opportunity to use this language in the public sphere.
3. **Media:** how can regional minority languages be protected within the media? What is the impact of media exposure upon the potential decline of these languages?
4. **Cultural activities:** diversity can be encouraged through cultural activities, in order to promote the de facto recognition and acceptance of regional minority languages: de jure measures are often not enough to properly integrate a newly adopted co-official language into the day-to-day activities of a country.
5. **Legislation:** appropriate legislation must be implemented to legally protect minority languages, on both a national and international level, if they are not to be adopted as a co-official language of the state.
6. **Inspections:** in order for the steps necessary for the protection of regional minority languages to be fully functional, a system of inspection and examination must be implemented.
7. **Lack of ratification:** many European states have not ratified the European Charter for Regional or Minority Languages, and thus do not formally acknowledge the need for their protection. Without a united, global effort, can the decline of these languages be prevented?

Relevant organisations

Council of Europe

UN Office of the High Commissioner for Human Rights

UNESCO

Useful links

[OHCHR | Declaration on Minorities](#)

[The objectives of the European Charter for Regional or Minority Languages \(coe.int\)](#)

[National Identity and Minority Languages | United Nations](#)

[16809e4301 \(coe.int\)](#)

Question of Returning Cultural Artefacts

Introduction

Returning cultural artefacts, otherwise known as repatriation, is an increasingly pressing issue, particularly in the Western world. Primarily a result of colonisation, imperialism and war, stolen cultural property is not a recent issue, dating back to ancient times. However, this briefing paper will consider principally the question of returning cultural artefacts stolen by Western colonialists.

Background

Recent controversial debates have broken out on the subject of the repatriation of items in British possession, stolen during the period of British colonialism. These include the Elgin Marbles (often referred to as the 'world's most infamous case of cultural theft'), the Benin Bronzes (stolen from Nigeria), and the Moai statues of Easter Island. Colonialist plundering also affected countries including but not limited to Australia, the Democratic Republic of the Congo, Egypt (the famous Rosetta Stone), Fiji, India, Italy and South Korea.

Other instances of cultural theft include the Nazi plunder of the 1930s-40s and the US looting of Iraqi artefacts after the US invasion of 2003.

In 1970, the UNESCO Convention against Illicit Export, under the Cultural Property Implementation Act, allowed for stolen objects to be seized if documented in a museum, and strongly encouraged that member states adopt the convention within their own national laws. It has been ratified by 141 UN member states.

However, many member states of the UN have not formally instituted legislation governing the return of cultural objects. The UK lacks legislation that expressly outlines repatriation procedures, despite holding numerous stolen cultural objects in the British Museum. In the UK in 2003, the Dealing in Cultural Objects Bill prohibited the handling of illegal cultural objects - much of the British legislation governs the prevention of stolen objects rather than their repatriation.

In 1978, the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property was established, with the aim of facilitating negotiations for the restitution of cultural property claimed to be of fundamental significance for the country of origin.

In 1990, the US government passed the Native American Graves Protection and Repatriation Act, providing a process for the return of cultural items affiliated to Native American and Hawaiian groups.

In 1995, the UNIDROIT Convention on Stolen or Illicitly Exported Cultural Objects called for the return of illegally exported cultural objects. However, this is not a retroactive treaty - only cultural objects stolen after the Convention are governed by this treaty.

Key issues

1. **The preservation of historical memory in museums** - one of the strongest arguments against repatriation of cultural objects is that these artefacts housed in museums provide a diverse and rich cultural and historical education for museum visitors, which cultivates an international sense of tolerance. This does not apply to stolen cultural artefacts under private ownership, neither does it defend organisations such as the British Museum which house stolen artefacts which could be displayed in museums in their country of origin.
2. **Claims of ownership** - nationalist retentionist cultural property laws are founded on constructed boundaries of modern nations with weak connections to the culture of the ancient peoples who once inhabited their territory, such as in the case of Turkey's claim to Ottoman artefacts.
3. **Art is best appreciated in its cultural and historical context** - this is a strong argument proposed by defenders of repatriation; given that art is a symbol of cultural heritage and identity, the refusal to repatriate stolen cultural artefacts is an affront to a nation's pride.
4. **It must not be forgotten that these cultural artefacts were stolen illegally** - whether taken out of the country of origin by war, looting or colonialism, these methods of procuring the cultural artefacts are unethical and they must therefore be returned.
5. **Multiple claims** - how can an international body decide which artefacts should be repatriated to which country if multiple cultural groups or ethnicities lay claims to the same objects?
6. **Lack of concrete legislation** - many countries lack formal legislation which sets out provisions for the repatriation of cultural objects. What can the UN do to rectify this?

Relevant organisations

UNESCO
UNIDROIT

Useful Links

[Article arguing for repatriation](#)

[Article arguing against repatriation](#)

[UNIDROIT](#)

Question of Kashmir

Background

The dispute over the region of Kashmir, between India, Pakistan and China, has destabilised the political environment of the Indian Subcontinent for six decades. There has been almost no progress resolving the problem. All parties (India, Pakistan & China) are nuclear powers, which brings a heightened sense of crisis at any time the threat of war flares between the two countries. The main parties in this debate are India and Pakistan, with China playing a third-party role.

India controls 55% land area of the region and 70% of its population; Pakistan controls around 35% of the area; China controls the remaining 20%.

The Indian Army has the strongest presence in the region and has been accused of horrific human rights violations, yet many soldiers have not stood trial. However, it must be said that both sides are accused of crimes.

Current situation

Both sides (India & Pakistan) claim all of Kashmir, but neither fully occupy both sides. China is also embroiled in the fray, with their claim over, and administration of, the area Aksai Chin (claimed by India as well). Thousands of military personnel are located at the border, with many more within the territories on either side of the border.

As of now, the UN Line of Control demarcates the areas of administration: Pakistan administers the territory to the northwest of the line, India administers the territory to the southeast.

As a result, this has led to the third side of the conflict: the call of the Kashmiris for an independent Kashmiri state. Their right to self-determination is clouded by many questions as to what their true 'intent' is when removed from influences from both Indian and Pakistani governments.

Recent developments and rising tensions

There have been heightened tensions since a suicide bombing carried out on 14 February 2019 in which 40 Indian security personnel were killed. A Pakistani-based militant group, Jaish-e-Mohammad, claimed responsibility for the attack. India blamed Pakistan for the bombing and promised a "robust" response. India has regularly stated Pakistan was utilising militants to destabilise Indian-administered Kashmir, and Pakistan is known for (allegedly) harbouring international terrorist organisations. Pakistan, obviously, denies any involvement. Twelve days later, India & Pakistan carried out airstrikes against targets on each other's territory. The strikes were started by India on February 26. India said it was a "pre-emptive strike" directed against a terrorist training camp, resulting in the deaths of a "large number" of terrorists.

Indian-administered Kashmir has held a special position within the country historically, under Article 370 of the Indian Constitution, giving it significant autonomy. Article 370 gave Indian-Kashmir its own constitution, a separate flag, and independence over all matters except foreign affairs, defence and communications. On August 5 2019, the Indian Government revoked that seven-decade-long status. Telephone networks and the internet were cut off in the region in the

days before the order was announced. Public gatherings were banned and tens of thousands of troops were sent in. Foreign embassies told tourists to vacate the region with immediate effect. This order has had significant effect, as the government has brought in an new anti-terrorism law which now extends to Kashmir which has led to the round up of human rights activists in the region, most recently in November 2021 with the arrest of Khurram Parvez.

Pakistan's Prime Minister, Imran Khan, vowed to challenge India's actions at the United Nations and take the matter to the International Criminal Court. A number of nations including Australia, Canada, China, Indonesia, Malaysia, Sri Lanka, the UAE and the United States have expressed their concern with some calling for restraint. Iran and Turkey have offered to mediate the crisis.

In 2020, the UN Secretary-General called for the implementation of UNSC resolutions on Kashmir including the holding of a plebiscite among Kashmiris on whether they wanted to join India or Pakistan.

Key Issues

1. Long-term governance

Too often governance reform is a short-lived issue: once matters settle down it is easy to conclude that all is well and governance problems have been fixed. Governance reform will take a generation or more, not just a few months or years. Bureaucrats will need periodic retraining, elected officials will need continuing information on governance problems (and continuing incentives to fix them), and citizen support will be required over the long term.

2. The rights of the Kashmiri people

Much of the debate has been surrounding the border and territorial boundaries of the region of Kashmir and Jammu, however, what has often been neglected or overlooked is the rights, culture, and beliefs of the Kashmiri people. Kashmiri people are more of a community than some may think, and as such (even across the Line of Control) have shared culture and beliefs which are trying to be separated by the States.

Relevant organisations

- United Nations Office of the High Commissioner for Human Rights (OHCHR)
- United Nations Security Council (UNSC)
- UN Military Observer Group in India and Pakistan (UNMOGIP)
- Human Rights organisations such as Amnesty & Human Rights Watch

Questions to consider

- Should the Kashmiris have a right to self-determination?
- How do we tackle territorial claims on all sides without leading to all-out conflict?
- How can increasing militancy and terrorist activity be tackled? How can it be punished?
- How should the human rights abuses be tackled? Is international intervention needed in this situation?
- How should the information imbalance be solved, and true, reliable information of the situation be revealed?
- How do we guarantee agreements signed by Parties?

Useful Links

[UNSC Resolution 47](#)

[BBC Kashmir](#)

[OHCHR Report on the Human Rights Situation in Kashmir \(Published Jul 19\)](#)

[Human Rights Watch](#)

[Crisis Watch](#)



Written/Sourced by Talia Rubin, President of the General Assembly, and Ashwin Kalaraijah, Co-chair of the SPECPOL 2 Committee, for use at the thirteenth annual Haberdashers' Boys' School Model United Nations Conference, 11th-13th March 2022.

