Forum: General Assembly 1

Issue: The situation in Kashmir

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Introduction

Borders have long been a focal point of disputes between neighbouring countries. Historically, territorial claims have caused war and tension that last for decades. The current conflict in Kashmir is one such example; having began in the aftermath of World War II, tensions have not yet faltered and there is no clear end in sight.

The Kashmir region is a 222,200 square kilometer mountainous area with valleys and plateaus not always easy to navigate. Sharing borders with China in the northeast and east, India to the south, Pakistan to the west, and Afghanistan to the Northwest. Its central position has made it the subject of many armed conflicts in the past.

Many attempts have been taken throughout the years to address the issue of Kashmir; however, none had actually pleased all parties and resolved the conflict. For a long time, the international community failed to recognize the seriousness of the problems as India and Pakistan were not treated as important economic, political or military contenders.

Since both countries have developed and tested their nuclear arsenal, the United Nations has realised the urgency of the issue after many acts of violence, fights and many human rights violations. Today, the United Nations is focusing on the encouragement and creation of peace talks before further escalation and an irreversible repercussions on all the Indian subcontinent. A recent move by the Indian Prime Minister Modi to revoke Article 370 of India’s constitution has sparked recent unrest and is putting the Kashmir issue on the map again. The Article which grants special autonomous status to Indian occupied Kashmir previously forbid Indians from outside of the Kashmir border to permanently settle or purchase land. If this Article is revoked, the international community fears for a demographic change in the Muslim majority state when new Hindu residents will be permitted in.
Definition of Key Terms

Partition

The action of dividing a country or region into separate areas under separate governing states or political entities.

Racial discrimination

This involves the unfair treatment towards an individual or group due to their race and or culture. Racial discrimination can be based on skin colour and ethnic origin as well.

National Sovereignty

The ability of a region, organization or country to govern itself without the interference of any foreign entity.

Muslim

Muslims are followers of the religion of Islam, a monotheistic religion that was revealed to prophet Muhammad. Muslims follow the word of God as given in the Quran. According to the latest census of 2011, Muslims constitute 68.31% of the Kashmir population.
Hindu

According to the latest religious census of 2011, Hindus are a minority in Kashmir with 28.44% of the population. Hindus are followers of Hinduism the world’s oldest religion, with roughly 95% of Hindus living in India. Hindus worship a single deity known as “Braham” but recognise many gods and goddesses.

Line of Control

The line of control, previously referred to as ‘ceasefire line’, is a term agreed by India and Pakistan in 1972 that defines the electrified barbed wire fence that cuts through the Himalayas dividing the region controlled by both countries. To the West, Pakistan rules, to the East: India, and the northeast is ruled by China.

Line of Actual Control

Similar to the Line of Control, the Line of Actual Control is a military border that passes through both India and China. Over time, with the growing tensions between both sides, the LAC has become a known area of illegal occupations as both sides want to assert dominance in the region. The 4057 km line runs through both India and China, the tensions sharpened recently when New Delhi began building a military base near the LAC.

Background Information

The Kashmir region is currently home to a diverse population of eighteen million. Although a huge portion of them are deeply rooted to the land, they don’t all share the same religious beliefs and culture. With three wars, many ceasefires and thousands of dead and displaced, the militarized zone is torn between India, Pakistan, and various non-state political organizations.

An overview of the Kashmir situation and its early beginnings

Being fought over by several states, the situation in Kashmir has been going on for more than 70 years and is one of the longest UN issues, yet no concrete resolution has been set forward to avoid more conflicts and acts of violence. In the state of Kashmir, resides a majority of Muslims. After the 1947 partition plan, the Hindu population settled mainly in the South East of Kashmir. To understand the current conflict, one needs to try to understand the initial partition plan and its repercussions.

The Indian subcontinent was under the British rule for over 200 years. In 1939, Britain brought forward India with them to the second world war, causing several casualties in a war they did not wish to get involved in. Considered as the jewel in the crown of the British Empire, India in the 19th century was not able to participate in its own governance in a meaningful manner. In 1885, educated nationalists
founded the Indian National Congress, sparking a mass movement against British rule. Many decades after, and during both world wars, politics in the Indian subcontinent were series of clashes and requests for reforms. Two Indian leaders played particularly important roles in this time: Mahatma Ghandi with his non-violent protests, and Muhammed Jinnah, with his Muslim league. While Ghandi was campaigning for an end to British rule, Jinnah called for the creation of a separate Muslim state. Jinnah thought that the creation of an independent Muslim state would put an end to the struggles that Muslim people faced as a religious minority in mostly Hindu India. However, as hindsight proves, the partition set loose riots, acts of violence, migration in mass numbers, and casualties.

Rising at the end of the Second World War, India, as well as neighbouring nations in the subcontinent, were liberated from their colonial past. The growing nationalist movements for independence pushed Great Britain to leave the colonies and draw maps that caused many population splits and territorial disputes.

These political buffer zones were controlled by the British, Russian and Chinese empires, and attempts to define boundaries were always tense as the complexity of all cultures, religions, and melting pot of population never made the task easy.

Most areas in the Indian subcontinent, and Kashmir in this particular case, were divided into small states run by princes with a lack of centralised decision making. The partition that was born in 1947 was done along religious lines, mainly between Hindu and Muslim. The Kashmir region was for a brief moment in history independent. For two months the ruling Maharaja Hari Singh had to decide which nation to follow: the predominantly Muslim Pakistan, or the Hindu Indian nation. This dilemma initiated the modern Kashmir conflict as we know it.

The 1947 Partition Plan

The 1947 partition plan includes the division of British India leading to the creation of two states: India and Pakistan. This was set forward to establish independence in the area and free India of Britain’s colonial rule. Part of the partition plan was giving ruling princes in small states the right to choose who to follow. The Hindu Maharaja ruler of Kashmir Hari Singh had a tough decision to make, as he was deciding on the fate of a mainly Muslim population. His initial decision was to sign an Instrument of Accession to the Indian union. It was signed in October of 1947, however Pakistan quickly intervened and pressured the muslim community of Kashmir to rebell.

Religious riots as well as large nationalist protests that broke into British India led to the Quit India movement of 1942. One such event in 1946 ‘The Great Calcutta Killing’ involved Hindus and Muslims killed on another with estimates ranging from 5000 to 10000 dead on both sides during a four
day unrest, pointed to the severe differences between the two religious groups (no official figures are available).

**The start of the armed conflict**

Thus, the armed conflict began with the first invasion of Kashmir in October from the North West Frontier of Pakistan. India soon followed into the conflict by arming the minority Hindus and pursuing similar acts of violence against Pakistan's campaign. After two years of intense fighting, India called upon the United Nations to settle the first ceasefire of January 1949 to establish a line of control in the region. The militarized line is a barrier of 767 km monitored by all parties, and even by the United Nations these days. Most of the fights occur along the line, as well as most meetings and events to try to settle the differences and reach agreements. Although a big portion is fenced, some parts have natural barriers like rivers. A bus service is operational between the two sides whenever there are no hostilities, however, even with the numerous ceasefire attempts, peace was never reached as armed conflict was still ongoing. With the Kashmir territory partitioned in sections, it was a matter of time before another war erupted. The Pakistani side for instance included the free Kashmir region called Azad Kashmir, and some northern areas that did not want to give in, and take ruling from India.

**The Sino-Indian war of 1962**

During this exhausting never ending conflict between India and Pakistan, China came into the picture requesting that the region of Aksai Chin to remain under its influence. These claims date back to about a century ago in which the British Survey of India drew its boundary lines on the Johnson line which is located about one third through the region of Aksai Chin within Kashmir. Situated on the South West of the plateau of Tibet, with a high plain mostly inhabited, and cold weather, the region was ignored by many until the Chinese built a military road on it connecting Tibet and Xin Jiang, which led to border clashes between China and India in 1962. India claimed the region should be part of their territory, but the conflict saw China coming out victorious mainly due to their superior military forces.

**The second and third war and their effect on the conflict**

A second war was launched in 1965 after clashes with border patrols. Both India and Pakistan were not abiding by the international borders and tensions escalated as international politics of the Cold War were also weighing in. The US and UK governments provided military supplies to both India and Pakistan, but India was at the same time turning for help towards the Soviet Union. Although Pakistan had a weaker military force, they attempted another invasion of Kashmir. However, this was quickly stopped by the United Nations when they passed Security Council Resolution 211 to stop the fighting. The resolution included a ceasefire destined to take place on the 22nd September 1965. The UN hoped that by establishing this they could also reduce the impact of the political problem which mainly concerns
the issue. With this agreement came the agreement of both parties to accept the grounds of the ceasefire. Another ceasefire was put in place after 2,862 Indians and 5,800 Pakistanis were killed (according to Indian records).

The third Indo-Pakistani war over Kashmir was in 1999. However it did not mean that the countries weighing in on the conflict were at peace for over 30 years. Pakistan had a civil war in 1971, which India also participated in when they came to the support of over 10 million East Pakistani civilians fleeing towards their border. The Kashmir region had also an insurgency in 1989 with some groups asking for independence and others trying to seal a union with Pakistan. Large numbers of Islamic Jihadi fighters started to populate the remote Kashmir mountains, and radical Islam started posing serious problem to Indian secured regions. In the mid 90s, some meetings were set to try to reduce tensions, especially since both India and Pakistan were heavily armed with long range missiles and building their nuclear arsenal. In 1998, when nuclear tests on both sides were launched the international community placed sanctions on India and Pakistan. Even with the freeze of over $20 Billion in aids and loans, both countries were still not ready to sit down on the negotiation table and agree on an outcome especially regarding the Kashmir region. Thus in May of 1999, the third war erupted when India launched air strikes in Indian administered Kashmir to fight off Pakistani forces that had managed to invade. With over 50,000 refugees on both sides, as reported by the red cross, and thousands of shells falling in civilian territory on a daily basis, the third war only ended with the withdrawal of infiltrating forces after the international community pressured both sides, and General Musharraf's military coup in Pakistan, also condemned by many countries.

Kashmir today

The territory of Kashmir that is divided by India and Pakistan is done in a very strange and uneven way. Pakistan controls more land but with fewer inhabitants and India the other way around. Although no major war erupted since the last one of 1999 every year that passed since then has seen its share of violence, death, persecutions and grieving for the civilian population.

In 2018 according to official figures and cited in the Washington Post, 324 people were killed with civilian fatalities counting far over 100. Militants are becoming extremely bold with no fear of reprisal abducting and killing police officers from the Indian borders. Some executions are even circulated on social media. The United Nations continues to voice their concerns with reports of excessive force being used on a daily basis. The United Nations High Commissioner for Human Rights Zeid Ra'ad Al-Hussein recently called for a ‘comprehensive independent international investigation’ into human rights abuses as the conflict does not seem to be heading to a peaceful resolution any time soon.
Major Countries and Organizations Involved

India

One of the two main parties of this conflict, India has played a significant role when it comes to Kashmir’s future. The nation has made various attempts to secure the area under its name yet still remains unsuccessful. In 1949, India tried to settle an agreement with the Maharaja of Kashmir. Being a major stakeholder of the area, India has countlessly thrown claims at Pakistan of injustice. Having nuclear capacity, India currently holds around 150 million Muslims which is the second largest muslim population after Indonesia, thus India sees Kashmir as an important part of its multiethnic.

Pakistan

Besides India, Pakistan is the other main party in this dispute. The Muslim state created in 1947 also holds possession of nuclear weapons. Pakistan’s claims on the area arise from the cultural and demographic shape of Kashmir. Pakistan complains to have been at a disadvantage when the Maharaja Hari Singh sided more towards India due to his beliefs, although the majority of the Kashmiri population was muslim. Pakistan has brought up the fact that India had not followed the Standil Agreement by placing troops in Kashmir. With 60% muslims in Kashmir, Pakistan always claimed the state should be part of its territory.

China

Sharing a border with Kashmir, the People’s Republic of China mainly got into the conflict due to a disagreement with the borders set forward for Kashmir. Aksai Chin is a region that, according to China, belongs to them. During the separation of Kashmir, the region was included in India’s vision of the Kashmir region. In 1963, China signed the Trans Karakoram Tract making it mainly side with Pakistan’s stance on the issue. Although China and Pakistan have been working along the China Pakistan Economic Corridor, a $46B project that would enhance transportation, infrastructure and economic opportunities, China has always stated that it would not interfere in the dispute between India and Pakistan over Kashmir.

Timeline of Events

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<tr>
<th>Date</th>
<th>Description of event</th>
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<tr>
<td>1947</td>
<td>End of British colonialism of India. A partition of the subcontinent is issued.</td>
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<tr>
<td></td>
<td>The Hindus gaining the state of India, and the creation of the state of Pakistan for the Muslim population is drawn.</td>
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October 22nd, 1947
A first war breaks out between the two states over the issue of Kashmir and which state will gain control of it.

October 26th, 1947
A treaty is signed between the Maharaja of Kashmir and India after tribal attacks from Pakistan.

January 1st, 1948
The Kashmir situation is brought forward to the United Nations Security Council in which resolution 47 is called upon.

1950s
China places troops in Aksai Chin

1957
The constitution of India defines its Kashmir controlled area as part of India under Article 370 of India’s constitution.

1962
War between India and China over control of Aksai Chin. China beats India.

1963
Trans Karakoram Tract between Pakistan and China is signed.

1965
War between India and Pakistan over Kashmir ends with a ceasefire

1971-1972
A third war between India and Pakistan is launched.

July 2nd, 1972
The Simla agreement turns the ceasefire into a control line.

1987
India accuses Pakistan of putting soldiers across the line of control, Pakistan denies these claims.

1998
Nuclear tests are performed by both sides to assert power.

1999
After more tensions in the past decade, a third war erupts, India launches air strikes in Kashmir.

2003
Both states restore diplomatic ties.

September 24th, 2004
Prime Minister Singh and President Musharraf meet in New York during the General Assembly of the United Nations for the first round of peace talks.

2006
The second round of peace talks are issued.

2007
Human Rights Organizations report human rights violations from India. India denies these claims and justifies it by ‘surpressing terrorism’.

2010
Major protests erupt in Kashmir administered Jammu.

September, 2013
Prime Ministers of both states meet up to try and reduce violence in Kashmir and its borders.

August, 2014
India cancels discussions with Pakistan after accusing it of intervening in India’s internal affairs.

Relevant UN Treaties and Events

- The Universal Declaration of Human Rights, 10 December 1948 (A/RES/3/217)
- Resolution 80 concerning the India-Pakistan question, 14 March 1950 (S/1469)
- Resolution 96 concerning the India-Pakistan, 10 November 1950 (S/2392)
● Simla Agreement, 2 July 1972

Previous Attempts to solve the Issue

The first concrete action by the United Nations was to reject India’s claim that the territory was legally theirs. A binding agreement was also set forward when peace talks were started in 1947.

Finally the Samala agreement of 1972 signed by the Indian Prime Minister Indira Gandhi and the Pakistani President Zulfikur Ali Bhutlo guiding principles of conduct for both nations. Although both governments tried to adhere to it, many binding points proved hard to fulfill especially regarding the line of control in Kashmir.

Other agreements between the two nations were of a mere economic nature with trade between the countries seen as a first step in getting them closer and more in agreement to come to the negotiation table regarding Kashmir. The 1974 agreement to release prisoners of war also had a positive impact towards peace but probably the most important ones of December 1998 and April 1991 regarding the prohibition of attack against nuclear installations, and advance notices on military exercises, would be the most relevant ones to maintain a period of calm. Another step towards solving Kashmir’s disputed area was the introduction of the Line of Control established in 1972 as it was dividing the region into different territories administered by the major players. However, the line of control and all other attempts did not prove successful since as of 2019, Kashmir citizens are still looking for a resolution that will keep their land safe for generations to come.

Possible Solutions

When it comes to solving the issue of Kashmir, there are several ways the issue could head towards. Currently, the United Nations has set forward several discussions between the two main parties concerned: India and Pakistan. However, it does not seem to welcome any big contributions from representatives of Kashmir as it is not considered a state. This being said, the United Nations have issued several resolutions and agreements to help diminish the matter. Some solutions could include the election of representatives in Kashmir that would not have to be on either side of the neighbouring countries to receive a seat, this could be with the introduction of impartial from a third party UN organizations that would help take decisions in the best interest of the Kashmiri population as well as give Kashmir the possibility to communicate with the international community. We could encourage more diplomatic talks monitored by third parties to facilitate Kashmir’s fate. The Assembly can also work towards letting Kashmir possess its own administration to help it repress acts that are violating any human rights. An important point would be to demilitarize the zone and set up United Nations troops to ensure both India and Pakistan don’t morph the area into a battleground once again. Another solution could eventually be to split Kashmir like the Chenab formula of the 1960s. This included dividing Kashmir
via the river Chenab which would mainly give the majority Muslim population to Pakistan. In the case of Aksai Chin and China, peace talks could be issued. The possibility of making Kashmir independent still stands, with this officials hope to pose economic sanctions on both India and Pakistan.

**Bibliography**


### Appendix or Appendices


