

Kashmir since 2019 and Indo-Pak Relations

*The 'Kashmir Conflict' has been a source of constant tension between India and Pakistan from the time of their independence in 1947. **Agnieszka Kuszewska** summarises the big story and details lesser-known facts, tracing the history of the issue which remains a chronic bone of contention between the two countries, a serious potential flashpoint for two nuclear-armed nations in South Asia.*

The historically-inherited Kashmir conflict remains a major source of tension between India and Pakistan, and the chances of its resolution remain unchangeably grim. Being a major hurdle to intra-regional cooperation, it is one of the most multi-dimensional, intractable conflicts in the contemporary world, and hostile interactions between the two nuclear adversaries remain a key security challenge for the entire subcontinent.

Despite its importance and destructiveness, this tussle is usually overshadowed by other ongoing disputes and crises. International coverage of the conflict overwhelmingly refers to official narratives from New Delhi and Islamabad, and is limited to moments of bilateral escalation or terrorist attacks carried out by Islamist groups. Importantly, Kashmir is not only a long-term territorial dispute between India and Pakistan: it is also a [complex set of diverse power rivalries and discourses on regional, bilateral and sub-local levels](#). The dynamics of the conflict is shaped by various state and non-state actors, who regularly highlight their persistent stance on conflict and the way it should be resolved, and use different methods to implement their goals.

Parts of the former Princely State of Jammu and Kashmir (PSJ&K), now controlled by India and Pakistan, include: (1) Indian-administered Jammu and Kashmir (IaJK) that comprises the Kashmir Valley and Jammu (since 2019 forming the union territory of Jammu and Kashmir, UTJ&K) and Ladakh (since 2019, the union territory of Ladakh, UTL); and (2) Pakistani-administered Jammu and Kashmir (PaJK) that includes Azad Jammu and Kashmir (AJK) and Gilgit–Baltistan. Along the Line of Control (LoC), a *de facto* border that divides the disputed region, cross-border skirmishes occur regularly with both sides accusing each other of 'unprovoked' firing and targeting civilians, who pay the highest price for the ongoing rivalry. In August 2019, the Indian government of the ruling Bharatiya Janata Party (BJP) fulfilled its [party's political promise of abrogating Article 370 and, by implication, Article 35A](#) (which for example restricted sales of land to non-state residents) of the Constitution of India, which revoked the semi-autonomy of Jammu and Kashmir that had been in place since 1954. The state was bifurcated and transformed into [two union territories \(UTJ&K and UTL\)](#), controlled directly by central government in New Delhi. Following the revocation of the special status, [tensions along the LoC escalated](#).

The unilateral annulment of Kashmir's semi-autonomy by India opened a new chapter in the history of the conflict. It was criticised by Pakistan, and led to further deterioration of bilateral relations that were already tense after the [14 February 2019 suicide bomb attack](#) on India's Central Reserve Police Force personnel in IaJK in Pulwama by the notorious jihadist group [Jaish-e-Mohammad](#). India reiterated its accusations that Pakistan supports Islamic groups and treats them as its proxies in materialising territorial claims in IaJK; New Delhi regards its policies for IaJK as a domestic matter, and vehemently rejects any critical comments from other governments, let alone, engagement.

Through the decades, Pakistan has put tremendous effort to internationalise the dispute, and uses every opportunity to accuse India and its armed forces of systematic human rights violations in IaJK (mainly the Valley). Following the political crisis that led to the fall of Imran Khan in April 2022, Pakistan's new prime minister Shehbaz Sharif pledged to interact with India peacefully and stressed the need to resolve the conflict '[in accordance with the resolutions of the United Nations Security Council and the wishes of the Kashmiri people](#)'. This well-known rhetoric is likely to emerge in every official speech of the Pakistani civilian leadership, with practically no chance (Pakistan's foreign and security policy is controlled by the powerful military establishment) of any substantial shift. We can assume that by referring to 'Kashmiri people', Pakistan again wants to draw the world's attention to the situation on the Indian side, focusing on Kashmiri Muslims, while at the same time neglecting [the violations in AJK and GB](#), that include curbing freedom of expression, [arbitrary detentions and other forms of systemic marginalisation](#). Both [IaJK](#) and [PaJK](#) are regarded 'not free' by the human rights watchdog, [Freedom House](#).

It also needs to be accentuated that [India](#) and [Pakistan](#) are among many countries worldwide that are currently experiencing a significant backsliding in democratic norms, human rights and basic freedoms. For example, in the [2022 World Press Freedom Index](#) that annually assesses press freedom records in 180 countries, India fell to 150th and Pakistan to 157th position (from 142nd and 145th respectively a year earlier). The [Democracy Index](#) prepared by the Economist places India among 'flawed' democracies, and Pakistan among 'hybrid' regimes. In 2021 the [Varieties of Democracy Report](#), prepared by V-Dem Institute at the University of Gothenburg downgraded India's regime type from electoral democracy to electoral autocracy (EA+, which signified that the country could also belong to the higher category) and enumerated India on the 7th position among the fastest autocratising countries in the world in 2010-2020 (Poland was in the first position); Pakistan was assessed as an electoral autocracy (EA).

These challenges have a particular impact on Kashmir, which has a substantial identity — and national pride-related significance for both countries who introduce various policies and legal acts aimed at controlling the region and its inhabitants. It is important to highlight that on both sides of the border people are systematically deprived of their basic rights, but after the abrogation of Kashmir's special status, the consequences have been particularly harsh in the heavily militarised Valley, where [civil liberties were additionally curtailed, local politicians and activists arrested, and many restrictions introduced](#). The Covid-19 pandemic further worsened the situation.

Despite [facing consequences](#) from the state apparatus, human rights activists and other community representatives in both IaJK and [PaJK](#) try to voice political and socio-economic grievances and highlight human rights violations. Human rights are often used as a tool in the Indo-Pakistan political tussle, and are regularly raised by both sides on international forums. Mutual accusations of multi-dimensional violations follow a similar path, and they are treated as an element of iron-fisted rivalry accompanied by politicised, religiously-motivated majoritarian nationalisms rather than being a genuine interest in the situation of the peoples. The first [landmark report](#) issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on Kashmir in June 2018 referred to abuses committed both in IaJK and PaJK, provided 17 recommendations to India and seven to Pakistan, and called for an international investigation into the violations on both sides of the LoC. The update was published in [July 2019](#) with the grim conclusion that no improvements were visible. The [Indian](#) authorities rejected the critical assessments of the situation in IaJK; international critical remarks of the neighbour's policies [were gladly accepted](#) by Pakistan. (No report has been prepared by the OHCHR since the bifurcation of IaJK three years ago.)

The common international narrative on Kashmir tends to equate it with the dynamics in the Sunni Muslim-majority Kashmir Valley, as it is the centrepiece of the anti-India insurgency. The popular rebellion of Kashmiri Muslims is supported by Pakistan, which has never renounced its revisionist, two-nation theory-based policies. It should also not be forgotten that Islamists have their interests in imposing a radical agenda and violating civilian rights. The problem of the repatriation of Hindu Pandits who escaped from the Valley when the uprising began in 1990 remains a challenge for Indian authorities. Non-migrant Pandits have their own grievances; some of them feel neglected by the state and demand more support, for example, [jobs for local youth and relief packages](#) during the pandemic.

The unprecedented sub-regional diversity within the former Jammu and Kashmir state calls for reaching beyond the Kashmir Valley and looking at Jammu and Ladakh, the regions whose narratives were largely overshadowed by the restiveness of the Valley. Those residents of the Jammu division who support the BJP's policies celebrated the bifurcation of the former state; some were disappointed that J&K was not trifurcated so that Jammu could be separated (like UTL) from the Valley and freed from the 'Kashmir-centric' politics. Moreover, the anxieties over a possible flood of outsiders coming to the region, and distribution of state jobs prevailed (in UTJ&K and UTL). Within Ladakh, in Leh dominated by Buddhists, there has long been a demand for the status of the Union Territory among some of its residents. The Shia Muslim majority [Kargil observed 31 October 2019 as 'Black Day'](#): there were protests against New Delhi's decision. It should be noted that these binary Muslim–Buddhist divisions do not seem to fully explain the complexity of local discourses in UTL. Conspicuously, in August 2022, two years after the abrogation of J&K's special status, the uncertainty over the future of UTL still prevails, and [the leaders from Kargil and Leh met for the first time](#) demanding full statehood with the legislature for Ladakh from the central administration.

These narratives and grievances (only briefly enumerated above) are largely unknown to the Western public. The discourse on Kashmir and South Asia is dominated by Indo-Pakistani enmity that poses a threat to regional security, their political strategies (now also with reference to [India's](#) and [Pakistan's](#) lack of unequivocal condemnation of Russia's invasion of Ukraine) with rare references to local dynamics and the policies of both states towards Kashmir. 'I bet that many in the West do not know that India under Modi has systematically destroyed the constitutionally guaranteed autonomy of Kashmir. Nothing was heard from the West about it, not to mention that nothing was done', says Indian author and thinker Pankaj Mishra in the [interview](#) for *der Spiegel*, published in late April 2022, few days ahead of India's Prime Minister Narendra Modi's visit to Germany.

Both parts of Pakistan-administered Jammu and Kashmir are regarded strategically crucial in the regional geopolitical dynamics, which includes the Sino-Pakistani alliance, and consequently they are strictly controlled by the Pakistani central authorities (AJK and GB do not have provincial status). Residents of AJK are prevented from getting government jobs or contesting elections unless they take the loyalty oath, which confirms 'the ideology of Pakistan' and Kashmir's accession to Pakistan. According to the Human Rights Commission of Pakistan (HRCP), regular fire exchanges along the LoC adversely impact the local economy, lead to loss of life and property damage. Unfortunately, [no formal, impartial data is available to assess the intensity of human rights situation in AJK as there are no designated organisations/individuals that can systematically monitor them](#). The Commission also points out that the region faced the [longest and strictest lockdown compared to other administrative units during the Covid-19 pandemic](#), leading to major economic setback.

Gilgit-Baltistan is the gateway to China, Pakistan's 'all-weather ally', [and the starting point of the CPEC](#) (China-Pakistan Economic Corridor). The dynamic geo-strategic environment with recurring Sino-Indian hostilities along the eastern Ladakh border may allow China to increase its regional push-for-power policies. India's security challenges keep evolving around China's threat and the necessity to contain Beijing's ambitions. Pakistan has the option to constitutionally integrate Gilgit–Baltistan as its fifth province which evokes a firm reaction in New Delhi (which regards GB [as part of India](#)). India assumes that all pieces of the former PSJ&K administered by Pakistan and China are, in fact, Indian territories, occupied by foreign powers. Consequently, [China is accused of illegal administration of Shaksgam Valley and Aksai Chin](#) (the former ceded to the China by Pakistan following the [Boundary Agreement in 1963](#), and the latter taken by China after a short border [war with India in 1962](#)). Sino-Indian rivalry escalated in 2020 after India bifurcated J&K; the troops of both neighbours engaged in confrontation along the disputed border. The on-going tussle is likely to turn the Line of Actual Control (LaC) in Ladakh into another escalation-prone flashpoint between the two countries. China is regarded as a key threat and a point of reference in Indian security dilemmas, and the dispute prompts India to further militarise UTL in order to bolster its defence capabilities.

The ruling elites of South Asia's adversaries face an ultimate challenge: to put an end to the ongoing conflict, to renounce historically-rooted postcolonial animosity, hawkish nationalism, hate speech, and intentional narratives of 'us' versus 'them'. The well-being and interests of the indigenous inhabitants of IaJK and PaJK (irrespective of religious affiliations) should be prioritised in the resolution of this conflict, and they should be regarded as equal citizens, not used by various stakeholders as pawns in this long-term, ideologically motivated tussle.

The views expressed here are those of the author and not of the 'South Asia @ LSE' blog, the LSE South Asia Centre or the London School of Economics and Political Science.

Banner Image: Imad Clicks, 'Floating Vegetable Market, Srinagar' (detail), 2021, [Unsplash](#).