

Forum: GA1

Issue: The Situation in Kashmir

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Introduction

The Kashmir region is located in the Himalayas covering 222,738 square kilometres of diverse landscape (“Kashmir: Why India and Pakistan Fight Over It.”). It is part of the Northwestern region of the Indian subcontinent and borders regions of China to the east, Indian states to the south, and Pakistan to the west (Britannica). According to the divisions made in 1972 by a “line of control” Pakistan administers the regions of Azad Kashmir and Gilgit-Balistan in the northern and western portions of the region. Meanwhile, India administers the southeastern regions of Jammu and Kashmir and Ladakh (Britannica). Currently, the region faces not only war and conflict, but its people face various human rights issues and a lack of self-autonomy which need to be addressed.

Definition of Key Terms

Plebiscite

A plebiscite is a vote by the people of the region of concern on a public matter which in this case is accession.

Line of Control (LoC)

The LoC was established in 1972 and is a military control line that serves as a de facto border between Indian and Pakistani-administered Kashmir.

Autonomy

The ability or right of a region to self-governance. This includes making its own decisions and managing its affairs without external interference.

Insurgency

Armed rebellion against authority or governance usually for a cause related to politics, economy, or society.

Self-Determination

The principle is that a population has the right to choose their political status, form their government, and have a voice in matters which relate to them.

Background Information

Historical background

The region of Kashmir was taken under the control of the Mughal Empire in 1589 AD. Following this, Kashmir was constantly under the control of different parties. After the Mughal rule, the region fell under the control of the Afghans (1753-1819), and the Sikhs (1819-46), and following the first Anglo-Sikh war between the Sikh Empire and the British, it was sold to the Dogras (1846-1947). Throughout the various rules, the people of Kashmir never gained any sort of self-autonomy and faced various forms of inequity or neglect. When the British defeated the Sikhs the region was gifted to the Dogra ruler Gulab Singh and his successors. Under the Indian Independence Act, the region would be allowed to become independent or become part of India or Pakistan. The initial desire was for the region to become independent but following a period of indecision, the region was attacked by tribesmen from Pakistan. The Dogra leader Maharaja Hari Singh, seeking aid, agreed to join India in 1947 on the condition that Kashmir would gain autonomy in the Indian Union. Indian troops then moved into the Kashmir region based on defence against Pakistan, beginning the first war. However, Kashmir never gained this autonomy and through the multiple conflicts and wars fought since 1947 this autonomy has been further restricted (Halder).

Significance of the Region

The significance of the region includes the Indus River. Pakistan utilises it for agriculture while India needs it for irrigation. Under the Indus Water Treaty made September 19th, 1960 the water from the river is distributed with India holding the eastern tributaries and about 16% of the water. Meanwhile, Pakistan has the other 84% and holds the western rivers. However, as India holds the region of Kashmir in which the Indus flows, Pakistan fears India may cut off their water access in a conflict. The water also can provide large amounts of hydroelectricity. Geopolitically, it is also the bridge between South and Central Asia and connects India, Pakistan, and China (Asoori).

First India-Pakistani War 1947-48

This was the first military conflict between India and Pakistan over the territory of Kashmir leading to prolonged disputes between the regions. During the indecision by Maharaja Hari Singh, due to both religious and geographical factors, both India and Pakistan continued to make claims over the land leading to unrest including clashes between local militias and Pakistan tribal forces. These forces later backed by the Pakistani military led to the Maharaja acceding to India in exchange for military aid. The intervention resulted in a war. Hindu refugees moved to India and Muslim refugees to Pakistan. Along with the significant losses of human life, it also further complicated the path to resolution and lasting peace. In January 1948, the UN created a resolution calling for a ceasefire and promising a plebiscite. The ceasefire created a de facto border dividing the region and would later become the Line of Control in 1972. Each country would remain present in their parts of the region and the promised plebiscite did not occur (Sharma).

1965 War

Also known as the Second Kashmir War (1965) occurred as a result of built-up tensions following various small-scale skirmishes between April and September of that year. The fighting first broke out on August 15th when the Indian forces launched their attack and crossed the ceasefire line into the Pakistani regions of Kashmir. Initially, the Indian forces had many successes and captured multiple crucial positions. However, they were soon caught unprepared by a Pakistani counterattack. This resulted in various airstrikes and India crossing Pakistan's Internationally Recognised Border on September 6th. India moved into Pakistani land nearing Lahore but at the same time, Pakistan moved towards a major city in the Indian state of Punjab. The war was heading to a stalemate as both countries held opposing territories and on September 22 the UNSC called for a ceasefire which ended the war the next day. ("Indo-Pakistani Wars")

Sino-Indian War 1962

This conflict occurred from October 20th- November 20th of 1962 in the Aksai Chin region which is the northernmost portion of the Kashmir region. China first became involved years prior in 1950 by building a military road connecting Tibet with Xinjiang. Establishing a presence India objected to. Small-scale skirmishes persisted between 1959-1962 but China first attacked in the middle of the Cuban Missile Crisis expecting the conflict to distract the United States from helping India but the US was able to respond to calls for aid. Thus, on November 20 China called for a unilateral ceasefire but retained the territory of Aksai Chin. (Britannica)

Bangladesh Liberation (1971 War)

This war, while relevant in this issue also granted Bangladesh its independence and is seen as a liberation against genocide. In March 1971 the Pakistani army intervened in the region of East Pakistan where there were political, ideological, and cultural tensions between the Bengalis and Biharis which resulted in an ethnic cleansing against the Bengalis. India intervened and sent in their military in December to aid the refugees. The conflict lasted 9 months with Pakistani surrender with 300,000-3 million dead many cases of rape, an influx of refugees into India, and Bangladesh's independence. For India, the war was regarded as a fine win in which they re-established themselves as a powerful military. Pakistan used the defeat to strengthen the military (Zakaria).

Shimla Agreement and 1972 Line of Control

The Shimla Accord was signed 6 months following the 1971 war and emphasised creating a base for future cooperation and bilateral actions to strengthen relations. Additionally, the Accord ratified the Line of Control ("Simla Agreement: History and Significance of a Set of High Ideals"). However, the LoC is not a legally recognized international border but rather a provisional international border which acts as a de facto border ("What Is the Line of Control? – The Short Answer."). The Shimla Agreement also ensured the LoC would not be violated to maintain peace. The main principles to be followed were to respect sovereignty, territorial integrity, and remain uninvolved in internal affairs ("Simla Agreement: History and Significance of a Set of High Ideals").

1999 Kargil Conflict

The Kargil Conflict occurred from May to July 1999. The site of Kargil itself is in very close proximity to the LoC and thus was the site of several border skirmishes although none as deadly as the 1999 war. The conflict in May began when India learned that Pakistan had moved across the LoC into Indian territory. In response, India sent its army and air force and the fighting ensued. Meanwhile, attempts for a diplomatic end to the conflict took place. On June 12th the Pakistani and Indian affairs ministers met but failed to reach a consensus. Military leaders also met on multiple occasions but were not able to find an agreement. On July 11th following pressure from the international community, the Pakistani Prime Minister announced that Pakistani troops would fall back by the deadline of July 16th given by India. Although sporadic fighting occurred following the deadline, the main conflict was over (Britannica).

Nuclear Concerns

A major concern for this conflict is the use of nuclear weaponry. India initially became a nuclear power in 1974 with Pakistan following in 1998. As of 2020, India has around 164 warheads and Pakistan has 174. According to predictions, a nuclear exchange would kill 20 million in a week and potentially starve 2 billion if a nuclear winter (climate effects of a nuclear conflict) is triggered (“India and Pakistan”). India has a no-first-use policy but stated they are reconsidering this in 2019. Meanwhile, Pakistan does not have a no-first-use policy and would like to use tactical nuclear weaponry to combat India’s larger military forces. Pakistan keeps its warheads unassembled and away from its other missiles. In February 2019, India launched air raids on Pakistani territory and in retaliation Pakistan shot down an Indian warplane and captured its pilot. Following this, each side believed the other was preparing for nuclear war and it was only through international intervention that communication was established to avoid nuclear war (“India and Pakistan”).

Autonomy and Insurgency

Another aspect of this issue to consider is the autonomy of the people of Kashmir. Following Kashmir’s accession to India, there was a promise of a plebiscite which never occurred. In 2019 India decided to strip Kashmir of its existing autonomy by abrogating Article 370 of their constitution. This effectively took away the citizenship rights of the residents of the region. Upon retaliation, thousands of Kashmir residents were arrested and one of the longest internet shutdowns for a region was implemented. As stated by Fernand de Varennes and Ahmed Shaheed, journalists on freedom of religion or belief and minority issues, “The loss of autonomy and the imposition of direct rule by the Government in New Delhi suggests the people of Jammu and Kashmir no longer have their government and have lost power to legislate or amend laws in the region to ensure the protection of their rights as minorities.” Furthermore, new laws implemented may change the demographics of the area allowing non-residents to buy land and apply for jobs when unemployment is already high and the economy is in stagnation

(Fareed). In the Indian-administered regions, the insurgency began in 1989 and ongoing violence has killed thousands. The region is militarised and according to the UN, many human rights abuses have occurred. The UN has made allegations against Pakistan for providing moral and arms support to the insurgents which Pakistan denies. India classifies these incidents as a byproduct of the territorial dispute preventing them from acknowledging the political issues of the region. Many see India as an occupying power. This hatred is exploited by militant groups and leads to more violence (Zutshi). In Pakistan, there are similar calls for autonomy. While there aren't as many significant insurgency groups, many still recognize the will for the region to gain its autonomy. In the region's capital, Muzaffarabad, at a demonstration on the 21st of September 2019 the police attempted to disperse a rally by the People National Alliance (PNA) which resulted in 100 injuries and several detentions. The PNA aims to control their own foreign policy, economy, and reflection for institutional heads (Shams).

Human Rights Concerns

One of the major concerns for this conflict has been the treatment of the residents as both countries have dismissed concerns and pointed blame at the other party rather than finding solutions. As previously mentioned, following the revoking of Article 370 India administered a media blackout and security lockdown while increasing their military presence in the region. This led to, "Thousands of Kashmiris being detained without charge, including former chief ministers, political leaders, opposition activists, lawyers, and journalists. The internet and phones were shut down," according to the UN Human Rights Watch in their 2019 report. Furthermore, according to the same report India claimed their actions were to limit loss of life but they simultaneously administered beatings and torture; imposed curfews; prevented diplomats, opposing politicians, and international journalists from visiting; and permitted detention without trial which continued even a year after the revoking of Article 370. In addition, they also censored and controlled a lot of the media in the region. It was also observed that security forces had immunity for their crimes and killed many civilians unjustly. The UN Human Rights Watch has also reported Pakistan for various cases of abuse. In their 2019 report, they state that the government "places several restrictions on anyone criticising the region's accession to Pakistan, in contravention of Pakistan's commitments to uphold the rights to freedoms of expression and opinion, assembly and association," and that parties supporting independence face threats, intimidation, and in some cases arrest to them and their families (Walker and Curtis). In 2001 for example, many independence groups who attempted to participate in elections were beaten, harassed, arrested, and placed in detention. Furthermore, according to the UN Human Rights Watch under Azad Kashmir's constitution imposed in 1972, election candidates are screened so that only those who support Kashmir as part of Pakistan can be part of the elections. According to Brad Adams, a director at Human Rights Watch "The electoral law undermines Kashmiris' basic political rights by barring them from seeking office if they oppose Kashmir's accession to Pakistan," and "those who favour independence invite the ire of Pakistan's abusive intelligence agencies and military, and they risk being beaten and jailed," ("Pakistan: Abuses Feared in

Kashmir Elections.”). Kashmir also has forms of media censorship as the creation of independent media including literature and publications in the region has been shut down. Torture has furthermore been cited as routinely used in Pakistan and Kashmir with those responsible facing no persecution (“Pakistan: ‘free Kashmir’ Far from Free.”).

Major Countries and Organizations Involved

Pakistan

Pakistan believes Kashmir was ceded illegitimately to India and as Kashmir was a Muslim-majority state it should go to them. The river is also an important factor for their agriculture. Moreover, Kashmir is the only link between Pakistan and China who have a strong alliance. Lastly, India controlling Kashmir means they would be able to have Indian troops very close to major Pakistani cities (Asoori).

India

India’s point of view is that Kashmir belongs entirely to India as it was ceded to them by Maharaja Hari Singh and that Pakistan and China’s claims on the land are false. Furthermore, with Kashmir being the only connection between India and Central Asia, losing Kashmir would sever any land connection. Lastly, they fear that without Kashmir separating them from Pakistan and China the two nations would combine forces and turn on India (Asoori).

Kashmir

While not a country, the people of Kashmir have their separate views on the issue which is often overlooked. They believe the ceding to India was unlawful as it did not represent the majority. The religious majority in the region is Muslim, although there is also a large population of Hindus and smaller groups of Sikhs and other religions. There are mixed views on whether the region should be part of Pakistan, India, or independent (Asoori).

China

China initially entered as an involved party in the 1950s. They currently hold the Aksai Chin region and have an alliance with Pakistan. They fought a war with India in 1962 which ended in a ceasefire but they continued to hold the Aksai Chin region (Britannica).

UN Security Council

The UNSC has passed several resolutions on the situation in Kashmir.

UN Military Observer Group in India and Pakistan (UNMOGIP)

Following the adoption of Resolution 39 in January 1948, the UN Commission for India and Pakistan (UNCIP) was created to mediate the conflict. Their role would be to investigate and gather information and report it as impartially as possible to find a solution to the conflict and supervise the initial ceasefire line. Once the UNCIP was terminated in March 1951, the UNMOGIP took its place (“Background”).

UN Human Rights Watch

The UN Human Rights Watch has published many reports on the human rights abuses happening within the region and continues investigations on the matter. They call out both countries for the abuses they inflicted.

Timeline of Events

Date	Name	Description
1988	Non Attack Agreement	An agreement was signed by both countries that nuclear facilities will not be attacked and that they will share info on the locations of these facilities.
1989 - 1991	Insurgency begins to Indian rule in Kashmir	Both countries signed an agreement in which they will provide advance information on troop and airspace movement.
1992	India-Pakistan Chemical Weaponry Agreement	Both countries signed a declaration prohibiting the use of chemical weaponry in New Delhi.
May 1998	Testing of Missiles	Five nuclear devices were detonated in Pokhran, Rajasthan by India and Pakistan detonated six devices in the Chaghai Hills in response. Testing of long-range missiles by both nations began.
1999 21 February	Lahore Declaration Signed	Reaffirmation of Shimla Agreement and agreement to work towards 'Confidence Building Measures' (CBMs).
2001 1 October	Attack in Srinagar on Kashmiri Assembly	An attack in Srinagar on the Kashmiri assembly killed 28. In response, the chief minister of Indian-administered Kashmir calls upon the government for a full-scale military operation.
2001 July	India Pakistan Summit on Kashmir	Indian Prime Minister Vajpayee and Pakistani President Musharaff met in Agra for a summit which ended two days after failure to reach a consensus on the topic of Kashmir.

2003	Declaration of Ceasefire by Pakistan	President of Pakistan Musharraf called for a ceasefire along the LoC which reduced tensions and hostilities.
2004 January	SAARC Summit in Islamabad	At a SAARC Summit in Islamabad, Indian Prime Minister Vajpayee and Pakistani President Musharaff held direct talks. This will begin the Composite Dialogue Process in which meetings with many officials across different levels of government will take place.
2006	Redeploying of Troops	India redeploys 5000 troops from Kashmir and Jammu.
2007 18 February	New Delhi Bombing	A train between both countries is bombed near New Delhi with 68 killed and many injured.
2008 September	Announcement of Trade Routes	Trade routes across the LoC are announced in October and opened in October although only 21 items may be traded on specific days of the week.
2008 26 November	Mumbai Shooting	Gunmen fire on civilians across several sites in Mumbai with over 160 killed. Only one attacker was captured alive and says members were of Lashkar-e-Taiba. India cuts talks with Pakistan.
2010 January	Crossfire at LoC	There is a crossfire at the LoC heightening tensions.
2014 27 May	New Delhi Talks	Prime Ministers Modi of India and Sharif of Pakistan held talks in New Delhi to start new relations.
2016 September	India's Surgical Strikes	India launched "surgical strikes" in the Pakistan-administered regions of Kashmir on what they called "terrorist units". Two weeks following an Indian army base it attacked killing 19 and Pakistan denies the attacks occurred.

2019 26 February	India Air Raids	India conducts air raids against what they call a Pakistani rebel group Jaish-e-Mohammad's "training camp" killing many.
2019 August	Abrogation of Article 370	India abrogates Article 370.

Relevant UN Treaties and Events

- Security Council resolution- Requesting India and Pakistan to take measures to improve the situation in Kashmir, 1948 (**Resolution 38**)
- Security Council resolution- On restoration of peace and order and the plebiscite in the State of Jammu and Kashmir, 1948 (**Resolution 47**)
- Security Council- Deciding to appoint a UN Representative for India and Pakistan and to terminate the UN Commission for India and Pakistan, 1950 (**Resolution 80**)
- Security Council resolution- Deciding to appoint a UN Representative for India and Pakistan in succession to Sir Owen Dixon, who resigned, 1951 (**Resolution 91**)
- Security Council resolution - On negotiations to reach an agreement on a plan of demilitarization of the State of Jammu and Kashmir, 1952 (**Resolution 98**)
- Security Council resolution On the final disposition of the State of Jammu and Kashmir, 1957 (**Resolution 122**)
- Security Council- On nuclear tests conducted by India on 11 and 13 May 1998 and by Pakistan on 28 and 30 May 1998, 1998 (**Resolution 1172**)

Previous Attempts to Solve the Issue

Dixon Plan

Sir Owen Dixon was a UN Representative and Judge of the Australian High Court called in following the first war to help resolve the issue. He created borders based on the ceasefire line to which both countries had agreed and assigned Ladakh to India and the Northern regions to Pakistan. It was the best solution at the time following a failure to grasp the deeper issues within the conflict by other UN parties such as the UNCIP. While it divided the region into both countries it did not do much to prevent following conflicts, take into account the people of Kashmir, or address fears of one country taking the whole region ("The Dixon Plan").

Tashkent Agreement (1966)

The Tashkent Agreement was signed on January 10th by Indian Prime Minister Lal Bahadur Shastri and Pakistani President Mohammad Ayub Khan as an end to the 1965 war. The meeting was held in Tashkent in present-day Uzbekistan. The two states expressed "their firm resolve to restore

normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples,” (Raikar) and included several pledges aiming to improve bilateral relations, settle the issue peacefully, remain uninvolved in each other’s foreign affairs”, withdraw troops while remaining in a ceasefire, restore trade, and discuss issues related to refugees. The agreement was successful in the short term as it de-escalated tensions between the two nations after the war but in the long term, many of the clauses were not upheld (Raikar).

Shimla Agreement (1972)

The success of this agreement was limited as the intention of the agreement was to end violence and work towards bilateral relations. Seeing as the conflict didn’t end as events such as the Kargil Conflict in 1999 took place and the LoC was breached there wasn’t much success in that sense. However, there were attempts at bilateral discussions although there is still no resolution (“Simla Agreement: History and Significance of a Set of High Ideals.”).

Lahore Declaration (1999)

This agreement established the groundwork for peaceful relations in the future through its commitment to resolving the question of Kashmir. It included an agreement to increase the communication between countries particularly to ensure nuclear weaponry was not used. This agreement was successful in the sense that it laid out measures to prevent nuclear war and encouraged bilateral relations. However, as the situation still is not fully resolved it wasn’t fully successful. (“Lahore Declaration | UN Peacemaker”)

Composite Dialogue (2004-2007)

Composite dialogue was a set of ongoing conversations between officials of various levels in the Indian and Pakistani governments which aimed to improve bilateral relations. While there were several incidents in which disagreement and animosity occurred, they never resulted in full-scale conflicts and helped prevent conflicts as a result of poor communication (Gul).

UNMOGIP

The two countries have disagreements over the UNMOGIP’s mandate and function with India having adopted a policy of non-recognition towards third parties involved in its relation with Pakistan and Pakistan having filed complaints (“Background”).

Possible Solutions

Sub-Topic 1: Solutions from India’s POV:

- Continuing dialogue and diplomacy to prevent further conflict
- Anti-terrorism collaboration
- Promoting trade through Kashmir
- Treaties surrounding the Indus River and agriculture

- Further treaties on the use of Nuclear Weaponry
- Recognition of LoC as an International Border
- Maintaining territorial integrity
- Security along LoC

Sub-Topic 2: Solutions from Pakistan's POV:

- Continuing dialogue and diplomacy to prevent further conflict
- Promoting trade through Kashmir
- Anti-Terrorism Collaboration
- Treaties surrounding the Indus River and agriculture
- Further treaties on the use of Nuclear Weaponry
- Plebiscite- As of 2021 Prime Minister Imran Khan has expressed Pakistan the will to give Kashmir the right to self-determination but not independence (Hashim)
- Recognition of LoC as an International Border
- International mediation- Pakistan has requested aid from parties such as the UN before

Sub-Topic 3: Solutions from Other Involved Parties:

- **Kashmir**

- Right to self-determination
- Greater autonomy/ independence
 - Independence is not supported by everyone and further measures would need to be implemented to protect the region from India and Pakistan, give aid after years of conflict and economic suffering, and ensure the political system is stable
- Plebiscite
- Demilitarisation of the region
- Economic support as the economy of the region suffers
- Humanitarian Aid/ Aid against human rights abuses
- Protection of their rights to be a political voice
- Autonomy back from India
- Peace between the two nations

- **International Community/UN**

- Continued peaceful methods of dialogue and negotiations
- Addressing the Human Rights concerns throughout the region
- Improved Bilateral Relations
- Inclusion of Kashmiri voices/ giving them self-determination
- Developing Kashmir economically

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