Introduction:

The region of Kashmir, an ethnically diverse Himalayan region, covering around 86,000 square miles, and well-known for the splendor of its meadows, lakes and snow-capped mountains, has been the target of a territorial dispute between two nations since the year 1947. What was once a princely state in its own right has been subjected to a locked conflict between India and Pakistan that has resulted in decades of war and violence, where both India and Pakistan still claim the whole region in its entirety. While the state had been facing such adversities for years, tensions skyrocketed on the 5th of August, when the Indian Government repealed Article 370—the article in the Indian Constitution that guaranteed Jammu & Kashmir’s status as an autonomous territory, rather than a union state of India.

Article 370 assured that the territories of Jammu, Kashmir, and Ladakh would be governed autonomously rather than from New Delhi. A sub-article, Article 35A guaranteed that non-Kashmiri Indians would not be able to buy land or vote within Indian Kashmir, allowing Kashmiris to remain in control of their territory. Currently, a major security risk is the anger and resentment festering within the Valley. Nearly 4,000 people, including politicians, activists, journalists, have been arrested, and thousands remain in custody. The ramifications of this decision have impacted the economy as well, with the Kashmir Chamber of Commerce and Industry estimating that due to the precarious security situation hindering the success of tourism and handicraft sectors, the region has lost $1.4 billion and will continue to lose more.

The current escalation of tensions in Kashmir threatens regional peace as well as potential global security as the antipathy brewing in the region is resulting in violence from all parties involved, ensuing serious breaches of human rights, economic instability, and potential war.

Definition of Key Terms:

Sovereignty:

Sovereignty is the full right and power of a governing body over itself, without any interference from external sources or bodies. An important aspect of sovereignty according to the majority of jurists (experts in law) is that it must be accepted with one voice, without any external or internal objections. Because of this aspect, there is often a large amount of dispute surrounding whether or not a state’s sovereignty is being infringed upon. In the context surrounding the situation of Kashmir, a big global question is how valid India’s claim to prosecute sovereignty in Kashmir is when the people of Kashmir
have been opposing and fighting against Indian military forces which have been deployed to torture them for the past 60 years.

**Autonomous Area:**

Autonomy is the capacity and the right of a country or other jurisdiction to govern themselves. An autonomous area is a part of a country that has a degree of autonomy, or freedom from an external territory. Some key characteristics of an autonomous area are that the population is a national minority or that the location is geographically distant from the rest of the country. When Jammu and Kashmir had autonomy, special rights were established for permanent residents, preventing outsiders from buying property, holding public sector jobs or attending government colleges. It also rejected many of India’s legislative changes, allowing Kashmiris to follow their own set of laws.

**Article 370:**

Article 370 was legislation added to the Indian constitution soon after the separation of British India in order to give autonomy to the former princely state of Jammu and Kashmir. This was done because a permanent decision was not yet made about its rule. This article put in place to limit the power of India's central government over the territory in order to curb disputes. An important aspect of this article is that it gave state lawmakers the power to decide who could buy land and be a permanent resident of Jammu and Kashmir. Although it was intended to be temporary, Article 370 says that it can only be nullified with the consent of the legislative body that drafted the state constitution. Since that body dismantled itself in 1957, India's Supreme Court ruled that Article 370 is therefore a permanent part of the constitution.

**Line of Control:**

The Line of Control (LOC) is the line that divides the region of Kashmir between the countries India and Pakistan, with land belonging to each nation on one side of the boundary. This line is not considered a legal international border, it just serves as the boundary. Between 1947 and 1948, India and Pakistan fought over Kashmir and the line originally marked the military front where the two countries declared a ceasefire. This front eventually became a solid boundary and was formally named the Line of Control after the Simla Agreement, which was signed on 3 July 1972.

**Insurgency:**

An insurgency is a movement within a country dedicated to overthrowing the government. Due to a widespread perception that Jammu and Kashmir’s 1987 state elections were manipulated to favor the central government in India led to mass indignance and disaffection in the Kashmir Valley. This was the catalyst of an Islamist- based separatist insurgency in 1989.

**Counterinsurgency:**

A counterinsurgency is defined as comprehensive civilian and military efforts taken to simultaneously defeat and contain insurgency and address its root causes. Indian forces engaged in
counterinsurgency operations by capturing around 40,000 firearms, 150,000 explosive devices, and over 6 million rounds of assorted ammunition in efforts to contain violence.

Genocide:

Genocide is the deliberate killing of a large group of people, especially those of a particular ethnic group or nation. Kashmir is currently one of the most heavily militarized regions in the world, with around 600,000 Indian troops in it. According to Human Rights Watch, 50,000 people were killed in Kashmir from 1989 to 2006. The Kashmir State Human Rights Commission has evidence of 2,730 bodies buried in 40 mass graves. The Commission reported over 8000 disappearances. The Jammu and Kashmir Coalition of Civil Society stated that by 2016, there were over 70,000 people killed due to the violent nature of the partition conflict.

Key Issues:

Human Rights Abuses:

On July 8, 2019, a 43 page report was released by the Office of the UN High Commissioner for Human Rights which raised serious concerns about abuses by state security forces and armed groups in both Indian and Pakistan held parts of 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 OHCHR found that disproportionate force was often used by Indian security forces when responding to violent protests.

The report specified the lack of justice for past abuses such as the killing and forced displacement of Hindu Kashmiri Pandits, involuntary disappearances under suspicious circumstances, and alleged sexual violence by Indian security forces personnel. The UN human rights office said that armed groups were responsible for human rights abuses including, killings of civilians, kidnappings, sexual violence, recruitment of children for armed combat, and attacks on people affiliated or associated with political organizations in Jammu and Kashmir. Human rights violations in Pakistan-held Kashmir included restrictions on the right to freedom of expression and association, institutionalized discrimination against minority groups, misuse of anti-terrorism laws to target political opponents and activists as well as threats against the lives of journalists for doing their work.

After revoking Article 370, the Indian government detained several political leaders, imposed heavy restrictions on freedom of movement, and banned public meetings. It also shut down the internet, phone services, and educational institutions indefinitely.

Cross-Border Conflict:

The cross-border conflict has existed in this region sense the Indian Subcontinent was partitioned into two countries in 1947. Ever since then, territorial disputes have been reoccurring and no real solution
has been implemented. In 1972, India and Pakistan signed the Simla Agreement to define the “ceasefire line” which then became known as the “Line of Control”. The LOC is a 450 mile-long military control line which serves as a boundary dividing the disputed Indian and Pakistani administered parts of Kashmir into two. Both countries claim the region in its entirety. The disconcerted nature of the border has kept the conflict between India and Pakistan alive for 70 years since liberation from British rule. Although both countries have maintained a tenuous cease-fire since 2003, they regularly exchange fire across the disputed border. Both sides accuse the other of disrupting the cease-fire and claim to be shooting in response to attacks. An upsurge in border skirmishes that began in late 2016 and continued into 2018 killed dozens and displaced thousands of civilians on both sides of the Line of Control. The repealing of Article 370 in the Kashmir region included Pakistan-occupied Kashmir and China-occupied Aksai Chin making cross-border clashes messier.

Crisis of Legitimate Governance:

For the last thirty years, the valley of Kashmir has been witness to a situation of political crisis. The crisis manifested itself for the first time in the year 1989, and was marked by militancy and the breakdown of political order in the region. The breakdown itself stemmed after the Assembly elections in 1987, which were perceived by the Kashmiri masses to be highly rigged. This discontent led to a legitimacy crisis for the National Conference that formed the government after these elections. Eventually all political leaders were considered unserviceable and there was an erosion of political authority.

While the government of Kashmir had a chance to rebuild, a major blow to it was the decision to repeal Article 370. Since the provisions of Article 370 were revoked and the state was divided into two union territories, over 500 important political workers and leaders have been detained in makeshift detention centers. With the state’s autonomy seized and the government under lock down, 7 million people living in the region faced the ramifications of the act. 500,000 Indian troops and a few hundred armed militants were deployed to the region. The government arrested hundreds of citizens to prevent protests, and restricted movement into and out of the state. Furthermore, New Delhi’s repeal of Kashmir’s special political status under Article 370, made it so the central government could reorganize the competition for jobs in the civil service. Previously, non-locals were not given access to these positions. However, now the law that used to make that possible has been repealed. Essentially, local Kashmiris would have to compete with applicants from the rest of the country for these highly coveted postings, making it possible for outsiders to control administrative functions.

Major Parties Involved:

India:

The Republic of India is the second most populous country in the world as its home to over 1.3 billion people. It has been involved in the conflict surrounding Kashmir since it gained its independence in 1947, after its partition with Pakistan. India has fought in three wars regarding the territory and other armed skirmishes. The nation controls approximately 55% of the land area of the region and 70% of its population. India controls Jammu, the Kashmir Valley, Ladakh, and the Siachen Glacier. India claims the
entirety of the territory and is fighting against insurgency within Kashmir as well as with other nations who are claiming Kashmir as their territory. Article 370 was written into the Indian constitution and it granted a special autonomous status to the state of Jammu and Kashmir. This article specifies that the State must concur in the application of laws by Indian parliament, except those that pertain to Communications, Defense and Foreign Affairs. The Central Government could not exercise its power to interfere in any other areas of governance of the state.

Pakistan:

The Islamic Republic of Pakistan, is the world's sixth-most populous country with a population exceeding 207.8 million people. It is the second major player in the conflict surrounding Kashmir, and like India, has been involved in the region since gaining independence. Pakistan controls approximately 30% of the land region and 30% of the population, and has recognized Chinese sovereignty over the Trans Karakoram Tract since 1963. Pakistan administers Azad Kashmir and Gilgit-Baltistan. Pakistani tribal militias invaded Kashmir, leading the Hindu ruler of Jammu and Kashmir to join India. As a consequence of this, the Indo-Pakistani War of 1947 started, which ended with a UN-mediated ceasefire along a line that was eventually named the Line of Control.

China:

The People's Republic of China has also been involved in the conflict in a third-party role. China gained sovereignty over the Trans Karakoram Tract and Aksai Chin in 1963, and controls 15% of the region. China has delivered economic, military, and technical support to Pakistan, and each country considers the other a close tactical ally. China supports Pakistan's stance on Kashmir, and in return, Pakistan supports China on the issues of Xinjiang, Tibet, and Taiwan. Due to the revoking of Article 370, and India announcing the establishment of a Jammu Kashmir Territory and a Ladakh Union Territory, China noted that India impeded upon China’s territory into its administrative jurisdiction, challenging China’s sovereignty.


The Jammu and Kashmir Democratic Freedom Party is a separatist political party launched by Shabir Shah in May 1998. JKDFP called for tripartite negotiations between India, Pakistan and Kashmir. It promotes the cause of the Kashmiri public and believes in the sovereignty of the people. The party’s chief principle is that the people of Kashmir should have the final word in their own political future and the right to self-determination.

The Jammu and Kashmir National Conference (JKNC):

The Jammu & Kashmir National Conference is a political party in the Indian union territory of Jammu and Kashmir. It was initially founded as the All Jammu and Kashmir Muslim Conference by Sheikh Abdullah and Chaudhry Ghulam Abbas in 1932. The body renamed itself to "National Conference" in
1939 in order to represent all the people of the state. It supported the accession of the princely state to India in 1947. It is one of the main political parties in the region.

The Indian National Congress (INC):

The Indian National Congress (also known as just Congress) is a major political party in India. It was formed in 1885 and dominated the Indian movement for independence from British Rule. In the 2009 general election it formed a coalition with a number of allies called the United Progressive Alliance (UPA) and was able to form a majority and form a government.

The Bharatiya Janata Party (BJP):

India’s government is controlled by the Hindu nationalist Bharatiya Janata Party (BJP). Modi, as the head of the party, is India’s prime minister. The BJP was responsible for revoking Article 370 of the Indian Constitution by passing the measure through both houses of Parliament. Essentially, they turned Kashmir from a state to a union territory, meaning India’s central government in New Delhi will gain much more control over the area’s affairs.

Timeline:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>August 14, 1947</td>
<td>The end of the British Rule in India.</td>
<td>The partition of the subcontinent took place into the Hindu majority state of Hindustan and the Muslim majority state Pakistan.</td>
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<tr>
<td>October 26, 1947</td>
<td>The Maharaja of Kashmir signs a treaty of accession with India.</td>
<td>Pakistan tribal attacks were occurring so the Maharaja signed this treaty in order to gain India’s help. Because of this, war broke out between the two countries.</td>
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<tr>
<td>Date</td>
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<td>Description</td>
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<td>January 1, 1948</td>
<td>The Conflict in Kashmir is</td>
<td>Resolution 47 was passed in the security council, calling for Pakistan to withdraw its troops and for India to reduce its military presence in the territory. A ceasefire comes into force but Pakistan refuses to withdraw its troops and Kashmir is partitioned between India and Pakistan.</td>
</tr>
<tr>
<td>October 20, 1962 –</td>
<td>Sino-Indian War</td>
<td>A brief war breaks out between India and China over Aksai Chin (Eastern Kashmir) that China wins, allowing China to claim part of the region.</td>
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<td>November 21, 1962</td>
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<td>April 1965 – September</td>
<td>Indo-Pakistani War</td>
<td>A brief war between India and Pakistan which began after Pakistan's Operation Gibraltar. In this operation, Pakistan wanted to bring forces into Indian-held Jammu and Kashmir to conquer the area of Kashmir ruled by India. The war caused thousands of deaths on both sides. It ended when India asked the United Nations for ceasefire. Victory was inconclusive as both sides claimed it.</td>
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<tr>
<td>23, 1965</td>
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<tr>
<td>Date Range</td>
<td>Event Description</td>
<td>Additional Information</td>
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<tr>
<td>December 3, 1971 –</td>
<td>Indo-Pakistani War</td>
<td>This war ends in defeat for Pakistan and leads to the 1972 Simla Agreement. This agreement turned the Kashmir ceasefire line into the Line of Control. Both sides pledged their agreement to settle their differences through negotiations, and calls for a final settlement of the Kashmir dispute. The Agreement forms the basis of Pakistani-Indian relations thereafter.</td>
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<td>December 16, 1971</td>
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<td>July, 1988</td>
<td>Start of Kashmir’s insurgency</td>
<td>Dubious state elections in Indian-administrated Jammu and Kashmir give incentive to a pro-independence insurgency centered around the Jammu and Kashmir Liberation Front (JKLF). India accuses Pakistan of facilitating the insurgency by posting fighters across the Line of Control, which Pakistan denies.</td>
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<tr>
<td>May 3, 1999- July 26, 1999</td>
<td>Kargil War</td>
<td>An armed conflict took place between India and Pakistan in the Kargil district in Kashmir. Relations between India and Pakistan break off.</td>
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<tr>
<td>March, 2015</td>
<td>The BJP joins the government.</td>
<td>India's ruling BJP party is sworn into government in Indian-administered Kashmir for the first time in union with local People's Democratic Party, with the latter's Mufti</td>
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<tr>
<td>Date</td>
<td>Event Description</td>
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<tr>
<td>July, 2016</td>
<td>An indefinite curfew is imposed on Kashmir</td>
<td>Authorities impose an indefinite curfew in most parts of Indian-administered Kashmir after the killing of popular militant by security forces. This curfew is eventually lifted but schools, shops and most banks remain shut and mobile and internet services remain suspended. At least 68 civilians and two security officials have died and more than 9,000 people injured in over 50 days of violence.</td>
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<tr>
<td>August 5, 2019</td>
<td>The Revoking of Article 370</td>
<td>The Indian government strips the Jammu and Kashmir state of the special status that gave it significant autonomy. India deployed tens of thousands of troops across the Kashmir valley in anticipation of a backlash of the revoke, further militarizing the region. A media blackout took place in Kashmir with mobile and internet services suspended. The Pakistan government strongly condemned India for taking “illegal steps” in its decision to revoke special status for Kashmir.</td>
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Evaluation of Previous Attempts:

The Simla Agreement:

The Simla Agreement signed by Prime Minister Indira Gandhi and President Zulfikar Ali Bhutto of Pakistan on 2nd July 1972 was a peace treaty seeking to reverse the consequences of the 1971 war. It was a broad criteria for good neighborly relations between India and Pakistan. Under the Simla Agreement both countries corresponded to relinquish conflict and hostility which had marred relations in the past, and to work towards the establishment of long-lasting peace, friendship and cooperation. The Simla Agreement contained a set of guiding principles, mutually agreed to by India and Pakistan, which both sides would observe while managing relations with each other. These principles included respect for each other’s territorial integrity and sovereignty; non-interference in each other’s internal affairs; respect for each other’s unity, political independence; sovereign equality; and quelling the spread of propaganda. The agreement however, was unable to prevent the relationship between the two countries from deteriorating to the point of armed conflict because in 1999, the Kargil War was fought, and the nations no longer held friendly relations with one another.

Resolution 47 in UNSC:

The United Nations Security Council Resolution 47, was adopted on the 21st of April 1948. Its primary goal was to find solutions that would resolve the Kashmir conflict. After hearing arguments from both India and Pakistan, the commission was instructed to go to the subcontinent and help the governments of India and Pakistan restore peace and order to the region and prepare for a plebiscite to decide the fate of Kashmir. The resolution contained a three point solution to combat the issue, and no vote was taken on the resolution as a whole. The first point of the resolution asked Pakistan to withdraw all its nationals that entered Kashmir for the sake of fighting. In the second point, India was asked to steadily reduce its forces to the minimum level required for law and order. In the third point, India was asked to appoint a plebiscite administrator nominated by the United Nations who would conduct a free and impartial plebiscite (a direct vote of all the members on an electorate on an important public issue). While both India and Pakistan raised issues with the resolution, they welcome the UN mediation on the issue. Despite the amendments made to this resolution, India and Pakistan were unable to form a truce due to disagreements surrounding the demilitarization of the region, and India wanted Pakistan to be excluded from the Plebiscite.

Possible Solutions:

Revitalizing the Economy in the Valley:
Kashmir occupies a strategic position with boundaries touching China, Pakistan and Tibet. Apart from Jammu and Kathua, the entire region is mountainous. Rice, wheat, and cereals are the major crops in the valley. It is the largest producer of apples, walnuts, and saffron. Along with agriculture, Kashmir is also an exporter of carpets, crafts, furniture and sports goods. Unfortunately, more than half a century of conflict and tension between militants, protestors and the armed forces has depleted the economy and the natural resources of the valley. Its current status is a high-cost mountain economy, dependent mainly on tourism revenue. Despite announcing several welfare schemes to improve the economic conditions of the people, 10.35% of the population in the state of Jammu and Kashmir lives below the poverty line, according to an economic survey report for the year 2011-2012. This is why revitalizing its economy is important; by giving the territory a more open private sector to provide Kashmiris with a higher stake in their future, the crisis of high unemployment that currently afflicts Kashmir will decrease. As seen in many other conflict zones in the world, what often propels young people towards insurgency is lack of optimism for the future stemming from a lack of opportunity.

**Halting Cross Border Terrorism:**

In order to stabilize the region of Kashmir, proxy wars between the nations of India and Pakistan (and sometimes China) must cease altogether. Currently, Kashmir is the most heavily militarized region in the world, making peace near impossible to achieve. The end of such wars would allow India to remove the need for large deployments of Indian troops to provide security in the region. In addition to the benefit this would provide India by freeing up resources currently dedicated to national security activities, a reduction of Indian troops in Kashmir would also result in a decline in the unavoidable collateral damages caused by the size of the deployment and nature of Indian counter-insurgency activities in Kashmir. Not only will this prevent the loss of innocent civilian lives, it will also protect the lives of the very troops India is sending. Furthermore, halting all attacks will greatly lessen the number of refugees attempting to flee the region and prevent a migrant crisis that the nations will have to handle otherwise.

**Increasing Indian-Pakistani Political Cooperation:**

If decades of conflict in the Kashmir region are to be settled, India and Pakistan must both do much more to address grievances and deal with the suffering caused by half a century of tensions. They need to foster all forms of bilateral contact and improve the lives of Kashmiris, who have borne the worst of the conflict. One measure through which this could be done is to reopen the roads currently blocked on both sides of the border. This simple action has the potential to result in a plethora of positive benefits for the people living in the region, as ending the road closures would not only facilitate the ability of the people of Jammu and Kashmir to again function as one regional entity, but would also improve the effectiveness of any economic development initiatives undertaken in the region. Another key aspect that both nations must take into account is to partake in dialogue with Kashmir, which has suffered the brunt of the conflict. Relations between the federal government in New Delhi and the state authorities in Srinagar must be improved, and there needs to be revival of debate on Article 370 of the constitution that granted Kashmir autonomy. India must make an active commitment to a ceasefire and show willingness to follow through with policies aimed at improved security, human rights and economic welfare in the province. Pakistan should allow free elections in Muzaffarabad and the area of Kashmir under its control, and also
reduce their own security forces. India and Pakistan should reassess the Line of Control and establish a legal border to settle the situation once and for all.

**Bibliography:**


