

Research Report | XXVII Annual Session

# GA4 – Special Political and Decolonisation

The situation in Kashmir



**MODEL UNITED NATIONS**  
THE INTERNATIONAL SCHOOL OF THE HAGUE

Aditya Jain  
Erik Stapel

<b>Forum:</b>	General Assembly 4
<b>Issue:</b>	The situation in Kashmir
<b>Student Officer:</b>	Aditya Jain
<b>Position:</b>	Chair

---

## Introduction

Kashmir is a beautiful region in desperate need of peace and order. This mountainous territory currently split between India, Pakistan, and the People's Republic of China has been a centre for conflict ever since its independence from the British Empire in August 1947. Over the past 70 years, Kashmir has endured five major wars: the Indo-Pakistani War of 1947, the Sino-Indian War in 1962, the Indo-Pakistani War of 1965, the Indo-Pakistani War of 1971, and the Kargil War in 1999. In addition to these, multiple minor conflicts have been fought in the region, such as the Siachen conflict and various internal revolts. Over 47,000 lives have been lost in the last 20 years according to official reports by Indian authorities, with NGOs and Human Rights groups estimating close to double that number.

However, the situation has only deteriorated during the past year. The tensions in Kashmir are escalating day by day due to worsening India-Pakistan relations and rising militia activities. The killing of the influential Kashmir-based militia leader, Burhan Wani, in July 2016 triggered a cycle of violence that continues to this date. Indian-administered Kashmir has been flooded with vicious internal riots, rivalling old insurgences in their death tolls.

In addition to internal riots, the recent violence in Kashmir has rekindled hostilities between India and Pakistan. Indian officials have blamed the Pakistani military for the murder of 18 Indian soldiers in an Indian military base, allegations that the Pakistani government denies. In retaliation, the Indian army carried out several "surgical strikes" designed to "hit out at terrorists who were planning to infiltrate into [Indian] territory", according to Indian officials. Two of the three Indo-Pakistani wars has been fought over Kashmir, and this current spike in violence has the potential to repeat unwanted history.

One thing is certain: if the situation in Kashmir is not resolved as soon as possible, it has the potential to manifest into a global crisis. With over 520 nuclear warheads distributed



over three disputing nations, even a slight increase in tensions could catalyse a nuclear war. This must be avoided at all costs; the role of the delegates is to ensure that the situation in Kashmir does not endanger any more lives. Despite various previous agreements and UN treaties, the situation seems as dire as ever.

In an increasingly polarized world, it is essential that the United Nations works towards establishing peace and order in Kashmir. Careful handling of the situation can lead to improved diplomatic relations between the powerful Asian nations, saving the lives of millions of Kashmiri citizens. On the other hand, mismanagement of the situation can result in a global catastrophe. The delegates must locate the root of the problems, and work towards crafting pragmatic solutions that fulfils the needs of all involved parties.

## Definition of Key Words

### Kashmir

Previously known as the princely state of Kashmir, this region has been split into three different sections since the end of the British Rule in 1947.

The Indian-administered territory is known as Jammu and Kashmir. The Pakistani administered territory is known as Azad Kashmir. The small Chinese-administered territory is known as Aksai Chin.

### Line of Control (LOC)

The de-facto border between Indian and Pakistani administered parts of Kashmir. This line is not a legally recognized international boundary, but it has been formalized as the temporary border since the Simla agreement was signed in July 1972.

Any violation of this line of control has previously led to escalating tensions, sometimes even wars, between India and Pakistan.

### Militia

Defined as a part of the organized armed forces of a country liable to call only in emergency. (Merriam-Webster dictionary). Militia can also mean a group of able-bodied men who can be called to serve the military.



## Surgical strikes

The Indian military stated that they conducted precise attacks upon Pakistani border posts and terrorist groups in October 2016. This led to a boost in support from the Indian population. Pakistan denies the claims.

## General Overview

### Post-independence

The British Rule over the Indian sub-continent came to an end in August 1947. To avoid religious clashes in the future, the new nation of Pakistan was formed in the Muslim-majority region of India. Many Muslims were encouraged to migrate to Pakistan, and likewise many Hindus were encouraged to migrate to India. When people were not willing to leave their ancestral homes, radical violence took root and the death toll reached thousands. This could be a factor of tense Indo-Pakistan relationships in today's age.

Due to its geographical location, Kashmir had a choice whether to accede to the Union of India or to the Dominion of Pakistan. The incumbent king of Kashmir, Maharaja Hari Singh, was Hindu thus was expected to accede to India amid the religious divide occurring in the region. However, "77% [of Kashmir's population] was Muslim and 20% was Hindu," according to sources in 1947; this would encourage the state to accede to Pakistan.

To avoid making a rushed decision, Hari Singh signed a "standstill agreement" with Pakistan, which kept economic and political ties open with Pakistan. In October 1947, violent riots in the state capital of Jammu were conducted by Muslim tribesmen and possibly Pakistani nationals, which scared Hari Singh into asking India for assistance. The Indian representatives agreed on the condition that Kashmir accede to India.

Therefore, on the 26<sup>th</sup> of October 1947, Maharaja Hari Singh signed the Instrument of Accession, which acceded the state of Kashmir to India. The Indian military swiftly drove out the Pakistani-sponsored rebels from all but one part of Kashmir. The Pakistani government denied the accession, claiming that India had pressurized Hari Singh into signing the document.



## Indo-Pakistani and Sino-Indian wars

The first Indo-Pakistani war took place in 1947 and 1948, in which the issue of Kashmir played a central role. India believed that Kashmir officially was their territory whereas Pakistan believed that Hari Singh had signed the Instrument of Accession under dubious circumstances.

India raised the war in Kashmir in the United Nations Security Council, which promptly formed resolution 47: a three-step resolution aimed at bringing peace to the region. The first step states that Pakistan should remove all its forces from Kashmir. The second step states that India should reduce its forces to a minimum, and administer law in its territory. The third step states that India should organize a plebiscite (referendum) aimed to decide whether the people of Kashmir wish to be part of Pakistan or India.

Both nations disagreed with certain clauses of the resolution: India specified that this resolution gives Pakistan much more importance than it deserved, considering that Hari Singh had already acceded Kashmir to India. Pakistan wanted all Indian troops to be removed from Kashmir, and denied removing its own troops. Eventually, a ceasefire was agreed upon, and an informal ceasefire line was implemented. The plebiscite was never conducted.

The second Indo-Pakistani war occurred in 1965, but had no significant effects on the geopolitical situation. The third Indo-Pakistani war occurred in 1971-1972, in which Pakistan was defeated by Indian troops. This war led to the formation of the Simla agreement of 1972, in which both nations agreed to settle further disagreements through diplomatic talks rather than war. The Simla agreement also formalizes the ceasefire line as the Line of Control (LOC) between India and Pakistan.

The LOC was crossed in multiple areas by militants from Pakistani-administered Kashmir into Indian-administered Kashmir in May 1999. This was known as the Kargil war.



Source:  
[https://ichef.bbci.co.uk/news/660/cpsprodpb/5C7C/production/\\_91767632\\_kashmir\\_map624.png](https://ichef.bbci.co.uk/news/660/cpsprodpb/5C7C/production/_91767632_kashmir_map624.png)

The Indian army repelled the attack, and quickly blamed the Pakistani government for the assault. India stated that this was a clear violation of the Simla agreement, and severed diplomatic relations with Pakistan following the attack. This tension between the two nations persists till this date, with limited attempts made at reconciliation.

The Sino-Indian war lasted from the 20<sup>th</sup> of October to the 21<sup>st</sup> of November 1962, and was initiated by a Chinese offence. The main cause of the war was the disputed region of Aksai Chin, which both India and China claimed as their territory. Other factors also contributed to the cause of war, such as India granting asylum to the Dalai Lama (who was exiled from Tibet in 1959). The end of the war saw China gaining control of the Aksai Chin region of Kashmir. Due to it being part of China, the Aksai Chin region is not majorly affected by modern Kashmiri insurgencies.

## Insurgencies

Since the 1980s, Kashmir has been plagued with insurgencies and uprisings. In 1987, pro-independence and pro-Pakistan guerrilla warriors spread terror through the Indian-administered region of Kashmir, causing thousands of Hindu citizens to flee the state. This has resulted in an extremely small percentage of modern Kashmir's population being Hindu. The Indian government blames Pakistan for aggravating the situation by providing support for the fighters. Pakistan denies the allegations.

Throughout the 1990s, the insurgency continues and the Indian military decides to implement the controversial Armed Forces Special Powers Act (AFSPA) in Kashmir. This act gives the army the power to act to a large extent without being reprimanded. This may have led to multiple human rights violations. The escalating tensions throughout the 1990s eventually resulted in the 1999 Kargil War (mentioned above).

One reason that insurgencies are rising could be India's reluctance to conduct the plebiscite mentioned in resolution 47. Critics believe that India is not giving Kashmiris an opportunity to be free. India states that Pakistan has not fulfil its part of the resolution, therefore India has no requirement to fulfil theirs.

During the first decade of the 21<sup>st</sup> century, minor insurgencies continued until the killing of Burhan Wani, the top commander of the Pakistani-based militant group Hizbul Mujahideen, by the Indian military. On the other hand, many Kashmiris viewed Wani as an activist who protested against human rights violations. His death sparked violent protests in Indian-administered Kashmir, which has led to a curfew being imposed in July 2016.



One major effect of Kashmiri insurgencies has been the devastating effect on society. An article published in the newspaper, "Rising Kashmir", stated that the Kashmir conflict has led to "suffering, displacement, disappearance, victimization of women and torture" throughout the valley (24 February 2017). As a result, the region also suffers from economic depression; tourism and horticulture, regarded as the two most important sectors in Kashmir, have seen a decline in sales due to the insurgencies and conflict.

### Uri attack and Indian retaliation

Early morning on the 18<sup>th</sup> of September 2016, four armed militants attacked an Indian army brigade in the town of Uri, close to the LOC. This led to the death of 18 soldiers and 85 civilians. The Uri attack was classified as one of the deadliest attacks in Kashmir in the past 2 decades, which caught headlines in papers all over the world. The Indian government launched an inquiry into the responsible party, and currently suspects the militant group, "Jaish-e-Mohammed." They also accused the Pakistani government of supporting these groups, since the weapons used in the attacks had Pakistani markings according to the Indian Ministry of External Affairs. The Pakistani government denies all allegations and states that India has a "tendency" to blame Pakistan for any terrorist attack.

The Indian military states that it responded to the Uri attack by carrying out "surgical strikes" on Pakistani border posts on the 29<sup>th</sup> of September. They gave little details upon how they carried out these strikes, but stated that they were a huge success. While India praised the success of this operation, Pakistan denied that it ever happened. The truth remains unknown, yet it is clear that both parties have violated the Simla agreement by crossing the LOC.

The tensions are rising rapidly and are dangerously similar to the level before the 1999 Kargil war. Currently, both India and Pakistan need to conduct peaceful talks to prevent Kashmir from becoming a pointless battlefield yet again.

## Major Parties Involved

### India

India believes that Kashmir is their territory by law due to Hari Singh's accession agreement. They have claimed the entire region including Pakistani and Chinese-administered sections. However, India recognizes that the Simla agreement declares a temporary LOC, and respects it the majority of the time. They are not holding the promised plebiscite stating that Pakistan has not withdrawn all troops from Kashmir (including Pakistan-administered Kashmir), thus India has no intention of fulfilling their part of resolution 47.

The delegation of India must find a pragmatic solution to end the violence and restore peace in Indian-administered Kashmir. Nonetheless, they may believe that Pakistan should not gain access to Kashmir at all.

### Pakistan

Like India, Pakistan also believes that Kashmir is rightfully theirs; this is because the vast majority of Kashmiris are Muslim, and may resent the Indian military's recent spike in violence through AFSPA. The delegation of Pakistan may aim to advocate the plebiscite, in the hope that the Kashmiri population vote to join Pakistan.

The Pakistani government denies that they are linked to any terrorist attacks on the Indian side of the LOC, regardless of what India accuses.

### People's Republic of China

China has been India's neighbouring competitor throughout history. The case is no different when it comes to Kashmir, particularly due to the Sino-Indian war of 1962. Therefore, China would be expected to side with Pakistan, should the situation come to that.

However, the Chinese Foreign Ministry issued a clear statement condemning the Uri attack and encouraged India and Pakistan to initiate a "dialogue" regarding Kashmir.

### Turkey

Turkey consists of approximately 72% Sunni Muslims, similar to the statistics in Pakistan. Therefore, they openly support Pakistan's claim over Kashmir. Turkey is one of the few countries who have evidently stated who they support in this escalating conflict. Other Sunni majority countries have good ties with India, and may not want to ruin them by supporting Pakistan.



## United States of America (USA)

The USA is a large arms supplier in the Indian sub-continent. While one of their aims may be to resolve the Kashmir conflict as soon as possible, there will be a significant loss of weapon exports from the United States. Considering the current political climate in the USA, the government's agenda is to create jobs in the country, such as the manufacture of weapons.

## Timeline of Key Events

1947 August	British colonial rule ends. India and Pakistan split into Hindu-majority and Muslim-majority nations respectively.
1947 October	Violent riots occur in Jammu, which is mainly done by pro-Pakistan rebels. Hari Singh fears for his life and asks India for assistance. The Instrument of Accession is signed, and Kashmir becomes a territory of India.
1947 October	Pakistan accuses India of pressurizing Hari Singh to sign the Instrument of Accession. The first Indo-Pakistani war breaks out.
1948 April	The United Nations passes resolution 47, which aims to bring peace to Kashmir. Both India and Pakistan agree to it yet neither has fully fulfilled their part to date. An informal ceasefire line is established.
1962 October	The Sino-Indian war occurs. China gains control of the Aksai Chin region.
1963	Pakistan gives the Trans-Karakoram tract to China
1965 April	The second Indo-Pakistani war occurs. The armies return to their respective sides of the ceasefire line.
1971 December	The third Indo-Pakistani war occurs, in which India wins.



1972 July	The Simla agreement is signed by India and Pakistan. This promotes peaceful cooperation rather than war. It also formalizes the ceasefire line into the LOC.
1987	Pro-independence guerrilla fighters spread terrorism across Indian-administered Kashmir. India blames Pakistan for support. Pakistan denies all allegations.
1990	Violence escalates in Indian-administered Kashmir and India introduces the Armed Forces Special Powers Act (AFSPA).
1999 May	Militants from Pakistan cross the LOC into India. Kargil war ensues. India blames Pakistan for supporting the militants and breaks relations. Pakistan denies the charges.
2016 July	The killing of militant leader Burhan Wani leads to violent protests in Indian-administered Kashmir. The Kashmiri population regarded Wani as a human rights activist.
2016 August	Over 9,000 people are injured in Kashmir as a result of the violent protests.
2016 September	4 militants break into the Indian army base in Uri and kill 18 Indian soldiers. India blames Pakistan for supplying the militants with weapons. Pakistan denies the charges.
2016 September	The Indian army claims that it carried out several “surgical strikes” upon Pakistani border posts across the LOC. Pakistan denies that any attacks occurred.

## UN involvement, Relevant Resolutions, Treaties and Events

The following list contains all the relevant treaties upon the issue of Kashmir in chronological order. The impact of these treaties is then explored below:

- Instrument of Accession, 27 October 1947



- United Nations Resolution 47, 21 April 1948, **(S/RES/47)**
- Tashkent declaration, 10 January 1966
- Simla Agreement, 2 July 1972
- Armed Forces Special Powers Act, 1990

## Previous Attempts to Resolve the Issue

Multiple treaties and resolutions have been created since 1947 with the aim of improving India-Pakistan relationships in Kashmir. Not all have been successful, and some have not been completed to date. The following list expands on how the treaties mentioned above have impacted the situation in Kashmir.

### 1. Instrument of Accession (1947)

The Instrument of Accession is a document signed by Maharaja Hari Singh in 1947 that legally declares Kashmir as a territory of India. Pakistan refuses to accept this accession because they believe India pressured Hari Singh to sign the document in return for military aid. This disagreement may have been a factor in the first Indo-Pakistani war.

### 2. United Nations Resolution 47 (1948)

Resolution 47 was drafted after India appealed to the United Nations Security Council following the first Indo-Pakistani war. The resolution aimed to bring peace to Kashmir and was split into three major steps. The first step states that Pakistan should remove all its forces from Kashmir. The second step states that India should reduce its forces to a minimum, and administer law in its territory. The third step states that India should organize a plebiscite aimed to decide whether the people of Kashmir wish to be part of Pakistan or India.

Pakistan refused to remove all its troops from Kashmir and India has still not conducted the plebiscite. While resolution 47 managed to bring about a ceasefire, it cannot be classified as a total success because it was not fully implemented.



### **3. Tashkent declaration (1966)**

The Tashkent declaration was signed in the city of Tashkent in the USSR following the second Indo-Pakistani war. It succeeded in sending both armies to their respective parts of Kashmir. However, it did not subdue the tension between India and Pakistan, and the third Indo-Pakistani war broke out a few years later.

### **4. Simla agreement (1972)**

The Simla agreement was signed after the third Indo-Pakistani war occurred. Its main purpose was to promote peaceful negotiations rather than war in the future. It also formalized the ceasefire line into the LOC.

Since then, the LOC has been crossed by both Indian and Pakistani forces multiple times: one in 1999 that led to the Kargil war, and allegedly recently in 2016 during the Uri attacks and the Indian “surgical strikes.”

### **5. Armed Forces Special Powers Act (1990)**

The AFSPA is a controversial law implemented in Indian-administered Kashmir with the purpose of reducing the extent of internal revolts and violence. It gives the Indian army the power to conduct various operations in Kashmir without being reprimanded, and has led to allegations of several human rights violations.

## **Possible Solutions**

It is clear that India and Pakistan have a long and bloody history ever since the end of the British rule in 1947. Multiple treaties and resolutions have temporarily restored peace to Kashmir, but the tension inevitable rises each time. Thus, the central objective to resolving the Kashmir issue could be to improve India-Pakistan relations in general.

One way to achieve peace could be to put in place measures to carry out the full extent of resolution 47. That includes Pakistan demilitarizing the entirety of Kashmir and India holding a fair plebiscite for the Kashmiri population. Both nations may object to this solution but it may be a necessary step towards peace in Kashmir.

Another method could be giving control of Kashmir to one nation (either India or Pakistan). The other nation could get compensated with other means such as international



funds. This would be an extremely controversial solution since both India and Pakistan believe that Kashmir is rightfully theirs.

A third option could be the conversion of the LOC into a recognized international boundary. This will again raise objections from India and Pakistan since both want the entirety of Kashmir as their territory. This option could be accompanied with monetary incentives for both nations.

Furthermore, delegates could work upon decreasing the religious divide within Kashmir. Social festivals and gatherings could work towards reducing internal violence, and may enable Kashmir to act as a unified front.

To rejuvenate the economy, the tourism and horticulture sector could be protected. One solution may be to designate special areas of land for horticulture, around which security guards patrol. This solution may raise backlash if some delegates think this is a waste of resources.

## Appendices

### Appendix I

**A detailed timeline of events occurring in Kashmir:**

<http://www.bbc.com/news/world-south-asia-16069078>

### Appendix II

**The text of the Simla Agreement, signed by India and Pakistan in 1972:**

<https://www.stimson.org/simla-agreement>

### Appendix III

**An informative document upon the reasons why India does not want to hold a plebiscite in Kashmir:**

<https://www.quora.com/Why-is-India-not-holding-a-plebiscite-in-Kashmir>



## Bibliography

"2016 Uri Attack." Wikipedia. Wikimedia Foundation, 13 June 2017. Web. 17 June 2017. <[https://en.wikipedia.org/wiki/2016\\_Uri\\_attack](https://en.wikipedia.org/wiki/2016_Uri_attack)>.

"A Brief History of the Kashmir Conflict." The Telegraph. Telegraph Media Group, 24 Sept. 2001. Web. 17 June 2017. <<http://www.telegraph.co.uk/news/1399992/A-brief-history-of-the-Kashmir-conflict.html>>.

Bhat, Sabzar Ahmad. "Impact of Conflict on Socio-economic Development." RisingKashmir. N.p., 24 Feb. 2017. Web. 13 July 2017. <<http://www.risingkashmir.com/news/impact-of-conflict-on-socio-economic-development>>.

Goyal, Shashank. "Why Is India Not Holding a Plebiscite in Kashmir?" Why Is India Not Holding a Plebiscite in Kashmir? Quora, Feb. 2015. Web. 17 June 2017. <<https://www.quora.com/Why-is-India-not-holding-a-plebiscite-in-Kashmir>>.

"India and Pakistan Are Clashing Again over Kashmir. Here's What You Need to Know." Los Angeles Times. Los Angeles Times, n.d. Web. 17 June 2017. <<http://www.latimes.com/world/asia/la-fg-kashmir-explainer-snap-story.html>>.

"Kashmir Attack: India 'launches Strikes against Militants'." BBC News. BBC, 30 Sept. 2016. Web. 17 June 2017. <<http://www.bbc.com/news/world-asia-37504308>>.

"Kashmir Attack: What's behind the Deadliest Militant Raid in Years?" BBC News. BBC, 19 Sept. 2016. Web. 17 June 2017. <<http://www.bbc.com/news/world-asia-37404372>>.

"Kashmir Conflict: Tension on the India Pakistan Border." BBC News. BBC, 01 Oct. 2016. Web. 17 June 2017. <<http://www.bbc.com/news/world-asia-37531900>>.

"Kashmir Fast Facts." CNN. Cable News Network, 29 Mar. 2017. Web. 17 June 2017. <<http://edition.cnn.com/2013/11/08/world/kashmir-fast-facts/>>.

"Kashmir Profile - Timeline." BBC News. BBC, 01 Mar. 2017. Web. 17 June 2017. <<http://www.bbc.com/news/world-south-asia-16069078>>.

"Kashmir Territories - Full Profile." BBC News. BBC, 01 Mar. 2016. Web. 17 June 2017.  
<<http://www.bbc.com/news/world-asia-34810086>>.

"Kashmir Territories Profile." BBC News. BBC, 01 Mar. 2017. Web. 17 June 2017.  
<<http://www.bbc.com/news/world-south-asia-11693674>>.

Krishnan, Ananth. "China Condemns Uri Attack, but Wants India, Pakistan to Have Dialogue." India Today. India Today, 19 Sept. 2016. Web. 17 June 2017.  
<<http://indiatoday.intoday.in/story/uri-attack-china-pakistan-india/1/767962.html>>.

"List of States with Nuclear Weapons." Wikipedia. Wikimedia Foundation, 15 June 2017.  
Web. 17 June 2017.  
<[https://en.wikipedia.org/wiki/List\\_of\\_states\\_with\\_nuclear\\_weapons](https://en.wikipedia.org/wiki/List_of_states_with_nuclear_weapons)>.

Militia." Merriam-Webster. Merriam-Webster, n.d. Web. 13 July 2017. <<https://www.merriam-webster.com/dictionary/militia>>.

"MEA | Statements : Bilateral/Multilateral Documents." Ministry of External Affairs, Government of India. N.p., n.d. Web. 17 June 2017. <<http://mea.gov.in/bilateral-documents.htm?dtl%2F5993%2FTashkent%2BDeclaration>>.

Pandey, Roshan Kumar. "Which Countries of the World Support India's Claim on Kashmir in the UN?" Which Countries of the World Support India's Claim on Kashmir in the UN? Quora, 2 Aug. 2016. Web. 17 June 2017. <<https://www.quora.com/Which-countries-of-the-world-support-Indias-claim-on-Kashmir-in-the-UN>>.

"Religion in Turkey." Wikipedia. Wikimedia Foundation, 13 June 2017. Web. 17 June 2017.  
<[https://en.wikipedia.org/wiki/Religion\\_in\\_Turkey](https://en.wikipedia.org/wiki/Religion_in_Turkey)>.

"Simla Agreement." Stimson Center. N.p., n.d. Web. 17 June 2017.  
<<https://www.stimson.org/simla-agreement>>.

"United Nations Security Council Resolution 47." Wikipedia. Wikimedia Foundation, 13 June 2017. Web. 17 June 2017.  
<[https://en.wikipedia.org/wiki/United\\_Nations\\_Security\\_Council\\_Resolution\\_47](https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_47)>.

U.N.Resolution on J&K August 13, 1948. N.p., n.d. Web. 17 June 2017. <<http://www.jammu-kashmir.com/documents/jkunresolution.html>>.

"Uri Terror Attack: 17 Soldiers Killed, 19 Injured in Strike on Army Camp - Times of India."

The Times of India. India, 30 Sept. 2016. Web. 17 June 2017.

<<http://timesofindia.indiatimes.com/india/Uri-terror-attack-Indian-Army-camp-attacked-in-Jammu-and-Kashmir-17-killed-19-injured/articleshow/54389451.cms>>.