

Forum: Disarmament and International Security (First Committee)

Issue: Counter-terrorism with special emphasis on the cross border tensions between India and Pakistan

Student Officer: Maheswar Surendran, Nandana SK, Sagar Suresh

Position: Directors

Introduction

Terrorism violates inherent values of the Charter of the United Nations, such as respect for human rights, rule of law, protection of civilians, tolerance and peaceful resolution of conflicts. Terrorism “flourishes in environments of despair, humiliation, poverty, political oppression, extremism and human rights abuse; it also flourishes in contexts of regional conflict and foreign occupation; and it profits from weak State capacity to maintain law and order.”²⁶ For these reasons countering international terrorism has taken priority on the agenda of the United Nations (UN) since 1960s although the history of combating terrorism dates back to the 1930s. Since this time progress has been made and the UN has produced eighteen universal instruments to counter international terrorism.²⁷ The latest important milestone was achieved by the General Assembly in 2006 when the resolution A/RES/60/288 and an annexed Plan of Action were adopted, in which the United Nations Global Counter-Terrorism Strategy was introduced. This was the first time that “all member states have agreed to a common strategic approach to fight terrorism”²⁸ in order to adopt “a unique instrument to enhance national, regional and international efforts to counter terrorism.”²⁹ Despite the progress we live in a world, where terrorism is one of the biggest threats to international peace and security. Almost every week some kind of terrorist attack or an attempted attack takes place somewhere in the world. Terrorism does not pose a threat only for states, but particularly for individuals. Most victims of terrorist attacks are non-military, unarmed and innocent people. To exemplify the situation: 9 814 terrorist attacks were committed and approximately 17 958 people were killed in terrorist activities. Although terrorism is a worldwide phenomenon, nowadays 82% of all death from terrorist attacks occurred in Iraq, Afghanistan, Pakistan, Nigeria, and Syria.³⁰ The definition of terrorism has been continuously changing and no consent has been reached. In 1994, the General Assembly on its forty-ninth session enacted the Declaration on Measures to Eliminate International Terrorism, where terrorism was defined as “criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them”³¹ and about ten years later in 2004 the High-Level Panel of independent experts on Threats, Challenges and Change defined terrorism as “any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by

its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.”

The role of the United Nations

International terrorism is not explicitly mentioned and defined in any article of the Charter of the United Nations. However, the terrorist activities violate with the basic principles of Chapter I of the Charter of the United Nations, such as respect for human rights, tolerance or protection of civilians. 33 The Security Council in one of its resolutions related to terrorism reaffirmed that “terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed and further reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts”.34 The UN system, including the General Assembly, the Security Council and about 23 funds, agencies and programs, has addressed the issue of terrorism since the 1960s, but the turning point in the overall counter-terrorism effort of the UN was reached by the Security Council in 2001 by establishing the Counter-Terrorism Committee and its Executive Directorate (CTED).35 Although combating terrorism primarily rests on shoulders of member states the UN provides special assistance with their counter-terrorism efforts through departments, programs and specialized agencies. Furthermore, the UN plays an important role in facilitating and promoting coordination and coherence in the implementation of the anti-terrorist instruments on the national, regional and international levels. The most important actors within the UN system related to terrorism are the United Nations Office on Drugs and Crime (UNODC), which provides countries with assistance on counter-terrorism legislation; the United Nations Development Programme (UNDP), which addresses developmental and governance issues in a broad context of counter-terrorism; the International Atomic Energy Agency (IAEA), which focuses on nuclear terrorism; the World Health Organization (WHO) focusing on bio-terrorism; the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO), which address the issue of the security of commercial aviation, ships and port facilities.

Introduction to the Agenda

Kashmir is the northernmost area in the Indian Subcontinent, lying near the borders of India, Pakistan and China. It includes the Indian administered Jammu, Kashmir Valley and Ladakh, Pakistani administered Azad Kashmir and Gilgit-Baltistan as well as Chinese administered region of Aksai Chin. It is a widely disputed region, especially between India and Pakistan, and has been a bone of contention between the two countries since the Partition of British India in 1947, when the ruling Hindu Maharaja Hari Singh opted to join India rather than Pakistan, starting a geopolitical conflict. Both countries have a religious and historical basis for their claims in the region, and this dispute has led to three major wars between these nations along with numerous border skirmishes. It has been the cause for enduring tensions between the bordering countries of India and Pakistan. Violence has long been exacerbated in the region by an unwillingness to consider political compromise.

The former ruler of Jammu and Kashmir, Maharaja Hari Singh signed the Instrument of Accession of the State of Jammu and Kashmir to the Union of India on 25th October 1947.¹ It was legal, and valid under the Government of India Act 1935 and the Indian Independence Act 1947, and hence is

considered irrevocable by India.² The Constituent Assembly of Jammu and Kashmir had then ratified the act and adopted a constitution for the state, which called for a perpetual merger of the state with the Union of India. According to India, the Constituent Assembly adequately represented the wishes of the people of the region at that time and hence was a substitute for holding a plebiscite in the state. However, the Instrument of Accession was presented as provisional and conditional on the people's wishes. If the people voted for not remaining with India, then the document could be declared null and void. Whether the state elections fulfil this requirement is disputed. Pakistan has rejected the legality of the Instrument of Accession and claims that the Maharaja was not a popular leader, and hence did not represent the wishes of the people of Kashmir.³

¹ <https://thewire.in/76079/public-first-time-jammu-kashmirs-instrument-accession-india/>

² http://news.bbc.co.uk/2/hi/south_asia/1762146.stm

³ https://web.stanford.edu/class/e297c/war_peace/confrontation/hkashmir.html

CIRSMUN 2019

In 1954, the Constituent Assembly of Jammu and Kashmir ratified the accession of the state to India. The Constitution of Jammu and Kashmir was adopted in 1956 by the Assembly, and soon came into effect. India believes that the Constituent Assembly of the State adequately represented the wishes of the people of Kashmir at the time, and hence considers a plebiscite unnecessary.⁴ However, on 24th January 1957, the UN passed a resolution (United Nations Security Council Resolution 122) that stated that an impartial plebiscite was yet to be held in the region as the Constituent Assembly did not represent the final disposition of Kashmir, subject to Pakistani cessation of hostilities.



The current Division of Kashmir between India, Pakistan and China

The military boundary between India and Pakistan in the region is called the Line of Control (LOC) and divides the Indian and Pakistani controlled parts of Kashmir. Although it is not internationally recognised, it is the *de facto* border, and was formed by the Simla Agreement of 1972. According to this Agreement, the countries also resolved to settle the dispute through bilateral peaceful negotiation.

Among the many factors that have led to discontent in the Kashmiris, one is that many of them believe that all their state elections have been unfair except those held in 1977 and 1983. People believe that all the other elections were rigged, and the results have been disputed.⁵ In the 1987 state elections, there was the highest recorded participation with 80% of the people in Kashmir Valley voting. However, the elections were largely believed to be rigged by the ruling party, National Conference.⁶ Due to the

⁴ This data is from the book 'Understanding Kashmir and Kashmiris' by Christopher Snedden

⁵ This data is from the book 'Hindu Rulers, Muslim Subjects: Islam, Rights and the History of Kashmir' by Mridu Rai

⁶ http://news.bbc.co.uk/2/hi/south_asia/2223364.stm

disputed results of the state legislative assembly election, militant wings were formed in Kashmir. The 1987 elections also marked the beginning of the Mujahedeen rebellion, which still continues.

In 1988, the Kashmir rebellion began against the Indian government, and became the most urgent internal security issue of India in the 1990s. Different groups in Kashmir had different aims. Some wanted to join Pakistan, some wanted independence, and the rest wanted more autonomy under the Indian government. Thousands of people have died due to fighting between the rebels and the Indian forces, as well as thousands of civilians.⁷ Due to the rebellion, the number of Indian troops in Kashmir has risen up to an estimate of 600,000, which is the highest ratio of troops to civilian density in any region in the world.⁸ The Indian military was given special powers by the Armed Forces (Special Powers) Act (AFSPA), in July 1990, which gives them virtual immunity when committing crimes against civilians. It has been criticised by the Human Rights Watch as being used wrongly by the military.⁹

The Indian forces have been accused of committing several human rights violations, including mass killings, forced disappearances, torture, rape and the suppression of freedom of speech. Various militant groups in the region have also been accused of committing systematic human rights violations against the people. For example, the Jammu Kashmir Liberation Front (JKLF) has allegedly carried out ethnic cleansing of many hundred thousand Hindu Kashmiri Pandits.¹⁰

Even in Pakistan-administered Kashmir, Pakistan's Inter-Services Intelligence has been accused of torture and murder by the Human Rights Commission.¹¹ The perpetrators of these crimes often go unpunished.

The Government of India has often accused Pakistan of providing military and financial assistance to militant groups in Kashmir, and hence waging a proxy war.¹² India has also provided evidence to the United Nations for the same, which led to the ban of certain organisations in Kashmir, although this is yet to be enforced. The former Prime Minister of India, Manmohan Singh, stated that one of the major causes of the conflict was the terror-induced coercion by Pakistan, and that India would actively engage in negotiations once this stops.¹³ The former President of Pakistan and chief of the military, Pervez Musharraf, admitted that the Pakistani government had helped formed militant groups, and then turned a blind eye towards their activities.¹⁴ In 2009, the President of Pakistan Asif Zardari stated that Pakistan

⁷ <http://timesofindia.indiatimes.com/topic/Terror-attack-in-Kashmir>

⁸ This data is from the book 'Kashmir in Conflict' by Victoria Schofield

⁹ <https://www.hrw.org/news/2008/08/18/india-repeal-armed-forces-special-powers-act>

¹⁰ <https://defence.pk/pdf/threads/indian-army-terrorism-in-kashmir.228560/>

¹¹ <https://www.theguardian.com/world/2015/sep/12/indian-forces-kashmir-accused-human-rights-abuses-coverup>

¹² <http://www.economist.com/taxonomy/term/149?page=13>

¹³ http://www.hindustantimes.com/delhi-news/safe-havens-in-pakistan-for-terror-unacceptable/story-AxOWWU3ugeVvLmWd2enJLO_amp.html

¹⁴ <https://tribune.com.pk/story/776475/pakistan-needs-to-incite-those-fighting-in-kashmir-musharraf/>

had created militant groups to attack Indian forces in Jammu and Kashmir.¹⁵ Pakistan treats the insurgency in Kashmir as organic, whereas India maintains that the insurgency is caused by the perpetration of Pakistani sponsored militants.

India currently asserts rights over the entire region of Kashmir, whereas Pakistan maintains that it is a disputed region, asking for a plebiscite sponsored by the UN.

Definition of Key Terms

Line of Control¹⁶

The Line of Control is a military ceasefire line between the parts of Kashmir administered by India and Pakistan. It was formed by the Simla Agreement of 1972, between these two nations. It is not legally recognised as an international boundary.

Plebiscite¹⁷

A plebiscite is the direct vote of members of an electorate, which constitutes the citizens of a district, to express opinion on an important public question such as a choice of government. Pakistan wants a plebiscite to be held in Kashmir, for the people to decide whether to be a part of India or Pakistan, or to be independent.

Line of Actual Control¹⁸

The Line of Actual Control is a military control boundary that separates India and China. It was demarcated after the Sino-Indian War of 1962, when China annexed the Aksai Chin region.

Ceasefire¹⁹

A ceasefire is an agreement between two armies to suspend active hostilities in order to allow discussions of peace.

Belligerent²⁰

A belligerent is a nation which is at war or conflict, as recognized by international law, and hence is protected by and subject to the laws of war.

Autonomy²¹

¹⁵ <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/5779916/Pakistani-president-Asif-Zardari-admits-creating-terrorist-groups.html>

¹⁶ http://news.bbc.co.uk/2/shared/spl/hi/south_asia/03/kashmir_future/html/

¹⁷ <https://en.oxforddictionaries.com/definition/plebiscite>

¹⁸ <http://timesofindia.indiatimes.com/listshow/42893743.cms>

¹⁹ <http://dictionary.cambridge.org/dictionary/english/ceasefire>

²⁰ <https://www.merriam-webster.com/dictionary/belligerent>

Autonomy is the quality or right of a region to govern itself, with the right to self-government.

Bilateral²²

Bilateral means involving two parties, usually countries. By the Simla Agreement of 1972, India and Pakistan have agreed to conduct bilateral negotiations to decide on policies for the Kashmir conflict.

Background Information

Instrument of Accession

The former ruler of Jammu and Kashmir, Maharaja Hari Singh signed the Instrument of Accession of the State of Jammu and Kashmir to the Union of India on 25th October 1947.²³ However the Instrument of Accession was presented as provisional and conditional on the people's wishes. If the people voted for not remaining with India, then the document could be declared null and void. The Constituent Assembly of Jammu and Kashmir had then ratified the act and adopted a constitution for the state, which called for a perpetual merger of the state with the Union of India.

India's claim

According to India, the Instrument of Accession was legal, and valid under the Government of India Act 1935 and the Indian Independence Act 1947, and hence is considered irrevocable.²⁴ India also believes that the Constituent Assembly adequately represented the wishes of the people of the region at that time and hence was a substitute for holding a plebiscite in the state.

Pakistan's claim

Pakistan has rejected the legality of the Instrument of Accession and claims that the Maharaja was not a popular leader, and hence did not represent the wishes of the people of Kashmir.²⁵ Hence it rejects the basis of India's claim to Kashmir.

Aftermath of the Indo-Pakistani War of 1947

The Indo-Pakistani War of 1947 was fought between the two countries for Kashmir, leading to an inconclusive ceasefire by the end of 1948, with India having been able to defend two thirds of Kashmir's territory. This was the only war between the two nations where the United Nations was called upon for mediation, resulting in the formation of the United Nations Commission for India and Pakistan (UNCIP) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP). However, these bodies have remained dormant since 1949. The United Nations Security Council Resolution 47 was adopted on 21st April 1948. It called for complete withdrawal of Pakistani troops in the region, followed

²¹ <https://www.merriam-webster.com/dictionary/autonomy>

²² <http://dictionary.cambridge.org/dictionary/english/bilateral>

²³ <https://thewire.in/76079/public-first-time-jammu-kashmirs-instrument-accession-india/>

²⁴ http://news.bbc.co.uk/2/hi/south_asia/1762146.stm

²⁵ https://web.stanford.edu/class/e297c/war_peace/confrontation/hkashmir.html

by partial demilitarisation by the Indian Government, reducing forces only to the minimum required for peace in the region. The third step was for India to appoint the plebiscite administrator that would be nominated by the United Nations, leading to the conduction of a free and fair plebiscite to decide whether Kashmir was to join India or Pakistan.

Reasons for the failure of the UNSC Resolution 47

However, the nations could not reach a truce agreement. India refused to be placed on an equal footing as Pakistan, as it claimed that Kashmir had been legally acceded to India and that Pakistan was the aggressor. India also objected to being unable to retain troops for defence in the region. It was unhappy with the many powers that the appointed plebiscite administrator would enjoy, as it believed that this would undermine the sovereignty of the region, and also wanted Pakistan to not be a part of the plebiscite procedure. Pakistan also objected to the resolution as it did not want India to hold even minimum forces in the region. Hence we see how India and Pakistan completely disagreed on the process of solving the Kashmir dispute, hence preventing a solution through demilitarization.

The United Nations Security Council Resolution 47 could never be implemented as Pakistan did not withdraw troops from the region. India also now believes that the resolution has become obsolete due to multiple changes in geography and demographics in Kashmir over the years. Another reason for the resolution to not have been implemented was that it was passed under Chapter VI of the UN Charter, which means that it is non-binding on the nations, unlike the resolutions passed under Chapter VII.

Jawaharlal Nehru's policy towards Kashmir

Since he was appointed as Prime Minister of India in 1947, Jawaharlal Nehru, had stated many times that the Kashmiris would get a free and fair plebiscite to decide their future. In 1953, he made renewed efforts to discuss the option of a plebiscite with Pakistan, and suggested that an administrator for the same be appointed within six months. Unlike his past policy, he also stated that the plebiscite should be held in all regions of Kashmir, so that Kashmir can be partitioned according to the results. He agreed to withdraw a certain amount of troops, to ensure a free vote in the region. However, Nehru warned Pakistan that if it entered into a military alliance with the United States, the plebiscite would not be held, and the situation would no longer remain the same. Despite his warning, Pakistan entered into the military alliance in May 1954, leading to turmoil again. When the pact was concluded between Pakistan and the US, Nehru withdrew the offer of holding a plebiscite in Kashmir.

Article 370

Jammu and Kashmir was given special autonomous status under Article 370 in the Indian constitution. It is a „temporary provision“ under Part XXI of the constitution. The article states that the State must concur for all legislation by the Union, except those about Communication, Defence or

Foreign Affairs, and the Union cannot interfere in any other area of governance.²⁶ Implementing a plebiscite in the state is not easy, because for that Article 370 must be amended or abolished, which is a very complex process. The High Court of Jammu and Kashmir has stated that the article has become similar to a permanent provision despite being titled as a temporary one in the Constitution.²⁷ It is hence a big obstacle in the way of holding a plebiscite in Kashmir.

Sheikh Abdullah's arrest and the formation of the Plebiscite Front

In 1953, the Prime Minister of the state of Jammu and Kashmir, Sheikh Abdullah, was dismissed from his post, on grounds of having lost the confidence of his cabinet, without being given the opportunity to prove his majority. His overthrow is referred to as undemocratic by some.²⁸ He was also soon arrested on the grounds of anti-nationalist activities, due to his efforts to rally people to fight for the independence of Kashmir. His lieutenant, Mirza Afzal Beg, formed the Plebiscite Front in August 1955 to demand a plebiscite in Kashmir, and to fight for the release of Sheikh Abdullah. However, in 1956, India's Home Minister stated that a plebiscite would not be held in Kashmir as it was an integral part of India.²⁹

In 1958, the activities of the organisation Plebiscite Front led to the Kashmir Conspiracy Case and two other cases, on the grounds of which Abdullah was arrested. The Kashmir Conspiracy Case was a case filed against Sheikh Abdullah and a few others, accusing them of supporting the cause for independence of Kashmir, and hence conspiring against the state. This made it clear that India would be resisting all efforts by the civilians for a plebiscite, or for independence.

Region of Aksai Chin

In 1962, Indian and Chinese forces clashed in the Kashmiri territory which both claimed. China won the war, and annexed the region, calling it Aksai Chin, with the border, the Line of Actual Control, being formed between India and China. Another small region, the Trans Karakoram was made the boundary between China and Pakistan, and called the Line of Control.

The Indo-Pakistani War of 1965 and its effects

In 1965, there were many skirmishes on the border between India and Pakistan. Allegedly, Pakistani forces infiltrated Kashmir in August 1965 for the Operation Gibraltar, meant to spark rebellion against

²⁶ <https://tribune.com.pk/story/776475/pakistan-needs-to-incite-those-fighting-in-kashmir-musharraf/>

²⁷ <http://www.thehindu.com/news/national/other-states/article-370-is-permanent-rules-jk-high-court/article7749839.ece>

²⁸ <http://www.greaterkashmir.com/news/gk-magazine/august-1953-dismissal-and-arrest-of-sheikh-mohammad-abdullah/176024.html>

²⁹ <http://mea.gov.in/in-focus-article.htm?18971/The+Jammu+and+Kashmir+Issue>

Indian rule in Kashmir.³⁰ This sparked the Indo-Pakistani War of 1965, as India responded to the infiltration by attacking Pakistan. Peace was restored by the Tashkent Declaration between the two nations in 1966, after the UN called for a ceasefire. The declaration was signed due to diplomatic intervention by the United States and the Soviet Union, and international pressure on the two nations to return their conquered regions and observe the ceasefire line of 1949 in Kashmir.

Formation of Jammu Kashmir Liberation Front

After this war, another Plebiscite Front was formed in Azad Kashmir by Kashmiri nationalists, Maqbool Bhat and Amanullah Khan in 1966, to fight for the independence of Kashmir. It had a militant wing called the National Liberation Front (NLF) and wanted to liberate Kashmir from India. Later in 1976, Amanullah Khan moved to England and converted NLF to the Jammu Kashmir Liberation Front (JKLF). The JKLF, although originally considered to be militant in nature, is now a non-militant organization that works for the independence of Kashmir.³¹ However, it has been unable to contest elections the region, and this has been attributed by many to its pro-independence views.³²

The Indo-Pakistani War of 1971 and the Simla Agreement

In 1971, during the liberation war of East Pakistan, approximately 10 million Hindu citizens of the conflict region began to seek refuge in the neighbouring Eastern India.³³ The Indian government opened these borders and gave these refugees safe shelter by establishing many refugee camps. The then Prime Minister Indira Gandhi stated that the Indian government fully supported the independence struggle and would go to war against Pakistan.³⁴ This led to a war between India and Pakistan, resulting in the formation of the independent nation Bangladesh after the war. The 1972 Simla Agreement was signed between the two nations, and it was agreed that neither country would try and alter the ceasefire line in Kashmir, which was named the Line of Control. The nations also decided upon holding bilateral negotiations, without external mediation, for deciding policies in relation to Kashmir.

After the Indo-Pakistani war of 1971, India and Pakistan had held a bilateral summit at Simla. India was prepared to return 5,139 square miles of Pakistani territory it had captured in the war, and over 90,000 prisoners of war that were being held in Bangladesh. In exchange, it wanted a suitable solution to the dispute over Kashmir. The negotiations were troubled and painful, and the deadlock was broken in a personal meeting between the Prime Minister of India, Indira Gandhi and the President of Pakistan, Zulfikar Ali Bhutto. The President of Pakistan said that the Kashmir dispute must be resolved to improve relations between the two countries. He agreed that the ceasefire line must become a *de jure* border,

³⁰ <http://www.bbc.com/news/world-asia-34136689>

³¹ <http://www.bbc.com/news/world-asia-18738906>

³² http://www.ecoi.net/local_link/335560/464808_en.html

³³ <http://www.unhcr.org/3ebf9bab0.pdf>

³⁴ <http://www.bbc.com/news/world-asia-16207201>

named the line of Control, and said that the Pakistan-administered Kashmir would be integrated into the federal territory of Pakistan. However, this did not constitute a final settlement of the conflict.

Violations of the Line of Control

Despite the formation of a conclusive military ceasefire line, the Line of Control, there were major violations of the same. These violations were one of the reasons that led to the Kargil War between the two nations in 1999. There have also been occasional clashes at the disputed Siachen Glacier, where the Line of Control is not demarcated and both countries maintain forces despite very high altitude. A ceasefire for the Siachen conflict went into effect in 2003.

The Indira-Sheikh Accord

In 1975, the Indira-Sheikh Accord was signed between the Prime Minister of India, Indira Gandhi, and Kashmiri politician, Sheikh Abdullah. The demand for a plebiscite was given up, with the Kashmiris instead receiving autonomy under a democratically elected government of the state, as had been proposed by Article 370, instead of the so-called „puppet government“ it was under. The term „Prime Minister“ had been replaced with „Chief Minister“ in Kashmir, in 1965. Sheikh Abdullah became the Chief Minister of the State again after eleven years, after reviving the political party, National Conference. Mirza Afzal Beg's Plebiscite Front was dissolved. In the following 1977 elections, the National Conference won a majority, and Sheikh Abdullah was re-elected as Chief Minister due to his promises of restoring autonomy to the region. These 1977 elections were widely considered to be the first free and fair elections in the State of Jammu and Kashmir, by most of the Kashmiris, and Sheikh Abdullah and Indira Gandhi were accredited for this.

Exodus of the Kashmiri Pandits

In 1989, there was a systematic campaign by Islamic militants in Kashmir forcing the Kashmiri Pandits, who had lived in the region for centuries, to either convert to Islam or flee the state to save their lives. Their rights were severely curtailed, and now, there remain only around 4,000 Kashmiri Pandits in the Kashmir Valley. This exodus was considered as an ethnic cleansing to convert Kashmir into a Muslim state. According to reports by the Indian government, 219 Pandits were murdered and around 140,000 were forced to leave their ancestral homes in the Valley due to militancy.³⁵ These Pandits are still unable to return to their homeland, and many of them live in temporary refugee camps in other states. In 2016, some of these transit camps in Kashmir were attacked by mobs.³⁶ This makes it clear that fundamental rights such as religious freedom have not been available to a large number of Kashmiris for many decades now.

³⁵ <http://www.thehindu.com/todays-paper/ldquo219-Kashmiri-Pandits-killed-by-militants-since-1989rdquo/article16006510.ece>

³⁶ <http://www.hindustantimes.com/india-news/posters-warn-kashmiri-pandits-to-leave-valley-or-face-death/story-IJQRQnt4jvc9ceHkfeGqoN.html>

Fears of a nuclear war between India and Pakistan

In May 1998, both India and Pakistan conducted nuclear tests, and due to fear of the start of a nuclear war, the United Nations Security Council Resolution 1172 was unanimously adopted. The Council demanded for the end of any further such tests by the nations. The Resolution also urged for the issue to be resolved through bilateral negotiations, instead of a plebiscite.

The Kargil War

Numerous violations of the Line of Control have happened, including incursions by the insurgents and the Pakistani armed forces at Kargil, leading to the Kargil War in 1999. The Kargil War was feared to turn nuclear, leading to the former President of the United States, Bill Clinton, to pressurise Pakistan to retreat its forces. India recaptured most of the territories held by Pakistan, and gained control of the Kargil Peaks, which they continue to have.

Rebellion in Kashmir

The conflict in Kashmir has also taken another form, of a rebellion, which has led to several clashes between civilians and Indian security forces, costing over an estimated forty thousand lives.³⁷ This is considered to be a civil war by Pakistan, but an insurgency by India. Kashmiri discontent emerged in the form of armed resistance for the first time in 1989, with demonstrations, strikes and attacks on the government, causing large scale human rights abuses by the authorities in the region in the following year. This occurred due to the alleged rigging of the state elections in 1987, which caused some of the political parties to form armed rebel groups.

Allegations about Pakistani-sponsored terrorism

The Kashmiri rebellion grew into the most important internal security issue in India in the 1990s. There exist many Kashmiri separatist and nationalist groups, which favour either Kashmir's succession to Pakistan or its complete independence. Some of the nationalists identify with Jihadists and are supported by them, such as the extremist Lashkar-e-Taiba. Since 2002, clashes with the local rebels have been the main conflict in the region. India has repeatedly claimed that the terrorism in Kashmir has been sponsored by Pakistan.³⁸ In October 2010, the former President of Pakistan, Pervez Musharraf stated that Pakistan's forces had trained militant groups in Kashmir to fight against the Indian forces.³⁹ Many terrorist organizations allegedly maintain their headquarters in Pakistani administered Kashmir, and India believes that this is proof that Pakistan sponsors terrorism.⁴⁰

³⁷ <http://in.reuters.com/article/idINIndia-36624520081121>

³⁸ <http://www.dailymail.co.uk/indiahome/indianews/article-3690806/Pakistan-spent-Rs-100-crore-funding-terror-J-K-past-year-Indian-intelligence-sources-say.html>

³⁹ <http://www.bbc.com/news/world-south-asia-11474618>

⁴⁰ <http://timesofindia.indiatimes.com/india/india-conducts-raids-in-kashmir-delhi-over-terror-funding-in-valley/articleshow/58971154.cms>

2010 unrest

There was also major unrest in the region in 2010. In June 2010, there were many protests and demonstrations against the human rights abuses by Indian troops in the Muslim majority region of the Kashmir Valley. The „Quit Jammu Kashmir Movement“ was started by the All Parties Hurriyat Conference, led by Mirwaiz Umar Farooq and Syed Ali Shah Geelani. They demanded total demilitarisation of the state. However, no measures were taken by the government, showing the unwillingness of the Indian government towards demilitarization of Kashmir.

Human rights violations by Indian troops in Kashmir

Due to the insurgency, the number of Indian troops in Kashmir has risen up to an estimate of 600,000, which is the highest ratio of troops to civilian density in any region in the world.⁴¹ The Indian military was given special powers by the Armed Forces (Special Powers) Act (AFSPA), in July 1990, which gives them virtual immunity when committing crimes against civilians. It has been criticised by the Human Rights Watch as being used wrongly by the military.⁴² Amnesty International has also stated that the perpetrators of human rights violations are shielded from prosecution and that this act contravenes international human rights standards.⁴³ The Indian forces have been accused of committing several human rights violations, including mass killings, forced disappearances, torture, rape and the suppression of freedom of speech. These allegations have been held against the Indian Army, the Central Reserve Police Force and the Border Security personnel. Despite the various allegations and disapproving statements, India has made no clear effort to improve the conditions in the region. In 2017, the troops used a Kashmiri civilian as a human shield, and the Army Chief defended this by saying that innovation must be used to fight the „dirty war“ in the region.⁴⁴ These major violations by Indian troops is considered to be one of the main reasons that many Kashmiri citizens want to either be independent, or a part of Pakistan.

Water Dispute

Another one of the causes of the Kashmir dispute is the water resources present there. It is the source of many tributaries of the Indus River basin, and these rivers flow through India, Pakistan, Afghanistan and China. The river system has had many dams constructed on it in the Indian and Pakistani regions and is used for irrigation and hydroelectricity generation. As the river is a major economic resource for both nations, the territory to be controlled by each had to be demarcated. By considering the Line of Control, Pakistan gained control of the lower riparian system, and India of the upper. In September 1969, the Indus Waters Treaty was signed by both countries. It gave Pakistan control over the western rivers, Chenab, Jhelum and Indus, and India control over most part of the eastern ones, Beas, Ravi and Sutlej.

⁴¹ This data is from the book 'Kashmir in Conflict' by Victoria Schofield

⁴² <https://www.hrw.org/news/2008/08/18/india-repeal-armed-forces-special-powers-act>

⁴³ [https://www.amnesty.org.in/images/uploads/articles/Kashmir_Report_Web_version_\(1\).pdf](https://www.amnesty.org.in/images/uploads/articles/Kashmir_Report_Web_version_(1).pdf)

⁴⁴ <http://www.ndtv.com/india-news/army-chief-backs-innovative-tactics-for-dirty-war-in-kashmir-1704855>

The current Prime Minister of India, Narendra Modi, stated in September 2016 that the waters of the rivers Sutlej, Beas and Ravi rightfully belong to India and he will ensure that the farmers in India can utilize them. The Secretary General of the UN Ban Ki Moon soon expressed that he hopes that India and Pakistan bilaterally resolve this issue.⁴⁵

Ceasefire of 2003

In December 2001, there was a terrorist attack on the Indian Parliament, which was linked to Pakistan. This led to a large amount of troops being deployed and international fears of a nuclear war between the nations. India and Pakistan withdrew forces from the border only after rigorous diplomatic effort by other countries in 2002. Negotiations started, and a ceasefire along the international border, the Line of Control and the Actual Ground Position Line in the Siachen Glacier, was called for on 26th November 2003. Such a total ceasefire had not been declared between India and Pakistan in 15 years.

There were more signs of reconciliation between the nations, with an ease of trade restrictions and a round of Indo-Pak talks. Pakistan also insisted that the Pakistanis in the Indian-administered Kashmir adhere to the ceasefire. The nations began to cooperate on economic fronts, and also defused tensions through many other confidence building measures. The bus service between the parts of Kashmir administered by either country was restarted. India stated that this bus service was a humanitarian measure for Kashmir without prejudice.⁴⁶ All of these measures led to an improvement of conditions in Kashmir, thus detailing how improvement of relations between the two nations could lead to an improved state of the region. India also agreed, for the first time, to hold talks with the All Parties Hurriyat Conference, an alliance of a large number of Kashmiri religious and political organizations.

Deterioration of relations

However, the situation deteriorated again after the November 2008 Mumbai attack. These attacks have been linked by India to the group, Lashkar-e-Taiba, and have said to be directed by the government of Pakistan, and caused increased skirmishes on the borders.⁴⁷ Positive steps for peace were taken again in 2012, with high-level talks between authorities of both countries. In 2014, highly successful Legislative Assembly elections were held in Jammu and Kashmir. The elections were held in five phases from November to December, and had the highest recorder voter turnout in the last 25 years, even more than the usual voting percentage in other states of India, despite calls for boycott by separatist Hurriyat leaders.

⁴⁵ <http://www.ndtv.com/india-news/hope-india-pakistan-resolve-water-issue-themselves-un-chief-1631738>

⁴⁶ <http://www.thehindu.com/2005/02/17/stories/2005021706050100.htm>

⁴⁷ <https://www.theguardian.com/world/2009/feb/26/mumbai-terror-attacks-india>

However, in October 2014, there was a gunfight between Indian and Pakistani troops across the border, the most major violation of the 2003 ceasefire. At least four civilians were killed, and this greatly worsened the relations between the two countries.

Protests in Kashmir in 2016

A popular militant leader Burhan Muzaffar Wani died at the hands of security forces in Kashmir, on 8th July 2016. Following his death, there were widespread protests and demonstrations, reducing the stability of the region. The clashes led to many civilian deaths and injuries, and curfews imposed in all 10 districts of Kashmir. Communications, including phone and internet services, as well as newspapers, were restricted in many parts of Kashmir.

Recent skirmishes

On 8th September 2016, four militants attacked an Indian Army Base, near the town Uri, resulting in deaths of many soldiers and the militants themselves, in the 2016 Uri Attack. No group claimed to be responsible for the attack, but it is believed by the Indian Government to have been associated with the militant organisation Jaish-e-Mohammed.⁴⁸ Pakistan denied allegations of having a role in cross-border terrorism, and called upon the UN to investigate alleged human rights violations by Indian troops in Kashmir. The situation at the border of Kashmir deteriorated after the Uri Attack. According to reports, there were at least 12 ceasefire violations at the LoC between September and November 2016.⁴⁹

India soon claimed to have conducted surgical strikes against militant launch pads across the Line of Control in Azad Kashmir, the Pakistani-administered area, and inflicted significant casualties, in September 2016. This claim was rejected by Pakistan, with the alternate story being presented, of there being only a skirmish between troops at the Line of Control. The details of the attack remained unclear. The number of ceasefire violations increased drastically post these alleged surgical strikes. A senior BSF (Border Security Force) officer stated in November 2016 that there had been 182 such violations by Pakistan Rangers since the surgical strikes.⁵⁰ Kashmiri civilians were also said to be harmed. There was also an increase in the number of reports of violence in Kashmir including stone-pelting and petrol bomb attacks, as stated by the Jammu and Kashmir chief electoral officer.⁵¹ The police responded to clashes in Budgam district of Kashmir by opening fire, killing seven people. Hence spoiling of relations between India and Pakistan also led to deterioration of the situation within Kashmir.

⁴⁸ <http://in.reuters.com/article/pakistan-india-kashmir-idINKCN11Z0IB>

⁴⁹ <http://www.firstpost.com/india/indian-soldiers-mutilated-by-pakistan-kashmir-sinks-into-an-abys-of-mayhem-since-last-years-uri-attack-3418548.html>

⁵⁰ <http://indianexpress.com/article/india/india-news-india/post-surgical-strike-286-ceasefire-violations-line-of-control-by-pakistan-4373233/>

⁵¹ <http://www.hindustantimes.com/india-news/bypolls-in-8-states-triggers-violence-in-2-clashes-in-srinagar-kill-7-as-voter-turnout-hits-less-than-10/story-V5tp2N7ISX4VoElbsyBtQI.html>

Issues about the map of the region

According to India's Criminal Law Amendment Act of 1961, it is illegal in India to not include all of Kashmir as part of India's territory in any published map, and the map must show Kashmir as shown in the Survey of India. In Pakistan, the region of Kashmir must be depicted as disputed region, as is permitted by the United Nations. In the CIA World Factbook, the Line of Control is shown as the boundary of the region, and many non-participants do the same, or mark out the region in hashmarks. More than 90% maps show Kashmir as a disputed region.

Statement by Chief Minister of Jammu and Kashmir⁵²

The Chief Minister of Jammu and Kashmir, Mehbooba Mufti stated in March 2017 that the Armed Forces Special Powers Act (AFSPA) should be revoked from some areas in Kashmir, and that the impact must be observed. She is strongly against militancy in the region, and believes that the revocation of this act could give her the opportunity for good governance to fight against the militants. She stated that the People's Democratic Party and the Bharatiya Janata Party in Kashmir had come together on an Agenda of Alliance, and this included the revocation of the AFSPA.

Ms. Mufti also asked that the Prime Minister Narendra Modi initiate talks for a permanent solution to the Kashmir issue, similar to the dialogues held by former Prime Minister Atal Bihari Vajpayee.

UN's recent offer of mediation⁵³

The new Secretary General of the United Nations, Antonio Guterres, in March 2017, offered to provide third party mediation for the Kashmir issue, but India once again stated that it will consider only a bilateral solution to the Kashmir issue. Guterres was considering opening dialogues between senior officials of Pakistan and India as Pakistan has repeatedly asked for UN intervention in the region, especially after the unrest and violence in the Kashmir Valley in 2016.

Appeal by Pakistan to UN for human rights intervention⁵⁴

Pakistan's Law Minister Zahid Hamid had called for the UN Human Rights Council's intervention in Kashmir due to the large number of human rights violations occurring in the region. In response, Ajit Kumar, India's Permanent Representative to the UN in Geneva, stated in February 2017 that Pakistan itself was trying to destabilize Kashmir through cross-border terrorism and hence should not be the one demanding human rights in the region. Mr. Hamid denied the accusation of cross-border terrorism and said that Islamabad only provided political and diplomatic support in the region. He made an appeal for Indians to be aware of the human rights situation in Kashmir, and asked for a team to be sent by the UNHRC to the state.

⁵² <http://www.ndtv.com/india-news/jammu-and-kashmir-chief-minister-mehbooba-mufti-pitches-for-withdrawal-of-afspa-from-some-areas-1669919>

⁵³ <http://timesofindia.indiatimes.com/india/india-snubs-new-un-chief-rejects-kashmir-mediation/articleshow/57584466.cms>

⁵⁴ <http://www.ndtv.com/india-news/india-denounces-pakistans-bid-to-raise-kashmir-at-un-council-meet-1665502>

In response to Mr. Hamid's statement that Kashmir is an international issue according to Security Council resolutions, Mr. Kumar said that this is untrue, as based on these resolutions, Pakistan was supposed to vacate the region of Kashmir, but this did not happen. He also mentioned that the Prime Minister of India, Narendra Modi was working on the development of Kashmir with a \$12 billion dollar package for the same.

The United States' recent offer of mediation⁵⁵

In April 2017, Nikki Haley, the US ambassador to the UN, suggested that the United States play an active role in solving the conflict between India and Pakistan, but was shot down by India. The Indian government stated that it still believed that the dispute must be solved bilaterally, and the issue that the international community should focus on is stopping the sponsoring of terrorism done by Pakistan. This made it clear that India found any third-party role unacceptable for this conflict.

China's recent interest in mediation⁵⁶

In May 2017, an article in China's state-run newspaper stated that China now had a vested interest in mediating between India and Pakistan about the Kashmir issue, as it had nearly a US \$50 billion investment in the China-Pakistan Economic Corridor, which passes through Pakistan-occupied Kashmir. China's official stand on the issue is that it should be resolved between India and Pakistan.

Statements made by Indian government in 2017

In May 2017, the Union Home Minister of India, Rajnath Singh, stated that Kashmir rightfully belongs to India and the government is making efforts to improve the situation in the area.⁵⁷ He condemned the attacks on the Indian security personnel in Kashmir. He also added that the government was working towards tackling corruption and terrorism in the region. He stated that India had signed agreements with major countries for sharing information about terrorism, sponsoring of terrorism and black money.

In June 2017, Rajnath Singh stated that the condition in Kashmir was seeing vast improvement, and the Pakistani-sponsored terrorism in the region was being handled.⁵⁸ He said that the security situation was improving and many militants had been killed. Infiltration from Pakistan had been reduced since the surgical strikes conducted by India and there was a decline in overall violent deaths throughout Kashmir.

He included that the refugees from Pakistani-administered Kashmir were being helped by the

⁵⁵ <http://timesofindia.indiatimes.com/toierrorfound.cms?url=http://timesofindia.indiatimes.com/india/india-rejects-us-offer-to-mediate-with-pakistan-on-kashmir-issue/articleshow/58018616.cms%20>

⁵⁶ <http://www.ndtv.com/india-news/have-vested-interest-should-mediate-to-resolve-kashmir-chinese-media-1688607>

⁵⁷ <http://www.ndtv.com/india-news/kashmir-kashmiris-kashmiriyat-belongs-to-india-home-minister-rajnath-singh-1705819>

⁵⁸ <http://www.financialexpress.com/india-news/india-will-end-pakistan-sponsored-terrorism-in-kashmir-rajnath-singh/699566/>

government and the unemployment in the region was decreasing. He also stated that India wants a permanent solution to the Kashmir conflict, and is prepared to reach this solution by having talks with the concerned parties. He said that the government wants to take the citizens of Kashmir into their confidence before reaching this solution.

Statement made by Pakistani government in 2017⁵⁹

In July 2017, the Pakistani Prime Minister's Advisor on Foreign Affairs, Sartaj Aziz, stated that Pakistan will not enter into any dialogue with India which excludes Kashmir, and all issues must be solved through result-oriented talks. Mr. Aziz stated that India's refusal to accept help from the United Nations or other international leaders for solving the Kashmir issue shows "Indian desperation."

Major Countries and Organizations Involved

India

The Ministry of External Affairs, of the Government of India has officially stated that it considers Kashmir to be an integral part of India.⁶⁰ It believes that the Instrument of Accession of Jammu and Kashmir to India as signed by the then ruler, Maharaja Hari Singh, in 1947 was a valid legal document under the Indian Independence Act of 1947. The Constituent Assembly of Jammu and Kashmir, which was representative of the wishes of the people in Kashmir at that time, had ratified this document and called for a permanent merger of the state with the Union of India, hence making the Instrument of Accession irrevocable.⁶¹

The official statement included that India believed that all differences between India and Pakistan must be solved through peaceful bilateral negotiations as agreed by the countries under the Simla Agreement signed in 1972. The United Nations Security Council Resolution 1172 also urges for mutual dialogue without need for a plebiscite in the region. India also states that the United Nations Security Council Resolution 47 is no longer relevant due to changes in geography, demographics and such in the region since the adoption of this resolution. It was also passed under Chapter VI of the UN Charter, making it non-enforceable, and could not be implemented because Pakistan did not withdraw its troops from Kashmir, the first step towards implementation.⁶²

India does not accept Pakistan's claims of Kashmir under the two-nation theory, which states that the religion of the Indian Muslims makes them a distinct nation from the Indian Hindus. India considers Kashmir to be an integral part of the secular nation despite its Muslim majority, and says that Kashmir was given a large amount of autonomy under the Article 370 of the Indian Constitution. India's Union

⁵⁹ <http://www.ndtv.com/india-news/pakistan-will-not-accept-any-talks-with-india-that-exclude-kashmir-sartaj-aziz-1720155>

⁶⁰ <http://mea.gov.in/in-focus-article.htm?18971/The+Jammu+and+Kashmir+Issue>

⁶¹ <https://web.archive.org/web/20070106084737/http://meaindia.nic.in/jk/19jk01.pdf>

⁶² <http://timesofindia.indiatimes.com/india/before-raising-kashmir-issue-hold-referendum-on-your-own-soil-rajnath-singh-tells-pakistan/articleshow/56988767.cms>

Home Minister, Rajnath Singh, made a statement in 2017, saying “If at all a referendum is required, it is needed in Pakistan, where people should be asked whether they want to continue in Pakistan or are demanding the country’s merger with India”⁶³, hence clearly showing the Government of India’s strong disapproval for holding a plebiscite in Kashmir, believing it to be unnecessary. In 2010, the then Prime Minister, Manmohan Singh, stated that the government was willing to give autonomy to Kashmir under the Indian constitution if there was consensus amongst political parties on the issue, but received major criticism on this statement from other political parties.⁶⁴

India holds that Pakistan supports insurgency and terrorism in Kashmir and tries to spread propaganda in Kashmir through radio and television to fuel anti-Indian sentiments in the people. India believes that Pakistan is waging a proxy war by providing weapons and financial help to terrorist organisations in Kashmir, in direct contravention of the mandatory United Nations Security Council Resolution 1373, and must be reprimanded for the same. India also condemns Pakistan for lack of basic fundamental rights and liberties in Pakistan-administered regions of Kashmir.

Pakistan

Pakistan calls Kashmir “the jugular vein of Pakistan”,⁶⁵ and maintains that its status must be decided by its people. It considers Kashmir as a currently disputed region, and dismisses India’s claims on it due to the Instrument of Accession. Pakistan maintains that the ruler of Kashmir who signed this document was unpopular and ruled by force, hence his decision did not align with the wishes of the people of Kashmir. Pakistan believes that the popular insurgency in the region shows that the people are unhappy as a part of India, and want to be with Pakistan or become independent. It hence supports the idea of a plebiscite in Kashmir.

Pakistan blames India for the alleged deaths and rapes of a large number of Kashmiri civilians from 1990 to 1999 by the Indian Armed Forces, counter-insurgent militia and paramilitary groups. Pakistan has pointed out the widespread extrajudicial killings by Indian security forces in Indian-administered Kashmir that do not get investigated sufficiently, and condemns India for the same.

Pakistan supports the two-nation theory, which cites religion as a principle for partition and states that Kashmir, being a Muslim-majority region, should have been a part of Pakistan. Pakistan interprets the resolution by the United Nations to support peaceful negotiation with mediation by the UN. It also disputes India, saying that the resolutions remain relevant until superseded by the Security Council passing a resolution to that effect.

⁶³ <http://timesofindia.indiatimes.com/india/before-raising-kashmir-issue-hold-referendum-on-your-own-soil-rajnath-singh-tells-pakistan/articleshow/56988767.cms>

⁶⁴ <http://indianexpress.com/article/india/latest-news/bjp-challenges-pm-on-kashmir-autonomy-issue/>

⁶⁵ http://news.bbc.co.uk/2/hi/south_asia/1762146.stm

The former President General of Pakistan, Pervez Musharraf, stated in 2014 that the people in Kashmir are fighting against India, but must be incited.⁶⁶ In 2015, the National Security Advisor of Pakistan, Sartaj Aziz stated that Pakistan wanted to have third party mediation for the issue as bilateral negotiations for the last 40 years had not led anywhere.⁶⁷

Region of Kashmir

An opinion poll conducted by the Centre for the Study of Developing Societies in 2007 showed that Kashmir Valley is the only region of Kashmir whereas 87% of people, especially including the Muslims, want to become independent. Most of the Hindu-majority Jammu and Buddhist-majority Ladakh are content with Indian administration, and the Muslim-majority Azad Kashmir, and Northern areas are satisfied under Pakistani administration.⁶⁸

In 2016, demands such as grant of autonomy, holding a plebiscite, and initiating a dialogue with separatists and with Pakistan, were placed before the All Party Delegation when it visited Jammu and Kashmir on September 4th.⁶⁹ The demands, as well as many other issues, were raised by various political parties and organisations of the region. It was demanded that the autonomy resolution passed in 2000 by the Assembly of Jammu and Kashmir be implemented. They also wanted the AFSPA to be reviewed, cross border terrorism to be dealt with and elections of local bodies to be held.

China

China does not recognise Aksai Chin as a part of Kashmir, and considers it an integral part of China since the Sino-Indian War of 1962. It also settled border disputes with Pakistan in 1963 under the Trans Karakoram Tract, which remains subject to the final settlement of the Kashmir issue.

United Nations Commission for India and Pakistan (UNCIP)

The United Nations had an important role in maintaining peace in the Kashmir region soon after the Partition of British India but has not been largely involved in the dispute since then. In 1948, India took the matter to the UN, which established the United Nations Commission for India and Pakistan (UNCIP) to look into the issue and mediate. The Security Council passed Resolution 47 on 21st April, 1948, asking for demilitarisation of the region but India and Pakistan failed to fulfil the resolution's demands due to difference in interpretation of its specifics.

⁶⁶ <https://tribune.com.pk/story/776475/pakistan-needs-to-incite-those-fighting-in-kashmir-musharraf/>

⁶⁷ <http://www.kashmirtimes.in/newsdet.aspx?q=46188>

⁶⁸ <http://www.reuters.com/article/idUSDEL291796>

⁶⁹ <http://indianexpress.com/article/india/india-news-india/kashmir-autonomy-plebiscite-among-demands-made-before-all-party-delegation-3019008/>

The UNCIP visited the region three times, in 1948 and 1949, to assess the situation and provide a suitable solution. It advised a two-part process for the withdrawal of troops in the region but the resolution was rejected by Pakistan. No agreement could be reached because Pakistan refused to withdraw first and India refused to withdraw its troops at the same time as Pakistan.

After the termination of the UNCIP, the Security Council passed Resolution 91 in 1951 and established the United Nations Military Observer Group in India and Pakistan (UNMOGIP) to monitor the ceasefire line formed by the Karachi Agreement. However, since the alteration of the ceasefire line to the Line of Control in 1972, by the Simla Agreement, India considers the UNMOGIP's mandate to have lapsed.

Timeline of Events

Date	Description of event
1947	British India partitioned into two independent Dominions, India and Pakistan, with the provinces of British India divided between them on the basis of religious majorities, or by plebiscites.
26 th October 1947	Maharaja Hari Singh, ruler of the princely state of Jammu and Kashmir, executed the Instrument of Accession, and hence agreed to accede to the Dominion of India.
1947-1948	The Indo-Pakistani War of 1947, also known as the First Kashmir War, was fought between Pakistan and India for the princely state of Jammu and Kashmir. It ended with an inconclusive ceasefire, requiring demilitarization of the region and a plebiscite in the future.
1962	Troops of India and the People's Republic of China clashed in territory of Jammu and Kashmir, resulting in Chinese annexation of Aksai Chin and formation of the Line of Actual Control, on the border between India and China in that region.
1965	The Indo-Pakistani War of 1965 included skirmishes between India and Pakistan due to Pakistan's Operation Gibraltar, where Pakistan tried to infiltrate forces into Kashmir to cause an insurgency against Indian rule.

- 10th January 1966 The Tashkent Declaration, a peace agreement between India and Pakistan was signed, resolving the Indo-Pakistani War of 1965.
- 1971 The Indo-Pakistani War of 1971 was a short military confrontation between India and Pakistan that led to the formation of East Pakistan as a new nation, Bangladesh.
- 2nd July 1972 The Simla Agreement was signed between India and Pakistan for settling of differences by peaceful negotiations. The ceasefire line was converted into the Line of Control, a *de jure* border between the nations.
- 1987 The 1987 state elections in Jammu and Kashmir had the highest recorded participation but there was widespread belief that the elections were rigged by the ruling party, National Conference.
- 1989 A widespread armed insurgency began in Kashmir, with the formation of militant wings, due to the disputed results of the 1987 elections.
- 1999 The Kargil War, an armed conflict between India and Pakistan, took place in the Kargil district of Kashmir and along the Line of Control (LOC).
- 2003 There were signs of reconciliation between the two nations, with a declaration of peace by India, followed by a release of Pakistani prisoners, ease of trade restrictions and a round of Indo-Pak talks
- 2008 There were various militant attacks in Kashmir in 2008, as well as massive demonstrations due to plans by the state government to transfer certain land to a Hindu trust, which was in the Muslim-majority Kashmir valley.
- 2012 There were high-level talks between authorities of both nations.
- 2014 Highly successful elections were held in Jammu and Kashmir, with a very high voter turnout despite calls for boycott by certain separatist groups.
- October 2014 There was a gunfight between Indian and Pakistani troops across the border,

the most major violation of the 2003 ceasefire.

2016 Following the death of a popular militant leader by security forces, there were widespread protests and demonstrations. The clashes led to many civilian deaths and injuries, and curfews imposed in all districts of Kashmir.

18th September 2016 Militants attacked an Indian Army Base, resulting in deaths of soldiers and the militants themselves. This was called the Uri Attack.

2016 India allegedly conducted surgical strikes across the Line of Control, a claim rejected by Pakistan.

2019

Feb. 14: A suicide bomber rammed a car into a bus carrying Indian paramilitary police in Kashmir, killing more than 40 in what was described as one of the deadliest attacks on security forces in the region in decades.

Indian Prime Minister Narendra Modi tweeted that "a befitting reply will be given to the perpetrators of the heinous attack and their patrons."

Feb. 15: A Pakistan-based terror group, Jaish-e-Mohammed, claimed responsibility for the attack.

Pakistan's foreign ministry said it has "always condemned heightened acts of violence" in Kashmir but it strongly rejected "any insinuation by elements in the Indian government and media circles that seek to link the attack to the State of Pakistan without investigations."

India's Ministry of External Affairs said Jaish-E-Mohammed and its leadership are located in Pakistan. "(They) cannot claim that it is unaware of their presence and their activities. They have not taken any action against these groups despite international demands," the official spokesperson said.

Feb. 16: Indian Finance Minister Arun Jaitley tweeted New Delhi withdrew Pakistan's "most favored nation" status, which is usually given to countries receiving certain trade advantages such as low tariffs. Following that, basic customs duty on Pakistani exports to India were raised to 200 percent, he said.

Tweet: India has withdrawn MFN status to Pakistan after the Pulwama incident. Upon withdrawal, basic customs duty on all goods exported from Pakistan to India has been raised to 200% with immediate effect. #Pulwama

Feb. 18: Nine people, including four Indian soldiers and a policeman, were killed during a gun battle in India-controlled Kashmir, further escalating tensions between the two countries. Reports said the operation targeted a residential area said to be a hideout for suspected militants.

Feb. 19: Pakistani Prime Minister Imran Khan offered India assistance to investigate the suicide bombing but he warned that his country will retaliate against any acts of aggression from New Delhi. India dismissed Khan's offer, citing previous terror attacks in Mumbai and an airbase.

Feb. 20: India halted an important bus service between Srinagar, the capital of India-controlled Kashmir, and Muzaffarabad, the capital of the Pakistan-controlled Kashmir, without explanation.

Feb. 23—24: New Delhi stepped up its crackdown in Kashmir by detaining more than 160 separatists, reports said. Five people were killed as Indian security forces clashed with members of a Pakistani militant group in the disputed region.

Feb. 26: India said its air force conducted strikes against a Jaish-e-Mohammed training base at Balakot in Pakistan's Khyber Pakhtunkhwa province and that the attack killed a "very large number" of terrorists, trainers and senior commanders. Pakistan denied there were any casualties from that attack and said the strikes missed any targets.

Tweet: Payload of hastily escaping Indian aircrafts fell in open.

Pakistan's foreign ministry said the "Indian aggression was a threat to regional peace and stability and would get a befitting response by Pakistan at a time and place of its choosing."

Feb. 27: Pakistani media reported that Khan chaired a meeting of the National Command Authority, the body that oversees the country's nuclear warheads.

Pakistan said its air force carried out strikes across the so-called Line of Control to demonstrate its "right, will and capability for self-defence." The Line of Control is the de-facto border between the Indian and Pakistani parts of Kashmir.

A spokesman for the Pakistani armed forces said Indian planes entered its air space and two jets were shot down. One of the aircraft fell on India's side of Kashmir while the second came down in Pakistani territory, and its pilot was captured.

India's foreign ministry acknowledged that a pilot was missing and a combat jet had been lost. The ministry spokesperson also claimed a Pakistani jet had been shot down in the altercation.

Then, a video emerged of a man identified by Islamabad identified as the captured Indian pilot.

India also said it handed over a dossier to its counterpart with specific details of Jaish-e-Mohammed's role in the Feb. 14 terror attack and their presence in Pakistan.

Pakistan's Khan then called for talks with India and said he hoped "better sense" would prevail to de-escalate the situation.

Feb. 28: Khan told his parliament that Pakistan will release the captured Indian pilot the next day as a "peace gesture" towards India.

Tweet: As peace gesture, Prime Minister of Pakistan, Imran Khan, announced to release the captured Indian pilot, Wing Commander, Abhinandan, tomorrow.

The move was welcomed by the chiefs of India's three armed forces during a joint press conference Thursday evening — but they would not say if New Delhi considered the return a de-escalation in the conflict.

Mar. 1: Pakistan handed over Wing Commander Abhinandan to India at the Wagah border crossing between the two countries.

Relevant UN Treaties and Events

- United Nations Security Council Resolution 39, 20th January 1948 **(S/654)**
- United Nations Security Council Resolution 47, 21st April 1948 **(S/726)**
- United Nations Security Council Resolution 91, 30th March, 1951 **(S/2017/Rev.1)**
- United Nations Security Council Resolution 122, 24th January 1957 **(S/3779)**
- United Nations Security Council Resolution 123, 21st February 1957 **(S/3793)**
- United Nations Security Council Resolution 126, 2nd December 1957 **(S/3922)**
- United Nations Security Council Resolution 1172, 6th June 1998 **(S/RES/1172)**

Previous Attempts to solve the Issue

In 1948, the United Nations Security Council Resolution 47 was adopted. The Resolution suggested a three-step process for solving the issue. Firstly, Pakistan had to withdraw all troops from Kashmir, followed by India progressively decreasing its forces to the minimum required for law and order in the region. In the last step, India was to appoint a plebiscite administrator to conduct a free and fair plebiscite in Kashmir, who would be nominated by the United Nations. However, this resolution was rejected by both India and Pakistan, although they welcomed UN mediation. A ceasefire was established, but a truce could not be agreed upon. India refused to allow itself and Pakistan to be placed on an equal footing, and wanted Pakistan to be excluded from the plebiscite process. India also wanted to retain troops in the region for defence. Pakistan, on the other hand, objected to retention of any Indian

CIRSMUN 2019

forces in the region. Despite these differences, the resolution led to the signing of the Karachi Agreement in 1949 between military representatives of the two countries, and the formation of a ceasefire line.

In 1950, Sir Owen Dixon was appointed by the UN as a mediator to solve the Kashmir dispute. He proposed a summit between India and Pakistan. After the summit, he stated that a plebiscite in the whole region was not possible, and instead proposed a plan that included both partition and plebiscite. He suggested that Jammu and Ladakh go to India, Azad Kashmir and the Northern Areas go to Pakistan, and a plebiscite be held in the Kashmir Valley, the only remaining uncertain political territory. This was known as the Dixon Plan. The United Nations Security Council Resolution 91 was adopted in 1950, based on the report by Dixon, and focusing on the extent and process of withdrawal of troops, and the specifics to ensure a free and fair plebiscite.⁷⁰ However, the process of the plebiscite was rejected by India, as Jawaharlal Nehru did not accept the conditions under which it was proposed to be held. He was unhappy with the extent of power given to the plebiscite administrator and Pakistan's role in the process.

The Simla Agreement was signed between India and Pakistan after the Indo-Pakistani War of 1971, after negotiations between the Prime Minister of India, Indira Gandhi, and the President of Pakistan, Zulfikar Ali Bhutto. Although the agreement merely states that neither nation would try to unilaterally alter the newly decided upon Line of Control, it is said that Bhutto assured that this border would soon be made permanent, and later went back on his words.⁷¹ The countries decided in the Agreement to solve the dispute through bilateral and peaceful negotiations without any third party mediator, unless so agreed by both nations. However, the envisioned meeting did not occur, as Bhutto reportedly asked for time to prepare the citizens of Pakistan and the National Assembly for the final statement but later reneged on his promise, according to Indian commentators. A ceasefire was agreed upon as an effort to maintain peace, but failed, with multiple violations occurring soon.

Possible Solutions

The Line of Control (LOC) as decided upon by the Simla Agreement must be consolidated as an international border, as was decided by Prime Minister of India, Indira Gandhi and President of Pakistan, Zulfikar Ali Bhutto in 1972. A conclusive ceasefire must be agreed upon by both nations at the Actual Ground Position Line in the Siachen Glacier, with gradual demilitarization of the Siachen Glacier on either side of the border to prevent ceasefire violations. An agreement must be reached upon by both countries, in which India reduces forces in the region to a decided acceptable level, and Pakistan on the other hand ensures that all funding and sponsoring of terrorist activities by Pakistan in the Kashmir region is stopped. This will be in the best interest of both countries, and the civilians of Kashmir,

The dispute between India and Pakistan for Kashmir is largely a bilateral one. In accordance with the Simla Agreement of 1972, the countries should hold peaceful negotiations to discuss policies without the need of a third-party mediator, which can lead to compromises and agreements. This has not

⁷⁰ <http://www.frontline.in/static/html/fl1921/stories/20021025002508200.htm>

⁷¹ <http://indianexpress.com/article/opinion/columns/the-collapse-of-the-shimla-agreement/>

been occurring regularly in the past few decades, due to strained relations after multiple ceasefire violations. As decided in the Agreement, they must respect each other's territorial integrity, without any more violations of the same, such as the 2016 Uri Attack or the various ceasefire violations. They must continue with the appropriate steps to improve communications and travel between the two nations, through Kashmir. Initiating Confidence Building Measures, as done in 2003, through summits between India and Pakistan can also bring them closer towards solving the issue in a form acceptable to both, by improving relations.

The feasibility of an independent or an autonomous Kashmir must also be considered. The former Prime Minister of India, Manmohan Singh, stated that he was willing to give autonomy to the region, if there was consensus amongst political parties for the same. An autonomous situation in Kashmir would mitigate many of the grievances of the citizens there, thus reducing the depth of the issue. In 2016, various political parties and organizations in Kashmir demanded that the Autonomy Resolution of 2000 passed by the Assembly of Jammu and Kashmir be implemented. Steps must be taken towards fulfilling this resolution. Another demand was to initiate a dialogue with the separatists and with Pakistan, and this must be organized to ensure peaceful negotiations. Although Pakistan and a majority of Kashmir is demanding a plebiscite for Kashmir to decide whether to become independent or to be a part of either nation, it is not a feasible solution due to India's obvious opposition to it.

It is also imperative to ensure propagation of human rights in Kashmir. There must be rehabilitation of the internally displaced persons and refugees who have escaped from the region. The Indian government must work with the United Nations Human Rights Council (UNHRC) and the Jammu and Kashmir Human Rights Commission to improve humanitarian conditions in the region, by reducing incidences of rape, torture, suppression of freedom of speech and other such human rights abuses. All incidences of human right violations must be reported and adequately documented. This can also be accomplished by repealing the Armed Forces (Special Powers) Act (AFSPA), which gives the Indian security forces a large amount of freedom while committing human rights violations. In the case of continued refusal by India to allow the UNHCR to improve conditions in the region, the United Nations Security Council must ensure humanitarian intervention in Kashmir.

Bibliography

1. <https://thewire.in/76079/public-first-time-jammu-kashmir-instrument-accession-india/>
2. http://news.bbc.co.uk/2/hi/south_asia/1762146.stm
3. https://web.stanford.edu/class/e297c/war_peace/confrontation/hkashmir.html
4. 'Understanding Kashmir and Kashmiris' by Christopher Snedden
5. 'Hindu Rulers, Muslim Subjects: Islam, Rights and the History of Kashmir' by Mridu Rai
6. http://news.bbc.co.uk/2/hi/south_asia/2223364.stm
7. <http://timesofindia.indiatimes.com/topic/Terror-attack-in-Kashmir>
8. 'Kashmir in Conflict' by Victoria Schofield
9. <https://www.hrw.org/news/2008/08/18/india-repeal-armed-forces-special-powers-act>
10. [https://www.amnesty.org.in/images/uploads/articles/Kashmir_Report_Web_version_\(1\).pdf](https://www.amnesty.org.in/images/uploads/articles/Kashmir_Report_Web_version_(1).pdf)

11. <https://defence.pk/pdf/threads/indian-army-terrorism-in-kashmir.228560/>
12. <https://www.theguardian.com/world/2015/sep/12/indian-forces-kashmir-accused-human-rights-abuses-coverup>
13. <http://www.economist.com/taxonomy/term/149?page=13>
14. http://www.hindustantimes.com/delhi-news/safe-havens-in-pakistan-for-terror-unacceptable/story-AxOWWU3uqeVvLmWd2enJLO_amp.html
15. <https://tribune.com.pk/story/776475/pakistan-needs-to-incite-those-fighting-in-kashmir-musharraf/>
16. <http://www.telegraph.co.uk/news/worldnews/asia/pakistan/5779916/Pakistani-president-Asif-Zardari-admits-creating-terrorist-groups.html>
17. http://news.bbc.co.uk/2/shared/spl/hi/south_asia/03/kashmir_future/html/
18. <https://en.oxforddictionaries.com/definition/plebiscite>
19. <http://timesofindia.indiatimes.com/listshow/42893743.cms>
20. <http://dictionary.cambridge.org/dictionary/english/ceasefire>, <https://www.merriam-webster.com/dictionary/belligerent>
21. <https://www.merriam-webster.com/dictionary/autonomy>
22. <http://dictionary.cambridge.org/dictionary/english/bilateral>
23. <https://thewire.in/76079/public-first-time-jammu-kashmirs-instrument-accession-india/>
24. http://news.bbc.co.uk/2/hi/south_asia/1762146.stm
25. https://web.stanford.edu/class/e297c/war_peace/confrontation/hkashmir.html, <https://tribune.com.pk/story/776475/pakistan-needs-to-incite-those-fighting-in-kashmir-musharraf/>
26. <http://www.thehindu.com/news/national/other-states/article-370-is-permanent-rules-jk-high-court/article7749839.ece>
27. <http://www.greaterkashmir.com/news/gk-magazine/august-1953-dismissal-and-arrest-of-sheikh-mohammad-abdullah/176024.html>
28. <http://mea.gov.in/in-focus-article.htm?18971/The+Jammu+and+Kashmir+Issue>
29. <http://www.bbc.com/news/world-asia-34136689>
30. <http://www.bbc.com/news/world-asia-18738906>
31. http://www.ecoi.net/local_link/335560/464808_en.html
32. <http://www.unhcr.org/3ebf9bab0.pdf>
33. <http://www.bbc.com/news/world-asia-16207201>
34. <http://www.thehindu.com/todays-paper/ldquo219-Kashmiri-Pandits-killed-by-militants-since-1989rdquo/article16006510.ece>
35. <http://www.hindustantimes.com/india-news/posters-warn-kashmiri-pandits-to-leave-valley-or-face-death/story-IJQRQnt4jvc9ceHkfeGqoN.html>
36. <http://in.reuters.com/article/idINIndia-36624520081121>
37. <http://www.dailymail.co.uk/indiahome/indianews/article-3690806/Pakistan-spent-Rs-100-crore-funding-terror-J-K-past-year-Indian-intelligence-sources-say.html>
38. <http://www.bbc.com/news/world-south-asia-11474618>
39. <http://timesofindia.indiatimes.com/india/india-conducts-raids-in-kashmir-delhi-over-terror-funding-in-valley/articleshow/58971154.cms>
40. <https://www.hrw.org/news/2008/08/18/india-repeal-armed-forces-special-powers-act>
41. [https://www.amnesty.org.in/images/uploads/articles/Kashmir_Report_Web_version_\(1\).pdf](https://www.amnesty.org.in/images/uploads/articles/Kashmir_Report_Web_version_(1).pdf)
42. <http://www.ndtv.com/india-news/army-chief-backs-innovative-tactics-for-dirty-war-in-kashmir-1704855>
43. <http://www.ndtv.com/india-news/hope-india-pakistan-resolve-water-issue-themselves-un-chief-1631738>
44. <http://www.thehindu.com/2005/02/17/stories/2005021706050100.htm>
45. <https://www.theguardian.com/world/2009/feb/26/mumbai-terror-attacks-india>
46. <http://in.reuters.com/article/pakistan-india-kashmir-idINKCN11Z0IB>
47. <http://www.firstpost.com/india/indian-soldiers-mutilated-by-pakistan-kashmir-sinks-into-an-abyss-of-mayhem-since-last-years-uri-attack-3418548.html>
48. <http://indianexpress.com/article/india/india-news-india/post-surgical-strike-286-ceasefire-violations-line-of-control-by-pakistan-4373233/>

49. <http://www.hindustantimes.com/india-news/bypolls-in-8-states-triggers-violence-in-2-clashes-in-srinagar-kill-7-as-voter-turnout-hits-less-than-10/story-V5tp2N7ISX4VoElbsyBtQl.html>
50. <http://www.ndtv.com/india-news/jammu-and-kashmir-chief-minister-mehbooba-mufti-pitches-for-withdrawal-of-afspa-from-some-areas-1669919>
51. <http://timesofindia.indiatimes.com/india/india-snubs-new-un-chief-rejects-kashmir-mediation/articleshow/57584466.cms>
52. <http://www.ndtv.com/india-news/india-denounces-pakistans-bid-to-raise-kashmir-at-un-council-meet-1665502>
53. <http://timesofindia.indiatimes.com/toierrorfound.cms?url=http://timesofindia.indiatimes.com/india/india-rejects-us-offer-to-mediate-with-pakistan-on-kashmir-issue/articleshow/58018616.cms%20>
54. <http://www.ndtv.com/india-news/have-vested-interest-should-mediate-to-resolve-kashmir-chinese-media-1688607>
55. <http://www.ndtv.com/india-news/kashmir-kashmiris-kashmiriyat-belongs-to-india-home-minister-rajnath-singh-1705819>
56. <http://www.financialexpress.com/india-news/india-will-end-pakistan-sponsored-terrorism-in-kashmir-rajnath-singh/699566/>
57. <http://www.ndtv.com/india-news/pakistan-will-not-accept-any-talks-with-india-that-exclude-kashmir-sartaj-aziz-1720155>
58. <http://mea.gov.in/in-focus-article.htm?18971/The+Jammu+and+Kashmir+Issue>
59. <https://web.archive.org/web/20070106084737/http://meaindia.nic.in/jk/19/jk01.pdf>
60. <http://timesofindia.indiatimes.com/india/before-raising-kashmir-issue-hold-referendum-on-your-own-soil-rajnath-singh-tells-pakistan/articleshow/56988767.cms>
61. <http://timesofindia.indiatimes.com/india/before-raising-kashmir-issue-hold-referendum-on-your-own-soil-rajnath-singh-tells-pakistan/articleshow/56988767.cms>
62. <http://indianexpress.com/article/india/latest-news/bjp-challenges-pm-on-kashmir-autonomy-issue/>
63. http://news.bbc.co.uk/2/hi/south_asia/1762146.stm
<https://tribune.com.pk/story/776475/pakistan-needs-to-incite-those-fighting-in-kashmir-musharraf/>
64. <http://www.kashmirtimes.in/newsdet.aspx?q=46188>
65. <http://www.reuters.com/article/idUSDEL291796>
66. <http://indianexpress.com/article/india/india-news-india/kashmir-autonomy-plebiscite-among-demands-made-before-all-party-delegation-3019008/>
67. <http://www.frontline.in/static/html/fl1921/stories/20021025002508200.htm>
68. <http://indianexpress.com/article/opinion/columns/the-collapse-of-the-shimla-accord/>