Forum: Economic and Social Council

Issue:Present-Day Economic Conditions of KashmirStudent Officer:Agasir Padilla

Position: President

Introduction

"No feats of heroism are needed to achieve the greatest and most important changes in the existence of humanity; nor the armament of millions of soldiers; nor revolutions; nor barricades; nor explosions but a change in public opinion. And to accomplish this change no exertions of the mind are needed, nor the invention of the extraordinary novelty; it is only needful that we should not succumb to the public opinion of the past which the government has induced artificially."

-Leo Tolstoy (1896)

As Tolstoy once wrote "a change in public opinion" one that is not created synthetically, but rather created in a diligent and more understanding instrumentation can enable "the greatest and most important changes in the existence of humanity". This has been advocated for in the Kashmir issue in the previous endeavors of Nationalist movements, NGOs and the UN, yet as it is evident in the status quo; the attempts are insufficient if to say the least in the manner, in providing the ultimatum that enables all peoples in the Kashmir to live in economic conditions that they deserve.

Moreover, the drastic economic conditions stigmatized within Kashmir has been caused by a culmination of both Pakistani inadequacy towards nationalistic movements that enforces the independence of Kashmir and repressive means of Indian Marshall law wherein their military forces may use their power in abusive means that have led to systematic violence and sexual abuse.

Overall, choosing a side to blame within this issue will not solve it but preferably a more consolidated approach would be a coalition of Pakistani and Indian governmental bodies to come to a conclusion towards a just government policy that prioritizes equity over nationalism therein may lay a future for the Kashmiris particularly in the Indian region because if we base our identity as individuals whom acknowledge that our knowledge and experience define us and not the land that we live in then and only then can we change the public opinion of Indian and Pakistani governments bodies alike.

Definition of Key Terms

Suzerainty

When any region or any nation controls the foreign policy and international relations of a tributary state but allows it to have internal autonomy. in the context of the issue, British India had suzerainty before it split into India and Pakistan whereby the princely states had internal autonomy of the region but had no control over international trade and treaties with other nations besides Britain.

Internal Autonomy:

the right to self-govern oneself. In the context of this issue, British India had internal autonomy before the independence of Pakistan and India; this meant that the tribal states could control internal trade within the sub-continent of India but had no control over external trade vis a vis with china, Russia or any such country as Britain controlled this.

Quasi-judicial

A non-judicial body that can interpret law, particularly bodies such as arbitrators and a tribunal board. The international Peoples' tribunal on human rights and justice in India administrated Kashmir (IPTK) is a Quasi-judicial body that aids Human Rights groups advocates for just and equitable societal conditions that does not entertain the breaching of any forms of human rights.

Hinduism

Hinduism is an Indian religion and dharma, or a way of life, widely practiced in the Indian subcontinent and parts of Southeast Asia. India is a Hindu majority country that has sovereignty over a region of Kashmir.

Maharaja

Indian Prince, in this issue the Maharaja was Hari Singh (1895-1961) whom had control of internal policies of Kashmir, advocated for the independence of Kashmir but due to Pakistan's preemptive attack of 1947, the Maharaja was forced to sign the instrument of Accession as the Kashmir and Jammu region did not have the adequate equipment to combat the Pakistani forces. Thus, leading to a conflict between India and Pakistan.

Islam: is an Abrahamic monotheistic religious group teaching that there is only one God (Allah) and that Muhammad is the messenger of God. Muslims consider the Quran to be the unaltered and final revelation of God. Kashmir is a Muslim Majority region in the Indian sub-continent.

Instrumentation of Accession:

The Instrument of Accession is a legal document executed by Maharaja Hari Singh, ruler of the princely state of Jammu and Kashmir, on 26 October 1947. By executing this document under the provisions of the Indian Independence Act 1947, Maharaja Hari Singh agreed to accede to the Dominion of India.

Sino-Pakistan Agreement:

bilateral agreement between Pakistan and china during 1963 that entertained the annexation of the Aksai Chin.

Background Information

British India

The controversy between India and Pakistan regarding the territorial dispute of Kashmir can be traced back to 1947, where British India previously governed as a colony by the United Kingdom albeit ruled by Princely States whom had to agree to British Suzerainty for internal autonomy, were about to gain their independence through the Indian Independence Act of 1947 whereby a parliamentary decision by the United Kingdom was made to split British India into two new dominions specifically, India (Hindu Majority regions were to be collectively known as India), West Pakistan ("Pakistan" were to be the Muslim majority regions) and East Pakistan (modern-day Bangladesh).

Mountbatten Plan

Moreover, the disputes started shortly thereafter as the 3 June plan (Mountbatten Plan) was implemented with consolidation from representatives of the Indian national congress, the Muslim league and the Sikh community. Proposed by the United kingdom's ambassador Mountbatten, Britain gave acceptance and recognition to the partition of British India and gave successor governments dominion status. With the establishment of the first war between Pakistan and India for Kashmir during 1947 to 1948, the first UN resolutions were put into place in 1948 namely (S/RES/39(1948), S/RES/38(1948) and (S/RES/47(1948) which has established the borders and a line of control.

Rise of Militant Groups

Equally, when considering how the socioeconomic conditions of this conflict has affected Kashmir's sovereignty and therefore enabling the adverse economic conditions of Kashmir, we must consider the rise of militant groups, transactions of weapons between borders of India, Pakistan and China and the lack of just government intervention in the matter. However, the Kashmir uprising of the last three decades can perhaps be categorized into two distinct periods - discontent over Delhi's rule surfacing in the 1980s, leading to the rise of groups backed by Pakistan from the early 1990s onwards, and the gradual but dramatic reduction in violence in the territory in recent years.

Momentarily, Kashmir today remains a land of systematic violence by both Indian military forces and Pakistani terrorist groups such as Hizbul Mujahideen. NGOs such as Amnesty international and Human rights watch have tried to condemn such instances of abuse through reports of misconduct of small arms and reports of unlawful use of violence towards Kashmiri citizens.

Major Countries and Organizations Involved

India

the Indian government has told the United Nations Observers Group in India and Pakistan (UNMOGIP) that it had no role in Kashmir after the signing of the Simla agreement, meaning `that the UN resolutions on the issue had also become irrelevant. The position taken by the Modi government is simply the reiteration of the stance taken by all Indian governments after signing the Simla Agreement between the two countries. But the legal status of Kashmir is unchanged as is the relevance of the UN role in resolving the dispute. Human Rights organizations such as Amnesty international have critiqued India's means of border control with its use of shotgun pellets and abusive military personal accounting for several violation of human rights, inter alias; sexual abuse and suppression and repression of freedom of speech within the Indian Side of Kashmir.

China

China remains very neutral regarding the sovereignty of either side of Kashmir albeit Pakistani or Indian. However, the Sino-Pakistan agreement of 1963 could suggest otherwise as Pakistan was able to strengthen bilateral ties between Chinese and Pakistani diplomacy.

Pakistan

As a Muslim majority country, historically Pakistan has felt the obligation to annex Kashmir due to the justification of Kashmir being a Muslim majority state. It has had attempts of preemptive strikes during 1947's first Indo-Pakistan war provoking the Maharaja to sign the instrumentation of accession enabling it to be able to defend itself against Pakistani forces. The result of this war were the resolutions (S/RES/39(1948), S/RES/38(1948) and (S/RES/47(1948) to be established and a line of control to be put into place. However, the rise of Islamic militant groups in Pakistan have challenged this line of control to be more predominantly Pakistani.

International Growth Centre

The International Growth Centre (IGC) aims to promote sustainable growth in developing countries by providing demand-led policy advice based on frontier research. In this case, IGC has the National Rural Support Program (NRSP) led by Rashid Bajwa in Pakistani parts of Kashmir. The NRSP mandate goal is to alleviate poverty by harnessing people's potential and undertake development activities in Pakistan. It has a presence in 54 Districts in all the four Provinces including Azad Jammu and Kashmir through Regional Offices and Field Offices.

Amnesty International

Amnesty International is a London-based non-governmental organization (NGO) focused on human rights. The organization claims to have more than seven million members and supporters around the world. It was awarded the 1977 Nobel peace prize for its "Defense of Human dignity against torture" and the United Nation's Prize in the Field of Human Rights in 1978. A key stance that Amnesty International has taken a position in is the condemnation of the use of Pellet-Firing Shotguns to control Crowd riots in Kashmir which has led to the extra judicial killings and has violated the UNHDR as "Everyone has the right to life, liberty and security of person" in this case security of the peoples of Kashmir is not guaranteed. (UNHDR Article 3)

Human Rights Watch

Human Rights Watch is a nonprofit, nongovernmental human rights organization made up of roughly 400 staff members around the globe. Its staff consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities. Established in 1978, Human Rights Watch is known for its accurate fact-finding, impartial reporting, effective use of media, and targeted advocacy, often in partnership with local human rights groups. Each year, Human Rights Watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and international media. With the leverage this brings, Human Rights Watch meets with governments, the United Nations, regional groups like the African Union and the European Union, financial institutions, and corporations to press for changes in policy and practice that promote human rights and justice around the world. In way in which the Human rights watch has been ameliorating economic conditions for Kashmiri citizens is through its reports that give jurisdiction for intergovernmental organizations such as the UN and ASEAN to criticize Pakistan.

Jammu and Kashmir human rights Commission

The Jammu & Kashmir Human Rights Commission is an autonomous state body with quasijudicial powers tasked to investigate any violation of human rights in the northern state of Jammu and Kashmir in India. The body was constituted in 1997 under the Protection of Human Rights act, consisting of a chairman and four other members.

Jammu Kashmir Coalition of Civil Society (JKCCS)

Established in year 2000. They are a group of various non-funded, non-profit, campaign, research and advocacy organizations based in Srinagar, Jammu and Kashmir. JKCCS through its constituents seeks to speak truth to power whether through reports, programs, systematic documentation, litigation or other engagements in Jammu and Kashmir and outside. They work alongside the international Peoples' tribunal on human rights and justice in India administrated Kashmir

(IPTK) and Regional NGOs such as coordination of democratic rights organization (CDRO) and Asian Federation of involuntary disappearances.

Hizb-ul-Mujahedin

Hizbul Mujahideen. Hizb-ul-Mujahideen (Arabic: خزب المجاهدين, Hizb al-Mujāhidīn, meaning"Party of Holy Warriors" or "Party of Mujahideen") is a Kashmiri separatist militant organization founded by Muhammad Ahsan Dar in September 1989. The European Union, United States of America and India recognize this militant group as a terrorist organization.in 2010 alone a coalition of Hizb-ul-Mujahedin forces fought against Indian militant forces due to the justification of Kashmir being a Muslim majority territory whereas the Indian military groups acted as it is a breach of Indian sovereignty; overall the result is a cyclical mess whereby continuous guerrilla tactics will be implemented by groups such as HizbulMujahedin and Indian militant forces will be further deployed where some of which will abuse their power leading to more human rights violations. In short, nationalistic groups such as these give rise to not only more violence, but India use of more Marshall law to prevent the migration of radicals such as Hizbul-Mujahedin from entering.

Jammu and Kashmir Liberation Front (JKLF)

The BBC describes the JKLF as "a nationalist secular group that has sought the independence of Kashmir from both India and Pakistan" (BBC 1 Aug. 2012). The *Kashmir Observer* similarly indicates that JKLF's goal is Kashmiri independence, as the territory that existed prior to 1947, and not a merger of Kashmir with Pakistan (*Kashmir Observer* 23 Mar. 2016). According to the JKLF's website, among their aims and objectives is:

"to struggle against foreign occupation, gain independence and attain an honourable position amongst free nations of the world. Struggle to establish a political and social infrastructure based on the values of democracy, public welfare and social justice in the country." (JKLF n.d.)

Concerning the Pakistan-administered territories of Kashmir, the JKLF states that one of their aims is: Pending the final settlement,...to merge Gilgit/Baltistan territories with Azad-Kashmir and to establish therein a democratic representative government with full powers to serve as a base-camp in accordance with the objectives of the Provisional Azad (Free) Government established on 4th October 1947. (ibid.)

Overall neither India nor Pakistan would support this organization unless a compromise were to be made vis a vis a treaty or convention that would entertain both Indian and Pakistani access towards key ports within Kashmir. However, even then neither Pakistan or India would ever agree to sharing Kashmir.

United Nations Military Observer Group in India and Pakistan (UNMOGIP)

Dukhan English School Model United Nations

In August 1947, India and Pakistan became independent. Under the scheme of partition provided by the Indian Independence Act of 1947, Kashmir was free to accede to India or Pakistan. Its accession to India became a matter of dispute between the two countries and fighting broke out later that year. 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. In April 1948, by its resolution 47 (1948), the Council decided to enlarge the membership of UNCIP and to recommend various measures including the use of observers to stop the fighting. In July 1949, India and Pakistan signed the Karachi Agreement establishing a ceasefire line to be supervised by the military observers. These observers, under the command of the Military Adviser, formed 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 (1951) decided that UNMOGIP should continue to supervise the ceasefire in Kashmir. UNMOGIP's functions were to observe and report, investigate complaints of ceasefire violations and submit its finding to each party and to the Secretary-General. Now it works alongside Non-governmental organizations such as Human rights Watch and Amnesty international in providing a platform whereby international diplomacy between the UN and India and Pakistan can be held therein India and Pakistan can take open criticisms regarding various human rights violations entertained by various organizations albeit governmental or non-governmental.

Timeline of Events

Description of event
The State of Jammu and Kashmir is created under the Treaty of Armistar when
the Maharaja Gulab Singh buys the Kashmir Valley from the East India
Company and adds it to Jammu and Ladakh already under his rule.

1857	The Indian Rebellion of 1857 against British/ First Indian War of Independence
1931	Movement against the Maharaja in Kashmir begins but is suppressed by state forces
1932	Sheikh Mohammed Abdullah sets up the "all Jammu and Kashmir Muslim Conference" to fight for Kashmiri Freedom from Maharaja's rule, which would branch off to become the National Conference in 1939. The Glancy Commission publishes a report in April 1932, highlighting the inequality of the Muslim population and discusses the need for their adequate representation

1939	The National Conference launches the 'Quit Kashmir' movement demanding abrogation of the Treaty of Amritsar and a call of sovereignty for the people of Kashmir.
1940	The Pakistan Resolution is passed and demands the establishment of an independent state, comprising all regions in which Muslims are the majority.
1947(March)	An internal revolt begins in the Poonch region but is suppressed by the Maharaja's forces.
1947(15 august)	The Partition of India:
	The British Indian Empire is dissolved and the Muslim-majority areas in the East and West are partitioned to form the separate state of Pakistan.
1947(October)	Kashmir signs the Standstill Agreement with Pakistan. The Maharaja delays his decision to accede into either India or Pakistan.
1948	Ongoing Indo-Pakistani War of 1947-1948:
	Thousands of Pashtuns from Pakistan's North West Frontier Province attack
	Kashmir and the Maharaja's forces. The Maharaja ask India for help, who abides
	under the conditions that he relinquish control over defense,
	communication and foreign affairs to India. The Maharaja agrees and signs the
	Instrument of Accession.
	The Indian Army enters the state to repel the invaders. Sheikh Abdullah endorses the accession as ad-hoc which would be ultimately decided by a plebiscite and is appointed head of the emergency administration.
1949	India takes the Kashmir problem to the UN Security Council. The resolution orders the cessation of hostilities and a formulation of a truce agreement, and that a

	plebiscite should determine the future of Jammu and Kashmir. However, both countries cannot agree on the terms of demilitarization.
1950	On 1 January, the ceasefire between Indian and Pakistani forces leaves India in control of most of the valley, as well as Jammu and Ladakh, while Pakistan gains control of part of Kashmir including, what Pakistan calls, Azad Kashmir and Northern territories.
1957	India gains independence and becomes a republic.

1963	India's Home Minister declares that the State of Jammu and Kashmir is a
	fundamental part of India and there can be no question of a plebiscite. Kashmiri
	activists continue to insist on self-determination.
	(December 1963) Mass uprisings occur in the Kashmir Valley and protests occur against Articles 356 and 357 of the Indian Constitution, by which the Indian government can exercise legislative powers. The Indian army attacks the protesters.
1965	Indo-Pakistan War of 1965. Pakistan backs rebel groups in Kashmir and sends armed Pakistani infiltrators to join them across the ceasefire line, which leads to more violence across the whole of the Kashmir Valley.
1966	Kashmiri nationalists form another Plebiscite Front with an armed wing called the Jammu and Kashmir National Liberation Front (NLF) in Azad Kashmir, with the objective of freeing Kashmir from Indian occupation. Pakistan backs rebel groups in Kashmir and sends armed Pakistani infiltrators to join them across the ceasefire line, which leads to more violence across the whole of the Kashmir Valley.
1971	The Indo-Pakistan War of 1971: Pakistan descends into civil war after East Pakistan demands autonomy and later independence of what will become Bangladesh.
1972	India and Pakistan agree to a ceasefire, and sign the Simla Agreement, which states that they will respect the Line of Control, the border between the two countries and China. However, fighting continues along this line, making it one of the most violent and dangerous border lines in the world.
1989	At the end of the Soviet occupation of Afghanistan a great deal of weapons is
	released into Kashmir and Pakistan which has enabled further training to
	Kashmiri and foreign militant groups in Kashmir. Thus, consolidating The

	Kashmiri independence movement in becoming more Islamist in its ideology
1987-1990	Kashmir Insurgency: After the 1987 elections the Muslim United Front (MUF) declares the elections as rigged, and the insurgency in the valley increases. The MUF candidate later breaks away to become head of the militant group Hizb-ulMujahedin. Further protests and anti-India demonstrations in the Kashmir Valley followed by police retaliation, arrests and curfew orders by the Indian police and army.
1990	An estimated one million people take to the streets in protest of the Indian
	occupation and more than 40 people are killed by the police. This is seen by
	many as the beginning of a massive Kashmiri uprising, but India claims that it is
	orchestrated by Pakistani trained operatives. Many of the 162,500 Hindu
	community in Kashmir flee the area to refugee camps in Jammu.
	An estimated 34,000 people have been killed since 1978.
	1998: India and Pakistan perform nuclear tests in a show of strength.
	1999: Indian and Pakistani militaries clash in Kargil, India launches air-strikes in Kashmir.
2000	India puts a ceasefire to effect in Kashmir. However, violence continues.
2001	Kashmiri assembly in Srinagar attacked and 38 people are killed. Attack on Indian parliament in New Dehli. The militant groups Lashkar-e-Taiba and Jaishe- Mohammed take responsibility.
2003	India and Pakistan restore diplomatic ties.
2004	Prime minister Singh and President Musharraf meet in New York during UN general Assembly for first round of Peace Talks.
2006	Second round of Indo-Pakistan Peace Talks.
2007	Amnesty International and other human rights organizations report of gross human rights violations from India that include systematic arrests and detentions, enforced curfews, and testimonies of rape and torture. India denies many of these claims and states it is suppressing terrorism.
2008(August)	The beginning of the second uprising by local groups and youths which leads to massive redeployment of Indian security forces.

2010(August)	Tens of thousands of people stage street demonstrations against the deaths of two
	young men detained in Indian custody.
2010(September)	The Indian government has claimed it will release hundreds of students and young people after months of civil unrest that has left at least 107 people dead.

Relevant UN Treaties and Events

- Resolution 39(S/RES/39(1948)) <u>https://undocs.org/S/RES/39(1948)</u>
- Resolution 38(S/RES/38(1948)) <u>https://undocs.org/S/RES/38(1948)</u>
- Resolution 47(S/RES/47(1948)) <u>https://undocs.org/S/RES/47(1948)</u>
- Sino-Pakistan Agreement https://en.wikipidea.org/wiki/Sino-Pakistan_agreement
- Universal Declaration of Human Rights http://www.un.org/en/universal-declaration-human-rights/

Previous Attempts to solve the Issue

Resolutions; (S/RES/39(1948), S/RES/38(1948) and (S/RES/47(1948):

These resolutions were put into place so that both India and Pakistan would respect each other's sovereign borders. A key means of it being effective was its implementation of a neutral third party (Chosen by India and Pakistan) in mediating the discussion of the borders of Kashmir as well as the aiding of UN led investigations in consolidating whether Indian/ Pakistan accusations were reliable. These promoted the establishment of the UNMOGIP which has been a key NGO in being a neutral body that gives annual reports towards the issue of Kashmir.

Possible Solutions

More NGO involvement in promoting the Sustainable development Goals (SDG):

NGOs such as IGC and human rights watch can collaborate with IGOs in aiding the economic conditions of citizens of Kashmir vis a vis instances such as Amnesty international's stance that has taken a position in India's use of Pellet-Firing Shotguns to control Crowd riots in Kashmir and the NRSP mandate. Moreover, diminishing the gap of information that global citizens have of the issue can greatly aid these NGOs and their programs as they have more of a working understanding of fund raisers and other means of funding towards aiding economic conditions of Kashmir citizens that NGOs provide.

Research Report

United Nations Development Program (UNDP)'s International Aid Transparency Initiative (IATI):

The main cause of Human rights abuse within Kashmir is most definitively the misuse of small arms, the misconduct of police forces and ordinary civilians of Kashmir that may carry an unlicensed small arm. This may correlate to the black market for small arms within their dry ports. Therefore, by implementing the IATI within Dry ports of Kashmir a decrease in the misuse and illicit transactions of small arms may eventually diminish in the long run.

Consolidating the line of control:

The most prominent justification for human rights abuse in Kashmir is the illicit migration of Pakistanis to India and Indians to Pakistan through the Kashmir border. This has entertained the use of pellet firing shot guns, sexual abuse and other means of breach towards the UNHDR. Therefore, by strengthening the border respectively through diplomatic talks between India and Pakistan there would be a decrease in illicit migration.

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Appendix

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(World Bank)

These websites are useful in finding statistics and figures for preambular clauses and will give the delegate more facts when addressing the issue in the podium.

II. <u>https://www.helpmymun.com/how-to-win-best-delegate/</u> (Help my mun site) This will be helpful for first timers as it will help them familiarize themselves with the rules and procedures of MUN namely role call and formatting of the resolution

Research Report

III. <u>https://www.wfuna.org/wimun-guide-to-writing-an-awesome-resolution</u> (World Federation of United Nations Associations)

This will help the delegate on the formatting of the resolution and focuses more on the research side of the making of a resolution for any issue