

**Committee: Special Political and Decolonization**

**Issue: The Situation in Jammu/Kashmir**

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## **INTRODUCTION**

The situation in Jammu/Kashmir has been one that has repeatedly caused both concern and tension over the past 70 years. Kashmir is home to the mass dispute between several powers, such as India, Pakistan, and China. In addition, Political instability in the region has allowed for certain non-state actors to become involved resulting into a worsening of the situation, and further plunging Jammu/Kashmir into turmoil and political uncertainty.

Kashmir enjoys a special autonomous status under article 370 of the Indian constitution within the national border of India. Therefore, the election of government officials, political party leaders, and local reformatory measures all occur under the jurisdiction of the semi-autonomous state. In addition, the Parliament requires the state government's concurrence for applying all laws, excluding the ones pertaining to defense, foreign affairs, finance and communications.

Being located in the heart of much territorial dispute, it is needless to say that the Kashmiri populous is torn between several different national and psychological fronts, as well as religious identities. Despite Kashmir being a territory of the Indian government, territorial disputes throughout the centuries have resulted in a three-way division of Jammu/Kashmir. The southern-most territory of the region, generally known as Jammu/Kashmir continues to belong to India under legal frames. The eastern territory known as Aksai Chin has belonged to China since 1962. Finally, the northern and western-most territories known as Azad Kashmir and Gilgit-Baltistan have belonged to Pakistan since 1947.

Despite Jammu/Kashmir being a legal territory of India, internal division has been occurring for the past decades, characterized by polarized political and religious standpoints of the people within. Violence and unrest is occurring, mainly within the Kashmir valley<sup>1</sup>

## **DEFINITION OF KEY TERMS**

### **Partition**

The division of a nation, state, or territory through means of war, political agreement, or general territorial dispute between two or more parties.

### **Decolonization**

The process of removing the colonial influence of a said nation or state over another territory not within its national borders.

### **Power Vacuum**

A common occurrence that takes place after decolonization, a power vacuum is defined by the attraction of various nations or states to a decolonized nation in order to instill presence and secure influence in the region before its development is completed. Under this definition, a power vacuum occurred in Kashmir when India was decolonized in 1947, leading to Pakistan's control over the territories of Azad Kashmir and Gilgit-Baltistan in 1947, and later to China's control over Aksai Chin in 1962.

### **Princely State**

A state governed by a prince, therefore constituting a monarchy. Kashmir was one such state.

### **Plebiscite**

The direct vote of all members of an electorate on an important public question such as a change in the constitution (Oxford Dictionary of English). Synonym: Referendum

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<sup>1</sup> Note: Jammu/Kashmir is a territory within the state of Kashmir. Therefore, when we refer to Kashmir, we do not mean Jammu/Kashmir. Knowledge of this discrepancy must be held in mind throughout.

### **Provisional Government**

A government installed for a short period of time to provide for a democratic state without a governing body. Such a government is typically eliminated with the election of a new leader.

### **Proxy War**

A war instigated by a major power that does not itself become involved (Oxford Dictionary of English).

## **BACKGROUND INFORMATION**

### **Early History**

Kashmir (province Jammu/Kashmir), like the rest of India, was under British rule since 1858. Under the period of British rule, there was no special designation for the territory, and it existed purely as a part of India. When India was decolonized in 1947, the event led to the creation of two independent states: India and Pakistan. Rulers of the relating Princely States were given the option of acceding their state to either of the two countries. However, there existed a region between the two nations that shared characteristics of both these nations and was divided on many fronts. This territory, Kashmir, was thereby partitioned between Pakistan and India, with approximately forty percent of the region being reserved to Pakistan, and the remaining sixty percent being reserved to India. The main territorial possessions of Pakistan included the two regions of Gilgit-Baltistan and Azad Kashmir. India received the territories of Jammu and the Kashmir Valley (oftentimes referred to in tandem as Jammu/Kashmir).

The partition of Kashmir was mainly attributed to major religious differences between its northern and southern territories. During India's existence as a British colony, two main religious affiliations were noted within the populous: Hinduism and Islam. With Hindu India and Muslim Pakistan being at odds, Kashmir itself was divided between the two based on the presence of each respective religion in the territory. These were the circumstances under which Kashmir was partitioned between the two nations.

Since Kashmir was a princely state prior to its partition in 1948, it was ultimately independent from control of either Pakistan or India at the time of decolonization. It was therefore this state’s option to divide itself between Pakistan and India. In theory, Kashmir could have remained autonomous and not have divided itself between the two rising nations. However, the polarized population, divided based on cultural and religious traits, ultimately sealed the deal of partition. Despite the fact that the princes of this state did not wish to indulge in such division of their state, the will of the people in this event to join two democratic unions defeated any princely resistance at the time. However, the partition was not as simple as it may seem at first sight.

The princely leader of Kashmir at the time, by the name of Maharaja Hari Singh, was himself a Hindu supporter. However, his own religious affiliation stood against the religion of the majority of his state; the majority of Kashmir’s population was Muslim. Therefore, this particular period of decision-making, whether or not to join one of two other independent, democratic unions, not only contravened his prince-hood, but also his religion. By remaining neutral in the matter in an attempt to avoid scrutiny, great uprising occurred in Kashmir, and the prince fled to India for sanctuary, where he pleaded for the Indian government to intervene militarily in Kashmir. As compensation for this request, and in order to secure Kashmir’s Hindu establishment, Prince Hari Singh agreed to cede Kashmir to the Indian nation. On October 26<sup>th</sup> of 1947, Kashmir was signed over to India.

Hereafter began the armed conflict between India and Pakistan over the princely state of Kashmir. The war lasted for the better part of a year, from October 26<sup>th</sup>, 1947 to August 13<sup>th</sup>, 1948. Wishing to terminate conflict and to secure its occupation of Kashmir, the Indian government approached the United Nations for assistance on the matter. Since the prince, being the legal governor of Kashmir had signed the state over to India, the United Nations had no option but to sanction Indian actions. On August 13<sup>th</sup>, 1948, the UN officially declared its request for Pakistan to withdraw its troops from Kashmir, with



Figure 1: The Kashmir Plebiscite

promises that India would do so immediately after the cease-fire. However, Pakistan refused to withdraw its troops.

During this time, with Kashmir in turmoil and without a governing figure, an emergency government was instigated on October 30<sup>th</sup>, 1948, headed by Prime Minister Sheikh Abdullah, an Indian statesman. However, since this government was purely provisional, it was not a definitive solution to the conflict in Kashmir. Hence, the United Nations and India pushed for a plebiscite to determine the will of the Kashmiri people in pertinence to their national identity. However, no such plebiscite occurred, mainly due to the unwillingness of Pakistan to comply. It is commonly understood that Pakistan believed it would lose the plebiscite, due to the fact that provisional Prime Minister Abdullah of Kashmir was obviously in favor of an Indian Kashmir, hence having a certain influence upon the voting figures.

Finally, Pakistan and India agreed to a cease-fire, and bilaterally signed a declaration for the withdrawal of troops in Kashmir on January 1<sup>st</sup>, 1949. Seeing that at the time there had been no plebiscite and as such the will of the people was not to be heard, territorial occupation at the end of the conflict was held as the de facto designation of territorial belonging. This resulted in India being in occupation of the Southern 65% of Kashmir, and Pakistan being in control of the remainder in the North. The approximate borders defined at that moment are still roughly those in existence today.

Kashmir became an official part of the Indian Union in 1957. In addition, the Indian government recognized the great diversity of Kashmir, both on cultural and religious terms. Therefore, the government outlined several special rights for the territory of Kashmir in article 370 of the Indian constitution. The basic derivative of this article is Kashmir's special independence under the Indian union, and its right to partial self-government.

## The Last Two Decades in Jammu/Kashmir

After several decades of constant upheaval and sporadic military confrontations, the Kashmiri state has been partitioned further, with China occupying its eastern most state, Aksai Chin as the result of both a Pakistani lease in 1957 and as the result of defeating India in a short war for the region. As before, however, India continues to control the southern and central states of Jammu and the Kashmir valley (holistically Jammu/Kashmir). In addition, great unrest has arisen in Jammu/Kashmir, and mainly in the Kashmir valley. This unrest is attributed to the territory's majority Muslim population<sup>2</sup> wishing to secede from the Indian Union, and to become a legal part of the Pakistani state.



**Figure 2: Map Indicating the Final Partitioned State of Kashmir**

The exact semantics of these phenomena trace back to 1999, where cease-fire regulations were violated by Kashmiri insurgents and Pakistani paramilitary crossing the de facto Indian held border of Kashmir. As the result of a brief war between the two nations, India suspended all relations with Pakistan later that year. Directly proceeding from this event, Pakistan and India began to reconsider rebooting relations in 2001. Between then and 2004, however, the first substantial signs of conflict began to emerge in Jammu/Kashmir. Muslim uprising in the area began to increase exponentially, with Indian police units in the area having much difficulty in suppressing the violence.

After an exponential intensification of Muslim violence up until 2010, protests began to erupt all around the Kashmir valley, with Muslims demanding for secession. Indian police personnel were regularly deployed to ease the uprisings spreading throughout the territory and to suppress any violent activity. However, there came a day in 2010 were a Muslim protest march had an unwanted result: a protestor was shot dead by the Indian military force. With this

<sup>2</sup> Jammu/Kashmir continues to be Muslim by majority.

event as a catalyst, the situation escaped all control.

Shortly afterwards, the Indian government ensured that police intensity would be decreased in the Kashmir valley through certain regulatory measures. In addition, chief minister Omar Abdullah of Jammu/Kashmir was led to declaring amnesty for the protestors the previous year that had turned violent and resulted in the death of said citizen. Though such measures promised to decrease police presence and military activity in the area, the Armed Forces Special Powers Act (AFSPA), calling for the special license of armed forces in the zone to decrease violence, was still not revoked. Abdullah



**Figure 3: Officer Beats a Student Protestor in Jammu**

claimed that the region had still not reached a promising state of stability, and could therefore not be absolved entirely of the presence of Special Forces. Additionally, the death of three Pakistani military personal at the border between Jammu/Kashmir and Pakistan-controlled Kashmir in 2011 caused further upheaval.

During this period, questionable occurrences led to a special investigation, leading to the discovery of 2,000 unidentified bodies in the region. Though evidence is still lacking, these people were assumed to be former prisoners of the police in the area. Security forces stated that these citizens had gone missing, but their remains were to be no definitive proof of any confirmation of this fact or another.

In 2013, a violent uprising resulted in the death of eight or more citizens after the intervention of security forces. Fearing a more violent outbreak, chief minister Abdullah and his administration chose to impose a curfew in March for all citizens. Needless to say, this was not met kindly by the populous, resulting in further uprising in protest of the imposition. In September of that year, seeing no other



**Figure 4: The March Curfew in Jammu/Kashmir**

choice but peaceful resolve, the Prime Ministers of both India and Pakistan met to discuss measures to decrease the violence in Jammu/Kashmir. Negotiations did not transpire smoothly, due to several accusations and abrasive claims by both sides. India was the first to speak out, cancelling talks in August of 2014 for what it claimed to be “Pakistani interference in India’s affairs,” and the engagement of a proxy war by Pakistan.

### **Modern Day in Jammu/Kashmir**

Violence continues on both fronts. The Muslim population of the Kashmir Valley and Jammu continue to engage in both peaceful and non-peaceful uprising and protests. Indian Special Forces presence continues to be present in the region, and negotiations between India and Pakistan continue to remain at a dead standstill, with neither side being intent on inconveniencing itself in the face of the other. India and Pakistan have gone as far as to threaten each other with promises of war as a result of a heated conflict at the Indian and Pakistani border in Jammu/Kashmir. With such difficulties arising on a constant basis, it is essential that this issue be resolved with the utmost caution, least there be a declaration of war.

## **MAJOR COUNTRIES AND ORGANISATIONS INVOLVED**

### **India**

India has been facing massive upheaval in Jammu/Kashmir, with constant Muslim uprising and protests of both the peaceful and violent nature. Several military actions have resulted in a less-than-favorable position in Jammu/Kashmir for India, and public opinion of the state’s home nation has fallen at stages to a status of hatred. However, the results of the 2014 elections seem to suggest that the people of the area have come to terms with India’s dominant presence instead of Pakistan .It is worth noting at this stage that India is capable of making war, and is also in the position of using nuclear weaponry.

### **Pakistan**

Pakistan has most definitely not been a bystander in the situation in Jammu/Kashmir. It has managed to discretely employ the use of military operations to have accessible force if

further armed conflict erupts in the region. In addition, Pakistan has threatened India with possible war if the people in Jammu/Kashmir are not taken into account and allowed to secede.

### China

Though China has not been a main participating body in current conflicts in Jammu/Kashmir, it is needless to say that it has a will in this, and would desire a favorable result in a neighboring territory.

### The United States of America

As the result of a recent agreement between the Obama administration and the Indian government, the United States and India have become more than **just** trade partners. They have also signed documents of alliance. If war were to emerge in Kashmir, it is definite that the US would have a significant role to play.

## TIMELINE OF EVENTS

Date	Description of Event
1858	India begins its colonial existence under the British Empire.
1947	India is decolonized, and British rule is ended, resulting in the creation of two independent states: India and Pakistan.
October 26 <sup>th</sup> , 1947	War begins between India and Pakistan over the control of the princely state of Kashmir.
August 13 <sup>th</sup> , 1948	The UN demands that Pakistan withdraw its troops from Kashmir. Though Pakistani troops remain, the war between India and Pakistan is terminated.
October 30 <sup>th</sup> , 1948	A provisional government is installed in Kashmir to compensate for the departure of the prince.
January 1 <sup>st</sup> , 1949	Pakistan and India agree on cease-fire terms, and bilaterally withdraw their troops from Kashmir. Kashmir is partitioned based

	on cease-fire lines.
1957	Kashmir becomes a semi-autonomous state under article 370 of the Indian constitution. China takes over Aksai Chin region of Kashmir, and is also leaces further territories in the northeast of Kashmir by Pakistan.
1999	Pakistani paramilitary forces cross the Indian controlled border, violating cease-fire regulations and resulting in a break-off of Pakistani-Indian relations.
2001	India and Pakistan resolve to continue relations and attempt to find a solution to the situation of Jammu/Kashmir.
2004	Growth in uprisings is exponential, and violence becomes increasingly prevalent amongst demonstrations.
2010	A Kashmiri citizen is killed by Indian security forces, sparking violent movements against the force. Prime Minister Abdullah secures measures to decrease the use of armed force.
2011	Indian armed forces kill three Pakistani personell at the border.
2013	A particularly violent uprising leads to the death of eight Kashmiri citizens, and further deducts from Indian public image.
September, 2013	The leaders of India and Pakistan convene to discuss measures to ensure peace in the region.
August, 2014	Peace talks between India and Pakistan are terminated by India due to an apparent enfringement upon India's personal affairs. Threats of war are made by both sides. Conflict transpires at the border, leaving a dozen soldiers dead on both sides.

### **UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS**

- UN Security Council Resolution 47, April 12<sup>th</sup>, 1948: The United Nations mandates the withdrawal of Pakistani troops from Kashmir.
- UN Security Council Withdrawal of Jammu/Kashmir from Disputed Territories List, 2010

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

Though there have been arranged peace talks between India and Pakistan numerous times throughout the past seven decades, no active attempts have been made to solve the issue on either side. Peace talks have merely ended in threats of war declaration, and cease-fire agreements have only been broken. Therefore, it shall be hereby considered that there have been no fruitful previous attempts to solve the issue.

## **POSSIBLE SOLUTIONS**

Despite the fact that it is difficult to facilitate a holistic solution to the problem, below are some measures that could possibly solve specific issues regarding the situation in Jammu/Kashmir.

### **Imposition of Cease-Fire**

Since a cease-fire agreement signed by the governments of India and Pakistan has never been successful, it could be an optimal decision to impose a cease-fire agreement on behalf of the United Nations. If passed in the committee with a majority vote, this measure could attract the attention of the global community to the two partisan nations, urging them to agree to such a measure.

### **Plebiscite/Referendum**

The only safe way to truly determine the will of the entirety of Jammu/Kashmir and to have hard facts to move the issue further would be to hold a UN regulated referendum/plebiscite. Through UN monitoring of this process, a safe, fair, and true result could be determined. At this point, the result could be utilized for negotiations between India and Pakistan, determining the next course of action.

### **UN Peacekeeping Intervention**

Assuming that either a cease-fire is not agreeable to or if the violence continues to grow in the region of Jammu/Kashmir, the United Nations could attempt to instill UN Peacekeeper presence in the region in hopes of de-escalating violent practice on both the fronts of Indian

forces and Kashmiri people. Through this measure, a non-partisan body could perhaps not cause further unsettling occurrence, in contrast to previous peace-keeping operations on behalf of either government.

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