

Kashmir: 70 years of disputes

Kashmir, located between China, India and Pakistan, has been at the heart of a complex, 70-year dispute between Delhi and Islamabad, which has strained bilateral relations and impeded the development of stronger ties in the whole of South Asia. In the Indian state of Jammu and Kashmir, an uprising against Delhi's rule has been ongoing since 1989. In June 2018, a UN human rights report on Kashmir called for establishing a commission of inquiry into multiple violations from both sides. Kashmir is a mountainous area the size of Germany, in the north-west of the Indian subcontinent, home to K2, the world's second-tallest mountain, and also narrow valleys and barren plateaus. It is also prone to seismic activity: as recently as 2005, a strong earthquake is estimated to have claimed 75 000 lives.

History

The beginning of the dispute

When in mid-August 1947 the UK's administration of India, and the [British Raj](#), ended, the subcontinent's princely states were given the choice to join the predominantly Hindu India or Muslim Pakistan. Being a Hindu king of a largely Muslim population, the Maharaja of Kashmir, [Hari Singh](#), [wavered](#); rather than making a choice, for three months he entertained the idea of his kingdom remaining independent from both big nascent entities. When in October that year northern Pakistani raiders started invading Kashmir arriving near Shrinagar, the capital, this coincided with difficulties related to the prospect of an internal revolt, and Singh asked Delhi for help. He got it a few days later, on the condition that he should sign an [instrument of accession](#) to India. He had to do this quickly and to have it confirmed by a referendum (some historians have [challenged](#) this version of events). The Indian counter-attack forced the raiders into retreat, but it later suffered a setback, especially when regular Pakistani troops entered the conflict.

The United Nations' intervention

In January 1948, the UN Security Council adopted resolutions [38](#) and [39](#) (1948), establishing the United Nations Commission for India and Pakistan (UNCIP) to investigate and mediate the dispute. In June, by resolution [47](#) (1948), the UN enlarged the UNCIP, imposed a ceasefire that took effect in January 1949, and established the conditions for a plebiscite. With the July 1949 [Karachi Agreement](#), India and Pakistan agreed that military observers would supervise the ceasefire line; accordingly, these constituted the nucleus of the UN Military Observer Group in India and Pakistan ([UNMOGIP](#)), still operational today.

A plebiscite that never took place

UN resolution 47 (1948) laid out the steps for holding a plebiscite. Pakistan had to secure the withdrawal of 'tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting'. India, once 'the tribesmen are withdrawing and ... arrangements for the cessation of the fighting have become effective', had to reduce its forces 'progressively to the minimum strength required'. From the Indian perspective, the plebiscite was to confirm the accession of Kashmir to its dominion. Pakistan did not withdraw its soldiers, yet maintained that the Kashmiris should decide which country to belong to. The plebiscite was never held. Today, both countries claim control of the entire region.



The *de facto* partition of Kashmir has not released tensions

[Jammu and Kashmir](#) gained special status under Article 370 of India's 1949 [constitution](#). Parliamentary legislation has limited application there, excluding defence, foreign affairs, finance and communications. The Parliament needs state government agreement to apply all other laws. In the 1962 [Sino-Indian war](#), Beijing took over Aksai Chin, located in east Kashmir. In 1963, Pakistan ceded a portion of the Trans-Karakoram mountains under its control to China. In 1965, India and Pakistan fought another [war over Kashmir](#). In 1972, following the Indo-Pakistani war arisen from Bangladesh's fight for independence, Indian Prime Minister Indira Gandhi and Pakistani President Ali Bhutto signed the [Simla Agreement](#), with which they established the principle of resolving their differences 'through bilateral negotiations or by any other peaceful means mutually agreed upon'. Since then, [Delhi](#) has maintained that the Kashmiri issue has to be resolved bilaterally, while [Islamabad](#) has upheld the UN Security Council resolutions of 1948 and 1949.

The Line of Control and the Line of Actual Control

The Simla Agreement also elevated the status of the ceasefire line to a [Line of Control](#) (LoC), which serves as a *de facto border* between the two countries in the region. Repeated artillery exchange and friction between the two sides often occur along the LoC. India administers Jammu and Kashmir (with a surface of 222 200 km²), which makes up almost two-thirds of Kashmir. This is composed of three different parts: Jammu is predominantly Hindu, while Kashmir has a large Muslim presence, and Ladakh has a Buddhist majority. Pakistan administers a quarter of Kashmir, in the region's west: Gilgit-Baltistan (previously the Northern Areas, 72 971 km²) and Azad Jammu (13 297 km²). China holds Aksai Chin (38 000 km²) and the Trans Karakoram Tract (5 180 km²). The [Line of Actual Control](#) (LAC) is not an international boundary. It has marked the border between India (Jammu and Kashmir) and China (Aksai Chin) since the Sino-Indian war cease-fire, and was acknowledged as such in [1993](#).

Further developments

In 1984, through [Operation Meghdoot](#), the Indian army occupied the [Siachen glacier](#), a glaciated, inhospitable and un-demarcated area north of the LoC; this prompted another conflict with Pakistan. A ceasefire was signed in 2003. The strategic and economic significance of the Siachen glacier has been called [into question](#): a large majority of the [casualties](#) among the two sides in the area are due to medical reasons related to the harsh terrain and climate conditions, and the cost of maintaining an army presence is [unreasonably high](#). Since 1989, an uprising against Delhi's iron-fisted rule has been running in Jammu and Kashmir, a region characterised by high unemployment and by the presence of over [700 000](#) soldiers, who forcefully control a population of 8 million. In 1999, another limited border conflict – the [Kargil war](#) – took place. In 2005, a cross-LoC bus service was launched, followed by [cross-LoC trade](#) in 2008. In 2008, human rights workers found about 1 000 unmarked graves near the LoC.

In March 2015, India's Prime Minister Narendra Modi's Hindu Bharatiya Janata Party (BJP) and the Muslim Jammu and Kashmir People's Democratic Party (PDP) created a [coalition government](#) in Jammu and Kashmir. Its chief minister, Mufti Mohammad Sayeed, died in January 2016; he was succeeded in April by his daughter, Mehbooba Mufti, as the first female chief minister of the state. She resigned in June 2018, after the [BJP quit the coalition](#). On the same day, the governor's rule was imposed in the state. The Chinese ambassador to India has [suggested cooperation](#) between China, India and Pakistan under the aegis of the Shanghai Cooperation Organisation (SCO), to solve bilateral issues between India and Pakistan, including Kashmir. The [EU firmly](#) upholds the resolution of disputes through dialogue and constructive engagement.

A human rights issue

Published in June 2018, the first-ever UN human rights [report](#) on Kashmir called for establishing a commission of inquiry into the multiple violations committed on both sides of the LoC. UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein called to curb excessive use of force by the Indian security forces, which has led to unlawful killings and a very high number of injuries. The [Armed Forces \(Jammu and Kashmir\) Special Powers Act](#) 1990 (AFSPA) and the [Jammu and Kashmir Public Safety Act 1978](#) (PSA) give security forces virtual immunity against prosecution for any kind of human-rights violations, including enforced or involuntary disappearances and rape. Since 2016, hundreds of [Kashmiri protesters have been blinded](#) by Indian shotgun pellets used as a 'non-lethal' crowd control measure. The report also urged Pakistan to end the misuse of anti-terror legislation for persecuting those engaging in peaceful political and civil activities and those who express dissent.

