



Pakistan National Assembly

Agenda B: Addressing the Kashmir
issue

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Mandate

The mandate of the Pakistan National Assembly is defined by the Constitution of Pakistan and revolves around the legislation, representation, and oversight of the federal government.

As the lower house of Parliament, it holds the primary responsibility for making federal laws, including the exclusive power to draft and pass Bills. It serves as the legislative body representing the people of the Islamic Republic of Pakistan.

In this committee, delegates are expected to address key national issues, ensuring civilian rights and work on drafting or amending the constitutional provisions; while navigating through party dynamics, bloc politics and building political alliances along the way.

Key terminologies and Definitions

Indian Illegally Occupied Jammu and Kashmir (IIOJK):

The Pakistan government's official name for the state of Jammu and Kashmir administered by the Government of India. This term reflects Pakistan's view of the dispute over the region as illegal and lacking international legal force.

Azad Jammu and Kashmir (AJK) & Gilgit-Baltistan (GB):

The regions of Jammu and Kashmir, which are occupied by Pakistan and have the status of Pakistani-administered territories. AJK is a region with a provisional constitution, a Prime Minister, and the Legislative Assembly.

Right of Self-Determination:

The fundamental human rights principle that gives people the right to make policy decisions for themselves and determine their political status.

United Nations Security Council Resolutions (UNSCR):

A set of resolutions adopted by the UN Security Council, mostly in the years 1948 – 1957, which established the need for a UN plebiscite in Jammu and Kashmir to determine the fate of the region.

Plebiscite:

A voting process in which all eligible voters cast their ballots for the country of residence after they have been declared unconditional by the United Nations Commission for India and Pakistan (UNCIP). In August 13, 1948, and January 5, 1949, resolutions introduced the plebiscite as a way to conduct a free and fair choice of the region's future status.

Line of Control (LoC):

A military demarcation line between Indian and Pakistani-controlled territories in the disputed region of Jammu and Kashmir. The Ceasefire Line was declared in Jammu and Kashmir in 1949 under the Karachi Agreement, and in 1972, after the Simla Agreement, the Ceasefire Line was officially renamed the Line of Control. However, the fact of the division of the region remains the same.

Abrogation of Article 370 and Article 35A:

The action of the Indian Government of removing the special status of Jammu and Kashmir and eliminating the right of the residents of this region to buy property and receive government jobs.

Demographic Engineering:

A series of legislative and administrative actions taken by the Government of India in August 2019 to remove

restrictions on travel, business, and land ownership for citizens of India in IIOJK, followed by forced migration and a rapid increase in non-Muslim residents.

Simla Agreement (1972):

An agreement between Pakistan and India on the resolution of the dispute over the region of Jammu and Kashmir. India insists that all questions should be resolved bilaterally under Article 1(iv), while Pakistan claims that the Kashmir dispute is not subject to the bilateral agreement but governed by the UN Charter and the principles of international law enshrined in Articles 34 and 35.



History and Background

The Kashmir problem may be subdivided into three main periods. First, the origin and Partition period (1846-1947) covers the creation of the princely state of Jammu and Kashmir, its demographics, and the partition of the British Empire in India in 1947. Initially, Maharaja Hari Singh wanted to preserve the autonomy of his state; however, after armed invasions into Kashmir, he signed the Instrument of Accession to India, which resulted in the outbreak of the First India-Pakistan War.

Second, the period of internationalization and India-Pakistan conflict (1948-1972) started when the Kashmir problem was brought to the United Nations Security Council in 1948. UNSC Resolution 47 provided for such actions as ceasefire, withdrawal of forces, and determination of the future of Jammu and Kashmir. In 1949, the UN-brokered ceasefire resulted in the division of the territory in the areas of Indian-administered and Pakistani-administered parts.

Further conflicts occurred, such as the 1965 India-Pakistan War and the 1971 war, and attempts to establish peaceful relations took place via the Tashkent Declaration of 1966. In 1972, the Simla Agreement transformed the ceasefire

line into the Line of Control and established the principle.

Finally, there has been political instability in the modern Kashmir issue (1972–present) marked by an armed uprising starting in the late 1980s, India–Pakistan tensions, the Kargil war of 1999, and various diplomatic initiatives.

The most recent notable development came on 5 August 2019 when India annulled the constitutionally granted special status for Jammu and Kashmir and made the formerly existing state into two new union territories named Jammu and Kashmir and Ladakh. These decisions were rejected by Pakistan, while India argued that it was its internal constitutional business.

At present, Kashmir continues to be partitioned between those areas controlled by India, Pakistan, and China, with the Line of Control dividing the main area controlled by India and Pakistan.

Causes

Unfinished Agenda of Partition (1947):

British Partition Plan provided that Princely States were free to accede to Pakistan or India based on proximity and demographics. Kashmir had a huge Muslim majority (~80%) and was linked to Pakistan by proximity and economic ties. The maharaja's decision to join India despite Muslim majorities' wishes triggered the conflict.

Non-Implementation of UN Security Council

Resolutions:

Despite the UN Resolution 47 and the UNCIP resolutions in 1948 and 1949, the plebiscite to determine the fate of the people of Jammu and Kashmir was never held as India did not implement the resolutions.

Unilateral Revocation of Autonomy (August 5, 2019):

Indian authorities revoked the autonomy of Jammu and Kashmir by abrogating Article 370 and introduced domicile laws to extend the base of Indian voters in the region. It was an attempt to incorporate the region in the Indian Union by force despite the UN resolutions and the 1972 Simla Agreement.

Demographic Change and Land Laws:

The domiciles and land laws in Jammu and Kashmir allow

non-residents to buy property and settle down in the region. The changes aimed to dilute the Muslim majority and prevent a plebiscite like the one proposed by the UN in 1948.

Human Rights Violations and Reaction:

Indian security forces' massive presence, strict curfews, prohibitions on communication, arbitrary arrests, and extra judicial killings in IIOJK have aroused the resentment of the Kashmiri people.

Stalling of Bilateral Talks:

India has consistently opposed discussions of the dispute on bilateral or even trilateral levels with Kashmiri representatives. The dispute is perceived in New Delhi as an "internal matter."

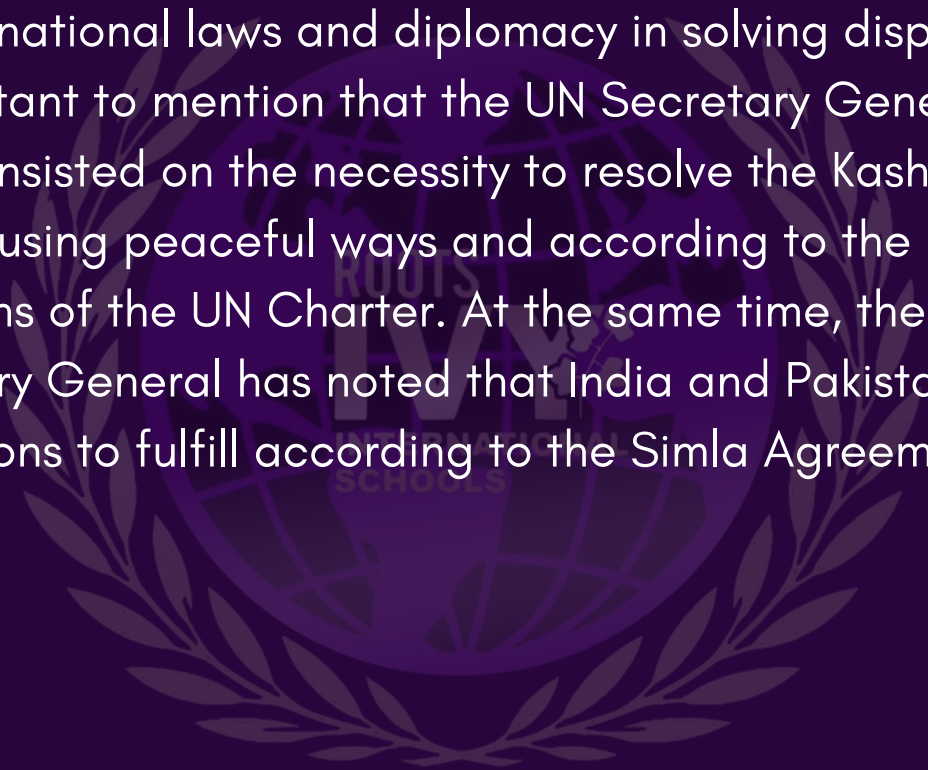
Need to Stop the Problem

It is necessary to solve this problem due to the fact that it causes serious problems concerning peace and security in South Asia. The Kashmir problem has led several times to the deterioration of the situation and to armed conflicts between India and Pakistan, which is especially dangerous in cases when both states have nuclear weapons. In accordance with the United Nations Charter, there is a right of peoples to self-determination, and also resolutions concerning Jammu and Kashmir have been adopted by the UN Security Council. Therefore, the final solution to the problem must include the rights and interests of the Kashmiri population in accordance with this international instrument.

In addition, the situation causes certain humanitarian and human rights problems. For example, the United Nations Human Rights Office reports about cases of human rights abuses and expresses concerns about the restrictions imposed on civilians in Indian administered Kashmir. The resolution of the underlying political problem will create better conditions for the security of civilians, protection of their basic rights and their participation in the political process.

Prevention of military escalation in this area is necessary too. The United Nations Military Observation Group in India and Pakistan (UNMOGIP) have been monitoring the ceasefire situation in Jammu and Kashmir for decades. Continued conflicts show how vital it is to keep peaceful processes to prevent any confrontations.

Lastly, a peaceful resolution will contribute to the respect for international laws and diplomacy in solving disputes. It is important to mention that the UN Secretary General has always insisted on the necessity to resolve the Kashmir dispute using peaceful ways and according to the provisions of the UN Charter. At the same time, the UN Secretary General has noted that India and Pakistan have obligations to fulfill according to the Simla Agreement.



Social Effects

Widespread Mental Health Crisis & Chronic Trauma:

The decades-long military operations, curfews, and civilian casualties have resulted in a significant toll on the psyche and physical health of the Kashmiri population. The survey conducted by MSF in partnership with Srinagar's Institute of Mental Health and Neurosciences (IMHANS) found that 45% of the adult population (around 1.8 million people) in the Kashmir Valley have symptoms of common mental disorders (CMDs) from exposure to trauma, including 41% with depression, 26% with anxiety, and 19% with PTSD. An average adult witness or victim of war has experienced 7.7 potentially traumatic events in their lifetime according to the study.

The "Half-Widows" Phenomenon & Legal Hardships:

Between 1500 – 2500 women in IIOJK are currently living in the status of "half-widows" – the wives of the disappeared persons whose legal status is undetermined even after they have been forcibly disappeared by the government or terrorist organisations. According to J&K civil and property laws, any person who wishes to claim or inherit property from a deceased member of the family must present a police-issued death certificate (PCDC) within seven years of death. Because half-widows cannot

receive a PCDC for their spouse, they are denied their right to property, bank ownership, and transfer of land as per the Indian Succession Act, 1925. Furthermore, these women are denied the social security widow's pension.

Disruption of Education & Digital Isolation:

Due to frequent and long-drawn security-related curfews and restrictions on internet services, both residential and academic life have been severely impacted. After the abrogation of Article 370, the region was subjected to one of the longest internet shutdowns in the country's history – a 552-day-long 4G mobile network ban between August 2019 and February 2021. The subsequent restrictions on internet services impacted over 1.5 million students, halting academic and research activities at universities and impairing primary education in many areas.

Economic Strain & Youth Vulnerability:

The instability in the region has severely affected the local economy and the livelihood of many. The region's traditional handicrafts (carpets), horticultural products (apples), and industries have suffered significantly. Additionally, youth unemployment in the region is consistently higher than the national average, and the issue of unemployment affects a large part of IIOJK, especially in rural areas. Socio-cultural organisations believe that the situation has contributed to increased

vulnerability to substance abuse by many Kashmiri youths in the past decade.

Suppression of Human Rights Defenders & Civil Society:

Since 2019 the political and civil society space in IIOJK has significantly constricted, impacting civic groups, rights monitors, civil society activists, journalists, and media institutions. Many critical civil society organisations (CSOs), including the JK Coalition of Civil Societies (JKCCS) and Association of Parents of Disappeared Persons (APDP), have been banned under the Unlawful Activities Prevention Act (UAPA). This crackdown has significantly weakened civic life, with many social support mechanisms at the community level being dismantled, while many ordinary citizens are unable to document and report violations using digital platforms.

Economic Effects

The long-drawn-out dispute over Kashmir carries significant economic costs and implications for the people as well as the economies of the surrounding countries. It discourages investment, lowers trade, damages infrastructure, and diverts resources to security, instead of social and economic development. According to the World Bank's general research on conflicts, violent conflict is significantly negatively linked to trade, and its research on South Asia, has observed that conflict and restrictions have affected several formerly prosperous border areas, leading to heightened poverty and degradation of opportunities.

The conflict affects tourism and employment opportunities in a region that could potentially be a hub of economic activity. The World Bank analysis highlights how the conflict had detrimental implications for the development of Kashmir as a tourist destination.

One of the major costs of the prolonged tension and dispute is the burden that it presents in terms of resources. Funds that could be used for social and economic development projects have to be diverted to security-related aspects, and the tension between the two countries makes it difficult to undertake large-scale initiatives that do not directly address the conflict. There

is an opportunity cost of the conflict, as both countries are unable to liberalize their relationships with other regional counterparts and work toward a shared vision of economic development.

The tension also hinders the potential for increased trade between India and Pakistan, and the broader region, to work towards regional economic integration and increased interconnectivity. Though there is great potential for trade within the South Asian region, geopolitical tensions make it difficult to ease trade restrictions and engage in economic cooperation initiatives. The World Bank highlights that trade between countries in the region can generate greater benefits for households and firms if the impediments to trade can be eliminated.

In terms of the impact on the local Kashmiri economy, the persistent unrest and potential for outbursts of violence, impact employment opportunities and business activities. Businesses suffer and people are left unemployed, which is a major threat to the livelihood of many who do not have much resilience to such setbacks. Additionally, there are fewer investments that are made into the region, which reduces the capacity for economic development and new enterprises. The broader UN system has highlighted the implications of conflict and instability on sustainable development.

Political Effects

Collapse of Regional Diplomatic Engagement (2019–Present):

انڈیا's revocation of Article 370 on 5th August 2019, severed the diplomatic ties between the two countries. Immediately after the move Pakistan downgraded its diplomatic engagement with the neighboring nation, recalled its High Commissioner, cut bilateral trade and transport routes creating a zero-sum diplomatic situation.

Dismantling of Local Autonomy and Statehood (2019):

By the Jammu and Kashmir Reorganisation Act, 2019 passed on October 31, 2019 New Delhi revoked the special autonomy status granted to Kashmir and Jammu, and Ladakh was made Union Territories. The dissolution of the state legislature and reorganization act transferred the powers directly to state administrators under the Lieutenant Governorship.

Electoral Engineering and Political Marginalization (2020–2022):

The delimitation commission formed in March 2020 submitted its report in May 2022, changing the Assembly constituencies. The proportionate number of seats in the Jammu region were increased even when it had a lesser population in comparison to the Kashmir region. Pro-

autonomy leaders were put on PSA (Public Safety Act) during this period.

Escalation of Regional Military Risk:

The dispute between the two countries regarding Kashmir keeps the military along the Line of Control (originally the Ceasefire Line defined by the Karachi Agreement of 1949 and officially renamed the Line of Control in the 1972 Simla Agreement) in a constant state of readiness; without active diplomatic engagement on the horizon, unilateral legal moves have the potential to catalyze a conflagration between the two nuclear powers.

Re-internationalization of the Dispute (2019–Present):

Despite India's position, that the changes made in J&K are merely internal administrative changes, the political change forced the UN Security Council to conduct its first ever closed-door meeting on the dispute in August 2019, while simultaneously the Organization of Islamic Cooperation (OIC) passed dozens of resolutions.

National Political Consensus within Pakistan's Parliament:

Within Pakistan, the Kashmir issue is a perpetual unifier. In every government and parliament, every party takes the same position on the issue at hand. Pakistan's parliament, at every turn, has shown its opposition to the move made by India in 2019. They believe that the resolution of this

dispute cannot take place without a plebiscite, as decided by the UN Security Council resolutions. They believe that the resolution of this dispute cannot take place without a plebiscite, as decided by the UN Security Council resolutions.



Key Stakeholders

India is one of the two main countries involved in the Kashmir dispute. India controls parts of Jammu and Kashmir, making its stance crucial for any talks about the region's political status, security, human rights, and future negotiations. The UN Security Council has a long history of looking into the India-Pakistan dispute over Jammu and Kashmir, and UN human rights groups have also reviewed the human rights situation in the areas India controls.

Pakistan is the other main country involved. It manages Azad Jammu and Kashmir and Gilgit-Baltistan. Pakistan believes the Kashmir dispute should be resolved based on UN Security Council resolutions and what the Kashmiri people want. Meanwhile, UN human rights reports have raised concerns about rights and governance in the areas Pakistan controls, meaning Pakistan also has a role in addressing human rights and humanitarian issues in the region.

The people of Jammu and Kashmir are central to this issue because the dispute directly impacts their political rights, safety, human rights, jobs, and daily lives. UN human rights reports have stressed the need for real dialogue that includes the Kashmiri people and have

looked into alleged abuses by both sides of the Line of Control.

The UN is a major international player because the UN Security Council has been discussing the India-Pakistan dispute over Jammu and Kashmir for many years. The UN set up UNMOGIP in 1949 to monitor the ceasefire between India and Pakistan in Jammu and Kashmir. After fighting broke out again in 1971, the mission continued to watch developments related to the ceasefire and report to the Secretary-General.

The UN Security Council has a specific role because the India-Pakistan issue has historically been on its agenda. The Council's resolutions on Jammu and Kashmir are part of the UN's framework for dealing with the dispute. Therefore, the Council remains important for matters of international peace and security, ceasefire agreements, and peaceful resolutions.

China is a key stakeholder because it controls territory in the larger Jammu and Kashmir region and shares borders with both India and Pakistan. China is also a permanent member of the UN Security Council, which gives it a role in Security Council discussions on international peace and security. Its position is therefore relevant to both the territorial and diplomatic aspects of the dispute.

UN human rights mechanisms and the Office of the UN High Commissioner for Human Rights (OHCHR) are important stakeholders from a humanitarian standpoint. OHCHR has published reports examining human rights conditions in both Indian-administered and Pakistan-administered Kashmir and has offered recommendations to authorities on both sides. Its involvement provides an international human rights context for dealing with civilian protection, accountability, freedom of expression, and other basic rights.



International Actions

United Nations Security Council (UNSC) Resolutions (1948-1957):

The UNSC formulated the primary international legal framework for Kashmir through key resolutions, especially UNSC Resolution 47 (1948), Resolution 91 (1951), and Resolution 122 (1957). These resolutions created the United Nations Commission for India and Pakistan (UNCIP), asserted that the final determination of the state should be established through a free and impartial plebiscite, and stated that any action by a local assembly to determine the state's status would not be considered a final settlement.

UN Military Observer Group in India and Pakistan (UNMOGIP):

Established per the 1949 Karachi Agreement, UNMOGIP continues to be stationed along the Line of Control (LoC) to monitor ceasefire violations and report directly to the UN Secretary-General. Although Pakistan continues to endorse the authority of UNMOGIP, India has limited UNMOGIP's operations since 1972, arguing that the Simla Agreement had rendered the UN observer mission moot, a position opposed by the UN Secretariat.

Emergency UN Security Council Consultations (August 2019):

After India unilaterally rescinded Article 370 on August 5, 2019, China called for an emergency closed-door meeting of the UN Security Council on August 16, 2019. This was the first formal UN Security Council consultation devoted exclusively to Kashmir in more than half a century, reiterating that the dispute over Kashmir remained a matter of international concern under the UN Charter.

UN High Commissioner for Human Rights (OHCHR) Reports (2018 & 2019):

The Office of the UN High Commissioner for Human Rights published two historic, comprehensive reports in June 2018 and July 2019 that documented numerous human rights violations, including the use of pellet guns to cause eye injuries, arbitrary detention of persons under the Public Safety Act, and the suppression of communication, and called for an independent UN Commission on Inquiry (Col) to look into alleged human rights violations on both sides of the LoC.

Organization of Islamic Cooperation (OIC)

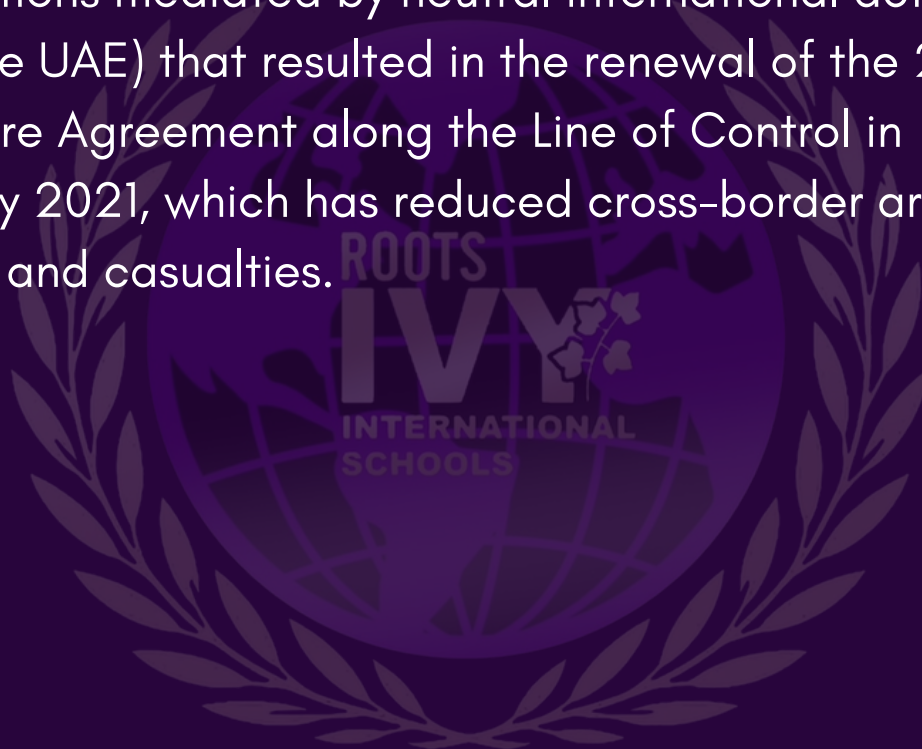
Resolutions & Contact Group:

The Organization of Islamic Cooperation (representing 57 member states) and its specialized Jammu and Kashmir Contact Group (established in 1994) have consistently endorsed resolutions at the level of its Council of Foreign

Ministers, including special declarations in 2019, 2020, and 2022, calling for revocation of the August 2019 administrative order, protesting demographic engineering, and demanding the Kashmiris' right to decide their future.

**Third-Party Diplomatic Mediation & Ceasefire
Realignment (2021):**

International diplomatic pressure has led to private negotiations mediated by neutral international actors (e.g., the UAE) that resulted in the renewal of the 2003 Ceasefire Agreement along the Line of Control in February 2021, which has reduced cross-border artillery shelling and casualties.



Bloc Positions and Party Politics

In the Pakistan National Assembly, the representatives of all political parties are united by the common goal of rejecting India's illegal annexation of IIOJK in August 2019 and defending the right of the Kashmiris to self-determination. Nevertheless, there are significant differences between the parliamentary factions concerning the diplomatic strategies, trade conditions, and management styles needed to deal with this geopolitical challenge:

PML-N & Ruling Treasury Coalition:

Main agenda: Realistic diplomacy and economic growth. The representatives of the ruling PML-N party consider that Pakistan needs to pursue a realistic foreign policy by using international forums such as the UN and OIC to hold India accountable for its crimes against the Kashmiris. However, they believe that Islamabad needs to prioritize economic development over diplomatic issues concerning IIOJK.

PPP (Peoples Party):

Main agenda: International legal disputes and trade restrictions.

The PPP representatives suggest taking global legal action against New Delhi in the ICJ and the UN Human Rights

Council. The PPP's position on Kashmir is firmly linked to the idea of economic warfare; thus, they do not support normalized trade, water talks, or diplomatic ties with India as long as the illegal revocation of J&K's autonomy remains un-reversed.

PTI & Main Opposition Bench:

Main agenda: Rejection of backchannel diplomacy.

The PTI representatives demand that Pakistan engages in any form of communication with New Delhi. Their position on J&K is explicitly based on the assumption that Islamabad should take a hard line against India and only re-establish diplomatic ties with Pakistan when the situation in IIOJK returns to the status quo ante. In addition, they promote the government's outreach to the J&K diaspora in Pakistan and abroad and criticize the Treasury's Kashmir policy as weak and inconsistent.

Religious Parties (JUI-F and Jamaat-e-Islami):

Main agenda: Kashmir as an ideological priority.

The political representatives of religious parties consider Kashmir an existential issue and want the government to pursue a firm stance against India. They want the parliament to adopt resolutions banning secret meetings with India and call upon the OIC to impose sanctions on Pakistan for recognizing IIOJK as part of itself.

Regional Parties & AJK Representatives:

Main agenda: Preservation of AJK's territorial integrity.

This group of politicians was formed by representatives of regional parties and AJK administration and focuses on protecting the interests of residents along the Line of Control (LoC). They are concerned that the rights of AJK's people to determine their political status may be infringed and that the federal government may abandon its obligations to protect IIOJK's territorial integrity.



Questions A Bill Must Answer

I. Does this bill aim to produce a referendum within the Kashmir region? If yes, then why?

II. What is the constitutional basis for this bill, particularly regarding Article 257?

III. What is the geographical aim of this bill? Does it remain consistent with the Kashmir issue and apply provisions to Gilgit Baltistan?

IV. How will the bill get consent from the people of Azad Jammu and Kashmir and Gilgit-Baltistan? Through their legislative assemblies, a referendum, or some other consultative process?

V. How does the bill handle representation for Azad Jammu and Kashmir and Gilgit-Baltistan in the National Assembly and Senate? What is the constitutional justification for any proposed seats?

VI. What is the plan for dividing assets, like finances, administration, and institutions, between the Federation and the territories of Azad Jammu and Kashmir and Gilgit-Baltistan?

VII. How does the bill address the concerns of people in Gilgit-Baltistan who have demanded interim provincial status and representation in constitutional institutions?

VIII. What is the estimated financial and administrative cost of implementing the bill, including new institutions, electoral arrangements, or fiscal transfers to the territories?

IX. What safeguards does the bill include to preserve national cohesion, protect the rights of residents in Azad Jammu and Kashmir and Gilgit-Baltistan, and prevent politicization of their distinct identities?

X. What is the timeline and sequence for implementation? Will it be phased or comprehensive, and what steps must happen, like constitutional amendment, consultation with stakeholders, or UN engagement?