The Territorial Dispute between India and Pakistan for Kashmir

Historical Security Council

February 2018
I. INTRODUCTION

II. OVERVIEW
   A. COMMITTEE’S BACKGROUND
   B. ACHIEVEMENTS

III. THE TERRITORIAL DISPUTE BETWEEN INDIA AND PAKISTAN FOR KASHMIR
   A. HISTORICAL BACKGROUND
   B. RECENT SOLUTIONS
   C. INFORMATION ABOUT THE MAIN COUNTRIES

IV. KEY POINTS FOR DEBATE

V. ANNEXES
   I. ANNEX I: LIST OF COUNTRIES
   II. ANNEX II: REFERENCES
I. INTRODUCTION

Dear delegates of the Historical Security Council,

During this debate, The Historical Security Council gives you the unique chance to change the course of history and, at the same time, to regulate the global security dynamic regarding the Territorial Dispute between India and Pakistan for Kashmir.

The debate will require you to immerse yourself in the controversial time by assuming the role of your delegation in order to respond appropriately and effectively to the events and crisis that actually took place in history. This presents you the opportunity to apply diplomacy, power of analysis, innovative ideas and above all, your willingness to reach a viable resolution to the topic.

We, as your staff, encourage you to use all of your skills and abilities throughout the debate, being sure that your high standards and your commitment during the discussion will enhance the outcome of our committee.

Welcome to the Olinca Model United Nations (Olinmun) 2018.

Yours sincerely,

Vania Valeria Hernández Ortega
Head of Committee of Historical Security Council

Fernanda Domínguez Lozano
Moderator of Historical Security Council

Victoria Occelli Báez
Chair of Historical Security Council

NOTE: We highly recommend you to read thoroughly the following document, as well as the delegate handbook, which we hope will be useful in order to have a general view of the themes we will be debating.
II. OVERVIEW

Since 1947, when India and Pakistan were recognized as independent countries, a conflict for a territory between them began: the dispute for Kashmir.

For instance, Kashmir’s ruler decided to become part of India’s territory, however, Pakistani armed tribesmen invaded Kashmir. The Indo-Pakistani War of 1947 was the result of that invasion. In January 1948, the Security Council with its Resolution 39, established the United Nations Commission for India and Pakistan (UNCIP) conformed by three members: one chosen by Pakistan, one by India and the third one chosen between the two aforementioned.

Later on the same year, with Resolution 47, the Security Council decided to enlarge the UNCIP as well as including observers to stop the fight. In 1949, the UN established a ceasefire line which would be supervised by a group of military observers (United Nations Military Observer Group in India and Pakistan - UNMOGIP).

This territorial conflict is of great importance due to the fact that security and peace have been threatened by the intervention of Pakistan and India into Kashmir.

Security Council is taking over the matter to analyze Kashmir’s conditions since the beginning, in order to solve the on-going situation with all the committee's members participation.

A) Committee’s Background

Since the United Nations (UN) establishment in 1945 after the WWII, the Security Council (SC) was created as one of the six primary institutions of the UN.

The United Nations Security Council has as its main responsibility the maintenance of world peace and security.

The SC is conformed by 15 members. Ten of them are elected by the General Assembly (GA) for a two-year term and the other five
are permanent members, also known as the Permanent Five (P5): the United States, the Russian Federation, China, France and the United Kingdom represented the strongest powers in 1945, therefore, the UN granted them a permanent seat in the SC. When a threat to peace and security is presented, the Security Council’s first concern is to end it by peaceful means as their first action is the recommendation of an agreement among the ones in conflict.

B) Achievements:
The Security Council has always been involved in every dispute that may represent a threat to world peace, because of this it has passed resolutions in order to prevent or stop international disputes since 1946.

Some examples of these situations in which the Security Council has had achievements are: the Iran Crisis (1946), the Korean War (1950), the Suez Crisis (1956) and the Congo crisis (1960).

II. The Territorial Dispute between India and Pakistan for Kashmir

A) Historical Background
For this topic, it is crucial to understand how the partition of the Indian subcontinent took place in 1947. When India and Pakistan where formed as newly independent countries, the ruler of the princely state of Kashmir was given the right to decide on whether to join India or Pakistan or to remain independent but respecting certain reservations.

![Map of Kashmir](image.png)
So, because of its location, Kashmir could choose either to join one country or another but its main problem was that the ruler, Maharaja Hari Singh, was a Hindu ruler of a predominantly Muslim population. Unable to decide which nation they should join, Hari Singh decided to stay neutral. Hari’s idea of remaining neutral and independent vanished when Pakistan sent troops to the capital. Hari asked the Indian government for military assistance and signed the Instrument of Accession ceding Kashmir territory to India. The Indian government, wanting to confirm the act, sent troops but the Pakistani forces had already the control of one part of the region.

Indian and Pakistan forces fought this war for Kashmir over a year, until India referred the dispute to the United Nations. In a resolution dated August 13, 1948, the UN asked Pakistan and India to remove their forces. Once that happened, a free and fair plebiscite was to be held to allow the people of Kashmir to decide their fate. India had more advantage winning the plebiscite having taken the matter to the UN and having one of its most influential mass leaders, Sheikh Abdullah, firmly on its side. On October 30th, 1948, an emergency government was formed with Abdullah as the prime minister. Pakistan ignored the UN resolution and continued the fight holding on to the portion of Kashmir that they had under control. On January 1st, 1949, a ceasefire was agreed with India having control of 65% of the Kashmir territory.

In 1957 Kashmir was formally incorporated to the Indian Union and was granted special status under the 370 article of the Indian constitution. Since 1963 to this date (1964), there has been a mass uprising in the Kashmir Valley which has not been controlled and it is of mayor importance for this committee.
B) Recent Solutions

Since the beginning of this territorial dispute, the UNSC has proposed various resolutions to control the situation.

In January 1948, the Security Council adopted resolution 39 (1948), establishing the United Nations Commission for India and Pakistan (UNCIP) to investigate and mediate the dispute. Unfortunately, after the resolutions, the cease-fire of hostilities continued and that led to the establishment of the United Nations Military Observer Group for India and Pakistan (UNMOGIP), in order to monitor the cease-fire line.

After not seeing any favorable results regarding the first resolution, the United Nations passed the Security Council Resolution 47, concerning the State of Jammu and Kashmir.

In 1949, India and Pakistan signed the Karachi Agreement establishing a ceasefire line to be supervised by the military observers from the nucleus of the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

On 30 March 1951, following the termination of UNCIP, the Security Council, by its Resolution 91 decided that UNMOGIP should continue to supervise the ceasefire in Kashmir and established a ceasefire line to be supervised by observers. During the same month, the Karachi Agreement was signed by Pakistan and India.

In January of 1957, the UN Security Council passed Resolution 122. Six years later, in 1963, the Chinese government signed an agreement with Pakistan on the boundary between the northern areas and the Xinjiang province (this was the Trans-Karakoram Tract).

c) Information about the main countries

Pakistan

The name Pakistan symbolizes the four provinces of the country: Punjab, Kashmir, Sind and Baluchistan, which means that Kashmir is a vital part for the formation of Pakistan since the partition. Since 1947 Pakistan is convinced that Kashmir's accession to India is wrong and not adequate. Pakistan believes that Kashmiri Muslims would choose to join Pakistan.
India

For India, Kashmir means the "unity in diversity" which is a principle for the country. Even though most of India’s population is Hindu, the Indian constitution grants equal rights to its ethnic and religious variety, including the 120 million Muslim population. India asserts that the accession of Kashmir to India was legal, and that the state is inseparable from the country.

China

China has always stated that Aksai Chin is an indispensable part of China and does not recognize the inclusion of Aksai Chin as part of the Kashmir zone.

China settled its border disputes with Pakistan under the 1963 Trans Karakoram Tract and it most be taken into account in the final solution of the Kashmir dispute.

IV KEY POINTS FOR DEBATE

• It is of mayor importance for every delegate to be careful with the period of time given. Information that will be valid in the debate goes from 1947 up to 1964.

• Any information used after the year of 1964 will be invalid, this is essential to accomplish the mission of the committee which is to achieve peace in the zone (being this the top priority of the entire committee).

• This committee urges you to gather information from the historical background of the dispute and, even though you cannot use information after 1964, you must read it with the only purpose of seeing the real consequences regarding this major conflict and as references of possible solutions.

• The UNHSC asks you to take into consideration religion, ethnic groups and the location of the Kashmir dispute as it is vital for achieving the most accurate resolution.

• This committee reminds each delegate that the objective is to end the territorial dispute, this means that you will debate what would be best for Kashmir: India, Pakistan, neutrality or maybe other option regarding how to delimit the Kashmir region.
ANNEX I: LIST OF COUNTRIES

1. Canada
2. China
3. France
4. India
5. Indonesia
6. Iran
7. Israel
8. Japan
9. Pakistan
10. Saudi Arabia
11. Soviet Union
12. Turkey
13. United Kingdom
14. United States of America
15. Yugoslavia
ANNEX II: REFERENCES


