



*Study Guide:*

# **Crisis Committee: The Kashmir Conflict**

*VIII Model United Nations Pontificia Universidad Católica del Perú  
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Dear Delegates,

My name is Jacqueline St. Laurent and it is an honor to be your director this year in a Committee as important as this. I am a fourth year law student at Universidad del Pacifico and I've been doing MUN ever since I started University. I currently work as an intern at Universidad del Pacifico Law School and as an intern at Universidad del Pacifico's Legal Clinic, which deals with issues of freedom of expression and access to information. I've had the opportunity to debate in Harvard Model United Nations (HNMUN) and in several national models. However, this will be my first time (ever) in a Crisis Committee and I am looking forward to meeting you all and seeing how well you perform.

The importance of Kashmir relies not only on its strategic and political location, but on the amount of people who remain devastated because of a lack of solutions by those involved. The number of militants and civilians being killed is on a rise, and it is important to discuss means to solve this crisis. This issue has become the single biggest problem being facing the Indian subcontinent, leaving more than 40,000 people dead. This Committee will provide delegates with the opportunity to discuss and propose solutions to a imminent issue that craves a positive outcome.

Along with the chair, we are looking forward to meeting you all at PUCPMUN 2019 and welcoming you to what we are sure will be an exciting and challenging experience!

See you soon!

Jacqueline St. Laurent

Director of the Crisis Committee: The Kashmir Conflict

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## **Special Crisis Rules**

Rules for this committee are going to be different than those of a regular Crisis committee. We urge delegates to pay special attention to this section and contact us in case of questions regarding the dynamics of this committee.

- **Directive:** Unlike a General Assembly or an ECOSOC in which delegates present their solutions at the end of the conference, a crisis committee is more dynamic and therefore it requires actions to be taken constantly by the committee. A Directive is similar to a draft resolution except that it can be presented at any time during debate and that in the case of this committee they are legally binding (meaning that when one is adopted the members of a committee are expected to comply with it).

**Note: A directive needs 1/3 of the committee as signatories to be introduced (no sponsors) and for it to be accepted it will require either the simple or qualified majority to vote in favour of it, depending on the specific content of the directive and on the dais.**

- **Secret Action:** This document is sent by a delegate directly to the dais and is not presented to the rest of the committee. Secret Actions are the actions a character takes using its portfolio of powers (administrative functions, personal contacts, etc.) in order to fulfil its personal goal.
- **Joint Secret Action:** This document is similar to a Secret Action except that instead of using the portfolio of only one character it is a collaboration between two characters. It is presented in the same way as a Secret Action but it requires the signatories of both parties involved.
- **Press Release:** As redundant as it may sound, a Press release is a statement made by the committee which is released to the press. The statement will contain EXACTLY what is written on the document.

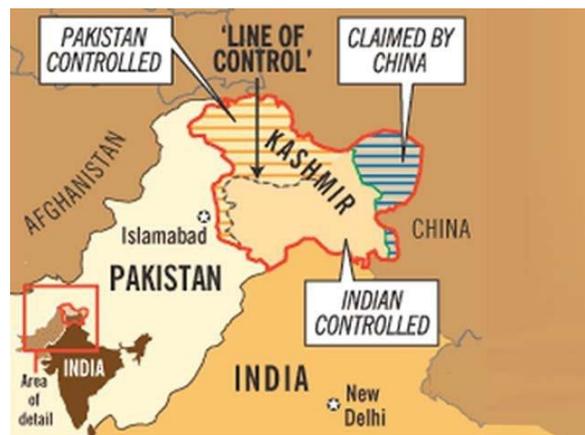
- **Bloc Actions:** The members of each bloc are allowed to present bloc actions. This document is similar to a Joint Secret Action but it must be made exclusively by the members of each bloc. In order for it to be presented to the dais, it must contain the signatories of ALL of the members of the bloc. Therefore, it uses the power of the entire bloc (imagine it as a directive you send with the other members of the party you are representing).

**Note: Observers are not allowed to send Bloc Actions as they are not a member of any bloc.**

- **Veto Power:** The Veto power in this committee is going to work differently than in a UNSC. As this is a Special Summit which is being mediated by the United Nations, observers can Veto any document which they believe goes against international law, previous negotiations or the UN charter. However, they do not have individual Veto, meaning they have to vote against a document for it to be vetoed together.

### **History of the problem**

According to the Organization of Unrepresented Nations and People, all people have the right to self-determination. Self-determination was established in international law as follows: "on the basis of respect for the principle of equal rights and equal opportunities, people have the right to freely choose their sovereignty and political status without any external influence or compulsion". In other words, it allows people to choose their own political status and determine their own form of economic, cultural and social development.



The Kashmiri population has struggled for 67 long years for their right to self-determination without a positive outcome. The conflict originated because of the allegedly legitimate claims of Pakistan and India over the Kashmir territory. Due to the strong Indian military presence and local militant groups, allegedly supported by Pakistan, the region remains in a state of instability.

Kashmir is a valley located between the Himalayas and the Pir Panjal mountain range, which has been a reason for dispute. The Jammu/Kashmir region has been claimed by three major countries: India, Pakistan and China, which has produced an ongoing conflict. At the moment, Kashmir belongs to India, while other areas such as Aksai Chin, Gilgit- Baltistan and Azad Kashmir belong to People's Republic of China and Pakistan, respectively.

The region of Jammu/ Kashmir has been a part of the British Colonies since 1858. Once India was decolonized in 1947, it was divided into India and Pakistan. The division led to sixty percent of it belonging to India (Kashmir and Jammu) and forty percent belonging to Pakistan (Gilgit- Baltistan and Azad Kashmir).

It is important to keep in mind that Kashmir is not a homogenous territory. The state is actually formed by Jammu, which is predominantly Hindu, Kashmir which is predominantly Muslim, and Ladakh, which is Buddhist. The problem would be further complicated by the annexation of Aksai Chin by China, the cession of Pakistan's territory to China in Karakoram, the inaccurate definition of the Line of Control that includes the Siachen glacier, and the presence of terrorist groups.

In 1947, the United Nations determined that the people of Kashmir had the right to self-determination and implemented a resolution that exercised this right and resolved what was then a political and military crisis between India and Pakistan over the provision of Kashmir. The assertion of Kashmir of self-determination is exceptionally strong, even without the recognition of the United Nations. Kashmir has historically been independent, except in the anarchic conditions of the late eighteenth century and the first half of the nineteenth century. However, this resolution has not yet been implemented and Kashmir's right to self-determination has not yet been satisfied. In order to freely and fairly exercise the right to self-determination, the different ethnic groups, cultures and religions must be taken into account.

When addressing the dispute in Kashmir, it must be taken into account that India and Pakistan possess nuclear weapons. However, neither of them is part of the Nuclear Non-Proliferation Treaty (NPT), which means that their nuclear arsenals are outside

the jurisdiction of most international agreements. The NPT makes a clear distinction between states with nuclear weapons (United States, the United Kingdom, France, Russia and China) and states without nuclear weapons. The P5 nations refuse to recognize India and Pakistan as states with nuclear weapons. As a result, India and Pakistan are not willing to sign the agreement, as it would force them to voluntarily renounce all weapons and become non-nuclear states. Although nuclear weapons are not physically located in Kashmir, they could cause great havoc in the region.

## **FIRST WAR (1947)**

After gaining independence from Britain, the Kashmir region had two options: join India or Pakistan. However, no alternative was liked by Maharaja Hari Singh, who wanted independence. Given this, Pakistan decided to invade Kashmir. In response, Maharaja signed the union with India and in return it entered the



war to defend Kashmir. In 1948, India denounced the conflict before the United Nations and consequently the UN formed the United Nations Committee for India and Pakistan, in which Resolution 47, which orders the ceasefire and the withdrawal and reduction of military forces of Pakistan. The region is divided into two parts by means of the Line of Control: one part is controlled by India and the other by Pakistan. Later, the development of a plebiscite under the direction of the UN was considered. However, this was not carried out as Pakistan refused to withdraw its troops violating one of the conditions for the plebiscite to take place.

## **SECOND WAR (1965)**

In March and April 1965 two fights broke out between India and Pakistan, as the Pakistani military crossed the border illegally through the Rann of Kutch. In June, a court was created to resolve the dispute. The verdict favored Pakistan, which was awarded 906 km<sup>2</sup> of the Rann de Kutch. Considering the Pakistani victory and the

great losses suffered by India in the war against China in 1962, Pakistan decided to infiltrate guerrilla forces to provoke a rebellion within the state. However, the infiltrators were discovered and handed over to the Indian authorities, who counterattacked by initiating a second war. The Security Council of the United Nations demanded a ceasefire, which was respected by both nations.

### **THIRD WAR OR WAR OF LIBERATION OF BANGLADESH (1971)**

Both factions, East Pakistan and West Pakistan, distanced considerably. In 1970, general elections were called, and the results showed two majorities: the Awami League (party in favor of the independence of East Pakistan) and the People's Party of Pakistan (against the independence of East Pakistan). The rebellion was silenced by force, but in panic, 10 million refugees crossed the border into India.

After several unsuccessful diplomatic attempts to get the refugees back, India supported the independence of East Pakistan in order for the refugees to return to their country. India signed a pact of peace, friendship and cooperation with the Soviet Union to have the support of a powerful ally. The Pakistani defeat was imminent. The Indians attacked without mercy and delivered East Pakistan, a region that was born as an independent country under the name of Bangladesh.

### **OPPOSITION TO THE INDIAN GOVERNMENT**

The Prime Minister, Indira Gandhi, centralized power in Delhi during the emergency period, provoking resentment and suspicions of corruption with respect to the party of the National Conference (CN). The new political groups gained the support of the Kashmiris frustrated with the Indian government, the supporters of independence or unification with Pakistan, and the internal Pakistani militants.

The protests and violence continued until in 1990 the Indian government imposed the military government in Kashmir. International human rights observers suggest that security forces have violated civilians, censored the press and denied due process.

### **WAR OF KARGIL (1999)**

The war originated because a number of Pakistani soldiers and Kashmiri militants infiltrated the Indian side of the Line of Control. After the reprimands of the International Community, both parties agreed to cease hostilities.

## SINO-PAKISTAN AGREEMENT

The Sino-Pakistan Agreement is a document created in 1963 between the governments of Pakistan and China, which establishes the border between these two countries. China gave Pakistan between 1,942 and 5,180 square kilometers, and Pakistan recognized China's sovereignty over hundreds of square kilometers of land in northern Kashmir and Ladakh. The agreement is controversial, since India also claims sovereignty over part of the land.



Source: Dhaka Tribune (2019)

## **Past Actions**

### *Resolution 38, 39 and 47 of the Security Council*

In January 1947 these resolutions were adopted to create the first measures in order to stop the conflict between India and Pakistan. In the first document, India and Pakistan were invited to withhold direct conversations in order to find a common basis for the conflict. In these conversations no specific agreement could be reached. Three days after the first resolution, the following would regard the implementation of the United Nations Commission for India and Pakistan (UNCIP) which sought to mediate the conflict between the two countries with three UN representatives elected by India and Pakistan. This commission was governed by the Security Council and would send reports regarding the evolution of the conflict besides acting on behalf of said organization without interrupting the work of the council itself. On April 21 of that same year, an update of the previous resolution was implemented in which the number of representatives was changed to five, being the additional two elected by the same Security Council. The elected representatives were the following: Czechoslovakia (elected by India), Argentina (elected by Pakistan), Colombia and Belgium (elected by the Security Council) and finally the United States (elected by the council president). This resolution not only ratified its predecessor but also added new clauses to guarantee the withdrawal of troops from both countries. In summary, these three resolutions sought not only dialogue with mediation but also the supervised intervention of other countries apart from direct commitments with the security council for the withdrawal of troops and ceasefire in the area.

### *Tashkent Agreement*

It was an attempt at a peace treaty signed in 1966 that could have been a possible permanent end to the conflict between the two countries because it was well accepted by both parties and signified a ceasefire in the region of conflict. In spite of the promises that this agreement meant, subsequent negotiations were carried out that were negative. This, in face of the Prime Minister of India dying shortly after the agreement, making the subsequent negotiations more difficult. This also led not only to the rejection of said treaty in India for not guaranteeing an absolute peace but also the popular belief that Pakistan would win the war. Once again, it was shown that the peace treaty did not work effectively in this conflict.

### Measures in the 21st century

In 2005, after many attempts to reach peace, the Pakistani president declared that the best measure to resolve the conflict would be through the autonomy of Kashmir. On the other hand, the Indian prime minister believed that without defined borders and greater autonomy on areas controlled by India, the cessation of the conflict would be obtained. In 2009 the Indian government finally announced that a peace treaty with Pakistan would be sought again and in 2010 both countries returned to their peace negotiations which would lead to a referendum in 2011 with new policies focused on peace. In 2012, new proposals were offered by Pakistan so that India would withdraw its ballistic weapons which were close to its borders as a means to end the negotiations. India initially did not agree but then a final agreement was reached that peace would be obtained through the use of diplomacy. Trade diplomacy was carried out, in which Pakistan began to buy oil mainly from India.

### **Bloc Positions**

This committee will have with three different blocs and two observers.

#### **Indian Bloc:**

- Rajnath Singh, Indian Minister of Defence
- Subrahmanyam Jaishankar, Indian Minister of External Affairs
- General Bipin Rawat, Chief of the Army Staff
- Satya Pal Malik, Governor of Jammu and Kashmir

#### **Pakistani Bloc**

- Pervez Hhattak, Minister of Defence
- Makhdoom Shah Mahmood Hussain Qureshi, Minister of Foreign Affairs
- Ali Amin Khan Gandapur: Minister of Kashmir Affairs & Gilgit Baltistan
- General Qamar Javed Bajwa, Chief of Army Staff

#### **Chinese Bloc:**

- Wang Yi, Minister of Foreign Affairs
- General Wei Fenghe, Minister of National Defence

- Chen Wenqing, Minister of State Security

**Pro-independence bloc:**

- Mehbooba Mufti, Indian Politician of the Jammu and Kashmir People`s Democratic Party
- Yasin Malik, Chairman of the Jammu and Kashmir Liberation Front
- Shabir Snah, President of the Jammu and Kashmir Democratic Freedom Party

**Observers:**

- Karen Pierce, United kingdom of Great Britain & Northern Ireland representative at the United Nations Security Council
- Vasily Nebenzya, Russian Federation Representative at the United Nations Security Council.

**Questions a Resolution must answer (Qarmas)**

1. To what extent should past plebiscites be considered by this summit?
2. Should the UN continue to use plebiscites?
3. What role should the UNSC have once the Special Summit is over?
4. Should the border established by the Line of Control be modified? In what way?
5. How can the acceptance of the actions by non-represented parties be ensured once the committee is over?
6. Should external parties (other UN organs, foreign nations, TPAs) intervene? In what way?
7. How can the Special Summit ensure that all parties' interests are respected?
8. How can the UNSC assure the security of civilians on the disputed territory? Should the UN intervene?
9. How can the Summit ensure the acceptance of a Peace Treaty between the parties involved? What should be established in the treaty?

## **Recommendations for further research**

Considering the complexity of the dispute over Kashmir, we would recommend delegates to look upon past actions on the topic. This would give delegates a better understanding of the current situation, and it will allow delegates to know the policies of its bloc. However, delegates are not expected to only focus on their respective blocs; it would be better for them to also investigate the past actions and the policies of the other blocs involved.

It could also be useful to investigate the portfolio of each bloc in the committee, which will be necessary to write detailed Bloc Actions and to withhold negotiations. Regarding how equipped the blocs are, it would be better for delegates not only to focus on the capabilities of their bloc, but also investigate on ways for it to be improved.

We urge you not to forget to investigate your personal portfolio as it will be necessary for Secret Actions and Joint Secret actions. This does not only refer to your personal powers, but also includes your character's personal contacts or positions your character might have had in the past. We recommend delegates to be creative when planning a crisis arc and to not be afraid of sending anything that may seem bizarre—still, we expect delegates to be respectful of the limits of reality. Furthermore, we encourage delegates to look upon different areas in which they could work in order to plan different crisis arcs.

We would also recommend delegates to investigate the regional politics and the relationship of the parties involved between themselves and other nations. It is important to understand how countries that are not directly involved in the issue may participate or react.

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