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NEW
DIPLOMACY
PROJECT

The Ongoing Kashmir Conflict

TOP LINES

- Spanning 73 years, the conflict in Kashmir is the longest unresolved conflict on the agenda of the UN.
- Concern for the human rights of the Kashmiri people is at the heart of Labour's approach to this issue. Reports from the region are deeply troubling and Labour should call on the UK Government to urge the Indian authorities to cooperate with the UN to allow them to investigate reports of human rights abuses.
- The UK Government should ensure that UN resolutions are upheld and the upcoming UNHCR meeting in March is the prime opportunity for the UK to raise such concerns.
- The UK Government should push for unfettered access to Kashmir so that the United Nations or other independent parties can fully assess the humanitarian situation.
- The UK Government must fully engage with the Nuclear Non-Proliferation Treaty (NPT) Review conference this year. It is vital for international peace and security that non-signatories of the NPT, such as Pakistan and India, are encouraged to sign the agreement.
- The UK has a unique opportunity to recognise its historical responsibility and to demonstrate its "Global Britain" agenda, by taking on the role of a mediator between India and Pakistan over Kashmir. This will be particularly significant in a post-Brexit world.

BACKGROUND: INDIA, PAKISTAN AND THE UNENDING WAR

Since 1947 India and Pakistan have been locked in conflict over Kashmir, a majority-Muslim region in the northernmost part of India.

The Kashmir conflict is both a struggle for land and a debate about the right of people to determine their future. To date, no consensus has been reached by India and Pakistan, nor with the people, on the future of the region. However recent developments have escalated tensions in Kashmir and increased the risk of two nuclear states descending into open conflict.

Since 2017, clashes have intensified between the Indian military and militant groups in the disputed territory of Kashmir, with evidence of human rights abuses by the Indian military, such as the use of pellet guns and tear gas against peaceful protestors.¹ This upsurge in violence came to a head in 2019 when an Indian troop convoy was attacked outside Pulwama, resulting in the deaths of dozens of security officers. This terror attack caused outrage in India and led to the first direct military exchanges between India and Pakistan outside the disputed zone for decades, with bombing raids on either side of the border.²

¹ The Atlantic, Unrest in Kashmir Surges Once More, 26 April 2017

² BBC News, Pulwama Attack: India will 'completely isolate' Pakistan, February 2019

These raids were largely seen as tit-for-tat symbolism, designed to send a message about the willingness of both sides to use military force, rather than to cause casualties. However, the ratcheting up of tensions led to genuine global concern about the two nuclear powers descending into open conflict.³

On 5 August 2019, the Indian Government's Jammu & Kashmir Reorganisation Bill unilaterally revoked Article 370 and replaced the autonomous state of Jammu & Kashmir with two new Union Territories, governed directly by Delhi: Jammu & Kashmir and Ladakh.⁴

Article 370 was added to India's Constitution in 1949. It allows Jammu and Kashmir to have its own constitution, a separate flag and independence over all matters except foreign affairs, defence and communications. This autonomy has been greatly eroded in practice over recent decades.⁵

The Indian Government maintains that the revocation of Article 370 is an internal matter as it does not interfere with the Line of Control and relates to security concerns, because of attacks by what it believes to be Pakistan-backed militant groups.⁶ There is no definitive evidence however to support India's claim that Pakistan was behind the 2019 Pulwama attacks.

Kashmiri citizens who are opposed to the revocation of Article 370 and the subsequent lockdown are understandably angered by what they see as a unilateral act of aggression on the part of the Hindutva BJP-led Indian government.

Further to this intervention, Jammu and Kashmir has been in an Indian army-imposed lockdown, with the Indian government citing security risks and the need to prevent violence. The lockdown, along with a communications blackout which has had a profound and far-reaching impact on every aspect of life in Kashmir, including health services, school closures and press freedom.⁷

Government-imposed restrictions prevented journalists and activists from independently documenting and sharing information about the situation, including allegations of human rights abuses. The United Nations human rights experts including the Special Rapporteur on the promotion and protection of freedom of expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on extrajudicial, summary or arbitrary executions described the crackdown as 'a form of collective punishment'.⁸

Amnesty International India was one of the few human rights organisations working on Kashmir, but was forced to close in September 2020, after the Indian Government froze its bank accounts in an act of reprisal for the organisation's human rights work.⁹

THE INTERNATIONAL PEOPLE'S TRIBUNAL ON HUMAN RIGHTS AND JUSTICE IN KASHMIR

The Tribunal, which was set up in 2009, is the first of its kind in Indian administered Kashmir. It was formed by the Public Commission on Human Rights with the support of other rights groups and individuals from India and other countries. The tribunal aims to investigate charges of institutionalised violence and human rights abuses in the region.¹⁰

³ *Al Jazeera*, How 2019 changed the Kashmir dispute forever, *January 2020*

⁴ *BBC News*, Article 35A: Why a special law on Kashmir is controversial, *August 2019*

⁵ House of Commons Library, Briefing: Kashmir, the effects of revoking Article 370, August 2019

⁶ *The Indian Express*, PM Modi will not discuss Article 370 at UN, *September 2019*

⁷ House of Commons Library, Briefing: Kashmir, the effects of revoking Article 370, August 2019

⁸ *Amnesty International*, India: Counter-terror raids on civil society groups signal escalating crackdown on dissent, *October 2020*

⁹ *Human Rights Watch*, India: Amnesty International Forced to Halt Work, *September 2020*

¹⁰ *VOA News*, Kashmir Rights Groups Launches People's Tribunal, *November 2009*

Professor Chatterji, one of the group's founders, gave evidence in 2019 to the US House of Representatives Committee on Foreign Affairs, during a session focusing on human rights in South Asia and in particular Kashmir.¹¹

Another founder, Parvez Imroz, is a lawyer and he received the Rafto Prize, an international prize for human rights defenders, in 2017.¹²

Their work is ongoing but their 2009 report 'Buried Evidence: Unknown, Unmarked, and Mass Graves in Indian-Administered Kashmir', reported that an inquiry by the police investigation team of the Jammu and Kashmir State Human Rights Commission (SHRC) had found 2,730 bodies dumped into unmarked graves in four of the state's 14 districts; backing up the Tribunal's claims in its report, which has been cited by Human Rights Watch.¹³

Most recently Shadow Foreign Minister for Asia, Stephen Kinnock, asked the Government to give support to the International People's Tribunal on Human Rights and Justice in Kashmir.¹⁴

ROLE OF THE UK

Successive UK governments have adopted the position that it is for the Indian and Pakistani governments to resolve the future of Kashmir in a peaceful and democratic manner, in line with the wishes of the Kashmiri people, and that it is not for the UK to interfere or mediate in that process.

Labour must go beyond this and recognise the role Britain has played in the Kashmir conflict. The roots of the conflict lie in the countries' shared colonial past: from the 17th to the 20th century, Britain ruled most of the Indian subcontinent. Lord Louis Mountbatten, the last Viceroy of British India, oversaw the violent partition process between India and Pakistan, which resulted in the displacement of millions of people and left the fate of Kashmir undecided.¹⁵

The UK is now home to the largest Kashmiri diaspora community outside of the region. The UK Government must help broker peace in the region and encourage India to allow unfettered access to Kashmir.

The UK must also commit to working with representatives from India, Pakistan, Jammu and Kashmir (including all 5 regions), to deliver justice, peace, and a resolution to the end of the conflict.

SUGGESTED QUESTIONS

Protecting Human Rights:

Will the Foreign Secretary encourage his Indian and Pakistani counterparts to develop a plan to demilitarise the Jammu and Kashmir region, and ask what steps each government is taking to uphold human rights in Kashmir?

Will the Foreign Secretary make representations to his Indian counterpart over the rights of political prisoners in Kashmir?

What meetings has the Foreign Secretary had with human rights organisations about the situation in Jammu and Kashmir?

¹¹ HoR Committee on Foreign Affairs: Human Rights in South Asia, October 2019

¹² Rafto Prize, Laureate, 2017

¹³ International People's Tribunal on Human Rights and Justice in Kashmir Report, October 2019

¹⁴ Hansard, Westminster Hall Debate on Kashmir, January 2021

¹⁵ *The Conversation*, How a British royal's monumental errors made India's partition more painful, August 2019

Does the Foreign Secretary support the People's Tribunal, which seeks to assess the human rights situation in Kashmir since August 2019?

Will the UK government commit to doing all it can to support and work with – wherever helpful and necessary – representatives from India, Pakistan, Jammu and Kashmir (including all 5 regions), to deliver justice, peace, and a resolution to the end of the conflict?

Does the Foreign Secretary believe there is a role for the United Nations or other independent parties to monitor and report on alleged human rights abuses, so we can ensure the Kashmiri people are protected?

Will the UK Government raise the issue of Kashmir and the importance of upholding UN resolutions at the upcoming UNHCR meeting?

Nuclear Risk:

Does the Minister agree that in this state of heightened tension, the gravest risk we face is that the forces of either Pakistan and India make a mistake or misinterpret each other's actions, and end up accidentally at war? And is not the way to avoid that for both sides to cease all action and rhetoric which risks that disastrous outcome?

Will the Foreign Secretary raise the issue of violence in Kashmir at the Nuclear Proliferation Treaty Review Conference and encourage non-signatories, such as Pakistan and India, to sign the NPT? This is extremely important for regional security, especially given the tensions over Jammu and Kashmir.

FURTHER BRIEFING AND READING:

For further briefing, please contact:

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Further reading:

The National Geographic, <https://www.nationalgeographic.com/culture/2019/03/kashmir-conflict-how-did-it-start/>, March 2019

Foreign Policy, <https://foreignpolicy.com/2020/06/16/china-kashmir-himalayas-pakistan-conflict/>, June 2020

The Author:

Anisa Mahmood is a Labour parliamentary researcher with expertise in human rights, foreign policy, and race and discrimination. She has worked on the Counter Extremism and Security Bill and organised human rights campaigns and is the Chief Communications Officer and co-founder of the Equality Act Review Campaign.

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