



The Question of the Kashmir Conflict

Security Council

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Introduction

Jammu and Kashmir, often simply referred to as Kashmir, is an 86,000 square mile mountainous region sandwiched between the Chinese autonomous regions of Xinjiang and Tibet, the Indian states of Himachal Pradesh and Punjab, Pakistan and Afghanistan. Kashmir used to be a princely state but since its independence from the British Empire, it has been the subject of a territorial conflict between India, Pakistan and to a limited extent China.

This conflict is about as old as the countries themselves, dating back to the establishment of the independent states of Pakistan and India after the partition of the sub-continent from the British Empire as part of the India Independence Act in



Figure 1: The sectors into which the area is divided

1947. Since the end of the first Indo-Pakistani war is the area divided into India-controlled Jammu and Kashmir (IJK), covering the regions of the Kashmir Valley, Jammu, and Ladakh, with approximately 10 million people and a smaller Pakistan-controlled area known as "Azad" Jammu and Kashmir (AZJ), covering the south-western section of Jammu and Kashmir, plus the sparsely populated north-western area with approximately 4 million people.

The dividing line between IJK and AZJ established after the end of the second Indo-Pakistani in 1972 is called the Line of Control. Through the decades this line of ceasefire hasn't changed despite all the tensions. The government of India has consistently officially stated that all of Kashmir is a part of India while Pakistan blames India for obtaining the area illegally. There have been virtually no compromises from



the opposing views resulting in greater violence and grave human rights violations in the region.

Jammu and Kashmir is one of the most disputed territories on earth and four wars have been fought over it in the past few decades. The area is heavily militarized with over 500,000 Indian troops and a mixture of militias and terrorist groups. There are regular attacks and clashes from which no one benefits and from which the people of Kashmir suffer. It is important to realize that both countries have been nuclear powers since 1998.

In this research report, the main focus will be on unravelling the complex colonial origins of the Kashmir conflict and the earlier solutions and responses provided by stakeholders as well as mediators. With this report, the Security Council will be able to make informed decisions on its hopeful objectives.

Definition of Key Terms

Line of Control (LoC)

The Line of Control (LoC) is a military control line between the Indian and Pakistani controlled parts of the state of Jammu and Kashmir. It is not recognized as a legal international boundary but serves as a de facto border. It was established in the Simla agreement after the Indo-Pakistani war of 1971. In that agreement, both nations agreed to rename the ceasefire line at the end of the war to "Line of Control" and they promised to respect this line.

Instrument of accession

The instrument of accession was a legal document established in the Government of India Act 1935 and used in 1947 to let all princely states that were previously under British rule choose which new state they wanted to belong to, Pakistan or India. The instrument of accession could be executed by the local ruler and provided the accession of the state to India or Pakistan on the subjects of defence, external affairs and communications.

Azad Jammu and Kashmir

Azad Jammu and Kashmir is the Pakistani-administered sector of the Kashmir region. Azad Jammu and Kashmir is an independent state recognised by Pakistan, although it receives much military, economic and administrative support from that country, with its government established in 1947 after the partition of India. The area is about 1,680 km² and borders on Indian-administered Kashmir. The administration of Azad Kashmir is supervised by Pakistan's Ministry of Kashmir Affairs and has its headquarters in Muzaffarabad, the capital, which is linked by road to Abbottabad in the southwest.



Plebiscite

A vote by the people of an entire country or district to decide on some issue, such as choice of a ruler or government, option for independence or annexation by another power, or a question of national policy. In a plebiscite, voters are asked to confirm or reject the validity of a particular type of government or course of action, rather than to choose between other regimes or propositions. Plebiscites are considered as a way for a government to reach out directly to the people, avoiding middlemen like political parties.

United Nations Commission for India and Pakistan (UNCIP)

The United Nations Commission for India and Pakistan (UNCIP) was a commission of five countries set up to find a solution agreeable to both India and Pakistan and it also played a major role in preparing for the plebiscite for Jammu and Kashmir and assisting in the preparation and monitoring of demilitarization. It was active from June 1948 until March 1950

General Overview

British-India becomes independent

Partly due to the "Quit India" movement of the Indian National Congress, British Parliament passed the Indian Independence Bill in August 1947. It decided that what was British-India should be divided into Islamic Pakistan and Hindu but secular India. British-India consisted of many small, mainly princely, states, each of which had to govern a choice for itself. When power was officially transferred on 15 August 1947, all but two states had chosen their sides.

It was the states of Hyderabad, ruled by its Nizam, and Kashmir, ruled by the Hindu Maharaja Hari Singh. Both states, because of their large size, were thinking about becoming independent themselves and needed more time to determine their future. Another problem in Kashmir was that, although it had a Hindu leader, most of the population was Muslim plus the fact that The Prime Minister of India, Mr Nehru, disliked Maharaja Hari Singh because he was against the idea of despotism that the Maharajah stood for and because the Maharaj had locked up his personal friend Sheikh Abdullah, the President of the Kashmir National Conference.

Pakistani invasion

Pakistan signed "standstill agreements" with both states. India meanwhile, was busy with an internal conflict amongst Indian refugees, and the task of writing a constitution. Despite many attempts by Pakistan to persuade the Maharajah to take their side, the Maharaj began to lean more towards India. When all of the attempts failed, they started an unofficial economic blockade against Kashmir and used the economic discontent among the local population in Kashmir to incite an armed revolt. By late September 1947 Pakistani officials of the Muslim League assisted an invasion of well-armed Pakistani raiders at the southern border of Kashmir. These



raiders, mostly Pashtun tribesmen, started looting and killing the local population. In response to the stories of Hindus being killed by invaders, large groups of Hindus and Sikhs came to the area and committed mass murders against the Jammu Muslims. Meanwhile, the Maharaj was told by his emissary in Karachi that Pakistan already claimed Kashmir as a part of Pakistan.

On 22 October 1947 60,000 Pakistani tribesmen crossed the southern border once again and pushed through to Srinagar, the capital city of Kashmir while destroying everything that crossed their path. The Maharaj of Kashmir now had no option but to ask for military and economic help from India with which he signed the Instrument of Accession on the 26th of October, making Kashmir officially a part of India. Already the next day, the 27th of October, the first Indian troops landed at Srinagar airport. The town was patrolled by National Conference of Kashmir volunteers working together with the Indian Army.

While the Indian Army landed in Srinagar, north of the city, including at Gilgit, there was civil unrest following a coup by a British major against the Maharaj loyalist governor, installing local leaders. They had a very difficult time with the local population, which was very pro-Pakistan. As a result, an envoy from Pakistan arrived to take over the leadership, which brought a large area to the northwest under Pakistani rule.

The First Indo-Pakistani war

When the previously freed Sheikh Abdullah is installed as the head of the emergency administration of the Jammu and Kashmir National Conference, he decides that for the time being it is best that Kashmir is temporarily absorbed by India after which a plebiscite will follow after which a final decision will follow. Muhammad Ali Jinnah, Pakistan's first governor-general, called this decision and India's concomitant capture of Kashmir unlawful since Sheikh Abdullah was said to be under duress from President Nehru and still had a standstill agreement with Pakistan. In November 1947, Sheikh Abdullah proposed that Pakistan withdraw its troops from Kashmir after which a vote could be held. Jinnah rejected this offer and suggested that all troops from both sides should leave Kashmir as the local population feared the Indian army and the power of the Indian-affiliated Sheikh Abdullah. In addition, the plebiscite would have to be supervised by the United Nations, a condition that India rejects. After this, Pakistan sent the first official troops into Kashmir and the First Indo-Pakistani War broke out.

The establishment of UNCIP and Resolution 47

In January 1948, India brought the Kashmir issue before the Security Council of the United Nations despite Sheikh Abdullah's opposition. In response, the United Nations Commission for India and Pakistan (UNCIP) was formed. This group of countries was to seek a solution together with Pakistan and India. In addition, on 21 April 1948, the Security Council passed Resolution 47 in which it was decided that there would be a ceasefire between the countries and that there would be a Truce Agreement in which was stated that all Pakistani troops and allied tribesmen who had come to the



area only to fight would have to leave as soon as possible, India would only be allowed to keep a minimum number of troops in the area and when the condition was met, an UN-led plebiscite would follow. Although both countries agreed with the resolution and signed the Truce Agreement, they both failed to withdraw their troops. Among other reasons, the two countries differed on the interpretation of the agreement, including whether the “Azad” army should be disarmament before or after the truce stage.

The frontline at the time of signing the ceasefire-agreement, leaves Indian Forces in control of most of the Kashmir valley, as well as Jammu and Ladakh, while Pakistan controlled most of North-western Kashmir including “Azad” Kashmir and the Northern Territories. Although Pakistan indicates that it only supports the armies in these areas, India calls this area POK (Pakistan Occupied Kashmir).

Article 370 and first post-independence elections

On 17 October 1949, the Indian Constituent assembly adopts article 370 into the Constitution, giving special status and internal autonomy to Jammu and Kashmir and specifies that the State must concur in the application of laws by Indian parliament, except those that pertain to Communications, Defence and Foreign Affairs as agreed in the IOA. The area may also have its flag. The article is confirmed when Sheikh Abdullah signs the Delhi Agreement in 1952 to the discontent of Jammu and Ladakh.

In 1951, the first post-independence elections for the Constituent Assembly of Jammu and Kashmir are held, with 75 seats allocated for the Indian administered part of Kashmir, and 25 seats left reserved for the Pakistan administered part. The National Conference party, which was led by Sheikh Abdullah, won all 75 Indian administered seats. It is considered a common fact by scholars that these elections were rigged by Sheikh Abdullah. On 30 March 1951, the UN passes a resolution that stipulates that these elections are not a substitute for plebiscite. When Sheikh Abdullah delayed signing the official accession of Kashmir to India, he was arrested and jailed in 1954 after which the accession was officially ratified by the new leader Bakshi Ghulam Mohammed. Pakistan and the USA have signed a Mutual Defence Assistance Agreement in May 1954. Nehru then states that he finds this alignment worrying and that it has an impact on the Kashmir conflict. After this, India refuses to take any steps towards a plebiscite. From September, Pakistan joins SEATO (South East Asian Treaty Organization) and later CENTO (Central Treaty Organization) aligning itself with the US, UK, Turkey and Iran. India, on the other hand, seeks help from the Soviet Union and receives military assistance. The Soviet Union would later veto any resolution in favour of India.

Slow increase in Indian influence and Sino-Indian war

On 30 October 1956, the Constituent Assembly in India decides that Kashmir shall become an integral part of India by adopting a constitution for the state. Although the UN then passes a resolution stating that these actions are not a final redemption for the state, India Home Minister Pant later states that there can be no question as to whether Kashmir is an integral part of India and that there will certainly be no



more plebiscite. In 1959, the Indian government abolished the permit system for travelling to Kashmir. In addition, the State Election Commission and High Court were made equal to these bodies in India. In 1962 parts of the Northern Ladakh were invaded by Chinese Forces followed by a month-long war, during which China captured a 57,000 sq km area of Indian held Kashmir. Later, China also peacefully takes 5200 sq km of Northern Areas of Kashmir under Pakistan control.

Sheikh Abdullah is again released in 1964 after which he has been sent to Islamabad to start talk with the Pakistani government about the Kashmir crisis on May 25. But when Nehru dies on May 27, the talks are stranded without any outcome. Around this same time, there are demonstrations all over Kashmir and Pakistan because the Indian Constituent Assembly wants to add Articles 356 and 357 of the Indian Constitution to the Constitution of Kashmir. This will virtually nullify article 370, which gave Kashmir some independence.

Around January 1965, Indian and Pakistani troops meet in a conflict on the sweet plains of the Rann of Kutch. The conflict ended in a few months through British mediation and although the area is far south of Kashmir, it was the trigger for the second Indo-Pakistani war, according to Khan. Later that year Khan is again arrested by Indian police on account of a meeting with the Chinese prime minister, which led to widespread satyagraha, a sort of peaceful demonstration, for Sheikh Abdullah's release all across the Kashmir valley.

Second Indo-Pakistani War

In August 1965, Pakistani forces launched Operation Gibraltar, in which Pakistani troops infiltrated themselves behind enemy lines to promote insurgency there. When India realises that the Pakistanis are around their territory, they launch a full-blown military offensive on West Pakistan on 23 September. Ceasefire is reached by mediation from the Soviet Union and the United States and Security Council Resolution 211. Both countries later sign the Tashkent Agreement, in which it stated that the ceasefire line is brought back to the pre-conflict setting. There has been a huge increase in the activities of Pakistani insurgency groups after the treaty.

Indo-Pakistani war of 1971 and the creation of the LOC

Kashmiri nationalists Amanullah Khan and Maqbool Butt set up a new plebiscite front in 1966 called the Jammu and Kashmir National Liberation Front (NLF) against Indian occupation. Later they changed their name in 1976 and the group became infamous as the Jammu and Kashmir National Liberation Front (JKLF). In 1971, an Indian Airline plane was hijacked and, after all the passengers had disembarked, it was blown up. Marooq Butt and his NLF take responsibility for the attack.

During the Bangladesh Liberation War in 1971 in what was then East Pakistan, the Pakistanis began conducting pre-emptive strikes on Indian Air Force bases in western India. As a result, India opened attacks on Pakistan in the west and the east and started supporting the Bengali Nationalist Forces. After thirteen days of fighting, India achieved a clear upper hand and Pakistan surrendered on 13 December, signing the Instrument of Surrender which marks the formation of East Pakistan as the newly



independent nation of Bangladesh. Pakistan holds India responsible for the dismemberment of its country. Pakistan and India also signed the Simla Agreement which has a clause in which it stated that the final settlement of Kashmir will be decided bilaterally in the future and that both sides shall respect the frontline as the Line of Control (LOC).

In 1974, envoys from India and Kashmir sign the Kashmir Accord confirming Kashmir's special but not independent status as a constituent unit of the Union of India. Pakistan and nationalist movements in Kashmir condemned the Accord. Abdullah is also reinstated as head of the state by India.

Rising of separatism and terror

In the early 1980s, anti-India protests increased, partly because the local Muslim population was inspired by the revolution in Iran and the fighting of the Mujahidin in Afghanistan. Both the pro-Independence Jammu and Kashmir Liberation Front (JKLF) and the pro-Pakistan Islamist groups mobilised this sentiment among the population. When the previously arrested Marooq Butt was executed by the Indian government in 1984, mass anti-Indian protests broke out all over Kashmir. The Indian State Forces fire at the crowd and try to quell the unrest.

During the 1987 state elections, a Muslim alliance, the Muslim United Front (MUF), participated. Their main standpoint was to 'solve all outstanding issues according to the Simla Agreement. Although there was a growing and more extreme Islamic sentiment among the population, the MUF only won a fraction of the seats. It is widely assumed among historians that these elections were rigged. Farooq Abdullah, son of, wins the elections with a large majority. Many of the parties involved in the MUF join other separatist organisations, including the JKLF. This organisation also starts to establish bigger and bigger recruitment campaigns along the LOC, mainly recruiting young people.

When the non-democratic Islamic Jamaat Islami Jammu Kashmir (JIJK) began building a mosque on the site of a Hindu temple, it sparked off Hindu-Muslim clashes. When the head of the JIJK Syed Ali Shah Geelani later declared a 'war against Islam', these clashes intensified and the local Pundit population, in particular, was massacred. 162,500 Hindus in the Valley, including the entire Kashmiri Pandit community, flee in March 1990. In the aftermath of the massacre,

After the Soviet Union invaded Afghanistan in 1979, a bloody war raged there for 10 years during which Pakistan- and USA-trained Islamic fighters, the Mujahidien, drove the Soviets out of Afghanistan. When this war ended in 1989, a large number of these Mujahidien, originating from all over the Islamic world, moved on to Kashmir to wage a holy war there to annex Kashmir to Pakistan. According to the Indian government, they received support, in the form of arms and other supplies, from Pakistan, although Pakistan denies and says that it gave the 'Kashmir Freedom Fighters', as they were called by Pakistan, only moral and diplomatic support. The conflict has also brought an influx of arms from Afghanistan, which have reached Kashmir via a well-organised route, which has helped to fuel the discontent. During the same period, huge numbers of youths, 10,000 according to official estimates, from Kashmir



are crossing the border into Pakistan to get training and weapons. Many of them join Hizb-ul-Mujahideen, an Islamic organisation that Pakistan then recently started to favour over the secular JKLF. Later, Pakistan even starts arresting JKLF militants and the ISI passes on counter-intelligence about JKLF to India. Many new radical Islamic organisations emerge in this period, such as Lashkar-e-Toiba (LeT) and Harkat-ul-Mujahedin, most of them under the umbrella of the United Jihad Council (UJC) set up by the Pakistani government.

When Jagmohan became the new governor of Kashmir in January 1989, two days after he came to power there were major anti-Indian protests in places like Srinagar. During this protest, Indian security forces fired at the crowd at Gawkadad Bridge, in what has been described by some authors as "the worst massacre in Kashmiri history", resulting in a massacre of about 50 unarmed civilians. In the days that followed, more than 300 people were shot during protests, according to Human Rights Watch. After the massacre, militant Islamic and/or separatist groups intensified their attacks on Indian security forces and anyone suspected of supporting them. The civil war began to harden.

In May 1998, Pakistan and India sign the Lahore Declaration in which both declare to 'intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.' Shortly after the meeting, the Indian Prime Minister Vajpayee states that 'Kashmir is an integral part of India and not a single area of Indian soil would be given away.'

Kargil and renegade militants

Since the establishment of the LOC, since the conditions make it very difficult to monitor the highest peaks, both Indian and Pakistani forces have been guarding the Kargil area during the winter months only in lower-lying areas. Insurgents took advantage of this by conquering the peaks overlooking the only highway that connected the Kashmir valley with Lakadh and then blocking it. India reacted to this with brute force, resulting in a large-scale conflict between India and Pakistan. The last stage of the conflict culminated in massive battles between the two forces, with India reclaiming large tracts of land from the Pakistanis. Since both countries had become nuclear powers in 1998, this conflict got on the nerves of leaders around the world. Eventually, Pakistan withdrew its troops, mainly due to the pressure exerted by US President Bill Clinton. India got back the area between the Kargil mountains, where the security forces now patrol all year round.

Around the early 1990s, Indian security forces began recruiting renegade militant groups to employ them for extra-judicial killings of militants and, in all likelihood, civilians and journalists so that they could be portrayed as 'inter-group rivalry'. Very frequently these militants went too far, as in the Chittisinghpora massacre when 35 Sikhs were gunned down, most probably by Indian security forces supported renegade militants. In 1997, the Director-General of Police, Gurbachan Jagat, admitted to the excesses committed by these militants, so the deployment would have been 'counter-productive'.



Indian Parliament Attack and the 2001-2002 Standoff

On the morning of 13 December 2001, a five-man terrorist cell entered the Indian Parliament by breaching the security cordon at gate 12 and then shot seven people dead inside before being shot themselves. World leaders and leaders in nearby countries, including Pakistan, condemned the attack. The Indian National Democratic Alliance a few days later blamed the Pakistan-based groups Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed (JeM). Indian Home Minister L.K. Advani even goes so far as to indirectly claim that Pakistan was behind the attack. The same day, India demands from Pakistan that they arrest the leader of the organisations and seize all financial assets. In response to the announcement, Pakistan puts its military into full combat readiness. Pakistan states then that the attack was the logical consequence of India's hostile attitude towards Pakistan.

On 20 December, despite all calls from world leaders not to, India also mobilised its entire army to deploy them to Kashmir and Indian Punjab. For months, both fully mobilised armies faced each other at the border, almost without firing a bullet. After intense international diplomatic negotiations, mainly due to the fear of nuclear war, both countries withdrew their troops in October 2002.

In 'Letter to American People' Osama bin Laden wrote that one of the reasons for attacking the USA was because the USA was supporting India in the Kashmir conflict. US Secretary of Defense Donald Rumsfeld later indicated that Al-Qaeda was operating in the Kashmir area. Later, US Special Force troops were also dispatched to Kashmir to hunt down Bin Laden after receiving reports that he was being sheltered by the Kashmiri militant group Harkat-ul-Mujahideen. US officials also claim that Al-Qaeda was busy provoking a conflict between Pakistan and India and helped train and infiltrate Pakistan-trained militants to Kashmir. In 2006, Al-Qaeda itself claimed to have a wing in Kashmir.

Unrest

In 2008, the state government of Jammu and Kashmir decided to transfer 100 acres of land in the predominantly Muslim Kashmir valley to a trust run by the Hindu Amarnath Shrine organisation so that pilgrims passing through could find shelter there. Although the government does this regularly, including to the Islamic Wafq boards, it triggered mass protests by the Muslim population with some 600,000 people protesting at its peak on August 18, waving Pakistani flags and shouting anti-India slogans. The Indian security forces responded by firing on the crowd, killing 40 unarmed civilians. Separatist movements gained even more support after these actions.

In 2010, there was another incident when the Indian army claimed to have arrested three Pakistani men in what later turned out to be a staged encounter. Hundreds of thousands responded to the call of the anti-India Hurriyat organisation to rein in the curfew and take to the streets en masse. Again the Indian security forces fired on the crowd, killing 112 unarmed civilians.

In 2016, the most recent mass protests followed when an anti-Indian militant leader, Burhan Wani, was killed by the Indian Army. After many took to the streets and



clashed with the police, killing around 100 and injuring 17,000, a harsh lockdown was imposed across the region, with internet services and telephone lines cut off and newspapers not allowed to publish anything. Despite all the unrest, the elections always saw a relatively high turnout of about 60%. In 2013, the former Indian army chief General V. K. Singh disclosed that ever since the partition, politicians in Indian-administered Kashmir were getting paid by the Indian government to keep the general public calm.

From 2014 onwards, things started to get turbulent again along the LOC, starting with a confrontation in October of that year. Troops from both sides fire at each other with small arms, several civilians and soldiers are killed. In the years that follow, hundreds of similar clashes take place, all direct violations of the latest ceasefire treaty of 2003. Not only official forces of the countries themselves cause unrest, but also heavily armed militants, as in the 2016 Uri attack in which 19 Indian soldiers were killed. In the deadliest attack in recent years, a suicide bomber from the Jaish-e-Mohammed (JEM) blew himself up in an Indian army convoy, killing 40 soldiers. In response, 12 Indian fighter jets bombed an alleged 'terrorist' camp located in Pakistani territory, killing 350 people. In response, Pakistan mobilised its army, resulting in a month of provocations before both sides signed a new peace treaty in 2019 in which they both agreed to fight terrorism. This period is also known as the 2019 India-Pakistan border standoff.

In August 2019 the Indian government declared a special status for the Jammu and Kashmir region, thus invalidating Article 370 and with it the Kashmir Constitution. In addition, Parliament passed the Jammu and Kashmir Reorganisation Act dividing the region into two Unions, Jammu and Kashmir and Ladakh, and once again invalidating the Jammu and Kashmir Legal Counsel and all laws of the region and replacing them with a new set of laws imposed by the Indian government. To prevent unrest, the Indian government imposed a region-wide lockdown, cutting off all telecom and internet services from August 2019 until February 2021. Since November 2020, clashes around the LOC have caused more than 24 deaths.

Toll for the Kashmiri people

Although Pakistan and India both claim that Kashmir would be peaceful without intervention from the other, that remains to be seen. To this day, reports from human rights organisations show that Indian Security Forces indulge in arbitrary arrests, torture, rape and extrajudicial killings. Pakistan, on the other hand, controls the Azad region with the same kind of violence and repression. Although the conflict is mainly confined to the Kashmir valley, the Kashmiris are being repressed throughout the region. The people of Kashmir have become estranged from both countries: a poll by Mori showed that only 9% of people in the Kashmir valley prefer Pakistan and 13% prefer India. Of all the independence they were once promised, the last bit has been taken away in 2019. Both Pakistan and India fiercely resist the idea that the Kashmiri people should be allowed to join the negotiating table.

There are currently, by various estimates, about 400,000 army and other security forces of both sides stationed in the Kashmir valley area. Since 1947, about 43,000



people have died in the conflict, according to official sources, although human rights organisations put the figure twice as high. In addition, many are still locked up in prison camps, mainly by the Indian government. According to a report of the Indian Government in 2019, nearly 4,000 have been arrested and tortured. Also, more than 200 of them were politicians, along with 100 leaders and activists from the All Parties Hurriyat Conference. An estimated 36,000 Hindu families and 20,000 Muslim families have fled the valley since 1993. Many are in refugee camps in Jammu and Kashmir and Azad, used mainly for propaganda purposes by both powers.

Major Parties Involved

Pakistan

Pakistan believes that Kashmir is illegally occupied by India, also because most of the population in Kashmir is Muslim. Pakistan also has geographical interests in Kashmir. Besides the fact that Kashmir has many resources, the Kashmiri Rivers also run through Kashmir. Agriculture in Pakistan is largely dependent on the water from these rivers and if India can control them, they could shut down agriculture in Pakistan.

Furthermore, Pakistan has economic interests in Kashmir. Pakistan has traditionally had strong economic ties with China but the only place where the countries' borders touch is in Kashmir. The China-Pakistan Economic Corridor also runs through Kashmir. If the Pakistanis lose their part of Kashmir, it could affect the relationship.

Militarily, Pakistan is afraid that once they lose Kashmir, India can send much larger numbers of troops to the border. These troops will also be much closer to important Pakistani cities. Help from Chinese troops will also be much more difficult as Pakistan is cut off from China. Many people in Pakistan, therefore, believe that if Kashmir is lost, Pakistan will no longer be able to exercise power against India.

Public opinion is hostile towards India. Many Pakistanis believe that the Kashmiri people, fellow Muslims, would be better off if they joined Pakistan. However, there is also a growing section of the population that feels that too many resources are going to Kashmir.

Pakistan's diplomatic policy towards Kashmir has hardly changed since the first war. Both during bilateral talks with India and in forums, Pakistan consistently mentions that India is bad and that any kind of talk between the two countries has failed. Besides, Pakistan has never shown any real desire to solve the problem with India. They always clung fiercely to the militaristic approach. Although Pakistan regularly indicates its willingness to solve the problem, for decades they have been emphatically ignoring Clause II of Resolution 47, which calls for a plebiscite. And this, while Pakistan has for years, claimed to have the best interests of the Kashmiri people at heart. Meanwhile, Pakistan's policies show that they mainly care about their agenda. Pakistan pushing its own nationalist agenda within the framework of bilateralism only creates diplomatic stalemates.



India

India considers Kashmir as a whole as part of India through the instrument of accession that Hari Singh himself drew. India, therefore, considers any claim to land by Pakistan and India as illegitimate. India has both economic and military reasons for not wanting to lose Kashmir. Kashmir is India's only corridor to central Asia and the European countries. In addition, Kashmir is the only point where the borders of Pakistan and China touch and India has long feared, partly because of deteriorating relations with both countries, that they would jointly attack India. This fear was also triggered by Pakistan ceding Shaksgam valley and Gilgit to China, parts of Pakistan-administered Kashmir, to China in 1963. India says Pakistan is doing this to undermine India and to allow Chinese troops into Pakistan.

As for public opinion, it is very anti-Pakistan, partly due to the many terrorist attacks that have plagued the country in recent decades. Many of these were done by terrorists who have their camps in Pakistan. Apart from this resentment that a very large part of the population feels, there is also hatred towards China for taking what they consider illegal land from India. By far the majority of the population feels that Kashmir belongs completely to India and that the Indian government should act accordingly.

India does participate in biliteral talks between them and Pakistan and the Kashmiri Mujahideen. Although India claims Kashmir as an integral part and insisted in 1954 that no negotiations were possible, it does allow talks about territory to take place such as during the Sino-Indian war. India always points out that the issue is a bilateral dispute that can be resolved according to the Simla agreement and no international mediation is needed. India also tries to portray the Kashmiri freedom movement as a terrorist movement so that Pakistan is supporting cross-border terrorism. Although India's Kashmir policy has changed a lot through the decades of conflict, the main purpose of the policy has always been to maintain the status quo in Kashmir.

China

In sharp contrast to China's aggressive policy towards Kashmir in the 1960s, China now tries to deescalate tensions between the two through dialogue and consultation. During the Cold War, the policies were driven by security threats from India and their alignment with China's rival the Soviet Union. After the Sino-Indian war in 1962, they signed an anti-military pact with Pakistan and became a supporter of Pakistani claims on the area. When China acquired parts of Pakistan-administered Kashmir in agreement with Pakistan, their role became more important. Also because of Article 6 of the agreement, which states that after the conflict is settled, Pakistan can renegotiate getting the land back. China affirmed Pakistan's position that there had to be a plebiscite in 1964 and helped Pakistan in the Second Indo-Pakistani war.

Later, Chinese leader Deng Xiaoping, who tried to stabilize China's relations with other countries, attempted to normalize relations with India and thereby gradually



removed Chinese interference in the Kashmir conflict. Xiaoping also stated that the Kashmir conflict is a bilateral issue that should be resolved by peaceful dialogue between the two states which is China's policy towards Kashmir ever since. In recent years China invested billions of dollars into the Pakistani economy which will be gradually increased over the years to come. A substantial amount of this money went to the Gilgit-Baltistan region which is in Pakistan-administered Kashmir. These investments have increased China's interest in keeping Kashmir stable.

The Kashmiri People

The view of the Kashmir people is mostly forgotten or ignored. Although the very root of the conflict lies in the fact that a large amount of these people thought that the ceding of Kashmir to India was unlawful. They tried to unite themselves in parties but elections were mostly rigged. Now the Kashmir people mostly stick to the tactic of protesting against the Indian 'oppressor'.

Before the invasion of Kashmir, most people were ambivalent, although many wanted Kashmir to become independent. Now, 75 years later, people are tired of fighting. Almost all sides in the conflict have caused damage to the local population. Whether it is the insurgent groups or the major military powers, human rights have been violated by all. The vast majority of the population wants a referendum to decide the fate of Kashmir once and for all and this should have been in place from the time of partition. In addition, an increasing proportion of the population is in favour of independence.

Timeline of Key Events

August 15th 1947	British rule ended and the sub-continent was partitioned into mainly Hindu India and the Muslim-majority state of Pakistan.
August 23rd 1947	Pashtun tribesmen from Pakistan cross the border into Kashmir and help to elicit a revolt against Maharaja Hari Singh of Kashmir. The Maharajah asks India for military support but India responds that the Maharajah will have to sign an instrument of accession.
October 26th 1947	The Maharajah flees from Srinagar to Jammu where he meets VP Menon with whom he signs the Instrument of Accession, making Jammu and Kashmir an integral part of India but also giving it a special status which guaranteed that Kashmir would have independence over everything but communications, foreign affairs, and defence.
April 21st 1948	India raises the conflict before the Security Council, after which Resolution 47 is passed stating that there must be a



referendum, Pakistan must remove all troops and India may have a minimum number of troops present.

January 1th 1949	A ceasefire agreement is signed leaving India in control of most of the Kashmir Valley along with Jammu and Ladakh. Pakistan acquires areas that will now become Azad-Kashmir and Gilgit.
October 27th 1950	The Jammu and Kashmir National Conference announces that there will be a Constituent Assembly after which Pakistan will immediately object with the UN.
August – September 1951	In the first elections in Indian-administered Kashmir, Indian-backed candidates get a large majority of votes, after which India deems a referendum unnecessary. Pakistan and the UN think otherwise.
August 8th 1951	Prime Minister of Kashmir Sheikh Abdullah is dismissed by Karan Singh, son of Maharajah Hari Singh on an allegation of conspiracy.
November 17th 1956	The state Constituent Assembly adopted a constitution for the state which declared it an integral part of the Indian Union.
Oct 20th – Nov 21th 1962	Sino-Indian war in which China defeats India in for control of Aksai Chin.
November 1964	The Indian Parliament extends articles 356 and 357 to Kashmir thereby giving the Indian president the power to rule and pass legislation in Kashmir.
Aug 5th –Sept 23th 1965	After Pakistan sends armed tribesmen across the ceasefire line to start a local uprising there, it sets off a second war; the second Indo-Pakistani war.
December 3th – 16th 1971	India begins supporting pro-independence forces in East Pakistan. After this, several conflicts also take place at the border between West Pakistan and India. Pakistan loses



east Pakistan and becomes the independent state of Bangladesh.

July 2th 1972	Pakistan and India sign the Simla agreement which ratified the ceasefire line as the Line of Control. Both parties also indicate that they will negotiate with each other and solve problems peacefully.
February 25th 1975	Sheikh Adbullah is elected as chief-minister of Kashmir. His dynasty will dominate the politics in Kashmir.
1984	The Indian army seizes the Siachen Glacier which is not demarcated in the Simla Agreement. Pakistan later regularly tries to conquer the area.
March 24th 1987	Although several Muslim parties are bundled together as the Muslim United Front (MUF), Farooq Abdullah and his National Conference won the elections by a large margin. These elections are considered by many to be shamelessly rigged.
1987	As a result of considered rigged elections, insurgency is now well underway, especially the Jammu & Kashmir Liberation Front (JKLF) is becoming very big.
1989	After the Soviet-Afghan war ends, there is a huge influx of Muhadjin and weapons from Afghanistan after which the insurgency gets a boost.
January 1990	Indian Security Forces open fire at a protesting unarmed crowd at Gawkadal Bridge, 100 are shot dead. The insurgency intensifies.
September 1990	The Jammu and Kashmir Special Powers Act is passed, giving security forces permission to search, seize and destroy property without warrant, arrest civilians without warrant and use lethal force with impunity.
May 3th – July 26th 1999	After Pakistan's strategic conquest of mountain peaks in Indian-administered Kashmir, this triggered the Kargil War between the two nuclear powers, which began in 1989.



October 1st 2001	Suicide bomber of the Pakistan-based terrorist group Jaish-e-Mohammed attack the Jammu & Kashmir Legislative Assembly in Srinagar, killing 38 people.
December 13th 2001	5 terrorists of Jaish-e-Mohammed and Lashkar-e-Taibar attack the Indian Parliament killing 14 people, including the terrorists themselves. The attack increases the tensions between Pakistan and India resulting in the 2001-2002 Standoff.
August 22nd 2008	After months of unrest, 430,000 Muslims protest in a march for independence in Srinagar.
August 2011	The Association of Parents of Disappeared Persons (APDP) discovers 3,483 unmarked graves along the LOC.
September 2013	Prime Ministers of India and Pakistan Manmohan Singh and Nawaz Sharif meet to discuss the unrest and violence along the borders.
2014	Prime Minister of India Narendra Modi cancels a meeting with Pakistani officials after accusing them of interference in the Indian internal affairs. Modi later blames Pakistan for waging a proxy war against India.
November 25th – December 20th 2014	In the Jammu & Kashmir Legislative Assembly election despite the Hurriyat leaders' calls to boycott them, more people are voting than in the past 25 years.
July 2016	After popular militant leader Burhan Wani is killed by Indian forces there are widespread protests from the Muslim population. At his funeral, 200,000 people attend despite the strict curfew. Indian troops shoot at people near the highway leading to Wani's village. 36 people are killed.
September 2016	A Jaish-e-Mohammed suicide bomber attack on an Indian army camp in Uri killed 17 people. India says it has intelligence that Pakistan was involved in the attack and calls Pakistan a "terrorist state". India strikes back with "surgical strikes" from fighter jets on "terrorist camps" in Pakistani territory.



February 2019	A suicide bomber from Jaish-e-Mohammed crashes into a convoy of the Central Reserve Police Forces (CRPF) in Pulwama, Killing more than 40 Indian soldiers. As a response, India carries out airstrikes in “terrorist camps” in Balakot, Pakistan.
August 4th 2019	Important Kashmiri leaders, among others National Conference leader Omar Abdullah and PDP chief Mehbooba Mufti, are placed under house arrest by the Indian Home Minister.
August 5th 2019 – February 5th 2021	After the Indian Parliament scrapes Article 370, which gives special status to Kashmir, Kashmir and Ladakh become Union territories of India. This happens while the Indian government imposes a strict lockdown on the region by which the telecom and internet services were cut-off.

Previous attempts to resolve the issue

Past international endeavours to resolve the Kashmir crisis have failed largely due to Indian and Pakistani domestic constraints. Most of the solutions failed the Kashmiri leaders simply were not involved in the solution.

One of the first solutions to be offered was Resolution 47, adopted on 21 April 1948 by the Security Council. After hearing arguments from Pakistan and India, it was decided that the previously established UN commission will be expanded and will work with India and Pakistan to ensure a fair plebiscite that would decide the faith of Kashmir. Secondly, the Resolution recommended a three-step approach to resolve the dispute:

- Pakistan was asked to bar all its countrymen who came to Kashmir solely to fight.
 - India had to reduce its troop strength to the bare minimum to maintain law and order.
 - India had to choose an UN-nominated administrator to take the plebiscite.
- Both India and Pakistan raised objections to the Resolution. Although a ceasefire between the two countries was arranged by the UN commission in 1949, they did not agree on the process of demilitarization. In December 1949, the UN commission declared itself officially failed.

Then there is the Indian-vaunted Simla Agreement, which was a peace treaty signed between India and Pakistan on 2 July 1972 in Shimla. It followed the Indo-Pakistani war of 1971 and stated, among other things, the following:



- Both countries will "settle their differences by peaceful means through bilateral negotiations" and because it's a bilateral problem any third party mediation should be denied.
- The ceasefire line would from now on become the Line of Control (LoC) which "neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations." Critics also saw this as India's way of turning the LoC into an international border.

Another solution offered, comes from 1964 and was initiated by C. Rajagopalachari and Sheikh Abdullah. The Rajaji-Abdullah formula pointed towards a condominium, a shared government, a confederation and a U.N. trust territory although the real purport of the formula never came out. The formula was, however, regularly praised in later years by Sheikh Abdullah

A somewhat more legitimate attempt was the Chenab formula. This formula proposes to divide the disputed area along the Chenab River which runs through the area. The advantage of this plan is obviously the use of a natural border. However, the plan failed due to the fact that Pakistan is taking excessive advantage of it. Kashmir Valley, with its overwhelmingly Muslim population, would go to Pakistan, along with the Jammu area. For India, this plan was unacceptable, if only because she would lose the Hindu area of Ladakh.

On December 5 2006, Pakistani President Pervez Musharraf told an Indian TV channel that Pakistan would stop claiming Kashmir if India accepted his peace proposal. This was a proposal he did on a 2001 Agra summit and came to be known as Musharraf's 4-point Formula:

- Demilitarization or a phased withdrawal of troops
- No change of borders of Kashmir. However, the people of Jammu & Kashmir will be allowed to move freely across the Line of Control.
- Self-governance without independence
- A joint supervision mechanism in Jammu and Kashmir involving India, Pakistan and Kashmir.

From the point of view of India and Pakistan, this is not a defeat for either side. It would ease the ever-escalating tension at the LoC by eliminating its relevance entirely. However, the framework never produced an agreement, partly because both parties could not imagine what an agreement based on the formula would look like. The government of Pakistan later declared that Musharraf's message was his personal opinion

Possible Solutions

To solve a conflict as complicated as the Kashmir conflict, we have to take a pragmatic, realistic approach. On the other hand, it is important not to be overly critical as endless debates only make the conflict seem more complex, with only the status quo benefiting. The United Nations should take a more active role which it can



do by organizing talks involving the U.N., Pakistan, India, China and the Kashmir people themselves. Also, it can help by establishing new procedures and mechanics for resolving the problem. It is important to notice that when the dispute erupted, the world leaders wanted to decide the fate of Kashmir with a plebiscite that would take place under the supervision of the U.N. and which is ratified in Resolution 47.

Since the solution is likely to come after a long and gradual process, it is first important to stop the excessive violence so that it cannot create new tensions between the countries. For this, it is first of all important to demilitarize the area of conflict, Kashmir, by a phased withdrawal of troops of both sides. Then it is also important to separate the talks on the claims of both countries from this demilitarization. These talks can continue in a less hostile, demilitarized environment. Pakistan's military leadership will have to change its policy of support for militant groups active in the armed struggle against India across the LoC and responsible for the continuing violence against civilians within Kashmir.

Many solutions are also being put forward since the beginning of the conflict in which Pakistan and India could rule the area together. This would require only mutual goodwill and cooperation, which seems a very unstable solution. Also, solutions, where the LoC is considered as the new official border, seem untenable.

Although 75 years of frequent talks between Pakistan and India, new negotiations can be successful, in order to achieve that, we need to add some new principles:

- The leadership of the Kashmiri people must be invited to the negotiations, this happened never before.
- There must be a strict ceasefire, also to stop skirmishes around the LoC, because it is impossible to have serious talks about peace if you are killing each other in the meantime.
- All parties will have to enter the conversation without prejudice and preconditions.
- History has shown us that talks between the two countries have never led to an effective settlement without the involvement of a third party. Therefore, a third party will always have to be present at the talks, also to keep the parties focused.
- The fate of Kashmir must be inherent in the will of the Kashmiri people.

Furthermore, it would be very desirable for future elections to be monitored by the U.N. The people have largely lost their faith in the elections and this could give the democratic process a boost again. In addition, these elected leaders should be invited to the negotiating table. Full political freedoms throughout Kashmir must be honoured, including freedom of assembly, speech, and press to give the people of Pakistan the fairest election and plebiscite possible. Also, it must be over with disqualifying candidates who do not want to forge an alliance with India or Pakistan. India will also have to start negotiating one-on-one with local leaders like the All



Parties Hurriyat Conference (APHC) to demonstrate that it is prepared to make genuine concessions to that group as well as other Kashmiri political representatives.

Appendix/Appendices

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