

# Haileybury MUN

## Research report



Security Council

The question of Kashmir

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### Introduction

Complex as it is, the issue of Jammu/Kashmir has been troubling the international community for decades and still remains unresolved. The region Jammu/Kashmir is claimed by three major countries, namely India, Pakistan and China. The territorial claims of these countries have caused political instability and uncertainty that are yet to be addressed.

Currently, Kashmir is officially a part of India, however several regions belong to Pakistan and China. Specifically, Gilgit- Baltistan and Azad Kashmir have been Pakistani territory since 1947, while the eastern part of the area Aksai Chin is a part of People's Republic of China. As one may understand this three-way division affects the stability of the region and causes tension between the population to rise.



According to the Indian Constitution, specifically article 370, the region of Jammu/Kashmir holds a semi-autonomous status, meaning that all official state acts have to be in accordance to the Indian government and its laws. Despite the region being a part of India violence does not seem to have an end and the situation there is characterized as one of the most complicated and long lasting territorial disputes.

### Definition of key terms

#### *Colonialism*

According to the Oxford Dictionary, colonialism is the partial or full political control over a state or country. In order for any practice or policy to be considered as colonialism, the acquired country has to be economically exploited and occupied with settlers.

#### *Decolonization*

Decolonization is the act of the colonialists' withdrawal from a colony/colonized country or state.

#### *Princely State*

Regions- States that were ruled with monarchy by indigenous Indian rulers or also known as Princes, prior to the decolonization of India in 1947.

## *Dispute*

According to the Oxford Dictionary of English, dispute is an argument or a disagreement between two parties. In the case of Jammu/Kashmir the dispute is called territorial and also resulted into war and violence.

## *Power Vacuum*

Power Vacuum is an occurrence that commonly takes place after decolonization. It is characterized by the development of strong interest of several nations or countries for the decolonized region so as to secure their influence prior to the full development of the nation. This phenomenon occurred in the case of Kashmir as well, allowing Pakistan and China claim territories in 1947 and 1962 respectively.

## *Partition*

Partition is the division of territory, nation or state by means of political negotiations- agreements, war or territorial dispute between two or more nations.

## *Referendum*

According to the Cambridge Dictionary, the widely accepted definition of a referendum is a direct vote in which the citizens of a country or a state are asked to give their opinion or decide on a topic that concerns an important political or social question on a national level. It is important to mention at this point that referendum need to be conducted in line with the democratic principles of fair vote, representation and free choice to be considered valid. A synonym for the term referendum is the word plebiscite.

## **Historical Background**

India has been a part of British colonies since 1858. Therefore, the region of Jammu/Kashmir was also considered to be a domain of Great Britain due to the fact that the area was not partitioned and the state of Pakistan had not formed yet. In 1947, when India was eventually decolonized, this region was divided into two countries, namely India and Pakistan. The neighbouring so called Princely States were then given an option: To either accede to one of the two countries or remain independent. As one can imagine, this choice was extremely difficult to make due to various social and religious factors. The religious differences within the region were prominently attributed to the disunity of the southern and northern territories. Under the British colonial rule, the two main religious groups of Kashmir were Hindus and Muslims (believers of Islam).

For this reason, the region was divided with approximately sixty percent of it belonging to India (Kashmir Valley and Jammu) and forty percent being reserved for Pakistan (Gilgit- Baltistan and Azad Kashmir).

Kashmir, being a Princely State prior to the year 1948, when its partition took place, was no object of control by neither India nor Pakistan. Ultimately however, the polarization within the Kashmiri population led to the deal of partition.

Going by the name Hari Singh, the Maharaja and princely leader of the State of Kashmir at the time attempted, despite being himself a supporter of Hinduism, to remain neutral so as to deflect any uprising in the region and to secure his sojourn in power. However, the tension soon began to threaten his presence and due to this reason, he fled to neighbouring India, requesting for its military intervention in Kashmir to secure the Hindu population and establishment. The Indian government pledged to offer assistance under the condition that Kashmir would become part of the Indian territory. On the 25th of August 1947 Kashmir officially acceded to India.

## *The First Kashmir War*

The First Kashmir War, also known as the Indo-Pakistani War of 1947, took place after the accession agreement between the Maharaja and the Indian government was not recognized by Pakistan, which on the 26th of October of the same year invaded the region of Kashmir with military troops. The Indian troops, that had taken control over the region after the accession instrument, proceeded to conduct counter attacks and engaged themselves into war. It was not until December of the following year, 1948, when the United Nations Security Council adopted two resolutions regarding the India- Pakistan Question and urged the removal of all Pakistani troops in the area, while also asking India to decrease its military presence after a referendum in Jammu/Kashmir took place. Moreover, the United Nations also implemented a ceasefire operation, which ended the war. Finally, on the 1st of January 1949 both countries signed a ceasefire agreement and pledged to remove all troops from the region. This conflict resulted in immense losses as far as human population is concerned, however it left both countries with areas of Kashmir in their possession. The territorial claims however, did not stop there.

Right after the war, there was a proposition for the implementation of a referendum so as for the population of Kashmir to decide to which country they wish to belong to. However, the plebiscite never took place due to the fact that India alleged that the referendum could not be considered valid because of the presence of Pakistani troops in the region. Pakistan then proposed a simultaneous withdrawal of troops, however India did not agree with this solution and the referendum was not organized. Since the plebiscite had not been conducted, there was a de facto designation of the territorial sovereignty, which resulted in India occupying the South and Pakistan the North.

On the one hand, India insisted that Kashmir was under Indian sovereignty due to the Accession Agreement. Moreover, one of their main arguments was that the United Nations did not oppose the accession instrument and that under the Indian constitution Kashmir enjoyed special autonomy.

On the other hand, Pakistan claimed the Accession Instrument is not valid due to the fact that Maharaja Hari Singh was in no position and had no jurisdiction to sign and ratify the document, since he was appointed by the former British rule. Furthermore, the Pakistani government reinforced their argument by adding that the majority of the population of Kashmir comprises Muslim citizens and therefore should become a part of coreligionist Pakistan.



Before the second Indo-Pakistani war unfolded in 1965, another problem arose to the surface, namely the issue of Rann of Kutch. This territory located in the Kutch District in India in the Thar Dessert, became a land of violence and conflict between India and Pakistan, which was claiming the northern part of it. From the 8th of April, the skirmishes went on until 30th June 1965, when ultimately United Kingdom intervened and urged both sides to resolve all issues legally. The results of these negotiations also resulted in an outcome not satisfactory for the Pakistani government receiving less square miles than India.

## *Past three decades and Current Situation*

During the past three decades ceasefire agreements have been violated by Pakistani paramilitary and Kashmiri insurgents, who crossed the de facto border. These incidents led to a brief war between the two countries. After 1999, India ceased all diplomatic relations with Pakistan, only to begin reconsidering its stance in 2001. However, in 2004 tension in the area seemed to increase with a dreg of uprising deriving from the Muslim population. The tension intensified until 2010, when protests erupted all around the region, with civilians demanding secession. Suppressing the uprising was extremely difficult for the Indian authorities and during one of these protest- marches a protester was shot dead. Hereafter, the situation could not be controlled. Although it was stated by the Indian government that the presence of police in Jammu/Kashmir would decrease, there seemed to be no size of retreat. In March 2013, after several

citizens were killed during an upheaval and out of fear of further violence, a curfew was imposed by the chief minister of the State, Omar Abdullah, which only caused further protests.

Today violent and non-violent protests and marches by the Muslim population continue and there seems to be no end in sight. Indian Special Forces are still present and the negotiations between Pakistan and India are currently nonexistent. Therefore, it is of utmost importance, that this issue is delicately and immediately resolved. On an up-to date approach to the issue, the Indian Supreme Court declared that the preposition of the regions autonomy is out of the question, while the protests get more violent with each day passing and terrorist attacks taking place in the area of Jammu/Kashmir.

### **Timeline of events**

| <b>DATE</b>          | <b>EVENT</b>  |
|----------------------|---|
| 1858                 | Beginning of British Colonial Rule on the wider region of India   |
| 1947                 | Decolonization of India and creation of the two independent states: Pakistan and India                                    |
| 25th of August 1947  | Maharaja Hari Singh signs Accession Treaty of the Princely State of Kashmir with India                                    |
| 26th of October 1947 | Pakistani troops invade the region of Kashmir   |
| 1947- December 1948  | First Indo-Pakistani war  |
| 1948-1952            | United Nations Security Council adopts resolutions regarding the India-Pakistan Issue                                     |
| 1st of January 1949  | Ceasefire agreement is signed by both India and Pakistan  |
| 1957                 | Kashmir officially becomes a part of the Indian Union and is granted semiautonomous status                                |
| 1962                 | Sino-Indo War   |
| 1965                 | Second Indo-Pakistani war   |
| 1999                 | Violations of ceasefire regulations   |
| 2001                 | Negotiations between India and Pakistan to resolve het issue  |
| 2004                 | Begin of violent demonstrations   |
| 2010                 | Citizen is killed during a demonstration and violent protests are sparked   |
| 2013                 | Violent uprising resulting in the death of eight people and discussions between the two governments to reach an agreement |
| 2014                 | Relations and negotiations suspended with war threats from both sides, Indian and Pakistani                               |

### **Major countries and organisations involved**

**India** It is needless to say that India, which is currently occupying more than sixty percent of the region of Kashmir is a major stakeholder as far as this issue is concerned. While facing an extremely unstable situation, India is simultaneously confronted with war threats by Pakistan. It is important to mention, that both of these countries have nuclear capacity. During negotiations with the Pakistani government, India has officially accused Pakistan of causing a proxy war.

#### *Pakistan*

Pakistan played and continues to play an extremely important role in the situation in Kashmir. It too, is in a position of engaging itself in war with India for both the preservation and acquisition of territory.

#### *United States of America*

United States of America are considered to be economic and political allies of India. Therefore, should conflict arise, the US would support India with any means available.

## *China*

As mentioned before, China has also played an essential part in this issue, however, it is not participating in current conflicts in the region of Jammu/Kashmir. MEA spokesman Geng Shuang has stated that China is “willing to play a constructive role in improving relations between Pakistan and India.”

## *Russian Federation*

According to the spokesperson of the Russian Ministry of External Affairs (MEA), Russia’s policy on Kashmir has been very clear since the days of the Soviet Union (USSR). Russia’s ties with India have been tightened especially after the Sino-Indo war.

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