
Issue: The situation in Kashmir (21 May 1990)

Student Officer: Bhuvi Gupta

Position: Deputy President

Introduction

On 21 May 1990 unidentified gunmen assassinated Maulvi Muhammad Farooq at his Nageen residence. There is no reliable account concerning the exact number of bullets fired, although estimates range from 13 to 32 bullets. The wounded 45 year old Islamic leader and prominent opponent of Indian rule in Kashmir was taken to the Sher-e-Kashmir Institute of Medical Sciences (SKIMS) where thousands gathered outside the hospital. Upon learning that the cleric had succumbed to his wounds, an estimated 100,000 angry mourners joined the procession, following the dead body to its final resting place. When the procession reached the Hawal area of old Srinagar, Indian Paramilitary troops of the Central Reserve Police Force attacked and massacred 60 and wounded another estimated 200 unarmed civilians. He was immediately called Shaheed-e-Millat (Martyr of the Nation). Farooq served as Chairman of the All Jammu and Kashmir Awami Action Committee. The committee, a coalition of divergent political parties and organizations in Jammu and Kashmir, seeks resolution of the Kashmir dispute by recognizing the hopes and desires of the people of Jammu and Kashmir. In addition, he was also the Mirwaiz (Muslim Chief Preacher) of Kashmir which has religious connotations of major importance for Muslim Kashmiris.

The assassination of the outspoken Muslim leader and resulting later killings have further inflamed tensions between Pakistan and India. Reports of the shooting vary. Members of the Jammu-Kashmir Liberation Front accuse the Indian Army of plotting the death of the Mirwaiz. Muslim mourners claim that the Central Police Force opened fire on the mourners. One unconfirmed account claims that the coffin of Farooq was hit and that the body fell out and received further bullet wounds. New Delhi, on the other hand, asserts that the police only opened fire after militants in the procession first fired on them.

Both nations accuse the other for the killings and inciting unrest and violence. Indian authorities suspected Farooq of supporting Pakistani separatist activities and accused him of conspiring with terrorist activists sponsored by the Pakistani state.
At the same time, there are those claiming that Pakistan might have been somehow involved in the assassination since Mirwaiz Maulvi Farooq publicly expressed a strong desire for peace in the Kashmir valley. In order to follow this line of argument, one must take into account the actions and policies of the regime of Governor Jagmohan Malhotra.

Jagmohan realized that by 1990, large numbers of Hindus fled the valley and those choosing to remain live under constant threat to their lives. Therefore, Jagmohan put in place policies aimed at quelling the escalating violence and persecution of Hindus in the Kashmir valley. Before his assassination, Farooq had been sending diplomats to the Governor for talks aimed at seeking a resolution and lifting the curfew imposed on Muslims by the Indian authorities. As a result of the Governor’s blunt anti-Pakistani standpoint on the Kashmiri conflict, Jagmohan was distrusted by the Pakistani authorities. Consequently, it is completely reasonable to believe that Pakistan was aware of Farooq’s indirect contacts with the Governor and his efforts to reach a settlement. In order to decrease the influence of Farooq, powerful Islamic groups in collaboration with the Pakistani state appointed another Mirwaiz in Farooq’s area of control, the Mirwaiz of the Jama Masjid of the Kashmir Valley, Downtown Srinagar.

Following these events, Muslim terrorist groups and militias in the valley assumed that it is easier than ever to seize control over the region due to a drastic decrease in the Hindu - Muslim ratio. Although the gunmen and their organization remain unidentified, there is speculation that the assassins of Mirwaiz Farooq were members of these extremist militias because he was an advocate for peace and his views collided with those of the militias. It is assumed that their intent was to aggravate the situation in the valley by causing political - social instability and fuelling religious unrest, thus challenging Governor Jagmohan and shaking the rule of law.

Unsubstantiated reports are also circulating that young men from Indian-held Kashmir have been participating in “training missions” with Afghan guerrilla groups operating from bases in Pakistan. The New York Times reports that “western reporters who have travelled to battlefront inside Afghanistan in recent weeks … have reported seeing Kashmiri youths fighting with some of the Afghan guerrilla groups.” India also claims that weaponry supplied to the Afghan guerrillas have been used in terrorist attacks in Kashmir.

Given the current unrest, concerns are being voiced in the international community that the recent disturbances could easily lead to open conflict between the two rival states. Farooq, a proponent of Kashmir secession, was closely linked to the struggle for self-determination which resulted in three wars being fought in 1947, 1965 and 1971. Given the increased armaments amassed by both sides, a fourth war would have far graver consequences. American spokespersons are gravely concerned that another war could prompt India and Pakistan to speed-up efforts to add nuclear weapons to their arsenals. Some believe they might already possess such capability. Earlier this month, US President
George H. Bush sent a three-man mission headed by his deputy national security adviser to the region urging both India and Pakistan to engage in dialogue and avoid open conflict. Upon arrival in New Delhi from the Pakistani capital, Islamabad, Bush’s emissary was informed that there could be no dialogue until Pakistan ceased inciting terrorism in Kashmir. In turn, the Pakistani President Ghulam Ishaq Khan and Prime Minister Benazir Bhutto both labelled the shooting of Farooq “a criminal act.” The Information Minister in Bhutto’s government Malik Ahmad Awan went further by directly accusing India of involvement. During his visit to the capital of Pakistan-ruled Kashmir, Awan labelled Farooq a “victim of Indian barbarism” and raised the stakes even further by asserting that Pakistan could “not remain silent” in the face of such acts of aggression and brutality.

Clearly, the threat of a fourth war between the two nations is looming, a conflict that could have dire consequences for the region and international community.

**Definition of Key Terms**

**Princely state**

A domestic state of a country, politically an autonomous monarchy under the control of a local or regional ruler who is in a direct, subsidiary alliance with a greater power. Pertaining to the situation at hand, for example, Kashmir will be categorized as a former princely state of the British Raj given that its last ruler, Maharaja Hari Singh) was allied to Britain. The British paramountcy over 500 Indian princely states ended in 1947- that is when India gained independence.

**Right to Self-Determination**

According to International Law, the right to self-determination is a right of a people, not of states or a government, allowing them to be the decision-maker of their political, cultural, social and economic destiny. Consequently, the outcomes of this right can result from an announcement of complete independence or full integration from or to a state respectively.

The right to self-determination is universally recognized as it is incorporated in international and regional instruments such as but not limited to: the United Nations Charter (Article I); the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (common Article 1) and the Helsinki Final Act. Furthermore, it holds an *erga omnes* status; giving all states a responsibility to realize it and making its obstruction or violation a matter of grave concern.

**Kashmiri Pandits**
Even though the Hindi word ‘pandit’ roughly translates to ‘priest’ or ‘scholar’ in English, the term Kashmiri Pandit is not strictly used to define religious priests or a man at an honorific position belonging to the Hindu Brahim community living in Kashmir. It is utilized as generalized term for the minority group of any and all Hindus living in the Muslim-dominant Kashmir, regardless of their social class or position in the society.

**Militias**

A military organizations, usually illegal (unless defined legal in the statutory or federal law of a state) composed of unprofessional soldiers and citizens which receive little or no professional military training united against a mutually agreed reason to go to conflict for. These can also be called by the state, in case of an emergency and generally only for local, domestic combat and attack.

**Mirwaiz**

Roughly translated as chief or preacher, a Mirwaiz is the Head, who can read the Khutbah (primary occasion for the public preaching of Islamic culture or simply, Islam). The role of a Mirwaiz is to provide religious education in places of Islam worship and conduct sermons. The term is unique to the Kashmir Valley and is not commonly seen to be used outside of the state of Jammu and Kashmir.

**The Line of Control (LOC)**

The 450-mile long de-facto border, made up of barbed wire, between India and Pakistan dividing the disputed territory of Jammu & Kashmir into two parts under the Simla Agreement of 1972. It is not a legally recognized border and is solely a provisional international border.

**Background Information**

British rule in India was characterized by a policy of “divide and rule” which simultaneously caused a political and religious divide on the sub-continent and at the same time greatly helped ensure imperial domination. The “divide and rule” policy was successful. By pitting Hindus and Muslims against each other, the two religious groups were preoccupied with religious and ethnic rivalries and internal conflict and less inclined to challenge imperial rule. This policy is one of the main causes for the existing tensions between Hindus and Muslims, and India and Pakistan.

The policy of “divide and rule” was strengthened by the Government of India Act, 1935. This act caused grave political rifts between Hindus and Muslims who were also Indians before the creation of Pakistan in 1947. Under the act, Indian provinces were given a new structure while still under British rule. Local governments were established with designated quotas of seats for Sikhs, Muslims and
Hindus (general seats). Political tensions and further polarization between Hindus and Muslims due to the provision of allotting seats based on religion. Muslims, Hindus and Sikhs were internally “colonized” by the policy of divide and rule. The religious history of Hindus and Muslims likewise contributed to tensions and open hostilities.

British rule on the Indian subcontinent came to an end in 1947. The partition of India resulted in the creation of two independent nations as set out in the Indian Independence Act, thus dissolving British Crown rule. India and Pakistan came into existence at midnight on 14-15 August 1947. Violence immediately erupted. Estimates suggest that 14 million people were displaced along religious lines and some one million people lost their lives. Uncountable numbers faced religious persecution as they fled across the newly created borders. After partition Pakistan ‘received’ some 100 million Muslims and India agreed to settle some 300 million Hindus. The violence and brutality accompanying partition stigmatized relations between the newly created nations of India and Pakistan.

With the end of British colonial rule, the princely states were given the choice to join either Pakistan or India. Usually, the monarchs listened to their people but Jammu and Kashmir created an additional problem given the fact that they border on India and Pakistan. In addition, Maharaja Hari Singh, the monarch of Kashmir, faced an additional quandary: his princely state had a Muslim-majority population but he himself followed Hindu tradition, culture and religion. Accordingly, he decided to stay neutral and accede to neither country. However, the Muslim population revolted, fearing Hindu domination and possible accession to India.

During the conflict, Singh turned to India for military and monetary assistance. India, however, only agreed to aid the monarch in exchange for Kashmiri accession to India. Singh acceded to the Dominion of India under the Instrument of Accession, sealed and in effect on 27 October 1947. Pakistan, along with the Muslim population of Jammu and Kashmir thought this to be completely fraudulent, thus leading to the First Indo-Pak War in 1947. The 1947 conflict ended with a UN-mediated ceasefire along a line eventually named the Line of Control. Following two subsequent wars in 1965 and 1971, the Line of Control between Indian and Pakistani controlled territories was formally established with the Simla Agreement.

The partition was clearly not the end but only the start of a political conflict. This area created land-ownership issues due to its strategic position and it is the most strategic area between India, Pakistan and China.

Human rights violations have been widely reported. Kashmiris are caught in a vicious cycle of violence over border disputes between India and Pakistan. This has directly resulted in alleged religious persecution and ethnic cleansing of Kashmiri Pandits from the valley. The numerous military stand-offs and three wars between India and Pakistan (two strictly on the Kashmir conflict) have killed and injured
millions on both sides. The issue of - or perhaps the lack of human rights - is an issue that is pressing but easily ignored due to the complicated geo-political nature of the conflict.

Political tensions between the Indian and Pakistani governments have directly and indirectly led to serious human rights violations against the people of Jammu and Kashmir (see the Timeline of Events). Despite the establishment of the Central Reserve Police Force by the Indian government in Kashmir and its mandate to maintain peace, law and order in the valley, the methods employed by the Force are clearly questioned, for example in the approach it took to deal with the situation at hand, the assassination of Mirwaiz Farooq.

**Major Countries and Organizations Involved**

**India**

India is central to the current conflict. Kashmir lies on its border and it claims control of the regions based on the Instrument of Accession, 1947. The actions of the Indian government regarding Kashmir and Pakistan and those of the politicians in Kashmir needed to be analysed in order to understand the current tensions and potential for conflict. The actions of the Central Reserve Police Force (CRPF) have been criticized in particular by the Pakistani government.

**Pakistan**

Pakistan, alongside India is another central party to the conflict at hand. The political rift has been present between the nations of Indian and Pakistan since the partition of India in 1947 but it dates back to the religious tensions between Hindus and Muslims as two separate entities under British rule, before the formation of Pakistan as well. This is crucial to comprehend the religious standpoint of the issue at hand. Pakistan has been blamed for the alleged genocide of the Kashmiri Pandits along with many other human rights violations committed by the Jammu and Kashmir Liberation Front, by India. The Pakistani government has issued two letters to the Security Council expressing their concerns about the dispute.

**China**

The involvement of China is mainly due to the Aksai Chin region dispute which has strained China's relations with India and Pakistan. China, being a permanent member of the Security Council, holds power to tackle the issue and its voting on Security Council resolutions is crucial to understand what direction resolution of the conflict will take.

**Great Britain**
As the former colonial ruler on the Indian subcontinent, Great Britain has strong historical ties to both states. Moreover, India and Pakistan are members of the British Commonwealth of Nations.

**Timeline of Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of event</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 December, 1916</td>
<td>Lucknow Pact between Muhammad Ali Jinnah</td>
</tr>
<tr>
<td>16 August, 1946</td>
<td>The Great Calcutta Killings/Direct Action Day - 1000s dead as a result of Hindu and Muslim rioting in the state of Bengal, India</td>
</tr>
<tr>
<td>14-15 August, 1947</td>
<td>India-Pakistan partition</td>
</tr>
<tr>
<td>October, 1947-1948</td>
<td>First Kashmiri war after Maharaja Hari Singh chooses to accede to India</td>
</tr>
<tr>
<td>27 July, 1949</td>
<td>Karachi Agreement- cease-fire in Kashmir following Indo-Pak war, under UNCIP’s supervision</td>
</tr>
<tr>
<td>26 January, 1949</td>
<td>Constitution of India released, includes Kashmir as its territory</td>
</tr>
<tr>
<td>2 March, 1963</td>
<td>Sino-Pak (Boundary) Agreement, Pakistan cedes Shaksgam valley to China</td>
</tr>
<tr>
<td>April-Sept 1965</td>
<td>Second Indo-Pak war over Kashmir, the largest tank battle since World War II</td>
</tr>
<tr>
<td>19 January, 1966</td>
<td>Tashkent Declaration- calling India and Pakistan to return to <em>status quo ante bellum</em></td>
</tr>
<tr>
<td>3rd-16th December, 1971</td>
<td>Indo-Pak war on the issue of East Pakistan (Bangladesh) directly aggravating the Kashmir dispute</td>
</tr>
<tr>
<td>2 July, 1972</td>
<td>Simla Agreement - Line of Control established</td>
</tr>
<tr>
<td>23 March, 1987</td>
<td>Prevalent belief against pro-Hindu party in Kashmir for rigging the elections</td>
</tr>
<tr>
<td>21 January, 1990</td>
<td>Gawkadal Massacre- Indian CPRF open-fire on Kashmiri protesters, 160-280 people dead</td>
</tr>
<tr>
<td>1 March, 1990</td>
<td>Twin massacres of Zakoora and Tengpora- 33 protesters calling for a plebiscite under the UN Security Council resolution 47 killed</td>
</tr>
<tr>
<td>21 May 1990</td>
<td>Hawal Massacre- death of minimum 60 and 100s injured in a peaceful, unarmed funeral procession of <em>Mirwaiz</em> Farooq of Kashmir</td>
</tr>
</tbody>
</table>

**Relevant UN Treaties, Resolutions and Events**

● United Nations Security Council Resolution 51, 3 June 1948 (S/RES/51)
● Universal Declaration of Human Rights, 10 December, 1948 (A/RES/217(III) A)
● Pakistan’s letter to United Nations (S/2119)
● Pakistan’s letter to United Nations (S/2145)

Previous Attempts to solve the Issue

United Nations

The United Nations has previously attempted to solve the issue by being an active mediator which is clearly reflected in the amount of resolutions and meetings that have been passed and called respectively pertaining to this conflict. The UN has also created two groups committed to solving the issue in Jammu and Kashmir specifically: the United Nations Military Observer Group in India and Pakistan (UNMOGIP) which replaced the United Nations Commission for India and Pakistan (UNCIP)

Other key actions of the UN are as follows:

● Has asked both parties to refrain from violent action by all means, has encouraged appealing to the public for maintaining peace and has called on governments to take all steps in their power. (S/RES/48).
● Has also taken many action-oriented solutions and has deviated from an entirely diplomatic approach, keeping in mind the heightening tension raised by the conflict by setting up a 3-member commission under United Nations Security Council Resolution 39, that came into effect in May 1948.

● Establishing the Line of Control under the Simla Agreement, 1972.
● In the 233rd meeting of the Security Council, the Council considered the appointment of a Governor of the Free Territory of Trieste. However this was never fulfilled and discussion was permanently tabled, unless brought up in a future meeting, 236th session onwards.
● UN Security Council Resolution 80 commended maintenance of ceasefire, called for the appointment of a UN Representative - a plebiscite administrator. The resolution shifted its tone from what it was in Resolution 47; where it only called Pakistan to demilitarise and demilitarise first. However, by Resolution 80, called both nations for a simultaneous peaceful, demilitarizing
action. It also implicitly equated Azad Kashmir and Jammu & Kashmir state forces. This failed to find India’s Agreement as it was against what the UNCIP had previously assured India with.

Possible Solutions


Actual implementation and creation of an implementation framework of the controversial Resolution 47 will help ease the conflict to a great extent. The resolution proved to contribute positively but also negatively in the conflict. Therefore, an assessment of strengths and limitations of this resolution will further it as a foundation for implementing the clauses set in it. It is also reasonable to hope that an implementation framework will help to achieve another attempt to conduct a plebiscite monitored by the United Nations in Jammu and Kashmir. This will provide the Kashmiri with the right of self-determination but will also create tension as there is disagreement on whether Kashmir is eligible for this right after the signing of the Instrument of Accession in 1947. This action will need to be free of any bias and open to input, objections and appreciation by India and Pakistan.

Improving the mandate of the UNMOGIP

One of the many flaws of the group is how its mandate is not adapted in correlation with the speedy progression of the Kashmir conflict. Therefore, even though the UNMOGIP has achieved massively to resolve the conflict, a change or alteration of the mandate, along with an assessment of its shortcomings will suit it to become a group able to deal with the current-day situation of the conflict.

Bibliography


“Background.” UNMOGIP, 5 July 2017, unmogip.unmissions.org/background.


Project, Joshua. “Brahmin Kashmiri Pandit in India.” Joshua Project, joshuaproyect.net/people_groups/19955/IN.


“Self-Determination.” UNPO, unpo.org/article/4957.


“The Conflict in Kashmir.” *YouTube*, YouTube, 
www.youtube.com/watch?time_continue=605&v=cyayif_nla8&feature=emb_logo&has_verified=1.


“Hawal Massacre.” *Daily Parliament Times*, 21 May 2018, 
www.dailyparliamenttimes.com/2018/05/21/hawal-massacre/.


**Appendix**

Map 2: Map of Jammu and Kashmir showing territories under control of Pakistan, India and China

![Map of Jammu and Kashmir showing territories under control of Pakistan, India and China](http://www.lib.utexas.edu/maps/middle_east_and_asia/kashmir_region_2004.jpg)