

Jain International Residential
School Model United Nations 2017

The Indo-Pak Meet

Agenda: The Situation in Kashmir
with Specific Reference to the
Insurgency and Counterinsurgency
Operations

Chairperson: Aaron Mirza

Vice-Chairperson: Yash Chadha

Letter from the Executive Board

Greetings delegates,

Although not mentioned before, this committee is being simulated for the first time in the Bangalore Circuit seeing the need to discuss matters that are crucial and pertinent to our country.

We look forward to seeing you as delegates, come up with comprehensive and feasible solutions.

We are a small committee, but together we can make a change. Together, delegates, we can bring peace between the two countries and save the lives of many.

Together, we can make a difference.

Sincerely,

Aaron Mirza and Yash Chadha

Introduction to The Kashmir Conflict



Throughout ancient times, the breathtakingly beautiful Valley of Kashmir has stood for peaceful contemplation, intellectual advancement and religious diversity coexisting in an atmosphere of tolerance for the most part. In the modern geopolitical era, this same diversity, evident from the blend of Islam, Hinduism, Sikhism and Buddhism in this single state, has made it a center of warfare rather than cultural advancement. In the late 1980s, an insurgency in the valley threatened not only to rip Kashmir apart, but also pull the rest of the world into a dangerous war. In this paper, we will examine the major reasons for the insurgency, and why it only gained momentum some 40 years after India's partition. Finally, we will explore some of the modern-day proposed solutions to the ongoing conflict over Kashmir.

In order to gain a better understanding of why the insurgency of 1987-89 took place, we will examine the origins and development of the Kashmir independence movement. It is evident that aspirations of independence never disappeared from the Kashmiri consciousness, despite their accession to India in 1947. However, by the 1980s, external factors made poetic dreams of independence seem more realistic than ever before. We shall discuss the Pakistani influence and how they finally won some of the Kashmiri people's support in the 1980s after being repelled by

them in the 1947-48 and 1965 wars. The Afghan War and subsequent defeat of the Soviet Union demonstrated to the Kashmiris that superpowers could be defeated. Furthermore, the entire jihadi training, infrastructure and network in place in Afghanistan gave sufficient power and strength to the movement towards insurgency. Finally, an inadequate political system in Kashmir, dominated by effectively what was an oligarchy, allowed social changes associated with the rise in Islamic Fundamentalism create an environment from which the insurgency thrived.

In order to better understand what the most feasible and effective solutions maybe under the current scenario, we will explore solutions from the viewpoint of the various stakeholders. Kashmir is home to a number of ethnic and religious groups, and any sustainable resolution would need to take into account the aspirations of all Kashmiris.

The UN plebiscite was to be held only after Pakistan vacated its forces from Kashmir, Pakistan crudely dismissed it then. Any plebiscite now held will not only be unfair but is also now undesired by the Indian government. The secessionist pressure in Kashmir stems more state sponsored terrorism initiatives from Pakistan. Secession based on religion is not an acceptable principle in a secular India.

Kashmir Conflict Timeline

1947 - End of British rule and partition of sub-continent into mainly Hindu India and Muslim-majority state of Pakistan.

1947 - 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 back 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-administrated Jammu and Kashmir defines it as part of India.

1950s - China gradually occupies eastern Kashmir (Aksai Chin).

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 Indian and Pakistan over Kashmir ends in a ceasefire and a return to the previous positions.

1971-72 - Another Indo-Pakistani war ends in defeat for Pakistan and leads to the 1972 Simla Agreement. This turns the Kashmir ceasefire line into the Line of Control, 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.

1974 - 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.

1984 - 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.

1987 - 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.

1990 - 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 Armed Forces Special Powers Act (AFSPA) in Jammu and Kashmir.

1990s - 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.

1999 - 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.

2001-2004 - 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.

2010 - 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.

2011 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.

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.

2011 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.

2013 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.

2014 October - Pakistan and India exchange strongly-worded warnings, after a flare-up of violence across their common border leaves at least 18 people dead.

BJP 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.

2015 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.

2015 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.

2016 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.

2016 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.

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Historical Background

Geography

Kashmir is regarded as the valley situated between the Himalayas and the Pir Panjal mountain range. The areas subject to dispute have spanned to include Jammu, the Kashmir Valley, Azad Kashmir, Gilgit–Baltistan, Aksai Chin and the Trans-Karakoram Tract (hence forth to be regarded as Kashmir). Geographically speaking, these regions are north of the Union of India and Dominion of Pakistan, and south west of the Republic of China. The disputed regions are comprised of over 100,000 square kilometers of land, utilized mainly for agriculture and tourism. The region has witnessed many regimes including Hindu rulers and Muslim Sultans; most notably the Mughal Empire, Afghan Durrani Empire, and the Sikhs, before becoming a princely state. The Kashmir region is also home to a myriad of historically valued Hindu and Muslim shrines, to which annual pilgrimages are made. Kashmir and Jammu has significant political, economic, religious, and military potential due to its geographic borders and bountiful resources, which is what ultimately led to the power-struggle for the area.

Partition and Dispute

The Jammu-Kashmir area is a land rife with wealth, and the subject of one of the greatest disputes between the Dominion of Pakistan and Union of India. After its conquest by Ranjit Singh in 1819, the Sikh ruler and Raja of Jammu at the time, Gulab Singh, encircled Kashmir in 1840. Following the Anglo-Sikh War and the acquisition of Kashmir by the East Indies Company as a result of multiple treaties, Gulab Singh was given control over Kashmir,

then making him the Maharaja of Jammu and Kashmir.

Upon the partition of India in 1947, 526 Indian states were left to choose between becoming a part of one of two greater nations; the Dominion of Pakistan or the Union of India. Kashmir, despite having a predominantly Muslim population, was subject to the rule of a Hindu Maharaja. This religious dispute made it substantially more difficult for the Dominion of Pakistan to appeal to Kashmir. After civil protests and attacks on Kashmir, fueled by Punjab authorities, Kashmir turned to India for aid and protection. As the invasion of Kashmir by Pakistani tribesmen (namely Pashtun and Pathan) grew, Kashmir signed an “Instrument of Accession” with India in exchange for military support. Thus, the conflict between India and Pakistan became direct and violent, and the value of Kashmir rose significantly.

Viceroy Louis Mountbatten, the First Earl of Burma, traveled to Lahore to meet with Jinnah, with intent to pursue a peaceful resolution to the conflict. He proposed to hold a vote amongst citizens (plebiscite) in the princely states that were independent of a chief Dominion in order to achieve a democratic resolution to the issue. Jinnah refused this offer, as the nature of the vote necessitated its enactment in Hyderabad and Junagadh as well as in Kashmir.

India later decided to pursue a resolve by referring the ongoing conflict to the United Nations Security Council with respect to the 35th article of the UN Charter, which dictates that UN member states may act to notify the Security Council of an ongoing situation, owing to said situation’s likelihood to ‘endanger the maintenance of international peace.’ As a result, the Security Council established the United Nations Commission for India and Pakistan (UNCIP) where it worked on resolutions to prevent the First Indo-Pakistani War from advancing further. After the passing of the Resolutions numbered 39 and 47 by the UN Security Council, the conflict is still present and an atmosphere of suspense is present in the region of Jammu Kashmir.

[First Indo-Pakistan War \(1947\)](#)



The First Indo Pakistani War (1947-1948) began as a defense effort on the Indian side, with the help of Kashmir troops and National Conference members. The defense force mainly aimed to curb the advance of Pakistani tribesmen, referred to as 'raiders' or the 'Azad Army,' and to drive these raiders out of the Baramulla region of Kashmir. Pakistan employed high ranking Pakistani military officers and ex-Indian National Army commanders that agreed to command the Azad Army. In May 1948 the Pakistani Army officially joined the war by citing that the defense of Pakistani borders was casus belli.

The Maharaja of Jammu and Kashmir, Hari Singh, pleaded to India for military aid. India proposed to accept, with the deciding condition of Singh signing an "Instrument of Accession." Singh signed the Instrument of Accession, and India--along with some British officer who were in the subcontinent at the time-- joined the war on the side of Jammu and Kashmir. Following the Indian accession, Kashmir was legally declared Indian Territory. The outcome of the war was deemed indecisive, although it is argued that the Pakistani forces suffered greater losses than those of India and Kashmir. Pakistan also seized roughly one third of Kashmir while India retained the remaining land. A ceasefire was enacted on the night of the 1st of January 1949.

Instrument of Accession

The Instrument of Accession is a document that signifies the allegiance of a princely state to one of the two major dominions in the Indian subcontinent, namely India and Pakistan. One of the more pivotal Instrument of Accession signing was that of the Princely State of Jammu and Kashmir. The Maharaja at the time, Hari Singh, contacted the Union of India for military aid against the Pakistani tribesmen in Kashmir. Following the plea, India demanded that Singh would sign an Instrument of Accession, thus making Jammu and Kashmir Indian land.

The Pakistani reaction to this course of action was swift. Old Indian National Army officers that were on leave led unified militias of Pakistani Pashtun tribesmen in the western region of Kashmir, claiming that they were advancing to suppress unrest in the southeastern region of Kashmir. The forces moved to take Srinagar. Later, upon encountering resistance, the Pakistani troops began to fight against the Kashmiri officials and soldiers in the Uri area. Following India's accession of Kashmir, Pakistan cited that the conflict had morphed into a border dispute and added that Pakistan was under direct threat from India. As a result, the Pakistani Military became directly involved with the war.

The Shimla Agreement

The Shimla Agreement signed by Prime Minister Indira Gandhi and President Zulfikar Ali Bhutto

of Pakistan on 2nd July 1972 was much more than a peace treaty seeking to reverse the consequences of the 1971 war (i.e. to bring about withdrawals of troops and an exchange of PoWs). It was a comprehensive blue print for good neighbourly relations between India and Pakistan. Under the Simla Agreement both countries undertook to abjure conflict and confrontation which had marred relations in the past, and to work towards the establishment of durable peace, friendship and cooperation.

The Simla Agreement contains a set of guiding principles, mutually agreed to by India and Pakistan, which both sides would adhere to while managing relations with each other. These emphasize: respect for each other's territorial integrity and sovereignty; non-interference in each other's internal affairs; respect for each others unity, political independence; sovereign equality; and abjuring hostile propaganda. The following principles of the Agreement are, however, particularly noteworthy:

- 0 A mutual commitment to the peaceful resolution of all issues through direct bilateral approaches.
- 1 To build the foundations of a cooperative relationship with special focus on people to people contacts.
- 2 To uphold the inviolability of the Line of Control in Jammu and Kashmir, which is a most important CBM between India and Pakistan, and a key to durable peace.

The Uri Attack:



At around 5:30 a.m. on 18 September, four militants attacked an Indian Army brigade headquarters in Uri, near the Line of Control in a pre-dawn ambush. They were said to have lobbed 17 grenades in three minutes. As a rear administrative base camp with tents caught fire, army personnel were killed. A gun battle ensued lasting six hours, during which all the four militants were killed. An additional 19-30 soldiers were reported to have been injured in the attack. Combing operations continued to flush out additional terrorists thought to be alive.

Most of the soldiers killed were from the 10 Dogra and 6 Bihar regiments. One of the injured soldiers succumbed to his injuries on 19 September at R&R Hospital in New Delhi, followed by another soldier on 24 September, bringing the death toll to 19.

The casualties were primarily believed due to have occurred as a result of non-fire retardant transition tents. This was the time of a troops shift, whereby the 6 Bihar regiment was replacing the 10 Dogra regiment. The incoming troops were housed in tents, which are normally avoided in sensitive areas around LOC like Uri. The attackers sneaked into the camp breaching heavy security and seemed to know exactly where to strike. Seven of the personnel killed were support staff, including cooks and barbers.

THE CHENAB FORMULA:

The idea was proposed by Pakistan in the 1960s to divide Kashmir on the lines of River Chenab. The idea is one-sided and offers large portions of the land to Pakistan. Dividing the region on the lines of Chenab River will bring majority of Muslim areas in Pakistan's administration while leaving the Hindu dominated Jammu region with India. The idea is severely flawed as it will make Buddhist-majority Ladakh region to accede to Pakistan. The idea was out rightly dismissed by India.

INDEPENDENT KASHMIR VALLEY:

Kashmiri believe that an Independent Kashmir Valley is one the most viable in present circumstances. The region defends its right to sovereignty and claims the valley would sustain itself through tourism, agriculture and handicraft. The problem is, the region faces several difficulties as the valley remains covered in snow for a major portion of the year. But this idea has been favoured by a large number of people, sans India.

Insurgency in Kashmir

Introduction

An insurgency is a movement within a country dedicated to overthrowing the government. An insurgency is a rebellion. In the context of the agenda “Insurgency in Kashmir” refers to the violent repression that had first come into light after the partition of India and Pakistan in 1947 and the series of violent and brutal killings - an on-going scene in Jammu and Kashmir in India since then.

The insurgency in Jammu and Kashmir is majorly known as a conflict among various nationalists, also known as ‘ultras’(extremists) and Kashmiri separatists, and the Indian government. The demands made by the separatists and insurgents are Kashmir’s independence as well as Kashmiri accession to Pakistan.

Who are the separatists?

Lashkar-e-Taiba



A separatist is a person who supports the separation of a particular group of people from a larger body on the basis of ethnicity, religion, or gender.

Numerous groups have sprung up on both sides of the border. The emphasis has shifted over the years from a nationalistic and secularist one to an Islamic one. About a dozen groups exist at the moment but only a handful are active. The Jammu-Kashmir Liberation Front (JKLF), which was

at the forefront of the insurgency in 1989, declared a ceasefire in 1994 and is now waging a political battle for independence from both India and Pakistan. It retains strong support among Kashmiris.

The separatists declare that they want Kashmir to emerge as a separate nation, neither a part of India nor Pakistan.

Correspondents say that what remains of the insurgency today is led by four main groups:

Hizb-ul Mujahideen- Hizbul Mujahideen is considered to be the first militant group that comprised an essentially Kashmiri rank and file membership. It is considered to be pro-Pakistani and was throughout the 1990s the largest of Kashmiri militant groups. Today it is one of a few that still maintain a token presence in Indian Kashmir. Formed in 1989, Hizbul Mujahideen has had close links with the ISI.

Lashkar-e-Taiba- This Pakistan-based militant group was formed by **Hafiz Mohammad Saeed** in the early 1990s to put the Kashmir insurgency more firmly into the hands of the Pakistanis. It does not enjoy local support due to its harsh attitude towards local civilians

Harakat ul-Mujahideen- Harkatul Mujahideen is another pan-Islamic group that once fought the Russians under the command of Jalauddin Haqqani, now the leader of **the Haqqani** Network based in Pakistan which today is fighting against US-led Nato forces in Afghanistan.

Pakistan has banned all three jihadi groups and has always denied supporting the militant groups.

Points to focus upon

- 1. Causes for the Kashmiri Conflict**
- 2. Effects of the Conflict**
- 3. Role played by state sponsored terrorism**
- 4. Impact of the insurgency on human rights**
- 5. Ceasefire Violations**
- 6. The Tashkent Agreement**
- 7. The Indus Water Treaty**
- 8. The Shimla Agreement**
- 9. The Pathankot Attack**

10. Musharraf's Four Point Formula

11. State of human rights in Pakistan Occupied Kashmir(PoK) and Indian occupied Kashmir (IoK)

12. Solutions to the given agenda