

Peacebuilding Commission

The question of Kashmir

Forum	Peacebuilding Commission
Issue:	The question of Kashmir
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Introduction

The 20th century brought the fall of many empires and the end of colonial rule in all continents of the world. This led to the emergence of many new nations, sometimes with boundaries that did not suit the local population. An example of such an area is the region of Kashmir, disputed between India, Pakistan, and to a lesser extent, China. Following the end of the British Raj in 1947, the Indian subcontinent was divided into two nations, India and Pakistan. Many regions were given to each country based on their religion; however, this was not the case for Kashmir, which, despite being majority Muslim, ended up becoming a part of India, a primarily Hindu country.

The Indus River, which flows through the region, renders it desirable to both India and Pakistan as it guarantees farmland to the local population. This is especially important considering the fact that over 50% of Indians, and roughly 40% of Pakistanis are involved in the agricultural sector. In addition to this, the picturesque landscapes can provide an influx of tourists, bringing in more money to the area, supporting economic development.

The United Nations (UN) have been involved in attempting to solve the issue, passing resolutions to negotiate ceasefires and pursuing a final solution, however they have had limited success. Despite what seems to be a failure of diplomacy, it is of utmost significance to solve this sensitive issue through peaceful means. Millions of civilians are already affected and suffering due to this dispute, and a full-scale conflict would only exacerbate the situation even further. Conflict is also to be avoided as all parties that lay claims on the region are confirmed to have nuclear weapons.



Definition of Key Terms

Article 370

An article in the Indian constitution that granted Kashmir a special autonomous status.

Constitution

The basic principles and laws of a nation.

De facto

“In fact” or “in reality”. It is what the true practice is, rather than what the law says it should be.

Line of Control (LoC)

Divides the Indian administered part of Kashmir from the Pakistani side. The line was originally where the military front was when the ceasefire was signed following the First Kashmir War, and eventually became named the “Line of Control” following the 1972 Simla Agreement. The line is roughly 750 kilometres long.

Line of Actual Control (LAC)

Similar to the Line of Control, but between China and India. It is another de facto border.

Maharaja

An Indian ruler

Partition

The division of a territory into other separate countries or areas

Plebiscite

A vote held by the people to express the opinion of the majority.



Viceroy

An official to rule over a foreign land on behalf of the king or queen

General Overview

Origin of the issue

Following the end of the Second World War, the United Kingdom, despite being a victor, had a devastated economy. This, along with foreign pressure, rendered it more difficult to continue managing the British empire, which eventually gave way to the Commonwealth. This gave independence to many new nations, which previously were under British rule. One such region was the British Raj, in the Indian subcontinent.

Clement Attlee promised India's independence if he would have won the United Kingdom's elections. He ended up doing so and appointed Lord Mountbatten as the last viceroy of British India to oversee the Raj's transition to independence. He set up a commission to decide how to partition the subcontinent, particularly focusing on the regions of Punjab and Bengal. The commission consisted of four members of the Indian National Congress, four members from the Muslim League, and was chaired by Cyril Radcliffe, who had never been further east than Paris. Despite this, he had been assigned only five weeks to complete the partition.

The partition was then completed as follows: states which were directly under British rule would accede either to India or Pakistan based on their demographics (majority Hindu states became part of India, and majority Muslim states became part of Pakistan). Princely states that had a Maharaja gave the ruler the option to accede either to India or to Pakistan.

The Maharaja of Kashmir, Hari Singh, was a Hindu leader, who ruled over a majority Muslim population. At first, he believed that by delaying his decision on which country to accede to, he would be able to keep Kashmir as independent. However, following invasions by Pakistani tribesmen, Singh acceded to India in return for military assistance.



Partition of India in August 1947



Figure 1: The partition of India - BBC

Indo-Pakistani conflicts

Following the partition there have been several conflicts between India and Pakistan. A number of them were directly related to the region of Kashmir, which often acted as an important battlefield. In the following sections are listed some of these conflicts.

First Indo-Pakistani War

The first Indo-Pakistani War started in October 1947 when tribal Pakistani militias invaded the state of Kashmir with the support of the Pakistani army. Hari Singh, the Maharaja, asked India for military assistance, which was offered in return of an accession into India. On the 26th of October Kashmir signed the Instrument of Accession with India, which brought further reinforcements to the front line. The war ended with a UN mediated ceasefire following the positions of the Indian and Pakistani forces at the time the ceasefire came into action, the 1st of January, 1949. This line eventually became known as the Line of Control in 1972 following the Simla Agreement. Although both nations claim the entirety of Kashmir, the ceasefire line following the First Indo-Pakistani War acts as a de facto border. Despite the slight territorial changes (India retaining roughly two thirds of Kashmir, and Pakistan gaining control over the remaining third) most historians agree that the war ended in a stalemate, with no clear victor.



Second Indo-Pakistani War

The Second Indo-Pakistani War started in August 1965, when Pakistan launched Operation Gibraltar, which involved sending troops disguised as civilians into Indian controlled Kashmir to try to spark a rebellion. Following some initial brief skirmishes, the conflict rapidly escalated to being fought both in Kashmir and the Indo-Pakistani border. The conflict reached a ceasefire which passed in the Security Council with all but one votes in favour (Jordan abstained) in 1965. It prevented any territorial changes from happening in the war. Eventually, this brought the Tashkent Declaration, mediated by the Soviet premier Aleksey Kosygin in the Soviet city of Tashkent, which led to the leaders of both India and Pakistan to agree to formally end the war. This agreement was signed in January 1966.

Kargil War

The war started in May 1999 when the Indian army learnt that Pakistani forces had infiltrated into the Indian side of the Line of Control, disguised as Kashmiri militants. The forces tried to cut the city of Leh off by bombarding the main road and preventing the movement of supplies. Pakistan and its militants received criticism from many countries in the world, including the US. Israel even provided advanced weaponry to India to aid them in the conflict. The war ended the 26th of July with India successfully pushing back the foreign militants behind the Line of Control.

Chinese involvement

China has also been involved in taking land in Kashmir. Although their role is minor compared to India and Pakistan, they have also gained a significant amount of land in the area.

After annexing Tibet in the early 1950s, China started making territorial claims at several points of its border with India. At first, not much importance was put on the area of Aksai Chin, which is in the Kashmir region, however this changed when the Chinese government decided to construct a military road connecting Xinjiang and Tibet, passing right through the region. Upon India's discovery of this road, it made many objections, which led to several border skirmishes between the two countries in the area. This ended up leading to a full-scale military operation on China's behalf, when



Chinese forces engaged in combat with Indian forces on the 20th of October, 1962. Seeing that this was at the peak of the Cuban Missile Crisis, China did not expect there to be any involvement by the US, due to the dire situation by their coast. However, the crisis ended very rapidly, and the deployment of an American aircraft carrier towards the involved countries led to China offering a ceasefire to India the 20th of November. China withdrew its forces from most of the area it had taken over, gaining only roughly 38,000 km² in Aksai Chin. The conflict solidified a part of the Line of Actual Control.

The following year, China and Pakistan made an agreement to resolve any border disputes between the two. This involved ceding and recognising sovereignty of various disputed lands in diplomatic manners. While India does not recognise this agreement as valid, it has played a role in improving Sino-Pakistani relations.

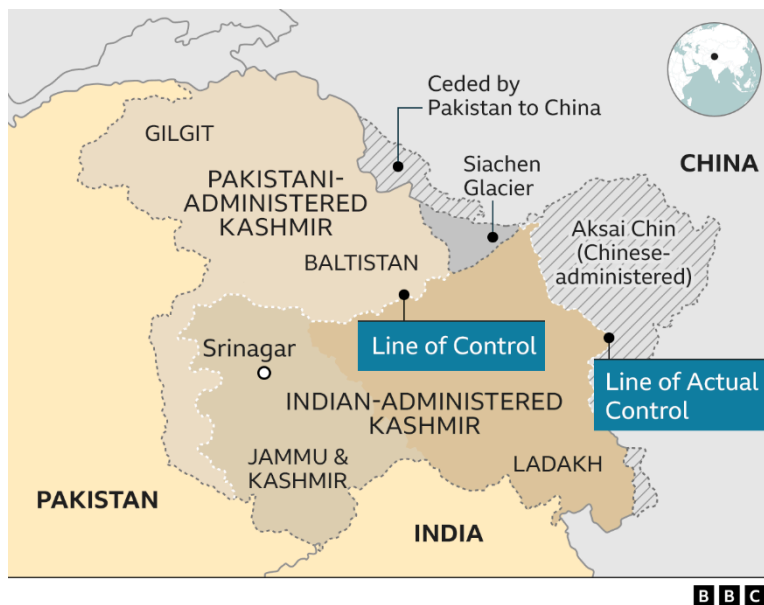


Figure 2: A map of Kashmir and all the areas claimed by each involved country - BBC

Human rights violations

There are many reports of human rights violations committed by both Indian forces and Muslim militants, who are often suspected to have been trained by Pakistan. These include forced disappearance, torture, rape, mass killings, and decrease on freedom of speech and religion.



Kashmiri Hindus, also known as Pandits, have lived in the region of Kashmir for thousands of years. Despite this, they have been forced to leave after mass killings by terrorist groups. For example, the Wandhama village was inhabited by many Kashmiri Hindus. One day several masked terrorists entered the village and killed 23 Pandits. Numerous attacks similar to this one led to at least one hundred thousand Pandits leaving Kashmir, essentially removing the ethnicity and religion from the region.

On the other hand, Indian forces have also been accused of human rights violations such as torture. According to Amnesty International, Farooq Ahmad Dar was accused at 24 years old for having allegedly thrown stones. As a response to this, Indian forces tied him to the front of a jeep, pasted "I am a stone pelter" onto his chest, and drove around for five hours, going through several villages and using him as a human shield, as he deterred others from throwing stones towards the jeep. Following the incident, Farooq Ahmad Dar told Amnesty that neither the police, nor the army approached him to record a statement, and the officer that ordered the punishment was reportedly given an award for "sustained efforts in counter-insurgency operations", suggesting that the Indian army might even be ignoring the human rights of Kashmiris, knowing that they will be able to avoid punishment regardless.

In conclusion, it is apparent that the Kashmiri population is suffering from human rights abuses from the countries that claim to own them, which worsens the situation even more.

Major Parties Involved

Republic of India

The largest country in the world by population. It is believed to be the rightful owner of the entirety of Kashmir following Hari Singh's accession. Despite this, it still signed the Simla Agreement and therefore respects the Line of Control. Unlike Kashmir, which is predominantly Muslim, India is a predominantly Hindu country (being roughly 75% Hindu). India is in possession of nuclear weapons and is in control of approximately 48% of Kashmir.



Islamic Republic of Pakistan

Pakistan, which is of the same religion as most Kashmiris, believes that the Kashmiri people should have the right to hold a plebiscite, in accordance with resolution UNSCR 47 (1948), deciding whether they want to join India or Pakistan. Further, it finds that the disputed region is a natural extension of Pakistan, while taking into consideration the criteria used by Lord Mountbatten during the British Raj's partition. Pakistan is on good terms with China regarding the question of Kashmir, and is also in possession of nuclear weapons. It controls approximately 35% of the region.

People's Republic of China

Very similar population to India. Not in the Indian sub-continent and was not involved in the partition of the British Raj. Has no border disputes with Pakistan following the Sino-Pakistani agreement, and therefore is on good terms with it. Economically it is a big competitor to India and is also in possession of nuclear weapons. China has control over roughly 17% of Kashmir.

UNITED NATIONS MILITARY OBSERVER GROUP IN INDIA AND PAKISTAN (UNMOGIP)

The UNMOGIP has been deployed to the region of Kashmir to supervise the ceasefire between India and Pakistan. They first arrived in the region in 1949.

Kashmiri militants

Insurgency groups like Hizbul Mujahideen or Lashkar-e-Taiba. They are often designated as terrorist groups by many countries and generally desire that Kashmir merges with Pakistan or becomes an independent state. They are frequently suspected of having been trained and/or supplied by Pakistan.



Timeline of Key Events

Date	Description of event
August 1947	India is partitioned
October 22 nd , 1947	Tribal Pakistani forces invade Kashmir
October 26 th , 1947	Hari Singh accedes to India in return for military aid against tribal Pakistani force
October 1947	First Indo-Pakistani war starts
April 21 st , 1948	UNSCR 47 was passed, guaranteeing an unbiased plebiscite in which the Kashmiri population could vote whether it would be Indian or Pakistani. The plebiscite is yet to happen
January 24 th , 1949	First UNMOGIP military observers deployed to supervise the ceasefire between India and Pakistan
January 26 th , 1950	The Indian constitution, including Article 370, comes into effect
January 26 th , 1957	Kashmiri constitution comes into effect, saying that "The State of Jammu and Kashmir is and shall be an integral part of the Union of India"
November 1962	China defeats India in the Sino-Indian War, taking control of some land in Aksai Chin
1963	Sino-Pakistani Agreement occurs, establishing a border between the two countries and preventing future disputes



August 1965	Second Indo-Pakistani War starts
September 22 nd , 1965	UNSCR 211 passes, bringing a ceasefire to the war and preventing any territorial changes
January 10 th , 1966	Tashkent Declaration is signed, formally ending the Second Indo-Pakistani War
July 2 nd , 1972	Simla Agreement signed, promoting bilateral negotiations rather than violence between India and Pakistan and converted the ceasefire line into the Line of Control
Late 1980s	Lashkar-e-Taiba is founded
1989	Hizbul Mujahideen is founded
January 25 th , 1998	Wandhama massacre occurs
May-July 1999	Kargil War is being fought
2017	Farooq Ahmad Dhar is tortured by being strapped to a jeep and driven around several villages
August 5 th , 2019	Majority of Article 370 is revoked, stripping Kashmir of its special status



UN involvement, Relevant Resolutions, Treaties and Events

- August 1947, the British Raj is partitioned
- October 1947, Hari Singh signs the Instrument of Accession, accepting to accede into India
- January 20th, 1948, UNSCR 39 passes, creating a commission to find a peaceful resolution to the question of Kashmir
- April 21st, 1948, UNSCR 47 passes, declaring that a plebiscite must be held to decide whether Kashmir will join India or Kashmir
- 1963, Sino-Pakistani agreement is made, solving all border disputes between China and Pakistan
- UNSCR 211 (1965) passes, demanding a ceasefire between India and Pakistan
- January 10th, 1966, Tashkent Declaration is signed by India and Pakistan, formally bringing an end to the Second Indo-Pakistani War
- July 2nd, 1972, Simla Agreement is signed by India and Pakistan, promoting bilateral talks and establishing the Line of Control

Previous Attempts to solve the Issue

Over the years there have been several attempts at solving the issue. For example, UNSCR 39 created the United Nations Commission for India and Pakistan (UNCIP) to attempt and bring an end to the dispute. This was also an attempt to bring international attention to what was happening, possibly encouraging third parties to get involved and attempt to mediate the dispute. The Security Council also called for a plebiscite, which could have been supervised by the aforementioned UNCIP. This plebiscite has never happened, however, due to various reasons such as the belief that the high military and terrorist presence may lead to biased votes.

Another attempt that could potentially have solved the issue was the removal of the vast majority of Article 370, which granted Kashmir a lot of autonomy. The removal of this article renders Kashmir a state like any other, with nowhere near as much power to govern itself as it used to have.



While this move could promote development in the region due to the greater ease to invest in it from other Indians, it could also promote Indian pride and unity, inclining the Kashmiris to feel a sense of loyalty to the Indian government. The removal of the article, however, was met with lots of criticism by the Kashmiri population.

Possible Solutions

Naturally, finding a solution to this issue is an incredibly difficult task, and even if something were to be done, it would likely take a long time before it is fully successful. However, it would probably be best to tackle the issue at its root, by improving the relations between all involved countries, particularly between India and Pakistan.

After that, a possibility could be carrying out a full demilitarisation of the Kashmir region, and deploying UN peacekeepers (blue helmets) to maintain law and order. In the time in which the area is clear of any forces biased towards a nation, the long overdue plebiscite could finally be held, being administered by a specially dedicated United Nations branch.

Otherwise, despite the inevitable complaints by all involved member states, a three state solution could be put into order. This would involve a partition of Kashmir, separating it following the already established de facto borders (including the Line of Control and Line of Actual Control).

Finally, another option could be simply giving the state of Kashmir independence. This would render it a sovereign nation which would have voting power in the United Nations and the possibility to govern itself. This could possibly be accompanied by a resolution guaranteeing its independence and providing logistical and financial support to bring stability and economic prosperity to the newly formed country.



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