

Committee: Disarmament and International Security Committee

Issue: Addressing the Kashmir region issue

Student Officer: Natalie Kostara

Position: President

INTRODUCTION

Distinguished Delegates,

Hereby I would like to formally welcome you to the UNGA Disarmament and International Security Committee, ATSMUN 2019. I am so glad that you have chosen this committee and my co-chairs and I hope the conference will be an overall success full of fruitful debate and lots of fun.

The three of us have been active in the MUN community for quite some time, and have made many good friends through MUN. To anyone doing MUN for the very first time at ATSMUN, welcome to the community, we are certain you will love it! To all those returning to MUN, welcome back! Regardless we hope you all broaden your horizons at ATSMUN and hopefully make some new friends.

Our aim in this committee is not only to effectively guide the debate, but also to create an atmosphere where you can come to us for help if you need any. To that end I have left my email address below. If there is anything you would like to ask or tell us before the conference you are more than welcome to e-mail us in the coming weeks.

Also, I highly encourage you all to thoroughly research the topics and your countries policies in order to write a well rounded and informative **Position Paper.** Working on your Position Paper will not only help you to better understand the committees' questions but also to better represent your delegation during the committee session. **Please, do not forget to list all your sources and bibliography at the end of your Paper. You can send me your position papers until the end of September.**

I cannot wait to meet you all! See you in November!

Kind Regards,

Natalie

email address: natalie222000@gmail.com

Important note from the chairs' team

In order for the chairs to fully understand the dynamics of the committee, discovering any misunderstanding prior to the debate and for the better preparation of the delegates you are asked to proceed as indicated below;

- 1) Conduct your chairs via email and informing them about your mun experience so that they can know what exactly to expect of you.
- 2) Prepare and send your chairs by 11:59 of the 6th of November unless your chair sets a earlier timeline one position papers for each of the topics you are going to discuss during the conference. You can conduct the expert chair, of each topic for further information concerning your country's policy if needed, and for general guidance when it comes to your position papers (word limit structure etc). You are going to receive general comments during the lobbying for your position papers as well as personal feedback and grades for your papers. The points you will receive will add up to your general score which is one of the factors that determine the best delegate award. If you for any reason fail to send your papers before the final deadline you will not be eligible for any award.

INTRODUCTION TO THE TOPIC

The Kashmir region issue has affected many generations and is still affecting the lives of everyone involved in a major way. During August 2019 the Indian government announced their plans to revoke Article 370 including 35A, which has been the basis of Kashmir's complex relationship with India for some 70 years. Jammu and Kashmir, and Ladakh will be ruled directly from Delhi and they are going to have far less autonomy from the federal government than states as they are now considered Union territories. Many Kashmiris believe that Prime Minister Narendra Modi's Hindu nationalist government's move is aimed at changing the demographics of the region by allowing other Indians to permanently settle there.

On the other side of the conflict Pakistan has responded to the Indian government's actions by cutting trade and transport links and expelling India's ambassador. In addition, Pakistani authorities have decided to take the Kashmir case to the International Court of Justice (ICJ). Our aim is to try to understand both sides of the conflict and propose viable, inspired and progressive solutions that will restore peace and security in the region and will also take into consideration the interest of the Kashmiri people.

MANDATE OF DISARMAMENT AND INTERNATIONAL SECURITY COMMITTEE¹



Disarmament and International Security Committee or First Committee, was created in 1946 following the atrocities of the two World Wars and the decision of the United Nations' member states to maintain international peace based on the Charter.

The committee resolves issues related to seven main thematic branches: Nuclear weapons, in general weapons of mass destruction, outer space concerning disarmament aspects, conventional weapons, regional disarmament and security, disarmament measures and international security and disarmament machinery. In short, the DISEC committee tackles issues of disarmament, global challenges and international security. Also, it is important to note that DISEC cooperates with the United Nations Disarmament Commission (UNDC) and the the Conference on Disarmament (UNCD) and is funded primarily by the General Assembly's Administrative and Budgetary Committee.

Often, people think that the mandate of the DISEC committee overlaps with the Security Council's' mandate. While the committee manages important security issues, it cannot specifically mandate individual state action, sanctions, or armed intervention like the Security Council. DISEC however can recommend all of the aforementioned actions to the Security Council. Furthermore, the Committee is ordered to focus entirely on security and disarmament issues. As a result it cannot assign the formation of peacekeeping missions but it can coordinate current peacekeeping missions corresponding to security and anti-terror measures.

Additionally, contrary to the Security Council that is limited to 15 members DISEC, due to the fact that it is a GA Committee has a much wider range of countries represented. Moreover, vetoes are not a part of the Committee's procedure, which means that the resolutions must be passed with majority.

Helpful links: <https://bestdelegate.com/how-to-model-un-research-ga-first-committee-disec/>
<https://www.un.org/en/sections/un-charter/chapter-iv/index.html>

¹ Rose, Caroline. "Research Binder Friday: DISEC." Best Delegate Model United Nations. January 22, 2016. Accessed July 2019. <https://bestdelegate.com/research-binder-friday-disec/>.
"First Committee "Disarmament and International Security" | General Assembly of the United Nations." United Nations. Accessed July 2019. <https://www.un.org/pga/73/2018/10/08/first-committee-disarmament-and-international-security/>.
"United Nations, Main Body, Main Organs, General Assembly." United Nations. Accessed July 2019. <https://www.un.org/en/ga/>.

DEFINITION OF KEY TERMS

Partition

The action or state of dividing or being divided into parts (especially with reference to a country with separate areas of government).²

Decolonization

The process of removing the colonial influence of a said nation or state over another territory not within its national borders.³

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, which led Pakistan to take control over Azad Kashmir and Gilgit-Baltistan in 1947, and later to China over Aksai Chin in 1962.

Princely State

A state *relating to a prince*⁴. Therefore, a state ruled by a prince, a monarchy. Kashmir used to be a monarchy.

Plebiscite

The direct vote of all the members of an electorate on an important public question such as a change in the constitution⁵, a referendum.

Provisional Government

A temporary government that is installed for a short period of time at a democratic state that lacks a governing body.

Proxy War

A proxy war, as its name suggests, is a war by proxy meaning that the major powers involved do not fight directly against each other. Instead they use a number of third parties that represent their

² "Partition: Definition of Partition in English by Lexico Dictionaries." Lexico Dictionaries | English. Accessed July 03, 2019. <https://www.lexico.com/en/definition/partition>.

³ "DECOLONIZATION: Meaning in the Cambridge English Dictionary." Cambridge Dictionary. Accessed July 03, 2019. <https://dictionary.cambridge.org/dictionary/english/decolonization>.

⁴ "Princely: Definition of Princely in English by Lexico Dictionaries." Lexico Dictionaries | English. Accessed July 09, 2019. <https://www.lexico.com/en/definition/prince>

⁵ "Plebiscite: Definition of Plebiscite in English by Lexico Dictionaries." Lexico Dictionaries | English. Accessed July 09, 2019. <https://www.lexico.com/en/definition/plebiscite>

interests and fight for them. Some examples of ongoing proxy wars are the Ukrainian crisis (2013-present), the Syrian Civil War (2011- present) and the Afghan Civil War (1989-1992).

Jammu and Kashmir

Is a state of India, located in the northern part of the Indian subcontinent in the vicinity of the Karakoram and westernmost Himalayan mountain ranges. The state is part of the larger region of Kashmir, which has been the subject of dispute between India, Pakistan, and China since the partition of the subcontinent in 1947.⁶

British Raj

The British Raj or the British Indian Empire as it was officially called refers to the region, the rule and the period between 1858 to 1947 of the British forces on the Indian subcontinent.⁷

East India Company

English East India Company, formally Governor and Company of Merchants of London Trading into the East Indies or United Company of Merchants of England Trading to the East Indies (December 31, 1600 - 1873) was an English company founded in order to exploit the trade with East and Southeast Asia and India. It's main purpose was to establish England as a key participant in the East Indian spice trade although, gradually it expanded and started trading, among others, cotton, silk, indigo, saltpeter, and tea and transporting slaves. However, the East India Company was not only a very successful company under royal protection but was also actively involved in British politics. The company played a vital role in the imperialist expansion of the British Empire in India from the early 18th century to the mid-19th century.

Riparian Zone

When used within a legal context the word "riparian" means relating to or situated on the banks of a river.⁸

The Line of Control

⁶ Akhtar, Rais, and William Kirk. "Jammu and Kashmir." Encyclopædia Britannica. January 31, 2019. Accessed July 09, 2019. <https://www.britannica.com/place/Jammu-and-Kashmir>.

⁷ "Eval(ez_write_tag([[468,60],'newworldencyclopedia_org-box-2','ezslot_0',106,'0']));British Raj." British Raj - New World Encyclopedia. Accessed July 09, 2019. https://www.newworldencyclopedia.org/entry/British_Raj.

⁸ "Riparian Adjective - Definition, Pictures, Pronunciation and Usage Notes: Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com." Riparian Adjective - Definition, Pictures, Pronunciation and Usage Notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com. Accessed July 2019. <https://www.oxfordlearnersdictionaries.com/definition/english/riparian>.

The Line of Control (LoC), originally known as the Cease-fire line before the Shimla Agreement, is a geographical line separating the Indian from the Pakistani controlled land of the state of Jammu and Kashmir⁹. The part controlled by India is recognised as the state of Jammu and Kashmir and the land controlled by Pakistan consists of Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan formerly known as the Northern Areas. It is important to acknowledge the fact that the LoC is a *de facto* boundary that has not been legally recognised by international law.



The Line of Actual Control

The Line of Actual Control (LAC) is a demarcation line¹⁰ in the state of Jammu and Kashmir that was created after the 1962 Sino-Indian war and separates the region controlled by India from the region controlled by China.

The Jammu and Kashmir National Conference (JKNC)

Jammu and Kashmir National Conference (JKNC), regional political party in the state of Jammu and Kashmir, northwestern India. The party has maintained an unequivocal stand that the disputed state of Jammu and Kashmir is an integral part of India, but it has also advocated autonomy for the state. Its rationale for the latter position is that autonomous status would strengthen the bond between the state and the national government in New Delhi, because it would be in keeping with the original agreement when Jammu and Kashmir joined the Indian union in the early 1950s. The JKNC has been a strong protagonist for trade between Jammu and Kashmir state and the portions of the Kashmir region administered by Pakistan.¹¹

BACKGROUND INFORMATION

Early History

⁹ "Line of Control: Latest News, Videos and Line of Control Photos: Times of India." The Times of India. August 21, 2019. Accessed July 2019. <https://timesofindia.indiatimes.com/topic/line-of-control>.

¹⁰ a border or a rule that shows the limits of something or how things are divided: "The river serves as the line of demarcation (= the line showing the separation) between the two counties." "DEMARICATION: Meaning in the Cambridge English Dictionary." Cambridge Dictionary. Accessed July 2019. <https://dictionary.cambridge.org/dictionary/english/demarcation>.

¹¹ Routray, Bibhu Prasad. "Jammu and Kashmir National Conference." Encyclopædia Britannica. Accessed July 2019. <https://www.britannica.com/topic/Jammu-and-Kashmir-National-Conference>.

Before the First Anglo-Sikh War (1845–1846), the state of Jammu and Kashmir consisted of multiple ethnic and cultural regions: the Hindu majority Jammu province, the primarily Buddhist Ladakh province, and the Muslim majority Kashmir province.¹² The war ended with a peace treaty (Treaty of Lahore) between the British Governor and two East India Company officials. In turn, the East India Company, passed the possession of the Kashmir Valley and its contiguous regions to the Dogra King Maharaja Gulab Singh through the Treaty of Amritsar (1846), in exchange for a generous compensation from the Sikh empire. From then until the Partition of India in 1947, Kashmir was ruled by the Maharajas and was considered as the princely state of Kashmir and Jammu. Throughout this whole process of changing possession the voice of the Kashmiri people was not heard. The Treaty of Amritsar was solely the product of negotiations and agreements between the then British government of India and Maharaja Gulab Singh. According to the statistics of the 1941 census of Jammu and Kashmir¹³, Muslim citizens constituted 77% of the population, Hindu citizens 20% and citizens with other religious backgrounds such as Sikhs and Buddhists 3%. The preeminence of the Muslim religion is apparent, yet the Dogra King favoured the Hindu minority. Kashmiri Muslims suffered discrimination and lived in a state of poverty and subjugation.

The inequalities, the discrepancy and the constant oppression the Muslim majority of Kashmir faced led them to perceive their religion as an integral part of their identity and eventually to develop an ethno-religious identity consciousness.

On¹⁴ the 15th of May 1946 the “Quit Kashmir” movement was announced by Sheikh Abdullah¹⁶ (1905-1982) a Kashmiri politician that greatly impacted the political scene of Jammu and Kashmir. The movement was opposing the Dogra oligarchian regime and it was created around the core demand that the Treaty of Amritsar should be revoked and that a democratic government system should be established. However, the movement did not garner the mass support Abdullah had hoped for and several Muslim leaders condemned it as they believed that it divided the Muslim community.

¹² "Kashmir: A Historical Background."

https://shodhganga.inflibnet.ac.in/bitstream/10603/4425/9/09_chapter_2.pdf.

¹³ Census of India, 1941, and R. G. Wreford. "Census of India, 1941. Vol. XXII: Jammu and Kashmir. Part I and II: Essay and Tables." Dspace.gipe.ac.in. January 01, 1970. Accessed July 2019.

<https://dspace.gipe.ac.in/xmlui/handle/10973/37337>. Full Text of "Census Of India 1941 Vol Xxii Jammu Kashmir State Part I". Accessed July 2019.

https://archive.org/stream/in.ernet.dli.2015.62753/2015.62753.Census-Of-India-1941-Vol-Xxii-Jammu-Kashmir-State-Part-I_djvu.txt.

¹⁴ Kashmir Life. "Quit Kashmir Movement 1946." Kashmir Life. June 09, 2018. Accessed July 2019.

<https://kashmirilife.net/quit-kashmir-movement-1946-177009/>.

¹⁵ "The Origins of the Quit Kashmir Movement, 1931–1947." Oxford Islamic Studies Online. Accessed July 2019. http://www.oxfordislamicstudies.com/Public/focus/essay1009_quit_kashmir.html.

¹⁶ more about him: <https://www.britannica.com/biography/Sheikh-Muhammad-Abdullah>

Partition of India

Partition of India in August 1947



In 1947 the British rule came to an end and India was partitioned into the Union of India (which before the partition consisted of 562 princely states) and the Dominion of Pakistan. Jammu and Kashmir along with the other formerly princely states were given the opportunity to choose whether they would join India or Pakistan or, with certain reservations, whether they would remain independent.¹⁷ That decision however, was exceptionally challenging for the Hindu maharaja, Hari Singh as the state of Jammu and Kashmir, consisted of a Muslim majority ruled by a Hindu minority. Thus, he delayed his decision believing it would grant

independence to the State.

Meanwhile, Pakistani authorities attempted a number of times to influence the Maharajas decision. When the various diplomatic routes failed to deliver the desired results, Pakistan and more specifically the authorities of Pakistani Punjab, the largest and most populous province of Pakistan, started obstructing the supplementation of fuel and essential commodities to the Jammu and Kashmir state. Additionally, Pathan tribesmen, believed to have been assisted by Pakistani officials, started intervening in and eventually invading Kashmir. The violence that followed these events gave fuel to the anti-Muslim narrative and the acts of violence against Muslims that followed.

Instrument of Accession and the First Indo - Pakistani War (1947- 1948)

Maharaja's troops, facing both the tribal invasion and internal conflict and severely outnumbered could not resist the attacks. Consequently, the Maharaja turned to the Delhi authorities for military aid. However, this assistance came at great cost as the Indian government refused to deploy their troops until Jammu and Kashmir acceded ergo, the Maharaja signed an instrument of accession on the 6th of October 1947. A crucial detail about the accession is that India added a clause stating that the accession was provisional and would be subjugated to a referendum after the conflict was over. This gave the decisive power to the people of Kashmir and the accession that the Maharaja signed was perceived by many as an emergency measure rather than a solely political decision. Following the accession Kashmir was legally considered Indian territory.

¹⁷ Britannica, The Editors of Encyclopaedia. "Kashmir." Encyclopædia Britannica. August 07, 2019. Accessed July 2019. <https://www.britannica.com/place/Kashmir-region-Indian-subcontinent>.

The First Indo-Pakistani War or for some the First Kashmir War between India and Pakistan was fought by volunteers from the National Conference along with the Jammu and Kashmir State Forces later known as the Jammu and Kashmir Rifles and Pakistani tribesmen known as “raiders” or the “Azad Army” in the Kashmir Valley. At first, the Pakistan Army provided the tribesmen with ammunition and weaponry and the Pakistani



authorities authorised high-ranking military officials to command the Azad Army. Pakistan officially entered the conflict in May 1948 on a pretence of defending their border. The war came to an end on the 1st of January 1949 with the declaration of an official ceasefire in the 31st of December 1948. Even though the result was ambiguous most scholars agree that India prevailed as the Indian troops successfully safeguarded the Kashmir Valley, Jammu and Ladakh that constitute about two thirds of the Kashmir State.

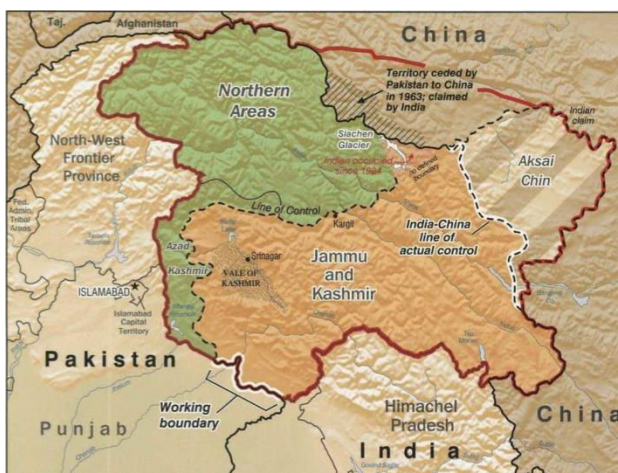
The Indus water distribution issue¹⁸

During the early days of independence another problem arose: The Union of India had the capacity to restrain the flow of the Central Bari Doab Canals amid the sowing season in Pakistan, thus harming significantly the Pakistani crops. In consequence the then president of the World Bank offered to mediate and resolve the issue.

The dispute was finally resolved in 1960 with the ratification of the Indus Waters Treaty (IWT) brokered by the World Bank. According to the Treaty the rights for Jhelum, Chenab and Indus, the three western rivers of the Indus river system were exclusively granted to Pakistan and for the three eastern rivers, Sutlej, Ravi and Beas to India with the provision that India would not prevent or reduce the Pakistani supply.

In spite of Pakistan's official stance on the matter disputes over the Kashmir region during the early years of accession did not relate primarily to water-sharing issues rather than ideological and sovereignty issues.

The Sino-Indian War (1962)¹⁹



Britannica. Accessed July 2019.

July 2019. <https://www.britannica.com/topic/Sino->

Accessed July 2019. <https://www.britannica.com/topic/Sino-India-08.pdf> Jyotirmoy Banerjee. The Sino-Indian Border

On 20 October 1962 after an array of violent and destructive episodes concerning the Himalayan border between China and India the Sino Indian War of 1962 commenced. The Sino-Indian conflict is primarily a border conflict, however the decision of Indian authorities to grant asylum to Dalai Lama after the 1959 Tibetan Uprising was also a decisive factor that fueled the dispute. The Chinese infantry quickly prevailed after capturing the territory of the Rezang La mountain in the west and the town of Tawang in the east. The war ended with a Chinese declared ceasefire on 20 November 1962. Since then the Aksai Chin border area remains under Chinese control. However, the most prominent outcome of this dispute was that the Trans-Karakoram area between China and Pakistan was delineated as the LOC and that the demarcation line known as LAC was created.

The Second Indo-Pakistani War (1965)²⁰ - The Third Indo-Pakistani War (1971) and the creation of Bangladesh²¹

The second conflict between India and Pakistan commenced after the Pakistani operation with the code name "Operation Gibraltar" aiming to infiltrate Jammu and Kashmir and to take control of the area by igniting a local rebellion against the Indian government. The 1965 clash did not resolve this dispute, but it engaged the United States and the Soviet Union.

Aggression intensified in August when the Pakistani Army attempted, unsuccessfully, to seize Kashmir by force. The war lasted 17 days and caused thousands of casualties on both sides. The nature of this particular conflict was highly affected by the international politics of the Cold War. Finally, hostilities ended after a ceasefire mandate declared by the United Nations.

The third Indo-Pakistani conflict took place during the Bangladesh Liberation War in East Pakistan (3 December 1971- 16 December 1971) when the Indian authorities started supporting the Bangladeshi separatists and the war between East Pakistan and Pakistan transformed into an Indo-



War 1962 New Perspectives. PDF. India: Jadavpur University.

http://www.berlinerkolleg.com/sites/default/files/banerjee_border_war_2017_en_0.pdf

²⁰ "The History Guy." India-Pakistan Wars. Accessed July 2019. https://www.historyguy.com/indo_pakistani_wars.html.

U.S. Department of State. Accessed July 2019. <https://history.state.gov/milestones/1961-1968/india-pakistan-war>.

²¹ Pariona, Amber. "The Indo-Pakistan Wars." WorldAtlas, September 29, 2016.

<https://www.worldatlas.com/articles/indo-pakistan-wars-1947-1965-1971-1999.html>. team, BS Web. "1971 War: The Story of India's Victory, Pak's Surrender, Bangladesh Freedom." Business Standard. Business-Standard, December 16, 2018. https://www.business-standard.com/article/current-affairs/vijay-diwis-how-india-ended-pak-s-atrocities-and-ensured-freed-bangladesh-118121600120_1.html.

Pakistani war . The war ended when Pakistan signed the Pakistani Instrument of Surrender, a written agreement that insured the surrender of the Pakistan Armed Forces and thus marked the creation of the new nation of Bangladesh formerly known as East Pakistan.

The reign of terror and the bilateral nuclear threats (1989-1999)

After the Simla Agreement (1972) the status quo was largely maintained until 1989. Following the 1987 state legislative assembly election several militant wings begun to take form (predecessors of the Mujahideen insurgency continuing to this day) and several pro-independence and pro-Pakistan guerillas started taking over the Kashmir valley. The guerillas displaced the majority of the Valley's Hindu population and established a reign of terror. Simultaneously, the situation at the border became even more severe as Indian and Pakistani armed forces repeatedly exchanged fire.

In May 1999 and then April 1999 both the Indian and Pakistani governments tested their nuclear arms (specifically missiles) in efforts to further develop their nuclear weapon delivery systems.

The War of Kargil (May-July 1999)²²

The War of Kargil between India and Pakistan took place in Kargil, a district of Kashmir, and along the LOC. The origins of the war can be traced back to a specific incident where Pakistani soldiers camouflaged as Kashmiri militants infiltrated the positions at the Indian side of the LOC.

The gravity of this war is immense as it presents one of the most recent examples of mountain warfare and most importantly as it is one of the few cases of direct conventional warfare between states that possess nuclear weapons. Consequently, with the fear of the Kargil war developing into a nuclear war the United States of America under the presidency of Bill Clinton pressured Pakistan to retreat. The war ended with the withdrawal of the Pakistani forces and India gained control over the southern and eastern LOC as the Simla Agreement dictated.

The Al-Qaeda involvement and the recent Elections

The involvement of Al-Qaeda in the Kashmir conflict could not be proven until 2002 when Osama bin Laden in his 'Letter to American People' condemned the the US government's support for India on the Kashmir issue and listed that as an additional reason to fight against the country. Since then the members of Al-Qaeda have been openly supporting the Muslim citizens of Jammu and Kashmir and are in favor of an independent Kashmir or a merger with Pakistan. The terrorist group's commandos have engaged several times in violent attacks against Indian security forces.

²² "Kargil War: All You Need to Know about Kargil War." The Economic Times, n.d. <https://economictimes.indiatimes.com/news/defence/all-you-need-to-know-about-kargil-war/kargil-vijay-diwas/slideshow/59772216.cms>. Fareed, Rifat. "20 Years of Kargil War: India, Pakistan Remain Tense over Kashmir." India News | Al Jazeera. Al Jazeera, July 26, 2019. <https://www.aljazeera.com/news/2019/07/20-years-kargil-war-india-pakistan-remain-tense-kashmir-190725205420082.html>.

The 2014 Legislative Assembly election was held in the Indian state of Jammu and Kashmir in five phases from the 25th of November to the 20th of December 2014. In defiance of the repeated boycott calls by separatist leaders, elections recorded the highest voters' attendance in the last 5 years.

The 2019 Pulwama attack ²³

On 14 February 2019, in Jammu and Kashmir a convoy of vehicles carrying security personnel was attacked by a suicide bomber. As a result 40 members of the Central Reserve Police Force (CRPF) personnel were killed along with the attacker. Jaish-e-Mohammed a Pakistani based Islamist militant group took responsibility for the assault. India has reportedly blamed Pakistan for the attack. However, the government of Pakistan has condemned the attack and renounced the terrorist group along with denying any involvement in the incident.

The recent developments of August 2019 and Article 370²⁴

In the first few days of August 2019 tens of thousands of additional Indian troops were deployed and the Indian government officially stated that it was revoking nearly all of Article 370, which is part of and which has been the basis of Kashmir's complex relationship with India for some 70 years.

The article was the basis of Kashmir's autonomy: it allowed the state to have

- A. its own constitution,
- B. a separate flag,
- C. and freedom to make laws.

The central government had control over foreign affairs, defence and communications. As a result, Jammu and Kashmir could control the rules regarding permanent residency, ownership of property and fundamental rights. Additionally, Kashmir authorities could prohibit Indian citizens to purchase property and settle in the region.

Kashmir will no longer have a separate constitution and will have to abide by the Indian constitution. All Indian laws will be automatically applicable to Kashmiri citizens, and people from outside the state will be able to buy property there.

²³ "Kashmir Attack: Tracing the Path That Led to Pulwama." BBC News. BBC, May 1, 2019. <https://www.bbc.com/news/world-asia-india-47302467>. "Pulwama Attack: Latest News & Videos, Photos about Pulwama Attack." The Economic Times, n.d. <https://economictimes.indiatimes.com/topic/pulwama-Attack>.

²⁴ "Article 370: What Happened with Kashmir and Why It Matters." BBC News. BBC, August 6, 2019. <https://www.bbc.com/news/world-asia-india-49234708>. "Article 370: India Strips Disputed Kashmir of Special Status." BBC News. BBC, August 5, 2019. <https://www.bbc.com/news/world-asia-india-49231619>.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Republic of India

India's official stance upon the matter is that the state of Jammu and Kashmir should be an integral part of the Republic of India. India has accused Pakistan of sabotaging its efforts for peace in the Kashmir region by causing civil unrest in order to defame the image of Indian rule in the eyes of the Kashmiri people. With the recent developments in mind it has become clear that India is actively pursuing this goal and aims to put Kashmir on the same footing as the rest of country. Additionally, several human organisations have condemned the repeated human rights violations by the Indian troops against the citizens of Kashmir. India also challenges the LOC stating that Aksai Chin is part of the Kashmir region.



Islamic Republic of Pakistan

The main argument Pakistan presents in order to support its claims over Kashmir is the vast Muslim majority that populates the region. Pakistani governments argue that a Pakistani rule will better serve the interests of the Kashmiri citizens due to the morphology of the population. Also, Pakistan is an advocate of the 'two nation theory', and argues that Kashmir should become a part of Pakistan due to negligence on India's part, especially concerning India's indifference about holding a plebiscite in order to let the Kashmiri people determine the dominion they would like to be the subject of. Additionally, Pakistan insists that the Maharaja was an unpopular and disliked leader, and was regarded as a tyrant by most Kashmiris. Pakistan claims that the Maharaja used brute force to suppress the population.

People's Republic of China

People's Republic of China controls the Aksai Chin territory and considers it an integral part of the Chinese state. The Tibetan Uprising also played a critical role in the deteriorating relations between China and the Indian Jammu and Kashmir. Despite the ceasefire mandate by the UN that ended the hostilities between India and China, no formal treaty has been signed and the diplomatic conflict with the Indian Jammu and Kashmir is still existent.

United States of America

Pakistan and India are among the 8 nuclear-weapon states (United States, Russian Federation (formerly part of the Soviet Union), United Kingdom, France, China, India, Pakistan, North Korea). As a result, the United States had interest in resolving the Kashmir issue even before the two rival



states begun the nuclear tests in 1988. In that case the U.S. has not yet taken the risk of mediating or actively proposing solutions to the issue. Instead, the U.S. officials followed the traditional American position: India and Pakistan should resolve their territorial differences through bilateral negotiations. However, after the terrorist attacks on 11 September 2001 and the statements of the Al-Qaeda leader Osama Bin Laden the U.S. dissociated themselves from Pakistan and since then they have supported the Indian side. In addition the U.S.A- Pakistani diplomatic relations further deteriorated after the Executive Order 13769 issued by President Donald. J. Trump regarding the rejection of immigrants and refugees coming from certain Islamic states.

USSR

India first contacted the government of the Soviet Union to seek military assistance against China in the Aksai Chin region during the Sino-Indian War. Viewing India's border politics as an effort for expansion statesman Nikita Khrushchev agreed to supply the Indian forces with the ammunition needed. The decision of the Russian official was heavily criticised by Mao Zedong who believed that was an indication that Khrushchev was willing to defy communist principles in exchange for financial gain. Due to their complicated diplomatic relations with China and under the threat of the Cold War the Soviet Union did not deploy any military aid in the area.

UNCIP (United Nations Commission for India & Pakistan)²⁵

The United Nations Commission for India & Pakistan (UNCIP) was created with the adoption of the United Nations Security Council Resolution 39 (1948) and functioned as the first international contemplative institutive action for this dispute. At first both Pakistan and India opposed the mission and mandate of UNCIP thus, it was altered and executed with Resolution number 47 (1948). UNCIP's aim is to facilitate the negotiations between the conflicting states, India and Pakistan, and assist them in reaching an accord over Kashmir.

²⁵ "United Nations Commission for India and Pakistan (UNCIP) (1948-1950) - UNARMS." United Nations. United Nations, n.d. <https://search.archives.un.org/united-nations-commission-for-india-and-pakistan-uncip-1948-1950>.

"UNITED NATIONS INDIA-PAKISTAN OBSERVATION MISSION (UNIPOM) - Background." United Nations. United Nations, n.d. <https://peacekeeping.un.org/mission/past/unipombackgr.html>.

The representatives of UNCIP first visited the disputed district in 1948, with the consent of both India and Pakistan. The ceasefire on the 1st of January 1949 was the product of the unanimously adopted resolution on November 9th 1948 by UNCIP. Part I of the resolution refers to the cease-fire order and part II to the truce agreement. Part III of the resolution reads as follows:

“The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.”²⁶

The members of the commission when the resolution was adopted were Argentina, Belgium, Colombia, Czechoslovakia and the U.S.A. Later, the commission expanded and eventually created the United Nations Military Observer Group in India & Pakistan.

UNMOGIP (United Nations Military Observer Group in India & Pakistan)²⁷

The first unarmed military observers that arrived in the area in January 1949 under the aegis of UNCIP would eventually form the nucleus of the United Nations Military Observer Group in India and Pakistan. Their mission was to oversee the cease-fire and aid the Military Adviser to UNCIP.



The observers were strongly advised to not directly intervene between the opposing parties or interfere in any way in the armies.

Following the termination of UNCIP, on 30 March 1951, by resolution 91, the Security Council determined that UNMOGIP should continue to supervise the ceasefire in Jammu and Kashmir. UNMOGIP's objective was to observe and communicate information, investigate alleged ceasefire violations and submit its findings to each party and to the Secretary-General. The last report of the Secretary-General to the Security Council on UNMOGIP was issued in 1972.

²⁶ Resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948.

(Document No.1100, Para. 75, dated the 9th November, 1948).

<http://www.mofa.gov.pk/documents/unsc/Resolution%20adopted%20by%20the%20United%20Nations%20Commission%20for%20India%20and%20Pakistan%20on%2013%20August%201948.pdf>

²⁷ “Background.” UNMOGIP, July 5, 2017. <https://unmogip.unmissions.org/background>.

TIMELINE OF EVENTS²⁸

Date	Description of Event
1846	Treaty of Amritsar
1947	End of British rule and partition of sub-continent into mainly Hindu India and Muslim-majority state of Pakistan.
	The Maharaja of Kashmir signs a treaty of accession with India after a Pakistani tribal army attacks. War breaks out between India and Pakistan over the region.
1948	India raises Kashmir in the UN Security Council, which in Resolution 47 calls for a referendum on the status of the territory. The resolution also calls on Pakistan to withdraw its troops and India to cut its military presence to a minimum. A ceasefire comes into force, but Pakistan refuses to evacuate its troops. Kashmir is for practical purposes partitioned.
1951	Elections in the Indian-administered state of Jammu and Kashmir support accession to India. India says this makes a referendum unnecessary. The UN and Pakistan say a referendum needs to take into account the views of voters throughout the former princely state.
1953	The pro-Indian authorities dismiss and arrest Prime Minister Sheikh Abdullah, leader of the governing National Conference, after he takes a pro-referendum stance and delays formal accession to India. A new Jammu and Kashmir government ratifies accession to India.
1957	The constitution of Indian-administered Jammu and Kashmir defines it as part of India.
1950s	China gradually occupies eastern Kashmir (Aksai Chin).
	Indian war with China
1962	China defeats India in a short war for control of Aksai Chin.
1963	Pakistan cedes the Trans-Karakoram Tract of Kashmir to China.
1965	A brief war between India and Pakistan over Kashmir ends in a ceasefire and a return to the previous positions.
1971-1972	Another Indo-Pakistani war ends in defeat for Pakistan and leads to

²⁸ "Kashmir Profile - Timeline." BBC News. July 21, 2017. Accessed July 2019.
<https://www.bbc.com/news/world-south-asia-16069078>.

	<p>the 1972 <u>Simla Agreement</u>. This turns the Kashmir ceasefire line into the <u>Line of Control</u>, pledges both sides to settle their differences through negotiations, and calls for a final settlement of the Kashmir dispute. The Agreement forms the basis of Pakistani-Indian relations thereafter.</p>
1974	<p>The Opposition Plebiscite Front in Indian-administered Jammu and Kashmir drops demand for a referendum in return for extensive autonomy in an agreement with the Indian government. Sheikh Abdullah becomes chief minister, and his political dynasty continues to dominate the National Conference and state after his death in 1982.</p>
1984	<p>The Indian Army seizes control of the Siachen Glacier, an area not demarcated by the Line of Control. Pakistan makes frequent attempts to capture the area in the following decades.</p>
	<p>Start of insurgency</p>
1987	<p>Disputed state elections in Indian-administrated Jammu and Kashmir give impetus to a pro-independence insurgency centred around the Jammu and Kashmir Liberation Front (JKLF). India accuses Pakistan of fomenting the insurgency by despatching fighters across the Line of Control, which Pakistan denies.</p>
1990	<p>The insurgency escalates after the Indian Army kills about 100 demonstrators at Gawakadal Bridge. Attacks and threats lead to the flight of almost all Hindus from the Kashmir Valley area of the state. India imposes <u>Armed Forces Special Powers Act (AFSPA)</u> in Jammu and Kashmir.</p>
1990s	<p>The insurgency continues, with Kashmiri militants training in Pakistan and India deploying hundreds of thousands of troops in Jammu and Kashmir. Violence against civilians by both sides is widespread.</p>
1999	<p>India and Pakistan go to war again after militants cross from Pakistani-administered Kashmir into the Indian-administered Kargil district. India repulses the attack, accuses Pakistan of being behind it, and breaks off relations.</p>
2001-2004	<p>Moves to boost relations between the two countries are punctuated by continuing violence, notably an attack on the parliament of Indian-administered Jammu and Kashmir in Srinagar in 2001.</p>
2010	<p>Major protests erupt in the Kashmir Valley of Indian-administered Jammu and Kashmir over the summer after a demonstrator is killed by the Indian army. The protests abate in September after the government announce measures to ease tension.</p>
2011	<p>August - Chief Minister Omar Abdullah announces an amnesty for the 1,200 young men who threw stones at security forces during the anti-government protests in the Kashmir Valley the previous year.</p>

	Indian State Human Rights Commission confirms presence of more than 2,000 unidentified bodies in unmarked graves near the Line of Control. Activists say many may be people who disappeared after being arrested by security forces.
	September - Indian forces kill three Pakistani soldiers in firing across the Line of Control. India accuses Pakistan of opening fire first.
2013	February - Kashmiri Jaish-e-Mohammed member Mohammad Afzal Guru hanged over role in 2001 Indian parliament terror attack, prompting protests in which two young men are killed.
	September - Prime ministers of India and Pakistan meet and agree to try reduce the number of violent incidents at their disputed border in Kashmir.
2014	August - India cancels talks with Pakistan after accusing it of interfering in India's internal affairs. The decision comes after Pakistan's High Commissioner in Delhi consulted Kashmiri separatist leaders in advance of the talks.
	During a visit to the disputed border state of Jammu and Kashmir, India's Prime Minister Narendra Modi accuses Pakistan of waging a proxy war against India in Kashmir.
	October - Pakistan and India exchange strongly-worded warnings, after a flare-up of violence across their common border leaves at least 18 people dead
	The Bharatiya Janata Party (Indian People's Party) joins government
2015	March - India's ruling BJP party is sworn into government in Indian-administered Kashmir for first time in coalition with local People's Democratic Party, with the latter's Mufti Mohammad Sayeed as chief minister.
	September - Muslim separatist leaders in Indian-administered Kashmir close shops, businesses and government departments in protest at the enforcement of a colonial-era ban on eating beef.
	November - One person dies in violent protests following a visit to Indian-administered Kashmir by Prime Minister Narendra Modi.
2016	April - Mehbooba Mufti, the leader of the People's Democratic Party (PDP), becomes the first female chief minister of Indian-administered Kashmir following the death of her father and party founder Mufti Mohammad Sayeed.
	July - Authorities impose an indefinite curfew in most parts of Indian-administered Kashmir after the killing of popular militant by security forces of Burhan Wani, a popular militant and top commander of the Hizbul Mujahideen group, sparks violent protests.

	August - A curfew in most parts of Indian-administered Kashmir is lifted but schools, shops and most banks remain shut and mobile and internet services remain suspended. At least 68 civilians and two security officials have died and more than 9,000 people injured in over 50 days of violence according to official tallies.
	September - India and Pakistan exchange a war of words after 18 Indian soldiers are killed in a raid by gunmen on an army base in Indian-administered Kashmir.
	September - India says it has carried out "surgical strikes" against suspected militants along the de-facto border with Pakistan in Kashmir but Pakistan rejects the claims.
	October - The Indian army shoots dead three suspected militants as they try to enter an army camp in northern Kashmir.
	November - Human Rights Watch appeals for an end to the burning of schools in Indian-administered Kashmir after the total set alight since a wave of pro-separatist unrest began in July reaches 25.
	November - Thousands of villagers in Pakistan-controlled Kashmir are evacuated after violence escalates following the killing of seven Pakistani soldiers in an exchange of fire between India and Pakistan along the Line of Control.
2017	May - Thousands defy a curfew across Indian-administered Kashmir to attend the funeral of top rebel commander Sabzar Ahmad Bhat.
	July - Violent clashes take place in Indian-administered Kashmir on the anniversary of the death of militant commander Burhan Wani.
	July - Militants attack Hindu pilgrims, killing at least seven and injuring 16, in the worst such attack since 2000.
2019	February- Pulwama attack: A Jaish-e-Mohammed (JeM) suicide bomber
	August- the Indian government officially states that it is revoking nearly all of Article 370, which 35A is part of and which has been the basis of Kashmir's complex relationship with India for some 70 years.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

The United Nations Security Council has stayed actively seized upon the Kashmir issue since the partition of India and the creation of the independent states of Pakistan and India. The Security Council has proposed and adopted several resolutions trying to resolve the Kashmir conflict: Starting

from Resolution 38, Resolution 39, Resolution 47 and Resolution 51 in 1948, Resolution 80 in 1950, Resolution 91 and Resolution 96 in 1951, Resolution 98 in 1952, Resolution 122 Resolution 123 and Resolution 126 in 1957, Resolution 209, Resolution 210, Resolution 211, Resolution 214 and Resolution 215 in 1965 and finally Resolution 303 and Resolution 307 in 1971. The most crucial ones are Resolution 39 and Resolution 47:



The United Nations Security Council Resolution 39 [S/RES/39 (1948)]²⁹

The United Nations Security Council Resolution 39 with the title “The India-Pakistan Question” was adopted on January 20 1948. The Security Council was composed as follows: Permanent members: China, France, Soviet Union, Great Britain , United States of America and non-permanent members: Argentiina, Belgium, Canada, Colombia, Syria, Ukraine.

The resolution created a commission of three members in order to facilitate the Kashmir conflict negotiations. One member would be chosen by India the other one by Pakistan and the third one by the two selected members. The commission was named United Nations Commission for India and Pakistan (UNCIP) and it functioned until the 9th of December 1949 when it presented its final report on the Security Council.

The United Nations Security Council Resolution 47 [S/RES/47 (1948)]³⁰

The United Nations Security Council Resolution 47 with the title “The India-Pakistan Question” was adopted on 21 April 1948. The Security Council was composed as follows: Permanent members: China, France, Soviet Union, Great Britain, United States of America and non-permanent members: Argentiina, Belgium, Canada, Colombia, Syria, Ukraine.

At first the resolution that was adopted consisted of two parts that increased the number of the Commission’s members from three to five and aimed to implement the Security Council’s

²⁹“Security Council Resolution 39 (1948).” UNMOGIP, October 31, 2016.

<https://unmogip.unmissions.org/security-council-resolution-39-1948>.

Resolution 39, n.d. <http://unscr.com/en/resolutions/doc/39>.

“Resolutions Adopted by the Security Council in 1948 Security Council.” United Nations. United Nations, n.d.

<https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-1948>.

³⁰Resolution 47 (1948) / [adopted by the Security Council at its 286th meeting], of 21 April 1948.

<https://digitallibrary.un.org/record/111955> <http://unscr.com/en/resolutions/47>

Resolution 47 <http://unscr.com/en/resolutions/doc/47>

“Resolutions Adopted by the Security Council in 1948 Security Council.” United Nations. United Nations, n.d.

<https://www.un.org/securitycouncil/content/resolutions-adopted-security-council-1948>.

recommendations via restoring peace and conducting a plebiscite following a three-step procedure. However, both Pakistan and India objected to the Resolution.

On 13 August 1948, the commission amended and amplified Resolution 47 into three parts. As aforementioned above Part I of the resolution refers to the cease-fire order that called for a total cessation of hostilities and Part II to the truce agreement. In detail Part II requested a complete desengagement of Pakistan's fighting forces and declared that the Kashmir territory would be administered by local authorities under the aegis and the supervision of the Commission.

Part III declared that after the truce agreement Pakistan and India would "agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured."³¹

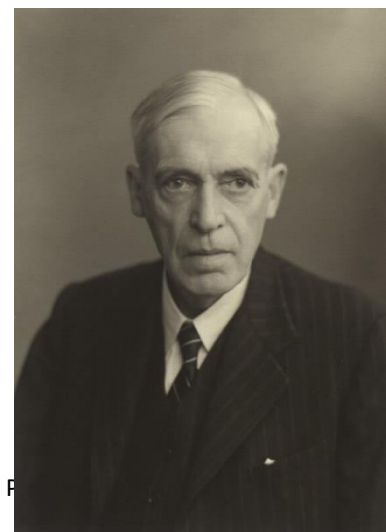
On 9 December 1949 the commission declared its failure and followed its final report to the Security Council by proposing its replacement by a single mediator .

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The Dixon plan (1950)³²

The Dixon plan was named after Sir Owen Dixon, the Judge of the Australian High Court. Sir Dixon proposed the plan when he arrived to the Indian subcontinent as a United Nations' Representative for India and Pakistan following the Security Council's Resolution 80 of March 14, 1950.

According to his plan Ladakh would be assigned to India, Azad Kashmir and the Northern Areas to Pakistan and Jammu would be splitted between the two. Dixon's plan also suggested a plebiscite limited to the Valley because he did not perceive Jammu and Kashmir as a homogeneous unit. However, Pakistan did not accept this plan as Pakistani authorities



³¹ Resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948. (Document No.1100, Para. 75, dated the 9th November, 1948).

<http://www.mofa.gov.pk/documents/unsc/Resolution%20adopted%20by%20the%20United%20Nations%20Commission%20for%20India%20and%20Pakistan%20on%2013%20August%201948.pdf>

³² The Dixon Plan, n.d. <https://frontline.thehindu.com/static/html/fl1921/stories/20021025002508200.htm>. Facebook. "Scanning The Dixon Plan." Insights, n.d. <http://insightskashmir.blogspot.com/2015/02/scanning-dixon-plan.html>.

believed that India should commit to a plebiscite for the whole state.

In addition to Pakistan's refusal Sir Dixon was also concerned about the fact that the Kashmiris were not very high-spirited people and they could be easily influenced or vote under fear. Consequently, he proposed that Kashmiri politician Sheikh Abdullah and his administration should be suspended during the plebiscite. This approach was not acceptable to India and once more the Dixon plan was rejected. Dixon strongly believed that a neutral administration would be essential for a fair plebiscite but both the Pakistani and the Indian government withdrew from the plan.

Dixon concluded that in the absence of Indian demilitarization, the Pakistani forces would be unwilling to demilitarise the territory they controlled thus, it was impossible for a neutral government to be established and a free and fair plebiscite was beyond the bounds of possibility. Dixon declared failure and suggested that India and Pakistan should solve the situation on their own.

The Tashkent Declaration(1966)³³

The Tashkent Declaration (January 10 1966), is a peace accord signed by India's prime minister Lal Bahadur Shastri and Pakistan's president Ayub Khan that resolved the second Indo-Pakistani War of 1965 after peace had been secured via a cease-fire mandate by the United Nations and the intervention of external powers.

The Declaration takes its name from Tashkent the capital of Uzbekistan (then Uzbek Soviet Socialist Republic) where the conference concerning the agreement was held. Tashkent Declaration obliged India and Pakistan to accept *Status quo ante bellum* (the state existing before the war), to concede the regions that have been captured and to return to the 1949 ceasefire line.

The agreement was criticized in India because it did not contain a no-war pact or any renunciation of guerrilla aggression in Kashmir.³⁴

The Shimla Agreement³⁵

³³ "MEA: Statements : Bilateral/Multilateral Documents." Ministry of External Affairs, Government of India, n.d. <https://mea.gov.in/bilateral-documents.htm?dtl/5993/Tashkent+Declaration>.

Britannica, The Editors of Encyclopædia. "Tashkent Agreement." Encyclopædia Britannica. Encyclopædia Britannica, inc., n.d. <https://www.britannica.com/event/Tashkent-Agreement>.

³⁴ Britannica, The Editors of Encyclopædia. "Tashkent Agreement." Encyclopædia Britannica. Encyclopædia Britannica, inc., n.d. <https://www.britannica.com/event/Tashkent-Agreement>.

³⁵ "Simla Agreement." Stimson Center, n.d. <https://www.stimson.org/simla-agreement>. Nair, Sangeeta. "Shimla Agreement: What Is Shimla Agreement and How Is It Relevant to Trump's Kashmir Mediation Claim?" Jagranjosh.com, July 23, 2019. <https://www.jagranjosh.com/current-affairs/shimla-agreement-what-is-shimla-agreement-how-is-it-relevant-to-trumps-kashmir-mediation-claim-1563882580-1>. Updated: Aug 9, 2019. "Kashmir Issue Should Be Resolved through UN Resolutions, Shimla Agreement: China to Pakistan - Times of India." The Times of India, n.d. <https://timesofindia.indiatimes.com/world/china/kashmir-issue-should-be-resolved-through-un-resolutions-shimla-agreement-china-to-pakistan/articleshow/70610618.cms>.

The Shimla Agreement was signed on 2 July 1972 in Shimla by the then Indian Prime Minister Indira Gandhi and Pakistan President Zulfikar Ali Bhutto. It followed the end of the 1971 war between India and Pakistan that led to the independence of East Pakistan and the creation of the state of Bangladesh. The agreement was an effort to end the hostilities between the two nations and served as a layout for the normalisation of bilateral relations and a basis for peaceful cooperation.

Briefly, The Shimla Agreement promoted the establishment of good faith between India and Pakistan and functioned as a guarantee about establishing durable peace in the area. In addition, the two states agreed to respect the LOC in Jammu and Kashmir with promises that neither of them would seek to make unilateral alterations and that they would refrain from using force aiming to alter the Line.

POSSIBLE SOLUTIONS³⁶

The issue of Kashmir has not yet been resolved and the continuous tension in the area along with the recent developments jeopardizes the stability and security of the region and the Kashmiri people. Conflict, wars and deaths have reigned the state of Jammu and Kashmir and no substantial progress has been made despite the countless attempts at peace.

The main goal of the UN, apart from finding and implementing a sustainable solution concerning the territorial dispute, is to de-escalate the tension between India and Pakistan and minimize combat. First and foremost, permanent demilitarization would be a great step towards achieving that goal. With LOC and LAC being among the most dangerous places in the world, permanent demilitarization could potentially end active or prevent future combat. Furthermore, all the efforts of resolving the issue rely heavily on bilateral talks between the nations in question, one-on-one meetings between high ranking representatives from both sides and UN mediation under party-neutral conditions. Additionally, a solution that will most certainly be difficult to implement due to each states' interests is the reconsideration of the previously rejected plebiscite. This is going to give the people of Kashmir the chance to be heard and actually influence the politics and talks concerning their issue.

"Agreement between the Government of India and the Government of the Islamic Republic of Pakistan on Bilateral Relations (Simla Agreement) | UN Peacemaker." United Nations. United Nations, n.d.

<https://peacemaker.un.org/indiapakistan-simlaagreement72>.

³⁶ Wolpert, Stanley. "Potential Solutions to the Kashmir Conflict." California Scholarship. University of California Press, December 5, 2014.

<https://california.universitypressscholarship.com/view/10.1525/california/9780520266773.001.0001/upso-9780520266773-chapter-11>.

•, Rohan Bedi, Ravi Tripathi, Nilanjana Sen, Joy Mitra, and Shafeeq Rahman •. "The Solution to the Kashmir Conflict." Fair Observer, August 5, 2018. https://www.fairobserver.com/region/central_south_asia/kashmir-war-conflict-india-pakistan-peace-south-asia-politics-news-this-week-71417/.

"BBC NEWS." BBC News. BBC, n.d.

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

Regarding the geographical territory of Kashmir seven scenarios have been proposed and examined:

Scenario 1: The status quo



Currently, the region of Kashmir is divided by the Line of Control (LOC) with one part under the control of Indian authorities and one under Pakistan. Since now and with the recent developments in mind India's policy is characterised by the will to formalise this status quo and make it the accepted international boundary, something that both the USA and the UK have also favoured. However, Pakistan and Kashmiri activists are strongly against this plan

because it would result in the predominantly Muslim Kashmir Valley remaining as a part of India and thus they both would lose control over the region. In addition, the formalization of the status quo does not take into consideration a large number of Kashmiris who have aspirations for an independent state and have been fighting for one since 1989.

Scenario 2: Kashmir joins Pakistan



This scenario is the one favored by Pakistan as it proposes the full accession of Kashmir and Jammu into Pakistan. This alternative may favor the Muslim majority of the area but at the same time disregards the Hindu and Buddhist minorities that have never expressed the desire to join the state of Pakistan. Also, a plebiscite that offers the choice of union with Pakistan or India would overlook the movement for an independent Kashmir that has been the main focus of many political and militant activists

since 1989. In addition, India has consistently rejected the plebiscite solutions and argues that the people of Kashmir have already demonstrated their political views and exercised their right of self-determination by engaging in political activities and participating in state elections. However, the United Nations Security Council supports the plebiscite and considers it a viable solution.

Scenario 3: Kashmir joins India



The scenario that proposes the complete unification of Jammu and Kashmir with India is a scenario that would leave the majority of the population unsatisfied and it would most likely cause instability in the area. The Muslim majority of Kashmir has never expressed any desire to be a part of the Indian nation neither have the pro-independence activists. If the 1947 agreed plebiscite had been held and the majority had voted in favor of India the government of Pakistan would have to relinquish control

of the Northern Areas and the narrow strip of Jammu and Kashmir that was under their control. However, since then India has abandoned that solution and argues that the Kashmiri citizens have already decided the fate of Jammu and Kashmir by participating in elections.

Scenario 4: The independence of Kashmir

Following the 1960 talks between India and Pakistan over the area of Jammu and Kashmir a group of Kashmiris demanded independence for the entire state, returning to the pre-Indian accession



conditions. The main supporters of the Independence movement are inhabitants of the Kashmir Valley and their core argument is that their formerly *independent* princely state was larger than at least 68 country-members of the UN and more heavily populated than 90 of them. However, this solution if implemented would set a dangerous precedent and strengthen similar pro-independence arguments made by other states in both India and Pakistan. Furthermore, this scenario would require India and Pakistan

to give up territory, something they are clearly not willing to do.

Scenario 5: A smaller independent Kashmir



This scenario is similar to the previous one but it proposes the independence of a smaller area that could extend from the Kashmir Valley, that is currently under Indian administration, to the Azad Jammu and Kashmir. In this way, the regions of the Northern Areas and Ladakh that are bordering China and are of great strategic importance would not be included in the borders of the newly independent state and would remain in Pakistan's and India's

control respectively. This scenario however faces two major problems: Firstly, Pakistan depends on the water sources from the Mangla reservoir in the Pakistani controlled Jammu and Kashmir, thus making it highly unlikely to accept losing control of the region. Secondly, this scenario would require both powers to give up territories and which goes against their policies concerning this issue.

Scenario 6: Independent Kashmir Valley



As aforementioned the majority of the pro-independence activists are citizens of the Kashmir Valley. The movement for independence in the Valley gained momentum in the 1980s during the protests against allegiance with the Indian Union. This particular scenario is based on these facts and proposes the independence of only the Kashmir Valley. The biggest challenge of this venture is the uncertainty about whether or not the region would be economically viable.

It is true that the Kashmir Valley could depend on tourism, handicrafts and agriculture but at the same time due to the fact that it is landlocked and snowbound during winter, it would have to maintain excellent relationships with the neighboring states in order to survive.

Scenario 7: The Chenab formula

The Chenab formula, which is named after the River Chenab, was proposed in the 1960s and



suggests using the River as a natural border in order to divide and distribute the territory. In this scenario, Pakistan would be given the area north of the Chenab River, including Ladakh, and India the land south of the river. Consequently, Pakistan would acquire the vast majority of land, including the entire Kashmir Valley with the predominantly Muslim population and India would be left with approximately 3,000 square miles of territory out of the 84,000 square miles. Once again,

this plan requires India to give up territory which it wants to retain and does not take into consideration the movement of independence.

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