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The Situation in Kashmir



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Introduction

26 November 2008, a wave of attacks in Mumbai, India's capital, sees 188 dead and 312 wounded, as a result of mass shootings and hostage situations. With the Indian special forces' response qualified as slow by the international community, the events, carried out by a terrorist group based in neighbouring Pakistan, have once again attracted the world's attention to the political clash between both nuclear-armed neighbours. At the root of the conflict: the province of Kashmir, a territory highly contested between its bordering nations: India, Pakistan, and China.

Definition of Key Terms

Plebiscite

A citizens' referendum

Maharajah

The prince or king of a region, the one in command.

UNSC

United Nations Security Council

LOC

"Line of control" is the name given by the United Nations to the ceasefire line resulting from the Karachi Agreement of 1 January 1949 at the end of the First Indo-Pakistani War. It is 850 km long.

Secessionism

Willingness to break away from a group or country.



General Overview

In order to properly understand what has led to such a violent development of an already tense situation, it is essential to understand the history of the region. The conflict over the Kashmir region is rooted in the common history of India and Pakistan. After the colonization of most of Asia by the British, India gained its independence on August 15, 1947 following Gandhi's peace movements. The subsequent division of the territory saw the Muslim minorities placed in a new state: Pakistan, while India remained predominantly Hindu. The Indian Congress opposed this division. Because of the terms agreed upon by India and Pakistan for the partition of the Indian subcontinent, the leaders of the principalities were given the choice of joining India, Pakistan, or, with some reservation, remaining independent. Hari Singh, then Maharaja of Kashmir, believed that by delaying his decision, he could maintain Kashmir's independence. But in reality, due to many events, including a revolution by his Muslim subjects along the western border of the region and the intervention of members of the Pashtun tribe, he signed the accession to India in October 1947, unifying the two territories. This was the signal for intervention on the part of Pakistan, which regarded the Kashmir region as a natural extension of its territory, and India, which wished to confirm the act of accession as soon as possible. Thus began a series of localized clashes which continued in 1948 in the form of the first Indo-Pakistani war, coming to a temporary end after the United Nations interceded and negotiated a ceasefire that came into effect in January 1949. In July of the same year, a ceasefire line, the "Line of Control" (LOC) was established, dividing the administration of the territory. Considered at the time as a temporary solution, this partition still exists today.

The situation on an international scale.

Having established that the (ex)principality of Jammu and Kashmir has long been home to a series of conflict all whilst witnessing an increase in violence, it is equally essential to note that these conflicts, the resolution of which often deemed insufficient, have



The current status-quo (note: the Aksai Chin region is under Chinese control following its invasion.)



subsisted today. The current status-quo sees China maintaining the aforementioned claims over the Aksai Chin region, whilst Pakistan and India continue to claim the Kashmiri territory as a whole. The main cause for this divide is the incomplete LOC, that left the Glacier undefined. China, as part of their project to connect Tibet with the mainly Uyghur western provinces, has, as mentioned in the section: "Sino-indian war", invaded the Aksai Chin region, an invasion unrecognised by India as the nation continues to design its maps with the Aksai Chin region represented as Indian administered territory. In fact, the territory is still openly disputed, as recent clashes between Indian and Chinese army personnel in the mountains of this very border have left many dead.



The current status-quo

A history of conflicts and opposition.

Siachen Dispute

Tensions between India and Pakistan over the province of Kashmir remain, leading to numerous conflicts between the two states. Thus the Siachen conflict began in 1980. For good reason: an American map differs from the actual ceasefire line around the Siachen glacier. It would seem, according to this map, that various spaces, namely Lyogme and Lagongma, were in fact on the borders of Pakistan and not those of India. This was surely due to an omission, but the event led to an investigation by the Indian army in April 1984. Pakistan's investigation followed, creating a competition between the two states, both of which had set themselves the goal of establishing their armies on the heights of the glacier before the other. The Indian troops managed to take the Pakistani army by speed, but in 1987, Pakistan launched an offensive to dislodge the Indian troops now established there, but were unable to do so. This area, hit by the fighting, then became a "no-man's land".



Wullar Dam Conflict

Another example of a conflict between the two nations directly concerning Kashmir is the Wullar Dam conflict. This is a second type of conflict here, concerning access to resources, particularly water. Also known as the "Tulbul Navigation Project", this conflict refers to India's plans to build a dam on Lake Wullar. Pakistan strongly opposed it, claiming that the construction of a dam would limit their supply of water, which is vital for their agriculture. Moreover, India's project was considered to be in contradiction with the Indus Treaty of 1960. The Indus Treaty provided a framework for resolving water conflicts and called for cooperation and information exchange between nations. But Pakistan failed to demonstrate the violation of the treaty that the Indian project represented, eventually leading to the construction of the dam thanks to the green light given by the Indus Water Commission in 1986.

Water access dispute

The conflict over water has taken on an even greater dimension with the dispute over the Indus, a river that originates in the Himalayas, flows through India and then through Pakistan. Water from the latter is used to irrigate the land, and is therefore essential for farmers and villages in both states. It is important to remember that both nations are among the most water-stressed countries in the world, with shortages causing manifestations in both. There are predictions that Pakistan will experience water shortages. Although previous water conflicts were originally national in scale, the separation into two nations and the vitality of the waters of this river, particularly for Pakistani agriculture, have created problems of international proportions. The Punjab Partition placed the source of the river and the majority of its basins under Indian control. Further threatening to Pakistani agriculture is India's plan to industrialize the area around the river. Faced with such a threat, Pakistan demanded that the matter be brought before the International Court of Justice, but India, doubtless suspecting the nature of the verdict that would be handed down by the court, refused, favouring a simple agreement between the nations. Negotiations were started but soon failed, ending in 1951. Seeing that no solution had yet been found, in February 1954, the World Bank shared the tributaries among the nations, 3 for each, a decision confirmed in the Indus Treaty that followed.

The Second Indo-Pakistani War

In 1965, Indo-Pakistani tensions reached their peak. Any attempt at a peaceful resolution fell through, and in August, Pakistan led a guerrilla war in the province, known as "Operation Gibraltar". They believed that the Kashmiri Muslims, seeing Pakistan taking action on their



behalf, would rise up, siding with Pakistani forces. But the militant groups were immediately countered by the Indian authorities. In the face of Pakistani guerrilla warfare, Indian troops crossed the border into Pakistan on September 1. Knowing that it was unable to support a conventional conflict with India (not in the form of guerrilla warfare), Pakistan finally claimed possession of part of Kashmir, and demanded a UN-regulated plebiscite and a new ceasefire. As a result, the conflict was brought to international attention. Thus, the United States, the United Kingdom and China all took Pakistan's position, and the USSR posed as mediator between the two states. The war ended in January 1966 with the declaration of Tashkent, guaranteeing the withdrawal of troops and the renewal of the cease-fire on the LOC.

The Sino-Indian War

Tensions over Kashmir are not exclusively Indo-Pakistani. China, sharing a border with the province, is also a party to the complex geopolitical situation in Kashmir. Thus, the Sino-Indian war began in October 1962, with a surprise attack orchestrated by China, pitting about 20,000 Indian troops against more than 80,000 for China. Relations between the two states had been stable and good natured in the past, but the tension arose because China annexed Tibet. India, strongly opposing this alteration of territory, nevertheless recognized Chinese sovereignty in 1954. In July of the same year, a discrepancy was noted between the Chinese maps, with China claiming territories in India for an area of about 120,000 km². Tensions were exacerbated when Mao claimed that the rebellion in Tibet at the time was caused by India. The perceived Indian threat from China can be seen as one of the predominant reasons for the war. Many of the conflicts of the war remain intractable.

The situation on a national scale.

The revocation of Kashmir's autonomous status.

The conflict is however not limited to an international scale. With the majority of the province relegated under the Indian administration, an assessment of the situation must imperatively include insight into the Nation's politics. Indeed, part of the crisis is a direct consequence of India's position with regards to the province.

A complex religious division.

Within India, there are three major religious groups: the Hindus, Muslims and Sikhs. With the BJP being a Hindu party, the two other groups face discrimination, often accompanied by



violence, such as during Operation Blue Star, an Indian military action carried out between 1 and 8 June 1984. The operation was allegedly carried out to capture a prominent Sikh guerilla leader, but effectively saw the Golden Temple, the most sacred temple for the Sikhs, invaded by Indian armed forces with severe violence. Hence, a true violation of the Sikhs' culture and religion was perpetrated. The Muslims, on the other hand, have as mentioned been targeted by discriminatory policies, and have also faced violence as Hindu nationalists would regularly take to the streets and beat or murder them, as well as destroying mosques. (Note: not all Muslims are facing such violence, and not all Hindus persecute Muslims, but there are many occurrences where acts of violence have been reported without any intervention from the current government, which lead many critics to believe that the government does not punish such acts of violence against the Muslim community.

Secessionism

Within India, secessionist forces are trying to impose their ideals through violent revolt. Wishing for the separation of Kashmir from India, these forces moved to Pakistan, which favoured such a separation and offered to supply them with arms and training. India, informed of Pakistani support for the militants, accused Pakistan of this on several occasions, which only increased tensions between the two. Finally, when the negotiations were not successful, the Indian government created the Armed Forces Special Powers Act (AFSPA), a set of laws of the Indian Parliament that grant special powers to the Indian Armed Forces when they intervene in "troubled areas". The validity of this Act may be questioned since the Armed Forces have been repeatedly criticized for alleged human rights violations, but India considers these laws relevant.

Politics and elections.

The latest elections saw the Bahujan Samaj Party, (BJP), a nationalist Hindu political wing, access to power. Reflected in it's agenda are its strong Hindu affiliations (the respective wing revindicating hinduism as their religion) as well as patriotism, with their final goal being one united India, both in terms of territory and religion. The will of Modi and the Hindu nationalists in power is to impose the ideology of "Hindutva" ("Hinduity"), a nation for Hindus. Hence, the prime minister, Narendra Modi, boasted the reunification of Kashmir with the rest of the Indian territory as a campaign promise.

Latest reforms and bills

Modi's promise has become reality by means of the majority the BJP holds in parliament. Indeed, on the 5th of August 2019, the Government of India revoked the special status, or



limited autonomy, granted under Article 370 of the Indian Constitution to Jammu and Kashmir by issuing an order under the provision of Article 370, overriding the prevailing 1954 Presidential Order and nullifying all the provisions of autonomy granted to the state. With Kashmir being the only Indian province with a Muslim majority, it was to be expected that religious tensions would equally arise. However, it is not the only political decision that sparked debate. The Citizenship Amendment Act, henceforward referred to as CAA, sees these tensions peak, as it prevents displaced Muslims from accessing the Indian nationality as was previously rendered possible through migratory policies. Indeed, the CAA specifically facilitates access to the Indian nationality for Pakistani, Bangladeshi and Afghan immigrants persecuted in their home countries and having arrived in India before the 31/12/2014, under the condition that they are not Muslim. The policy thus directly targets Muslims. The Muslim population can still obtain the nationality as the present legal process of acquiring Indian citizenship by any foreigner of any category through Naturalization (Section 6 of the Citizenship Act) or through Registration (Section 5 of the Act) stays operational, but is directly marginalised by the CAA under what is commonly recognised as religious discrimination, as previously demonstrated on many occasions by the Indian government.

Disastrous consequences, the situation in Indian administered Kashmir.

The Muslim community, specifically in Kashmir, has quickly reacted to these recent developments, resulting in a surge in tensions which eventually led to violent altercations between law enforcement and militants. As of Saturday 21 December, the government continues to impose emergency coercive measures, such as article 144 of the penal code, which prohibits any gathering of more than four people on the public highway. This is not a deterrent to demonstrators, who systematically flout the bans. "Although the government has resorted to shutting down Internet and mobile phone services, it is unable to contain the scale of this national movement, which is one of the largest in recent decades," said academic Pratap Bhanu Mehta in an op-ed published in Foreign Affairs on 20 December. The exasperation is due to police violence but also to the fact that the Citizenship Amendment Act is "doubly bad faith", according to the independent analyst. For the text ignores Muslim groups persecuted in the three neighbouring countries, "such as the Ahmadis in Pakistan". It also ignores other neighbouring countries with a non-Muslim majority, which are "potential sources of refugees and illegal migrants," such as Burma and Sri Lanka. In the crowds that defy power, repression is severe. Hundreds of demonstrators have been arrested each day and several prominent figures have been arrested in the marches and taken into custody. Among them are Yogendra Yadav, a well-known peasant activist, Chandrashekhar Azad, head of the charitable organization Army of



Bhim, and Ramachandra Guha, historian and biographer of Mahatma Gandhi. Contacted Sunday evening by Le Monde, the latter believes that by finally speaking in public Narendra Modi shows the concern he has for his image abroad, unlike his interior minister, who regularly uses the word "termites" to designate Muslims. "The situation is extremely fragile and could quickly get out of control. The Prime Minister's credibility on the world stage is taking a hit," Guha said. With regards to the revocation of Kashmir's independence, the reaction has been even more violent, with confrontations between State forces and Kashmiri have resulted in many killings, human rights abuses, and has seen a prolonged lock down of all means of communications and access to information under the motif of hindering communication between insurgents, as well as strict curfews and an increase of military presence up until nearly 1 million armed personnel in the province.

Insurgency in Kashmir

Kashmir is also exposed to strong insurgencies led by various groups present in the territory. Thus, the presence of Kashmiri separatists and their role in the growing insurgency can be noted. Also known as the Kashmiri Intifada, the term refers to all groups seeking secession from India. They do not control significant territories, but are considered terrorists by India and a plurality of international communities because of their violent actions. But one movement in particular is eminently involved in the growing insurgency. This is the JKLF: Jammu & Kashmir Liberation Front. Going beyond the separatists' desire for secession, the JKLF campaigns for the total independence of Kashmir. Other insurgent groups such as Hizb-ul-Mujahideen, and Jaish-e-Mohammed wish to integrate the province into Pakistan. Reflecting the violence of their action is their categorization as terrorists by India, the United States and Europe. In 1990, the insurgency was still limited, but quickly escalated into violence, violence that persists today as witnessed in the wave of attacks in Mumbai from November 26-29, 2008, which left 188 people dead and 312 injured.

Alarming humanitarian crisis

The humanitarian crisis in Kashmir is taking on more than alarming proportions. Thousands of civilians, including young adolescents, have been arrested. Houses are subject to frequent raids, even at night. There are not enough doctors, and pharmacies are more often out of stock than supplied. With the AFSPA, Indian troops and police can violate even the most basic human rights of Kashmiris with impunity, although the government does not recognize these facts, justifying the AFSPA as necessary to maintain law and order in the province. The insurgents are rising violently, causing civilian casualties, and are being repressed even more violently,



causing even more civilians to be affected. The latter are trapped under crossfire from Pakistan, the insurgents and India. Normal life is impossible in Kashmir, which is, as it were, under siege. So communications are cut off at times, for undetermined periods of time. The lack of respect for human rights is in direct violation of UN policy, so a reaction should be imminent.

Major Parties Involved and Their Views

Kashmiri Separatists

Also known as the Kashmiri Intifada this is a loose term describing groups who seek secession from India. They don't control any significant territory and have limited international recognition. They're considered terrorists by India and various international communities.

Pashtun Tribesmen

Also referred to as Pathans or Kashmiri Pathans, they are a majority Muslim tribe residing mainly in Afghanistan but also in Northern Pakistan and the Kashmir region. They lead nomadic lives, but many have settled throughout the territory where they roamed in the past. The exact number of Pathans within Kashmir is difficult to determine.

G-8

A group of the 8 economies, (the USA, the UK, Germany, France, Japan, Italy, Canada, and Russia). These nations support a peaceful settlement of the situation in an effort to maintain stability in the area.

JKLF

Jammu & Kashmir Liberation Front. An organisation that believes in a sovereign and independent Kashmir. Unlike the Kashmiri Separatists, this organisation wants independence for all of Kashmir.

HM

Hizb-ul- Mujahideen, a Muslim organisation that is backed by Pakistan that seeks to integrate Kashmir into Pakistan. It is designated as a terrorist organisation by India, the USA, the EU, due to their goal to establish an Islamic Caliphate in the World.

KP

Kashmir Pandits are one of the last original Kashmiri Hindu inhabitants of Kashmir



and Jammu. They are pro-India, but many have left the region due to violence in recent decades.

JeM

Jaish-e-Mohammed is a movement with goals comparable to those of the JKLF

UNCIP

The mission of the United Nations Commission for India and Pakistan (UNCIP) was to investigate and mediate in the Indo-Pakistani dispute over the province of Kashmir. It existed from June 1948 to March 1950.

People's Republic of China

The People's Republic of China is the only major country directly concerned outside the Indian subcontinent. It gained control of the Aksai Chin region from Pakistan, a control that led to several wars over it between India and China, which controls approximately 19% of the Kashmir region.

India

India controls the majority of Kashmir. Mainly Hindu (~80%) with a Muslim minority (15%), internal tensions are felt. It maintains its claim over the entire Kashmir province.

The Islamic Republic of Pakistan

The Islamic Republic of Pakistan is predominantly Muslim (+95%). India's main opponent regarding Kashmir, a province it considers a natural extension of its territory and which shares the Muslim religion, Pakistan controls about 37% of it.

The United States of America

The United States of America supports India, but has military bases in Pakistan. Rather than seeing an armed conflict settle the dispute between the two nations, the United States favours bilateral dialogues between India and Pakistan, but refuses to play the role of mediator. It supports India's anti-terrorist campaign, believing it to be in line with its own country's anti-terrorist policy.

The United Kingdom



The United Kingdom was at the root of the crisis, causing it through its policy of decolonization of India, which was fragmenting the country. It usually concentrates its aid on a limited number of countries, including its former colonies. Indeed, India is the largest recipient of British aid. Since 1975, this aid has consisted exclusively of grants, but a part of these envelopes is nevertheless used to subsidise trade credits linked to the purchase of British equipment and services.

France

France remains attentive to ensuring that the interests and rights of civilian populations are duly taken into account in the territories on either side of the Line of Control. The nation wishes to see the problem resolved through bilateral agreements, supports a democratic process, with emphasis on respect for human rights. The nation therefore place the humanitarian crisis at the centre of their attention to the conflict. In an attempt to remedy it, France is adopting a policy of non-market development aid in the social and health fields, linked to conditionalities of principle such as democracy, human rights and equality. It most often takes the form of grants, covering both technical assistance "tied" to or entrusted to NGOs, and the financing of the local share of projects.

The World Bank

The World Bank is monitoring the situation in Kashmir, a region it is trying to develop even though there is the threat of continuing conflict.

Timeline of Events

Date	Description of events
1947	End of British rule and partition of sub-continent into mainly Hindu India and Muslim-majority state of Pakistan.
1947	The Maharaja of Kashmir signs a treaty of accession with India after a Pakistani tribal army attacks. War breaks out between India and Pakistan over the region.



1948	India raises Kashmir in the UN Security Council, which in Resolution 47 calls for a referendum on the status of the territory. The resolution also calls on Pakistan to withdraw its troops and India to cut its military presence to a minimum. A ceasefire comes into force, but Pakistan refuses to evacuate its troops. Kashmir is for practical purposes partitioned.
1951	Elections in the Indian-administered state of Jammu and Kashmir support the province's accession to India. India says this makes a referendum unnecessary. The UN and Pakistan say a referendum needs to take into account the views of voters throughout the former princely state.
1953	The pro-Indian authorities dismiss and arrest Prime Minister Sheikh Abdullah, leader of the governing National Conference, after he takes a pro-referendum stance and delays formal accession to India. A new Jammu and Kashmir government ratifies accession to India.
1957	The constitution of Indian-administered Jammu and Kashmir defines it as part of India.
1950s	China gradually occupies eastern Kashmir (Aksai Chin).
1962	China defeats India in a short war for control of Aksai Chin.



1963	Pakistan cedes the Trans-Karakoram Tract of Kashmir to China.
1965	A brief war between Indian and Pakistan over Kashmir ends in a ceasefire and a return to the previous positions.
1971-72	Another Indo-Pakistani war ends in defeat for Pakistan and leads to the 1972 Simla Agreement. This turns the Kashmir ceasefire line into the Line of Control, pledges both sides to settle their differences through negotiations, and calls for a final settlement of the Kashmir dispute. The Agreement forms the basis of Pakistani-Indian relations thereafter.
1974	The Opposition Plebiscite Front in Indian-administered Jammu and Kashmir drops demand for a referendum in return for extensive autonomy in an agreement with the Indian government. Sheikh Abdullah becomes chief minister, and his political dynasty continues to dominate the National Conference and state after his death in 1982.
1984	The Indian Army seizes control of the Siachen Glacier, an area not demarcated by the Line of Control. Pakistan makes frequent attempts to capture the area in the following decades.
1987	Disputed state elections in Indian-administered Jammu and Kashmir give impetus to a pro-independence insurgency centred around the Jammu and



	<p>Kashmir Liberation Front (JKLF). India accuses Pakistan of fomenting the insurgency by despatching fighters across the Line of Control, which Pakistan denies.</p>
1990	<p>The insurgency escalates after the Indian Army kills about 100 demonstrators at Gawakadal Bridge. Attacks and threats lead to the flight of almost all Hindus from the Kashmir Valley area of the state. India imposes Armed Forces Special Powers Act (AFSPA) in Jammu and Kashmir.</p>
1990s	<p>The insurgency continues, with Kashmiri militants training in Pakistan and India deploying hundreds of thousands of troops in Jammu and Kashmir. Violence against civilians by both sides is widespread.</p>
1999	<p>India and Pakistan go to war again after militants cross from Pakistani-administered Kashmir into the Indian-administered Kargil district. India repulses the attack, accuses Pakistan of being behind it, and breaks off relations.</p>
2001-2004	<p>Moves to boost relations between the two countries are punctuated by continuing violence, notably an attack on the parliament of Indian-administered Jammu and Kashmir in Srinagar in 2001.</p>



2010	Major protests erupt in the Kashmir Valley of Indian-administered Jammu and Kashmir over the summer after a demonstrator is killed by the Indian army. The protests abated in September after the government announced measures to ease tension.
2011 August	Chief Minister Omar Abdullah announces an amnesty for the 1,200 young men who threw stones at security forces during the anti-government protests in the Kashmir Valley the previous year. Indian State Human Rights Commission confirms presence of more than 2,000 unidentified bodies in unmarked graves near the Line of Control. Activists say many may be people who disappeared after being arrested by security forces.
2011 September	Indian forces kill three Pakistani soldiers in firing across the Line of Control. India accuses Pakistan of opening fire first.
2013 February	Kashmiri Jaish-e-Mohammed member Mohammad Afzal Guru hanged over his role in the 2001 Indian parliament terror attack, prompting protests in which two young men were killed.
2013 September	Prime ministers of India and Pakistan meet and agree to try to reduce the number of violent incidents at their disputed border in Kashmir.
2014 August	India cancels talks with Pakistan after accusing it of interfering in India's internal



affairs. The decision comes after Pakistan's High Commissioner in Delhi consulted Kashmiri separatist leaders in advance of the talks.

During a visit to the disputed border state of Jammu and Kashmir, India's Prime Minister Narendra Modi accuses Pakistan of waging a proxy war against India in Kashmir.

2014 October

Pakistan and India exchange strongly-worded warnings, after a flare-up of violence across their common border leaves at least 18 people dead.

2015 March

India's ruling BJP party is sworn into government in Indian-administered Kashmir for the first time in coalition with local People's Democratic Party, with the latter's Mufti Mohammad Sayeed as chief minister.

2015 September

Muslim separatist leaders in Indian-administered Kashmir close shops, businesses and government departments in protest at the enforcement of a colonial-era ban on eating beef.

2015 November

One person dies in violent protests following a visit to Indian-administered Kashmir by Prime Minister Narendra Modi.

2016 April

Mehbooba Mufti, the leader of the People's Democratic Party (PDP), becomes the first female chief minister of Indian-administered Kashmir following the death of her father and party founder Mufti Mohammad Sayeed.



2016 July	<p>Authorities impose an indefinite curfew in most parts of Indian-administered Kashmir after the killing of popular militant by security forces of Burhan Wani, a popular militant and top commander of the Hizbul Mujahideen group, sparks violent protests.</p>
2016 August	<p>A curfew in most parts of Indian-administered Kashmir is lifted but schools, shops and most banks remain shut and mobile and internet services remain suspended. At least 68 civilians and two security officials have died and more than 9,000 people injured in over 50 days of violence according to official tallies.</p>
2016 September	<p>India and Pakistan exchange a war of words after 18 Indian soldiers are killed in a raid by gunmen on an army base in Indian-administered Kashmir.</p>
2016 September	<p>India says it has carried out "surgical strikes" against suspected militants along the de-facto border with Pakistan in Kashmir but Pakistan rejects the claims.</p>
2016 October	<p>The Indian army shoots dead three suspected militants as they try to enter an army camp in northern Kashmir.</p>
2016 November	<p>Human Rights Watch appeals for an end to the burning of schools in Indian-administered Kashmir after the total set alight since a wave of pro-separatist unrest began in July reaches 25.</p>



2016 November	Thousands of villagers in Pakistan-controlled Kashmir are evacuated after violence escalates following the killing of seven Pakistani soldiers in an exchange of fire between India and Pakistan along the Line of Control.
2017 May	Thousands defy a curfew across Indian-administered Kashmir to attend the funeral of top rebel commander Sabzar Ahmad Bhat.
2017 July	Violent clashes take place in Indian-administered Kashmir on the anniversary of the death of militant commander Burhan Wani.
2017 July	Militants attack Hindu pilgrims, killing at least seven and injuring 16, in the worst such attack since 2000.
2019 August	Indian government strips Jammu and Kashmir state of the special status that gave it significant autonomy by revoking article 370 of the Indian constitution.

UN involvement, Relevant Resolutions, Treaties and Events

- Ceasefire in Kashmir, 21/12/1971, **(S/RES/307)**

The resolution calls for a durable ceasefire and a cessation of hostilities until all troops have been withdrawn to the LOC in Kashmir. It also requests the Secretary-General to keep the Security Council informed without delay on developments related to the implementation of the resolution.



- The Indo-Pakistani Question, Respecting the LOC, 4/09/1965, **(S/RES/209)**
This resolution addresses the deteriorating situation along the LOC. The Council calls on India and Pakistan to take all necessary measures to stop the fighting and to rejoin their respective sides of the LOC.
- The Karachi agreements, 29/07/1949, **(Karachi Agreement)**
These agreements formalised the ceasefire line, which then became the LOC, as defined in Part I of the Security Council Resolution of 13 August 1948. The agreements gave the parties 30 days to liberate the previously occupied areas beyond the LOC.
- Creation of UNCIP, 20/01/1948, **(S/RES/39)**
This resolution establishes the United Nations Commission for India and Pakistan to investigate and mediate the dispute between the two countries.

Additional Resolutions

- The India-Pakistan Question, 17 January 1948 (S/RES/38)
- The India-Pakistan Question, 21 April 1948 (S/RES/47)
- The India-Pakistan Question, 3 June 1948 (S/RES/51)
- UNCIP creates UNMGIP, 24 January 1949
- The India-Pakistan Question, 15 March 1950 (S/RES/80)
- The India-Pakistan Question, 30 March 1951 (S/RES/91)
- The India-Pakistan Question, 10 November 1951 (S/RES/96)
- The India-Pakistan Question, 23 December 1952 (S/RES/98)
- The India-Pakistan Question, 24 January 1957 (S/RES/122)
- The India-Pakistan Question, 21 February 1957 (S/RES/123)
- The India-Pakistan Question, 2 December 1957 (S/RES/126)
- The India-Pakistan Question, 6 September 1965 (S/RES/210)
- The India-Pakistan Question, 20 September 1965 (S/RES/211)
- The India-Pakistan Question, 27 September 1965 (S/RES/214)
- The India-Pakistan Question, 5 November 1965 (S/RES/215)
- UNCLOS III - 1982
- General Debate of the 28th Session of the UNGA Committee on Information, 26 April 2006



- General Debate of the 65th Session of the UNGA, 28 September 2010
- General Debate of the 69th Session of the UNGA, 27 September 2014

Evaluation of Previous Attempts to Resolve the Issue

Attempts by the Security Council

In 1948, the SC attempted, through its resolutions, to resolve the Kashmiri conflict. This internationalized the problem, and both parties agreed to a plebiscite under the supervision of UNCIP. The SC also called for the withdrawal of tribes and rebels from the region so that the fighting would stop. The SC authorised a small Indian armed presence as requested by the country, but Pakistan, opposing such a presence, refused to withdraw its troops.

Laws and international status

The United Nations has managed to resolve some conflicts using international law. For example, the United Nations Convention on the Law of the Sea (UNCLOS) resolves the Sir Creek conflict by giving the waters the status of international waters. Although this solution puts an immediate end to the conflict, it does not resolve the tensions that still exist. For good reason: India has repeatedly nullified the international status and threatened to divert the waters.

Human rights and a peaceful resolution

Several SC resolutions condemning human rights violations in the region or encouraging a peaceful solution to the conflict were adopted. However, due to China's role as a member of the P5, the resolutions did not address the highly controversial issue of Aksai Chin. Judging the solutions in favour of China, which was not forced to demilitarise the portion of Kashmir it occupied, both Pakistan and India refused to cede control of the region and withdraw their troops.

Negotiations



There have been many phases of negotiations throughout the history of Kashmir, especially between India and Pakistan. However, the two countries often failed to reach a successful conclusion to the negotiations, and when an agreement was finally reached, at least one of the two parties systematically failed to stick to the agreed provisions. The supervision of the negotiations by the United Nations made them more productive, and often brought them to a successful conclusion. However, as a direct consequence of a lack of obligations to respect the reached agreements, the latter were often disregarded.

Bilateral agreements

In 1972 the Shimla Accords were an attempt to resolve the situation in Kashmir. They created a set of principles that both India and Pakistan should follow when negotiating. Both parties agreed that they would maintain the inviolability of the LOC. However, these agreements failed because they did not include the people of Kashmir. Following the 1972 agreements, there were the 1975 agreements, which also failed because they were only between the Prime Minister of India and the Chief Minister of Kashmir, thus excluding Pakistan. A genuine bilateral agreement is therefore yet to be found.

Possible Solutions

A three-state solution.

Currently, the area is divided between India and Pakistan along the LOC. This division can be considered the major cause of the conflict. On the other hand, when India was still under British control, a suggestion for partition was made, proposing to make Kashmir an independent principality. This proposal was enthusiastically received by the Kashmiri people and the Maharaja. Even today, several parties still support the idea. Indeed, making the province an independent state would eliminate the dispute between India and Pakistan, both eager to own the territory. Kashmir has the potential to become a nation with a key strategic position and therefore with some geopolitical influence. It also has a significant agricultural potential due to its fertile land. But in order to be able to propose this solution, it is essential to establish how to protect the nation in its early stages to avoid an invasion war.



Deployment of Blue Helmets

The current situation in Kashmir sees civilians increasingly under threat. Government repression is violent, and civilian casualties are high. One option would be to deploy peacekeepers with a mission to protect civilians and minorities. However, for this solution to work, member countries would have to be in favour of it, and it is important to remember that peacekeepers do not function like conventional troops. They do not constitute an army, but units contribute to protection and peacekeeping. Finally, a decision will have to be made on where the peacekeepers are to be deployed.

Plebiscite

Although there have been failed plebiscites before, a new attempt could be considered. A plebiscite could prevent civilians from protesting or helping the insurgents. However, it may legitimize the insurgents. Pakistan, India and possibly China should all recognize the role of the plebiscite as legitimate. The question is, what do you allow people to vote on, to join India or Pakistan, or can they also opt for independence?

Counter-insurgency methods

There are different schools of thought on how to deal with rebellions, insurgencies, terrorist attacks and guerrillas. These methods are often referred to by their abbreviation COIN. However, when considering these options, it is necessary to examine how the insurgencies in Kashmir differ from others and their specific political objectives, whether secession from Pakistan or independence. Whatever the method, it should be borne in mind that the size and landscape of the region make it difficult to control. Consideration could be given to ending the insurgency by offering the leaders of the insurgents a political role in decision-making, so that they are heard and can resolve the conflict peacefully.

Improving irrigation



Water is a key resource in the area for irrigation and agriculture. To improve the situation of civilians, whether Indian, Kashmiri or Pakistani, infrastructure development related to irrigation and agriculture can be encouraged. A training campaign and material support to water-stressed areas would also contribute to this objective. Currently, several crops are depleting water reserves, including rice fields and sugar cane fields. Sustainable and therefore less water-intensive agriculture seems essential.

Peace negotiations

This solution has been tried by both parties, both separately and together. However, because of the complex nature of sovereignty in the Kashmir region, progress during the discussions has been stifled. The most successful exchanges had involved a mediator. The situation is constantly evolving and the United Nations will always promote diplomacy. New negotiations could therefore be envisaged, involving the United Nations as a mediator. Delegates will also have to find a way to ensure that established agreements are respected.

Access to information

In recent years, it has been difficult to gather information on the area as a whole because of its divided nature. A fundamental step in resolving any problem is to fully understand it, a step that can be achieved with the help of a fact-finding mission led by the United Nations.

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Appendix or Appendices

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