

Forum: Security Council

Issue: Question of Demilitarizing the Kashmir Valley

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Introduction

The Kashmir Valley, surrounding the northern Jammu and Kashmir region of India and Pakistan, is known to be a scene of numerous skirmishes and critical conflicts since the partition of India in 1947: both insisting on their disputed sovereignty rights over this region with rich resources. China is also involved in the conflict by controlling the Aksai Chin region: 20% of the entire Kashmir valley. Military tensions are running high because of territorial conflict and protest movements in the region, and according to the official figures, more than 47,000 people died by this conflict. The ongoing military tensions were especially worsened on 26 February 2019 by the Pulwama attack, which resulted in more than 40 deaths in total. While



Caption 1: Map of the Kashmir Valley

both Pakistan and India are non-members of Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and nuclear tensions have been escalating between these two superpowers by way of nuclear threats and provocations; the conflict between these two countries has thrust back into the global spotlight. Overflow of soldiers and military personnel provides enough reasons why the tensions are running high in the region, and demilitarization is required for further stability within the region. Demand for serious consideration of “demilitarization” was escalating as it could result in considerable savings. The Kashmir Valley is currently divided into three parts: Jammu & Kashmir occupied by India, Northern Area occupied by Pakistan, and Aksai Chin occupied by China. 55% of the entire Kashmir Valley is occupied by India, but the majority of the local population in the Jammu-Kashmir area are Muslim: they insist on their independence and annexation to Pakistan. The rising insurgency and Islamic armed groups formed after disputed state elections in 1987 are having disputes with the local Indian troops, creating a lot of victims and casualties: most of them are known to be civilians. The Kashmir crisis indicates a sheer urgency for practical and sustainable solutions, which focus on accelerated negotiation and demilitarization within the region.

Definition of Key Terms

Partition of India

After the partition of India in 1947, British India was divided into two parts Dominion Pakistan and India. Dominion Pakistan is today the People's Republic of Bangladesh and the Republic of Pakistan. The partition was passed by the consent of Indian National Congress, the Muslim League, and the Sikh community on Mountbatten Plan. More than 10 million people were divided along the religious lines by this partition, which is one of the reasons for this conflict.

Instrument of Accession in Jammu-Kashmir

The Instrument of Accession in Jammu-Kashmir refers to the annexation of the state of Jammu-Kashmir to Dominion of India after the ruler of Jammu-Kashmir state, Maharaja Hari Singh, agreed on it in 26 October 1949.

Line of Control

Line of control refers to the current border between India and Pakistan in the Kashmir Valley. Because both of the countries are issuing maps depicting their claims over the Kashmir area, this border serves as a de facto border: not legally approved or officially declared but what exists in reality.

Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

NPT is a treaty concluded with the objective of preventing the proliferation of nuclear weapons. It is important to note that both India and Pakistan are not members of this treaty but possess a significant number of nuclear weapons.

Northwest Frontier Province

The Northwest Frontier Province was once part of the Britain India, and later became the province of Pakistan. They border the Kashmir Valley in the West.

United Nations Commission for India and Pakistan (UNCIP)

UNCIP was created in 1948 to mediate and monitor the conflicts between India and Pakistan in the Kashmir area. It was then abolished in March 1950.

United Nations Military Observer Group in India and Pakistan (UNMOGIP)

UNMOGIP was created by UN SC Resolution 91 (1951) to observe and report the violation of ceasefire in Kashmir Valley.

General Overview

History (1947~2019)

Conflicts surrounding the Kashmir Valley dates back to 1947. The Jammu and Kashmir state were not part of the British rule during the colonization, but when India and Pakistan gained independence after the partition of India in 1947, Maharaja Hari Singh, ruler of Jammu-Kashmir state, had to make a decision for the future of his state. Although the states were to choose either to join the Hindu India, Muslim Pakistan, or neither,



Caption 2: Picture of Indian soldiers during the Kargil War

Maharaja Hara Singh was at first reluctant to join either side. However, the continuous consequential attacks from the Northwest Frontier Province, supported by Pakistan, convinced him to accede the state to India in return for the military support from the Indian government. The Indo-Pakistani war was ignited by this decision and the UN created a United Nations Commission for India and Pakistan (UNCIP) for the mediation between two countries by calling a ceasefire by the “line of control” and monitoring these two countries. The Kashmir Valley was mainly divided into three parts: Chinese-administered Aksai Chin, Muslim-dominant Jammu Kashmir valley constituting two-third of the entire Kashmir region, and Pakistan-administered Northern Kashmir. After further fighting in the Indo-Pakistani War of 1965 and the Indo-Pakistani War of 1971, both started by Pakistan’s attack and each ceased by Tashkent Declaration and unilateral surrender from Pakistan, Simla Agreement was signed between the two countries, formally setting the line of control between two nations. Nevertheless, tensions did not vanish; an armed conflict broke out again in the Kargil War in 1999, creating more than thousands of casualties. Small fighting and skirmishes have continued since then, demanding practical solutions for the demilitarization.

Recent affairs & further conflicts



Caption 3: Scene of Pulwama attack in Jammu & Kashmir

Although the tension between India and Pakistan remained dormant after 2003 when the ceasefire was concluded, the situation in Kashmir recently deteriorated when automobiles carrying security personnel on a highway in Jammu-Kashmir were attacked by a suicide bomber on 14 February 2019. Indian forces then crossed

the line of control and conducted a major airstrike into Balakot, Pakistan, on February 26, 2019, claiming Jaishe Mohammed, personnel of an

Islamic armed group insisting Jammu-Kashmir independence from India, as the ringleader. India insisted that they attacked the terrorist camp of Jaishe Mohammed and reported to more than 300 casualties. More sparks flew when Pakistan responded with six major airstrikes to multiple locations in Jammu-Kashmir as a retaliation for India's attack. As tensions developed, India abolished Article 370 of the constitution in August 2019, which was granting special autonomy to Jammu-Kashmir through a presidential decree. With the Article 370 of India's Constitution, Jammu-Kashmir state enjoyed autonomy in areas other than defense, foreign affairs, finance and telecommunications. For this reason, the legal system applied to Jammu-Kashmir residents was different from other parts of India in terms of civil rights and basic property rights, and this has a great significance in that the Indian government recognized Jammu-Kashmir's partial autonomy. After India revoked this article of 370, Pakistan publicly condemned India and called for the revocation of "unilateral decision, insisting that India has violated the UNSC resolutions. The Jammu-Kashmir region is now no longer a "state," being divided into Kashmir and Radhak (Ladakh), two federal directives, with India's central governance. New Delhi tried to integrate this region with the Indian State fully. Amid the latest flare-up conflict, Indian Prime Minister Narendra Modi issued an order to cut phone, and internet connections in the Kashmir region and put local politicians under house. All telephone, internet services and cable networks were cut off around midnight in Kashmir, with local politicians placed under house arrest. Disputes between India and Pakistan has continued in Kashmir, killing tens of thousands.



Caption 4: Military personnel in Jammu-Kashmir

China

Also controlling the Aksai Chin region in Kashmir valley, China mostly remained as a third party-role in the conflict. However, being the largest supplier of military equipment to Pakistan, China has supported Pakistan in various situations and wars. It is important to note that although both India and Pakistan insisted their sovereignty rights over the Kashmir valley, Pakistan recognized China's sovereignty over Aksai Chin since 1963 by the Trans-Karakoram tract. China has had continuing border disputes with India, but both countries show an eagerness to resolve the situation. It is expected



Caption 5: China boasting the "great relationship" with Pakistan

that China will focus on holding peaceful relationships between the countries and promote negotiations and peace within the region in order to remain influential.

UN Involvement, Relevant Resolutions, Treaties and Events

United Nations have made constant efforts to mediate between India and Pakistan to maintain peace in the region. The first resolution regarding the Kashmir valley dates back to Resolution 39 passed in 1948, aiming to investigate the conflict in Kashmir valley and mediate the two countries with ceasefire and termination of hostility. With multiple resolutions passed by the security council, the UNMOGIP (United Nations Military Observer Group in India and Pakistan) created in 1951, has also remained active for the past few decades with the aim of “reporting to the UN Secretary-General, through the Department of Peacekeeping Operations at the UN headquarters, all activities and developments that can impact the ceasefire and/or the mandate implementation,” taking great responsibility in maintaining peace in the region. Tashkent declaration, peace talks aimed for demilitarization intervened by other third-party international powers such as Soviet Union and UNSC, was signed between India and Pakistan on 1966. This is the last significant intervention from the outside powers in the Kashmir conflict. On 2 July 1972, the Simla agreement was signed by both India and Pakistan, with the intention of ending the conflicts that marred their relationships. However, this agreement was not effective enough to prevent the armed conflicts from happening: Kargil War in 1999, for example.



Caption 5: UNMOGIP in the line of control

- S/RES/39(1948) – Investigate any disputes or dangers that might threaten the security and maintenance of international peace
- S/RES/47(1948) – Encourage Pakistan to withdraw their nationals from Kashmir and India to minimize their force
- S/RES/215 (1965) – Invite the representatives of India and Pakistan to discuss the conflict during the Indo-Pakistani war in 1965
- S/RES/303 (1971) – Invite the representatives of India and Pakistan again to discuss about the conflict after the relationship between two countries have been deteriorated
- S/RES/307 (1971) – Demand durable ceasefire and cessation of hostilities until withdrawals of all armed forces to the ceasefire line in Kashmir

Timeline of Events

Date	Description of event
15 August 1947	Partition of British: Maharaja Hari Singh signed treaty of accession with India
1947~1948	Indo-Pakistani War of 1947–1948. UN ceasefire line of 1949, which will later be the line of control after the Simla Agreement of 1972, was established.
1948	S/RES/39 and S/RES/47 proposed but not fully addressed
1963	Pakistan recognized China's sovereignty over Aksai Chin by the Trans-Karakoram tract
1965	Indo-Pakistani War of 1965
1971~1972	Indo-Pakistani War of 1971. Simla agreement was signed.
May ~ July 1999	Kargil War killed thousands of people.

Possible Solutions

It is imperative to note that the possible solutions should not be infringement of national sovereignty. The United Nations Security Council has no rights or obligations to judge Indian and Pakistani sovereignty rights over the Kashmir areas. Practical, binding, and effective solutions, however, should encourage each nation to take effective and sustainable measures that can demilitarize and maintain peace in the region. Delegates should not propose same ideas with the past resolutions, which some of them were proven ineffective; however, delegates may build upon those ideas and consider incorporating the possible solutions below with ample research.

For the possible solutions:

- One of the problems raised in the Kashmir region is the high political and social tension created by the Islamic extremist groups such as Lashkar-e-Taliba, accused of the 2019 Pulwama attack. Once the extremists vanish, it is of the utmost importance for both India and Pakistan to reduce their army in the region. Member states can work collaboratively to eliminate the extremist threats in the region so that the foundation of demilitarization can be made. Although the complete demilitarization will not directly be established, the diminution of the numbers of soldiers and military personnel can be considered since fewer soldiers will directly result in less violence in the region.
- Another possible solution is establishing the formal line of control. The idea of forming the partition of Kashmir is that both India and Pakistan will agree upon their formal partition line of Kashmir, either it is the current line of control, adjusted one, or a new one, and recognize their sovereignty rights over the respective regions. The establishment of “soft-border,” which is a

border with free flow of goods and items, can also be considered with this idea. These ideas of border adjustment definitely can be considered as an effective measure as it will potentially reduce disputes within the border.

- Granting autonomy to the respective states of Kashmir can also be considered. This will grant maximum autonomy to the Pakistani Azad Kashmir and Indian Jammu-Kashmir. This, however, has multiple variations and concerns since India recently broke up the Jammu-Kashmir state to two federal states. As autonomies are granted, it is expected that the extremists' fear from the Indian separatist groups will decline as their primary motives are conceded by the government.

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