

# Law and Conflict Resolution in Kashmir

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## Chapter 15

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### **Kashmir conflict resolution: Selected proposals and attempts**

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# 15 Kashmir conflict resolution

## Selected proposals and attempts

*Agnieszka Kuszewska*

More than seven decades of Kashmir dispute brought numerous plans, formulas, and resolution initiatives proposed and negotiated both multilaterally and bilaterally by India and Pakistan, yet both South Asian neighbours remain in protracted rivalry. The urge to resolve the conflict is repeatedly underscored by the key decision makers in India and Pakistan, by Kashmiri representatives and, occasionally, by some global leaders and organisations. Since the first Kashmir war in the aftermath of the subcontinent partition, the agenda for resolution (in accordance with their respective goals and objectives) was accompanied by mutual Indo-Pakistani accusations of dishonesty and reluctance to genuinely engage in peace-building initiatives. These conflicting narratives formulated around the ‘us’ versus ‘them’ framework remain persistently anchored in the ideologically motivated rivalry, with largely limited prospects for any notable shift. Additionally, civilian and military leaders of both states assumed the right to play a decisive role in determining the future status of the former Princely State of Jammu and Kashmir (PSJ&K), and they usurp the privilege to debate both internally and internationally about its inhabitants’ fate and wishes. On a political level, this incessant bilateral jostling has dominated the entire discourse on Kashmir resolution and pushed aside the actual plight of the civilian residents of Kashmir and human rights violations on both sides of the border.

The Kashmir imbroglio and other disputes between India and Pakistan cannot be resolved militarily without launching overwhelming chaos and destruction to both states. Furthermore, all revisionist attempts to alter the existing *status quo* in Kashmir by using force undertaken (by Pakistan) over the last seven decades, failed,<sup>1</sup> and we may assume they will continue to do so. Paradoxically, being militarily weaker, Pakistan was at the same time particularly inclined to employ forcible solutions to materialise its territorial claims in Indian-administered Jammu and Kashmir (IaJK) throughout the history of the dispute. It is highly unlikely that Pakistan will be able to wrest Kashmir from India’s administration and *vice versa*, India will not gain control over Pakistani-administered Jammu and Kashmir (PaJK). Engaged in the continuous tussle, both India and Pakistan have conveniently ignored the wishes and aspirations of the physically and militarily divided people

of Jammu and Kashmir.<sup>2</sup> At the same time, Pakistan incorporated into its ideology the concept (advocating only a pro-Pakistani option for the Indian-administered chunk) of ‘the right to self-determination of Kashmiri people’.<sup>3</sup> Meanwhile, India’s leadership persistently projects its policy vis-à-vis Kashmir as a manifestation of concern over the well-being of Kashmiris and the will to provide multidimensional development of the region. Both states use their self-serving, despotic administration over the disputed region to materialise their paramount strategic objectives. By the same token, the residents of both chunks of Kashmir are denied their fundamental, constitutionally guaranteed rights, even when compared with other citizens of India and Pakistan.<sup>4</sup>

### **15.1 The international community: supporting the resolution and providing arms**

Contemporary protracted conflicts are driven by multiple endogenous and exogenous factors; they are not restricted to directly involved adversaries but constitute a fundamental element of regional security system, where the strategic interests and rivalries between the major global players overlap. The competitive relations and diverse goals of the United Nations Security Council (UNSC) permanent members (particularly the world’s major competitors: the United States, China and Russia) are persistently discernible components of contemporary security dynamics. Expanding regional influence by providing patronage and arms to undemocratic leaders not only escalates regional conflicts and shields human rights violators from accountability, but also directly contributes to the fact that the Security Council is often regarded as ineffective in conflict management and resolution.<sup>5</sup>

All permanent members of the UNSC share interest in strategic dynamics in the subcontinent not only because of the potential (very limited) risk of a calamitous, nuclear war, but primarily because they are directly engaged in military and economic alliances with South Asian antagonists. The Kashmir dispute is one of the many conflicts that have been handled by the UNSC, which, according to the UN Charter, has the primary responsibility for the maintenance international peace and security. India and Pakistan have referred to the UN since the conflict started, thus accepting the role of international mediation in its resolution and authorising the organisation to pass relevant resolutions. The crucial UNSC Resolution No. 47 which, like others that followed, referred to ‘the India-Pakistan Question’, highlighting the two sides of the conflict. Adopted on 21 April 1948 (UNSCR 47), it called for a free and impartial UN-supervised plebiscite, where all subjects of the State regardless of creed caste or party could freely express their views, without coercion, bribe or intimidation. Two options for the future status of Kashmir: accession either to India or Pakistan were mentioned. Clause 7 of the Resolution stipulated: ‘the Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration

to hold a plebiscite as soon as possible on the question of the accession of the State to India or Pakistan'.<sup>6</sup> Contrary to the Resolution's pronouncements, the military presence in Kashmir continued unceasingly and the impartial plebiscite was never held, which should be of no surprise.<sup>7</sup> Pakistan did not withdraw its forces, which gave India the pretext to renege on its commitment to hold a plebiscite. Since Pakistan remained reluctant to vacate the territories it controlled, India rejected the plebiscite, and the *de facto* division of the state has never been reversed. Rahul ROY-CHAUDHURY (2008: 343) claims that the entire state to which the resolutions apply no longer exists, since the *status quo* in LoC and CFL (Cease Fire Line) changed considerably. Notwithstanding the accuracy of this statement, a thorough assessment of both states' past and current policies towards Kashmir<sup>8</sup> enables to conclude that there is practically no chance for the impartial plebiscite in the erstwhile PSJ&K to be held in the foreseeable future.

In the last decades, the world started acknowledging that Kashmir imbroglio is an escalation-prone flashpoint, which may pose a threat to the international security on the global level. It was the acquisition of nuclear capabilities by India and Pakistan (they both conducted tests in May 1998,<sup>9</sup> making a turning point in the conflict dynamics), and the growing threat of transnational terrorism, which largely contributed to the recognition of Kashmir as volatile and unpredictable security threat. Shortly after the Indo-Pakistani Kargil war fought in 1999 within sight of the LoC in Kashmir, the world was compelled 'to shift its gaze to Kashmir's acquired potential for triggering a nuclear holocaust'.<sup>10</sup> Pakistan's policy of asymmetric warfare by financing, training and using Islamic fundamentalist groups as proxies in IaJK, boosted in the aftermath of the Soviet withdrawal from Afghanistan in 1989, gave Kashmir issue another frightening international connotation—as a theatre for terrorist activities.

The powerful international actors, democracies and authoritarian regimes alike on the one hand manifest their commitment to the conflict resolution and peaceful subcontinent, on the other, as major arms suppliers, they directly contribute to the arms race, systemic militarisation of Indo-Pakistani interactions, which result *inter alia* in human rights violations in both chunks of Kashmir. Perceived security threats, bilateral and those stemming from regional dynamics (Sino-Indian competition, Afghanistan's uncertain future), prompt both South Asian rivals to invest much resources in arms procurement. According to the Stockholm International Peace Research Institute (SIPRI), India is the world's third-highest military spender (in 2018 it was fourth) and Pakistan holds 24th (in 2018 19th) position in the list of 40 countries with the highest military expenditure in 2019.<sup>11</sup> The report highlighted that between 2010–2014 and 2015–2019, arms imports by India and Pakistan decreased by 32 and 39%, respectively, yet they remain largely dependent on imports and have substantial orders and plans for imports of all types of major arms. India remained the world's second-largest importer of major arms in 2015–2019 and accounted for 9.2% of the global total and

Pakistan remained the 11th largest with 2.6% global share of arms imports. Russia accounted for 56% of Indian arms imports in 2015–2019, compared with 76% in 2010–2014. Israel, France and the United States increased their arms exports to India.<sup>12</sup> Over the last years, the United States has become increasingly reluctant to provide military aid or sell arms to Pakistan due to its incessant support to the Islamic terror groups (Pakistani ‘Deep State’ had been doing so for decades, yet American administrations kept providing military aid when they considered it strategically beneficial). Islamabad faced enhanced criticism from Donald Trump’s administration; Pakistan was repeatedly accused of not doing enough in this regard and its establishment is blamed for providing safe heavens to Afghan insurgent groups such as the Haqqani Network, which is designated as a Foreign Terrorist Organization. The United States largely suspended security assistance to Pakistan in January 2018 with some limited exceptions essential for US security interests. Total security-related assistance fell from over \$300 million annually in the previous years to \$23 million in 2018 and only \$22 million requested for the fiscal year 2020.<sup>13</sup> The US arms exports to Pakistan also fell considerably: Americans accounted for 30% of Pakistan’s arms imports in 2010–2014 but for only 4.1% in 2015–2019. China became the key source, accounting for 74% of arms supplies in 2020 (51% in 2010–2014, 61% in 2011–2015<sup>14</sup>), followed by Russia with 6.6% and Italy 5.9%. In 2019, when the cross-border attacks intensified, Pakistan ‘reportedly used combat aircraft imported from China, equipped with Russian engines, and combat aircraft from the USA supported by airborne early warning and control aircraft from Sweden. India reportedly used combat aircraft imported from France and Russia, guided bombs from Israel and artillery from Sweden’.<sup>15</sup> In 2020, Pakistan remained the main recipient of Chinese arms and accounted for 38% of Chinese arms exports in 2016–2020.<sup>16</sup> American withdrawal from Afghanistan in 2021, confirmed by President Joe Biden, may further bolster Pakistan’s strategic ties with China, with Islamabad hoping to broker cooperation between Beijing and investments-yearning Kabul. With persistent threats and hostilities in the region, India’s and Pakistan’s arms imports are expected to increase over the coming years.<sup>17</sup>

In the years 2014–2019, the five largest weapons suppliers, most of which also ‘cover’ South Asia—the United States, Russia, France, Germany and China—accounted for 76% of all arms exports globally.<sup>18</sup> Noticeably, all (apart from Germany) are permanent members of the UNSC. The chief ethical question arises here (and in case of other global flashpoints) with regard to a purportedly genuine peace-building commitment of these decidedly influential members of the international community, irrespective of their democratic credentials or lack of thereof: are these states genuinely interested in de-escalating arms race and resolving the protracted conflicts which bring so many profits to their establishments and economies?

At the same time, the international community, including the governmental organisations and individual states, occasionally emphasises that the

Kashmir dispute needs to be addressed effectively at an international level. The UN has made some attempts to highlight and internationalise the issue and called for cessation of hostilities whenever the conflict escalated, yet India's bilateralism-based stance, accentuated especially after 1972 Simla Agreement, has considerably influenced the international approach towards the conflict resolution. In the aftermath of the escalation of the anti-India revolt in Kashmir in 1989, accompanied by Pakistan's proxies-inflicted *jihādism*, unprecedented militarisation of Kashmir and significant deterioration of human rights situation, the conflict received a wider critical international coverage. Among the recent attempts to discuss the issue, the two reports which refer to the situation on both sides of the border should be specifically highlighted. On 14 June 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published its landmark, first ever report depicting human rights violations in Indian and Pakistani-administered chunks of Kashmir.<sup>19</sup> It confronted the dominant narratives on HR abuses being committed mostly on Indian side and enumerated multiple examples of the violations both in IaJK and PaJK. The conclusion regarding potential conflict resolution highlighted the necessity of addressing HR and the inclusion of local communities: 'any resolution to the political situation in Kashmir should entail a commitment to ending the cycles of violence and accountability for past and current human rights violations and abuses committed by all parties and redress for victims. Such a resolution can only be brought about by meaningful dialogue that includes the people of Kashmir'.<sup>20</sup>

In July 2019, a 43-page update of the human rights covering the situation between May 2018 and April 2019 in IaJK and PaJK was published. It pointed out that neither the Indian nor the Pakistani government had addressed the problems raised in the previous report, all OHCHR's recommendations remained valid and were reiterated in the new one. The document recommends (but not obliges) India and Pakistan to 'fully respect international human rights law obligations' in their respective parts of Kashmir. Just as a year earlier, India rejected the new report claiming it was 'fallacious, tendentious and politically motivated'.<sup>21</sup> New Delhi accused Pakistan of fomenting the conflict and argued that the report did not mention cross-border terrorism which it claimed was at the 'heart of the issue'. Significantly, the report took into consideration the establishment of a commission of inquiry to carry out an independent international investigation into human rights violations in Kashmir. Such a commission, consisting of impartial, international experts on international law, human rights and the specificity of South Asian politics, should have prerogatives permitting it to collect on the ground information in all parts of Jammu and Kashmir. Only in such circumstances could it fulfil two crucial tasks: (1) provide relevant information regarding the current situation in IaJK and PaJK with precise data regarding the military, paramilitary and militant presence and thorough analysis of the governments' current politics vis-à-vis their administered parts, (2) constitute

a significant component of the de-escalation process which should engage Indian, Pakistani and representative leadership from all pieces of the former PSJ&K. This would, however, require cooperation from the Indian and Pakistani sides, or at least their approval that the investigators enter the region. The Sri Lankan case shows that the countries concerned may ignore UN resolutions and effectively thwart such inquiry attempts: the UN Human Rights Council's investigators entrusted with the task of probing accusations of war crimes were barred entry by President Mahinda Rajapaksa in August 2014, which effectively stalled the investigation process.

Apart from the UN, other international organisations, NGOs, or states have expressed their stance on Indo–Pakistani relations and the resolution of the Kashmir dispute. In April 2007, the European Parliament issued a 24-page 'Report on Kashmir: Present Situation and Future Prospects'. It referred to both parts of Kashmir and highlighted the necessity of engaging its inhabitants in the peace process. Noticeably, it offered the EU's support in this endeavour: 'resolution of the continuing conflict along the LoC can best be achieved jointly by a constant engagement between the governments of India and Pakistan, *involving the peoples of all parts of the former princely state*; (italics—A.K.); nevertheless [the European Parliament] thinks that the EU may have something to offer based on past experience of successful conflict resolution in a multi-ethnic, multinational, multi-faith context; therefore offers the present resolution and any meetings that may come out of it as part of a shared experience from which the EU can also learn; reiterates the importance of continued EU support to both India and Pakistan as they implement the 2004 peace process'.<sup>22</sup> Shortly after Jammu and Kashmir bifurcation, on 29 October 2019, 27 members of the EP (MEPs) visited the Kashmir Valley at the invitation of the Indian authorities (through a little-known NGO). Regrettably, this was an event fully curated by the Indian government. It questioned India's democratic credentials rather than gave an opportunity for objective collection of information on the ground. Most of the invited MEPs represented the far right and Islamophobic parties and were used by India to project its stance on Kashmir claiming the 'wellbeing' of the Valley's residents.<sup>23</sup>

Some of the most prominent NGO's make regular attempts to highlight the necessity of Kashmir conflict resolution. In 2019, Human Rights Watch referred to the aforementioned UN documents; the watchdog's authors seemed hopeless, pointing out that Indo-Pakistani tit-for-tat relations showed 'no signs of improvement'.<sup>24</sup> Following the abrogation of Article 370 by India, Kumi Naidoo, Amnesty International's Secretary General, urged the international community to take up the issue and seek a human rights-oriented resolution, arguing that the residents of Jammu and Kashmir 'should not be treated as pawns in a political crisis, and the international community must come together to call for their human rights to be respected'.<sup>25</sup>

The HR watchdogs annually assess the political processes in India and Pakistan; it can be assumed that growing autocratisation in both



states has a direct impact on constructing more bellicose narratives which further preclude both rivals from potential rapprochement. The annual Democracy Index (DI), published by The Economist Intelligence Unit, which provides information on world democracy, classifies the states as full democracy, flawed democracy, hybrid regime or authoritarian regime. The 2020 issue announced a global democratic deterioration, the worst since 2006, when the index was published for the first time. The DI reports illustrate domestic dynamics in India and Pakistan, with the former being assessed as flawed democracy, the later—transforming within investigated period from army ruled authoritarian state into a hybrid regime.

As Table 15.1 shows, India reached its best result in 2014 just before Narendra Modi came to power, but since then it fell significantly (from 27 to 53 position) in and the difference in overall score (which is more indicative of the state's actual result than global rank position) is noteworthy.

Pakistan's position has not changed much in the investigated period, oscillating between 113th (3.92) and 104th position (4.55), yet, after the end of General Musharraf's military rule, its rank was elevated from authoritarian to hybrid regime. The discrepancy between India and Pakistan has decreased markedly since 2014. Nonetheless, Pakistan's classification as a hybrid regime (which retains the features of a praetorian state, with powerful role

*Table 15.1* Democracy Index dynamics in India and Pakistan 2006–2020<sup>26</sup>

<i>Year</i>	<i>Country</i>	
	<i>India</i> <i>Global Rank;</i> <i>Classification;</i> <i>Overall Score</i>	<i>Pakistan</i> <i>Global Rank;</i> <i>Classification;</i> <i>Overall Score</i>
2020	53; FD <sup>a</sup> ; 6.61	105; HR <sup>b</sup> ; 4.31
2019	51; FD; 6.90	108; HR; 4.25
2018	41; FD; 7.23	112; HR; 4.17
2017	42; FD; 7.23	110; HR; 4.26
2016	32; FD; 7.81	111; HR; 4.33
2015	35; FD; 7.74	112; HR; 4.40
2014	27; FD; 7.92	108; HR; 4.64
2013	33; FD; 7.69	107; HR; 4.64
2012	38; FD; 7.52	108; HR; 4.57
2011	39; FD; 7.30	105; HR; 4.55
2010	40; FD; 7.28	104; HR; 4.55
2008	35; FD; 7.80	108; HR; 4.46
2006	35; FD; 7.68	113; AR <sup>c</sup> ; 3.92

a FD = flawed democracy.

b HR = hybrid regime.

c AR = authoritarian regime.

Source: Data compiled by author from the Economist Intelligence Unit, Democracy Index (DI).



of the army) and its unchangeably much lower place in global ranking still indicate serious gap between these two states regarding the general assessment of democracy quality. In 2006, with Pakistan considered an authoritarian state under the military regime, the gap was even deeper. Nonetheless, it needs to be emphasised that it is during the Musharraf era, the two countries experienced significant rapprochement. The post-2001 geostrategic dynamics was an interesting manifestation of how, when necessary from the point of interest of external powers, their pressure can decisively influence a de-escalation of Indo-Pakistani conflict, by encouraging *détente*. Following the 9/11 World Trade Center attacks, when the US-led so-called war on terror was launched in Afghanistan and United States needed Pakistani support and relatively peaceful subcontinent, the relations between India and Pakistan considerably improved and the composite dialogue was re-launched.

The global powers unwillingly take up any serious initiative which could facilitate conflict resolution and rather abstain from open criticism with regard to human rights abuses in both chunks of Kashmir.<sup>27</sup> Washington puts efforts on de-escalation of the conflict, especially when tension-free Indio-Pakistani interactions are strategically crucial in particular moment. Not having any interest in such scenario, the US has never expressed support for Pakistani territorial claims or for freedom/independence aspirations of some residents of the former Princely State.<sup>28</sup> Conspicuously, Washington welcomed the 1972 Simla Agreement, which enabled India to successfully materialise its strategic objective of projecting conflict as a bilateral issue. Accordingly, the Americans excluded themselves from the mediation in Kashmir, suggesting bilateralism (in accordance with Indian narrative) and the United Kingdom followed the path. American historian and Indologist, Stanley WOLPERT (2010: 94), urged the United States (then under the Obama administration) to engage more in supporting the resolution of the conflict, which he perceived as the most tragic catastrophe in post-partition South Asia.<sup>29</sup> In 2019, after New Delhi abrogated Article 370, Obama's successor Donald Trump ruffled India's feathers by offering his mediation in tackling Kashmir (allegedly at Modi's request). It set off a political storm: New Delhi vehemently denied Trump's allegations as third-party mediation is categorically unacceptable to India, contrary to Pakistan, which welcomed the idea. The US State Department quickly downplayed Trump's cumbersome remarks by confirming that Washington is 'ready to assist', but Kashmir remains a bilateral issue. Due to geostrategic considerations (India as key regional ally in containing expansionist China), the likelihood that Washington under Joe Biden's administration offers mediation and abandons bilateralism-based approach vis-à-vis Kashmir resolution is next to zero.

The UK's stance on Kashmir conflict remains unchanged and supports the bilateralism stipulations incorporated in Simla Agreement. Nonetheless, since the OHCHR reports came to light and India annulled Kashmir's autonomy, the core politicians attach more attention to the HR issues: Minister of State for Asia, Nigel Adams, expressed concern for the

HR violations in IaJK and PaJK. In a cross-party debate on political situation in Kashmir in January 2021, he stated that London will not engage in the bilateral matter, but he accentuated the necessity of lifting restrictions in IaJK, imposed after the bifurcation. He diplomatically added that lasting resolution has 'to take into account the wishes of the Kashmiri people'.<sup>30</sup> Many British MPs have significant Kashmiri diaspora constituency bases, and therefore, they engage in organising Kashmir debates. In the pre-Brexit era, they were regularly held also in Brussels. In the aftermath of the UK's departure from the European Union, Kashmiri activists, those advocating India's or Pakistan's stance, or secular, independent Kashmir, are likely to lose part of a discursive platform in the European institutions. Within the UK, the House of Commons Library, an independent research and information unit which provides information for Members of Parliament regularly publishes briefings on the situation in Kashmir. The 2018 report argued that 'the response of the Indian authorities to the upsurge of protest and violence since July 2016 shows that they continue to prefer military responses to a political solution in Indian-administered Kashmir'.<sup>31</sup> The update published in January 2019 reiterated the previous statements and argued that international community will not engage in the conflict resolution: 'there seems little international anxiety that this festering dispute might trigger another full-blown conflict between India and Pakistan, two nuclear weapon states'.<sup>32</sup> The document quoted the *Washington Post* arguing that 'the world no longer cares about Kashmir'.<sup>33</sup>

China, a growingly influential actor in South Asia, is directly engaged in the Kashmir conflict dynamics, as it controls parts of the former PSJ&K (Aksai Chin captured in the aftermath of the 1962 war with India and Shaksgam Valley, which was ceded to China by Pakistan in under the 1963 boundary agreement). Historically, the Chinese leaders advocated the idea of conflict resolution 'in accordance with the will of the Kashmiris'<sup>34</sup> but were reluctant to engage militarily in Pakistan's persistent campaigns in Kashmir. China merely provided verbal support for Pakistan, for example in the 1965 war: during the Zulfikar Ali Bhutto-Chen Yi meeting in Karachi, the Chinese foreign minister supported Pakistani 'just action' and disparaged India's 'armed provocation' in Kashmir.<sup>35</sup> In the 21st century, another layer of complexity is marked by China's rise and great power aspirations combined with its assertiveness in pursuing its geostrategic objectives. These are manifested by the multibillion-dollar infrastructure investment, the Belt and Road Initiative (BRI) and its flagship project, the China-Pakistan Economic Corridor (CPEC), a network of highways, railways, oil and gas pipelines, which transits Pakistani territory, including the disputed Gilgit-Baltistan (GB).<sup>36</sup> While infrastructure is badly needed in Pakistan, lack of transparency regarding its implementation raises questions about the actual results of the corridor. Moreover, the anticipated profits from the CPEC and from the cooperation with China have provoked the Pakistani decisionmakers to promote one acceptable political narrative,

which does not sufficiently encourage the impartial analysis of potential negative (economic, sociopolitical, environmental) impact of the project. There is a need of the independent, transparent investigation of its impact on the situation in volatile regions, where the CPEC is often contested by local communities who claim they are excluded from managing their resources and regard the project as imposed by the ruling elites. This practice may reinforce corruption and authoritarian style of governance based on rigid centralised control, violation of civil rights and constitutional freedoms. Additionally, Pakistan may not only fall into a debt and liabilities trap (like Sri Lanka), but economic and, consequently, geostrategic dependence; a corridor dubbed as ‘game-changer’ may result in developing excessive asymmetric ties with Beijing. Investing in multidimensional cooperation with Pakistan, China wants to avoid a full-fledged armed conflict between the South Asian rivals, and at the same time continues its strategy of containing India. Potential reconciliation between India and Pakistan is not in the PRC’s interest. It might diminish China’s regional clout and arms sales to Pakistan and, once the conflict is resolved with future status of the former PSJ&K determined, it could result in Beijing losing control over the chunks of the erstwhile PSJ&K it controls, which are pivotally located and strategically crucial for China.<sup>37</sup> Following Kashmir’s bifurcation in 2019 and establishing the UTL (which, according to India, should include China-held Aksai Chin) at the disputed Sino-Indian border, China raised the issue at the UN General Assembly referring to it as conflict from the past where no unilateral actions should change the status quo. In 2020, Indian and Chinese troops engaged in confrontation along the disputed border, turning the Line of Actual Control in Ladakh into another escalation-prone flashpoint.

### **15.2 India, Pakistan, Kashmir: selected noteworthy resolution initiatives**

All efforts aimed at settling the Kashmir conflict which have been so far undertaken, failed. Mutually exclusive stances were not softened in bilateral discussions and the international community was unable to address the issue efficiently. Since the conflict’s commencement in 1947, bilateral Indo-Pakistani initiatives aimed at its resolution have been held in a general atmosphere of discord and rivalry. Several meetings held in 1953–1954 which included Prime Ministers Jawaharlal Nehru and Muhammad Ali Bogra accentuated the necessity to hold a plebiscite in Kashmir, yet both sides did not materialise this pledge and India soon abandoned the idea. When Pakistan allied with the West and joined the anti-Soviet defence agreements (SEATO in 1954, CENTO in 1955), which was tantamount to receiving military support from the United States, India broke the negotiations. Following the Sino-Indian war of 1962 (Aksai Chin was captured by China) and pressure from the United States, the Indo-Pakistani talks were revived, but the attempts led by Zulfikar Ali Bhutto (representing General Mohammed Ayub Khan’s regime) and

Swaran Singh<sup>38</sup> who represented Jawaharlal Nehru in early 1960s were primarily a manifestation of irreconcilable positions of the two countries. The sudden death of Nehru on 27 May 1964, which abruptly ended the bilateral Nehru-Ayub Khan negotiations planned for June that year, directly influenced the conflict trajectory.

The escalation-prone dynamics, armed conflicts fought specifically over Kashmir (1947, 1965, Kargil war in 1999) and multiple bilateral tensions and cross-border skirmishes significantly derailed negotiations. Nonetheless, certain continuity in the peace process between India and Pakistan can be observed since 1997, when the Composite Dialogue Process (CDP) was proposed by Indian Prime Minister Inder Kumar Gujral and his Pakistani counterpart Nawaz Sharif on the sidelines of the SAARC summit in Male. Settling all disputes through peaceful bilateral negotiations was one of the Gujral Doctrine principles. In 1998, India and Pakistan recognised eight most vital elements of the structured peace process. They included the Kashmir issue, terrorism (fragile issues for India and Pakistan, respectively, which both states agreed to include as a demonstration of compromise), Siachen, Wullar Barrage/Tulbul Navigation Project, Sir Creek, economic and commercial cooperation and promotion of friendly exchanges in various fields.<sup>39</sup>

The structure of dialogue and reconciliation framework between India and Pakistan includes three tracks (*vide supra*, §14.3), generally adopted as problem-solving *modus operandi* of international conflict resolution, which involve various frameworks of interactions and initiatives, involving different types of actors to discuss political, strategic, economic and sociocultural aspects of peace process. In case of Indo-Pakistani dialogue, similarly to other international initiatives on durable conflicts, Track I engages top leadership, Track II middle leadership, Track III, particularly crucial, involves grassroot talks with inclusion of local leadership. Track I talks launched throughout the conflict's history engaged the international community and Indo-Pakistani leadership. The most notable pillars worth to enumerating are the UN mediation, the mentioned above Bhutto-Singh six rounds of talks (December 1962–May 1963), the Tashkent Agreement with the USSR engaged in mediation (1966), the Simla Accord (1972),<sup>40</sup> the Lahore Declaration (1999) and the Agra summit of 2001.<sup>41</sup> Agra meeting was followed by abrupt escalation and Indo-Pakistani 2001–2002 military stand-off in the aftermath of 13 December 2001 terrorist attack in Indian Parliament, carried out by Pakistani-backed terrorist groups LeT and JeM.

In 2003–2005, under the pressure of the United States, which engaged Pakistan in its 'war on terror' in Afghanistan, and urged peaceful subcontinent and dismantling of terror outfits by the then Musharraf regime, the composite dialogue between India and Pakistan was resumed with substantial results. The Track II talks and the CDP resulted in launching the first cross-LoC bus service (the 'Caravan of Peace'),—a momentous initiative to initiate formal people-to-people contacts between IaJK and PaJK. Yet, the service was limited and it was difficult to get a permit to cross the border.<sup>42</sup> In 2008, the

cross-LoC trade commenced, another turning point in the peace process. Cross-LoC travel and trade restored Track III people-to-people contacts which provided the local population an opportunity to revitalise the economic and sociocultural linkages, which had been sharply cut in 1947.<sup>43</sup>

In 2003, India and Pakistan negotiated a ceasefire; Kashmir-specific talks intensified when the composite dialogue was re-launched in 2004–2005.<sup>44</sup> Unfortunately, terrorist attacks in Mumbai in November 2008 perpetrated by LeT significantly aggravated the situation; since then the genuine composite dialogue has not been resumed. In the second decade of the 21st century, the tensions across the border re-escalated. The LoC regularly witnesses ceasefire violations (CFVs) with cross-border shelling which threaten the lives and destroys properties of the civilians on both sides of the border. Following the abrogation of Kashmir's partial autonomy in August 2019, the CFVs increased and it continued throughout 2020. India accused Pakistan of increased infiltration attempts from *jihād*ist camps across the border as the reason for the spike in CFVs, while Pakistan alleged that India committed CFVs to divert the world's attention from its HR violations against Kashmiris and Muslims throughout India.<sup>45</sup> The United Nations expressed concern that the violence might exacerbate the HR situation, but at the same time its Secretary General António Guterres published a statement through his spokesperson, in which he refused to engage in mediation, appealed to India and Pakistan for restraint and cited the guidelines of the Simla Agreement on bilateral conflict resolution by India and Pakistan.<sup>46</sup> The uncompromising Simla bilateralism, endorsed by India, seems incessantly to excuse the passivity of the international community in engaging in the conflict de-escalation and resolution.

Pakistan's continued proxy strategy and support for militant groups, including Kashmiri Islamists, have a detrimental effect on the potential negotiations and conflict resolution. Furthermore, being unachievable and resource-costly, such strategy is in fact counterproductive to Pakistan's national interests. So is the selective approach of Pakistani decision makers in tackling the radicals. This attitude jeopardises the state's internal security and poses an existential threat to Pakistan itself. The authorities seem to neglect this threat and there is no proper cooperation between the civilian and military leaders as their counterterrorism approaches differ; it is the powerful military establishment that *de facto* controls foreign policy and upholds its proxy policy against India. Tackling the terrorist threat is one of the major challenges in Indo-Pakistani relations and a major hurdle to rapprochement. Facing this challenge should include not only talks but also intelligence sharing in order to prevent terrorist attacks in the future. Conspicuously, both neighbours are impacted by terrorism. In Global Terrorism Index 2020, Pakistan and India hold 7th and 8th positions, respectively (an improvement since 2010, when Pakistan was the 2nd and India the 4th).<sup>47</sup>

Throughout the history of the Kashmir conflict, there have been many proposals of its resolution put forward by India, Pakistan, international experts

and representatives of Kashmir (including the diaspora). The frameworks for these proposals evolved primarily from historical, geographical and communal specificity of the disputed region and from both states' strategic objectives. Different formulas presented the opinions of international experts, illustrated the objectives of various stakeholders in particular geostrategic circumstances of the subsequent decades and reflected diverse interests of the parties involved in the conflict. A glimpse into selected multitrack frameworks, proposals for peace process, formulas and initiatives launched by the leadership, official representatives, political activists, civil society, NGO's, etc., is offered below:

- 1 **The Chenab formula**, which was discussed for the first time in 1962–1963 during the bilateral Indo-Pakistani talks (Bhutto–Singh rounds of talks) facilitated by the John Fitzgerald Kennedy administration. The idea was to use the Chenab River as a natural geographical boundary and a dividing line of the state between India and Pakistan.<sup>48</sup> A.G. Noorani quotes Sartaj Aziz (the then Pakistan's Foreign Minister) who recalled the discussions on Kashmir at the turn of the centuries, during the backchannel dialogue which preceded the Lahore Summit in 1999. It was discussed during Track II level talks between the representatives of Nawaz Sharif and Atal Bihari Vajpayee governments. The proposal was based on the fact that all the Hindu majority areas were west of the Chenab and the Muslim majority regions were east of the river. According to 'the Chenab formula', the area east of Chenab and Ladakh would be administered by India. AJK and the Northern Areas (now GB) would be held by Pakistan and the Valley would be given maximum autonomy (minus defence and foreign affairs).<sup>49</sup> Indian chunk of Kashmir would be therefore, divided, with India's territorial concessions; for Pakistan, such solution was more acceptable. Implementation of this formula would be tantamount to the (false) supposition that the dispute over Kashmir is a communal, not political conflict. Based on a religion-oriented approach, the Chenab formula could further disintegrate and polarise Kashmir. Reluctant to accept Kashmir's division and creating a new cease-fire line on the Chenab River, Kashmiri separatist leaders from the APHC (All Parties Hurriyat Conference<sup>50</sup>), including the Jammu and Kashmir Liberation Front (JKLF) leaders (Amanullah Khan), rejected it in May 2003 by claiming it was 'imposed from the outside', and thus, unacceptable.<sup>51</sup>
- 2 **India-Pakistan Neemrana<sup>52</sup> Initiative**, one of the oldest frameworks for Track II middle leadership people-to-people dialogue, was initiated in 1991–1992 with the support of *inter alia* Ford Foundation to generate opportunities to exchange ideas and prepare research papers regarding the Indo-Pakistani peace process. It engaged former diplomats, scholars and military personnel from both countries. In 2004, Neemrana Group had regular meetings when the Indo-Pakistani dialogue was launched. The Group discussed, for example, Kashmir resolution with Andorra<sup>53</sup> as a model (a parliamentary co-principality where



France and Spain jointly manage its security and defence related issues, but provide independent constitution and internal autonomy). The Neemrana Track II talks were shortly resumed in April 2018.

- 3 **Pakistan-India People's Forum for Peace & Democracy (PIPFPD)** a noteworthy non-governmental, inclusive initiative formally launched in New Delhi in November 1994, following initial talks held in Lahore and joint statement 2 months earlier. In Lahore, the delegates from India and Pakistan expressed the urge to denuclearise the subcontinent, reverse the arms trade, curb religious intolerance which undermines democracy. They also came up with the Kashmir resolution initiative and Indo-Pakistani reconciliation, assuming that Kashmir is not just a territorial dispute between Pakistan and India, therefore a peaceful democratic solution must include the peoples of Jammu and Kashmir.<sup>54</sup> One of its founding members was Ibn Abdur Rehman,<sup>55</sup> a prominent Pakistani peace and human rights advocate (since 1990 director and secretary general of the Lahore-based Human Rights Commission of Pakistan, HRCP).

PIPFPD initiative brought together Indian and Pakistani citizens from different walks of life: intellectuals, activists, trade unionists, lawyers, artists, etc., who wanted to enable better people-to-people contacts and launch a discussion on democracy and peace initiatives. The delegates rightfully contended that the protracted tensions between India and Pakistan were intentionally exacerbated by both establishments 'in utter disregard of the common interests and aspirations of the peoples of the two countries'.<sup>56</sup> The PIPFPD organised several conventions attended by the representatives of both states, with the first landmark meeting attended by more than 200 participants (according to KUTTY 2004: 47, it was the largest gathering of the Indian and Pakistani citizens since the partition) held in February 1995 in New Delhi. The delegates formulated their stance: (1) the confrontation failed to bring any benefits to Indians and Pakistanis, (2) the citizens of both countries want genuine peace and urge the governments to respect their wishes, (3) peace is a necessary step to reduce communal and ethnic tensions on the subcontinent and will provide economic and social progress, (4) India and Pakistan must sign an unconditional no-war pact, (5) democratic settlement of Kashmir is essential for peace promotion.<sup>57</sup>

The PIPFPD encouraged non-governmental activism and multiple other initiatives and events were launched thereafter, for example the first-ever Pakistan Peace Conference in Karachi on 27–28 February 1999, Women's Initiative for Peace in South Asia (WIPSA) launched in the 2000s. The New Delhi-based Centre for Dialogue and Reconciliation launched intra-Kashmir dialogue with seventeen cross-LoC conferences between 2005 and 2015.<sup>58</sup>

- 4 **Kashmir Study Group (KSG) proposal.** A US-based KSG, first founded in 1996, by 2005 was composed of American, European and regional (including those from J&K on both sides of the LoC) members with



strategic, diplomatic and academic background. It conducted numerous meetings with interested sides and came up with several reports, including the relatively detailed proposal (titled *Kashmir—A Way Forward*) in 2005. It assumed transforming the parts of the erstwhile PSJ&K into self-governing entities with their own democratic constitution, citizenship, flag, legislature (apart from defence and foreign affairs) and unrestricted access from India and Pakistan. Kashmir, Jammu and Ladakh were supposed to be established on Indian-administered side, and two entities—AJK and Northern Areas (now GB)—were to be established on Pakistani side. Their residents would be guaranteed free movement within Kashmir, borders of the entities with India and Pakistan were supposed to be open for transit of people, goods and services. An All-Kashmir body, consisting of the representatives from all five entities as well from India and Pakistan, was planned to be established to provide a platform for inter-entities collaboration and coordination of the problems related to the trade, transportation, tourism, water resources, environmental challenges. Importantly, this formula includes the right of the displaced persons, including Kashmiri Pandits, who left any portion of the J&K entity, to return to their homeland.<sup>59</sup>

5 **The ‘Two plus six’ formula.** On 19–23 June 1997, the foreign secretaries of India and Pakistan (Shamshad Ahmed and Salman Haider) met in Islamabad and confirmed the will to cooperate on contentious issues. A framework for the Composite Dialogue Process (CDP), initiated in May by both states’ Prime Ministers, was discussed. The structured dialogue was supposed to be multidimensional and included eight issues which were enumerated in the fourth clause of the Joint Statement:

- Peace and security including confidence-building measures (CBMs),
- Jammu and Kashmir,
- Siachen Glacier,
- Wullar Barrage/Tulbull Navigation Project,
- Sir Creek,
- Terrorism and drug trafficking,
- Economic and commercial cooperation,
- Promotion of friendly exchanges in various fields.<sup>60</sup>

It was a major compromise on both sides: Pakistan resigned from focusing primarily on Kashmir as a core contentious issue in mutual relations and India agreed to include the Kashmir dispute and dialogue on its resolution to the list of topics. In September 1998, few months after the Indian and Pakistani nuclear tests and a tense atmosphere in bilateral relations, the two Prime Ministers met during at the UN General Assembly and announced the so-called two plus six formula. It separated the two most delicate issues—peace and security, and Jammu and Kashmir—from the working group at the foreign secretary level.<sup>61</sup> This dialogue was launched in mid-October 1998 but did not bring

much progress, as neither side was in fact willing to abandon their major goals.

- 6 **General Pervez Musharraf's 4-point (4-step) formula.** Offering a peaceful resolution of the Kashmir conflict with India among the top army personnel in Pakistan is an immensely rare phenomenon as it contradicts the strategic *Kāsmīr banegā Pākistān* ideology of the Pakistani 'Deep State'. Therefore, it may come as surprise that Pakistan's then military dictator, Pervez Musharraf came up with a 4-point Kashmir resolution political initiative. The General initially presented it as a 4-step proposal during the 2-day landmark<sup>62</sup> summit talks in Agra (14–16 July 2001, one-to-one talks between Pervez Musharraf and Atal Bihari Vajpayee), when it was proposed to acknowledge the centrality of the Kashmir conflict and to reject any proposal unacceptable to India, Pakistan or Kashmiris.

His four-point formula involved the following prerogatives:

- Demilitarisation or phased withdrawal of troops,
- No change of borders of Kashmir. However, the people of Jammu and Kashmir will be allowed to move freely across the LoC,
- Self-governance for each region without independence,
- A joint supervision mechanism in Jammu and Kashmir involving India, Pakistan and Kashmir.

In his autobiography, Pervez Musharraf portrayed himself as a leader who was determined to search for durable solutions, which could be acceptable to India, Pakistan and Kashmiris. He stressed out that while conducting the composite dialogue in 2004 and 2005 the one-to-one talks on Kashmir with the Indian leadership were the most productive. Nevertheless, both sides kept their positions on crucial issues, for example Musharraf rejected accepting the LoC as a permanent border.<sup>63</sup>

- 7 **All Parties Hurriyat Conference (APHC)—Indian government talks: a step-by-step approach.** In January and March 2004, the Indian government and Kashmiri separatists held historic, first-ever bilateral negotiations. A moderate faction of APHC renounced violence as a means to achieve their goals renunciation and decided to take part in the talks. Yasin Malik, the leader of the JKLF, a separatist organisation affiliated with the APHC, joined the delegation (he had earlier renounced violence). For hardliners (such as Syed Ali Shah Geelani), who favoured insurgency in the Valley, engaging in any consultations with India was not acceptable and they had already left the APHC in 2003, forming their own faction. Geelani argued that any roadmaps which include autonomy, self-rule, etc., crafted by mainstream political establishment are not acceptable for his faction of the APHC.<sup>64</sup> Abandoning the idea of tripartite talks (including Pakistan) the moderate faction decided to engage in direct talks with New Delhi. There were two rounds of negotiations, led by the then deputy of the Prime Minister, Lal Krishna Advani. The radical Islamists warned the moderates against the talks, threatening

them with death,<sup>65</sup> illustrating deep divisions in the approaches towards the settlement of dispute. The Indian government's stance was at that time based on the step-by-step resolution of all outstanding conflicts, which was confirmed in the joint statement released after the talks.<sup>66</sup> The then Indian Prime Minister Atal Bihari Vajpayee promoted the idea of engaging the moderate Kashmiri leaders in the talks. The moderates did not have enough leverage over the openly aggressive, militant Islamic groups.<sup>67</sup> By acknowledging that Kashmiri separatists should be involved in the peace process, India had gone beyond perceiving Kashmir as its own internal matter and conceded to the idea of Kashmir being a problem to be discussed both with Kashmiris and with Pakistan.<sup>68</sup> In 2019, in Kashmir under the governor's rule before J&K bifurcation, the moderate APHC chairman, *mirwaiz* (hereditary chief preacher in Kashmir) Umar Farooq, reiterated his readiness to restart the dialogue.

**8 Greater autonomy by Jammu and Kashmir National Conference Party.**

The Jammu and Kashmir National Conference Party or National Conference (JKNC, referred to as National Conference, NC), one of the oldest local political parties in India, was founded by Sheikh Abdullah. It held the position of a dominant political force in the local policies IaJK for many decades. The party supported accession to the Indian Union on the premise that J&K would enjoy the inalienable right to maintain its autonomous position.<sup>69</sup> The party was as significant to the Valley as Congress was to India, but its dominance was successfully contested by Jammu and Kashmir Peoples Democratic Party (JKPDP).<sup>70</sup> The JKNC is led by Sheikh's son, Farook Abdullah, and grandson, Omar Abdullah. Both were chief ministers of J&K, the latter from 5 January 2009 until 8 January 2015. With its strong political influence in the Valley, the party was considered a challenge for the separatist narrative. The JKNC was also a target for militants due to its presence in the electoral process. Common Kashmiris expressed their disappointment and anger at the party's alliance with the Congress in 1986 and for its participation in election rigging in 1987, which is largely considered as an initial spark of the subsequent militancy. In the first decade of the 21st century, there were several attempts to kill Omar Abdullah.<sup>71</sup> The idea of the self-determination and genuine power for the people has its roots in the pre-Partition period when the movement, led by Sheikh Abdullah, was agitating for greater power from the then ruler, Maharaja Hari Singh.<sup>72</sup> Before Kashmir bifurcation, the party called for greater autonomy and self-determination and was regarded as moderate separatist.<sup>73</sup> On 30 October 2019, one day before Jammu and Kashmir lost its state status and was divided into two union territories (UTs), the National Conference made a vociferous appeal to the central government to shelve the plan and maintain the statehood of the '200-year-old state' dubbed as the 'crown of India'.<sup>74</sup> Like the former Chief Minister Mehbooba Mufti, the National Conference leader Omar

Abdullah was taken into custody. Bifurcation of J&K and cartographical changes in the political map of the newly established UTs have completely disrupted the functioning of mainstream political parties from the erstwhile state. With arrested leadership, they were practically excluded from the democratic political discourse.<sup>75</sup>

- 9 **Jammu and Kashmir Peoples Democratic Party ‘self-rule’.** The Jammu and Kashmir Peoples Democratic Party (JKPDP, also referred to as Peoples Democratic Party, PDP), is another mainstream Valley-based political party. The PDP was established in 1999 by Mufti Mohammad Syed (a former member of Congress and former Union Home Minister in Prime Minister Singh’s government). After his death, his daughter, Mehbooba Mufti (also a former member of Congress) became the president of the party.

The political philosophy of the party is based on the formula of ‘self-rule’, where the people of Jammu and Kashmir are engaged in the process of dialogue on the resolution of the conflict. The PDP’s formula is based on the following principles:

- Creation of cross-border institutions,
- Economic union of the Indian and Pakistani sides of Kashmir in the future,
- Empowerment of the people of Jammu and Kashmir.

Jagmohan Malhotra (known as Jagmohan, the fifth Governor of Jammu and Kashmir in 1984–1989 and in 1990, an author of *My Frozen Turbulence in Kashmir*) accused this agenda for ‘undermining and then ending Kashmir’s relationships with the rest of India’. He added that the idea of open borders and joint management would give Pakistan a decisive role in the affairs of Kashmir and ultimately absorb it in its fold.<sup>76</sup> According to Mehbooba Mufti, the self-rule approach is equivalent to ‘*de facto azādi*: from mental, political, physical siege, but without undermining the sovereignty of India and Pakistan’. Since the late 1990s, the party has promised the development of good governance (corruption-free government, unconditional dialogue with militants, support to those affected by the militancy) as a counter-insurgency measure.<sup>77</sup> Since the party came out with the ‘self-rule’ formula, the separatist groups have accused the JKPDP of being ‘soft-separatist’, whereas the extreme pro-Indian nationalists argue that the party policy is based on pure separatism. The JKPDP rejects these allegations by highlighting that for Indian nationalists ‘genuine Kashmiri aspirations are dubbed as separatist’.<sup>78</sup>

The JKPDP was supportive of engaging in the talks and policy of reconciliation aimed at normalisation of Indo-Pakistani relations. To the disappointment of some Kashmiris, who were against political cooperation with Hindu nationalists, it was running a coalition government in Jammu and Kashmir with the BJP with Mehbooba Mufti as chief minister. She held this position until June 2018, when the BJP broke a 3-year

ruling coalition and India imposed a governor's rule (for the eighth time in the history<sup>79</sup>). Satya Pal Malik was appointed as the governor of J&K by President Ram Nath Kovind on 21 August 2018. Following the abrogation of Article 370 and J&K bifurcation, the political leadership of the JKPDP was placed under house arrest. Mehbooba Mufti accused Indian institutions of a betrayal of the Kashmiri people and India of being an occupation force in Jammu and Kashmir.

Notably, on the eve of the Article 370 abrogation, the mainstream Kashmiri parties had an all-party meeting at Farook Abdullah's Gupkar residence. They unanimously passed the Gupkar Declaration (GD), which assessed any modification of the Articles 35A, 370, unconstitutional and against the people of Jammu, Kashmir and Ladakh. In 2020, the parties formed the People's Alliance for Gupkar Declaration, led by Farook Abdullah, aimed at restoring Kashmir's autonomy.

- 10 **Atal Bihari Vajpayee's doctrine of IKJ**—*insaniyat, kashmiriyat & jamhooriyat*: humanity, Kashmiri identity and democracy (*insāniyat, kaśmīriyat* and *jamhūriyat*). It was coined in 2003 by the then BJP's Prime Minister of India, Atal B. Vajpayee, with the reconciliation-oriented aim to resolve the conflict and assure progress and prosperity in J&K. The doctrine was often invoked by some local politicians, including Mehbooba Mufti, and it gained heightened significance during Narendra Modi's premiership. Modi referred to Vajpayee's doctrine and foreign policy legacy in conceptualising India's strategic objectives, yet he did not propose any notable, peace and reconciliation-oriented initiatives vis-à-vis Pakistan and Kashmir, like Vajpayee did. Nonetheless, Narendra Modi often underscored the importance of the IKJ formula in his policy of 'better future' vis-à-vis Kashmir. For example, in July 2014 while visiting Kashmir, he pledged to carry forward the IKJ plan and declared that his aim was 'to win the hearts of the people'.<sup>80</sup> In practice, the IKJ formula serves rather as a framework for BJP's governance via *faits accomplis* in Kashmir, which was manifested in August 2019 by the abrogation of the Article 370 and deconstruction of the erstwhile J&K state. The officially declared purpose of the abrogation was depicted as the way to assure multi-dimensional development in IaJK, including the Valley.
- 11 **The United States of Kashmir** initiative and solution proposal, advocated by the United Kashmir Peoples National Party (UKPNP, founded in 1985) representing Kashmiri nationalist diaspora (it is chaired by Switzerland-exiled Sardar Shaukat Ali Kashmiri, born in AJK). It denies India's and Pakistan's decisive role in determining the future of Kashmir and promotes the 'national liberation' of Kashmir, unification of the entire former PSJ&K into an independent, free of sectarian prejudices entity, crowned by the inception of a secular and democratic United States of Kashmir. The party is particularly critical against China's incursions in GB.<sup>81</sup>

Various selected proposals enumerated above illustrate the complexity of Kashmir conflict resolution and multiplicity of approaches. The recommendations refer to a plethora of challenges—from bilateral Indo-Pakistani negotiations and CBMs to providing territorial arrangements of all parts of the IaJK and PaJK. Some include geographic or communal factors as pillars of redefining the already existing borders, yet it seems that instead of transforming the divisions, often without the approval of the inhabitants of IaJK and PaJK, softening the borders should rather be endorsed to enable free cross-LoC movement.

Some elements of the autonomy-based scenario with the Andorra-like co-principality (by Indian and Pakistani civilian leadership) of jointly guaranteed autonomy in the disputed region could be in theory implemented in Kashmir, provided that certain conditions are met and meaningful compromises worked out. Azad Jammu and Kashmir and the Valley could be collectively governed by India and Pakistan with maximum autonomy, separate local authorities and constitution. The border would be softened and the families reunited with ongoing Track III discussions and support for local traders. The noteworthy KSG proposal, which comprehensively addresses all major disputed issues, could likely introduce a Kashmiri-centred solution, provided that the decision makers would be capable of reaching the consensus and working out the details of peace-building mechanisms. There is no perfect solution of the Kashmir conflict, which would satisfy all sides, but the KSG proposal of self-governing entities in all parts of the erstwhile PSJ&K deserves attention, as it could possibly be optimal from the perspective of most of its inhabitants. It was unclear, however, especially if we take into consideration the hostile approach of Indian and Pakistani leadership vis-à-vis such solution, who would be authorised to draw up the drafts of constitutions, set up procedural details of election process and most importantly how to guarantee independent and free elections and demilitarisation of the entities (another key aspect of this formula). The proposal assumed that India and Pakistan were obliged to ‘work out financial arrangements for the entities’, but it was not elaborated how it should be organised in terms of legal conditions and particular obligations. The residents would probably have to acquire Indian and Pakistani passports but depending on which side of LoC they lived (the Line would remain in place until further decisions), so it was restricted to the current territorial divisions. Accordingly, a person living in the entity on Pakistani side could not get the Indian passport.

Yet, leaving aside these arrangements, which could be worked out if the adversaries were able to find a compromise, realistically thinking, the autonomy blueprint is currently unfeasible as it would require a profound recalibration of political thinking of India and Pakistan, as well as reconceptualisation of their confrontational, nationalist-populist discourses towards each other and vis-à-vis Kashmir. That would have to involve mutual trust, cooperation and pivotal shift towards the intra-regional cooperation: abandoning historically inherited traumas, re-stitching South Asia



geostrategically and substantially transforming alliances with external powers (e.g. Pakistan's clientelism towards China). Other profoundly challenging solution-oriented endeavours involve all-track bilateral and multi-lateral dialogue with all stakeholders, initiatives aimed at state-supported, effective curbing on religiously motivated fundamentalism and communalism, minimising the adverse effects of militarisation, with accountability of those responsible for HR violations in IaJK and PaJK, and safeguarding local cultures with simultaneous support for socio-economic development.

Unfortunately, bellicose nationalisms of Indian and Pakistani establishments hurdle the re-launching of Composite Dialogue Process which could enable to discuss all pending issues. Nonetheless, there is a need to revive and develop political, non-governmental activism of both states' elites, people-to-people contacts with such valuable initiatives and proposals as those put forward by the PIPFPD. Regrettably, the February 2019 Pulwama attack in IaJK and abrogation of Article 370 by India escalated bilateral tensions and practically halted the peace process and cross-border trade/contacts. The COVID-19 pandemic outbreak accelerating rapidly,<sup>82</sup> further deteriorated the situation. Nonetheless, bilateral backchannel talks to reduce tensions, tackle the LoC infiltration and CFV's were held in the late 2020 and early 2021.

## Notes

1. RIZVI (2009: 336).
2. SNEDDEN (2015: 276).
3. RACINE (2002: 121).
4. The residents of Kashmir in both India and Pakistan often emphasise that they are subjected to enhanced control by the security forces whenever they travel outside Kashmir, even though they are the citizens of their own respective countries. Multiple conversations conducted in India, Pakistan and Europe with the residents of the former PSJ&K or expats (all names withheld) corroborated their apprehension of being treated as dehumanized elements of the 'fragile', security-related issue or at least potentially suspicious troublemakers, not as equal citizens.
5. BERCOVITCH-FRETTET (2004: 35).
6. UNSCR 47. More: KORBEL (1954: 112–117). It has to be mentioned that the third option of autonomy or independence was also discussed, *inter alia* by the Kashmiri leaders. In June 1953, shortly before Sheikh Mohammad Abdullah was arrested, a Working Committee of his National Conference published a report with potential solutions to the Kashmir dispute. It involved the scenario of independence or joint Indo-Pakistani control over Kashmir, which should have been included into plebiscite options. This debate was later reminded by Sheikh ABDULLAH (1965: 533–534) in his essay in prestigious *Foreign Affairs*, where he also stressed the temporary and provisional character of Kashmir's accession to India, confirmed by the Nehru administration in the late 1940s and early 1950s.
7. SCHOFIELD (2003: xii).
8. More: BALCEROWICZ-KUSZEWSKA (2022a), BALCEROWICZ-KUSZEWSKA (2022b).
9. India's first nuclear test referred to as 'Smiling Buddha' or 'Pokhran-I' took place in May 1974, at Pokhran in Rajasthan. Its nuclear capabilities were developed primarily to face the threat from China.
10. WIRSING (2010: 141).



11. SIPRI (2020b: 2).
12. SIPRI (2020a: 6–9).
13. CRS (2019). The United States provided over \$34.1 billion military and economic assistance to Pakistan between 2002 and 2020.
14. SIPRI (2021: 9).
15. SIPRI (2020a: 9)
16. SIPRI (2021: 5).
17. According to the report, due to delay in production of its own major arms, India is planning deliveries of combat aircraft, air defence systems, ships and submarines. Pakistan: 50 combat aircraft, 8 submarines and 4 frigates from China, and 4 frigates from Turkey, to be delivered by 2028 (SIPRI 2021: 9).
18. SIPRI (2020a: 2).
19. Khurram Parvez, a Srinagar-based renowned HR activist and a Program Coordinator of local Jammu and Kashmir Coalition of Civil Society (JKCCS) was one of the sources of information collected from June 2016 to April 2018 for an OHCHR report. He regularly suffers reprisals for his work from the Indian authorities. See BALCEROWICZ–KUSZEWSKA (2022b). Following the report publication, according to the UN, defaming content against him and the JKCCS was circulated also by a group claiming to have ISIS affiliation. The radicals publicly incited death threats against Parvez and his family (GA 2018: 44–45).
20. OHCHR (2018: 47).
21. OHCHR (2019: 41–43).
22. EP (2007: 6).
23. More: BALCEROWICZ–KUSZEWSKA (2022b).
24. HRW (2019: 454).
25. AI (2019).
26. The report was firstly published in 2006, with updates for 2008, 2010 and then annually.
27. On the contrary, they indirectly contribute to the arms race and militarisation of the subcontinent. According to SIPRI (2019: 2), India was the world's fourth-highest military spender and Pakistan holds twentieth position in the list of 40 countries with the highest military expenditure in 2018. A year later India took the third position, Pakistan twenty-fourth. Pakistan's spending was much more strenuous for its budget: it amounted to 4 per cent of its GDP, India's to 2.4 per cent (SIPRI 2020b: 2).
28. KOITHARA (2004: 130). According to him, the United States decided to remain neutral and passive once the 1962–1963 peace talks between India and Pakistan failed and both states strengthened their relations with the Soviet Union and China, respectively. It can also be highlighted that for Washington the geostrategic role of South Asia gained much more significance over a decade later, but the attention was focused on Afghanistan, not on the resolution of Kashmir imbroglio.
29. He argued: 'a permanent peaceful solution of Kashmir conflict requires solemn diplomatic agreement between India and Pakistan that have full support of Kashmir's most popular leaders'. See also ZAHID (2012: 100).
30. SONWALKAR (2021).
31. LUNN (2018: 13).
32. LUNN (2019: 15).
33. DUTT (2017).
34. In the mid-1960s, Chinese Premier Zhou Enlai endorsed Pakistan's position on Kashmir and pointed out to Ayub Khan that the conflict should be resolved in accordance with the wishes of the people of Kashmir (BURKE 1974: 179; PAMPORI 1992: 303).

35. SCHOFIELD (2003: 110–111), GANGULY (2001: 46).
36. More on the CPEC: BALCEROWICZ–KUSZEWSKA (2022a).
37. KUSZEWSKA (2012: 171–175).
38. At that time he was India's Minister of Agriculture, in 1964 he became the Minister of External Affairs.
39. PADDER (2012: 1).
40. The Simla Agreement introduced the principle of bilateralism into Indo-Pakistani relations. India, adamantly defending its stance on non-internationalisation of the Kashmir issue, successfully limited the third party or multilateral initiatives, or external mediation for resolving the conflict. Sinderpal SINGH (2013: 67) argues that 'Mrs (Indira—A.K.) Gandhi managed to fulfil the task that Nehru had attempted in mid-1950's, when he retracted his offer to settle the Kashmir dispute through the plebiscite to be conducted under the auspices of the UN. (...) This point of the agreement strengthened India's role as the pre-eminent state in South Asia'. India and Pakistan pledged to respect the LoC resulting from the ceasefire in December 1971 and guaranteed its inviolability.
41. BALI–AKHTAR (2017: 3).
42. India and Pakistan were reluctant to enable free travel across the LoC. BALI–AKHTAR (2017: 3) provides precise number of the bus passengers within ten years, till 2017: 27,907 visits, 8379 from the IaJK and more than 19,528 from the PaJK side. The authors accentuate extremely limited number of people who were permitted to travel 'in the context of the entire state population, which is 12.5 million in IaJK per the 2011 census and an estimated 4.4 million in PaJK'.
43. BALI–AKHTAR (2017: 3).
44. BALI–AKHTAR (2017: 3).
45. JACOB (2020: 5).
46. *Tribune* (2019-08-09).
47. GTI (2020).
48. PURI (2010: 37).
49. NOORANI (2013 Vol 1: 266–270).
50. The APHC is the Valley-oriented alliance of 26 sociopolitical and religious organizations, established in March 1993. It rejects India's rule and advocates Kashmiri separatism, adhering to Pakistan's approach that Kashmir is an unfinished business of partition. Its constitution demands the right to self-determination, including the right to independence, yet accentuates the Muslim majority character of the state and promotes 'the buildup of a society based on Islamic values, while safeguarding the rights and interests of the non-Muslims'. The alliance split into a moderate and hardline factions (more: SATP).
51. *Nation* (2004-05-23).
52. The name comes from Neemrana Fort in Rajasthan, where the Track II talks took place.
53. The Andorran scheme was proposed earlier by historian Alastair LAMB (1997: 328), who highlighted that Andorra admittedly lacks the problem of decades-long separate existence and cultural differences as in case of AJK and the Valley, but that 'did not invalidate the Andorran analogy'.
54. PIPFPD (1994a).
55. In 2003, he received a German award, Nuremberg International Human Rights Award, together with Indian civil rights activist, Teesta Setalvad, who also participated in the PIPFPD and was one of the signatories of its statements. I. B. Rehman passed away in April 2021 in Lahore, which was another hard blow to Pakistani civil society and human rights activism after the demise of renowned HR lawyer Asma Jahangir in 2018.

56. KUTTY (2004: 45).
57. PIPFPD (1994b).
58. BALI–AKHTAR (2017: 3).
59. KSG (2005).
60. JS (1997).
61. WIRSING (2003: 17–19).
62. During this summit (which could have been historic if ended conclusively), the composite dialogue was briefly revived and all contentious issues were raised—including Kashmir, terrorism, confidence-building measures and even gradual nuclear disarmament. As often it turned out to be a failure due to mutual disagreements on crucial issues, primarily Kashmir.
63. MUSHARRAF (2006: 301).
64. BHAN (2015: 166).
65. BEHERA (2006: 54).
66. *Guardian* (2004-01-22).
67. BEHERA (2006: 55).
68. CHOWDHARY (2016: 213–215).
69. ABDULLAH (1974: 40).
70. RANA (2006: 254).
71. HRW (2006: 135).
72. PRAKASH (2008: 357).
73. More: CHOWDHARY–RAO (2004: 1525). In February 2017, Omar Abdullah, then the opposition leader in Jammu and Kashmir Legislative Assembly, presented a speech at a panel discussion entitled ‘Kashmir—Breaking the Impasse’ at Harvard University in Boston, Massachusetts. ‘India and Pakistan should stop trying to beat each other at diplomatic fora and claim victory but rather allow the people of Kashmir win from a peace process. Kashmiris have suffered a lot because India and Pakistan have failed to initiate a comprehensive and sustained peace process that would simultaneously facilitate dialogue at both external and internal fronts. For what Kashmiris have gone through, they deserve the uninterrupted and undivided attention of both India and Pakistan with a demonstrated intention and political will to resolve the political issue’, he argued (GK 2017-02-14).
74. *Firstpost* (2019-10-31).
75. On establishing the People’s Alliance for Gupkar Declaration and local elections, see BALCEROWICZ–KUSZEWSKA (2022b, §6).
76. JAGMOHAN (2012: 795–796).
77. TREMBLAY (2018: 221).
78. JACOB (2013: 20).
79. The longest one was imposed following the eruption of insurgency and lasted from January 1990 till October 1996.
80. MAJID (2014).
81. UKPNP.
82. In April 2021, the hashtag #PakistanstandswithIndia was trending on Pakistani social media to show solidarity with India, which suffered a massive spike of infections.