

Forum: Security Council

Issue: Alleviating tensions at the India-Pakistan border

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Introduction

Over the past seven decades, tensions along the India-Pakistan border have amassed to become a prominent and critical conflict that ties in groups of people across various religions, regions, and ethnicities. Known as the Kashmir Crisis, this conflict currently surrounds the northern Jammu and Kashmir region of India regarding disputed sovereignty rights over the territory between India and Pakistan. This conflict especially captures the religious tensions between Pakistani Muslims and Indian Hindus, dating as far back as the Partition of India following the decline of the British Empire, through the two groups' competing control over the Muslim-dominant territory that was once ruled by a Hindu leader – this fact being a primary source of the dispute. The Kashmir Crisis has enveloped both nations as a whole in a violence-fueled pursuit over the territory.

Brought alongside this conflict is the rise in insurgency against Indian control over the Jammu and Kashmir region. Islamic militants have engaged in warfare against Indian soldiers within the area, igniting widespread chaos and instability. In counterattacking these forces, Indian soldiers have further committed atrocities against fundamental human rights in enforcing social order, adding yet another layer of depth in the intricate web of this issue.

With the recent incident of the Indian government announcing their abandonment of Article 370 of the Indian Constitution – which granted the Jammu and Kashmir region a degree of autonomy and self-reliance – the Kashmir Crisis has been thrust back into the global spotlight after laying dormant in the past years. Indeed, despite being relatively uneventful as compared to its past, tensions continue to run high throughout the region. The Kashmir Crisis has proven to hold the capability to ignite into a fiery inferno at any given moment, thus indicating the sheer urgency that it requires for rounded and sustainable solutions to the issue.

Definition of Key Terms

Partition of India

The division of British India in 1947 into two separate nations bound to one of the two major religions prevalent within the region, being the Muslim Dominion of Pakistan and the Hindu Dominion of India; the split caused violence and conflict to erupt between peoples of either religion.

Instrument of Accession

A legal document executed by Maharaja Hari Singh, last ruler of the princely state of Jammu and Kashmir, on 26 October 1947; the document stated that the princely state would cede itself to the Dominion of India in return for Indian support against Pakistani attacks on the state.

Line of Control (LoC)

The military control line between Pakistani and Indian-controlled territories in the Jammu and Kashmir region. This line is not an internationally recognized border, rather it serves as a de facto border that replaced the original ceasefire line as a result of the Simla Agreement of 1972.

Separatist

A person who supports the separation of a particular group of people from a larger body on the basis of ethnicity, religion, or gender.

Militant

A person who is combative and aggressive in support of a political or social cause, and typically favoring extreme, violent, and confrontational methods.

Kashmiri Pandit

Ethnic peoples from the Kashmir Valley region that actively practice Hinduism.

Background

Early history of the Jammu and Kashmir Region

Conflict surrounding the Kashmir region dates back to the British Colonial Era, when Great Britain controlled regions constituting modern-day India and Pakistan. The Kashmir territory did not fall under British rule at the time, as it was placed as a princely state separately ruled by local authority – known as Jammu and Kashmir. Following Indian independence from the British in 1947 and the subsequent Partition of India, princely states were to choose either to join the predominantly Hindu India, the predominantly Muslim Pakistan, or neither. Maharaja Hara Singh, the Hindu ruler of the Muslim-dominated Jammu and Kashmir, initially decided to remain separate from either state. This decision was vehemently opposed by the popular Muslim Conference political party prominent in Jammu and Kashmir during this time; members of the party, coupled with support from Pakistani activists, consequentially initiated a series of aggressive assaults on Hindu and Sikh minorities in the state, including loot raids on innocent

civilians' homes. Unnerved by these attacks, Singh declared his alliance with India through the Instrument of Accession on October 26th, 1947, in which Kashmir and Jammu would be ceded in return for Indian military support.

In response, Pakistani officials declared Jammu and Kashmir's accession to be unwarranted and unjustified, as well as being built upon "fraud and violence." This response ignited the Indo-Pakistani War of 1947, in which Pakistani Army soldiers stormed into the Jammu and Kashmir region in hopes of gaining a stronghold on the territory. Following successful invasions by the Pakistani state forces combatted by equally successfully Indian military counterforces across a year, the two nations eventually reached ceasefire through protracted negotiations. This ceasefire was facilitated through United Nations Security Council intervention, through which the United Nations Security Council Resolution 47 on ceasefire protocol was enacted on April 21st, 1948. The resolution specifically granted India two thirds of the state territory – notably including largely Muslim Kashmir Valley territory – as well as rights to maintain military presence in the region to preserve law and order, whereas Pakistan was handed the other third of the territory and an order to withdraw all forces. The resolution further established a ceasefire line between Indian and Pakistani-controlled Jammu and Kashmir territories. This complicated clash of interests and imbalanced compromise would set the stage for a conflict rooted within the years to come.

Historical conflicts and altercations

In the following decades, the Jammu and Kashmir Region was plagued by a series of conflicts sprouting across the region, primarily the result of Pakistani aggression and excessive Indian response.

Indo-Pakistani War of 1965

The Indo-Pakistani War of 1965 was catalyzed by the Pakistani Operation Gibraltar, in which Pakistani officials conspired to sow seeds of rebellion within Indian Jammu and Kashmir officials to effectively "implode" Indian rule over the territory. When this plan was exposed, the Indian government launched a full-scale retaliation against Pakistan; the nation sent in waves of troops, armored, vehicles, and tanks, resulting in thousands of casualties.

Indo-Pakistani War of 1999

The Indo-Pakistani War of 1999 developed as a result of Pakistani troops infiltrating the Line of Border and captured nearby Indian territory. In response to this invasion, the Indian government launched extensive military forces to push the Pakistani infiltrators back past the de facto border. Combined with the diplomatic pressures instilled by the United States of America along with the greater international community, these counteractions were effective at forcing the Pakistani out of the region and resolving the conflict. Casualties reached the thousands as a result of the war, however.

Rise in armed insurgency

Besides formal warfare, armed insurgency has also amassed the Indian-controlled Kashmir Valley region. Since 1989, Kashmiri separatists have formed various Islamic militant groups against the Government of India,

aiming to either establish the independence of Kashmir or the complete accession of Kashmir to Pakistan. These groups instilled a reign of terror upon the region, attacking both civilians and military officers and consequentially driving locals out of the territory. The Jammu and Kashmir Liberation Front (JKLF), for example, is a political organization active across the Jammu and Kashmir region aiming to establish an independent Kashmir region free of both Indian and Pakistani rule. Throughout the late 20th Century, the organization used guerilla warfare tactics to degrade Indian police presence in Kashmir. The Pakistani government has widely been recognized by both India and the international community to be morally and physically supporting the militant groups through encouragement and the supply of arms amongst other tactics.

Armed Forces (Special Powers) Act of 1990

To combat this rise in armed insurgency, in 1990 the Indian government established the Armed Forces (Special Powers) Act. This act granted the nation special privileges in deploying military forces across the Jammu and Kashmir Region; their military officers would also be given near-virtual immunity to prosecution for their actions, providing a gateway to a harsh and potentially unethical crackdown on Muslims in the region.

Problems raised by the conflict

Mass casualties of civilians and militants

The constant yet unpredictable violence sprouting across the Jammu and Kashmir region has proven to be lethal to the region's peoples. Estimates formulated by the Government of India state that since 1989, more than 47,000 people have died as a result of the Kashmir Conflict, including over 20,000 civilians, 7,000 police personnel, and 20,000 militants and terrorists. These figures further do not encapsulate those who have disappeared due to the warfare. Confrontations between soldiers and militants, in particular, have accounted for a significant portion of the fatalities, a notable example including the 2019 Pulwama Attack, in which a convoy carrying Indian security personnel was rammed by a suicide bomber in a car carrying explosives, resulting in 41 deaths. Terrorist attacks upon civilian areas have additionally contributed to this value. These casualties significantly disrupt both the livelihood and stability of the region.

Relocation and resettlement of refugees

As the Kashmir Valley region is Muslim-dominant, Hindus living within the territory have been forced away from their homes for the sake of their safety. These people, known as the Kashmiri Pandits, were targeted by Muslim militants following the rise in Islamic insurgency in 1987, for their representation of India and Indian culture in the Kashmir region. Terrified by warnings posted on newspapers and the murders of their fellow Hindu neighbors, most Pandits escaped the region to neighboring areas. Of the estimated 300,000 to 600,000 Pandits who lived in the Kashmir Valley Region in 1990, only around 2,000 to 3,000 remained in the area by 2016. Away from their homes, the Pandits suffer greatly as they live in transit camps without a community like they once had to settle down and thrive in. This further produces

turmoil and unrest amongst both the Indian population and the Kashmir region, which if not swiftly dealt with will even more greatly impact an integral part within the entire Kashmir conflict.

Immorality of deployed tactics

In defense against the Islamic insurgency, India instituted the Armed Forces (Special Powers) Act, which granted special authority to the Indian Armed Forces in supervising the Jammu and Kashmir Region. This act further provided immunity to these Indian security personnel in any actions or measures that they may take to maintain order within the region. With this act, Indian state forces have committed a myriad of serious human rights violations without consequence, including enforced disappearance, torture tactics, sexual abuse, and mass killings. These violations are not just ones that could be considered in the name of order – such as attacks on Kashmiri protestors in order to subdue their revolts, or violently torturing people who potentially know useful information – but also ones that are blatantly corrupt – raping Muslim women in Kashmir, as an example. Both the Human Rights Watch and the Office of the UN High Commissioner for Human Rights amongst many other organizations have publicly denounced these actions and called for change.

Recent developments

In recent years, tensions have lain relatively dormant as compared to their past. Since the ceasefire instituted in 2003, Indian and Pakistani officials have taken strides forwards toward peace and collaboration, through ways such as bilateral discussions and the establishment of transportation and trade routes through the region and between the two nations. Sparks continue to fly, however, as militants and terrorists continue to attack the region. Formal tensions have further developed in past months after the Pakistani Air Force shot down two Indian fighter jets over Kashmir.

What's more, early August of 2019 the Indian government declared their intention to abandon Article 370 of the Indian Constitution. Article 370 was specifically established in 1949 to grant autonomy to the Indian-controlled Jammu and Kashmir Region, giving rights to the region's people to have their own constitution and flag amongst other freedoms. These actions provoked significant criticism by Pakistan as well as extensive backlash from the Kashmiri people, both of whom have claimed the move to be illegal. At the time of this research report's creation, the removal of Article 370 has yet to be officially authorized.

Major Parties Involved

India

India currently holds a majority of the hotly disputed territory central to the Kashmir Conflict. The nation's deployment of roughly 600,000 security personnel throughout the region indicate their strong desire to maintain their control over the region. Additionally, the passing of the Armed Forces (Special Powers) Act further reveals that India

is willing to take drastic measures just to do this. Diplomatically, India remains hostile towards Pakistan, as the nation has repeatedly accused the latter for supporting the violence brought on by the insurgency. Additionally, India has further refuted international claims of human rights abuses by the United Nations, calling their report on the issue “false, with a motivated narrative”.

Pakistan

Pakistan has acted both directly and indirectly as the counterforce against India in the Kashmir Conflict. Repeated warfare between the two nations showcase Pakistani desire for India-controlled Kashmir territory. Furthermore, whether this was deliberately instilled within the communities or not, the Islamic insurgency experienced in India-controlled Kashmir in the past three decades have mostly aligned with Pakistan against India. Pakistan’s role in supporting the insurgency has additionally been extremely controversial, as the nation has denied any allegations, instead stating that they simply support the insurgent’s motivation to leave a country that they didn’t belong in. This, however, is contradicted by former president of Pakistan Pervez Musharraf, who admitted to supporting and training members of the terror groups.

China

As China borders both India and Pakistan – including along the Kashmir region – it has become involved in the Kashmir Conflict as a third-party role. Following the independence of India, China engaged in a series of incursions across the newly established Indian boundaries in Kashmir, taking over the northeastern portions of Ladakh. More recently, China has taken a constructive role in mediating the conflict between India and Pakistan. Holding relatively peaceful relations with both country, China has encouraged a focus on peace and the diffusion of tensions between the nations. Such actions done by China could be for them to maintain their important political and economic links to both countries.

United Nations Military Observer Group in India and Pakistan (UNMOGIP)

Established in 1949, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) is a group of military observers initially sent to the Kashmir region to facilitate the ceasefire between India and Pakistan following the Indo-Pakistani War of 1947. The group has remained active within the region in maintaining ceasefire, especially following renewed hostilities in 1971. Though the group has been beneficial to the sustainment of order within the Kashmir region, it has not greatly shifted the dynamic of the region in any manner.

Timeline of Events

Date	Description of event
1947	End of British Rule on India; Partition of India is enacted, and the states of the Hindu-majority India and Muslim-majority Pakistan are established.

October 26, 1947	Treaty of Accession is signed by Maharaja Hari Singh, Ruler of the Princely State of Jammu and Kashmir.
October 22, 1947 to January 5, 1949	Indo-Pakistani War of 1947 occurs; an estimated total of 7,000 people from both sides are killed in the conflict, along with approximately 17,000 wounded.
April 21, 1948	The United Nations Security Council Resolution 47 is enacted.
January 26, 1950	Article 370 of the Constitution of India is passed; The India-controlled Jammu and Kashmir region is granted autonomy in establishing its own constitution, flag, and other symbols of independence.
April, 1965 to September 23, 1965	Indo-Pakistani War of 1965 occurs; roughly 6,000 to 10,000 soldiers from either side are estimated to be killed in the conflict.
January 10, 1966	The Tashkent Declaration is signed to resolve the Indo-Pakistani War of 1965. Under the facilitation of the Soviet Union, United States, and the United Nations, India and Pakistan both expressed their intentions to return all captured territory to revert to the original ceasefire line established in 1949.
July 2, 1972	The Simla Agreement is signed between India and Pakistan; the peace treaty indicated the intent of both ends to promote peace and respect territorial sovereignty, specifically establishing the Line of Control.
1987	Kashmir Insurgency grows into prominence following accusations by the Kashmiri Muslim United Front (MUF) Party that the 1987 Jammu and Kashmir Legislative Assembly elections were rigged; the Indian government responded through attacks against MUF members, resulting in greater chaos and retaliation against the government.
July 5, 1990	The Armed Forces (Special Powers) Act of 1990 is implemented on India-controlled Jammu and Kashmir.
May 3, 1999 to July 26, 1999	Indo-Pakistani War of 1999 occurs; approximately 1,000 soldiers are estimated to have been killed.
July, 2015	Amnesty International releases a comprehensive report detailing human rights violations in the Jammu and Kashmir region by security force personnel in the region.
August 5, 2019	The Government of India announces its revocation of Article 370 in the Constitution of India; communication lines in the Jammu and Kashmir region were subsequently cut.

Previous Attempts to Resolve the Issue

There have been a myriad of actions undertaken by India and Pakistan in attempts to resolve the conflict surrounding the Jammu and Kashmir territory. The Tashkent Declaration of 1966, for example, contained a formal

peace agreement from both India and Pakistan to return to the original ceasefire line established in 1949. The declaration further showcased the intent of both nations to move forward with more peaceful bilateral relations. This, however, has very clearly failed to maintain order, as both nations continued to aggressively attack one another in attempting to claim land within the region. Similarly, the Simla Agreement of 1972 – a far more direct and conclusive peace treaty signed by both India and Pakistan – also ended up ineffective in preventing conflict, even despite both nations claiming to “put an end to the conflict and confrontation that have hitherto marred their relations” as well as laying down specifically principles regarding future supervision of the Jammu and Kashmir region.

Additionally, other nations and organizations have taken upon active roles to assist in mediating resolution to the conflict. As mentioned above, the United Nations Military Observer Group in India and Pakistan has remained active in the Jammu and Kashmir region for the past seven decades. Their efforts, however, have not been particularly effective in that they do not directly address the political dimension of this matter; it is undeniably clear that the political struggle between India, Pakistan, and the people of Jammu and Kashmir for the region has been a catalyst to the conflict that has consumed the territory. As a result, the UNMOGIP has not been able to conduct any sort of active prevention of conflict in the region. Adding onto this, the United Nations Security Council has also become involved in the resolution process to this conflict. The aforementioned United Nations Security Council Resolution 47 was particularly instrumental in shaping the Jammu and Kashmir region, as it established the territory allocated to both ends. With this, however, the resolution could also be considered to be inefficient in the sense that there was a large imbalance between the territories given to both nations; this, in particular, has been a fundamental reason as to Pakistan’s aggression to invade India-controlled Jammu and Kashmir.

- United Nations Security Council Resolution 47, 21 April 1948 (S/726)

Possible Solutions

- One crucial factor that needs to be addressed within the conflict is the lack of interregional transportation and trade through Pakistan, Jammu and Kashmir, and India. Currently, it is extremely difficult for people from either of the regions to move and trade across the borders. With this, a sense of isolation and seclusion has shrouded across the region, creating room for hatred built upon misconceptions and misconstrued perspectives. Through the freedom to move, the freedom to meet and interact, the freedom to spread and share knowledge and cultures with one another, people from either side of the borders will be able to create bridges across to one another, promoting empathy and understanding of one another. Additionally, activists and political figures from the regions will be able to come together in truly collaborative discussions in creating the single future that the entire region is moving towards. Only through this sort of dialogue, will the Indians, Pakistanis, and Kashmiris be able to shape a world where they can all live together.
- With the overflow of soldiers and security personnel throughout the Kashmir region, it is understandable that political and social tensions remain high. Thus, once extremist threats have diminished to a point appropriate, it is critical that India removes a portion of its military force stationed within Kashmir. With the demilitarization of Kashmir, soldiers and fire-arms will be much less widespread across the region, thus

promoting a crucial sense of safety and peace within local communities. Moreover, less soldiers will directly result in less violent encounters occurring in Kashmir, further encouraging stability within the region. One important thing to note is that while ideal, the complete demilitarization of Kashmir will be unlikely, as the region will still be susceptible to riots and extremist attacks; sufficient but not superfluous amounts of armed forces should remain within the region.

- Although there have been previous attempts to increase discussion and conversation between Pakistan and India, all have failed to yield significant results to ensure cooperation between the two nations. One crucial reason for this is that the two nations have not fully discussed the political perspective of their conflict, instead, they focus on the social and economic ramifications of their clashing on the Jammu and Kashmir region. Therefore, it is imperative that stronger, more direct bilateral discussions are conducted so that either nation can directly address the territorial dispute in itself. Though the results of this course of action cannot be determined, this would act as a foundation for the two nations to hopefully reach an mutually-supported agreement on their respective territorial rights over the region.
- Despite being central to the entirety of the Kashmir Conflict, the views and perspectives of the Kashmiri people have been lost amongst the warfare and violence bound to Indian and Pakistani desires. Because of the actions of either nation in claiming the territory as their own, frustration and hostilities have developed throughout these Kashmiri communities, fueling the insurgency and extremist attacks that have now ravaged the region. By providing greater autonomy, freedom, choice, hope, and goodwill to the Kashmiri people, wounds will be able to heal as these people will finally be allowed to choose their fate that is built on harmony with their neighbors. India and Pakistan will need to take a step back in achieving their personal agendas, but for the common goal of peace.

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