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Security Council (SC)

De-escalating tensions over territorial disputes in the Kashmir Region

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RESEARCH
REPORT



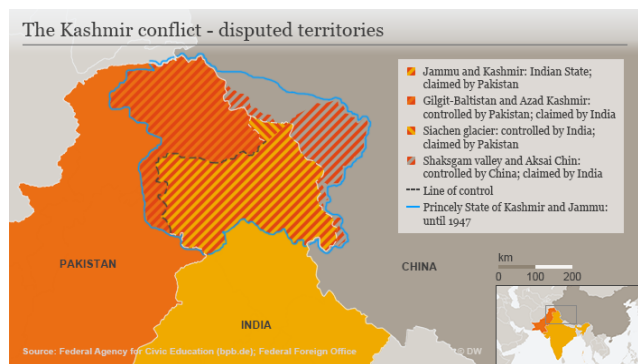
Forum: Security Council (SC)

Issue: De-escalating tensions over territorial disputes in the Kashmir Region

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Introduction

The territorial dispute of Kashmir is an issue that has been causing tension between the nations of India and Pakistan ever since 1947. It's not only one of the longest ongoing territorial disputes of the modern world, but also one that has been quite detrimental to the region and its citizens. Several wars have been fought between the two states over this region. Both nations claim the Kashmir region as their own, and ever since China started to get involved in the conflict, the issue has become even more complicated. The territorial dispute started in 1947 when during the separation of the Indian subcontinent, Kashmir was not attributed to either nation, and was titled a "princely state." India, Pakistan and China all claim partial or full ownership of the region. Some time after the division, Pakistan surrounded and attacked the region. The monarch of Kashmir, Maharaja Hari Singh requested help from India, who agreed to help after being promised in a letter that Kashmir would be handed over to India in exchange. (Pakistan does not recognize this letter.) At the present moment, the region is still facing terrorist attacks, with the most recent being on the 27th of January 2021, in Kulgar. More than 20,000 people lost their lives because of the terrorism in the region. Both parties blame each other for the terrorist attacks, and independent militia is also involved.



Definition of Key Terms

Decolonization: The process in which a country that was previously a colony (= controlled by another country) becomes politically independent

Indian Subcontinent: The Indian subcontinent consists of 7 countries- India, Pakistan, Bangladesh, Nepal, Sri Lanka, Bhutan, and the Maldives. The subcontinent separated into the countries we have today during 1947, mostly based on religion.

Line of Control: The Line of Control (LoC) is a military control line between the Indian and Pakistani controlled parts of the former princely state of Jammu and Kashmir.

Maharaja: A hindu ruler, usually used to describe the ruler of one of British India's princely states.

Partition: The action or state of dividing or being divided into parts (especially with reference to a country with separate areas of government)

Plebiscite: A vote by which the people of an entire country or district express an opinion for or against a proposal especially on a choice of government or ruler.

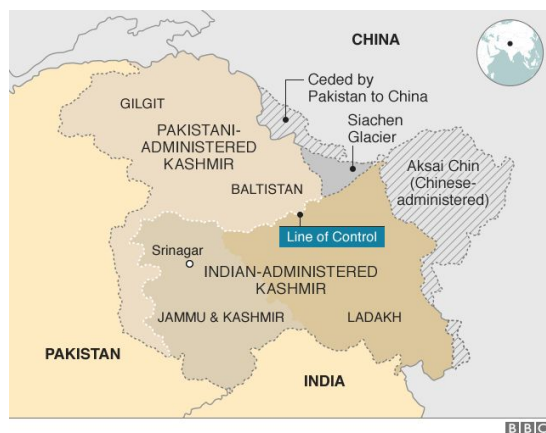
Princely state: A princely state, also called native state, feudatory state or Indian state (for those states on the subcontinent), was a *vassal state* (“any state that has a mutual obligation to a superior state or empire”) under a local or indigenous or regional ruler in a subsidiary alliance with the British Raj.

Proxy war: A war fought between groups or smaller countries that each represent the interests of other larger powers, and may have help and support from these

General Overview

Kashmir is a region located between India, Pakistan and China. When the British-ruled Indian subcontinent was set to be divided into India and Pakistan (and Bangladesh), territories were divided according to the majority religion of the area. Areas composed of mostly Hindus were considered part of India, whereas majority Muslim areas were considered part of Pakistan. This division shaped these countries into their approximate compositions today, however, some areas, such as the Princely State of Kashmir, were given freedom as to which country they would choose to join.

The Princely State of Kashmir was hard to attribute to only one of the two nations because it had a Muslim-majority population but a Hindu ruler (maharaja). In order to claim the region as their own and in



some ways, secure it, some Pakistani tribes surrounded the region. Because of the security threat, the maharaja felt forced to sign a treaty of accession with India in order to maintain his rule. India claims that this is the basis for Kashmir belonging to them, while Pakistan rejects the validity of such claim and casts doubt the authenticity of the treaty.

The Kashmir region (also known as the Kashmir and Jammu region) is surrounded by the countries Pakistan, India and China. The region is currently split between Pakistan (35%), India (45%) and China (20%). All three nations claim either full or partial ownership of the

region. The line that separates the Indian and Pakistani regions is called the ‘Line of Control’ (LoC).

Tensions have recently resurfaced when an alleged al-Qaeda-linked suicide bomber killed 44 Indian soldiers in February 2019. India launched air strikes on areas where they claim to have on-going terrorist activities.

As an issue, it is extremely important to solve due to its lasting impacts on regional life and economies. Experts estimate casualties to be between 20,000-100,000, and many more citizens wounded. The



underground kidnappings and terrorism activities in the region has caused damage to the local population in every way possible. Beyond the loss of life, an estimated 22% of the population live below the poverty line. Tourism, which was a primary source of income for the area, has been severely impacted as well. An estimated loss of 27 million tourists in the last 10 years is said to have caused 3.6 billion USD of tourism revenue loss. Moreover, over 1,100 government buildings, 11 hospitals, 643 educational

buildings, around 10,700 houses and 1,900 shops have been destroyed during approximately 5,268 attacks on infrastructure.

All involved nations agree that the issue has gone on for too long, and seek to come to a mutual agreement on the matter. However, the two nations struggle to reach a mutual conclusion. The UN has passed 4 resolutions on this issue, being the UNSC Resolutions 38, 39, 47, and 51. Out of all of four, UNSC 47 is the most important resolution. Both sides agreed to Resolution 47, but neither side has completely fulfilled its responsibilities and the resolution failed.

Major Parties Involved and Their Views

Islamic Republic of Pakistan

The Kashmir region is of utmost importance to Pakistan due to it containing the nation's primary source of water. Losing access to it could lead to the possible downfall of Pakistani economy and increased deaths due to poor hygiene and extreme thirst.



A strong claim that Pakistan has over the region is its religious composition. The area is composed mostly of Muslims, which is also the state religion of Pakistan. Pakistan argues that a Muslim-majority region rightfully belongs to them, and can be better ruled by a nation of a similar composition.

Pakistani groups have been allegedly attacking and terrorizing the region, which is one of the main reasons why this issue has been going on for such a long period of time.

Republic of India

India believes that Jammu-Kashmir is an essential part of their country. While India supported a plebiscite during the beginning of the conflict, they now believe that Kashmir rightfully belongs to India. The maharaja wrote an official letter promising India the Kashmir region in exchange for help, and India bases their claims of ownership on this letter. India claims that



Kashmir chose to join India themselves. The maharaja has the legal power to decide the fate of the region, and he chose to join India.

Losing the Kashmir region to Pakistan would be dangerous for India, because it would lead to its two opposers, China and Pakistan, to become neighbouring countries. India also believes that arguing the Muslim population belonging to Pakistan is an invalid claim since India itself has the second largest Muslim population in the world (12,000,000) and is a multicultural state.

People's Republic of China

China controls a 38,000-square-kilometre section known as the Aksai Chin, which India claims as part of Ladakh. The Aksai Chin area is, unlike the other regions, deserted and relatively inhabited. The main reason China is interested in the area is because of its investment in Pakistan, most significant of which is the China-Pakistan Economic Corridor, which passes through Pakistan-Administered Kashmir. China also leans towards Pakistan on this matter, as they have had a complicated relationship with India since the Indo-China war in 1962.

United States of America

Considering the fact that Pakistan and India are among the few nations that possess nuclear weapons, the US had interest in the resolution of this dispute. The US did not propose any concrete solutions to the matter, instead, they encouraged bilateral negotiations between India and Pakistan. This neutral stance was impacted after the 11 September 2001 terrorist attacks, and the US dissociated themselves from Pakistan after Al-Qaeda leader Osama Bin Laden's statements. Since this, the US has expressed support for India. In addition, the US- Pakistani diplomatic relations further deteriorated after the Executive Order 13769 issued by President Donald. J. Trump regarding the rejection of immigrants and refugees coming from certain Islamic states, including Pakistan.

India Leaning Members	Neutral Members	Pakistan Leaning Members
India	Brunei	Pakistan
USA	Indonesia (formerly Pakistan leaning)	China
Russia	Myanmar (slightly India leaning)	
Cambodia	Philippines (slightly India leaning)	
Japan	South Korea	
Singapore		
Malaysia		
Laos		
Thailand		

Timeline 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 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.
1951	Elections in the Indian-administered state of Jammu and Kashmir support 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 from every part of the state, not only Indian administered parts.
1957	The constitution of Indian-administrated Jammu and Kashmir defines it as part of India.
1950s	China gradually occupies eastern Kashmir which is also known as the Aksai Chin region.
1962	China defeats India in a short war for control of Aksai Chin.
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.
1987	State elections in Indian-administrated parts of Jammu and Kashmir give impetus to a pro-independence insurgency centred around the Jammu and Kashmir Liberation Front (JKLF). India accuses Pakistan of fomenting the insurgency by despatching fighters across the Line of Control, which Pakistan denies.
1990s	The insurgency continues, with Kashmiri militants training in Pakistan and India deploying hundreds of thousands of troops in Jammu and Kashmir. Violence against civilians reaches the highest level.
1999	India and Pakistan go to war again after militants cross from Pakistani-controlled regions of Kashmir into the Indian-administered Kargil. India repulses the attack

	and accuses Pakistan of being behind it, therefore breaking off relations.
2001-2004	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.
2011	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.
September 2011	Indian forces kill three Pakistani soldiers in firing across the Line of Control. India accuses Pakistan of opening fire first.
September 2013	Prime ministers of India and Pakistan meet and agree to try to reduce the number of violent incidents at their disputed border in Kashmir.
August 2014	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 accuses Pakistan of waging a proxy war against India in Kashmir.
October 2014	Pakistan and India exchange serious warnings, after a series of violence across the border leaves at least 18 people dead.
July 2016	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.
August 2016	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.
November 2016	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.
July 2017	Militants attack Hindu pilgrims, killing at least seven and injuring 16, in the worst such attack since 2000.
February 2019	Palwama attack (suicide bomber)
August 2019	Indian government strips Jammu and Kashmir state of the special status that gave it significant autonomy.

Treaties and Events

The Instrument of Accession

The Instrument of Accession is a legal document executed by Maharaja Hari Singh, ruler of the princely state of Jammu and Kashmir, on 26 October 1947. Seeing that Pakistani attacks put the territory in danger, the ruler Maharaja Hari Singh agreed to hand over Kashmir to India in exchange of aid.

Article 370

India granted Jammu and Kashmir semi-autonomous status under a provision known as Article 370, which gives the state independence over all matters except defence, foreign affairs and communications.

In the first few days of August 2019, the Indian government officially stated that it was revoking Article 370, which has been the basis of Kashmir's relationship with India for around 70 years. The article was the basis of Kashmir's autonomy. It allowed the state to have its own constitution, its own separate flag, and freedom to make laws. The central government had control over foreign affairs, defence and communications. Kashmir could control the laws regarding permanent residency, ownership of property and fundamental rights. Additionally, Kashmir authorities could prohibit Indian citizens to purchase property and settle in the region. With the removal of said article, Kashmir will no longer have a separate constitution and will have to abide by the Indian constitution. All Indian laws will be automatically applicable to Kashmiri citizens, and people from outside the state will be able to buy property there. This removal was protested for a long time by thousands of Kashmiris.

Indus Waters Treaty (1960)

The water sources in the Kashmir region are of extreme importance to both nations, therefore the water in the region had to be divided between the two of them. The treaty was administered by the World Bank. It was established that India could use some of the water from the Pakistani rivers because it received more flow. Since the treaty, there have been no further water wars.

Simla Agreement (1972)

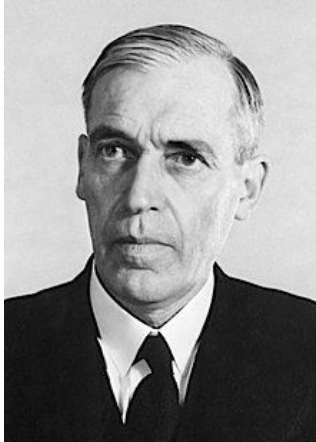
The Simla Agreement ended the Indo-Pakistani war of 1971, and resulted in the creation of Bangladesh. It also drew attention to the fact that India and Pakistan have to resolve the territorial dispute through negotiations, and established that the Line of Control will stay as it was prior to the 1971 war. India argues that this agreement made the UN Military Observer Group irrelevant, as this particular agreement suffices as to maintaining the Line of Control the way it is.

United Nations Security Council Resolution 47 (1948)

The 47th UNSC Resolution recommended a three-step process for the resolution of the territorial dispute. Firstly, Pakistan was asked to withdraw all its troops and forces in Kashmir. In the second step, India was asked to progressively reduce its forces to the minimum possible without endangering the safety of the region. Finally, India was asked to appoint a plebiscite administrator nominated by the United Nations who would conduct a free and impartial plebiscite. After a lot of effort and debate, the two parties were still unable to resolve the dispute and the resolution failed.

Evaluation of Previous Attempts to Resolve the Issue

There have been many attempts to resolve this issue and none of them so far have been able to resolve the dispute in a sustainable manner. Many treaties have been signed, many discussions have been made and the situation has still not been resolved in a way that satisfies both parties.



The Dixon Plan (1950)

The Dixon plan was named after Sir Owen Dixon, the Judge of the Australian High Court. Sir Dixon arrived to the Indian subcontinent as a United Nations' Representative for India and Pakistan following the Security Council's Resolution 80 of March 14, 1950. According to the plan he proposed, certain regions would be assigned to India, certain regions to Pakistan and the Jammu region would be splitted between the two. Dixon's plan also suggested a plebiscite limited to the Valley because he did not perceive Jammu and Kashmir as a homogeneous unit. Pakistan did not accept this plan as Pakistani authorities believed that India should propose a plebiscite that included the whole state. Not only Pakistan rejected this plan,

Sir Dixon worried that the Kashmiris could be easily influenced or vote under fear. Dixon strongly believed that a neutral administration would be essential for a fair plebiscite but both the Pakistani and the Indian government withdrew from the plan. Dixon concluded that in the absence of Indian demilitarization, the Pakistani forces would be unwilling to demilitarise the territory they controlled thus, it was impossible for a neutral government to be established and a free and fair plebiscite was beyond the bounds of possibility. Dixon declared failure and suggested that India and Pakistan should solve the situation on their own.

The Resolution 47

The resolution 47 aimed to give autonomy to Kashmir's own citizens instead of India and Pakistan, therefore requesting these nations to withdraw their troops from the region. Pakistan did not comply with this request and India later refused to come to plebiscite. Placing UN peacekeeping troops in the area to ensure a transparent and unbiased plebiscite process could have been more effective, since India getting to keep troops in the area (even if it's the minimum amount possible) could still be seen as a threat by Pakistan.

Possible Solutions

For the resolution of this issue, there are four main solutions that can be proposed and developed. These are Kashmir joining India, Kashmir joining Pakistan, Kashmiri land being re-distributed between involved states and Kashmir remaining an independent state. They are all equally complicated and hard to implement, so a solution that satisfies all states has not been found yet.

This issue demands urgency because every day it remains unresolved means more civilian lives lost. The UN has to keep emphasizing the importance of this matter until a mutual agreement is made.

Redistribution of the region by establishing new borders

This solution proposes a re-distribution of the Kashmir territory. Re-negotiations for land distribution could yield to a more accepted division however the problem has been going on for too long at this point, so it can not be guaranteed that involved nations can come to a mutual agreement. Temporary attempts to redistribute have been made however none of them lasted for a long time. This solution has not been sustainable yet but it could be with the right proposal.

Giving complete autonomy to the region and establishing the Line of Control as an international border

This possible solution gives complete independence to Kashmir from the other nations involved. It proposes that India, Pakistan and China withdraw their forces from the region to enable Kashmiri citizens to rule the region on their own. This solution is advocated by the locals of the region however it has not been and is not likely to be accepted by the three nations involved. A way to make it more acceptable for both sides could be to allow Pakistan and India to access the Indus river water source.

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