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The Issue of Kashmir

Summary:

Over the years a conflict over Kashmiri identity and independence has slowly but visibly mutated into an even more dangerous fight under the banner of religion, pitting Islam against Hinduism, and drawing religious radicals into its heart. Indian security forces claim they are fighting to protect Kashmiris from militants and Islamist extremists, while militants claim they are fighting for Kashmiri independence and to defend Muslim Kashmiris from a murderous Indian Army. In reality, both sides have committed widespread and numerous human rights abuses and violations of international humanitarian law (the laws of war), creating among the civilian population a pervasive climate of fear, distrust.

Background:

The Kashmir dispute dates from 1947 when the partition of the Indian sub-continent along religious lines led to the formation of India and Pakistan. The partition left 650 states, run by princes, existing within the two newly independent countries.

Kashmir found itself in the middle geographically, and its ruler, Maharaja Hari Singh, was Hindu, while the majority of residents were Muslim. In October 1947, in an attempt to take control of the region, armed tribesmen from Pakistan's northwest frontier province invaded Kashmir. The maharaja requested armed assistance from India, and in return, he acceded to India. Fighting between the Indian army and irregular Pakistan troops continued until January 1949, when a ceasefire was arranged by the United Nations. The U.N. established a ceasefire demarcation through the middle of Kashmir (later called the Line of Control) and recommended a referendum to debate Kashmir's accession to India.

The referendum was never fully enacted and over the next 30 years war between India and Pakistan broke out twice, first in 1965 and then 1971, with the question of Kashmir at the center of both conflicts. By 1989 the clash over Kashmiri identity and independence slowly morphed into a religious battle, pitting Islam against Hinduism and drawing religious radicals into the fray.

The insurgency has dragged on for more than 15 years, and claims an average of three lives per day. Estimates vary, but anywhere from 50,000 to 100,000 people have been killed during the conflict.

According to Human Rights Watch, nearly 85 percent of those killed in militant attacks since the conflict started have been Kashmiri Muslims.

Abuses by Indian Army and Militants Continue Despite UN Torture Resolution

Brad Adams, Asia director at Human Rights Watch recently stated that "Human rights abuses have been a cause as well as a consequence of the insurgency in Kashmir." Indian security forces have committed torture, "disappearances" and arbitrary detentions, and they continue to execute Kashmiris in faked "encounter killings," claiming that these killings take place during armed clashes with militants. Militants have carried out bombings and grenade attacks against civilians, targeted killings, torture and attacks upon religious and ethnic minorities.

These acts are in violation of the *United Nation's Convention Against Torture*, which states that torture cannot be "justified under any exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency." Just as human rights abuses and impunity have been a cause and fuel for the conflict, human rights protections and accountability can be key ingredients for a solution.

Future implications

Until this point the Kashmiri protest against Indian military occupation has by and large remained indigenous, populist, and secular. External and religious elements have attempted to influence and subvert the counter-movement but, for the most part, have been restricted to the margins. The grassroots resistance in its current form unites Kashmiris of diverse backgrounds –Muslims, Hindus, Buddhists, Secularists- towards a common goal of establishing autonomy free of military imposition.

However, with the tense and prolonged effects of living under continuous scrutiny from the Indian Army, the cohesion and patience of this relatively unified front grows ever strained. Continued frustration over the lack of access to basic humanitarian aid whittles away at the resolve of what has been a largely non-violent protest, and this fracturing provides a fertile ground for seeds of extremism and far more radicalized action to take hold. The long and well-documented list of human rights violations by soldiers of the Indian Army against Kashmiri civilians adds up painfully and is regularly cited by Jihadi groups with an agenda to incite religious fervor and shift the conflict from a purely social and populist movement to a political and ideological.

This is the worst case possible for all parties involved. For India, it means entrenched warfare with an endlessly growing pool of imported militants and their sympathizers, a quagmire the country cannot afford in its quest to be accepted globally as a legitimate superpower. For Pakistan it means exacerbated tensions with India as well as another front on which to fight the tide of terrorist groups; a fight they are already under immense international pressure to ramp up. And finally, for the Kashmiris this would mean a complete hijacking of their cause and legitimate struggle for freedom. If extremist groups are allowed to

dominate the conversation of Kashmir, the eyes of the world will become hopelessly distracted with the wrong issues, while the Kashmiri people languish and continue to suffer silently.

Given that this is a conflict whose resolution all involved parties stand to gain from, it is undeniably in the best interest of the United States to act swiftly and confidently on the matter. At a time when Pakistani skepticism of the U.S.'s sincerity increasingly runs rampant, passionate involvement in the Kashmiri issue on a humanitarian basis will prove wildly successful in establishing the U.S.'s clear concern for the region. Furthermore, framing the immediate concerns of the crisis as humanitarian rather than political establish two key points. First, it communicates that the U.S. is committed to the long-term stability of the region beyond its own self-interest and security needs. Second, it allows the U.S. to allay the concerns of both Pakistanis and Kashmiris without directly doing so at the expense of U.S.-India relations. At the same time, dealing with this as primarily a humanitarian issue will have a direct effect on the influence of terrorist groups in the region who are co-opting the lack of Western involvement as a rallying cry to radicalize the Muslim population throughout South Asia. Immediate aid-based action by the U.S. will thus dramatically improve its profile and popular perception in the entire region, and at the same time thoroughly eliminate the potency of this Jihadi narrative, effectively securing U.S. national interest. By all accounts, raising the issue of Kashmir is clearly one of the most important, pragmatic, and timely actions on the table for those currently deciding U.S. foreign policy.