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Editors: Sławomir Dębski • Bartosz Wiśniewski • Rafał Tarnogórski

Karolina Borońska-Hryniewiecka • Anna Maria Dyner • Aleksandra Gawlikowska-Fyk
Sebastian Płóciennik • Patrycja Sasnal • Justyna Szczudlik • Marcin Terlikowski • Tomasz Żornaczuk

Increased Tensions in Kashmir: Consequences for India and Internationally

Patryk Kugiel

The deteriorating security situation in the Indian state of Jammu and Kashmir is becoming a growing challenge for India. Reports on violations of human rights are increasingly publicised. The mass protests of the Kashmiris against the Indian authorities are not weakening, and the risk of escalating conflict between India and Pakistan is increasing due to more frequent exchange of fire on the border. It is unlikely that peace in the region could be brought about in the near future. Kashmir will therefore remain a source of internal instability in India, a flashpoint in the conflict with Pakistan, and an increasing problem for EU relations with India.

On 14 June, the United Nations published the first ever report on the human rights situation in Kashmir. The document, prepared by the Office of the High Commissioner for Human Rights, is based on the monitoring of public information from events in the Pakistani and Indian-administered parts of the region. However, it focuses mainly on the situation in the Indian state of Jammu and Kashmir (J&K) over the last two years. Security there has deteriorated since July 2016, when the Indian army killed one of the young leaders of the terrorist organisation Hizbul Mujahideen, which caused mass protests and more frequent terrorist attacks, to which the authorities responded with a show of strength. The UN report indicates serious violations of human rights by Indian security forces and recommends the creation of an independent international commission of inquiry to clarify the allegations. Although India has staunchly rejected the document as "fallacious, tendentious and motivated", the tensions in J&K are becoming a challenge on the internal, regional and global levels.

The Internal Problem. The conflict over Kashmir is a territorial dispute between Pakistan and India that began in 1947 with the division of British India. In the last three decades, it has evolved, and is now primarily a challenge for India. The development of terrorist activity in J&K is a constant threat to the security of the country. The pacification of the anti-Indian uprising in the 1990s and the militarisation of the region strengthened Kashmiri independence aspirations. Despite the Indian ban on international organisations and journalists in J&K, some opinion polls show that the vast majority of Muslim residents want independence, rejecting both joining Pakistan and maintaining the status quo. Such sentiments are also clear during the Kashmiris' cyclical demonstrations.

The latest wave of protests was the most serious in a decade. According to the UN, from July 2016 to May 2018, as a result of the excessive use of force during the suppression of demonstrations, 145 civilians were killed and several thousand were injured. To control the situation, the government used, among other things, arbitrary arrests and torture, and cut off access to the Internet and telephones. The deaths of demonstrators fuelled further protests, inciting a wave of violence and further radicalisation of the young Kashmiris who participated in protests in great numbers and for the first time. Special legislation in the region (especially the Armed Forces Special Powers Act, AFSPA) grants impunity for security forces in cases

of fraud. Therefore, one of the basic UN recommendations is the abolition of the AFSPA and the trial of those accused of such crimes. Similarly, attempts to calm the situation by supporting the economic development of the state or aiding the democratic process are ineffective. In June this year, the Indian People's Party (BJP), which governs India, withdrew from the J&K state coalition government. This led to the collapse of the regional authority, which will be run directly by the governor until the election next year. This limits the possibility of a political settlement of the dispute and risks further escalation of tensions.

The Regional Challenge. Kashmir was the cause of two wars between India and Pakistan (in 1947 and 1965) and a limited conflict in 1999, the first since both countries acquired nuclear weapons. The current tensions also translate into a deterioration of relations between Pakistan and India. The Indian government accuses Pakistan of supporting terrorist organisations and provoking protests. Pakistan traditionally admits only diplomatic support for the Kashmiris and strives for the internationalisation of the dispute. India's BJP government, which presents a hard stance in its policy towards its neighbour, aims to isolate Pakistan on the international stage, accusing it of promoting "cross-border terrorism" and making the normalisation of the relationship conditional upon the cessation of this activity. As a result, contacts between New Delhi and Islamabad are frozen, and dozens of soldiers and civilians on both sides of the Line of Control (de facto border) die every year in ceasefire violations, which have become more frequent since 2016.

The UN report strengthens Pakistan's position. Previously, the country had been alone in raising Kashmir in the international forum, but the UN report presents strong arguments for increased pressure on India. Pakistan will demand an international investigation and increase efforts to get the matter onto the agendas of the Security Council (for example, under "other issues"), the Council on Human Rights (Pakistan is a member until 2020) and the UN General Assembly. Pakistan has already announced a willingness to admit international investigators to its part of Kashmir, but only if India reciprocates. This situation will probably lead to a stiffening of both countries' positions and negative consequences for the region. This means, among other things, further paralysis of the South Asian Association for Regional Cooperation (SAARC), continuation of Pakistani support for extremists, and persistent tensions in India's relations with China in relation to Chinese investment in the Pakistani part of Kashmir.

International Significance. In the 1990s, Kashmir was one of India's two major problems (alongside the nuclear programme) in its dealings with the Western countries. However, the launch of the "global war on terrorism" in 2001 allowed India to silence criticism and present the situation in Kashmir as a problem of international terrorism. Previous reports by foreign human rights organisations, criticising the country for activities in J&K, were ignored. This year's UN report returns the issue to the spotlight and gives substance to allegations against India. This undermines the image of the country as the world's largest democracy and a responsible power that defends the liberal international order. It will also generate tensions in India's relations with Muslim countries (due to their solidarity with Muslims) and EU Member States (regarding the observance of human rights).

Prospects. It is unlikely that the UN will launch an international investigation into human rights violations in Kashmir because of India's opposition and support that other powers (mainly Russia, but also the U.S.) can give them. Neither will countries interested in the huge Indian market and closer political cooperation want to risk deterioration of relations with India. If the Council on Human Rights pushes for an investigation, India may join the U.S. in boycotting the organisation. Nevertheless, such a dispute would have a negative impact on India's position in the United Nations, not least in relation to its endeavours to obtain a permanent seat on the Security Council.

At present there are no prospects for ending the dispute between India and Pakistan over Kashmir, or for peace in the region. No Indian government will accept J&K independence or its accession to Pakistan. India, citing the 1972 Simla Agreement with Pakistan, considers this dispute a bilateral issue and does not accept external involvement in the solution. The end of the conflict is not in the interests of the Pakistani army, for which the "existential threat" from India is the justification for their strong position in the state.

For India, the key to mitigating the problem lies in calming the internal situation in J&K. This would require open dialogue between the authorities and separatists, and concessions (such as repealing the AFSPA and reducing the military presence) to regain the trust of the inhabitants. However, this should not be expected at least until next year's parliamentary election, because BJP concessions would be assessed today by voters as a sign of weakness and admission of mistakes. In this situation, one of the longest-running modern conflicts will remain a source of instability in the region, a flashpoint that could trigger a nuclear conflict, and an increasingly serious problem for India's international image. For the EU countries, including Poland in particular as a non-permanent member of the Security Council, this may lead to a difficult choice between raising the issue of human rights protection and developing good relations with India.