

Forum: General Assembly First Committee

Issue: Rising Insurgencies and terrorist activity in the Kashmir Area

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## Introduction

Borders and territorial disputes have long been the most conflicting issues between neighboring countries. Historically, disputes over territories and borders have caused war and tensions that last for decades. One example would be the current conflict in Kashmir. With an area of 222,200 square kilometer, surrounded by mountains and valleys, the Kashmir region is more difficult to navigate. Sharing borders with Pakistan in the west, China to the Northeast, India to the South and Afghanistan to the Northwest, Kashmir became the flashpoint for the ceaseless armed conflicts.

There were many attempts taken throughout the decades to address the issue of Kashmir; however none had successfully resolve the rising tensions and conflicts caused by the continuation of violence. Since 1947, the dispute over the Kashmir region primarily between India and Pakistan escalated into three devastating wars, yet for a long time, the international community has ignored the seriousness of the conflicts in such region because countries that involved in the conflict were not treated as influential contenders either economically, politically or militarily.

The United Nation only realized the urgency of the issue after disastrous violence, fights, casualties and human rights violations were reported. Violence including terrorists attacks and suicide bombings were taken place in the crowded city. Furthermore, India and Pakistan, the two main countries involved in the wars, both had historical records of testing their nuclear arsenal which significantly threatened global security. As the on-going dispute in Kashmir sparked further insurgency, the United Nation wished to encourage and hold peaceful negotiations between India and Pakistan for the benefit of all the Indian subcontinent before any irreversible repercussions.

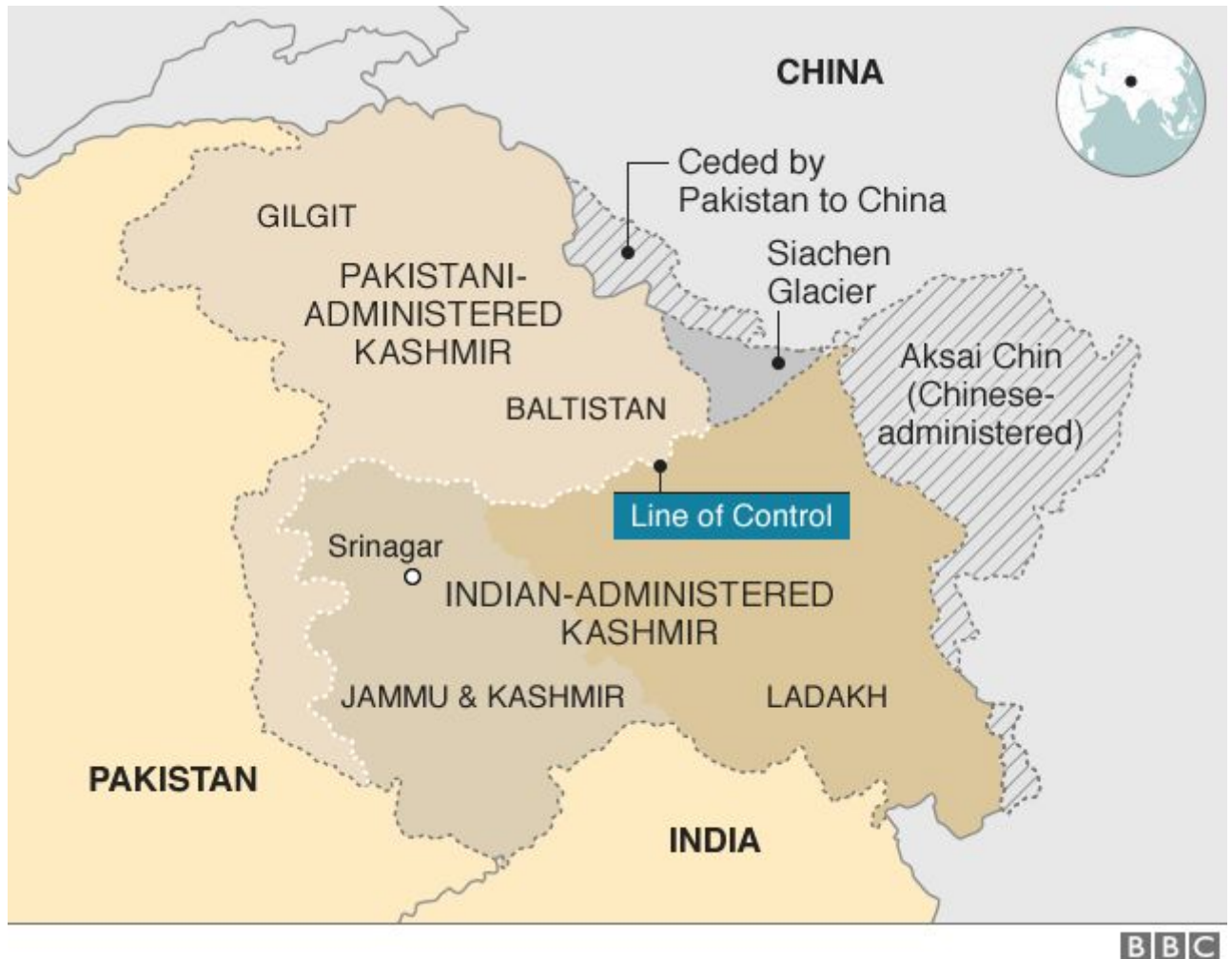


Figure 1, 'Kashmir territories profile', BBC News

## Definition of Key Terms

### National Sovereignty

National Sovereignty is the idea that independent nations that are self-contained and governed should have a right to exist and function without any interference from foreign entity, allowing every country to be recognized equally.

### State-sponsored Terrorism

State-sponsored terrorism is the government's act of supporting non-state groups for certain terroristic activities.

### Racial Discrimination

An individual or a group being treated unfairly or less favorably than others due to their race, colour, ethnic origin, culture or immigrant status.

## Territorial Dispute

The disagreement between two or more entities on the claiming or possession of a territory. It usually occurs when countries failed to reach a consensus on the dividing or right to access the disputed areas.

## Partition

The act of separating a region or a country into segregated areas that are regulated under different governing states and system.

## Line of Control (LOC)

The Line of Control is known as the 'ceasefire line' after India and Pakistan agreed on dividing the region with a de facto border line across the Himalayas. However the border is not constitute as a legally recognized international boundary.

## Line of Actual Control (LAC)

Line of Actual Control is similar to the Line of Control, but instead of easing conflicts with Pakistan, it drew a military border between the Chinese-controlled territory and Indian-controlled territory in the Northwestern part of Kashmir after Indo-China war in 1962. Both China and Indian hope to claim the leading dominance over the region, escalating the tension around the borders.

## Muslim

Muslims are the follower of the religion of Islam, a monotheistic belief found by the prophet Muhammad. The muslims believe in the word of God and that the Quran, central religious text of Islam, is a revelation from God. Many middle eastern countries are muslim countries including Kashmir. According to statistics collected in 2011, Muslims constitute 68.31% of the entire population in Kashmir.

## Hindu

Hindus are followers of Hinduism, the world's oldest and largest religion that can be dated back to about 1500 B.C. Hindus worship a supreme deity known as "Brahma" but recognise the existence of many gods and goddesses. India has roughly around 95% of the Hindu population, however Hindus are the minority in Kashmir since the majority of the people are muslims.

## History

### An overview of the situation in Kashmir

For more than 200 years, the Indian subcontinent has been ruled as British dominion. Under the British rule, India fought with distinction before the independent movement. British India aided the British armies during World War II and other British colonies such as Singapore and Hong Kong. However, the Indian National Congress deliberately stated that it would not fight against the Nazi German unless India becomes an independent state. The ambition of independence emerged and continued to escalate after World War II when Indian Nationalists seek for partition and independent.

The partition of 1947 officially divided British ruled India into two independent dominion states; the Dominion of Pakistan which is today the Islamic Republic of Pakistan and the Union of India which is today the Republic of India. Even though the partition allowed the new states to rule independently, simultaneously it introduced many other issues including the dispute of Kashmir and Jammu. Around 10-12 million civilians became refugees after the partition due to religious issues since India is a hindu-majority state, but Pakistan has muslim- majority. The partition sparked large-scale of conflicts and violence in the disputed areas.

### The beginning of the armed conflict

The Kashmir region has been contested for more than 70 years, however, no constructive solutions had successfully avoided further tensions and violence. Dating back to the 1947 partition plan, India subcontinent, previously under the rule of the British monarch had officially divided into two independent dominion states which are today, India and Pakistan. However, the partition led to a series of insurgencies and violence. On October 1947, Pakistani armed tribesmen penetrated the area of Jammu and Kashmir, Kashmir's supreme leader Hari Singh immediately appealed to help from India's prime minister Jawaharlal Nehru. Before, India decided to supply military troops the Governor-General of India and Lord Mountbatten of Burma suggested that the maharaja of Kashmir accede to India by signing the instrument of accession (IoA). By utilizing the IoA, Kashmiris government agreed to give up its control of defence, foreign affairs and communication to India and therefore India's military troops officially moved in Kashmir and the proxy war between Indian and Pakistan began.

On July 3, 1989, which is approximately 30 years from now, rising tensions and casualties forced the people of Jammu and Kashmir to launch a revolt against the standing region controlled by the Indian administration. Ever since 1947, the large portion of Kashmir was hostiled and controlled under the Indian administration, however many separatists urged for local autonomy, independent and democracy, some even hoped to seek accession to Pakistan. The situation deteriorated when the separatists launched a series of strikes and violence against the Indian troops and nationalists. With the involvement

of Pakistan, the dispute of Kashmir became more complicated since it has been supporting the separatist movement. Both Indian and the international community has been accusing Pakistan for sponsoring weapons and providing special trainings which increased the number of attacks and worsen the on-going insurgency. The Indian government believed that the Pakistanian government should be responsible for the cross-border terrorist incidents in Kashmir. There are estimated around 100,000 insurgency-related deaths since 1989. However, the number of casualties has finally began to reduce as both India and Pakistan slowly transform violence into peaceful movements.

### Impacts of the insurgency

After the signing of loA, Kashmir and Jammu were constantly in wars. Three major wars known as the Indo-Pakistani war were fought between India and Pakistan. The violence and conflicts had cost thousands of innocent lives, especially those Kashmiris civilians. Majority of the separatists believed the Indian government has limited the freedom of civilians including the freedom of press and freedom of speech. They are limited to the information from the world outside of Kashmir because the access to the internet is controlled by the Indian government. Furthermore, India has been accused for committing economic sabotage, limiting the earning of Kashmiris and controlling the development of its economy.

Indian nationalists and hindus strongly believe that the people living in the Indian-administrated Kashmir should not earn the privileges and many utterly discriminated against these civilians. Since Kashmir has been a muslim majority state and Indian has always been a hindu majority state, the religious discrimination continued to spark and give incentives for Kashmiris to fight against the Indians. As a muslim majority state, Pakistan fully supported the insurgency, it whole-heartly believed India's administration over Kashmir has prohibited the state from developing. However, Pakistan faced the accusation from India and the international community for supporting arms and trainings for the separatists in Kashmir. Such movement threatens the standing Indian troops and the innocent civilians because the number of terrorist attacks rises every year. Also, Pakistan's action could severely violate human rights law because news has reported the increasing number of child soldiers in Kashmir. These young males were forcefully brainwashed to attack and fight. Many were trained to become suicide bombers commanded by non-state separatists groups or even terrorist groups.

### Kashmir today

According to the United Nations Human Right Watch, several thousands of activists, politicians, separatist leaders and journalists in Kashmir were sent to preventive detention under strict monitors. Without the willingness of take peace process from both India and Pakistan, the current dispute can lead to greater repercussion seeing that both nations claimed their active nuclear weapons. The United Nation and the international community worried that without a feasible solution, the situation in Kashmir

would never settled. Although no wars followed after the third Indo-Pakistani War in 1999, strikes and attacks continued to threaten the Kashmiris population. Kashmiris residents are suffering from starvation, illness and mistreatment. Indian's hostility jammed the Kashmiris in Indian-administrated region and restricted them from contacting the outside world since the press and all forms of media have been controlled.

## Key Issues

### Territorial Disputes

The disputes between mainly India and Pakistan as well as China over the territory of Jammu & Kashmir lasted for seven decades. However, with conflicting countries aggressively tried to claim the entire territory, the tension severely worried the United Nation and international community because Pakistan, India and China claimed to be nuclear-weapon states. Countries placed sanctions on both states hoping it can prevent any irreversible repercussions. And although India and Pakistan drew the Line of Control that temporarily divided Kashmir in order to end the vicious war, both sides were not satisfied. As a muslim majority state, Pakistan asserted that Kashmir is a muslim majority population, therefore Indian should not claim the ruling of the state long before India repealed the Article fo 307. After the third Indo-Pakistan war, Pakistan was attempted to continue invading Kashmir, but the passing of Security Council Resolution 211 by the United Nation stopped the conflict from escalating. The United Nations hopes to reduce armed conflicts in Kashmir, however even with the freeze of over \$20 Billion in arm supplies and loans, both Pakistan and India were still not ready to move into peace process.

### Across the border terrorism

Despite territorial dispute between India and Pakistan, state-sponsored terrorism is one of the most unmanageable issues that contributed to the mass casualties and violence in both Indian-administered Kashmir and Pakistan-administered Kashmir. Although India accused Pakistan for funding, training and sponsoring the terrorists for insurgencies in the disputed state of Kashmir against India, Pakistan denied all the statements as false comment and instead voiced that Kashmir should not be abused under India and either gain independence or join the Pakistan Union. Between 2014 and 2018, a total of 1,315 people were killed due to terrorist attacks and estimated around 11 terrorists infiltrated into the disputed region every month. Majority of the kills were civilians instead of the militants from either sides. The most recent terrorist attack in Pulwama district of Jammu & Kashmir was a suicide bombing committed by Adil Ahmad Dar, a local that claimed himself part of the Pakistan-based Islamist militant group Jaish-e-Mohammed. United Nations worried that the continuation of the current situation

would only worsen if peace is not negotiated, seeing that the Pulwama attack has killed 40 Kashmiris and injured 35. Even though the perpetrator claimed to be a Pakistani, the Union of Pakistan condemned the attack and denied any connection to it.

## Human Right Violations

Under the United Nations Human Rights Office Of The High Commissioner (OHCHR) and United Nations Human Right Watch's and attentive monitoring, the situation in Kashmir raised serious human rights violations and concerns. In both Indian-administered Kashmir and Pakistan-administered Kashmir, the international community has witnessed a spike in violent protests and militant attacks that should be responsible for the hundreds and thousands of casualties. However, the Indian security forces have been tolerating the use of excessive force including pellet-firing shotgun as a crowd-control weapon. On the other side, Pakistani were accused of sponsoring terrorist groups and arming militants to commit suicide bombings. Indian economists and activists once made a report trying to raise the awareness of the actual situation regarding the children in Kashmir. In the report it stated that children were forced into training and killing and that during midnight raids these children would be seized or kidnapped by security forces from either side. Women and girls would either be assaulted or abused during or after the raids. Another significant violation of human rights committed in Kashmir is the mistreating of locals regarding their religious beliefs. Religious discrimination has become a serious issue after the Indian government revoked the Article of 370, which previously protected these muslim minority in India-administered Kashmir from the Hindu majority India. As well as granting certain autonomy including a separate constitution, flag, and laws. Many political activists in Kashmir and Pakistani government found the act of revoking the article as 'illegal' and 'inappropriate.'

## Major Parties Involved and Their Views

### India

As one of the two major parties fighting for against the dispute, Indian served as a significant role in determining the future of Kashmir. Ever since Kashmir has decided to turn and join India on October 1947 to combat the invasion of tribesmen from Pakistan, India claimed full of Kashmir. Serving as a major stakeholder of the region, India repeatedly accused Pakistan for stirring the unrest by sponsoring the separatist militants with weapons and strategies in Kashmir. These separatists hoped to regain Kashmir's autonomy, stating that there would be no future if India continued to abuse the state. Furthermore, on 5 August, India has recently nullified the special status granted for the people living in Indian-administered Kashmir under Article 370 in the Indian Constitution. Even though the revocation of Article 370 was passed by with a majority in the parliament, the act also sparked a more aggressive



tension between the Muslims in Kashmir and the Hindus in India since Kashmir claimed to be a Muslim majority state. Without the protection from Article 370, Kashmiris and other minorities living in India-administered Kashmir would more likely be suffering from discrimination and abuse.

## Pakistan

Besides India, Pakistan serves as a significant opposition in this dispute. This Muslim majority state created after the partition of 1947 also holds possession of nuclear weapons. Pakistan also claims the owning of the territory since the majority of the Kashmiris are Muslims. It especially feels short of having been at a disadvantage when Maharaja Hari Singh has decided to side with India after the Treaty of Accession. Pakistan has brought up the fact that India had not followed the Standil Agreement by placing troops in Kashmir. With 60% Muslims in Kashmir, Pakistan always claimed the state should be part of its territory. Even though Pakistani government never claimed any of the incidents, but the Indian government and the international community has been accusing it for several state-sponsored terrorist attacks in Kashmir. Through several extensive ways, the separatists in Kashmir tend to be able to receive more arms to fight against the Indian militants and as the biggest opponent of India, Pakistan is most likely to support these separatists with weapons and trainings in order to eliminate the Indian troops.

## China

The People's Republic of China, despite the Sino- Indian war in 1962, has never revealed its true stance in the dispute of Kashmir. However, as a nuclear-armed neighboring country that had history conflicts with India, the Chinese are still a threat to the Indian government. Ever since India partnered with China's main rival, the Soviet Union, during the Cold War, the Chinese government see India as a threat to its border security. Therefore, after the first Sino-Indian border war in 1962 broke out, the Chinese decided to go against the Indians by becoming one of the the anti-India military alliances. Even after the war ended, China continued to invest billions of dollars in Pakistan both economically and militarily.

## Timeline of Relevant Resolutions, Treaties and Events

Date	Description of Event
August 1947	The Indian-subcontinent officially withdrawn itself from British rule. The Partition of 1947 split the territory into two independent states, the Republic of India and the Islamic Republic of Pakistan.
22 October 1947	Start of the First Indo-Pakistani War



26 October 1947	The Maharaja of Kashmir signed a treaty of accession with India after a Pakistani tribal army attacks
27 July 1949	Signing of the Karachi Agreement established a cease-fire line in Kashmir and officially ended the first Indo-Pakistani War of 1947.
1957	The constitution of India defines its Kashmir controlled area as part of India under Article 370 of India's constitution.
1963	Pakistan ceded the Trans-Karakoram Tract of Kashmir to the Republic of China.
1971-72	Second /Third Indo-Pakistani Wars
2 July 1972	Signing of the The Simla Agreement between India and Pakistan
1984	Siachen Glacier, a disputed area that was previously excluded from the Line of Control drawn after the end of the First Indo-Pakistani War was captured by the Indian Army.
1987	A pro-independence insurgency in Indian-administrated Kashmir was sparked by a Kashmiris-hold state election. Even though the result was not recognized, however the insurgency uprolled the people's motivation to restore the local autonomy.
1998	Nuclear tests are performed by both sides to assert power.
2013 September	Prime ministers of India and Pakistan met and agreed to try to reduce the number of violent incidents at their disputed border in Kashmir.
14 February 2019	The most recent terrorist attack known as the Pulwama attack. A vehicle-borne suicide bomber carried a terrorist attack against vehicles that were carrying security personnel on the Jammu Srinagar National Highway at Lethpora.
5 August 2019	Article 370, established for Indian-administrated Kashmir that granted the people with special status and freedom was revoked by the Indian government. The revocation was passed with a majority in the Parliament.

## Relevant UN Treaties and Events

- Security Council Resolution 38 concerning the India-Pakistan question, 17 January 1948(S/651)
- Security Council Resolution 39 concerning the India-Pakistan question, 20 January 1948(S/654)
- Security Council Resolution 47 concerning the India-Pakistan question, 14 April 1948(S/726)
- Security Council Resolution 80 concerning the India-Pakistan question, 14 March 1950 (S/1469)

- Karachi Agreement of 1949
- Simla Agreement, 2 July 1972

## Evaluation of Previous Attempts to Resolve the Issue

The dispute in Kashmir has been going on for more than 70 years. Even though the United Nations has recognized the situation in Kashmir as one of the most severe and brutal territorial disputes and human rights violation, no constructive resolutions could effectively ease the tension and bring an end to the violence in the region. Despite that, India in early 1948 attempted to solve that conflict by involving the United Nations and proposing a resolution that encouraged the United Nations to set-up the United Nations Commission for India and Pakistan(UNCIP). Following the establishment of the commission, the UN Security Council also passed Resolution 47 on 21 April 1948 and stated that the opinion of the people of Kashmir must be ascertained.

On 2nd July 1972, Prime Minister Indira Gandhi of India and President Zulfikar Ali Bhutto of Pakistan sought for peace and the ending to 1971 war. The two countries wished to reverse the repercussions and put an effort into easing the tension. The agreement included several guiding principles that served to direct a more peaceful relations between the two nations. It also specifically established the Line of Control which drew a de facto border line across the Himalayas. Both countries were expected to stay faithful to the agreement and uphold the inviolability of the Line of Control. However, peace did not last for long. In 1999 the third Indo-Pakistani War broke out when India launched an airstrike in Kashmir.

## Possible Solutions

After seven decades of on-going violence and disputes, the international community agitated that the growing tension and casualties could spark further conflicts involving nuclear weapons. Therefore although there were several solutions were proposed in the previous Security Council Resolutions, the majority of the member states in the United Nation believed Kashmir should be demilitarized. Simultaneously, the United Nations encouraged the participation of representatives from Kashmir in any negotiations and discussions regarding the future of Kashmir. However, the two main parties, India and Pakistan failed to recognize Kashmir as an independent state and therefore refused to consider the Kashmiris's participation. Since Kashmir does not belong to either India or Pakistan, the involvement of a third party would be necessary to represent the best interest of Kashmir. One solution would be the electing of Kashmiris representatives. With the cooperation of the Kashmiris representatives, the United

Nation can better understand the needs of the people and the situation of the dispute from a third party. Also with the United Nations assistance, the Assembly can hold a plebiscite, allowing all Kashmiris to decide the future of Kashmir. The voting would be monitored by a third party, most likely the United Nation, to prevent any interferences. Furthermore, a new Assembly with officials and representatives from Kashmir can help the state to possess its own administration, autonomy and issue any foreign affairs that are threatening the population.

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## Appendix or Appendices

- I. Kashmir Conflict: What is happening with the children?  
<https://www.humanium.org/en/kashmir-conflict-what-is-happening-with-children/>
- II. In Kashmir, Government's Priority Should Be To Protect Civil Liberties  
<https://www.hrw.org/news/2019/08/26/kashmir-governments-priority-should-be-protect-civil-liberties>
- III. Article 370: What happened with Kashmir and why it matters  
<https://www.bbc.com/news/world-asia-india-49234708>