

Academy for Talented Youth

Model United Nations



United Nations Security Council

The Situation in Kashmir

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Abbreviations

UNGA - United Nations General Assembly

UNSC - United Nations Security Council

IWT - Indus Water Treaty

BJP - Bharatiya Janata Party - Hindu-nationalist party in India.

NPT - Non-Proliferation Treaty

CTBT - Comprehensive Test Ban Treaty

SDGs - Sustainable Development Goals

LoC - Line of Control

Introduction to the committee and the study guide

The conflict in the Kashmir region has been one of the world's most violent conflicts throughout the decades. The region was contested even before India (and what was subsequently to become Pakistan) won their independence from the British Empire in 1947. The region with the total area of 222,200 square kilometres is very ethnically diverse (see figure 1 on page 4). The conflict re-blossomed when India on August 5th 2019 revoked Article 370 of their constitution, thus revoking Kashmir's privileged, autonomous status. Once again, violence and disputes re-emerged making this an issue of utmost importance for the international community. Therefore, the dispute must be discussed and solved in the *United Nations Security Council (UNSC)*.

With the conclusion of the sustainable development goals of 2030 soon approaching conflicts like this must end in order to complete the goal 16 of *Peace, Justice and Institutions*. Therefore it is your task to discuss the issue and recommend a long-term solution to the conflict. Keep in mind that the *UNSC* is the only UN-body whose decisions member states are required to follow. Therefore the *UNSC* is able to implement sanctions and force member states to act. Further, the *UNSC* has different rules of procedure in regards to voting. Please refer to the addendum to the rules of procedure for clarification.

The committee takes place in December 2019 and does not take the effects of the COVID-19 issues around the globe into account. This is to make the discussion simpler and focused around the issues long-term violent conflicts have on a region.

The following study guide is meant as a comprehensive introduction to the topic that shall be discussed in the committee. Together with the position papers and the rules of procedure, it will provide enough knowledge for you to fully participate in the workings of the committee. However, you are encouraged to research the topic further. If you wish so you can start with the sources or the resolutions mentioned below in the *Relevant UNSC Resolutions and Sources and Additional Reading*.

Should you have any questions regarding the study guide, the position papers or the rules of procedure, please reach out to your committee directors for clarification by emailing your questions to the following email addresses: rudeng20@student.aau.dk

Relevance for the UN SDGs

The topics and issues of the situation in the Kashmir region relate to many of the SDGs, as the region is tormented by instability, injustice, water resource crisis, climate change and inequality in general. The main goal this committee will refer to is goal 16 of *Peace, Justice and Strong Institutions*, however, the committee members should also address all other

factors during the discussion and writing of a resolution, since these issues also affect the current and future stability of the region.

Countries present at the committee

Do keep in mind that the committee sessions are only a simulation of the UNSC. However, chapter 31 and 32 of the UNSC charter specify that the Security Council can invite countries involved in the conflict at their discretion. However, these countries will attend the committee session and its procedures without a vote.

Current members in the Security Council

1. Kingdom of **Belgium**
2. People's Republic of **China**
3. **Dominican** Republic
4. Republic of **Estonia**
5. The **French Republic**
6. The Federal Republic of **Germany**
7. The Republic of **Indonesia**
8. Republic of the **Niger**
9. **Saint Vincent** and the Grenadines
10. The **Russian Federation**
11. The Republic of **South Africa**
12. The **United Kingdom** of Great Britain and Northern Ireland
13. The **United States of America**
14. Republic of **Tunisia**
15. Socialist Republic of **Vietnam**

Observer states invited for the current session

1. The Republic of **India**
2. The Islamic Republic of **Pakistan**
3. Islamic Republic of **Afghanistan**
4. The People's Republic of **Bangladesh**
5. Islamic Republic of **Iran**

History of the conflict

Timeline until 1947

Even before the region became a British colony, religion was a deciding factor. In the 3rd century BC, Buddhism was introduced by emperor *Ashoka* and it was the prominent religion for some time. Later historical sources show that the region was ruled by a Hindu dynasty until 1346¹ during which the region was a centre of Hindu culture. The region then came under Muslim rule which it stayed within until 1819 where it came under the Sikh rule by the kingdom of Punjab. Finally, the region came under British rule after the *Second Sikh War* which ended in 1849. Any weaknesses of stability in the region were not apparent as the territory's existence was guaranteed by the British rule. The region acted as a political buffer zone interposed by the British between their Indian empire, and the empires of Russia and China.

The weak borders became apparent after the British withdrawal in 1947 and the parting of British India in two; Pakistan and India. The terms for the partition of the Indian subcontinent agreed to by India and Pakistan were that the rulers of the regions were given the right to opt for either Pakistan or India or - with reservations - remain independent. Although there was a clear Muslim majority in Kashmir before the partition and the region had clear ties to the Muslim-majority area of Punjab, the political developments during and after the partition resulted in division within the region.²

Initially, the *maharaja*, the then ruler Hari Singh of Kashmir, believed that he could delay his decision and thus maintain the independence of Kashmir. However, that led to a revolution among the Muslim population and the intervention by Pashtun tribesmen, which led the Maharaja to sign an *Instrument of Accession to the Indian Union* in 1947. This means that the region came under Indian rule. Thereafter, Pakistan intervened as it considered the state to be a natural extension of Pakistan, and India also intervened as it intended to confirm the act of accession. All in all, Pakistan was left with a lot of thinly populated territory, though it was Muslim in character. The largest Muslim group became situated in the Valley of Kashmir in Indian-administered territory. Thus, the conflict between the two countries emerged with the British withdrawal from India.

¹ <https://www.britannica.com/place/Kashmir-region-Indian-subcontinent#ref214222>

² <https://www.britannica.com/place/Kashmir-region-Indian-subcontinent#ref214222>



Religious groups: Indian-administered Kashmir				
REGION	Buddhist	Hindu	Muslim	Other
Kashmir Valley	-	4%	95%	-
Jammu	-	66%	30%	4%
Ladakh	50%	-	46%	3%

Religious groups: Pakistani-administered Kashmir				
REGION	Buddhist	Hindu	Muslim	Other
Northern Areas	-	-	99%	-
Azad Jammu and Kashmir	-	-	99%	-

Source: Indian/Pakistani Government Censuses

Figure 1: map of the area and table of religious groups³

Timeline from 1947 until recently

Two of three wars between India and Pakistan have been over the disputed regions in the Kashmir valley. After the partition in 1947, war emerged in the region, and India approached the UN to intervene in the war. The UN recommended a plebiscite, however, the two countries could not agree to demilitarize the region before the plebiscite could be held. In July 1949, India and Pakistan signed an agreement to establish a ceasefire line, that would later be known as the Line of Control, (LoC).⁴ Thus, the region was divided between the two countries.

Many efforts were proposed to end the dispute, but tensions mounted after the Chinese incursion into Ladakh in 1962, which is still under Chinese control⁵. Conflict and violence

³ http://news.bbc.co.uk/2/shared/spl/hi/south_asia/03/kashmir_future/html/

⁴ <https://www.bbc.com/news/10537286>

⁵ <https://www.britannica.com/place/Kashmir-region-Indian-subcontinent#ref214222>

have had a continuous role in the region with war breaking out in 1965 and again in 1971 resulting in the creation of Bangladesh.

The formerly mentioned ceasefire line then became the de facto border between the countries. However, neither recognises it as an international border. After the 1972 prime minister of Pakistan *Zulfikar Ali Bhutto* was arrested in 1977 and executed in 1979, the Kashmir issue once again erupted and became the leading cause of conflict between the two countries. A number of movements have sought independence for the region, a merger of Kashmir with Pakistan, or that the territory will be granted to the Indian Union. The Indian union government has maintained a strong military presence there, especially since the end of the 1980s. Further, anti-India sentiment has been present in various degrees since 1989.



Figure 2: Illustration shows the region as it is currently parted between the three nations. China currently occupies 20% of the Kashmir region marked on both maps, India has control over about 45% of the region, and Pakistan controls around 35%.⁶

⁶ <https://www.dw.com/en/how-far-will-china-go-to-support-pakistans-position-on-kashmir/a-49993550>

Recent developments in the conflict

For decades, Kashmir has been racked by oppression, unrest, and militancy. The Kashmir region is still one of the most militarized zones in the world, as both Pakistan and India claim Kashmir in full but rule only part of the region. The two countries agreed to a ceasefire in 2003. India offered amnesty for citizens renouncing militancy, and Pakistan promised to stop funding of insurgents in the area. However, the current prime minister in India promised a tough line on Pakistan, when he came to power in 2014. In 2015, India blamed Pakistan-based groups for attacks on one of its airbases.

After the death of 22-year-old militant leader *Burhan Wani* in 2016, the region witnessed a fresh wave of violence. After his funeral, civilians clashed with troops and set off violence, that lasted for several days, which resulted in the death of more than 30 civilians. This dimmed the hopes for lasting peace in the region, and violence has been on the rise ever since. Further, there has not been any progress in the relationship between the nations since 2017, where *Mr Modi*, the Indian prime minister, cancelled a scheduled visit to the regional summit, which took place in the Pakistani capital Islamabad. In 2018, Jammu and Kashmir came under the direct rule from Delhi, as *Mr Modi's BJP* pulled out of a coalition government, which fueled further anger in the region. Then followed the highest death toll in a decade, as more than 500 people were killed, including civilians, security forces and militants.

On the 2nd of February 2019, the Indian government tweeted that they would stop the share of water with Pakistan in the region. On February 14th, a suicide attack resulted in the death of more than 40 Indian soldiers. India blamed Pakistan-based militant groups for the violence and said that it would take “all possible diplomatic steps” to isolate Pakistan from the international community. Further, India launched airstrikes in Pakistani territory on the 26th of February for the first time in five decades and claimed to have conducted strikes against the militant group's largest training camp. Pakistan denied that the raids had caused major damage but responded by saying that it had shot down two *Indian Air Force Jets* in its airspace and captured a pilot. Yet, many analysts believed that both nations intended to avoid escalation in the conflict. In the aftermath, Pakistan issued arrests on militants, closed religious schools, and promised to update its existing laws. The *BJP* won a landslide election in India a few months later. In addition, India's parliament has passed a bill splitting Indian-administered Kashmir into two territories governed by Delhi. China argues that Delhi undermines its territorial sovereignty, Pakistan has vowed to challenge India's actions at the *UNSC*, and in the *International Court of Justice*. However, the Indian government insisted that its decision to reorganize the state has no external implications, as it does not challenge the line of control or the boundaries in the region.

On August 5th, India revoked Article 370 of its constitution, which granted the region of Jammu and Kashmir some autonomy. India sent thousands of additional troops to the region,

imposed a curfew, shut down telecommunications and internet, and arrested political leaders in the region. Thus, India worsened the already-heightened tensions with Pakistan. One of the former chief ministers in Kashmir argues that this makes India an occupational force in the region, and Pakistan condemned the development calling it illegal, and have since downgraded all diplomatic ties with India and suspended all trade. Once again, India responded by stating that was an internal matter and did not interfere with the boundaries of the territory. However, many citizens do not want to be governed by India and prefer either a union with Pakistan or independence. Furthermore, feelings of disenfranchisement have been aggravated in Indian-administered Kashmir as complaints of human rights abuses by security forces battling street protesters and fighting insurgents keep emerging.

In the days before and after Article 370 was revoked, at least 2,000 Kashmiris had been rounded up and arrested by the federal security forces, according to local officials. These include human right defenders, elected representatives, teachers etc.⁷ The Indian government has not shared the charges the detainees face, how long they will be held or given them access to communicate with their families or lawyers. Their whereabouts remain unknown and their overall treatment is illegal even under the tough public safety laws in India, thus due process does not prevail in the region.⁸ On August 22nd 2019, the *United Nations Human Rights Office* expressed its concerns, and experts said that “the detentions could constitute serious human rights violations”⁹. Additionally, the experts urge India to end the communications shutdown in Kashmir. Further, *Amnesty International* has continuously expressed their concerns for the state of human rights in Kashmir. The dispute in August 2019 and the fresh clashes are the latest in a series that have killed soldiers and civilians in Kashmir during the last decades. On August 20th, 2019, Pakistan turned to the UN’s top judicial body, *the International Court of Justice*, and further plans to bring the dispute to the *UNSC*.

⁷https://www.nytimes.com/2019/08/23/world/asia/kashmir-arrests-india.html?te=1&nl=morning-briefing&emc=edit_MBE_p_20190826§ion=longRead?campaign_id=51&instance_id=11900&segment_id=16477&user_id=07f09cdbc9d2811f0f0e66de16d53930®i_id=94924655ion=longRead

⁸ Due process=retsikkerhed, se artikler fra freedomhouse.org for en mere dybdegående forståelse for retsikkerhed i området.

⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24909&LangID=E>

Questions a resolution should answer

The issue of the Kashmir conflict has multiple aspects. Firstly, there is the issue of the border in the region and whether or not the entire region should be independent, become a part of either country or remain divided. Secondly, there is the issue of short-term security in the region. Thirdly, there is the issue of securing long-term stability in Kashmir.

Recognizing the different aspects are very much intertwined, the committee is asked to find a sustainable resolution to the conflict in line with goal 16 of the *Sustainable Development Goals of 2030*. The resolution written by the *UNSC* on the topic of the Kashmir conflict should consider and address the following:

1. How should the new borders in the region be determined?
2. How much autonomy should the region or parts of the region have?
3. How can the international community and the countries involved secure long-lasting peace in the region, taking into account water, terrorism, human rights and weapons of mass destruction?

Relevant UNSC resolutions and UN bodies

The aforementioned *UNSC* resolution regarding the Kashmir conflict, resolution 47, (S/RES/47), was adopted on 21 April 1948. Firstly, the resolution increased the size of the commission established by Resolution 39 (1948), and instructed the commission to restore peace and order to the region, and prepare for a referendum. Secondly, Pakistan was asked to withdraw all its nationals that had entered the region, India was asked to reduce its forces to the minimum required for law and order and additionally asked to appoint a referendum administrator to ensure a free and impartial plebiscite. Both nations raised objections to the resolution but welcomed the mediation from the *UNSC*. The ceasefire-line was achieved by the commission in 1949. Further, this resolution refers to resolution 38(1948) and 39(1948) and is referred to in resolution 51(1948), 80(1950), 91(1951), and 122(1957).

Another relevant resolution is resolution 96(1951) regarding demilitarization in the area, which was adopted on the 10th of November, 1951. In the resolution, the *UNSC* noted the declaration by the two nations that they would work for a peaceful settlement, continue to observe a ceasefire line, and accepted that there should be a plebiscite.

There have existed several UN bodies with the objective of solving the disputes between India and Pakistan. First, the *United Nations Commission for India and Pakistan (UNCIP)* was established in 1948 and existed until 1950. Now, there are several India-Pakistani talks each year. However, recently Pakistan has ruled out any talks with India until it reverses the recent developments in Kashmir.

Related Topics

The region is of high political importance. In addition to it being militarised and contested by two nuclear nations, it also has great agricultural importance in the region. Thus, both nuclear weapons and water resources must be taken into account in the final resolution.

Nuclear weapons

Handling the ever-present threat of *Weapons of Mass Destruction (WMD)* has, since its foundation in 1945, always been a task to which *UNSC* has devoted much attention. Towards the end of *The Cold War*, the UN supported and mitigated several nuclear disarmament treaties between USSR and USA, and after the disintegration of USSR, the imminent threat of all-out nuclear holocaust has made way for a more complex security dilemma; namely that of more states having nuclear weapons, thus decentralising disarmament initiatives and inciting nuclear proliferation.

After the end of *The Cold War*, it became apparent that in their struggle to topple one another, both the USA and the USSR (and China) had helped other countries achieve nuclear strike capabilities or contributed to the international arms race in such a way that other states found it necessary to acquire nuclear weapons of their own. Pakistan and India are no exception.

India successfully tested its first nuclear bomb in 1974; the development of such a capability being the result of the ever-imminent threat from Pakistan and China. Since then, the Indian government has relied on a doctrine of deterrence and a “no-first-strike policy”, meaning that India would only use its nuclear capabilities if any other state (Pakistan or China) had chosen to do so first. Recently, in 2010, this policy has been changed into a “no-first-strike-against-non-nuclear-states policy”, obviously causing quite a stir in the region. India has also yet to sign and ratify the *Treaty of Non-Proliferation (TNP)*¹⁰ and the *Comprehensive Test Ban Treaty (CTBT)*,¹¹ further adding to international concerns.

The Pakistani nuclear programme is a direct consequence of the perceived Indian threat, which became evident after the Indo-Pakistani War of 1971, with Pakistani Prime Minister *Benazir Bhutto* (1988-1990, 1993-1996) promising no such thing as the parting of East and West Pakistan ever to happen again - and to undertake all possible measures (including nuclear weapons, one must assume) in order for this not to happen. Pakistan also has no “no-first-strike policy” and has neither signed the *TNP* or *CTBT* and whilst Pakistani officials claim that the security surrounding its nuclear programme is tight, the USA has admittedly aided Pakistan both materially and with Special Operations Forces in order to keep nuclear warheads safe.¹²

¹⁰ <https://www.un.org/disarmament/wmd/nuclear/npt/>

¹¹ <https://www.un.org/disarmament/wmd/nuclear/ctbt/>

¹² <https://www.nti.org/gsn/article/the-pentagons-secret-plans-to-secure-pakistans-nuclear-arsenal/>

The civil unrest in Pakistan caused by effects of an Indian takeover of Kashmir, all though unlikely that Pakistan will use its nuclear weapons in such an instance, will weaken the already fragile security around nuclear weapons so that the risk of proliferation, ultimately to radical Islamists, will become greater.

The Kashmir conflict resulting in nuclear holocaust seems quite unlikely, but taking the Indian and Pakistani nuclear doctrines and past policies into consideration, none of these countries seem hesitant to use their nuclear arsenal as a bargaining chip, and with the likelihood of the Kashmir issue escalating, it is in the vital interest of UNSC to try to first contain the threat of nuclear proliferation from Pakistan and India, second to get India and Pakistan to review their nuclear doctrines.

The issue of transboundary water resources

The dispute over water in the area is threatening to add a new dimension to the long-standing conflict between India and Pakistan.

It is predicted that the political hostilities over water scarcity will be a source for international conflict in the coming decades. The negative influences on international peace and security include direct confrontation over water and the use of water resources as weapons of war. In 1947, it was agreed that the 6 major rivers in Kashmir would be divided between Pakistan and India. Further, both countries agreed to sign the *Indus Water Treaty (IWT)* in 1960. However, the treaty does not take India's use of water for hydroelectricity nor Pakistan's growing need for the same waters for agriculture into consideration, and there is doubt whether the treaty can address the issue in its severity. India has constructed various hydropower projects and dams, and according to Pakistan-based *Arshad H Abbasi*¹³, "India plans to construct 155 hydropower projects in Kashmir" and are not sharing any details in regards to the upcoming projects, thus violating the *IWT*. The mismanagement of existing water supplies and the *Indian Rivers Inter-link Project* in India augments the pressure on both countries.

Additionally, the effects of climate change threaten Kashmir, as it impacts the snow and glacier resources in the upper Indus. Currently, the Indus support about 90 per cent of Pakistan's agriculture.¹⁴ The *IWT* also does not have any clause on the impact of climate change on stream flows.

India denies all accusations made by Pakistan, while Pakistani officials continue to blame India for water shortages in the country. However, India has threatened to stop sharing its waters with Pakistan, and according to the *Japan Times*, government officials tweeted about

¹³ <https://www.maritimestudyforum.org/team/arshad-h-abbasi/>

¹⁴ <https://thediplomat.com/2016/06/kashmir-a-water-war-in-the-making/>

its plans to divert water from the Eastern rivers and use it to supply water to its people in Kashmir and Punjab.¹⁵ India would be able to do a lot of damage to Pakistan, as five of Indus' six rivers flow across Indian Territory before they reach Pakistan. Additionally, a complete stop of water-sharing can lead to a water crisis, as water from the Kashmir region supplies water to India, Pakistan and China.

Thus, any resolution made by the *UNSC* must consider the water supply in the region and divert the chances of a water crisis involving the three countries.

Indus Water Treaty:

After 6 years of negotiations, Indian Prime Minister *Jawaharlal Nehru* and Pakistani President *Mohammad Ayub Khan* signed the *Indus Water Treaty* in September 1960. The treaty provided for the funding of link canals, barrages, dams and tube wells, and gave the three western rivers to Pakistan and the three Eastern Rivers to India.

Terrorists and Non-State Actors

The Kashmir conflict is linked to other regional issues, especially the countries bordering Pakistan and India are putting different interests in play in order to achieve their own goals.

Throughout South Asia, different rebel groups and non-state-actors are pursuing their own goals - sometimes directly in opposition to their legitimate governments and sometimes as two-track policies, where alliances can shift from day to day. These insurgencies, often in the shape of terror, are especially relevant in Pakistan, where the government itself is split in fractions and is in no position to exercise control over, for instance, the north-western tribal areas bordering Afghanistan and Kashmir. From here, different *ISIS* and *Taliban* fractions operate on both sides of the border, and there are consistent rumours that rebel *Baluchi* fractions (fighting for *Baluchi* independence from both Iran and Pakistan along their border) and Chinese *Uighurs* (Muslim minority in China's *Khorasan* province bordering Kashmir and Afghanistan) have participated in insurgencies in Kashmir before returning to Pakistan to wage war on either the Pakistani, Chinese or Afghan government.

Inside Kashmir, primarily in the Indian zone of control, local insurgents are also fighting Indian military, sometimes also Pakistani military and also on some occasions themselves. The overall picture is a muddy conflict where different insurgencies pursue their own short term goals with different governments backing them, and sometimes even different parts of the same government backing different actors (e.g. the Pakistani intelligence service's (*ISI*) support of groups linked to assassination attempts on the Pakistani president).

The governments of China, Pakistan, Afghanistan, Iran and India would like to contain the fighting to Kashmir itself, acknowledging that some sort of corporation will have to take

¹⁵<https://www.japantimes.co.jp/opinion/2019/02/28/commentary/world-commentary/india-pakistan-maybe-war-not-water-war/#.XVKvQegzZnl>

place in order to control the flow of insurgents to and from Kashmir so that the conflict will not spill over and threaten the domestic security of neighbouring countries.

Regional governments also have a history of striking deals with terrorist organisations when deemed necessary in order to achieve domestic and foreign policy goals - e.g. China's apparent deals with the *Taliban* in order to secure the *Belt And Road Initiative (BRI)* infrastructure from attacks. It is in the vital interest of *UNSC* to ensure that separate deals with the insurgencies in Kashmir will not hamper regional peace initiatives or further enable terrorist organisations, thus resulting in an escalation of the conflict.

Bloc Positions

The international community has been reluctant to get involved in the Kashmir conflict, but many countries have expressed their concerns, support for finding solutions, or support for either countries' viewpoint.

Pakistan has urged the *UNSC* and the international community to solve the conflict. China has shown its support to Pakistan and its claims and agrees that the Kashmir conflict is an international issue. Further, both countries have submitted and expressed their concern over the conflict to the *UNSC*, and believe that the issue can only be solved internationally. Nations with a Muslim majority have usually supported Pakistan's claims on the region, however, many have tilted toward India, urged by their political and economic troubles.

Many countries support India's claims that the issue of Kashmir is an internal issue, and even more support bilateral agreements between the two countries. The Soviet Union and later the Russian Federation has always been in support of India's claims. Muslim majority countries Bangladesh and the United Arab Emirates have stated that the conflict is an internal matter for India. Further, members of the European Union may support bilateral agreements between India and Pakistan, as that is what the European Union formally supports.

Other countries are in support of solving the conflict either bilaterally or internationally. However, these countries are not necessarily in support of either country. This bloc includes the United States of America and the United Kingdom. The US is a traditional, pragmatic Pakistani ally, but due to its strengthened relationship with India, the US has an interest in both countries and thus is not in absolute support of either. The UK has also not shown support of either country but has an interest in solving the conflict due to its historic ties with the region.

Addendum to Rules of Procedure

For all matters not specified in the addendum, delegates can refer to the rules of procedures.

I. Voting on procedural and substantive matters

Decisions on procedural matters shall be made by a simple majority.

Decisions on substantive matters (all non-procedural matters) are to be made by 9 affirmative votes including the concurring votes of the permanent members. This means that 9 countries must vote in favour in order for the resolution to pass.

The five permanent members of the Security Council: China, France, Russia, the United Kingdom and the United Kingdom were granted special status and the “right to veto”. If any of the five permanent members cast a negative vote, the resolution fails. If a permanent member does not wish to veto the resolution but does not fully agree with it, it may choose to abstain.

II. Difference between observers and member states

Observers present have the same rights as a member state, except that they may not vote on substantial matters.

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