

# Integrated Programme Youth Leadership Conference 2019

Security Council 1

Issue of Territorial Disputes in Kashmir

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# Introductory Note

Dear Delegates,

Thank you for choosing the Security Council 1 of the Integrated Programme Youth Leaders' Conference (IPYLC) 2019. Over the course of the debate, each of you will take on the challenges facing real diplomats, representing and promoting the interests of the country you represent in the issue of territorial disputes in Kashmir.

Perhaps you may not be altogether familiar with the topic at hand; though contentious and controversial, it is an issue that burns slow and has lasted decades, having not made flashy headlines in recent times. Still, we hope that you will push through with research, learning more about a topic that you may not have been familiar with. The study guide will be helpful in this respect, and we hope that you make full use of it.

On another note, given the compulsory nature of IPYLC, there may be those of you who don't see yourself taking on an active role in the council. This is precisely the sentiment we hope to address—IPYLC provides an inclusive and nurturing environment to learn about world issues and the workings of the United Nations, and we therefore strongly encourage all to participate enthusiastically in order to ensure a fruitful, vibrant and, most of all, a meaningful discussion.

Cheers,  
Your chairs.

# Council Goals

Through your time in this council, delegates should:

1. Gain a deeper understanding on the significance of territorial disputes, particularly about the Kashmir conflict, and the far-reaching implications of the dispute on various countries;
2. Identify and debate over issues and potential solutions as outlined in the scope with regards to their country's stance:
  - a. Avoid outright condemnation and unconstructive argument over a country's stance, instead proposing and debating potential solutions,
  - b. Ensure that the resolution may be feasibly implemented,
  - c. Give due consideration to the social and humanitarian ramifications in any decision made;
3. Attempt to reach a consensus, particularly between India and Pakistan, with regards to the resolution, or the creation of a conducive environment for the resolution, of the territorial dispute over Kashmir;
4. Employ measures accessible through and provided for by the United Nations, such as, but not limited to, third-party mediation and peacekeeping forces.

# Introduction to the United Nations

The United Nations, founded in 1945, is an international organization which can take action on the issues confronting humanity in the 21st century. Such issues concern peace and security, climate change, sustainable development, human rights, disarmament, terrorism, humanitarian and health emergencies, gender equality, governance, food production, and more. As such, the UN provides a forum for its 193 member states to express their views in the General Assembly, the Security Council, the Economic and Social Council, and other bodies and committees. By enabling discussion between its members and hosting negotiations, the UN has become a platform for governments to agree on and come up with resolutions to international problems.

As described under “Chapter 1: Purposes and Principles” of the UN, the United Nations maintains great focus on international peace and security, promoting good-neighbourliness and principles of equal rights and self-determination. The UN also advocates multilateral cooperation in the resolution of international or regional issues and is anchored on the principle of sovereign equality of all members. Do also note that the United Nations *does not authorise intervention in matters essentially within the domestic jurisdiction of any state*. Instead, the UN requires its members to submit such matters to the UN, and the UN may only intervene with the consent of parties involved.

## The United Nations Security Council

The United Nations Security Council is much smaller than the General Assembly, dealing with global issues that threaten international peace and security. Five of its members are permanent, while the rest are temporary. The permanent members consist of the USA, Russia, China, United Kingdom and France, while the temporary members consist of UN members and change regularly.

It should be noted that the UNSC is one of the few international bodies capable of issuing *legally-binding* resolutions, and has access to a number of measures in its attempt to maintain global security. For example, the UNSC may enforce sanctions against States, parties or individuals in order to apply pressure on a State or entity to comply with the objectives set by the Security Council without resorting to the use of force. Sanctions thus offer the Security Council an important instrument to enforce its decisions. Peacekeeping troops may also be drawn upon in efforts to maintain peace in regions of social and political unrest in ceasefire or other interim periods.

With regards to voting, resolutions are passed with a supermajority vote—that is, a vote where at least two-thirds of the countries present and voting support the resolution. However, the five permanent members have veto powers, and are able to prevent any motion from passing should they vote against said motion. In IPYLC, however, the veto mechanism will be removed, and all votes will be considered equally, and a resolution will be passed if two-thirds of the council supports it.

# The Issue

## Introduction to the Issue

The territorial dispute between Pakistan and India over the state of Jammu and Kashmir has long remained unresolved, stemming from the independence and partition of the two states in 1947 and persisting as a hotbed of tension and conflict until today.

Though violence in the region has been comparatively reduced in recent times, the dispute remains highly contentious and is a significant impediment in the improvement of bilateral ties between India and Pakistan.

Meanwhile, international relations aside, armed conflict has also resulted in both military and civilian casualties and market humanitarian issues. Therefore, delegates must not only consider the diplomatic interests of India, Pakistan and other interested States, but also the violence that results from friction between Kashmiri insurgents, branded terrorists by India and freedom fighters by Pakistan, and the armed bodies of the Indian government.

Still, these issues are not distinct. The social and political status of Jammu and Kashmir are complex and interrelated—which is why it is paramount to actually read the entirety of the study guide.



<sup>1</sup>**Fig 1** The Current Division of the Kashmir region

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<sup>1</sup> Retrieved from Kashmir territories profile. (2017, October 03). Retrieved January 5, 2019, from <https://www.bbc.com/news/world-south-asia-11693674>

## Key Terms

### *Territorial Dispute*

A territorial dispute is a conflicting claim by two or more states over the ownership or sovereignty of the same piece of land. Territorial disputes hence involve issues of a State's national sovereignty and territorial integrity, two of any State's core interests.

### *Referendum / Plebiscite*

A referendum or a plebiscite refers to a direct vote by an electorate to advise or decide on a specific issue, in contrast to votes for individual candidates to national or local elections. The term referendum and plebiscite are generally used interchangeably as they both involve a vote by the whole electorate on a specific issue. However, the term plebiscite is more often used for issues of territory or sovereignty, as in the case of the Kashmir dispute.

### *Line of Control*

The Line of Control (LOC) refers to the military line serving as a frontier between India and Pakistan in Jammu and Kashmir. It is not recognised as a legal international border, instead serving as a de facto border, with the State on each side holding practical jurisdiction and authority over the region marked out by the LOC.

### *Line of Actual Control*

The Line of Actual Control (LAC) refers to the military line separating the India controlled Kashmir from the China controlled Aksai Chin, a region of Kashmir. Unlike the LOC, the LAC is not demarcated clearly and comprises of large empty spaces, where the two armies maintain a distance of nearly 50 and 100 kilometres between each other.

## History of the Issue

The territorial dispute over the state of Jammu and Kashmir has lasted decades, starting from the division of British India in 1947. Jammu and Kashmir borders both India and Pakistan at the northernmost region of the Indian subcontinent and has a majority Muslim population.

Thus, because of the make-up of its population, when States were due to choose to accede to Pakistan or India, it was widely expected that Kashmir would accede to the Islamic Republic of Pakistan. However, Jammu and Kashmir was ruled by the Maharaja ("High King") Hari Singh who was Hindu. While Maharaja Hari Singh was inclined to accede to India, he was well aware that such an action would almost certainly antagonise the large Muslim Kashmiri population. On the other hand, acceding to Pakistan would result in a vulnerable and restless, albeit significantly smaller, population of Hindus and Sikhs.

As such, the Maharaja decided to remain neutral. However, while Hari Singh remained indecisive, Pakistani agents began to deliberately stir unrest amongst the Muslim Kashmiri population, subsequently sending Muslim tribesmen to the Kashmiri capital in what was akin to an invasion. The Pakistani-backed tribesmen easily scattered the state army, prompting the Kashmiri

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government to appeal to India for aid, accepting the condition that Kashmir would instead accede to India.

Armed conflict between Pakistan and India over Jammu and Kashmir hence ensued, and the Indo-Pakistani War of 1947-1948 began. In 1948, however, India referred the matter to the United Nations, whereupon the UN ordered (see “Past Actions of the UN and Relevant Bodies”) that a ceasefire, and a “free and fair” plebiscite in the spirit of self-determination would be held in order to determine which state Kashmir would belong to.

India, supported by influential Kashmiri leaders, believed that the odds were in their favour and was receptive to the UN ruling. Pakistan, however, failed to acknowledge the ruling and continued to fight. A ceasefire was only agreed upon a year later in 1949, but the referendum never materialised and the LOC remained.

In 1957, the first Kashmiri elections for a new Legislative Assembly were held and was administered by India. Its new constitution described itself as part of India. This move was disputed by Pakistan, and the UNSC declared that the setting up of the Assembly did not solve the issue (see “Past Actions of the UN and Relevant Bodies”)

The issue remained unresolved, and has since led to repeated outbreaks of armed conflict, even escalating to hot war in the cases of the Indo-Pakistani War of 1965 and of 1971. In the latter case, the India army marched into Dhaka, becoming involved in the 1971 Independence War of Bangladesh, and the Pakistanis surrendered. When a ceasefire was reached, the Indians were 50 kilometres into Pakistani territory.

After the 1971 war, with domestic issues taking a priority, both sides agreed to resolve the issue peacefully. However, the status quo in Jammu and Kashmir remained more or less unchanged until 1989, when pro-independence and pro-Pakistan guerrillas invaded the Indian Kashmir Valley in 1989 and terrorised the Hindus, prompting the India to respond with armed force. By then, the Kashmiri people, infuriated with the Indian government over infringement of democratic rights in Jammu and Kashmir, no longer supported the union with India, instead advocating self-determination. Hence, unlike in 1948, India refused to bring the issue to the UN’s attention, using any measure possible to avoid third-party mediation and any talk of a plebiscite.

Meanwhile, in 1962, India and China clashed over a small region of Kashmir, with China winning a decisive victory against India. There were a number of skirmishes in the following decades, but status quo has largely been maintained.

In the 1990s, amidst higher hopes for a diplomatic resolution, cross-LOC firing between Pakistan and India began once more, dashing hopes for peaceful negotiations and causing tensions to skyrocket again. The hostility heightened in August 1998 with heavy artillery fire, leading to a high numbers of both civilian and military casualties. This followed into 1999 with the Kargil War beginning in May, when infiltrators ambushed Indian patrollers and occupied vast amounts of territory on the Indian side of the LOC. India labelled the infiltrators terrorists and alleged that they were funded, trained and armed by Pakistan, while Pakistan countered that they were instead freedom fighters demanding only what India was morally obligated to give—the freedom of the Kashmiri people. Pakistan also insisted that they were only giving moral support and nothing more to the so-called terrorists.



After 2 months of fighting Pakistan asked the USA to intervene, but the US president refused to do so until Pakistan withdrew her troops. However, as the troops withdrew, Indian armed forces reclaimed much of her strategic territory. Despite domestic pressure, the Indian government refused to continue the war and invade Pakistan-controlled territory. Though skirmishing continued for awhile, the Line of Control had been restored to its prewar state, and status quo has been more or less maintained.

However, the issue yet again remained unresolved, and tensions have come close to boiling over multiple times in the time since the Kargil War.

## Past Actions of the UN and Relevant Bodies

1948: **The United Nations Security Council Resolution 39** was adopted on 20 January 1948. The document proposed the setting up of a commission of three members, one chosen by India, another by Pakistan and the last by the previous two members. The role of the commission was to investigate allegations made by both countries regarding the situation in Jammu and Kashmir, followed by crafting a letter advising the Security Council on which course of action to take with the aim of peace in the region.

1948: **The United Nations Security Council Resolution 47** was adopted on 21 April 1948. The document proposed a three-step procedure. Firstly, Pakistan was to “secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals therein who have entered the State for the purpose of fighting” with the intention of restoring peace and order. Secondly, India was to reduce its forces from the State in a progressive manner till minimum strength needed to maintain law and order. Thirdly, a Plebiscite Administration was to be put in place to carry out a “fair and impartial” plebiscite for the accession of Kashmir to India or Pakistan.

1951: **The United Nations Security Council Resolution 91** was adopted on 30 March 1951. It declared that the crux of the issue in holding a plebiscite for Jammu and Kashmir was the method and extent of demilitarisation, and the degree of control over the exercise of functions of government necessary to ensure a free and fair plebiscite.

1957: **The United Nations Security Council Resolution 122** was adopted on 24 January 1957. It declared that the Legislative Assembly proposed by Jammu and Kashmir National Conference (see “History of the Issue”) was not a solution to the issue in Kashmir as defined in United Nations Security Council Resolution 91 (see above).

1965: **The United Nations Security Council Resolution 209** was adopted on 4 September 1965. Regarding the Indo-Pakistani War of 1965, it called for a ceasefire between the two States and requested that both governments cooperate with UN peacekeeping efforts in the region as they supervised the ceasefire.

1965: **The United Nations Security Council Resolution 211** was adopted on 20 September. In view that, though both were receptive to a ceasefire, both India and Pakistan had expressed conditions that made it near impossible for the other side to accept the ceasefire, the UNSC advised both countries to meet in a country friendly to both in order to discuss the situation. The document hence demanded

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that a ceasefire take effect on 22 September 1965 and that all armed forces withdraw to pre-war positions.

1966: **The Tashkent Agreement** was adopted on 10 January 1966. It was a bilateral accord signed by India and Pakistan that ended the Indo-Pakistani War of 1965. Negotiations were mediated by the Soviet Union, and India and Pakistan agreed to withdraw armed forces to positions held before the war. The agreement also encouraged bilateral cooperation in issues of refugees and the economic situation in Kashmir, advocating the peaceful resolution of the Kashmir dispute.

1971: **The United Nations Security Council Resolution 307** was adopted on 21 December 1971. With regards to the Indo-Pakistani War of 1971, the resolution called for a ceasefire in Kashmir. It also called for international assistance in the humanitarian issues resulting from the war, including the repatriation and rehabilitation of refugees.

1972: **The Simla Agreement** was adopted on 2 July 1972. The agreement was fairly similar to the Tashkent Agreement, serving as a peace treaty with the aim of reversing the effects of the Indo-Pakistani War of 1971. Both countries pledged to respect the LOC established after the 1971 ceasefire and to withdraw their troops to pre-war positions. Both States also agreed to commit to peaceful bilateral negotiations to resolve the issue and to refrain from actions that would lead to further violence.

## Current Situation

Currently, India administers the majority of Jammu and Kashmir, controlling about 45% of the geographical area of Kashmir and 70% of its population. Meanwhile, Pakistan controls Azad Kashmir, Gilgit and Baltistan, making up 35% of Kashmir. The remaining 20%, consisting of an area called Aksai Chin, is controlled by China. Both India and Pakistan claim the entire state, while China maintains its claim over the region it administers.

China insists that Aksai Chin is part of the autonomous region of Xinjiang. However, despite the ongoing dispute with India and the fact that the frontier remains undemarcated, the situation in the Chinese-administered region has remained peaceful, with efforts to reduce tensions and avoid armed conflict.

In India-administered Kashmir, however, domestic opposition and Indian crackdowns have led to increasing violence. According to Indian polls, though it is worth noting that in Hindu-majority Jammu most want to remain with India, almost 90% of the people living in Kashmir want independence rather than being part of either India or Pakistan. The friction between the people and the federal government has hence been problematic, especially since many Kashmiris see the Indian government as an oppressor who has stripped them of their right to self-determination. For example, in June 2018, the Indian government, prompted by the end of an alliance between ruling party Bharatiya Janata Party (BJP) and a Kashmiri political party, took direct control of Kashmir. This meant that political decisions would be made by the federal government as opposed to a local or state government. The move triggered anti-India protests that erupted into violent clashes between protestors who wanted independence or Pakistan rule and Indian officials.

Yet another major issue that plagues the Kashmir Valley would be militancy. As previously stated under “History Of The Issue”, India, along with numerous other countries, labels these militants as terrorists motivated by separatist movements that threaten national security, and alleges that Pakistan funds these separatists and is hence an active supporter of terror. To India, the insurgency is state-sponsored. Pakistan, meanwhile, insists that it only morally supports the separatist movement, and that the “terrorists” as labelled by India are really freedom fighters. Pakistan hence maintains that the international community, along with India and in the spirit of democracy and self-determination, is morally obligated to aid and fulfil the demands of these “freedom fighters”. These separatist fighters also command significant support from the Kashmir people. For example, when Indian forces eliminated the young but charismatic and extremely popular insurgent leader Naveed Jatt in November 2018, protests erupted across the valley in support of the insurgency and against the Indian rule, prompting the Indian government to shut down internet service on mobile phones. This is just one of the many examples of the violence instigated by the insurgency, and the movement has resulted in a large number of casualties, with estimations of casualties since 1989 ranging from 50 000 to 100 000. The issue of so-called “terrorism” thus remains a contentious point in India-Pakistan relations and a significant obstacle in the resolution of the issue.

Another grave issue still waiting to be addressed are the numerous human rights violations being carried out in Kashmir. Rape and sexual abuse is prevalent throughout the region, mostly carried out by the members of the military forces and insurgency groups. Indian military forces employ rape as a strategy to repress the Kashmiris and as a means to exert their power over the people, degrading and humiliating the women who had their honour and dignity violated at the hands of the very men who are to ensure their safety and security. This problem is further perpetuated by the introduction of the Armed Forces Special Powers Act (AFSPA), aimed to suppress the insurgency. This however led to another loophole at hand. The Act arms the Indian military forces with exceptional powers, including but not limited to the right to shoot to kill civilians, arrest or detain civilians without warrants, enter and search homes, and destroy homes and property. This law grants the members of the Indian armed forces impunity from prosecution in a criminal court. Given the preexisting stigma surrounding rape victims and the dishonour brought to the community that already deters victims from reporting, the AFSPA further exacerbates the issue by emboldening the soldiers to commit more crimes due to the legal protection granted to them. Furthermore, the military forces have a bad track record of containing mass protests and handling protestors, firing at protestors blindly and leaving behind numerous fatalities. Indian military forces, although assuring the Supreme Court that pellet guns will be used as ‘absolute last resort’, uses these deadly pellet guns to fire openly at protestors, blinding over 1,200 civilians. This physical disability hinders their ability to make a livelihood to support themselves and their families. Not only does the military forces put protestors’ and innocent bystanders’ lives in jeopardy, they blatantly and actively suppress the basic human right of freedom of speech and the ability to express their opinions. Another major problem is posed by the Kashmiri militants. Targeting Hindus in the Kashmir Valley, the Muslim-predominant insurgency groups fuel animosity against ethnic minorities in the region, infiltrating land occupied by them and forcing them to flee. The Kashmiri Hindu Pandits minority were driven out by militants of the Jammu Kashmir Liberation Front, who used rape and murder as instruments to cleanse them from the land. It is also worthy to note that the United Nations Commission on Human Rights were not granted access to Jammu and Kashmir by Indian and Pakistani authorities, hence there are a certain possibility that worse incidents and violations may have gone unreported and undocumented.

## Scope of Debate

### *Kashmiri Self-Determination, Plebiscite & Potential Compromises*

Till today, the plebiscite from 1948 has yet to be held. Originally, when domestic sentiments were in favour of India, Pakistan was the one to have resisted efforts towards the plebiscite. However, in more modern contexts, vast numbers of Kashmiris are no longer supportive of the Indian rule, and India is no longer confident of winning such a plebiscite. As such, she has skirted all attempts to hold one and avoided any third-party mediation, while Pakistan has consistently pushed for self-determination and accused India of undemocratic oppression.

Despite this seemingly black-and-white disagreement, the issue of self-determination is a potent one and must be debated in council. Delegates are hence encouraged to seek a practical compromise in accordance with and in the interest of your country's stance.

### *The Kashmiri Insurgency*

The issue of militancy in the Kashmir Valley is multi-dimensional, with multiple issues to tackle. Firstly, there is the issue of the definition of terrorism. While the UN has made its stance against terrorism clear, the body also staunchly supports self-determination, with "respect for the principle of equal rights and self-determination of peoples" written into the very first article of the UN Charter. Both India and Pakistan is capable of presenting appealing arguments in favour of their respective definitions, and the definition used throughout the debate may well have a decisive impact on its resolution.

Moreover, Pakistan has thus far continued to actively support the insurgent movement in Kashmir. This has led to continued friction in Kashmir, with the Pakistan-backed militant separatists on one side and Indian officials on the other. Tensions and civilian casualties remain high, and shootouts are regular.

India, under the Modi administration, has also been increasingly harsh in clamping down on the militants. Pakistan argues that this constitutes a form of oppression against the Kashmiri people, while India counters once more that they are cracking down against terrorists.

### *Reduction of Cross-LOC Tensions*

Of course, in order to provide a conducive environment for negotiations, be it bilateral or multilateral, cross-LOC tensions must be kept in check. Moreover, the reduction of tensions would solve the immediate problem of acute Indian-Pakistani violence in the region. As such, delegates should consider measures such as the demilitarisation of Kashmir and other border mechanisms. However, the existing lack of trust between India and Pakistan must be noted—Indian-Pakistani ties have historically been antagonistic and distrustful, and is only exacerbated by the Kashmir issue. Measures such as demilitarisation require a significant amount of trust in the other State, given that both States see their territorial integrity to be at stake.

### *The Humanitarian Crisis*

The humanitarian crisis in Kashmir may take a focus secondary to the resolution of the dispute itself in debate. Regardless, it is vital to address the issue in council, given that the human

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rights abuses and ethnic cleansing carried out by militants in Kashmir leaves victims fearful and oppressed in their own land, and devoid of their dignity and honour in a conservative community. The Kashmiri people suffer under the abuse of both military forces and militants alike, as detailed under “Current Situation”. Council may therefore debate on the aid that may be given to the local population, include where the aid may be sourced from, the practical delivery of aid, and potential measures to be put in place to prevent further abuse by military personnel and militants.

### *Propaganda & Media*

Media and propaganda is yet another fuel to the violence in Kashmir. In the 21st century, social media has increasingly been used to mobilise the youth against the Indian government, especially during anti-militant operations, even prompting an unprecedented ban on Whatsapp, Facebook and Twitter in 2017 at the height of violence in the region. More than just social media, however, newspapers and other media outlets of both countries have continuously nurtured the antagonistic sentiments in the Kashmir Valley, dropping emotionally-charged headlines that attack the other State and essentially war-mongering for their respective governments. The media, a key factor in shaping local Kashmiri sentiment, has hence played a largely negative role in the conflict, stoking further ethno-nationalist tensions and preventing the creation of an environment conducive for peaceful negotiations.

# Major Stakeholders

## India

Obviously, India has a major stake in the situation, claiming all of Kashmir as sovereign territory. To India, the Kashmiri issue is a matter of national pride and sovereignty—Maharaja Hari Singh had signed the Instrument of Accession to accede to India and Kashmir is therefore sovereign Indian territory. Any claim otherwise is an infringement of her sovereign rights.

Though she initially supported a plebiscite in Kashmir, local support has turned against her. India hence refuses any notion of a referendum and any third-party mediation or arbitration that may suggest the use of a plebiscite, arguing that under the Simla Agreement (see “Past Actions of the UN and Other Relevant Bodies”), both states agreed to negotiations that were strictly bilateral. India thus emphasises the bilateral nature of the dispute, refuting any third-party involvement as a form of unwarranted interference in domestic affairs.

Meanwhile, regarding the issue of militancy, the current Indian government under Modi takes a harsh stance against what they label “terrorists”, cracking down with armed force. She accuses Pakistan of funding and supporting a terrorist movement. (See “The Kashmiri Insurgency”)

## Pakistan

Pakistan claims the entire state of Jammu and Kashmir based on its majority-Muslim population. She finds the current LOC abhorrently unacceptable, insisting that leaving the position of the LOC as it is today is impermissible, given that Kashmir, according to Pakistan, belongs to her. Since Kashmiri sentiment turned decisively anti-Indian, Pakistan has advocated self-determination for Kashmir, accusing India of undemocratic oppression of the Kashmiri people in refusing to allow a plebiscite. It should be noted that, when the issue first surfaced in the 1940s and local sentiments were in India’s favour, Pakistan was the one who refused to organise the plebiscite. Despite this, Pakistan currently stands a staunch supporter of multilateral negotiations in the issue, promoting third-party mediation and a plebiscite.

Pakistan has also been decidedly supportive of the Kashmiri militants, insisting that they are “freedom fighters”, rather than “terrorists”. How far this support extends, however, is debatable. India, along with numerous other countries, allege that Pakistan is clandestinely funding these terrorists, even directly training and arming them. Pakistan, however, refutes the allegations of state-sponsored terrorism, claiming that she only morally supports these “freedom fighters”. Nevertheless, as far back as the Kargil War, though Pakistan initially denied any role in the conflict, she later awarded Kashmiri “freedom fighters” with medals, removing any doubt of her involvement in the insurgency.

## China

In the 21st century, China has largely remained a silent participant; though a powerful country, it is in her strategic interest to foster closer ties with India while ensuring the continued existence and survival of Pakistan.

China is a traditional ally of Pakistan against India, having supported her through many of the conflicts throughout the Cold War era. In the 1965 Indo-Pakistani War, for example, China even threatened to declare war against India in support of Pakistan; however, its support has thus far been confined to the supply of arms. Still, in the post-Cold War era, recognising the need to avoid conflict between the two large nations, China has begun cultivating better ties with India.

Today, China has failed to call for international involvement in the issue, instead urging India and Pakistan to engage in peaceful bilateral negotiations. In other words, China has implicitly sided with India over the issue of a plebiscite and third-party mediation.

It is also worth noting that China is facing its own separatist movement in Xinjiang, where Uyghur Muslims labelled terrorists by the Chinese government are seeking a greater degree of autonomy and independence. Delegates should consider that any resolution of the Kashmir dispute may set a precedent for China.

## Other Points to Consider

Throughout debate, delegates should keep in mind these considerations:

Firstly, the nationalism issue in the Kashmir dispute. Domestic pressure may play a large role in the decisions of the respective governments; extreme forms of patriotism and bordering on jingoism amongst the domestic populace not only promote cross-LOC warmongering and friction, but also prevent the issue from being resolved—after all, a true patriot would see any loss of territory as a gross violation of sovereignty. Furthermore, the media of both nations has been nothing short of problematic, encouraging the antagonistic state of Indian-Pakistani relations over the Kashmir dispute.

Secondly, given the status of both Pakistan and India as nuclear powers, delegates must be aware of the consequences of nuclear warfare and the concept of mutually assured destruction. Mutually assured destruction involves the use of nuclear weapons by two opposing sides which would only result in the complete annihilation of both the attacker and the defender, with the latter reciprocating the pre-emptive nuclear strike. The theory hence typically provides an adequate psychological deterrence against nuclear war; nevertheless, delegates should keep in mind the nuclear status of both parties, considering the potential nuclear consequence of any action taken.

## Possible Solutions

Note that these are merely suggested solutions, and delegates are strongly encouraged to research and adjust these solutions, along with proposing new solutions, such that any resolution put forward may be more suited to the nuances of the issue. While a perfect solution is never possible, compromise and diplomacy can pave the way towards it.

### *Demilitarisation of Kashmir*

As previously stated, the demilitarisation of Kashmir, though often heralded the pathway to peace in the region and the reduction of tensions in the region, face massive obstacles in view of the stark lack of trust between Pakistan and India, not to mention the situation of the Kashmiri militants. Furthermore, military personnel along the LOC are seen by both states to be vital in protecting the sovereignty of their territories, and the issue of demilitarisation hence becomes one of territorial and sovereign integrity.

Hence, while it is strongly supported by many observers, the demilitarisation is also practically extremely difficult to accomplish given the rigidity and tension between the two states. It can also be noted that demilitarisation has been attempted numerous times after episodes of armed conflict. For example, in 1950, the UNSC called for yet another ceasefire and the reduction of troops stations in Kashmir. Nevertheless, when tensions flared once more, Kashmir was swiftly remilitarised. How would the demilitarisation of Kashmir be carried out such that all parties consent to the measure, and the removal of troops would be more permanent?

### *Self-Determination*

Should delegates wish to consider a plebiscite as a possible solution, the practicality of the situation must be considered. UNSC Resolutions 47, 80, 91 and numerous others have time and time again called for plebiscites, yet strong opposition from Pakistan (in the first case) and India (in



subsequent decades) have ensured that no plebiscite could be held. India, previously committed to hold a plebiscite, distanced itself from the promise due to Pakistan not following through with its promised of withdrawing Pakistani nationals and tribesmen who had come to fight in Kashmir, as mandated by UNSC resolution 47. Not only that, given the cultural and ethnic diversity in the Kashmir state, the Muslim majority's demands are not universally shared by the minorities in the region and a plebiscite held in the state may not provide a fair solution. Unless the resolution is strikingly ground-breaking, a simple call for a plebiscite is unlikely to succeed. Hence, should delegates choose to move in this direction, measures must be taken to ensure that all parties are agreeable to it, would adhere to its result, and is willing to organise such a feat.

### *Trust-Fostering Measures*

With the situation as distrustful and over-contentious as it is, any resolution of the dispute is nearly impossible. Fostering trust between India and Pakistan would reduce tensions and allow peaceful negotiations to take place. Such measures to create a more trustful environment may be modelled after Sino-Indian border mechanisms in disputed areas, such as coordinated patrolling along the LOC to prevent any misunderstandings and tensions from arising between the two parties.

Still, even such a fundamental solution poses its own problems—as it stands, India and Pakistan are essentially holding knives to each other's throats, and any withdrawal is, at least as they see it, at the risk of their very sovereignty. Delegates should therefore look towards guarantees of national security, addressing the concerns of India and Pakistan in attempting to foster a cohesive and cooperative environment.

### *Third-Party Mediation*

Third-party mediation is yet another solution frequently advocated for. Pakistan has long advocated such a measure, whereas India, insistent on the bilateral nature of the dispute, refuses to accept such mediation. As agreed upon by both Pakistan and India in the Simla Agreement, both countries would solve their differences through bilateral negotiations, and the introduction of third-party mediation may seem contradictory and would be a violation of the terms of agreement. As a result, mediation has thus far been unsuccessful. Delegates should keep in mind the UN's non-interference policy, as well as the nation-states that may be driven by geopolitical interests rather than fairness, if they were to choose the third-party mediator. Should the Council decide to debate this solution, a compromise must be reached such that both nations will be receptive to mediation and agree upon who would be the best fit as a third party mediator.

### *Soft Borders*

Yet another potential solution would be the setting up of soft borders in place of a militarised LOC, permitting the freedom of movement and trade. This would allow Kashmiris to move freely throughout their homeland and reduce the division in Kashmir, catering to the Kashmiri sense of identity. Such a solution may be mirrored on the Ferghana Valley prior to its recent troubles—though the valley today is plagued by similar territorial disputes by Uzbekistan, Kyrgyzstan and Tajikistan, until Uzbekistan began closing its borders citing national security in 1999, the borders remained soft and the people of the Ferghana Valley were able to move freely together with their ethnic enclaves and were peaceful for the most part.

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Despite its advantages, however, any solution crafted based on such a border must address three concerns: India's national security, Pakistan's national security, and the welfare and needs of the Kashmiri people. These would be difficult to accomplish with a soft border; the current security situation is precarious, with Pakistan continuing to support and fuel the violence, and local dissent at unprecedented heights. Unless a soft border is able to address the disaffection in Kashmir, this solution would, as the current situation stands, be difficult to accomplish.

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