



# **Chiang Mai MODEL UNITED NATIONS (CMMUN)**

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**United Nations Human Rights Committee**

**Primary Topic Chair Report**

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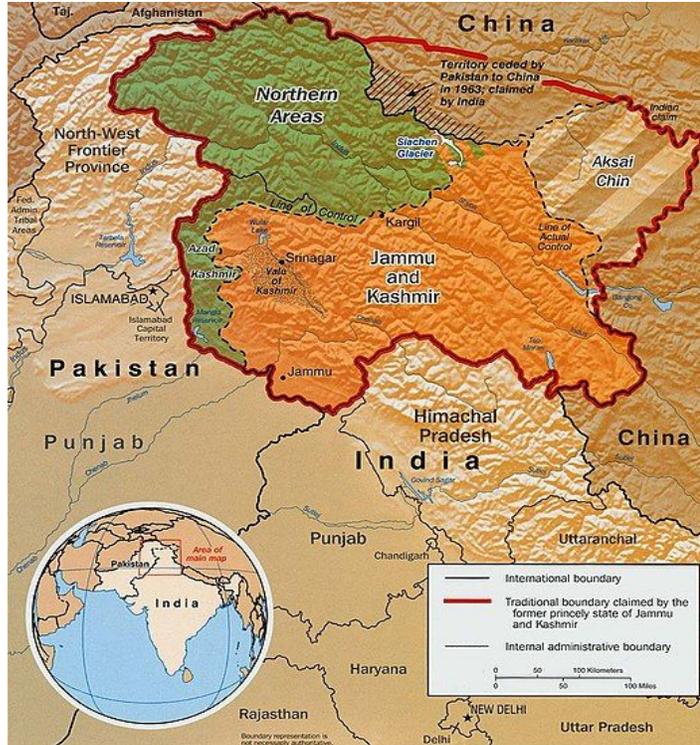
***Primary Topic: The question of Human rights violations within the Kashmir Administered region of India and Pakistan, focusing on the treatment of citizens, censorship of media, and the imprisonment of activists.***

**INTRODUCTION TO the UNHRC, United Nations Human Rights Council**

The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe, addressing situations of human rights violations and making recommendations on how to prevent, monitor and adjudicate them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year and across the globe.

**INTRODUCTION TO THE PRIMARY TOPIC**

Kashmir is an ethnically diverse region in the Himalayas which covers 222,000 sq km. It is situated in South Asia, more precisely to the North West of India. Kashmir is bordered by the Uygur Autonomous Region of Xinjiang to the northeast and the Tibet Autonomous Region to the east, both belonging to China, by the Indian states of Himachal Pradesh and Punjab to the south, by Pakistan to the west, and by Afghanistan to the northwest. Kashmir is currently, and has been for the past 70 years at the center of a conflict between mainly Pakistan and India, with, in some instances, China intervening.



Current Control of the Kashmir Region:

The conflict within the Kashmir region has been a continuing problem that was previously discussed in many cases in which the tensions still remain extremely high and relations between all parties hostile. Therefore, ever since the conflict in Kashmir began it has been notorious for its many Human Rights violations. Furthermore, the concern for serious human rights violation and abuses in the Kashmir administrative region was raised again as the report by the Office of the UN High Commissioner for Human Rights or the OHCHR was released.

*Regarding the report...*

The Indian government dismissed the report as a “false and motivated narrative” that ignored “the core issue of cross-border terrorism.” Pakistan welcomed the report but requested that sections be removed or amended in which the information was “not specific to Pakistan-Administered Kashmir but were general human rights concerns affecting all of Pakistan.”

The OHCHR said both India and Pakistan had failed to take any clear steps to address and implement the recommendations made in its June 2018 report, the office's first-ever on human rights in Kashmir. The latest report comes after a deadly attack in February by a Pakistan-based armed group, Jaish-e-Mohammad, that targeted a security forces convoy in Kashmir, killing 40 Indian soldiers. Military escalation between India and Pakistan ensued, including cross-border shelling at the Line of Control (LoC), the de-facto international border in disputed Kashmir.

The Srinagar-based Jammu and Kashmir Coalition of Civil Society reported that conflict-related casualties were the highest in 2018 since 2008, with 586 people killed, including 267 members of armed groups, 159 security forces personnel, and 160 civilians. The Indian government asserted that 238 militants, 86 security forces personnel, and 37 civilians were killed.

The OHCHR found that Indian security forces often used excessive force to respond to violent protests that began in July 2016, including continued use of pellet-firing shotguns as a crowd-control weapon even though they have caused a large number of civilian deaths and injuries. The Indian government should review its crowd control techniques and rules of engagement, and publicly order the security forces to abide by the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

The UN human rights office also said that India should amend its Public Safety Act, an administrative detention law that allows detention without charge or trial for up to two years. The law has often been used to detain protesters, political dissidents, and other activists on vague grounds for long periods, ignoring regular criminal justice safeguards.

In July 2018, the Indian state government of Jammu and Kashmir amended section 10 of the Public Safety Act, removing the prohibition on detaining permanent residents of Jammu and Kashmir outside the state. At least 40 people, mainly separatist political leaders, were transferred to prisons outside the state in 2018, the OHCHR said. It said that transferring detainees outside

the state makes it harder for family members to visit and for legal counsel to meet with them. It also noted that prisons outside the state were considered hostile for Kashmiri Muslim detainees, especially separatist leaders.

The UN human rights office said that armed groups were responsible for human rights abuses including kidnappings, killings of civilians, sexual violence, recruitment of children for armed combat, and attacks on people affiliated or associated with political organizations in Jammu and Kashmir. It cited the Financial Action Task Force (FATF), an intergovernmental organization that monitors money laundering and terrorist financing, which has called on Pakistan to address its “strategic deficiencies.” India has long accused Pakistan of providing material support, arms, and training to the militant groups. Attacks in Kashmir have resulted in more than 50,000 deaths since 1989.

The OHCHR also found that human rights violations in Pakistan-held Kashmir included restrictions on the right to freedom of expression and association, institutional discrimination against minority groups, and misuse of anti-terrorism laws to target political opponents and activists. It noted threats against journalists for doing their work. The UN human rights office also expressed concern over enforced disappearances of people from Pakistan-held Kashmir, noting that victim groups alleged that Pakistani intelligence agencies were responsible for the disappearances.

### ***PAST ACTIONS OF THE UNITED NATIONS***

#### **Office of the United Nations High Commissioner for Human Rights (OHCHR)**

[Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan administered Kashmir from May 2018 to April 2019](#)

[Report on the situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan](#)

## **BACKGROUND OVERVIEW**

Tensions in the region first began in 1947, after the partition of the Indian subcontinent by the British. From this, two countries were created, Pakistan and India, however, Kashmir was left unadministered. Having been left with an uncertain future and a split Muslim / Hindu population majority, the then Maharaja decided to lean towards India and decided later in the year to sign an Instrument of Accession to the Indian Union in October 1947. This action was seen by the Leaders of Pakistan as a provocation and resulted in a Pakistani attack of the Jammu and Kashmir Valley, where a majority of the population was Muslim. After the invasion of their new territory, the Indian Government took the reciprocal decision to retaliate and defend Kashmir causing a war.

At the end of 1948, a ceasefire between Pakistan and India was agreed under a UN decision and a referendum was demanded. This request was never executed and the relations between the two countries eventually degraded further with no solution found.

Although boundary agreements for the North-Eastern region of Kashmir had been previously signed between Great Britain, Afghanistan, and the Soviet Union during the partition, China chose to reject and ignore them. In 1950, China became active in the North-East part of Kashmir called Ladakh and began building infrastructures to carry equipment, develop the area and as well, challenge India. In 1962, China eventually took full control of the region. This sparked the beginning of the Sino-Indian War in October of 1962. Additionally, in 1963, Pakistan Ceded part of its administered Kashmir territory to the Chinese under the Trans Karakoram Tract. This included the cession of around 7,000 sq km of land in the Shaksgam Area and Valley. To date, the aim of this tract by Pakistan is still widely viewed as an attempt to befriend their Chinese neighbors with the aim of being stronger against India.

Similarly, previous unresolved conflicts between Pakistan and India eventually led to a major war over the region in 1965, when around 30,000 Pakistani Soldiers disguised as Kashmiri

locals crossed the then approximative line of control into Indian administered Kashmir forcing India to retaliate in August of 1965. This conflict claimed the lives of several thousand military personnel and civilians.

A few years later in 1972, an internationally tolerated de-facto “line of control” was agreed once the war had come to an end, under the Simla Agreement in an attempt to ease tensions. In 1999, however, another war broke out as disguised Pakistani military personnel crossed the “line of control” into India’s administered Kashmir and attempted to invade the Kargil region. This conflict lasted 3 months and was the first direct confrontation between two nuclear-armed powers, Pakistan and India.

Up to date, tensions remain extremely high and relations between all parties hostile. Recently several major diplomatic and military events between both Pakistan and India occurred and the International Community was called to mediate and appease tensions after the fear that another war was on the brink of emerging.

*Past UN Documents on Jammu and Kashmir can be seen [HERE](#), which contains selected Security Council Resolutions, Selected Security Council Letters, and other documents available.*

### ***RELEVANT NATIONS:***

#### **India:**

India is extremely involved in Kashmir and is one of the key players in the region. As noted previously, it is at the centre of a conflict with Pakistan and is the only country that has historically had wars with both China and Pakistan in the area. India is very concerned with Pakistan’s attempts to destabilize the region, mainly via the use of proxies and terrorist organizations, especially because historically, Kashmir was given to India by the then Maharaja. India is favourable for a solution to be found and has been one of the main instigators of the “line of control”. Historically, India has never been the first to directly attack and rather retaliated from actions/provocation taken by Islamabad or Beijing. Due to this, India believes that Pakistan and to some extent China are at fault in the conflict.

India believes that the best solution for the conflict to be resolved is to incorporate Kashmir into “ the democratic framework of modern India and not under the kind of extremist, obscurantist polity that the ideology of the terrorist and mercenary groups seek to impose on the people of the State” - Indian Embassy Washington DC

*For more information on their official position, please check [here](#) to the Indian Embassy in Washington DC, although published in 2009, it should accurately depict the current picture and relations.*

#### Pakistan:

Pakistan is extremely involved in Kashmir and is one of the key players in the region. Pakistan considers Kashmir as its core political dispute with India. Pakistan believes that India's forcible occupation of the State of Jammu and Kashmir in 1947 is the main cause of the dispute. India claims to have 'signed' a controversial document, the Instrument of Accession, on 26 October 1947 with the Maharaja of Kashmir, in which the Maharaja obtained India's military help against popular insurgency, however, there is doubt about the existence of it from Pakistan. The Pakistani mission to the UN notes on its website “The United Nations also does not consider Indian claim as legally valid: it recognizes Kashmir as a disputed territory.” Islamabad believes that based on the partition of the Indian subcontinent by the British in 1947, it justifies Kashmir becoming a part of Pakistan, both based on the cultural majority in the region and because of its economic ties.

*For more information on their official position, please check [here](#) to the Pakistani Mission to the UN. It will provide their exact and very detailed position.*

#### China:

China being directly involved in Kashmir and claiming part of it makes it a clear player in the region. Often, China is considered as the “mediator” between both India and Pakistan. Historically, China has sided in favor of Pakistan and sought to defend the latter's interests. Recently, it has formally expressed its disapproval and concern with India changing and

revoking the region's special status. Relations between both India and China remain tense mainly due to Kashmir and several incidents in the Himalayas, most recently in Bhutan.

#### Russia:

Russia usually maintains a more neutral policy with regards to Kashmir. It is of the Federation's belief that the de-escalation of tensions must be dealt with, and this through political and diplomatic means. Russia also believes that the matter of Kashmir is one that does not concern the United Nations and is purely a bilateral (trilateral) one. Most recently, the Russian envoy to the UN described India's move on Kashmir as purely internal and called for resolution under the Simla Agreement of 1972. Historically, however, during the cold war era, the then Soviet Union vetoed past resolutions in favor of India.

#### United Kingdom:

Although the UK is not directly involved in the conflict, it initiated the partition of the Indian subcontinent once India, Pakistan and ultimately Kashmir won their independence. Due to this, the UK has always kept a close eye on the region, whilst also maintaining a policy of neutrality. It is the UK's view that solutions should preferably be found by nations directly involved in the region and prevent future conflicts from emerging.

#### United States of America:

Historically, the US has sought multiple times to be a mediator in the Kashmir conflict and offer support for a solution to be found, even if in most cases this has proven to not be successful. It is, however, worthy to note that the US along with most European Countries are considered "allies" of India and have thus historically sided towards defending the latter's interests. Moreover, as China and Pakistan are both involved in the area and are considered as "hostile" to the US and the Western Coalition, it is in the US's best interest to try and support India's views and actions in the region, whilst guaranteeing that policies for de-escalation are put and kept in place.

Recently, top US foreign officials such as Mike Pompeo have been holding meetings on the matter with their Indian counterparts but have been firm in reiterating that there has been no

change in their policy on Kashmir, and called on both India and Pakistan to maintain restraint. The U.S State Department spokesperson also stated in a press interview, “We want to maintain peace and stability, and we, of course, support direct dialogue between India and Pakistan on Kashmir and other issues of concern.”

### ***QARMAs (Questions A Resolution Must Answer)***

1. What kind of corporations or alliances are needed or made stronger so that government authorities can cooperate with the respective UN bodies to tackle the issue?
2. What new legislation or organizations can be introduced by this resolution in order to solve the issues that resolutions in the past have been ineffectual to do?
3. Since it is most likely that countries that are previous or current violators of human rights may not agree to or object to a resolution, how can this resolution appeal to as many parties as possible?
4. Does the resolution cover all aspects of rights, laws and constitutions laid out by the United Nations and other organizations affiliated with the UN?
5. Will this solution make the situation in Kashmir more or less problematic?
6. What factors produce friction in the international community and regionally ?

### ***DEFINITION OF KEY TERMS***

#### *Jammu and Kashmir:*

Kashmir is an area in southwestern Asia, to the north of the Indian subcontinent whose sovereignty is disputed between Pakistan, India, and China. Also called Jammu and Kashmir

#### *Line of Control:*

The term Line of Control (LoC) refers to the military control line between the Indian and Pakistani controlled parts of the former princely state of Jammu and Kashmir, a line that does not constitute a legally recognized international boundary but serves as the de facto border. Originally known as the Cease-fire Line, it was redesignated as the "Line of Control" following the Simla Agreement, which was signed on 3 July 1972.

*Militarization:*

It is the act of assembling and putting into readiness for war or other emergencies: "mobilization of the troops"

*Union Territory of India:*

A union territory is a type of administrative division in the Republic of India. Unlike the states of India, which have their own governments, union territories are usually federal territories governed directly by the central Government of India.

*Referendum:*

A referendum is a general vote by the electorate on a single political question which has been referred to them for a direct decision.

*Territorial Dispute:*

A territorial dispute is a disagreement over the possession or control of land between two or more territorial entities or over the possession or control of land, usually between a new state and the occupying power.

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### ***Resolutions or Research Papers:***

- <https://www.securitycouncilreport.org/un-documents/jammu-and-kashmir/>