

A Look into the Conflict Between India and Pakistan over Kashmir

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PRANAV ASOORI, OCT 7 2020

The region of Kashmir is one of the most volatile areas in the world. The nations of India and Pakistan have fiercely contested each other over Kashmir, fighting three major wars and two minor wars. It has gained immense international attention given the fact that both India and Pakistan are nuclear powers and this conflict represents a threat to global security.

Historical Context

To understand this conflict, it is essential to look back into the history of the area. In August of 1947, India and Pakistan were on the cusp of independence from the British. The British, led by the then Governor-General Louis Mountbatten, divided the British India empire into the states of India and Pakistan. The British India Empire was made up of multiple princely states (states that were allegiant to the British but headed by a monarch) along with states directly headed by the British. At the time of the partition, princely states had the right to choose whether they were to cede to India or Pakistan. To quote Mountbatten, "Typically, geographical circumstance and collective interests, et cetera will be the components to be considered[1]. In general, the Muslim majority states went to Pakistan while the Hindu majority states went to India, although India was a secular nation.

However, Kashmir was a peculiar case. While the majority of the population was Muslim, the ruler was a Hindu, Maharaja Hari Singh. However, this was not the only such case. The state of Junagadh was also faced with such a conflict. The ruler of Junagadh[2] was a Muslim, who wished to accede to Pakistan, against the wishes of his people. Mountbatten recommended that Junagadh should go to India not only because it was a largely populated state but also because it was completely surrounded by India. However, the ruler ceded to Pakistan. India, enraged, annexed Junagadh on the pretext that the Pakistani Prime minister Muhammed Ali Jinnah stated that Hindus and Muslims could not live in one nation and because they feared riots[3].

However, when it came to the region of Kashmir, the situation unfolded differently. Although Kashmir was a Muslim majority state headed by a Hindu ruler, Mountbatten recommended that Kashmir should go to India.[4] This had to do with India being a secular state. But Hari Singh decided that Kashmir would be independent, at least for a while, because he feared that the Kashmiri Muslims would not be happy with India while the Hindus and Sikhs would not be happy in Pakistan[5]. During this period of ambivalence in Kashmir, there were outbursts of riots in certain districts of Kashmir against the ruler. This eventually led to Pakistani tribesmen and militia crossing into Kashmir, in an attempt to take over the city of Srinagar, whilst looting and plundering the region[6]. Hari Singh made a plea to India to aid him against this anarchy and in doing so ceded Kashmir to India. This led to the First Indo-Pakistani War, also known as the First Kashmir War that was fought between the Indian soldiers and the Pakistani tribesmen. In 1948, Pakistani armed forces entered the war. Towards the end of 1948, both sides solidified their positions in Kashmir. A ceasefire agreement was made and a line of control (LOC) was established[7]. India was left with roughly two-thirds of Kashmir, while Pakistan obtained control over a third of the region of Kashmir. This marked the first of the many wars and conflicts between these two nations over Kashmir.

The establishment of the LOC in 1948, however, was insufficient. The United Nations then played the role of the

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mediator. On the 21st of April, 1948, the Security Council passed and adopted resolution 47[8]. A commission of five members (this commission was initially established by resolution 39) was to go to the Indian subcontinent and aid India and Pakistan in restoring peace in Kashmir. Additionally, the commission was supposed to help these countries prepare for a plebiscite to decide Kashmir's accession. A three-step process was also recommended to ease tensions:

- All Pakistani nationals who entered Kashmir to fight were to be evacuated
- India was to gradually reduce its forces in the region
- India was to appoint a referendum administrator who was nominated by the UN

India accepted this resolution. However, Pakistan rejected it. This led to no withdrawal of troops and no referendum being held. Further International negotiations were attempted in the form of the Dixon plan among others. However, these too failed as every time either India or Pakistan rejected the terms.

Kashmir's Importance

The primary reason for this conflict between the two nations is due to how valuable Kashmir is in terms of national security, geography and resources[9].

The largely important Indus River flows through Kashmir. The Indus River is extremely crucial to agriculture in Pakistan. It is especially important in the lower Indus valley region, where rainfall is uncommon. Similarly, India depends on the Indus for irrigation. Hence, the Indus and its tributaries are highly sought after. The nation that controls this region effectively can cut off the water supply to the other. To manage these fears and ensure a fair distribution of the water from this river, the Indus Water Treaty[10] came into existence on the 19th of September, 1960. Under this treaty, India has control over the eastern tributaries of Beas, Ravi and Sutlej, while Pakistan has control over the western rivers of Indus, Chenab and Jhelum. India has roughly 16% of the total water carried by the river while Pakistan has the rest. However, while this treaty is in place, Pakistan still fears that in a potential conflict, India could cut off the supply, since they control the region of Kashmir through which the Indus flows. But it is important to note that in the previous wars, India did not choke off the water supply. Yet, from Pakistan's standpoint, the possibility remains, making Kashmir precious to them. Additionally, the glaciers provide immense amounts of freshwater to the region[11].

The Kashmiri Rivers and water bodies also have the potential to generate hydroelectricity at great magnitudes. The state of Jammu and Kashmir largely depends on hydroelectricity for its power demands. At the moment, Kashmir only produces around 3000 megawatts of electricity. However, the region has the potential to produce up to 16,000 megawatts of power. The Indian administration is looking to tap into this, making Kashmir an important region. The region is also home to a plethora of resources such as uranium, gold, oil and natural gas.

From a geopolitical standpoint, Kashmir is vital as well. Kashmir serves as a bridge between South Asia and Central Asia. For India, it is the only direct route to Central Asia and through Central Asia to Europe. It plays a key role in the Belt and Road initiative. More importantly, it is key for the China-Pakistan Economic Corridor (CPEC)[12]. The CPEC is a large-scale bilateral undertaking involving the development of infrastructure in Pakistan, the establishment of transportation networks between China and Pakistan and the creation of numerous energy projects. Many of these projects run through the Pakistan administered Kashmir. Pakistan aims at directly connecting itself with both Central Asia and China through Kashmir.

Kashmir is a central piece between three nuclear nations: India, Pakistan and China. At the moment, of the original territory of Kashmir, India has control over roughly 55% of the total area, Pakistan controls 30% of the land and China controls 15% of it.

Kashmir from the Indian Viewpoint

According to India, Kashmir in its entirety belongs to India, and both Pakistan and China are falsely laying claim on

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Indian territories. India views the instrument of accession that was signed by Maharaja Hari Singh as legally binding, hence legally and fairly giving India Kashmir.

As mentioned, Kashmir is India's only path to Central Asia. India does not have access to Central Asian and European countries directly through the land without it.

It is also extremely important to India's national security[13]. The Siachen Glacier is the only barrier between Pakistan and China. In the face of a conflict, without Kashmir, China and Pakistan could combine forces, gravely endangering India. With India's straining relationships with both China and Pakistan, it has become wary of this.

Additionally, in 1963, Pakistan ceded the Shaksgam valley and Gilgitto China. This region was originally a part of Pakistan administered Kashmir[14]. Some claim that this was done in order to undermine India and in order to allow Chinese military presence in Kashmir. While India does not accept this, it is nonetheless threatened. With China and Pakistan strengthening ties, increasing Chinese and Pakistani troops has made this region increasingly important.

There has also been a surge of Indian nationalism lately, especially with the nationalist Bhartiya Janata Party coming to power in 2014 with Prime Minister Narendra Modi at the helm[15]. Since the inception of the state of Jammu and Kashmir, the region and India have faced numerous terrorist attacks, both by outside terrorist groups and by local insurgents. In 2001, insurgents from this region along with terrorists from outside attacked the Indian Parliament, killing many. There have been many incidents such as this. The result of this has been the deaths of thousands of civilians and Indian soldiers. This has led to feelings of resentment amongst the Indian people. Since many of these terrorists have their camps in Pakistan, this anger is directed towards Pakistan[16]. The Indian people have been longing for these deaths to stop and for the government to decisively deal with these acts of terror. The Indian people have also developed feelings of anger and resentment towards primarily Pakistan but also China for illegally taking over their territory. They believe Kashmir in its entirety belongs to India and severe action must be taken.

Kashmir from the Pakistani Viewpoint

Historically, Pakistan believes that Kashmir was illegitimately ceded to India by a ruler who did not represent the people. Additionally, since a majority of the Muslim majority states went to Pakistan, they believe Kashmir should belong to them.

However, Kashmir is also important to Pakistan for strategic reasons[17]. As mentioned, Kashmir has a plethora of resources. Moreover, Pakistan is largely dependent on the Kashmiri Rivers. If India has complete control over Kashmir, it could potentially paralyze Pakistani agriculture and induce droughts.

Kashmir is the only direct link between Pakistan and China. China being a strong ally makes this important, both for military reasons and for economic development. The China-Pakistan Economic Corridor goes through Kashmir as well. Losing Kashmir would deny this direct link to Pakistan. This direct link with China has been largely beneficial in terms of economic development.

Additionally, if India has complete control over Kashmir, India could move a large number of troops to the edge of the border, posing a large threat to Pakistani security. Losing Kashmir would not only cut off access to help from China but also have Indian troops present very close to important cities in Pakistan. This could prove devastating in the time of conflict. Hence, Pakistan believes they will be at the mercy of India if Kashmir is lost.

The general view of the people on this issue seems to be against India. Many are sympathetic towards the Kashmiris and believe that the people's lives can be bettered by Kashmir joining Pakistan. However, there is a sizable population that is rather tired of this conflict and criticized the government for investing a lot of its resources in the Kashmiri conflict.

The Pakistani administration has maintained the view that Pakistan cannot lose Kashmir. They maintain that India has no legal or moral right over Kashmir and that Kashmir is rightly theirs. Subsequently, they are calling for UN

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mediation in the region.

Kashmir from the Kashmir viewpoint

The Kashmiri perspective is one that has been largely ignored. This conflict is one that has stemmed due to the fact that there are those that believe Maharaja Hari Singh ceding Kashmir to India was unlawful as he did not represent the majority. Before the partition, Kashmir had approximately 4 million people. Of these, around 70% were Muslims, 25% were Hindus, and the remaining 5% were Buddhists and Sikhs[18].

Even before the time of the partition, there was a rising movement against the ruler. The Muslim Conference led by Sheik Abdullah denounced the Maharaja and claimed that he was a danger to Islam. However, later on, the Conference lost its steam and lost a majority of its followers, causing Abdullah to embrace secularism. Abdullah remained a prominent leader. Later on, Mohammed Ali Jinnah, the future prime minister of Pakistan, and Abdullah became fierce adversaries. This relationship with Jinnah led him to become an ally of the Indian leaders.

After the partition of India and Pakistan, Kashmir signed a standstill agreement with both the nations while they decided their fate. However, with the Pakistani tribesmen attacking India, Abdullah, as a representative to the Maharaja, went to India and sought its help, leading to Kashmir being ceded to India.

Before the invasion, the situation in Kashmir was ambivalent. There were many who willed for Kashmir's independence. However, there were also those who willed to go to either India or Pakistan. Later on, in 1953, Abdullah was arrested for trying to create an independent Kashmir and having clandestine meetings with foreign powers. In 1954, the Kashmiri Constituent Assembly ratified Kashmir's accession to India.

But peace did not ensue.[19] A divide arose amongst the people of Kashmir. There are also reports that indicate that many of the Kashmiri officials had become corrupt. In 1965, Pakistan invaded Kashmir, following a military coup that overthrew the democratic government. The result of this was the rise of anti-Pakistan feelings in Kashmir. By this time, Kashmiri leaders seemed to have changed their tune, with many contents with their accession to India.

Beginning in 1980, there was a rapid Islamization of Kashmir. Names of cities were changed and propaganda was spread. Those of other religions were denounced as 'spies' or 'outsiders.' There is evidence suggesting nations like Saudi Arabia influenced and aided this spread. This was the beginning of the violence in the region.

The first large-scale act of violence was the exodus of the Kashmiri Hindus[20]. Thousands of Kashmiri Hindus were killed and forced to flee by Muslim mobs and Hindu temples were destroyed. Before this exodus, there were about 600,000 Hindus living in the region. By the end of it, there were only around 2000 to 3000 remaining. There was a spread of radical Islam, where violence was encouraged against those of other religions. Children were recruited by insurgency groups and trained in violence. People were encouraged to sell their belongings in order to finance the purchases of weapons. Thus, began the coming decades of violence and propaganda led by insurgency groups.

Since then, the violence and bloodshed in this region have only continued. Insurgent groups, terrorist organizations, Pakistani forces and Indian forces have constantly found themselves in conflict, leading to the deaths of thousands. As a result, there has been a significant increase in the number of military personnel and equipment in the region. There has also been a steady rise in domestic terrorism.[21]

On the other hand, this combination of military personnel, insurgents and terrorists have resulted in human rights violations. Allegations have included the suppression of freedom of speech mass homicides, kidnappings, torture and sexual violence amongst others. The accused have included insurgent and terrorist groups, the Pakistani military, and the Indian military. More recently, the Indian government had completely cut off all means of communications and detained political leaders as a preemptive move to maintain law and order after the amendment of article 370 (explained in more detail in the following section). While the Indian government claims to have done it for the preservation of peace, many have criticized this as a violation of human rights. In fact, internet services were cut for 213 days. International and domestic actors including organizations like Amnesty International have called for

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an end of human rights abuses in Kashmir[22].

At the moment, it is safe to say, the Kashmiri people are tired of the decades of conflict and violence[23]. On one hand, there are constant attacks by insurgent groups and terrorist organizations. On the other, there is an increased presence of military troops. There are reports of human rights violations by these troops. The Kashmiri people want an end to this constant violence by all the groups present. Increasingly, more Kashmiris are in support of the referendum that was supposed to have taken place during the partition. Additionally, there is an increasing number of people in support of an independent Kashmir.

Recent Events

On the 14th of February, 2019, a convoy of vehicles carrying India's Central Reserve Police Force (CRPF) was attacked by a suicide bomber in Pulwama, killing 40 CRPF troops. Jaish-e-Mohammed, a Pakistan based terrorist group. India blamed Pakistan to be responsible for the attack. However, Pakistan denied any involvement with the attack[24].

Immediately, tensions flared between the two countries. In response to the attack, Indian fighter jets crossed the border and bombed the alleged Jaish-E-Mohammed bases in the Pakistani town of Balakot. Pakistan retaliated by conducting an airstrike on India, but there were no casualties. During a dogfight, an Indian fighter plane was shot down and the pilot who landed in Pakistan was captured. The world was at its edge, and the two nations were at the brink of war. However, after negotiations, the tensions were eased and the pilot was returned to India.

In October of 2019, the Indian government led by Narendra Modi revoked Article 370 of the Indian Constitution[25]. Article 370 was intended to be a temporary provision that gave the state of Jammu and Kashmir a special status. According to this, Jammu and Kashmir were allowed a certain degree of autonomy[26]. Jammu and Kashmir was allowed to have its own constitution, the ability to create its own laws and its own flag. However, the government of India would have control over matters such as defense and foreign affairs. Due to this, Indians from other states were not allowed to buy land or settle in this state. Additionally, if a woman marries someone from an outside state, she loses her property rights.

The Modi government argued that this was intended to be a temporary provision and that it has been seven decades since. They also claimed that the article is discriminatory in nature and that it hindered development. Consequently, after returning for a second term, Modi amended this article. The state of Jammu and Kashmir has now lost its special rights. The region is now broken up into the 'union territories' or federally administered areas of Jammu, Kashmir and Ladakh.

However, this move was largely controversial. Anticipating intense reactions to this and citing the perseverance of law and order, the Indian government mobilized large numbers of military personnel into the region. Communication systems such as the internet were cut off. The chief minister of the state and other prominent political leaders were detained preemptively. News agencies were curfewed and the entire region was under lockdown. Human rights groups have criticized these moves as human rights violations. Pakistan strongly condemned this decision and said that it will exercise all possible options to counter the illegal steps." Pakistan withdrew its ambassador to India and suspended trade.

Moreover, this move served to strain the already strained relation with Kashmir. Many Kashmiris were enraged by the restrictions placed on them, leading to more anti-India sentiments. To add to this, many Kashmiris believe that this is the Hindu nationalist government's attempt to make Kashmir a Hindu state.

But, the international response to this move was largely favorable to India. Many nations expressed their support and remarked that this was a situation of India dealing with its internal matters.

Future Outlook and Conflict Resolution

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Both India and Pakistan strongly believe that Kashmir rightfully belongs to them. It is hard to discredit either side's arguments. Additionally, Kashmir is incredibly valuable to both nations. It is hard to imagine, that either country would willingly surrender Kashmir. It is certain that thousands of Kashmiris and soldiers have faced and continue to face atrocities. There are also reports of human rights violations in the region. In both Pakistan and India there is increasing sympathy for the Kashmiris. However, at the current moment, there is little hope for change in this region.

Of late, India has gained a lot of international support as well. Rapidly growing as an economy and as a military power, India has become a desirable ally and trade partner for many. We can look to the amendment of Article 370 as an example of this. Most nations were in support of India's decision. We can speculate that going forward this international support will only continue. India faces little international pressure to renegotiate the terms of Kashmir with Pakistan. Pakistan on the other hand was under scrutiny. Multiple nations have called for Pakistan to withdraw its support of terrorist activities and funding terrorist organizations. Pakistan certainly faces the brunt of international scrutiny in this matter.

India has little reason to withdraw from this conflict. Kashmir is very valuable to India. Future plans of channeling hydroelectricity and the abundance of natural resources make it so. Additionally, with nationalist and anti-Pakistan sentiments rising in India, a majority of the people would not want to lose Kashmir. The Modi nationalist government's persona of being hard negotiators and tough and decisive on foreign matters was a significant factor in them winning the elections. In fact, Modi's overwhelming victory for his second term is credited by many to his swift and decisive retaliation on the terrorist camps in Pakistan. To add to this, India has not faced severe economic or political repercussions due to the Kashmiri conflict. Hence, in the coming future, given the current events, it is extremely unlikely that India will change its stance on Kashmir. On the contrary, India seems to be moving towards completely integrating Kashmir into itself.

Similarly, Pakistan is unlikely to change its stance. Kashmir is very valuable to Pakistan. Its beneficial relationship with China depends on it. Kashmir is the key to important rivers that fuel Pakistani agriculture. Although Pakistan has been under international scrutiny, there has not been significant pressure. While Pakistan may be weaker in terms of military strength, it too is a nuclear power. In the case of a war, mutually assured destruction is a guarantee. Additionally, China has had straining relations with India as well and is an ally. Hence, the chances of an Indian invasion are low. Although the Pakistani economy is declining, losing Kashmir would only serve to damage the economy.

Although there is a cry for independence in Kashmir, it is unclear as to whether it is a majority. Additionally, there are fears around the world that an independent Kashmir would not last. An independent Kashmir would be surrounded by three nuclear states and plagued with multiple terrorist organizations. It would be bound to rely on one of the three powers. Analysts predict that an independent Kashmir would quickly crumble under anarchy and terrorism. There are fears that such a nation would simply become another terrorist-ruled state. Both India and Pakistan are unlikely to let this happen.

It is unlikely that we will see a referendum either[27]. It would be reasonable to believe that a fair referendum would be hard to achieve. Additionally, the Kashmiri sentiments seemed to have changed, during the partition, a sizable portion of Kashmiri were pro-India. However, given the current events and the surge of anti-India sentiments amongst the Kashmiris, it is hard to say which side the Kashmiris are leaning towards. India has no reason to change its position on Kashmir. Hence, since their victory is not guaranteed through a referendum, they would have little reason to call for a referendum. India has wanted no international involvement in this matter.

However, the plight of the Kashmiris is heard more than ever now. In both countries, there is a rising demographic that wants to end the loss of lives and sorrow that Kashmir has become synonymous with. As the world is increasing the measures taken against terrorism, we can hope that Kashmir too can one day be free of it. The global stage is keeping a close watch on Kashmir and many organizations are going in to better the situation. Some are calling to make the line of control the official border. While this is certainly more likely than India or Pakistan entirely giving up Kashmir, the odds still remain low. For reasons described, it is hard to see this happen especially, in the absence of a mutually hurting stalemate. Both nations are likely to drag out this issue until they no longer can. Either way, while the

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future looks bleak, the hope that there will be an improvement still remains.

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