

Analyzing the Convolted Kashmir Dispute: A Retrospective Analysis

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Abstract

Kashmir is undoubtedly one of the most beautiful places on the globe. However, it is also considered one of the most dangerous places as well due to the protracted Kashmir dispute between two nuclear-capable neighboring powers, India and Pakistan. The dispute emerged after the questionable partition of the subcontinent, as a result of the Radcliff Award. Neither state was ready to forgo its claim to Kashmir. However, India shrewdly was able to persuade the Maharaja of Kashmir, Hari Singh, to allow Indian forces to take control of the valley even though Kashmir was a Muslim majority area. Consequently, a never-ending conflict began between the two states, which soon led to three advanced stage wars. This article aims to analyze the conflict's historical foundations, contrasting legal positions, and policies adopted by both states to manage or resolve the issue. Also, it assesses the narratives constructed by each side, while particularly focusing on recent developments including India revoking Kashmir's special status by abrogating Articles 370 and 35-A. The article paints a holistic picture vis-à-vis the enduring nature of the Kashmir dispute and the obstacles that hinder its resolution.

Keywords

Kashmir Dispute, Pakistan, India, Article 35-A, Article 370, Conflict Resolution

Introduction

On 14 and 15 August 1947, the subcontinent gained independence from the British rule, and two nations came into existence, India and Pakistan. The British rationale behind dividing the subcontinent was that the two major nations residing, Hindus and Muslims, which had opposite incompatible lifestyles, could not live in peace together (*Partition*:

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Why was British India divided 75 years ago?, 2022). This division ensures that the lucrative region remains under their influence. The ongoing events, including increasing unrest, communal tensions, and deepening political divisions, reflected a growing support for the idea that the two nations should be separated.

Even though two sovereign independent states were formed, for each nation bilateral relations remained hostile, particularly due to disputed territories, especially the former princely state of Jammu and Kashmir (Nicolson, 2022). Both newly created states, India and Pakistan, claimed Kashmir to be an integral part of their respective territory; India based on a Treaty of Accession signed by Maharaja Hari Singh, the then ruler of Kashmir (Frontline, 2024); whereas Pakistan claimed it on the basis of the 3rd June partition plan (Saif, 2013). Consequently, a confrontational competition commenced between the two sides, which led to three bloody wars: 1948, 1965, and 1999.

The militarized trajectory of the Kashmir dispute highlights Pakistan's recurring strategic miscalculations shaped by shifting geopolitical imperatives. The 1948 war, first Indo-Pak conflict, was portrayed by Pakistan as an indigenous uprising supported by tribal volunteers, though it resulted in significant casualties – over 1,000 Indian and 6,000 Pakistani soldiers – without altering the territorial status quo (Gates & Roy, 2018). In 1965, Pakistan assumed that Kashmiri support, favorable terrain, and limited Indian retaliation would ensure success. Instead, it faced substantial losses and international condemnation for violating international law (Sattar, 2020). The 1999 Kargil conflict further reflected Pakistan's continued reliance on high-risk strategies despite nuclear deterrence. By attempting to seize strategic heights and sever India's access to Kashmir, Pakistan underestimated India's military response. India swiftly regained territory, and fears of escalation led to international intervention and a forced ceasefire (Tellis et al., 2001).

Two decades later, in 2019, India revoked Articles 370 and 35-A. These Indian constitutional provisions granted Kashmir considerable autonomy and offered special concessions. India recognizes that, eventually, it will have to adhere to the internationally recognized principle of the right to self-determination and conduct a plebiscite in Kashmir to resolve the dispute. By revoking Kashmir's special status, Prime Minister Modi aims to induce demographic change, transforming the Muslim-majority region into a Hindu-majority one. This shift would increase the likelihood that, if and when a plebiscite is held, Kashmir would vote to remain part of India.

Time and again, the Kashmir conflict has proved to be detrimental to global peace and security, particularly the stability of South Asia. It is also considered a primary obstacle to establishing cordial ties between India and Pakistan. To resolve this protracted conflict, numerous plans have been proposed; however, the proposed solutions have been rejected by one side or the other. To date, both sides continue to assert their claims over the territory based on their historic stances; thus, the dispute lingers on.

The aim of this undertaken study is to (1) trace the origins of the dispute stemming from the 1947 partition and the controversial Radcliffe Award, (2) deconstruct the narratives and legal justifications advanced by both India and Pakistan, (3) assess the domestic and international policies adopted by each state over time, and (4) evaluate proposed solutions and the changing dynamics of the dispute, particularly in light of India's unilateral revocation of Article 370 and Article 35-A of its Constitution.

This paper adopts a qualitative, descriptive, and critical analytical approach to examine the Kashmir dispute through primary and secondary sources, including official documents, policy statements, scholarly works, and credible media reports. It begins by outlining Kashmir's geostrategic importance, followed by an analysis of India's and Pakistan's positions and the weaknesses in India's stance. It then reviews proposed solutions, examines the special constitutional status of Indian-administered Kashmir and its revocation, and analyzes Pakistan's response post 5 August 2019. The study also assesses international reactions to the dispute and concludes with policy recommendations and a summary of key findings.

Literature Review

Given the geostrategic significance of the protracted Kashmir conflict, a vast corpus of literature has been generated, covering critical aspects of the dispute. A critical analysis of this literature helps determine and understand the role of many factors, ranging from colonial injustices and international inaction to militarization and constantly evolving bilateral hostilities, that have greatly polarized the Kashmir dispute, making it virtually unresolvable.

A common thread that is found in much scholarship on the Kashmir dispute is its historical background, particularly British India's legacy. In this regard, Schofield (2010) paints a holistic picture of the dispute's origins. She determined that the conflict emerged from the Treaty of Amritsar (1846), whereas subsequent events, the alleged Treaty of Accession (1947), and the India-Pakistan wars, further contributed to the convolution of the conflict (Schofield, 2010). Similarly, Hilali (2021) held the view that the colonial governance structures established under the Dogra dynasty later played a critical role in Kashmir's contested sovereignty and demographic anxieties. Both scholars agree that the imperial realpolitik and princely state dynamics were the foundational stones of the Kashmir dispute; the post-1947 phenomenon was merely a catalyst that exacerbated the nature and intensity of the conflict (Hilali, 2021; Schofield, 2010).

Furthermore, closely related to the historical origins are the constitutional dimensions, which have perpetuated the conflict. The ambiguous nature of the Treaty of Accession, which is the cornerstone of India's claim over Kashmir, remains a central point of interest for scholars. Schofield (2010) highlights the fact that the early diplomatic assurances of a plebiscite and autonomy were gradually supplanted by centralizing tendencies. Malik and Akhtar (2021) are of a similar opinion, as they argue that India's revoking of Article 370 constitutes a strategic erosion of Kashmir's nominal autonomy. For some time now, India has been tactfully introducing constitutional amendments to consolidate its grip over Jammu and Kashmir, clearly depicting its broader agenda of demographic engineering and settler colonialism (Manzoor & Naeem, 2023; Malik & Akhtar, 2021). While Hilali (2021) reinforces this critique, he also identifies geopolitical motivations behind India's constitutional changes, particularly in the context of Indo-Pacific power rivalries.

In addition, the nature of the India-Pakistan bilateral relations is a dominant theme across the literature. Although both states claim Kashmir to be an integral part of their territory, citing legal and moral arguments the strategies adopted by either side are largely based on militarized diplomacy, strategic ambiguity, and mutual securitization. Schofield (2010) highlights the failed mediation efforts, including the Dixon Plan and the UN Secretary-General's 1957 initiative, which illustrate Cold War alignments and bilateral diplomatic inertia as the reasons that froze the dispute into a

perpetual stalemate. Snedden (2005), addressing whether a plebiscite could resolve the Kashmir dispute, was of the view that by the early 1950s, the political, logistical, and administrative challenges had rendered the option impractical. The internal heterogeneity within Kashmir and the conflicting objectives of India, Pakistan, and Kashmiri stakeholders dismantle the simplistic notion that a plebiscite would have resolved the Kashmir issue (Snedden, 2005). Moreover, Kuszewska (2022) outlines that regional ambitions and divergent national ideologies, which have further exacerbated the Kashmir dispute, have been traditionally leveraged by both states, India and Pakistan, to advance their respective interests.

Moreover, strikingly, even though the Kashmir conflict is considered as one of the main hurdles to achieving sustainable peace and stability, the international community's role remains marginal – a fact widely criticized in the literature. Initially, the United Nations (UN) tried to be the mediator vis-à-vis Kashmir; however, amidst the geopolitics of the Cold War, priorities of the major powers changed, which, in turn, drove international institutions, and thus, the Kashmir dispute lost relevance (Schofield, 2010). Kuszewska (2022) is of a similar view; he argues that major powers consider Kashmir to be a peripheral issue, subordinated to broader strategic partnerships with India or concerns about regional stability.

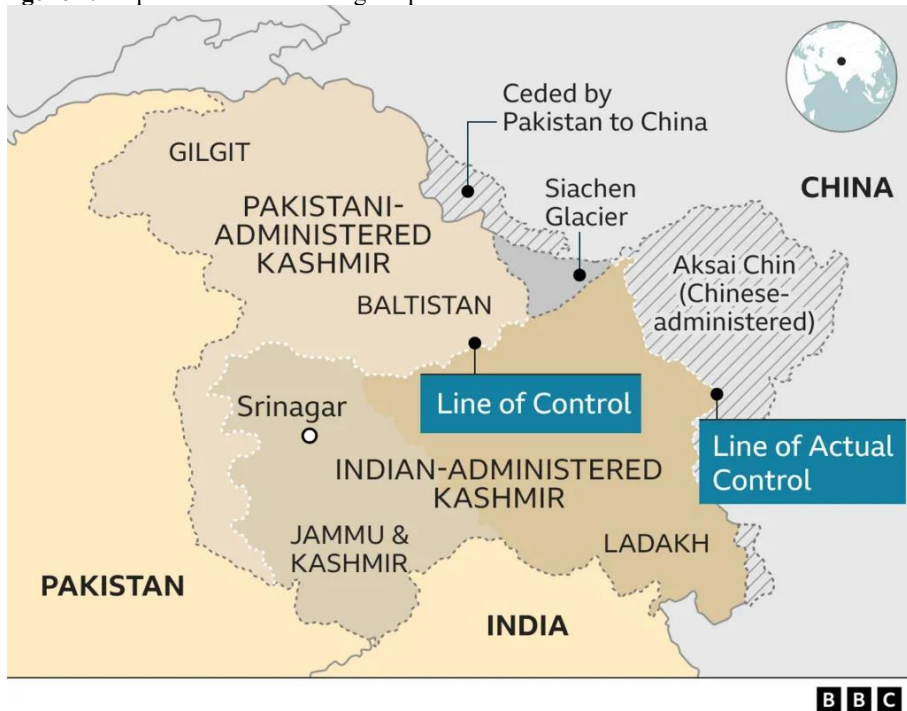
India's 05 August 2019, actions have proved to be a critical inflection point and reinvigorated scholarly interest vis-à-vis Kashmir. Its revocation of Article 370 and 35-A indicates a paradigm shift in India's Kashmir policy, having far-reaching implications for regional peace and security. Hilali (2021) and Kuszewska (2022) both are of the view that this event exposes bilateralism's limitations; whereas it underscores the need for multilateral efforts to achieve an amicable solution acceptable for all parties to the Kashmir dispute. Also, these developments intensified debates revolving around autonomy and representation, reigniting demands for international mediation.

In a nutshell, the reviewed literature highlights the Kashmir dispute as multilayered, where historical grievances, legal contestations, geopolitical rivalries, and normative claims intersect to perpetuate instability. A retrospective analysis, as offered by these works, reveals not a singular conflict but a constellation of interlocking crises – of state formation, identity, sovereignty, and human rights – each demanding nuanced scholarly engagement.

Kashmir's Geostrategic Significance

Kashmir lies in the northern region of the Indian subcontinent, having latitudes of 32° and 36° N, and longitudes of 74° and 80° E. To the northeast, Kashmir is bounded by Xinjiang, China; to the east by Tibet, an autonomous region of China; to the south by Himachal Pradesh and Punjab, both Indian states; to the west by Pakistan; and to the northwest by Afghanistan. Kashmir is a landlocked region with a total area of 222,236 sq km. Out of which 106,567 sq km (48 percent) of the area comes within the Indian-administered Kashmir, which includes Jammu and Kashmir and Ladakh. Almost 78,144 sq km (35 percent) of the area comes within Pakistan, including Azad Kashmir and Gilgit-Baltistan. While the territories administered by China, including the Trans-Karakoram and Aksai Chin, account for 37,555 sq km (17 percent) of the area (Global Citizen Journey, n.d.). Interestingly, in 1963, Pakistan ceded 5,180 sq km of Kashmir's territory to China under the Sino-Pakistan boundary agreement (Al Jazeera, 2003). The Chinese sovereignty was legitimized and recognized by Pakistan over the land in the northern areas of Kashmir and Ladakh. India did not accept this decision and claims sovereignty over those lands (Encyclopedia Britannica, 2024).

Figure 1. Map of Kashmir Showing Disputed Borders



Source: (BBC News, n.d.)

The Line of Control (LoC) is a 1001 km long border (Azad Government of the State of Jammu & Kashmir, n.d.). It is not an internationally recognized boundary, but it works as the de facto border dividing the Pakistani and Indian-administered parts of Kashmir. This constitutes a dividing line in the disputed territory, which often falls prey to crossfires, bombardments, and the loss of countless innocent lives.

Kashmir's geostrategic importance to India is the fundamental reason why India cannot relinquish its claim over the territory; thus, the dispute remains unresolved. Kashmir is India's only gateway to Central Asia and Europe; without controlling Kashmir, India loses its access to these key regions. It is also important to note that the Siachen Glacier serves as the only physical barrier preventing a direct, contiguous border between China, Pakistan, and India. If a conflict were to occur between Pakistan and India, India's control over Kashmir would prevent Pakistan and China from directly linking their forces against India. For this reason, Kashmir remains a vital geostrategic asset, particularly to India's national security.

At the same time, Kashmir is just as important for Pakistan in terms of geostrategy, mainly because it is the region that Pakistan relies on for access to water. If India gets complete control of Kashmir, then it could cut the water supply of Pakistan, which, in turn, would paralyze Pakistan (Asoori, 2020). Moreover, Kashmir is the only direct link that connects Pakistan to China, thus further enhancing its great geostrategic importance, especially after the implementation of the China-Pakistan Economic Corridor (CPEC). The geostrategic importance of Kashmir for Pakistan can be easily understood by Quaid-e-Azam's statement, "Kashmir is the Jugular vein of Pakistan,

and no nation or country would tolerate its Jugular vein remaining under the sword of the enemy” (Khan, 2020, para 1).

Furthermore, apart from all the above valid arguments about the geostrategic significance of Kashmir, more land means more resources and more power for nation-states in the realist paradigm. Both India and Pakistan are approaching this issue from a realist perspective to gain more power in the regional context.

Indian Stance vis-à-vis the Kashmir Dispute

India claims Kashmir to be its integral part and terms Pakistan to be the aggressor, as it invaded Kashmir repeatedly to gain control. India's claims vis-à-vis Kashmir are mainly based on the Treaty of Accession signed by Maharaja Hari Singh, the then-ruler of Kashmir, in October 1947 (European Foundation for South Asian Studies, 2017). Under the Indian Independence Act of 1947, he decided to accede his princely state to the Dominion of India.

India terms Pakistan to be the warmonger, especially the acts of the then Governor General of Pakistan, Muhammad Ali Jinnah, who ordered Pakistan's military to march into the Kashmir valley and cease its control. Even though Field Marshall Claude Auchinleck issued a stand-down order (Ankit, 2014), General Douglas Gracey, the then Commander in Chief of the Pakistani army, disobeyed the order; as a result, in May 1948, three brigades of the Pakistani Army were fighting in the valley of Kashmir (Ankit, 2016). Consequently, Maharaja Hari Singh had no other option but to request Delhi to send troops to ensure its territorial sovereignty.

In 1954, the Treaty of Accession was ratified by the State Assembly of Jammu and Kashmir (Chaudhri, 1954, p. 86). According to the resolution of Kashmir's Constituent Assembly, which was followed by the incorporation of Section 3, “the State of Jammu and Kashmir is and shall be an integral part of India” (Ministry of External Affairs, Government of India, 2015, para 1). Here, the use of the words ‘is’ and ‘shall be’ is momentous; it describes the past and future of Kashmir with the Union of India. All Indian leaders from day one to date term the claims of both Pakistan and China to be false, having no merit whatsoever.

India terms the 1963 Pakistan-China border agreement, as per which Pakistan ceded 5180 sq. km (Shaksgam valley) of Kashmir, Indian territory, to China, to be illegal. By doing so, Pakistan has violated International Law, particularly the laws of self-determination. This agreement was concluded by the administering power, Pakistan, whereas it should have been concluded as per the free and genuine will of the Kashmiri people. India believes that Pakistan took this step only to undermine its presence in the region by allowing a Chinese military presence in Kashmir. India believes that Pakistan has illegally and forcibly occupied almost 78,000 sq. km of Indian Territory in the state of Kashmir (Ministry of External Affairs, Government of India, 2017).

Pakistani Stance vis-à-vis the Kashmir Dispute

Pakistan builds its case of Kashmir being an integral part based on the British 3rd June partition plan of the subcontinent, which clearly states that the subcontinent was to be divided into two sovereign states: Pakistan and India. The 565 princely states were to choose between the two states, based on two critical factors: popular sovereignty and geographical contiguity, as independence was not an option (Saif, 2013).

In July 1947, a commission was appointed by the British government, under the chairmanship of Sir Cyril Radcliffe, to divide the subcontinent; configure and draw boundaries in a way that could keep the Muslim and Hindu populations intact within Pakistani and Indian territories respectively (Encyclopaedia Britannica, 2024). However, the Radcliffe award was altered by Lord Mountbatten, the then viceroy of the Indian Subcontinent, in favor of India because Lord Mountbatten was sympathetic towards the Indian Congress. He used his influence to readjust the India-Pakistan frontier. Gerrymandering was evident in the case of Ferozepur; thus, it is not so hard to believe that Radcliffe was pressurized to ensure that the area of Gurdaspur was handed over to India, providing a road link to Kashmir (Ahmad, 2003).

While arguing its claim on Kashmir, Pakistan highlights the core principle as per the 3rd June partition plan, which clearly states that a Muslim majority having territorial contiguity with the Pakistani proposed territory, such as Kashmir, should be part of Pakistan (McCarthy, 2002). Moreover, in 1941, the British conducted a census in India, which declared the State of Kashmir to be a Muslim majority state, as 77 percent of its population was Muslim (Bose, 2009). Thus, clearly indicating that Kashmir was a Muslim-majority state, and popular sovereignty was in favor of joining Pakistan. Also, historically, Kashmir was always linked to Pakistan as all its trade routes passed through Pakistan, proving territorial contiguity (Yasmeen, 2002). Pakistan believes that Kashmir was illegally ceded to India by Maharaja Hari Singh because his rule was not hereditary. However, he was appointed by the British to rule over that particular state (Pakistan Lawyer, 2020).

Weakness in the Indian Stance on Kashmir

Initially, the Dogra Maharaja refused to accede his state to either Pakistan or India. Both states wanted Kashmir to become part of their territories, but the Maharaja wanted his state to remain independent. The Maharaja's indecisiveness was causing serious political turmoil, mainly because an apparent tilt of the Maharaja towards India was being witnessed, while the Muslim-majority state wanted to join Pakistan.

Consequently, mass indigenous protests were witnessed against the Maharaja. The Maharaja used force to suppress these protests, which resulted in bloodshed. To support the Kashmiri cause, tribesmen, upon their own will, entered Kashmir, which led to more violence and civil unrest. Things were slipping out of Maharaja's hands. Thus, a defense pact was signed between Maharaja Hari Singh and India on 26 October 1947. Resultantly, under the pretense of maintaining law and order, the Indian army rushed and seized control of Kashmir.

Since seizing control of Kashmir, India claims that Maharaja Hari Singh signed a Treaty of Accession, not a defense treaty; thus, Kashmir is now an integral part of India. However, Pakistan argues that if such a document exists, India should produce it so that it can be verified. In 2016, Maharaja Hari Singh's grandson, a former governor of Kashmir and a member of India's upper house of Parliament, confirmed Pakistan's stance regarding the accession treaty. He said that his grandfather signed a defense pact, which was only for 20 years. Thus, after 1967, India has illegally occupied Kashmir (Khan, 2017). As there ceases to exist an accession treaty, the Indian government most likely produced a fabricated document, which was later ratified in 1954 by the State Assembly of Kashmir. Furthermore, the 1949 United Nations Security Council (UNSC) resolution on Kashmir barred both Pakistan and India from changing the political, territorial, or constitutional status of Kashmir (United Nations

Commission for India and Pakistan, 1949). Thus, the ratification of the questionable treaty was in clear violation of the UNSC resolution and international law.

As far as the Indian blame that Pakistan is the aggressor in Kashmir, the Pakistani military never invaded the valley. The then military Chief of Pakistan, General Gracey, refused to attack Kashmir on the Governor General's orders (Kureshi, 2017). He refused to obey Jinnah's orders for two reasons: the military power was not yet shifted to either of the independent states, and Pakistan's army had scarce resources, not enough to wage a successful military offensive.

Solutions Put Forward to Resolve the Kashmir Dispute

To date, forty-nine different solutions to the Kashmir dispute have been proposed, but none have materialized, some of which are enlisted below:

Kashmir and the UNSC Resolution of 1949

In January 1949, on the Kashmir issue, the UNSC adopted a resolution that called for the complete withdrawal of forces by both India and Pakistan from Kashmir and then conducting a plebiscite to determine Kashmir's fate (United Nations Commission for India and Pakistan, n.d.). However, the 1949 resolution was passed under Chapter VI of the UN charter, making it advisory and not binding. India insisted that Pakistan first withdraw its forces from Kashmir, and then India would follow, after which a plebiscite would be held. Neither parties could come to an agreement, as a result neither was the region demilitarized nor was a plebiscite conducted (Hashmat, 2025).

Owen Dixon Plan

Pursuant to the UNSC's resolution of 1950, to find an acceptable solution to the Kashmir dispute, Owen Dixon, an Australian High Court judge, came to Kashmir. He proposed a partition-cum-plebiscite plan. The State of Jammu and Kashmir to be divided into four regions: Jammu, the Kashmir valley, including Muzaffarabad, Gilgit-Baltistan, and Ladakh (Ahmad, 1951). Ladakh and Jammu would be ceded to India, and Gilgit-Baltistan to Pakistan. To decide the fate of the Kashmir Valley, a plebiscite would be conducted. Dixon's proposal was rejected by Pakistan (Snedden, 2005). Pakistan provided an alternate plan; Kashmir to be divided into seven zones; two Muslim majority and two Hindu majority zones to be given to Pakistan and India, respectively, whereas a plebiscite to be conducted in the remaining three zones to decide their fate. Nonetheless, India rejected this proposal.

Chenab Formula

The Chenab formula was presented in the 1960s. Under this formula, Kashmir should be divided along the Chenab River. The area east of the Chenab River would be given to India, while the areas west of the river would be allocated to Pakistan (*Scenario Seven: The Chenab Formula*, n.d.). This formula was next to impossible as India would have to voluntarily give up approximately 80 percent of its share of Kashmir to Pakistan. Hence, understandably, India rejected this proposal.

Musharraf's 4-Point Formula

In 2006, General Pervez Musharraf believed that to resolve the Kashmir dispute, both India and Pakistan would have to retreat from their respective stances vis-à-vis Kashmir. He put forward a 4-point formula in this regard, which included the following propositions (Fai, 2017; *Musharraf offers Kashmir "solution"*, 2006).

- i. Kashmir should have the same borders, but cross-border (LoC) movement and trade should be permitted.
- ii. Indigenous Kashmiris should have the right to self-govern, but Kashmir would not be independent.
- iii. The region should be demilitarized, but both India and Pakistan should participate in the collective defense of Kashmir.
- iv. A joint mechanism should be established in Jammu and Kashmir involving leaders and people from Kashmir, India, and Pakistan to resolve the issues faced by the people on both sides of the LoC..

This approach vis-à-vis Kashmir showcased Pakistan’s willingness to resolve the Kashmir dispute, especially as Pakistan openly retreated from its historic stance of conducting a plebiscite to determine the fate of Kashmir. However, this proposal was rejected by India.

Despite numerous proposed solutions, the Kashmir dispute remains unresolved. The absence of a reconciliatory approach by both states reflects entrenched cognitive biases, which significantly contribute to the persistence of mistrust and deep-seated prejudices between the two states.

What was Indian Administered Kashmir’s Special Status?

Articles 370 and 35-A were two articles of the Constitution of India that provided special concessions to the indigenous people belonging to the Indian-administered Kashmir.

- **Article 370:** Enacted in 1949, this article granted the State of Jammu and Kashmir a special status under the Constitution of India. The state retained autonomous law-making authority in nearly all domains except defense, finance, foreign affairs, and communications (*Full text of document on govt...*, 2019; Syed & Khan, 2021). It maintained its own flag, a separate constitution, and imposed restrictions on property ownership by non-residents.
- **Article 35-A:** Enacted in 1954 through a Presidential Order, Article 35-A was incorporated into the Indian Constitution to preserve the special status of Jammu and Kashmir as granted under Article 370 (*Kashmir special status...*, 2019). It empowered the State Assembly to define ‘permanent residents’ and barred non-residents from holding government employment, purchasing land, settling permanently, or obtaining educational scholarships within the state. Moreover, indigenous Kashmiri women who married outsiders forfeited their property rights in Jammu and Kashmir, and their children were also denied the right to own property in the region.

Table 1. Comparative Analysis of Indian-Administered Kashmir Before and After August 5, 2019

Before	After
<i>Article 370 granted special status to the state of J&K (J&K)</i>	The state of J&K is divided into centrally governed Union territories (Ladakh and J&K)
<i>J&K residents had dual citizenship: India and Kashmir</i>	J&K residents are only Indian citizens
<i>Kashmir was allowed to have its own Constitution</i>	Kashmir no longer has a separate Constitution

<i>Non-residents of J&K could not settle permanently in the state nor acquire immovable property</i>	Any Indian can settle permanently in the state
<i>Centre's authority was limited to Finance, Defence, Foreign Affairs, and Communication</i>	The Centre is responsible for all matters, including administrative and local legislation
<i>J&K had a separate flag</i>	J&K is forced to use the Indian flag
<i>Article 360 was not applicable in J&K</i>	Under Article 360, the Central Government can now declare a financial emergency in J&K
<i>Tenure for the State Assembly was 6 years</i>	Tenure for the Union Territory Assembly is 5 years

Source: (Kashmir factsheet 1947–2020....,2020)

Rationale Behind India's Abolition of Kashmir's Special Status

On 05 August 2019, the Indian government revoked the special constitutional concessions given to Kashmir, with the goal to induce a demographic change by the Muslim majority into a Muslim minority (Shah, 2019). India, under Prime Minister Narendra Modi, is trying to replicate the infamous Israeli settlement policy, as in the last few years India has started settling Hindu pundits in Kashmir (*India replicating Israeli model in Kashmir: Speakers*, 2022).

Indian Prime Minister Narendra Modi claims that the rationale behind abolishing Kashmir's special status was to fully absorb the state into the Union of India. Soon after retracting the constitutional provisions, on 31 October 2019, India formally divided Kashmir into two federating territories: the Jammu region and the Kashmir valley, and Ladakh. The Jammu and Kashmir federating unit, with a population of 12.2 million, would have its lieutenant governor appointed by Delhi and its own elected assembly with a five-year term; however, Delhi would retain most powers. Whereas Ladakh, with a population of less than 300,000, will be directly ruled by Delhi through a lieutenant governor (Ghoshal, 2019; *Kashmir Broken Up*, 2019). Prime Minister Modi's actions are in direct violation of the past bilateral agreements signed between India and Pakistan, particularly the Shimla agreement and the UNSC resolution, in which it was agreed that Kashmir's ground realities would not be changed.

Post 05 August 2019: Pakistan's Kashmir Strategy

Following the revocation of Articles 370 and 35-A, the international community now increasingly views India's approach vis-à-vis Kashmir as lacking sincerity, particularly with regard to pursuing a mutually acceptable and peaceful resolution. Pakistan's initial response to India's actions followed a conventional diplomatic approach: it recalled its ambassador, suspended trade, and raised the issue at the UN (Yeung & Saifi, 2019). Pakistan tactfully internationalized the Kashmir dispute, which led to an informal consultation of the UNSC – its first in nearly 50 years (The United Nations, 2019). This consultation reaffirmed that the Kashmir dispute is not an internal matter of India, but a contested issue which requires international mediation.

Stance of Various States vis-à-vis the Kashmir Dispute

States formulate policies to safeguard and promote their national interest, often at the expense of other states. The Kashmir dispute depicts this dynamic; while some states are sympathetic to the people of Kashmir, others support India's claims. Below are the perspectives of key members of the international community regarding the Kashmir conflict.

- **United States:** After India revoked Kashmir's special status and imposed a curfew to control the law and order situation, the US State Department spokeswoman issued a statement, "[the US] is concerned about reports of detentions and urges respect for individual rights and discussion with those in affected communities. We call on all parties to maintain peace and stability along the Line of Control" (Reuters, 2019, para 2). Shortly after, the US issued a more comprehensive stance vis-à-vis Kashmir (Kronstadt, 2019, p 10):

We want to maintain peace and stability, and we, of course, support direct dialogue between India and Pakistan on Kashmir and other issues of concern..... [Whenever] it comes to any region in the world where there are tensions, we ask for people to observe the rule of law, respect for human rights, and respect for international norms. We ask people to maintain peace and security and direct dialogue

More importantly, the US spokeswoman outrightly denied a change in the US policy vis-à-vis Kashmir.

- **China:** In response to India's actions, China's Foreign Office expressed serious concerns, particularly over the change of Ladakh's status – an area China claims – which it deemed unacceptable. A Chinese spokesperson urged India to refrain from unilaterally altering the status quo and asked Pakistan to show restraint on the matter (Varma, 2019). Later, Chinese President Xi Jinping openly condemned India's actions. Moreover, China reaffirmed its support for Pakistan regarding all issues related to its core interests, implying the Kashmir dispute. China emphasized the need to peacefully resolve the Kashmir dispute in accordance with UNSC resolutions.
- **Russia:** Russia, formerly the USSR, has consistently supported India diplomatically, especially in relation to the Kashmir dispute – evident from the fact that it vetoed the 1962 UNSC resolution, proposed under Chapter VII of the UN Charter, which aimed to make the 1949 UNSC resolution binding (Simha, 2016; Zaidi & Saud, 2021). Even after India's August 5, 2019, action, Russia remained one of the few countries that stood by India, terming it an internal matter, given that abrogating these Articles did not impact the LoC (Chaudhary, 2020).
- **Saudi Arabia:** The Kingdom of Saudi Arabia issued a statement expressing grave concern over India's actions vis-à-vis Kashmir. The Saudi government emphasized the need for resolving the dispute through dialogue in a manner acceptable to all parties. More importantly, Saudi Arabia reassured its support for the people of Jammu and Kashmir in their pursuit of the right to self-determination.
- **The United Nations:** The UN Secretary-General expressed concern about India's action in Kashmir, especially regarding its potential to deteriorate the human rights situation in Indian-administered Kashmir. The UN urged all

parties to show maximum restraint. On 16 August 2019, with China's support, Pakistan's request prompted informal closed-door consultations of the UNSC, which Russia also agreed to join (The United Nations, 2019). Although the meeting ended without any ensuing statement, its very convening reiterated Kashmir's status as an internationally recognized dispute.

Policy Recommendations to Resolve the Kashmir Dispute

The following are key policy prescriptions that both states, Pakistan and India, should adopt to resolve the Kashmir dispute amicably.

- India should reinstate Article 370 and 35-A of the Indian constitution to ensure that Kashmir's demography remains unchanged.
- To initiate meaningful negotiations, both sides must ensure a complete ceasefire; even the slightest border skirmish may destabilize any peace initiative.
- Imposing preconditions on negotiations will adversely affect the entire process. All stakeholders should emphasize on negotiations with a strong commitment to resolving the conflict and paving the way for peace.
- Given the deep-rooted trust deficit between Pakistan and India and the consistent failure of bilateral agreements, a critical issue like Kashmir necessitates impartial third-party mediation – ideally by an international institution like the UN – to ensure a sustainable resolution.
- Honoring the wishes of the indigenous Kashmiris is a prerequisite to achieving a peaceful solution to the protracted conflict. Thus, tripartite negotiations, with Kashmiris given a seat and an equal vote at the table, should be conducted, as was recently done to resolve the Afghan conflict.

Conclusion

In a nutshell, the situation in Kashmir has been exacerbated due to India revoking Articles 370 and 35-A. The primary motive behind India's move is to change the demography of Kashmir. To do so, India is replicating the Israeli settlement policy in Kashmir, as it realizes that sooner rather than later, a plebiscite would be conducted to resolve conflict.

On Kashmir, both states hold opposing and incomprehensible viewpoints. Both states term each other to be the aggressor vis-à-vis Kashmir. India claims Kashmir as its integral part based on the alleged treaty of accession, whereas Pakistan's claim is based on the 3rd June partition plan. Hence, to date, Kashmir remains a bone of contention between the two states. Over time, numerous resolutions have been proposed to resolve the conflict. However, all were rejected by one side or the other.

Initially, the UN attempted to help resolve the conflict, but the geopolitics of the Cold War limited the effectiveness of the UN, particularly as both parties to the conflict were aligned in opposing camps. Later, after the debacle of Dhaka – the fall of East Pakistan – India tactfully incorporated a clause in the Shimla Agreement (1972) that ensured no third-party mediation/facilitation would be allowed in Kashmir; it had to be resolved bilaterally. Thus, resolution of the conflict became a far more complex task.

Through a qualitative, historically grounded approach, this research has traced the origins of the dispute to the partition of 1947 and unpacked the legal and political justifications advanced by each state. The analysis highlighted how successive policies, both domestic and international, have failed to produce a sustainable resolution.

Moreover, the paper critically assessed India's recent constitutional changes and their implications for the region.

States always safeguard their national interest; thus, the condition of Kashmiris will always be a less pressing issue. Repeatedly, the international community has and continues to express its concerns vis-à-vis Kashmir, especially the human rights conditions in Indian-administered Kashmir. It has urged both states to resolve the matter through peaceful means, while accounting for the aspirations of the Kashmiris. Now, it is high time for both states to agree on a Kashmir-led peace process. It is now up to both India and Pakistan whether they want to bury the past or let the past keep burying the future.

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