

Forum: Security Council

Issue: Towards the restoration of peace and stability in the Kashmir region

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INTRODUCTION

The region of Kashmir has always been a source of turmoil, as it is a disputed region among 3 world nuclear superpowers. Kashmir is one of the world's most strategic positions and remains one of the most militarized regions on the planet. If there is one region which has the largest potential to cause nuclear conflict in the world, that is Kashmir. India and Pakistan have been at the forefront of this dispute and recent tensions in the region have implicated both of these countries, with China having a much lesser involvement. Kashmir is also a breeding ground for terrorism, with militant groups contributing to the escalation of tensions between India and Pakistan.

Currently, the region faces many more problems than just its political status. Its people have been caught in a vicious cycle of violence from all sides and their home has been a battleground for decades, hindering their socioeconomic progress.

The dispute is also of religious nature. The region of Kashmir consists of Muslims, Buddhists and Hindus, and although the Muslims are the majority, many of them find themselves on regions controlled by India, a majority Hindu state and support that India oppresses them. On the other hand, there are a lot of Islamist extremist groups active in the region and the region has been a focal point for Al-Qaeda over the years, with Osama Bin Laden stating in a letter to the American people that one of the reasons for his hatred and aggressiveness towards the US is partly because of their support towards India, which is continuously oppressing Muslims in the region, according to Bin Laden.

The situation in Kashmir is a very complex issue with many dimensions and goes well beyond the political status of the region.

DEFINITION OF KEY-TERMS

Independence

Independent countries and states are not ruled by other countries but have their own government, as was Kashmir after the British crown relinquished its claim over the Indian subcontinent.

Territorial dispute

A territorial dispute is a disagreement over the control of a geographically defined region between two or more countries. Kashmir is considered a territorial dispute between India, Pakistan and China.

BACKGROUND INFORMATION

The roots of the conflict lie in India's and Pakistan's shared colonial history. From the 17th to the 20th century, the British Empire ruled over the Indian subcontinent, first indirectly with the British East India Company as the façade and then from 1858 directly through the British crown. Over time, Britain's lost its grip over the colony, and a growing Indian nationalist movement would bring the rule of the crown down after the 2nd World War.

The Kashmir dispute goes back to 1947. The British decision to divide the Indian sub-continent along religious lines resulted in the emergence of India, a Hindu majority state and Pakistan, a Muslim majority state. However, there were still 650 small

independent states, run by local monarchs and princes, which found themselves within the two newly established countries. Theoretically, these small states could opt to join India, Pakistan or retain their independence. However, the politically inactive majority of each province would prove to be a deciding factor. The people had fought to liberate themselves from British rule, and after they eventually did free themselves, they were reluctant to allow the princes to take over the role that the British held. Although many princes wanted to remain

"independent", meaning hereditary rule with no view for democracy in the immediate future, they eventually had to submit to the demands of the people who would protest vigorously and sometimes even violently.

Because of its geographic location, Kashmir had the option to choose between India and Pakistan. Maharaja Hari Singh who was the ruler of the region of Kashmir at the time, was Hindu but most of his people were Muslim. Being unable to decide which country he should join, Hari Singh found the perfect opportunity to remain independent from both. But his ambitions for independence would be shut down in October of 1947 by Pakistan, which sent in Muslim tribesmen right at the capital's doorstep. Hari Singh would turn to the Indian government for military assistance and would later flee to India, signing the Instrument of Accession and ceding Kashmir to India on the 26th of the same month.



FIGURE 1 - THE CURRENT BORDERS AS THEY WERE SHAED BY THE 1949 CEASEFIRE LINE

This led to the first conflict between Pakistan and India; the latter referred the matter to the United Nations in the beginning of 1948. In August of that year, the Security Council asked both sides to remove their forces from Kashmir so that a plebiscite could be held. India was confident that a plebiscite could be easily won since it had the support of the most powerful Kashmiri leader, Sheikh Abdullah. Sheikh Abdullah formed a government on October of 1948 and would go on to serve as the Prime Minister. Pakistan ignored the request of the United Nations and continued to fuel the conflict. Eventually, a ceasefire was reached on January of 1949, with around 2/3 of the region remaining under Indian control and the rest going to Pakistan. The line of the ceasefire remains the border between India and Pakistan in Kashmir to this day.

Around a decade later, Kashmir would be admitted to the Indian Union, effectively becoming fully incorporated into India. However, it was granted special status under the Indian constitution which prohibited Indians originating outside of Kashmir from buying land in the region.

After another decade, fighting broke out once again in 1965 but a ceasefire would be reached in 1966. The final resolution of the conflict was prevented by the death of Mr Shastri and Gen Yahya Khan's rise to power in Pakistan, eventually leading to the continuation of the stalemate.

In 1971, a war which led to the creation of the Bangladeshi state would break out and push 1 million refugees into India from Pakistan. India would soon after declare war on Pakistan, citing the Pakistani airstrikes in West India as the casus belli. Towards the end of the year, India would invade Pakistan, take over Dhaka and force a Pakistani surrender. In 1972, the Prime Ministers of India and Pakistan signed the Simla Agreement which brought about an end to hostilities and would serve as the foundation for the peace that followed.

The status quo was effectively preserved until 1989 when guerrillas invaded the Indian Kashmir valley, establishing a reign of terror and forcing all Hindus to flee the valley. India responded with force, driving the separatists out of the valley while also exchanging fire with Pakistani troops near the border. India decided not to report the issue to the UN this time, acting with the Simla Agreement as its reference point. A new plebiscite was out of the question for Indian politicians, which knew that they had lost majority support in Kashmir as a result of their attempts to manipulate its political scene.

Around a decade later, India and Pakistan would both test nuclear missiles. Despite Pakistan claiming that its missiles were entirely produced domestically, in July 1999 Indian customs seized components shipped from North Korea which were allegedly sent in for Pakistan's missile development needs.

Even though during that period the tensions seemed to fizzle out, all hopes of diplomatic resolution to the conflict disappeared when the two sides exchanged fire in Kargil during the mid-1990s. The casualties, both soldier and civilian, would exceed the 30,000 mark.

"In the first week of August 1998 Indian and Pakistani troops exchanged artillery fire, described by locals as heavier than that of the 1948 and 1965 wars put together. An estimated 50,000 rounds of ammunition were expended and a large number of

soldiers and civilians killed.”¹ The situation in Kashmir was starting to get out of hand once more.

In the summer before the turn of the new millennium, hostility in Kargil went far beyond the usual exchange of artillery fire that had become an every day occasion in the region. When India returned to patrol around Kargil, it found key posts vacated and strongholds abandoned. It was slowly discovered that the magnitude of the intrusion was much larger than anticipated and India decided to immediately send reinforcements in an attempt to reclaim its key positions in the region. India blamed Pakistan for training and supporting the infiltrators, citing that they were funded by Pakistan which also paid Afghan mercenaries to support them. Pakistan denied any transfer of funds or arms but reaffirmed their moral support for their cause and described them as “freedom fighters” India ordered its airforce to withhold but the jets which didn’t do so were shot down by Pakistan anyway. President Clinton intervened and met with the Pakistani leader within the summer, leading to another ceasefire between the two sides.

Meanwhile, the Indian Army made significant progress, capturing vital positions on the 4th of July. Despite their efforts to mediate between the two sides, the United States would not interfere in what India claimed to be a bilateral issue between them and Pakistan.

With the turn of the new millennium, relations between the two former British colonies would improve with a resolution to the conflict in sight for the first time in 60 years. India and Pakistan agreed on a ceasefire in 2003 after years of hostilities along the border established by the 1949 ceasefire. Pakistan promised to stop funding separatists in the area, while India offered them amnesty if they stopped their violent operations and relinquished their separatist and militant ways.

The topic came back at the forefront of Indian and Pakistani bilateral relations in 2014, when India's Prime Minister Narendra Modi won power by promising a tough line on Pakistan while at the same time not excluding the possibility of dialogue. Nawaz Sharif, the then prime minister of Pakistan, attended Mr Modi's swearing-in ceremony in Delhi and there seemed to be no signs that the situation in Kashmir could slip to pre-2000 conditions despite the public position of Prime Minister Modi.

However, a year later, India would blame Pakistan-based groups for an attack on its airbase in the northern state of Punjab. The violent summer of street protests in Indian-administered Kashmir region in 2016 had already crushed hopes for a lasting peace in the region and the resolution of the dispute between India and Pakistan. Then, in June 2018, the Indian government in Kashmir was upset when Mr Modi's BJP left a coalition government run by Ms Mufti's People's Democratic Party. Jammu and Kashmir would then slip under direct rule from the Indian central government in Delhi, fuelling further public anger. The deaths of more than 40 Indian soldiers in a suicide attack on the 14th of February, 2019 have laid the foundation for an unforeseen amount of hostility in the region. India blamed Pakistan-based militant groups for the violence once again, with the attack being the deadliest targeting of Indian soldiers in the region of

¹ “A Brief History of the Kashmir Conflict.” *The Telegraph*, Telegraph Media Group, 24 Sept. 2001, www.telegraph.co.uk/news/1399992/A-brief-history-of-the-Kashmir-conflict.html.

Kashmir since the insurgency began 30 years ago. Following the bombing, India declared that it would take "all possible diplomatic steps" to isolate Pakistan from the international community for its support of the insurgents. India even took direct action against Pakistan later in the same month by launching air strikes in Pakistani territory, with its targets allegedly being militant bases of Kashmiri insurgents. Although the Pakistani government announced that the airstrikes didn't cause significant casualties, it promised to retaliate and would do so by shooting down 2 Indian aircrafts and capturing one Indian pilot. The pilot would eventually be turned back to India unharmed.

India's parliament has passed a bill which split Indian-controlled Kashmir into two territories governed directly by the central government in Delhi: Jammu and Kashmir, and remote, mountainous Ladakh. China shares a disputed border with India in Ladakh, and objected to the reorganization, accusing India of undermining its territorial sovereignty. Pakistan's Prime Minister Imran Khan vowed to challenge India's actions at the UN Security Council, and declared his intention to take the matter to the International Criminal Court. Delhi maintains its position that there is no "external implication" to its decision to reorganize the region as it didn't alter the boundaries of the region. United States President Donald Trump has offered to mediate talks but India has rejected this proposal.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

India

The Indian government revoked the special status awarded to Indian-administered Kashmir in its constitution, the most radical political move on the disputed region since the beginning of the conflict

A presidential decree which was issued on the 5th of August revoked Article 370 that guaranteed special rights to the Muslim-majority Kashmiri state, including the right to have a different constitution and full autonomy in policymaking in the region on all matters except three areas: defence, communications and foreign affairs.

India has sent thousands of additional troops to the region, imposed a curfew, shut down telecommunications and internet, arrested political leaders and closed the courts.

Pakistan

Ever since India decided to revoke the special rights of the state in the Indian-controlled region in August, Pakistan has adopted an increasingly aggressive tone in its rhetoric, with military-backed Prime Minister Imran Khan threatening to "teach India a lesson" and declaring a "fight until the end". Khan hasn't ruled out the possibility of nuclear war with India.

The power supporting Pakistan, however, is China. As Pakistan sees to take over more Kashmiri territory from India, China has increased military pressure on the other side of the Kashmiri border.

China

China in August set up an informal Security Council meeting behind closed doors to discuss India's actions in Kashmir. However, as opposition from the United States, France and other members was too fierce, China failed to get even the slightest amount of Security Council action – a joint statement to the media condemning India's actions. The political fallout from China's backstage intrigue resulted in India asking Chinese Foreign Minister Wang Yi to cancel his September 9-10 programmed visit to Delhi. China is exerting direct military pressure on India in the region. Chinese military aggression in Ladakh is now much more persistent and frequent than before, leading to minor hostilities between Indian and Chinese troops which run a high risk of escalating the conflict.

United States

The United States has offered to mediate talks between India and Pakistan but India has refused. Historically, the United States have always been able to broker peace between the two sides. However, with Beijing entering the game, any attempt to intervene and mediate needs more caution in the way it is expressed and thus the United States are more focused on their other affairs in the international scene.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1947	The Indo-Pakistani War over Kashmir begins
1949	The Indo-Pakistani War over Kashmir ends in a standstill and a ceasefire line is established to serve as the de facto border.
1954	The United States sign a treaty agreeing to provide military aid to Pakistan resulting in the cancellation of the scheduled plebiscite in Kashmir

1962	The Sino-Indian War takes place with China winning a swift victory but not any significant territorial gains
1965	Pakistan begins "Operation Gibraltar" to infiltrate Indian-controlled regions in Kashmir. The operation fails and Pakistan attacks India. After a couple of months, the conflict ends on a standstill.
1971-1972	Bangladesh becomes independent with Indian support and India invades Pakistan, which surrenders after two weeks. The Simla Agreements are signed.
1989	A popular insurgency fueled by Kashmiri and Muslim extremism starts in Indian-controlled Kashmir.
1999	The Kargil War starts between India and Pakistan. After nuclear threats by both sides, the US intervenes and mediates a peace deal.
2014	Narendra Modi becomes Prime Minister in India and promises a tough stance against Pakistan.
2016	Punjab airbase bombings. Tensions escalate
2019	Suicide attack kills 40 Indian soldiers. India strikes back with airstrikes against Pakistan. Pakistan shoots down 2 Indian aircraft and captures an Indian pilot

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

Security Council Resolution 47

"Resolution 47 of the UNSC focuses on the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, that India took to the Security Council in January 1948. In October 1947, following an invasion by soldiers from the Pakistan Army in plainclothes and tribesmen, the Maharaja of Kashmir, Hari Singh sought assistance from India and signed the Instrument of Accession. After the

first war in Kashmir (1947-1948), India approached the UN Security Council to bring the conflict in Kashmir to the notice of Security Council members.”²

Simla Agreement

“The Simla Agreement contains a set of guiding principles, mutually agreed to by India and Pakistan, which both sides would adhere to while managing relations with each other. These emphasize: respect for each other’s territorial integrity and sovereignty; non-interference in each other’s internal affairs; respect for each others unity, political independence; sovereign equality; and abjuring hostile propaganda.”³

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

In 1999, seeing as the conflict between India and Pakistan could escalate towards a nuclear one, President Bill Clinton interfered and mediated the conflicting, striking a deal with the Pakistani Prime Minister to de-escalate tensions. This deal served as the foundation for the peace between the two sides which was solidified in 2003 and lasted until Modi rose to power in India in 2014. The Guardian offers a description of the agreement.

“President Bill Clinton and the Pakistani prime minister, Nawaz Sharif, have reached an agreement under which guerrillas who cross into the Indian-held sections of Kashmir will withdraw, US officials said yesterday.

It came as Indian soldiers captured the strategic Himalayan peak of Tiger Hill after a 10-hour battle against fighters loyal to Pakistan, according to Indian officials.

The agreement at the White House, if carried out, may defuse the worst conflict between India and Pakistan in almost 30 years.

"It was agreed between the president and the prime minister that concrete steps will be taken for the restoration of the line of control [between India and Pakistan]," Mr Clinton and Mr Sharif said in a joint statement after three hours of talks in Washington.

"The president urged an immediate cessation of the hostilities once these steps are taken," it added.

² Banka, Neha. “Explained: UNSC Resolution 47 on Kashmir.” *The Indian Express*, 7 Aug. 2019, indianexpress.com/article/explained/explained-uns-47-india-pakistan-on-kashmir-article-370-bifurcation-special-status-i5882939/.

³ “MEA: Statements : In Focus Articles.” *Ministry of External Affairs, Government of India*, mea.gov.in/in-focus-article.htm?19005%2FSimla%2BAgreement%2BJuly%2B2%2B1972.

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The latest conflict between India and Pakistan raised special alarm in Washington because of their tit-for-tat nuclear tests in May 1998.

In their statement, Mr Clinton and Mr Sharif said they shared the view that the recent conflict was "dangerous and contains the seeds of a wider conflict".

The statement also finessed another issue - India's long-standing rejection of any outside mediation over Kashmir and Washington's resulting reluctance to play such a role.

The White House said Mr Clinton had spoken to the Indian prime minister Atal Bihari Vajpayee for about 10 minutes yesterday to brief him on the talks."⁴

POSSIBLE SOLUTIONS

The steps needed to solve this crisis will differ according to each country's policy. However, there are some fundamental questions which need to be addressed.

Primarily, the question of mediation either from the UN or by any third party must be addressed, as once again the two sides express that they are willing to go to extremes involving nuclear war.

Secondly, the political status of Kashmir should be clarified between the states involved and the Security Council needs to decide the role that it wants to play in determining it.

Moreover, the social and economic progress of the region must be safeguarded regardless of the political status of the region and thus the members should discuss any potential measure to maintain peace and ensure that living conditions do not deteriorate through any form of aid; or through setting a framework to support economic and social development.

In addition, the heavy use of nuclear threats must be addressed since their potential use constitutes an issue of international security and extends well beyond the bilateral level.

Finally, the Council needs to take further steps in preventing terrorism in the region through any means deemed appropriate as it threatens the international and local security due to its impact on the trilateral relations between India, Pakistan and China.

⁴ Washington, Arshad Mohammed in. "Clinton Wins Kashmir Promise." *The Guardian*, Guardian News and Media, 5 July 1999, www.theguardian.com/world/1999/jul/05/kashmir.india.

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