

# PacificMUN

Dare to Speak



UNSC-Topic B  
Backgrounder Guide



# The Kashmir Conflict - UNSC

Topic B

PacificMUN



## Letter from the Director

My name is Tamerlan Nuhiyev and I have the great honor of serving as your director for the United Nations Security Council. I am currently a Grade 12 student attending Port Moody Secondary and I am extremely excited to participate in PacificMUN 2019!

I have been involved in Model United Nations for the past three years. Besides Model United Nations, I have great love of cooking, binge watching TV shows for unhealthy periods of time and volunteering. I also am quite the history buff, something that was key to me entering Model United Nations. Like many people, I was dragged and coaxed into joining Model UN by my friends and just like many other people, I was instantly hooked. The intensity and the world of politics drew me in. I still remember how timid and shy I was at my first conference. Looking back it is incredible to see how far I have come in terms of my leadership and my public speaking abilities. By pushing me outside of my comfort zone, Model UN has allowed me to meet amazing people from incredibly diverse origins, possessing a variety of different viewpoints that have challenged my view of the world.

It is these experiences that I hope you are able to have, both at PacificMUN and all the future conferences that you go to. In this committee, you will absolutely be pushed outside of your comfort zone. You will be pushed to harness your creativity, develop your public speaking abilities, collaborate with other students and establish yourself as a leader like you have never done before. It is one of the most invigorating committees that a Model United Nations conference can offer and PacificMUN's United Nation Security Council Committee will most definitely not break this tradition.



If you have any questions, please do not hesitate to contact me at [unsc@pacificmun.org](mailto:unsc@pacificmun.org).

Best Regards,

Tamerlan Nuhiyev  
Director of UNSC  
PacificMUN 2019

## Committee Overview

The United Nations Security Council (UNSC) was established as one of the main organs of the United Nations (UN) after the Second World War in 1946. The statesmen who crafted the United Nations desired to create an institution that would prevent a calamity like the Second World War from ever happening again. The United Nations Security Council was key to this mission. Since its creation, it has operated at the centre of international politics as a key player in the mediation and resolution of international conflicts.

The UNSC's primary objective is to establish international peace and security. The UNSC also works to develop friendly relations between nations, aid in the maintenance and enforcement of human rights, and facilitate multilateral and international plans of action.<sup>1</sup> The UNSC is the only organ in the UN which has the ability to produce resolutions that UN member states are obligated to implement. The UNSC has a variety of methods to enact their resolutions. Diplomatic talks, dispatching envoys, and ceasefire directives are commonly used; if necessary, the UNSC also has the ability to deploy peacekeeping forces, create sanctions and blockades, sever diplomatic ties, or create a military coalition.<sup>2</sup> Additionally, the UNSC has considerable influence within the UN by recommending the appointment of the Secretary-General, and the judges of the International Court of Justice (ICJ).<sup>3</sup> The UNSC also operates a variety of subsidiary organs that aid in its work, such as the Military Staff Committee and different international courts and tribunals. The UNSC meets at the UN headquarters in New York City.

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<sup>1</sup> <http://www.un.org/en/sc/about/>

<sup>2</sup> Ibid.

<sup>3</sup> <http://www.un.org/en/sc/about/functions.shtml>



A representative of each UNSC member state is required to be present at the UN headquarters at all times in case the urgent need for a meeting should arise.

The Security Council consists of five permanent members with the power to veto any resolution - the Russian Federation, the People's Republic of China, France, the United Kingdom, and the United States of America - along with ten rotating members that are elected to serve two year terms. The ten non-permanent members currently consist of Bolivia, Côte d'Ivoire, Equatorial Guinea, Ethiopia, Kazakhstan, Kuwait, the Netherlands, Peru, Poland and Sweden.<sup>4</sup>

## Topic B: The Kashmir Conflict

### Introduction

"Lasting peace between [Pakistan and India] can only be attained through solving the Kashmir issue."<sup>5</sup>  
- Khawaja Asif, Foreign Minister of Pakistan

Since their inception with the partition of the former British Raj in 1947, the state of Pakistan and India have pitted against each other. Perhaps no dispute between these two states has been a greater source of conflict than the issue of Jammu and Kashmir. The Kashmir Valley and the area of Jammu are home to a diverse group of people with different religious backgrounds. As such, the areas have long been contested by three countries: India, Pakistan, and China. The contention over the region began with the partition of the British Raj into the states of Pakistan and India. The region of Jammu and Kashmir had a majority Muslim population but was ruled by a Hindu king. This king would eventually sign a treaty having the region of Jammu and Kashmir join India. This resulted in a war which ended in early 1949. The ceasefire agreement left India with around two-thirds of the land including the Kashmir valley, the eastern region of Ladakh, and the southern region of Jammu. Pakistan gained a largely mountainous western region known as Azad Kashmir. The two sides established a de-facto border, known as the Line of Control (LoC), which exists to this day.<sup>6</sup> India would also engage in a border conflict in 1962 with China which would result in India ceding the region of Aksai Chin to China. The boundary between India and China in this region is still disputed to this day.

<sup>4</sup> <http://www.un.org/en/sc/members/>

<sup>5</sup> <https://www.livemint.com/Politics/VfK8JVTQ3lzav0JMwrv2jO/IndiaPakistan-peace-can-be-achieved-only-by-solving-Kashmir.html>

<sup>6</sup> <https://www.hrw.org/reports/1999/kashmir/back.htm>



The Kashmir conflict has come to be a defining element of Indian and Pakistani identity. As a result, even though Kashmiris are an ethnic minority in the subcontinent, the Kashmir conflict is now central to the political identities of all of India and Pakistan. This conflict is not only important to the states of India and Pakistan, but the world as a whole. This is due to the fact that India and Pakistan both possess nuclear weapons and neither is a party to the Nuclear Non-Proliferation Treaty (NPT). Should the dispute escalate, as it has in the past, it could have catastrophic consequences. The issue remains a complex one for multiple reasons. The first being that India continues to treat the Kashmir insurgency as a domestic issue. This has hindered humanitarian aid to the region and in many cases has enabled human rights violations to go unnoticed. The next reason being that the issue of Jammu and Kashmir is not only being fought over by India and Pakistan, but the Kashmiri people themselves. Since the 1980s, there have been protests for independence from both Pakistani and India by the Kashmiri people.

## Timeline

**1947** - Following a long process, the Islamic Republic of Pakistan and the Republic of India are established as sovereign nations. Shortly afterwards, local Kashmiri leader Hari Singh, a Hindu, cedes the territory to India.

**1947** - Pakistani militants, joined by locals, attack the Kashmir region in protest of Indian control. India responds by deploying its military and engages in fierce fighting with Pakistani forces in Kashmir.<sup>7</sup>

**1948** - The UNSC passes resolution 47 [S/RES/47], which aims to establish a ceasefire between the two countries in the region.<sup>8</sup> Additionally, the resolution calls for a plebiscite to determine the wishes of the people. Pakistan does not follow this mandate and fighting continues.

**1949** - A ceasefire is realized and a Line of Control divides the Kashmir region into two sections; approximately 65% of the territory is under Indian control.<sup>9</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> [https://undocs.org/S/RES/47\(1948\)](https://undocs.org/S/RES/47(1948))

<sup>9</sup><https://www.telegraph.co.uk/news/1399992/A-brief-history-of-the-Kashmir-conflict.html>



**1957** - After various elections and political events in the region, the Indian-controlled region of Jammu and Kashmir constitutionally declares itself as part of India, although, no major territorial or tactical changes occur.<sup>10</sup>

**1962** - China defeats India in the brief Sino-Indian War and obtains control of eastern regions of the Kashmir, known as Aksai Chin.

**1971** - East Pakistan attempts to gain independence from Pakistan in the Bangladesh Liberation War. India subsequently invades East Pakistan and defeats the Pakistani Army, later creating the independent state of Bangladesh. Pakistan responds with airstrikes on west Indian targets. Indian troops advance into Pakistani-controlled Kashmir.<sup>11</sup>

**1972** - Under pressure from UNSC resolution 307 [S/RES/307], Indian Prime Minister Indira Gandhi and Pakistani President Zulfikar Ali Bhutto sign the Simla Accord which establishes peace after the 1971 conflicts. The Line of Control in Kashmir is further reinforced.<sup>12</sup>

**1987** - Elections are carried out in Indian-controlled Kashmir, but are met with controversy; the Indian government is accused of allowing illegitimate elections.

**1989** - Following public unrest incited by elections in 1987, the Jammu and Kashmir Liberation Front (JKLF) insurgency arises, violently resisting Indian control. India accuses Pakistan of supporting the insurgents. Pakistan denies the accusations. Hindus are persecuted in Kashmir, driving many of them out of the region.<sup>13</sup>

**1999** - India uses airstrikes to repel insurgent advances into Indian-controlled Kashmir, near Kargil. Pakistan and India deteriorate, once again, into full-scale conflict with airstrikes, artillery, and tens of thousands of refugees displaced.

**2001** - Various terrorist attacks in India lead to the buildup of Indian troops again in Kashmir. JKLF attacks, protests, and border skirmishes are commonplace in the Kashmir region. New Delhi suffers

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<sup>10</sup> <https://www.bbc.com/news/world-south-asia-16069078>

<sup>11</sup> <https://economictimes.indiatimes.com/news/defence/remembering-the-1971-war-when-india-won-and-bangladesh-got-liberated/articleshow/62094109.cms>

<sup>12</sup> <https://mea.gov.in/in-focus-article.htm?19005/Simla+Agreement+July+2+1972>

<sup>13</sup> [http://news.bbc.co.uk/hi/english/static/in\\_depth/south\\_asia/2002/india\\_pakistan/timeline/1989.stm](http://news.bbc.co.uk/hi/english/static/in_depth/south_asia/2002/india_pakistan/timeline/1989.stm)



from a bombing that kills 18 people. Pakistani-backed terrorists are blamed. Regular violence and unrest has continued since 2001.

## Historical Analysis

A common misconception that many people have about the British Raj and the way in which the British ruled India was that they ruled with an iron fist. The British could never manage to rule a region as big as India directly, so they employed the help of Indian princes and kings to rule. These Indian princes and kings would remain in power and govern, but they had to swear loyalty to the British crown and obey the orders of the British. One of these kingdoms was the Kingdom of Jammu and Kashmir which included the Muslim majority region of the Kashmir Valley and the Hindu majority region of Jammu. It was ruled by a Hindu king, Maharaja Hari Singh.<sup>14</sup>

Like all empires, the British empire rose and fell, resulting in the entire region of the former British Raj being granted independence in 1947. The region was separated into the Muslim state of Pakistan and the Hindu state of India. The Kingdom of Jammu and Kashmir was located on the border of these two states and Maharaja Hari Singh was left with the decision to join either Pakistan or India. After a period of vacillating on the decision, Pakistan sent in militants to try and take the valley in October of 1947. Maharaja Hari Singh fled to Delhi and signed the Instrument of Accession which gave Jammu and Kashmir to India despite the region being 75% Muslim. India would then subsequently send its army to fight the Pakistani militants. A ceasefire was signed in early 1949, leaving India with around two-thirds of the land including the Kashmir valley, the eastern region of Ladakh, and the southern region of Jammu. Pakistan gained a largely mountainous western region known as Azad Kashmir. The two sides established a de-facto border, known as the Line of Control (LoC), which exists to this day.<sup>15</sup> This split not only divided the region but it also divided the Kashmiri people; families were divided and the continuing conflict has made it difficult for family members to visit each other.

Jammu and Kashmir would eventually legally become a part of India in 1957 when Article 370 of the Indian constitution took effect. This article entitled the state of Jammu and Kashmir to a level of autonomy.<sup>16</sup>

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<sup>14</sup> <https://www.telegraph.co.uk/news/1399992/A-brief-history-of-the-Kashmir-conflict.html>

<sup>15</sup> <https://www.hrw.org/reports/1999/kashmir/back.htm>

<sup>16</sup> <https://timesofindia.indiatimes.com/india/What-is-Article-370Article-370/articleshow/35678708.cms>



Tension in the region would again escalate when in 1962, China and India fought a border conflict known as the Sino-Indian War. Some believe that the war was partly motivated by Mao's frustration by India's decision in 1959 to offer the Dalai Lama refuge after the Chinese annexation of Tibet.<sup>17</sup> The war ended with the region of Aksai Chin being ceded to China by India. China and India would not fight again in the region, but numerous clashes between Pakistan and India would continue to occur. India and Pakistan would fight again in 1965 before signing a ceasefire known as the Tashkent agreement. In 1971 another short war was fought, however this time the focus was on East Pakistan. The Bangladeshi people were fighting a liberation war against West Pakistan and, with Indian military support, succeeded in declaring independence from Pakistan as Bangladesh.<sup>18</sup> During the conflict, the Jammu Kashmir region once again became the front lines of battle between Pakistan and India. By the late 1970s, after years of conflict, the seeds of opposition to Indian rule began to emerge.

The start of animosity towards Indian rule came when Prime Minister Indira Gandhi began her campaign to centralize power in the capital Delhi during a period known as the Emergency, inciting much resentment in Kashmiri. Many Kashmiri believed these actions took away the autonomy they had been guaranteed in the Indian constitution. Another contributing factor was that at the local level, the incumbent National Conference (NC) party of Jammu and Kashmir state was seen as corrupt and unrepresentative.<sup>19</sup> This hatred of the National Conference party would lead to the creation of new parties including the Muslim United Front (MUF) and the Jammu Kashmir Liberation Front (JKLF). These parties gained the support of Kashmiris frustrated with Indian rule, supporters of independence/unification with Pakistan, and militants within Pakistan itself. They would form the basis of the insurgency that has continued to the present day. Mass protests and violence took place after the 1987 state election which was seen as rigged. After years of political violence in the Jammu and Kashmir state, the Indian government imposed military rule beginning in January of 1990 and continuing to the present day. International human rights observers suggest that Army and security forces have killed and injured civilians, censored the press, and denied Kashmiris due process of law.<sup>20</sup>

During the 1990's, the increasing insurgency and the murder of several prominent Hindu Indians would result in the mass exodus of over 100,000 Hindu residents from the Kashmir Valley. The mass exodus and murders are often referred to as a reason for the harsh security force crackdown towards the

<sup>17</sup> <https://thediplomat.com/2012/08/historys-hostage-china-india-and-the-war-of-1962/>

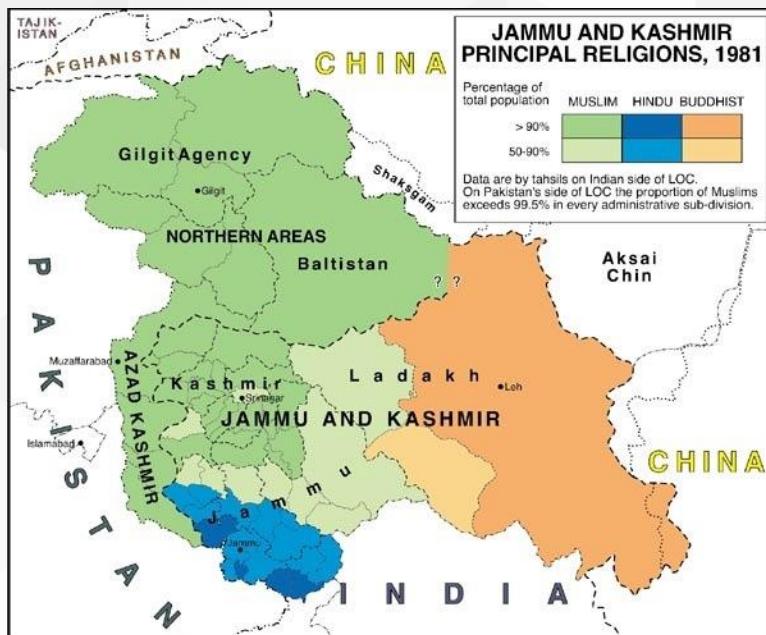
<sup>18</sup> <https://www.telegraph.co.uk/news/1399992/A-brief-history-of-the-Kashmir-conflict.html>

<sup>19</sup> <https://www.hrw.org/reports/1999/kashmir/back.htm>

<sup>20</sup> <https://www.amnesty.org/download/Documents/ASA2018742015ENGLISH.PDF>

Kashmiri independence movement.<sup>21</sup> The violence would come to a head in 1999 when India and Pakistan fought their final major conflict, the Kargil War. The Pakistani army and paramilitary forces from Azad Kashmir had claimed many high-altitude posts on the Indian side of the LoC, leading to a protracted conflict as the Indian army pushed them back. After condemnation from the international community, including a direct appeal by US president Bill Clinton to Pakistani prime minister Nawaz Sharif, both sides agreed to cease hostilities.<sup>22</sup> Since then, even as India and Pakistan have remained largely at peace, animosity in Indian-administered Kashmir towards Indian security forces has grown.

## Current Situation



*Map of religious divisions in the Jammu and Kashmir regions*

Despite the de-escalation of tension between Pakistan and India from their days waging war against each other, the region of Jammu and Kashmir still remains a flashpoint for future conflict for a number of reasons, the major one being that an insurgency is still ongoing in Jammu and Kashmir partly due to Pakistani backing of the insurgents (as India claims) and Indian military rule (as Pakistan claims). Due to the difficult terrain at the Line of Control, a border is difficult to maintain allowing for terrorists, whom India claims are funded by Pakistan, to cross easily between both Pakistan and India. When it comes to the Kashmiris themselves, there is little trust in the Indian government and there is a

<sup>21</sup> <https://india.blogs.nytimes.com/2013/06/03/why-the-return-of-kashmiri-pandits-is-still-a-distant-dream/>

<sup>22</sup> <https://www.theguardian.com/world/1999/jul/05/kashmir.india>



widespread belief that state elections are rigged. All this combines to create a region ripe for conflict. Despite multiple treaties, both countries are still adamant in their claim to all of the region as displayed by previous Prime Minister Nawaz Sharif 2016 statement “We are waiting for the day Kashmir becomes Pakistan”.<sup>23</sup> Delegates should take into account the following contributing factors to the continuing conflict.

### ***Religious Population of Jammu and Kashmir***

The map above shows the parts of Kashmir and Jammu that are controlled by India, Pakistan, and China, along with the de-facto Lines of Control. Nearly all of Pakistani Kashmir’s 3.5 million residents are Muslim, and Chinese-controlled Aksai Chin is essentially uninhabited. Indian controlled Kashmir can be split into three main regions. The Kashmir valley has 4 million residents, of which 95% are Muslim.<sup>24</sup> However, 66% of the 3 million residents of the southern region of Jammu are actually Hindu, and in the less populated eastern region of Ladakh, 40% of the population is Muslim while 40% is Buddhist. In proposing solutions to the conflict, delegates must take into account the significant presence of non-Muslims outside the Kashmir valley. They still play a significant role since the Indian state of Jammu and Kashmir is one political entity.

### ***Nuclear Weapons***

While no nuclear weapons are physically located in Kashmir, the fact remains that both India and Pakistan possess nuclear weapons. It is crucial for delegates to consider the consequences of this for the Kashmir conflict: escalation could be catastrophic. This situation almost manifested itself in 1998-99, when both India and Pakistan separately tested nuclear weapons prior to the Kargil War. The situation may not have been as worrying if either country was a signatory of the Nuclear Non-Proliferation Treaty (NPT). This means that the nuclear arsenals of both countries are technically outside the jurisdiction of most international agreements. The NPT makes a clear distinction between Nuclear Weapons States (currently the USA, UK, France, Russia, and China) and Non-nuclear Weapons States (all other signatories). The P5 nations have systematically refused to recognize India and Pakistan as nuclear weapons states, as this would constitute official recognition of their development of nuclear arsenals outside of the Nuclear Non-Proliferation Treaty. As a result, India and Pakistan are unwilling to sign the agreement, which would require them to voluntarily give up all weapons and become non-nuclear states.<sup>25</sup> Delegates must consider how to resolve this disagreement, and in the short-term, how to facilitate conflict resolution outside the framework of the NPT.

<sup>23</sup> <http://www.dawn.com/news/1272477>

<sup>24</sup> <http://www.censusindia.gov.in/2011census/C-01.html>

<sup>25</sup> <http://www.tandfonline.com/doi/abs/10.1080/09700160903537856>



## **Accountability for Security Forces**

One longtime point of contention, for both the Kashmiri people and the nations of India and Pakistan, is the question of what constitutes an “acceptable” use of force by the Indian Army. India, for instance, accepts pellet guns as a necessary peacekeeping tool because they do not kill but only result in injury as a side effect of keeping the peace.<sup>26</sup> However, many inside and outside Kashmir are critical of the guns because they cause permanent physical damage (particularly eye damage) and have been used repeatedly on civilians. There has also been the issue of The Armed Forces Special Powers Act (AFSPA). The AFSPA is an act that grants the Indian Armed Forces power to maintain public order in “disturbed areas.” It allows the armed forces to prohibit gatherings, use force and open fire after giving due warning, ban the possession of firearms, and arrest someone without a warrant.<sup>27</sup> According to Section 3 of AFSPA, an area is considered “disturbed” if conflict arises due to “differences or disputes between members of different religious, racial, language or regional groups or castes or communities.”<sup>28</sup> The AFSPA has been a longtime target of criticism because of the wide powers it gives the Indian Armed Forces. Critics have also pointed out how the Act has been ineffective in stopping the insurgency in Kashmir. Despite these criticisms, army officers have argued that the role of the army is “to keep the insurgency down to a level where the civil administration can carry out its functions” and that the AFSPA has been effective in achieving this goal.<sup>29</sup> The army has also pointed out that the AFSPA has been successful in previous insurgencies such as the Nagaland insurgency in Nagaland.<sup>30</sup>

Amnesty International released a report in 2015 that highlighted cases in which soldiers had not been prosecuted despite accusations of murder, kidnapping, or rape.<sup>31</sup> The report laid out several recommendations, including that the AFSPA be repealed, that the Indian military and civilian justice systems swiftly hold trials for the accused, that information be made available to families on those who have disappeared, and that India ratifies and respect relevant international treaties. Depending on the country policy, delegates will likely support some combination of these and should come up with creative ways to enable collaboration on this issue with the Indian government.

<sup>26</sup> <http://www.newindianexpress.com/nation/2016/aug/10/No-compromise-on-national-security-Rajnath-on-use-of-pellet-guns-in-Kashmir-1507838.html>

<sup>27</sup> <https://www.thehindu.com/news/national/what-is-afspa-and-where-is-it-in-force/article23648102.ece>

<sup>28</sup> Ibid.

<sup>29</sup> <https://thediplomat.com/2015/07/indiass-controversial-armed-forces-special-powers-act/>

<sup>30</sup> Ibid.

<sup>31</sup> <https://www.amnesty.org/download/Documents/ASA2018742015ENGLISH.PDF>



## **Terrorism**

A major point of contention for India lies in the role that terrorist and insurgent groups play in the region. Due to the fact that insurgent groups have ambiguous connections both with the Kashmiri people and the Pakistani government, regulating their activities becomes a highly contentious issue. Groups like the Jammu and Kashmir Liberation Front (JKLF), which enjoy popular support among Kashmiris, still organize protests where stone-throwing and other violence takes place. Indian security forces have continued to suppress and crackdown on the JKLF which has kept the peace to a degree but it has also eroded the little support that exists for the Indian government among the Kashmiri people. This issue becomes even more complicated with Kashmiri-filled militant groups like Hizbul Mujahideen, who are openly violent but are still comprised of locals.<sup>32</sup> Delegates must decide how to best deal with both insurgent and terrorist groups. For example, despite being classified as a terrorist group by both India and the United States, Lashkar-e-Taiba continues to function in Pakistan. Its leader Hafiz Saeed is free to give speeches and interviews.<sup>33</sup> LeT is primarily made up of foreigners, and its hardline Islamist views are not shared by most Kashmiris. The committee will need to consider how best to limit the influence of groups like LeT. The international community has a long history of working together to combat terrorism through information sharing and other efforts, so those may be a good starting point.

## **Civil Liberties**

A major point of contention for the Kashmiri people remains the freedom of the press. During a period of unrest in the summer of 2016, security forces raided the main newspapers in the valley and forced them to temporarily close.<sup>34</sup> Communication is also severely restricted in the valley. During a recent period of unrest, the Army suspended all mobile phone services in the valley in an effort to prevent anti-government demonstrations.<sup>35</sup> Both of these actions are sources of severe criticism internationally and locally. Most Indian citizens can and do fully exercise the rights of freedom of the press and communication. India has a strong tradition of a free and critical press and mobile services are a core part of the government's economic development efforts. Suppression of these rights is seen as yet another case of differential treatment for Kashmiris living in the valley.

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<sup>32</sup> <https://www.bbc.com/news/world-asia-18738906>

<sup>33</sup> <https://www.hindustantimes.com/world-news/hafiz-saeed-leads-kashmir-caravan-vows-to-march-towards-j-k/story-0wJSmFAjzF1ax2fp8PlI4N.html>

<sup>34</sup> <https://www.nytimes.com/2016/07/19/world/asia/news-crackdown-in-kashmir-leaves-locals-surrounded-by-rumors.html>

<sup>35</sup> <https://www.ibtimes.co.in/kashmir-unrest-mobile-services-partially-restored-curfew-continues-43rd-day-690543>



### **Desire for Autonomy**

The idea of Kashmiri sovereignty is perhaps the most contentious question the committee must answer. India maintains, as a result of Hari Singh signing the Instrument of Accession and of Article 370 of the Indian Constitution, that Kashmir is clearly Indian territory and therefore that any international discussion in it simply constitutes meddling in Indian domestic affairs. Pakistan has stated the need to hold a referendum on Kashmiri sovereignty under the terms of the 1948 Security Council resolution on the issue.<sup>36</sup> While many Kashmiris support this, India would strongly oppose it given public sentiment in the region. In addition, international support for a referendum has been on the decline for many years. There are also many questions surrounding Kashmir's viability as an independent state. Given its strategic location and lack of military forces, many fear that an independent Kashmir would quickly be annexed by Pakistan, even if many of those fighting for independence from India desired a separate country. A more viable solution lies in giving the state of Jammu and Kashmir more autonomy from the Indian central government. Depending on the interpretation of Article 370, there is a case to be made for the devolution of powers from the Indian central government to the Jammu and Kashmir state authorities. In addition, handing over powers of policing to the state, which remains with the army in light of the Armed Forces Special Powers Act, could help reduce insurgency.<sup>37</sup> There is precedent for devolution of powers to autonomous regions in other parts of the world and delegates should find inspiration in these regions for successful solutions.

## **United Nations Involvement**

Most of the work the United Nations has done to resolve the conflict in Jammu and Kashmir has been in the form of Security Council resolutions to establish a ceasefire. No resolution has yet authorized the deployment of peacekeepers or enacted any sanctions against a state. Despite the multiple resolutions passed to deal with the conflict, there has been little progress made by the international community towards a long-term solution. However, there have been a few successful United Nations initiatives. The first is the United Nations Observer Group in India and Pakistan (UNMOGIP) which was established in 1949. UNMOGIP has continued to provide valuable intelligence and data on the conflict. UNSC resolution 47 [S/RES/47] was passed in 1948 and aimed to establish peace after the First Indo-Pakistani War. The resolution helped establish the Line of Control that has served as a form of border between Pakistan and India. In the past, the UNSC has launched investigations into the India-Pakistan

<sup>36</sup> <https://www.financialexpress.com/india-news/pakistan-again-asks-india-to-hold-plebiscite-in-kashmir/331674/>

<sup>37</sup> <https://www.amnesty.org/download/Documents/ASA2018742015ENGLISH.PDF>



Problem, such as the one headed by Australian diplomat Sir Owen Dixon. His work led to the UNSC passing resolution 91[S/RES/91] which stated how demilitarization of the region should be conducted.<sup>38</sup>

These initial UNSC resolutions were successful in establishing a short term ceasefire, but ultimately could not stop conflict from flaring up again in 1965. Over the course of the 1965 conflict, the UNSC passed resolutions 209 [S/RES/209], 210 [S/RES/210], and 211[S/RES/211]. Resolutions 209 [S/RES/209] and 210 [S/RES/210] primarily stated the UNSC's concern over the continuing conflict, but resolution 211[S/RES/211] called for a definite ceasefire and reconciliation between states. This international pressure would eventually lead to the Tashkent Agreement. However, like resolution 47 [S/RES/47], this would only be successful in establishing a short-lived peace. The UNSC would pass its final resolution on the matter in 1971. Following the major developments of the Bangladesh Liberation war in 1971 and 1972, resolution 307 [S/RES/307] was successful in facilitating a ceasefire. However, just like other UNSC resolutions, this would fail to a lasting peace, as Kashmir quickly returned to its previous state of civil unrest.

## Seeking Resolution

### *Demilitarization of the Kashmir Region*

Demilitarization of the Kashmir region would be popular with many Kashmiris and possibly reduce support for the insurgency. It would also make the chance of conflict between India and Pakistan less likely as there would be a smaller chance for accidental, or sometimes intentional, border clashes. In concerns to Indian demilitarization, the repeal of the Armed Forces Security Act could help reduce tension between the Kashmiri people and the Indian government. However, this could only occur if Pakistan also agreed to remove its military presence from the border region and in addition, if it ceased its support of militant actors in the region. In order to ensure that both parties abide by such a deal, a UN peacekeeping force could be established on the border. This would calm both Pakistani and Indian fears of military conflict as UN peacekeepers would prevent accidental interaction between Indian and Pakistani security forces. It would also serve as a tool to monitor if either side was attempting to breach the demilitarization agreement. However, the deployment of UN peacekeepers would be dependant on the establishment of a permanent border as both India and Pakistan would see the location in which the peacekeepers would be deployed as the internationally recognized border between them.

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<sup>38</sup> [https://undocs.org/S/RES/91\(1951\)](https://undocs.org/S/RES/91(1951))



### ***Establishment of a Permanent Border***

This is the most straightforward solution to the conflict, but it would also be the hardest to reach seeing the unwillingness for both Pakistan and India to give ground on their current claims. India claims that due to the fact that King Maharaja Hari Singh agreed to give the entire kingdom of Jammu and Kashmir over to India in 1947, the entire region is rightfully theirs. Pakistan, on the other hand, believes that a plebiscite should be held in order to settle the dispute. Pakistan lays claim to all the Muslim regions of Jammu and Kashmir, in accordance with the splitting of the British Raj along religious lines. The establishment of a permanent border would put an end to the border ambiguity which has resulted in border clashes between India and Pakistan. It would also provide a location for UN peacekeepers to be deployed, further providing security to the area.

### ***Granting Further Autonomy***

Concerning autonomy, the Kashmir Study Group (KSG) has proposed the idea of separate autonomy, in which the entire region would be divided into five separate autonomous provinces: Kashmir; Jammu; Ladakh (a region of Indian Jammu and Kashmir); Azad Kashmir; and the Northern Areas of Pakistan (historically a part of Kashmir that remains separate from Azad Kashmir). These five provinces would have “free access to one another and to and from both India and Pakistan,” and would maintain their own “democratic constitution(s)” and legislature for all local issues other than defense and foreign affairs, which would be the joint responsibility of both India and Pakistan through “defense and financial arrangements” that would be designed at a later date.<sup>39</sup> This could work to finally put down the insurgency but it could only be achieved if both India and Pakistan were able to receive security assurances for their respective regions. The international community could work to provide and security assistance in each countries respective region. However, this would have to take into account controversial legislation like the AFSPA which many countries have been critical of. Member states would need to find a balance between providing security assurances and maintaining human rights standards.

## **Bloc Positions**

### ***China***

Because of its conflict with India over Aksai Chin, China has generally sided with Pakistan in the border conflict. China and Pakistan signed a deal that settled their own border dispute long ago. However,

<sup>39</sup> <https://scholarworks.bgsu.edu/cgi/viewcontent.cgi?article=1035&context=irj>



China has long resisted agreeing to a Line of Actual Control (de facto border) with India, which leaves the possibility open of spontaneous conflict between the two powers. However, China is also eager to sign trade and investment deals with India, which dampens any incentive to engage in diplomatic hostility.

### ***United States and Western Europe***

While the US has traditionally maintained a neutral point of view in the Kashmir conflict, its allegiances have shifted over the years. During the Cold War, it was a strong backer of Pakistan; in recent years, while its relationship with Pakistan has grown in importance post-9/11, India's economic growth has also made it a key regional partner. The US is also concerned about global terrorism, so it will be eager to stop any Islamic fundamentalists, particularly those from abroad, from causing havoc in Kashmir. Western European countries are likely to follow the US's lead on these issues, particularly out of an eagerness to limit the growth of terrorism. They are also concerned about potential human rights violations and the lack of prosecution so the reported use of excessive force by the Indian military is likely to be of interest.

### ***Russia and the Eastern Bloc***

Russia and its allies also refrain from expressing an official policy on the issue. However, Russia is a longtime military ally of India, and many of the weapons and strategies in place on the Line of Control are originally Russian. Given that Russia and its allies are generally more protective of national sovereignty and give less legitimacy to international intervention on the basis of human rights, they are also less likely to support active intervention in Kashmir.

## **Discussion Questions**

1. What are the primary factors that contribute to the instability in the Jammu and Kashmir region?
2. What previous actions have been taken by the international community to solve this issue and what are ways in which international organizations like the UN can be involved in providing security guarantees for both Pakistan and India?
3. What are the main causes for the antagonistic and distrustful attitude that many Kashmiri people feel towards the Indian government?
4. Is there a feasible way to grant more autonomy to the region of Jammu and Kashmir while at the same time maintaining the security of both Pakistan and India?



5. What role does the continued military presence of both Pakistan and India play in contributing to the Kashmir insurgency?
6. Why is cross-border terrorism between Pakistan and India so prevalent and how can it be stopped?
7. If a permanent border is to be established, where should it be placed and why?
8. What are ways to prevent nuclear escalation of the Jammu and Kashmir conflict?

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