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Policy Forum on the 2019 Kashmir Crisis

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Contents

Introduction by Stacie E. Goddard, Wellesley College	2
Essay by Christopher Clary, University at Albany, SUNY	4
Review by Asfandiyar Mir, Stanford University	8
Review by Ayesha Ray, King's College, Pennsylvania	12

Introduction by Stacie E. Goddard, Wellesley College

On 5 August 2019, Indian Prime Minister Narendra Modi's government announced the abrogation of Article 370 of the Indian Constitution, which granted the state of Jammu and Kashmir autonomy within India, including a separate constitution, a state flag and control over internal administrative matters. At the same time, Modi's government also abolished Article 35A, which is part of Article 370, and which mandated that only permanent residents of Jammu and Kashmir could own property in the region. Fearing unrest, India deployed tens of thousands of additional troops to the region, and blacked out most communication.

Kashmir is among one of the most intractable territorial disputes in international politics. The groundwork for the conflict was laid in 1947 when, as India and Pakistan were partitioned, the ruler of the Muslim-majority state acceded to Indian rule. To quell opposition, India incorporated Article 370 into its constitution. While Article 370 never offered much autonomy, as Ahsan Butt writes, "mainstream moderates in J&K [Jammu and Kashmir] as well as separatist groups prized the constitutional provisions because they recognized J&K's different status."¹

As the contributors to this policy forum argue, events in Jammu and Kashmir risk escalating into a regional and even global crisis. To begin with, the abrogation of Article 370 is likely to increase militancy in the region. As Asfandiyar Mir notes, India's lockdown has already led to protests, and "Kashmir's disillusionment with India -- which 'has been severe' in recent years -- will mount" And this, as Ayesha Ray writes, opens the doors to increased militancy: "The Indian government has played right into the hands of local jihadist groups like Hizbul Mujahideen and Lashkar-e-Taiba and given Pakistan the added ammunition to continue mounting a bloody insurgency in the region." For weeks reports have circulated that Pakistan intends to unleash a proxy war in Jammu and Kashmir in response to India's decision. Not only will this intensify conflict in the region, it risks direct conflict between India and Pakistan, two nuclear powers.

Such escalation is likely to make a regional conflict global. While he argues that Modi likely acted because he saw Pakistan's reaction as "manageable," Mir warns that if conflict intensifies, global powers will have no choice but to get involved. Already Pakistan has looked to press its case against India in the United Nations Security Council and in the International Court of Justice. While both China and the United States have remained rather muted during the crisis, increasing unrest might force both to pressure India to step back on its claims.

It is unclear, however, whether such diplomatic efforts are likely to succeed. As Christopher Clary outlines, since at least 2001, the United States has tried to intercede on the Kashmir issue. Seeking Pakistan's aid in Afghanistan, Presidents George W. Bush and Barack Obama both attempted to mediate the territorial conflict. But Clary argues that not only does President Trump lack the diplomatic skill to intervene, the United States' leverage over India and Prime Minister Modi is rapidly diminishing.

¹ Ahsan Butt, "India just pulled Jammu and Kashmir's autonomy. Here's why that is a big deal for this contested region," *Washington Post*, 7 August 2019, <https://www.washingtonpost.com/politics/2019/08/07/india-just-pulled-jammu-kashmirs-autonomy-heres-why-this-is-big-deal-this-contested-region/>.

Overall, the roundtable contributions below paint a bleak picture of the future of Jammu and Kashmir. Having taken the step of renouncing the territory's autonomy, Prime Minister Modi's government is unlikely to step back, even as the state and region become mired in intractable conflict.

Participants:

Stacie E. Goddard is Professor of Political Science and Director of the Madeleine K. Albright Institute at Wellesley College. Her book, *Indivisible Territory and the Politics of Legitimacy: Jerusalem and Northern Ireland*, was published by Cambridge University Press in 2010. Her articles have appeared in outlets such as *International Organization*, *International Security*, *International Studies Quarterly*, *International Theory*, *Security Studies*, as well as in the *New York Times*. Her new book is *When Right Makes Might: Rising Powers and World Order* (Cornell University Press, 2019).

Christopher Clary is an Assistant Professor of Political Science at the University at Albany, State University of New York. Previously, he was a postdoctoral fellow at the Watson Institute at Brown University, a predoctoral fellow at the Belfer Center at Harvard University, a Stanton Nuclear Security Predoctoral Fellow at the RAND Corporation, and a Council on Foreign Relations International Affairs Fellow in India. Clary also served as country director for South Asian affairs in the Office of the Secretary of Defense, a research associate at the U.S. Naval Postgraduate School, and a research assistant at the Henry L. Stimson Center.

Asfandiyar Mir is a postdoctoral fellow at the Center for International Security and Cooperation at Stanford University. His work focuses on al-Qaida, counterterrorism and counterinsurgency, U.S. military operations, and South Asian security issues. His research has appeared in *International Security*, *International Studies Quarterly*, and *Security Studies*.

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Essay by Christopher Clary, University at Albany, SUNY

“I would love to be the mediator,” President Trump told the press that had gathered to see him alongside Pakistan’s Prime Minister Imran Khan on 22 July 2019. “I’ve heard so much about Kashmir. Such a beautiful name. It’s supposed to be such a beautiful part of the world. But right now there’s just bombs all over the place,” the president explained. “If I can do anything to help that, let me know.”¹

Trump motivated his offer “to mediate or arbitrate” by recounting that Indian Prime Minister Narendra Modi had invited him to perform just that role when the two met in Osaka in late June on the sidelines of the G-20 summit. The Indian foreign ministry was quick to deny any such request had been made, but Khan had already scored a diplomatic coup.² Since 1947, Pakistan had sought to invite outside powers—principally, the United States—to play a larger role in the Kashmir dispute for the simple reason that such outside backing might permit Pakistan to get a better deal than it could bilaterally. Periodic extra-regional interlopers—including substantial United Nations involvement—were irritating enough for India that it demanded that Pakistan agree to settle disputes with India “through bilateral negotiations” as a condition of the 1972 peace accord that followed India’s victory over Pakistan in the 1971 war.³ While Pakistan argues that no bilateral agreement can supersede past United Nations Security Council resolutions, India has been adamant that outside help is no longer welcome in resolving the Kashmir dispute.

Trump’s mediation offer was stunning, not merely because it was willing to trespass New Delhi’s cordon around the dispute, but also because it showed sympathy for Pakistan’s international position, in a way that the President’s previous behavior had not. Trump had taken to Twitter on January 1, 2018, to announce a broad aid cutoff to Pakistan. “The United States has foolishly given Pakistan more than 33 billion dollars in aid over the last 15 years,” he explained. “And they have given us nothing but lies & deceit, thinking of our leaders as fools. They give safe haven to the terrorists we hunt in Afghanistan, with little help. No more!”⁴ Now, sitting next to Imran Khan barely a year and half later, Trump was saying, “I think, at the end of this, at the end of a very short time, we’re going to have a very great relationship with Pakistan.”

¹ The White House, “Remarks by President Trump and Prime Minister Khan of the Islamic Republic of Pakistan Before Bilateral Meeting,” 22 July 2019, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-prime-minister-khan-islamic-republic-pakistan-bilateral-meeting/>.

² Ministry of External Affairs, Government of India, “External Affairs Minister’s statement in the Parliament on the remarks of President of the United States of America on mediating in the Kashmir issue,” 23 July 2019, https://mea.gov.in/Speeches-Statements.htm?dtl/31647/External_Affairs_Ministers_statement_in_the_Parliament_on_the_remarks_of_President_of_the_United_States_of_America_on_mediating_in_the_Kashmir_issue.

³ Agreement on Bilateral Relations between the Government of India and the Government of Pakistan [Simla Agreement], Simla, [India,] 2 July 1972, https://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK_720702_Simla%20Agreement.pdf.

⁴ Donald J. Trump, Twitter Post, 1 January 2018, 7:12am, <https://twitter.com/realDonaldTrump/status/947802588174577664>.

Following Trump's intercession, Imran Khan returned home to Pakistan like the victorious sportsman he had once been. Senior party leaders and cabinet members went to the airport to greet him, along with crowds of supporters. He told the onlookers, "Today I felt not as if I have returned from a foreign trip, but as if I have returned after winning the [cricket] World Cup."⁵

Such theatrics will almost certainly prove to be overblown. Trump becomes just the latest U.S. president to be tempted by the dream that a U.S. role might finally unlock the Kashmir dispute. The logic for doing so has shifted from decade to decade, and the hope has gone dormant from time to time, but the Kashmir dream has never fully died. Each president appears to ask himself whether, after so many have failed, he could be the one to solve this. As with the Arab-Israeli dispute, such dreams have thus far failed to materialize.

Trump's motives are hard to understand fully. Any explanation almost certainly involves Trump's desire to be perceived as a master dealmaker, something akin to the impulse that pushed him recently to seek Greenland's purchase from Denmark. Beyond the idiosyncratic, Trump's 2019 shift on Pakistan appears to be the result of a calculation that Pakistan's cooperation is necessary if the President can oversee an orderly withdrawal from Afghanistan. What exactly Pakistan can deliver in that regard is murky at best, but, after eighteen years of U.S. intervention, Washington has no better options, and Trump has gone so far as to suggest that his choices are help from Pakistan or the mass killing of Afghans to end the war.⁶

If Trump is attempting to lend support to Pakistan on Kashmir in exchange for Pakistani help in Afghanistan, he would be following the post-9/11 template. Presidents Bush and Obama both flirted with a U.S. role in the India-Pakistan relationship as a way to improve the strategic circumstances in Afghanistan. They did so, President-elect Obama explained in 2008, out of a desire to encourage Pakistan to "stay focused not on India, but on the situation with those militants."⁷ The argument had two primary dimensions: (1) that Pakistani support of the Taliban and Haqqani network in Afghanistan was in substantial part driven by Pakistan's fear that not doing so would result in a pro-Indian, anti-Pakistani government in Kabul and (2) that Pakistan would be more willing to crack down on militants and terrorists operating within Pakistan if it did not feel compelled to maintain enormous security forces on the border with India in order to deter a hypothetical Indian attack. Thus the outlines of a grand bargain seemed imaginable. Pakistan, were it less fearful of India and its revisionist urges satisfied by some compromise on Kashmir, would be willing to crackdown on militants at home and cease providing support for those operating in India and Afghanistan.

Despite some Bush administration officials who were persuaded by the centrality of Kashmir, especially senior U.S. military officers such as former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, the administration largely avoided involvement in the dispute as part of a broader policy of "de-hyphenating" India and Pakistan, attempting to maintain separate bilateral relationships with both New Delhi and

⁵ Asad Hashim, "Q&A: Was Pakistan's Visit to the US a Success?" *Al Jazeera*, 25 July 2019, <https://www.aljazeera.com/news/2019/07/qa-pakistan-pm-imran-khans-visit-success-190725061729064.html>.

⁶ Jon Gerberg, "I just don't want to kill 10 million people': Trump's comments reverberate in Afghanistan," *Washington Post*, 23 July 2019.

⁷ The Rachel Maddow Show, Transcript, 30 October 2008, <http://www.msnbc.com/transcripts/rachel-maddow-show/2008-10-30>.

Islamabad that would be propelled by their own logic and could move forward without considering how each step with one country might affect the other.⁸ The Obama administration decided to hyphenate Afghanistan with Pakistan and attempted to add India to the mix, motivated by veteran U.S. diplomat Richard Holbrooke's desire to recreate the Dayton Accords.⁹ But upon learning of Holbrooke's desire to link the India-Pakistan dispute to America's Afghanistan War, "Indian diplomats went crazy," journalist George Packer reports in his biography of Holbrooke. New Delhi threatened to deny Holbrooke a visa, and to not even permit him to set foot in India so long as he entertained such aspirations. Holbrooke backed off and tried to avoid mentioning what he began calling "the K word."¹⁰

Whether knowingly or unknowingly, U.S. officials in the 21st century were recreating the basic logic of U.S. South Asia policy in the twentieth century, where again and again Washington attempted to convince India and Pakistan to set aside their dispute to focus on America's primary threat: Communist aggression. Thus Ambassador Chester Bowles could write back to Washington in 1952 that easing Pakistan-India tensions was one of the most important objectives in U.S. policy because if those countries could "be induced [to] patch up their quarrels, econ[omic] progress [of the] subcontinent will be greatly speeded up; [a] traditional invasion route [of the USSR]... can be blocked; Pak[istan's] support for [the] Middle East [would be] more certain, and [the] Ind[ian] Army can face north and east towards Tibet, Burma, and Commie China with greater likelihood."¹¹ The United States tried and failed. Similarly, three decades later, the Reagan Administration tried again and failed again to "turn the tables on the Soviets by promoting better Indo-Pakistani relations" in a bid to "open up the possibility of historic realignments on the subcontinent."¹² While the United States did improve ties with New Delhi in the 1980s and beyond, it could not make meaningful progress on Indo-Pakistani relations.

⁸ On Mullen's views, see Transcript, Interview with Adm. Mike Mullen, *NPR News*, 28 September 2011, <https://www.npr.org/2011/09/28/140901730/transcript-interview-with-adm-mike-mullen>.

⁹ Holbrooke had overseen the Dayton Accords to conclude the civil war in Bosnia-Herzegovina while Assistant Secretary of State for European and Eurasian Affairs. Holbrooke would serve as Special Representative for Afghanistan and Pakistan during the Obama administration.

¹⁰ George Packer, *Our Man: Richard Holbrooke and the End of the American Century* (New York: Knopf, 2019), 455; also see Donald A. Camp, Interviewed by David Reuther, 10 February 2012, 93, <https://adst.org/wp-content/uploads/2013/12/Camp-Donald.pdf>.

¹¹ The Ambassador in India (Bowles) to the Department of State, New Delhi, 24 November 1952–7pm, *FRUS*, 1952-1954, *Africa and South Asia*, vol. 9, pt. 2, <https://history.state.gov/historicaldocuments/frus1952-54v11p2/d753>.

¹² "South Asia," [December 1984,] folder "India 1985 [4]", Near East and South Asia Affairs Directorate, NSC: Records, RAC Box 3, Ronald Reagan Library; also see National Security Decision Directive 147, "U.S. Policy Towards India and Pakistan," 11 October 1984, Ronald Reagan Presidential Library, <https://www.reaganlibrary.gov/sites/default/files/archives/reference/scanned-nsdds/nsdd147.pdf>.

Former diplomat Howard Schaffer titled his book on U.S. involvement in the Kashmir dispute, *The Limits of Influence*.¹³ India and Pakistan both perceive strong national interests in Kashmir, and have sought to gain U.S. help in advancing those interests or, at a minimum, prevent the United States from permanently harming them. Episodically, U.S. presidents interject themselves into the seven-decade dispute, only to be rebuffed by its treacherous politics. As India becomes an increasingly important strategic partner for the United States in managing a rising China, there is a sense that the ability of Washington to put sustained pressure on New Delhi is diminishing rapidly.¹⁴ Similarly, with the long Afghan intervention seemingly drawing to a close, U.S. interest in prodding Pakistani cooperation may fade. Thus Trump's intervention may be the last iteration of an old idea, replaced by apathy for Pakistani concerns and sympathy for Indian interests. Or perhaps some future set of circumstances will once again induce a Kashmir dream in the mind of a future U.S. president.

¹³ Howard B. Schaffer, *The Limits of Influence: America's Role in Kashmir* (Washington, D.C.: Brookings Institution Press, 2009).

¹⁴ See Robert D. Blackwill and Ashley J. Tellis, "The India Dividend: Why New Delhi Remains Washington's Best Hope in Asia," *Foreign Affairs* (September/October 2019), <https://www.foreignaffairs.com/articles/india/2019-08-12/india-dividend>.

Review by Asfandiyar Mir, Stanford University

India's move to end the autonomy of the disputed region of Kashmir has once again pushed South Asia to the precipice of conflict. The decision became contentious quickly—not just in the affected region but in key international capitals. India's arch-rival Pakistan, which claims Kashmir, was outraged. China reacted very negatively. The United States expressed carefully-worded concern.

How did international politics play into India's Kashmir decision and how might it shape future conflict in South Asia?

The Decision—Modi's International Political Constraints and Calculus

Indian domestic politics created the grounds for removing Kashmir's autonomy.¹ India's ruling Bhartiya Janata Party even included it in its 2019 election manifesto.² But given the history of conflict between India and Pakistan over the region, Indian Prime Minister Narendra Modi seems to have looked beyond the domestic considerations to major international constraints before making the decision.

The first constraint was Pakistan. Traditionally, Pakistan has combined its territorial claim on Kashmir with a lethal asymmetric warfare strategy – including support for Kashmiri armed groups—to erode Indian resolve to hold onto the region.³ Before 9/11, it also rallied meaningful, if not substantial, international opinion to pressure India.⁴

Modi possibly sought to move when Pakistani reaction was likely to be manageable. Recent months provided that window of opportunity. Under President Trump's South Asia policy announced in 2017, Pakistan has been under the threat of sanctions for supporting Islamist militant groups, which has taken a toll on its

¹ Pratap Bhanu Mehta, "The Story of Indian Democracy Written in Blood and Betrayal." *The Indian Express*, 8 August 2019, <https://indianexpress.com/article/opinion/columns/jammu-kashmir-article-370-scrapped-special-status-amit-shah-narendra-modi-bjp-5880797/>.

² "BJP Manifesto 2019: No to Article 370 and Article 35A." *India Today*, 8 April 2019, <https://www.indiatoday.in/elections/lok-sabha-2019/story/bjp-manifesto-2019-no-article-370-article-35a-1496655-2019-04-08>.

³ S. Paul Kapur, *Jihad as Grand Strategy: Islamist Militancy, National Security, and the Pakistani State* (New York: Oxford University Press, 2017).

⁴ John F. Burns, "U.S. Remarks Over Kashmir Anger Indians." *The New York Times*, 10 March 1994, <https://www.nytimes.com/1994/03/10/world/us-remarks-over-kashmir-anger-indians.html>.

economy.⁵ This appears to have led Pakistan to rein in some anti-India militant proxies.⁶ At the same time, the U.S.-Pakistan relationship has shown signs of improvement over the last few months, due to Pakistan's support for U.S. negotiations with the Afghan Taliban. Thus, in making his decision to unilaterally revoke Kashmiri autonomy, Modi may have decided that the current moment was just the right time when Pakistan will not retaliate meaningfully. He may have worried that if he delayed his decision, U.S. pressure would ease and India would have to confront a potentially emboldened Pakistan.

A second constraint was the possibility of a broader negative international reaction – specifically on the repressive measures for dealing with the Kashmiri population's protest on the Indian move. To mitigate this, India seems to have banked on the U.S.-India strategic partnership.⁷ The United States has forged a strong security and economic relationship with India, placing it at the center of a long-term strategy to contain its rising great power rival, China.⁸ Despite some recent tensions, American strategists see India as a critical ally.⁹ Modi may have anticipated that this goodwill will shield him from official international opprobrium on the use of repression following the removal of Kashmir's autonomy.

International Political Reaction—Advantage India, For Now

Since India's announcement of the decision in early August, Pakistan's reaction has been marked by anger and frustration.¹⁰ It moved swiftly in an attempt to mobilize the United Nations (UN) Security Council to restrain India, but that effort fell through. Despite domestic political pressures to the contrary, Pakistan has

⁵ "President Unveils New Afghanistan, South Asia Strategy." U.S. Department of Defense, 2017. <https://www.defense.gov/Newsroom/News/Article/Article/1284964/president-unveils-new-afghanistan-south-asia-strategy/>.

⁶ Special Correspondent, "India May Give Pak. Its Due for Action against Terror Groups." *The Hindu*, 10 June 2019, <https://www.thehindu.com/news/national/india-may-give-pak-its-due-for-action-against-terror-groups/article27766338.ece>.

⁷ "S Jaishankar, Pompeo Hold Talks to Strengthen Indo-US Strategic Partnership." *The Times of India*, 26 June 2019, <https://timesofindia.indiatimes.com/india/s-jaishankar-pompeo-hold-talks-to-strengthen-indo-us-strategic-partnership/articleshow/69955008.cms>.

⁸ Ashley J. Tellis, and Robert D. Blackwill. "New Delhi Remains Washington's Best Hope in Asia." Carnegie Endowment for International Peace, 13 August 2019, <https://carnegieendowment.org/2019/08/13/new-delhi-remains-washington-s-best-hope-in-asia-pub-79666>.

⁹ Tellis, "How Can U.S.-India Relations Survive the S-400 Deal?" Carnegie Endowment for International Peace, 29 August 2018, <https://carnegieendowment.org/2018/08/29/how-can-u.s.-india-relations-survive-s-400-deal-pub-77131>.

¹⁰ Salman Masood and Maria Abi-Habib, "Pakistan Leader Vents Frustration at India: 'No Point in Talking to Them.'" *The New York Times*. *The New York Times*, 22 August 2019, <https://www.nytimes.com/2019/08/21/world/asia/india-pakistan-kashmir-imran-khan.html>.

sent some signals—through its Army chief Qamar Bajwa, for instance—that it is not planning a major military or proxy-war confrontation which might shift the focus away from India’s unilateral actions.¹¹

The U.S. reaction has been one of serious concern but not more—again, a response consistent with the Indian calculus.¹² From the American perspective, the Indian move came at a bad time. It risked jeopardizing the delicate U.S.-Afghan Taliban negotiations to end America’s war in Afghanistan, which have been enabled by Pakistan. U.S. policymakers continue to worry that Pakistan may play the spoiler on Afghanistan to gain leverage for Kashmir.

The United States has criticized the Indian crackdown and the dismal human rights situation in Kashmir. It has also sought to dissuade Pakistan from a response, such as stepped-up support for Kashmiri insurgents. Overall, however, the U.S. has upheld the Indian position of not making Kashmir a multilateral issue.

China’s strategy remains ambiguous.¹³ It claims parts of Kashmir’s Buddhist-majority region Ladakh for itself. In addition to pulling Kashmir’s autonomy, India has also turned Ladakh into a separate and federally controlled territory, which challenges the Chinese claim.¹⁴ In response, China supported Pakistan’s request to bring India’s Kashmir move before the UN Security Council. It also continues to bring up the breach of the status quo of its own border dispute with India. At the same time, China is calling for calm between India and Pakistan—cognizant of the stakes of its broader bilateral relationship with India and the risks of goading confrontation in nuclear South Asia.

Factors That Could Spark Future International Involvement

Despite the wide-ranging global public condemnation of India’s Kashmir move over the last few weeks, India has managed the more consequential international reaction—of Pakistan and the United States—to its advantage. That does not mean that the situation will stay this way. Much to Indian consternation, international actors will be more involved on Kashmir, not less. Three factors make this likely.

¹¹ “General Qamar Javed Bajwa, Chief of Army Staff (COAS) Visited Line of Control in Bagh Sector and Spent Eid with Troops.” Inter Services Public Relations Pakistan, 12 August 2019, <https://ispr.gov.pk/press-release-detail.php?id=5393>.

¹² Sriram Lakshman, “U.S. Flags Kashmir Detentions.” *The Hindu*, 20 August 2019, <https://www.thehindu.com/news/international/us-flags-kashmir-detentions/article29185706.ece>.

¹³ Lan Jianxue, “India Is Playing with Fire on Kashmir.” *Global Times*, 18 August 2019. <http://www.globaltimes.cn/content/1161857.shtml>.

¹⁴ “Beijing Opposes Delhi’s Move to Encroach on Chinese Territory.” *Global Times*, 6 August 2019, <http://www.globaltimes.cn/content/1160581.shtml>.

For one, continued resistance in Kashmir will lead to further international involvement. In South Asia, the centralization of political control over restive territories has a poor record of quelling separatist movements.¹⁵ Kashmir's trajectory may be no different. Given the practical lockdown of the Kashmir state since the autonomy-removal announcement, Kashmiri disillusionment with India—which has been very severe in recent years—will mount, leading to local protests and defiance.¹⁶ To stem such resistance, Indian authorities may respond with more repression. Pakistan will seek to capitalize and encourage Kashmiri resistance. China may also put pressure on India. The U.S. may come under pressure to restrain India—less by Pakistan and more by global public opinion.

Second, Pakistan is unlikely to forget the Indian slight easily. In the India-Pakistan rivalry, there are precedents of major perceived provocations by one side being followed up by punitive future responses. For example, India's 1984 capture of territory in the Siachen glacier in the Himalayas was a motivation behind Pakistan's incursions into the Kargil heights in 1999, which escalated into a limited war.¹⁷ The 2008 terrorist attacks in Mumbai, which India saw as having been sanctioned by Pakistan, laid the basis for the Indian coercive strategy to change Pakistan's India policies.¹⁸ Given the constraints it faces today, Pakistan may wait now and retaliate in the future.

Finally, major terrorist violence, which India might pin on Pakistan, will create pressures of conflict escalation and keep international actors involved. Major UN-designated terrorist groups will want to target India, with or without Pakistani support. Local groups will be motivated to act. Transnational terrorists will watch the region with substantial interest. In the last few years, Kashmir had dropped off in the Sunni jihadi ideological landscape compared to conflicts in Afghanistan and Syria. That was changing in the months before the Indian decision to remove Kashmir's autonomy, as is evident in al-Qaeda's July statement calling for attacks in India.¹⁹ Going forward, Kashmir will be more salient to al-Qaida among other jihadi groups.

South Asia will need a crisis manager in order to prevent a conflict. Given its stakes in the region, the United States may find itself playing that role again.

¹⁵ Paul Staniland, "Kashmir: A Bold Strategy Isn't Always Wise." *Hindustan Times*, 21 August 2019. <https://www.hindustantimes.com/analysis/kashmir-a-bold-strategy-isn-t-always-wise/story-;XSRKIF395YxTrD6QovxiK.html>.

¹⁶ Gautam Nair and Nicholas Sambanis, "Violence Exposure and Ethnic Identification: Evidence from Kashmir." *International Organization* 73:2 (2019): 329-363, <https://doi.org/10.1017/s0020818318000498>.

¹⁷ Feroz Hassan Khan, Peter R. Lavoy, and Christopher Clary, "Pakistan's Motivations and Calculations for the Kargil Conflict." *Asymmetric Warfare in South Asia*, n.d., 64-91, <https://doi.org/10.1017/cbo9780511691805.004>.

¹⁸ Prem Mahadevan, *The Politics of Counterterrorism in India: Strategic Intelligence and National Security in South Asia* (London: I.B. Tauris, 2012).

¹⁹ Thomas Joscelyn, "Al Qaeda Leader Threatens India, Criticizes Pakistan in Message on Kashmir." FDD's Long War Journal, 9 July 2019, <https://www.longwarjournal.org/archives/2019/07/al-qaeda-leader-threatens-india-criticizes-pakistan-in-message-on-kashmir.php>.

Review by Ayesha Ray, King's College, Pennsylvania

Kashmir on the Precipice

On 5 August 2019, in an unexpected, undemocratic, and unprecedented move, the Modi government, under the cover of a presidential decree, revoked Articles 370 and 35A of the Indian Constitution, effectively stripping the autonomy of the state of Jammu and Kashmir. Following the decision, the state was bifurcated into two Union Territories—Ladakh without a state legislature and Jammu and Kashmir with a state legislature. This step carries enormous implications for an already restive region that has been the epicenter of conflict in South Asia for over 70 years. Perhaps the most glaring and stark development leading up to the events and beyond is the way this action was approved by the Modi government. Prior to the decision, in a veil of completely secrecy, troop levels in the state were increased to 40,000 additional forces. Then, in a unilateral and draconian step, New Delhi resorted to an extreme crackdown on the state, revoking its autonomy, imposing a massive communications blockade, imprisoning elected representatives, including pro-India leaders, and effectively mounting a siege on the population without including them in deliberations on a subject central to their identity as Kashmiris. Again, it is hard to reiterate the implications of this step for Indian democracy, its national interests, and the people of Kashmir. A monumental decision of this magnitude that will affect the lives of nearly 12 million people who live in the state was taken by entirely excluding them from that decision.

Article 370 and 35A are extremely important, not just for Kashmiris and their autonomy but for its historical and constitutional links to the Indian Constitution. Article 370 was the heartline that kept the state of Jammu and Kashmir integral to India. In 1947, after Maharaja Hari Singh signed the Instrument of Accession, Article 370 was created to bind the state of Jammu and Kashmir to India. The article gave the region significant autonomy.¹

The state had its own constitution, flag, and could make laws. New Delhi had control only over matters of foreign affairs, defense, and communications. Article 370(1) (c) states that Article 1 of the Indian Constitution applies to Kashmir through Article 370. Under the Indian Constitution, Article 370 cannot be amended without the approval of the Constituent Assembly. Article 370(3) states: “the President may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify, provided that the recommendation of the Constituent Assembly of the State ...shall be necessary before the President issues such a notification.”² In other words, Article 370 was considered a temporary provision only to be changed or amended by the Jammu and Kashmir Constituent Assembly. However, this assembly was dissolved in 1957, making Article 370

¹ Faizan Mustafa, “Explained: What Are Articles 370 and 35A?,” *The Indian Express*, 6 August 2019, <https://indianexpress.com/article/explained/understanding-articles-370-35a-jammu-kashmir-indian-constitution-5610996/>.

² “Kashmir Turmoil: Constitution has Provisions to Redraw J&K’s Boundary, Say Experts,” *India Today*, 3 August 2019, <https://www.indiatoday.in/india/story/jammu-kashmir-trifurcation-article-370-1576852-2019-08-03>.

permanent.³ In 2018, the Indian Supreme Court further stated that Article 370 had acquired permanent status making its abrogation almost impossible.

The revocation of Article 370 poses grave challenges not only to the lives of Kashmiris but is bound to have dramatic consequences for India's future as well.

The abrogation of Article 370 was an undemocratic decision taken unilaterally without consultation with the Kashmiri population. As Kashmiri Muslims would never agree to the revocation of their autonomy, the Modi government insured that all Kashmiri voices would be stifled. After imposing a severe crackdown, the government gallingly claimed that the step was being taken to improve the lives of Kashmiris to enable peace, prosperity, and development in the region. Ground reports, mostly coming in from international media, on the contrary paint a rather bleak picture. As was expected, there is a palpable sense of anger and betrayal among most Kashmiri Muslims who feel deceived and humiliated. Pro-India leaders who risked their lives for India have no reason to feel secure or trust India. This impedes any possibility of peace, making engagement with even moderate Kashmiris almost impossible. Recent reports reveal close to 4,000 Kashmiris being detained and many being flown out of the state as the local prisons are overflowing.⁴

From the perspective of national security, the revocation of Article 370 is a disastrous step likely to increase militancy in the region. The Indian government has played right into the hands of local jihadist groups like Hizbul Mujahideen and Lashkar-e-Taiba and given Pakistan the added ammunition to continue mounting a bloody insurgency in the region. 2016 was a turning point in Kashmir when Burhan Wani, the local commander of Hizbul Mujahideen, was killed in an encounter with Indian security forces.⁵ His death mobilized hundreds, if not thousands, of Kashmiris against India. The events of 2019 will possibly lead to even greater radicalization of Kashmiris.

Relations with Pakistan will likely deteriorate further as bilateral talks will have to address the current situation in Kashmir. Pakistan's Prime Minister, Imran Khan, has observed that his government is willing to fight to the end over Kashmir.⁶ The issue has already received a significant amount of international attention with discussions held in the UN Security Council for the first time since 1971.⁷ Even though the meeting has

³ Faizan Mustafa, "Explained: What Are Articles 370 and 35A?," *The Indian Express*, 6 August 2019, <https://indianexpress.com/article/explained/understanding-articles-370-35a-jammu-kashmir-indian-constitution-5610996/>

⁴ "About 4000 People Arrested in Kashmir since August 5: Government Sources to AFP," *The Hindu*, 18 August 2019, <https://www.thehindu.com/news/national/about-4000-people-arrested-in-kashmir-since-august-5-govt-sources-to-afp/article29126566.ece>.

⁵ Ayesha Ray, "Kashmir Edges Closer to the Brink," *East Asia Forum*, 6 March 2019, <https://www.eastasiaforum.org/2019/03/06/kashmir-edges-closer-to-the-brink/>.

⁶ Sofia Saifi and Bianca Britton, "Pakistan Prepared to Fight to the End over Kashmir, says Imran Khan," CNN, 15 August 2019. <https://www.cnn.com/2019/08/14/asia/pakistan-independence-day-kashmir-intl/>.

⁷ Richard Roth, "UN Security Council Has its First Meeting on Kashmir in Decades—and Fails to Agree on a Statement," *CNN*, 16 August 2019, <https://www.cnn.com/2019/08/16/asia/un-security-council-kashmir-intl/>.

done little beyond arriving at a statement urging both sides to reduce tensions, China is already backing Pakistan strongly. The Pakistan-China relationship will work against India's strategic interests in addition to the internationalization of the issue.

Domestically, the revocation of Article 370 works as part of the Modi government's larger Hindutva project – the remaking of India into a majoritarian Hindu nation. The 2019 Bharatiya Janata Party (BJP) manifesto clearly included the revocation of Article 370, but the Rashtriya Swayamsevak Sangh (RSS) and BJP have long held this position. Hindu Kashmiri Pandits, who were ethnically cleansed at the outbreak of the insurgency, view this step favorably as it allows them to resettle in the region. However, given the volatility of the situation, it is hard to imagine how this step will benefit the Pandit community in the long-term.

The effects of the revocation of Article 370 will, therefore, have serious long-term deleterious consequences for Kashmir, India, and the surrounding region.