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The question of Kashmir



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Introduction

The Kashmir Conflict is a conflict that has been going on for over 60 years. What started as a religious dispute ended up as multinational conflict, which has now been going on for over six decades. The situation in Kashmir has caused misery, destruction and death in the area, while also being the main cause of tension between India and Pakistan. The conflict has poisoned both populations' minds and has created distrust and hatred towards their 'mortal enemies' of the other country. This has gone on for too long, yet there is still no end in sight.

The feeling of hatred towards the other country's population is one of the results of this dispute. Other situations such as the rise of political and religious extremism in India and Pakistan and the political polarization are also incredibly concerning. The growth of this extremism in India and Pakistan is not new. However, the general acceptance of these extremist tendencies on the social and political ladder in the two neighbouring countries is a ghastly concept.

The Kashmir conflict poses a geopolitical threat as economic ties in the area are likely to remain fragile, and the fact that two nuclear powers are fighting over Kashmir is also incredibly daunting. We can no longer allow the media to call Kashmir a minor and regional concern, as it may seem a local issue, but is actually a global menace.

Definition of Key Terms

Kashmir

Kashmir is a geographical region in Asia. As seen in Figure 1 below, it borders India to the south, China (and Tibet) to the east and the north, Pakistan to the west, and Afghanistan to the north. It consists of several districts.





Figure 1. A map of Kashmir

Kashmir Maps." *UT Library Online*. The University of Texas at Austin 2016, 2016. Web. 02 July 2016. <<https://www.lib.utexas.edu/maps/kashmir.html>>.

The Conflict of Kashmir

The Conflict of Kashmir is a dispute between three parties, concerning territory. These three parties are India, Pakistan and China, the first two to a greater degree. Over the past 60 years, there have been 5 wars as a result of the dispute and several other conflicts and standoffs.

Line of Control (LOC)

The Line of Control (LOC) is a cease-fire control line between the Indian and the Pakistani parts of the Region of Kashmir. It was officially named the Line of Control in 1972, following the Simla Agreement. Keep in mind this is not an official international border, but is known as the “de facto” border, which is a border that is not recognized by the law, but is in practice.

Line of Actual Control (LAC)

The Line of Actual Control (LAC) is similar to the LOC, however, the LAC is the unofficial border between India and China in the Kashmir Region. As the LOC, the LAC is a “de facto” border.

General Overview



Origin

The conflict of Kashmir started in 1947, when the partition of the Indian sub-continent led to the formation of two different countries, due to a difference in religious beliefs in those two regions. These countries are India (Hinduism) and Pakistan (Islam). However, there was a problem with hundreds of states – run by princes – that existed within this region now divided into two. The princes had two options: to remain independent or to decide which country to join. Eventually, all indecisive princes ended up joining one of these newly independent states, due to a restless or even violent population. One of the states, Kashmir, could choose to join either Pakistan, India or remain independent, due to its location. However, the ruler of Kashmir, Maharaja Hari Singh, had quite a difficult decision to make, as he himself adhered to Hinduism, while the larger part of his subjects were Muslim. He decided to remain neutral, but this did not last for long, for a Muslim insurgency took place, supported by Pakistan. Hari Singh asked the Indian government for military assistance, which would be granted in return for accession of the state to India. Hari Singh agreed, and thus, a war between Pakistan and India began. This war ended on 1 January 1949, with the establishment of a ceasefire line. The status of the territory remained disputed, as a referendum to confirm the accession was never held.

1962 - 1999

In 1962, China and India fought a rather short war, between the 20th of October and the 21st of November over the north-eastern of Kashmir, known as Aksai Chin. This war is called the Sino-Indian War. It was the result of violent border incidents, and a disputed Himalayan border. India had administered Aksai Chin as a part of the Ladakh region of the State of Jammu and Kashmir, thus being the country controlling the state, while it was claimed by China to be part of Hotan County, meaning it would be part of Chinese territory. China won the war, and Indian posts were thus removed from Aksai Chin, which then came under Chinese control. Aksai Chin remained part of the Kashmir region. 31 years later, a line of control was signed, known as the Line of Actual Control (LAC).

India and Pakistan went to war after Pakistan launched a covert military operation across the ceasefire line. India retaliated by crossing an international border. This led to a seventeen-day war between the two nations, called the Indo-Pakistani War of 1965, the second war between the two countries. After the conflict both nations agreed to a ceasefire put in place by the United Nations (UN). In January 1966, the governments signed a declaration as to solve their issues through a peaceful manner.



The relations between these two countries progressively became worse once a civil war broke out in East Pakistan. East Pakistan demanded independence, and India invaded the region in support of its people, after the fighting forced an estimated 10 million civilians to flee to India. At the end of 1971, Bangladesh was created out of East Pakistan. This conflict is called the Bangladesh Liberation war, but as India entered the war as the ally of Bangladesh, it is also called the Indo Pakistani war of 1971, the third war between the two nations. The development of the region is seen in *Figure 2*.



Figure 2. A map of India, West Pakistan, East Pakistan (later Bangladesh) and the Kashmir Region.

Strahorn, Eric A. "A Fresh Start for Pakistan?" *Origins: Current Events in Historical Perspective*. N.p., Apr. 2014. Web. 02 July 2016. <<http://origins.osu.edu/article/fresh-start-pakistan>>.

In 1972, the Simla agreement was signed, renaming the aforementioned ceasefire line (from 1949) the Line of Control (LOC) and laying down principles that should positively affect the countries' future relations. Furthermore, it also paved the way for the Pakistani recognition of Bangladesh.

An armed rebellion started in Kashmir in 1989, with several groups calling for independence, and others demanding a union with Pakistan. India accused Pakistan of supplying these militants with weapons. This movement's ideology ended up becoming essentially Islamic in the 1990s.

In 1997, both foreign minister of the two neighbouring countries set up low-level meetings, to discuss and reduce tension over Kashmir. This diplomatic occurrence developed and both countries agreed to an agenda for peace talks, consisting of, amongst other things, striking a deal to restrain their military capabilities.

The fourth war between India and Pakistan took place in 1999, when Pakistani troops crossed the Line of Control into Indian territory, and occupied some Indian territory mostly in the Kargil district. As a response, India launched an offensive operation to drive out the Pakistani infiltrators, and within two months the Indian Army had taken back around 75% of of the intruded area. By the end of the year, all hostile operations in the area had disappeared. This war is commonly known as the Kargil Conflict.

The Kashmir region

The Kashmir region is currently divided into 5 sections. These sections are seen in Figure 3 and are: The Northern Areas (green), Jammu and Kashmir (yellow), Aksai Chin (light brown) and two northern parts of the Kashmir region. One of these two parts is official part of China (dark brown), and the other part was ceded to China by Pakistan in 1963 (dark brown with stripes). This part is known as the Trans-Karakoram Tract. The Northern Areas are administered by Pakistan, Jammu and Kashmir are controlled by India, and Aksai Chin and the Trans-Karakoram Tract are entirely administered by China.



Figure 3. Map of the Kashmir region

"Kashmir." *Wikipedia*. Wikimedia Foundation, 30 June 2016. Web. 02 July 2016.
<<https://en.wikipedia.org/wiki/Kashmir>>.

Every part of the Kashmir Region that isn't already controlled by India is claimed by India, except the official part of China mentioned above. Furthermore, a small part of land between Jammu and Kashmir, the Northern Areas and the Trans-Karakoram Tract is claimed by Pakistan. This part of land is a large glacier, known as the Siachen Glacier, and is administered by India.

Current Situation

While the conflict started over 60 years ago, tension is still prevailing in the Kashmir region. There are still re-occurring firings by security forces and clashes between violent crowds and security men. This is due to the raging anti-India protests that are still going on in the region. The situation is still so bad, that curfew-like restrictions have been set in large parts of Kashmir, and even everyday activities have been suspended. Some examples are the postponing of exams, the suspension of Mobile Internet services in order to prevent spread of rumours by anti-social elements, and train services being suspended as well. The fact that after 60 years this conflict is still influencing basic human needs and rights, and actually lowering the development rate by slowing down education, technical development and public transport efficiency, as well as other practical parts of a large community, is very concerning.



While India's counter-terror operations have greatly diminished, the terrorist movement in Kashmir over the past decade, the militants in Kashmir are quietly making a comeback. Young locals are joining the armed forces, which fight against the Indian state.

It is important to point out that the Kashmir issue is still being fuelled by the religion of these armed forces, and not only the political situation between India and Pakistan. For example, young Kashmir-citizens that have joined the militant ranks mentioned above are inspired by transnational Islamic extremism.

The question of human rights in Kashmir

Human rights being violated in the Indian-administered part of Kashmir is still a prominent problem. Several examples of such violations include implicated killings, disappearances, torture and sexual violence. Two human rights groups have even accused the Indian government of covering up these violations. A report by the Association of Parents of Disappeared Persons (ADPD) has blamed more than 900 individuals for abusing a range of human rights, carried out by Indian security forces over the past 25 years.

Major Parties Involved and Their Views

India

India believes the whole Kashmir region should become a part of its territory. One of the strongest arguments they have is that Maharaja Hari Singh signed the Instrument of Accession, which declared Kashmir an official Indian region. Therefore, the Pakistani army is an intruder and Kashmir territory must be regained. India also believe the Kashmir conflict is internal and no third party, whether it is a country, an organisation or even the UN, should take part in the conflict or in a possible discussion.

India also accuses Pakistan of various crimes: the spread of an anti-Indian ideology in order to change Kashmiri's view on the matter, the spread of instability in the region through funding of military groups and the installation of Pakistani military forces on the Indian Territory. As they do see the entire Kashmir region as part of India, it is true that Pakistan "invaded" their territory, but the Northern Regions being recognised by the UN as administrated by Pakistan, this view can be discussed.

One of the last arguments of India is that the Security Council's resolution 47 of 1948 on the India-Pakistan question (cf. "UN involvement, Relevant Resolutions, Treaties and



Events”) seems to put India in charge of the region, asking the Indian government to install a plebiscite and report the progress of the evacuation. However, this can also be discussed.

Pakistan

Pakistan claims that the Kashmir region should be annexed to Pakistan and does not recognise the Instrument of Accession signed in 1947 because Maharaja Hari Singh did not have the support of the Kashmiri population. Pakistan believes it should never had been put in place, for the Kashmiri population has a large majority of Muslim. Therefore, Kashmiri culture is closer to Pakistani culture than Indian culture. Furthermore, they consider that even India did not respect the Instrument of Accession, as their troops were in Kashmir before it was officially signed.

Pakistan accuses India of failing to follow the UN Resolutions asking for the establishment of a plebiscite. It was indeed one of the key solution proposed by the UN in the Security Council resolution 47 (cf. UN involvement, Relevant Resolutions, Treaties and Events). Even though the UN reiterates more than once its request for a plebiscite, India never proposed any. Pakistan believes that the numerous demonstrations by Kashmiri have shown their desire to be separate of India.

Finally, Pakistan accuses India military forces of a large number of crimes such as murders and rapes. Such accusations were also made by non-governmental organisations (NGOs) such as the Human Rights Watch.

China

China believes that Aksai Chin – a part of Kashmir that it administrates but is claimed by India – is an integral part China, as the country never recognised the British borders of 1947, when they declared India’s independence. Therefore, China sees the Kashmir region as a separate entity of India, and, in order to show clearly their position, has been issuing visas for Indian-Kashmiris on a different sheet of paper – not on their Indian passport. China demands a quick and peaceful solution, based on negotiations and dialogue.

Kashmiri population

The Kashmiri population’s view on the conflict and the possible future of their region are very difficult to know, as they are not often asked. But a 2010 survey by Robert W. Braddock for the Clatham House has shown their intentions. It stated that around 43% of the global Kashmir population want to become independent, 21% want to become fully Indian (1% in the Northern Areas and 28% in the Indian Kashmir), 14% want to turn the LOC into an



official border and around 18% want to become fully Pakistani (50% in the Pakistani Kashmir and only 2% in the Indian Kashmir).

The same survey showed that 80% of the Kashmiris find personally important the conflict between India and Pakistan. They believe the main problems in the region are unemployment (81%), government corruption (40%), human rights abuses (30%) and poor economic development (43%). To find a solution that would please everyone, 75% of the population think that all Kashmiri opinions should be consulted.

The population clearly thirst for a peaceful solution, as 76% of the global population support the removal of all mines and 56% the removal of all weapons on both sides of the LOC. Around 75% of the Kashmiris believe that an end to all militant violence would help to solve the conflict, when only 24% think war is a solution.

Timeline of Events

Date	Description of event
October 26 th , 1947	The Instrument of Accession is signed by the Maharaja Hari Singh, followed by the invasion of the region by Pakistanis.
January 20 th , 1948	The UN create the United Nations Commission for India and Pakistan (UNCIP)
March 10 th , 1951	First elections since the independence in Pakistan
March 31 st , 1951	The UN declare that those elections will not replace a plebiscite
October 25 th , 1951	First elections since the independence in India
July, 1952	The Delhi Agreement is signed in India, giving some autonomy to the region of Kashmir (e.g. own flag)
April, 1954	A plebiscite is supposed to take place in India and Pakistan, but it does not happen.
October 30 th , 1956	India declares the Kashmir region as integral part of India, and therefore no plebiscite should take place
January 24 th , 1957	The declaration by India mentioned previously is overruled by the UN in the resolution 122
October 20 th , 1962	China invades Aksai Chin
August, 1965	Pakistani troops cross the cease-fire line, starting the Indo-Pakistani War of 1965
September 23 rd , 1965	A ceasefire introduced by the UN is installed



January 10 th , 1966	A peaceful negotiation takes place which ends in the signature of the Tashkent Declarations : the borders are redefined as before the invasion of 1965
July 2 nd , 1972	The Simla Agreement is signed, establishing the LOC
November 13 th , 1974	The Kashmir Accord is signed between the Indian Prime Minister and a Kashmiri Politician, restating that Kashmir is a “constituent unit of the Union of India”, which will be condemned by the International community and Pakistan
1988-1989	Some rebellions against the Indian government occur, the militants being provided in weapons by Pakistan
January 20 th , 1990	During a peaceful anti-Indian protest, the police fires the crowd, injuring approximately 100 people.
March 1 st , 1990	The Indian police fires again during a protest gathering one million civilians: 40 people are injured or killed.
1990-2001	Around 10 000 young Kashmiri fly to Pakistan, to be trained and get weapons.
May 1998	Nuclear test are made in both countries, proving the risk of a nuclear war
February 21 st , 1999	The Lahore declaration is signed, stating the wish of both countries to solve peacefully this conflict.
May-July, 1999	Kargil war: Pakistani troops crossed the LOC, India fights to regain its territory. The casualties are extremely important: 450 Pakistani killed, 500 Indian killed and 1 400 wounded.
December 13 th ; 2001	The Indian government is victim of a terrorist attack. The relations between India and Pakistan degrade, and both countries prepare for a nuclear war.
May 29 th , 2009	Two young women are raped and murdered by Indian forces (Shopian rape and murder case) : anti-Indian demonstrations take place in the whole Kashmir region

UN involvement, Relevant Resolutions, Treaties and Events

Since the question of Kashmir has been presented by India in early 1948, the UN has shown a great interest in this issue, passing many resolutions on the matter.



- The India-Pakistan Question, 20 January 1948 (**S/RES/39**)
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/39\(1948\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/39(1948))

This resolution settles the establishment of the UNCIP. This commission was composed of three parties: India, Pakistan and third member chosen by both countries. This Commission was supposed to report to the Security Council the progress of the issue.

- The India-Pakistan Question, 21 April 1948 (**S/RES/47**)
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/47\(1948\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/47(1948))

In this resolution, the UN decided to enlarge to five the number of Members of the UNCIP. It strongly encouraged the Commission to take actions and to help both governments to solve the issue. It also called for the establishment of a plebiscite, which has never been put in place.

- The India-Pakistan Question, 31 March 1951 (**S/RES/91**)
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/91\(1951\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/91(1951))

This resolution wished for the demilitarisation of the region, supervised by the United Nations Military Observer Group in India and Pakistan (UNMOGIP), an observer group which will replace the UNCIP. Once again, this demilitarisation will not take place.

- The India-Pakistan Question, 24 January 1957 (**S/RES/126**)
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/126\(1957\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/126(1957))

This resolution invited India and Pakistan to refrain from any action that could aggravate the situation and asked the UN representatives to visit the region in order to better understand the issue and therefore solve it as quickly as possible.

Evaluation of Previous Attempts to Resolve the Issue

As seen in the previous section, the UN proposed a lot of solutions in order to solve the conflict: negotiations through the UNCIP, a plebiscite, and demilitarisation. All those solutions could have solved the issue, but India and Pakistan refused to put them in place. By failing to establish a plebiscite, refusing dialogue and keeping their military forces in Kashmir, both countries have shown their unwillingness to solve the issue. It is essential for both countries to finally see the problems that the conflict leads to, such as unemployment and violation of human rights, and the necessity to resolve it quickly and peacefully.

Possible Solutions



The first solution that must be taken is the establishment of a plebiscite in the entire Kashmir region. This was one of the key point in the 1948's resolution and hasn't been respected by the countries. This plebiscite could have four outcomes:

- The entire Kashmir region being annexed to India
- The entire Kashmir region being annexed to Pakistan
- The LOC becoming an internationally recognised border
- The creation of an official and independent country including the whole Kashmir region
- A 'status quo'

If the will of the population is to create a new State – or even if a strong minority of the population wishes for it – it could be a good compromise to first declare it an Observer State at the UN such as the State of Palestine, meaning that the population would be represented and would be able to take part in the international discussion, even though they wouldn't have the right to vote. When the independence of the country will be officially declared, it would then be a "normal" Member State of the UN.

Of course, negotiations are also compulsory in order to solve this complicated issue. For it cannot be considered as only an internal conflict nowadays, an international conference could be put in place. However, this may not be efficient, because India, Pakistan and China consider that the opinions of other countries are questionable on this issue, for they still believe the Kashmir conflict is internal. A negotiation with only the three countries, under the supervision of the UN could be much more efficient. However, this could be debated during the conference.

It is also very important to ensure a decent and safe life to every inhabitant of the region, for we have seen that a lot of violations of the fundamental human rights occur. This could be provided by NGOs but also the implementation of stricter sanctions against anyone responsible for any form of non-respect of the human rights.

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Appendices

- I. The CIA's World Factbook : a very useful website to know a bit more about your country:

<https://www.cia.gov/library/publications/the-world-factbook/>

- II. The survey made in Kashmir:

https://www.chathamhouse.org/sites/files/chathamhouse/public/Research/Asia/0510p_kashmir.pdf



- III. The report of the Human Rights Watch on rapes in Kashmir:
<https://www.hrw.org/sites/default/files/reports/INDIA935.PDF>

