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# Unravelling the Correlation of Intractability and Human Security in the Kashmir Conflict: An Analysis using Edward Azar's Social Protracted Conflict Theory

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**Abstract:** *This study explores the relationship between intractability and human security challenges in conflicts. Human security plays a crucial role in intractable conflicts, acting as both a cause and an effect. When individuals are denied human security, conflicts tend to emerge, persist, and escalate. Addressing human security concerns is essential to break the cycle of intractability. The study applies Edward Azar's Social Protracted theory to examine the connection between human security and intractability. Using Azar's framework, the Genesis phase focuses on identifying the underlying issues of identity and autonomy in the Kashmir conflict. The second phase analyzes how events over time have created new dynamics in the Kashmir conflict, potentially escalating it to the point of intractability. The third phase explores the negative effects of the intractability on the affected population, leading to pessimism and additional human security challenges. The study underscores the importance of considering human security in efforts to address intractable conflicts.*

**Key Words:** Intractability, Human Security, Kashmir Conflict, Social Protracted Theory

## Introduction

The Kashmir region is a disputed territory divided between India, Pakistan, and China. The roots of the Kashmir issue can be traced back to the 19th century when British imperialism played a significant role(Copland, 1993). While the British acquired Kashmir, they did not include it in British India(*Kashmir*, n.d.). Instead, they sold the region to the Hindu Dogra kings in 1848 (Huttenback, 1968). The British employed a "divide and rule"

policy(Christopher, 1988) during their rule, exacerbating divisions based on religion, ethnicity, and language. After the partition of India in 1947, Kashmir, with a Muslim majority, was ruled by a Hindu king who sought military assistance from India against spontaneous incursion. India agreed to help on the condition that Kashmir becomes part of India(Bhatt, 2003). This decision led to a sense of betrayal and a disconnection between the Indian government and the Kashmiri people.

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Hence, the lack of clear demarcation of borders resulted in conflicts over the Siachen Glaciers and ongoing territorial disputes between India, Pakistan, and China in the region(*Redrawing the Maps in Kashmir*, n.d.).

Since 1989, the Kashmir conflict has become intertwined with the broader India-Pakistan conflict. Rebellion among Muslims in Jammu and Kashmir triggered a crisis, and the human rights situation in Indian-controlled Jammu and Kashmir deteriorated(Rai, 2018). Experts warn that this local crisis could escalate into a large-scale war between India and Pakistan, with the potential for limited nuclear exchange(Jahn, 2015). The revocation of Article 370, granting special status to Jammu and Kashmir, worsened the human rights situation and civil unrest, leading to increased violence and insurgency(*Raising the Stakes in Jammu and Kashmir*, 2020).

The Kashmir conflict reflects a deep disparity between human security and state security. Conventional security measures have always been prioritized over social development, resulting in heavy militarization in the region(Singh, n.d.). The conflicting parties' deep-rooted interests and values have led to a win-lose dynamic, neglecting the broader human security concerns of the people in Kashmir("India," 2022).

The Kashmir conflict is a complex issue that evolves and sustains itself over time. It is influenced by various factors and events that contribute to its dynamics, creating new challenges and exacerbating existing tensions. A crucial aspect of comprehending this dynamic is the role of time itself. As time progresses, significant shifts occur in the domestic political landscape and the geo-strategic structures surrounding the region. These changes have the potential to alter the balance of power, leading to the emergence of new conflicts or the escalation of existing ones.

The passage of time also has the capacity to push the conflict towards a state of intractability, where the parties involved are unable to find a resolution or reach a mutually acceptable agreement. Accumulated unresolved issues, deep-seated grievances, and the lack of effective dialogue contribute to the entrenchment of positions, making it increasingly difficult to find a way forward.

Consequently, a comprehensive analysis of the Kashmir conflict necessitates a thorough examination of its temporal dimension and the unfolding events over time. By understanding the sustained dynamics that shape and perpetuate the conflict, policymakers and stakeholders can gain valuable insights into the underlying causes. This understanding can help identify potential strategies to promote meaningful dialogue, address grievances, and work towards a sustainable resolution that ensures lasting peace in the region.

## Understanding Intractability

To investigate the relationship between intractability and human security challenges, it is essential to establish a clear understanding of the concept of intractability itself. Intractability is a concept that elicits debate and can vary in its definition depending on the specific conflict at hand. Even with the best intentions to resolve disputes, the efforts towards possible resolution are hindered for various reasons. Intractability can also be characterized by the potential for significant loss of life, as demonstrated when one party resorts to violence as the sole means of deterring the other. Such actions can escalate hostilities and potentially incite similar responses from other parties involved.

Intractability is a complex concept that has been extensively studied and defined within various academic disciplines. One perspective on intractability, provided by Daniel Bar-Tal(Bar-Tal, 2013), focuses on

conflicts that are challenging to resolve due to deeply ingrained beliefs and values that often stem from one's identity and culture. This definition emphasizes the role of personal convictions and societal influences in creating an impasse.

Another viewpoint, presented by Guy Burgess and Heidi Burgess(Burgess & Burgess, 1996), characterizes intractability as a situation where conflicting parties are unable to reach a mutually acceptable solution despite investing considerable effort. This definition highlights the inability to achieve consensus despite extensive attempts at resolution.

Both Bar-Tal's and Burgess's perspectives share a common understanding that intractability arises when a conflict becomes resistant to resolution due to deeply entrenched beliefs, values, and emotions. Such conflicts often persist over time, fluctuating in intensity at different stages. Intractable disputes typically revolve around desires or values that are of utmost importance to the involved parties, leading them to perceive no alternative except complete destruction of the opposing side. These conflicts permeate every aspect of their existence, and both parties' primary objective becomes inflicting harm upon one another.

According to Louis Kriesberg (Kriesberg, 1993), intractable conflicts are exceptionally destructive in nature. While conflicts may persist for extended periods, they are not considered intractable unless they cause significant harm and the involved parties find themselves unable to disengage, whether independently or with external assistance. The reason for this entanglement is that the perceived costs associated with disentangling from the conflict are still deemed higher than the costs of remaining involved. In other words, the parties involved believe that the negative consequences of attempting to resolve the conflict outweigh the negative consequences of continuing to participate in it.

Therefore, Intractability refers to a situation where a conflict becomes highly intense, deadlocked, and resistant to de-escalation or resolution. It is characterized by the presence of deeply ingrained beliefs, values, and emotions that are rooted in one's identity and culture. Intractable conflicts persist over time and centre around critical wants or values, leading parties to perceive the complete destruction of the opposing side as the only viable solution. Conventional dispute resolution methods are typically ineffective in resolving such conflicts.

Time plays a crucial role in shaping human actions, especially in the context of intractable conflicts. When a conflict is discerned as intractable over the course of a time period, meaning that it is seen as highly resistant to resolution, the parties involved are more inclined to resort to desperate measures in their pursuit of goals or self-preservation.

The durability can have profound effects on the behaviour of disputants. When individuals or groups believe that a conflict is deeply entrenched and seemingly impervious to a peaceful resolution, they may feel compelled to take drastic actions. These actions can range from escalating violence, adopting extreme positions, or engaging in behaviours that deviate from established norms or ethical boundaries.

To illustrate this point, consider the Israeli-Palestinian conflict. Over the years, as the intractability has persisted, both sides have witnessed moments where desperation has influenced their actions. Instances of increased violence, the adoption of uncompromising positions, and the use of tactics such as terrorism or military offensives can be linked to the discernibility that the conflict is intractable.

Another example is the ongoing conflict in Syria. The lack of progress in achieving a

peaceful resolution has led various parties to resort to desperate measures. This includes the use of chemical weapons, deliberate targeting of civilians and the involvement of external actors with conflicting interests, all in an attempt to gain leverage or control in the conflict.

By acknowledging the complexities of intractable conflicts and their potential ramifications, we can delve into an exploration of how these conflicts intertwine with human security challenges.

## Human Security and Intractability- A correlation

Human security plays a crucial role in intractable conflicts, acting as both a cause and an effect. The erosion of human security can be identified as a root cause of intractability, while the persistence of intractable conflicts often leads to further challenges to human security.

When human security is compromised, and individuals are unable to access basic needs such as identity, physical safety, economic stability, health care, education, and political participation, it creates a fertile ground for conflicts to escalate and become intractable. When people's fundamental human needs are unmet, they are more likely to resort to violence as a means of addressing their grievances and securing their rights(Rosati et al., 1990). Inadequate security and the denial of basic human rights can generate deep-seated grievances, leading to persistent conflict.

Moreover, intractable conflicts themselves contribute to the deterioration of human security. The prolonged duration of these conflicts, characterized by violence, displacement, destruction of infrastructure, and social disruption, perpetuates a cycle of insecurity. As conflicts drag on, they generate a range of human security challenges, such as increased poverty, limited access to essential services, political

instability, human rights violations, and the erosion of social cohesion.

The interplay between intractable conflicts and human security forms a vicious cycle. Intractable conflicts undermine human security, and in turn, the absence of human security further fuels the intractability of conflicts. The continued presence of unresolved conflicts creates an environment of fear, distrust, and hostility, making it difficult to build sustainable peace and address the root causes of the conflict.

Scholars like John Burton(J. Burton, 1990) and Herbert Kelman (etc. Kelman, 1965) argue that the absence of fundamental needs such as security, identity, respect, safety, and control contribute to the intractability of conflicts. They emphasize the importance of fulfilling human needs, which they believe are non-negotiable. According to their perspective, a conflict remains intractable until the societal structure is transformed to ensure the availability of these human needs for all.

Intractable conflicts involving violence jeopardize people's safety and rights, resulting in issues like poverty, inadequate healthcare, political instability, and economic stagnation. As a consequence, individuals are denied their basic needs for dignity, physical and financial protection, and the freedom to live their lives as they desire. Similarly, conflicts arise when people's identity, ethnicity, or religious choices are threatened(Bangura, 1994). These issues also fall under the concept of basic human needs. Expressing religious, cultural, or ethnic identity is an integral part of people's lives, and they may go to great lengths to fulfil these essential needs, even engaging in indefinite struggles to achieve their goals(*Louis. Pdf*, n.d.). Conflict analysts argue that entire societies, communities, or individuals are driven by a strong desire to fulfil unmet human needs(Rosati et al., 1990).

Another theory that can be linked to intractability and human security is the "New War Thesis,"(Kaldor, 2004) which has gained significant interest among scholars seeking a deeper understanding of violent conflicts in the 21st century. This thesis challenges the traditional concept of security and calls for the development of a new security discourse that can address the changing nature of conflicts. It emphasizes the social, political, and economic aspects of violent conflicts and advocates for policy designs that promote peacebuilding, peacekeeping, and favourable conditions for peace negotiations involving local populations, political forces, government authorities, and the international community. Consideration of human security elements is essential in policymaking to achieve these goals.

The "new wars thesis"(Kaldor, 2004) effectively connects persistent violent conflicts with the lack of human security considerations. It argues that political and economic insecurity can pose threats to a state's national security, necessitating policy responses that promote human security. This perspective broadens the understanding of conflicts by encompassing various contemporary manifestations such as insurgency, civil war, guerrilla warfare, and terrorism under a unified notion. The literature on new wars reinforces the concept of human security by highlighting imminent threats to a state's internal stability that can significantly impact human security if not addressed. Instances of state oppression and human rights violations can act as catalysts for the eruption and perpetuation of violent conflicts. In cases where extreme violations of human rights have occurred, it becomes challenging to initiate peace negotiations or embark on the reconciliation process since memories of extreme violence and atrocities remain fresh in the minds of the parties involved.

Against the backdrop of ethnic or religious nationalism, limited economic opportunities for young people, dissatisfaction with government policies, poverty, and socio-political instability, individuals with unmet human needs are increasingly motivated to resort to violence(J. W. Burton, 1979). In response, states often treat these conflicts as matters of law and social disorder(Cingranelli et al., 2019). However, if these conflicts are not addressed by addressing people's grievances and instead handled with the use of force, they can become intractable. Therefore, it is evident that the lack of human security contributes to the emergence of intractability. Their correlation is prominent in today's world, where conflicts are often hybrid in nature, and challenges to human security form the basis for persistent armed struggles.

Addressing the underlying issues of human security is crucial for breaking this cycle of intractability. Efforts to promote human security, such as ensuring access to basic needs, protecting human rights, fostering inclusive governance, and addressing socio-economic inequalities, can contribute to conflict resolution and help prevent conflicts from becoming intractable. By addressing human security concerns, it is possible to create conditions conducive to negotiation, reconciliation, and sustainable peace-building.

## Research Questions

Keeping the above correlation in mind this study seeks to answer the following questions:
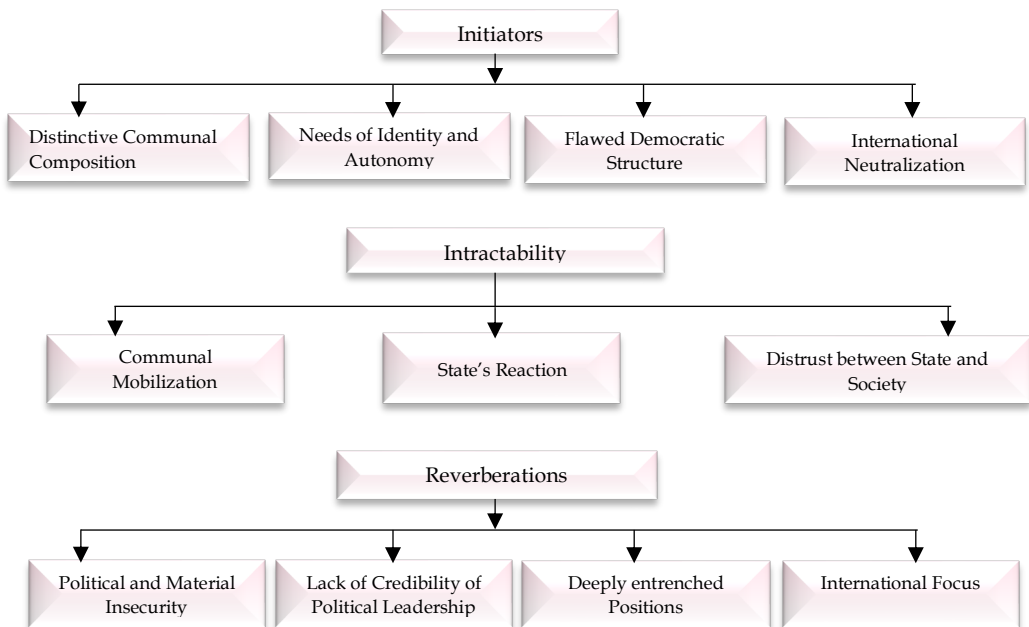
- How has the correlation between human security and intractability impacted the Kashmir conflict?
- Can understanding this correlation help decipher potential pathways for resolving the Kashmir conflict?

## Implications for the Kashmiri conflict- An Analysis using Edward Azar's Social Protracted Conflict Theory

The Kashmir conflict stands as one of the most intractable and enduring conflicts globally, spanning over seven decades. Its persistence has had profound implications for human security in the region. To advance political discourse surrounding the Kashmir conflict, it becomes crucial to establish a causal relationship between intractability and human security. This research argues that tackling the human security challenges stemming from this conflict necessitates adopting a policy framework rooted in the principles of human security. Such an approach facilitates a more comprehensive understanding of the conflict, enabling the prioritization of the needs and aspirations of those affected by it. Furthermore, this understanding fosters a sustainable and inclusive policy response that aligns with the realities on the ground.

In the context of the Kashmir conflict, two distinct sets of human security challenges can be identified. The first set of challenges revolves around issues of communal identity(Bhat, 2012) and autonomy(Lamb, 1991), which can be seen as the underlying initiators of the conflict. These challenges have contributed to the intractability of the conflict, meaning that it has become resistant to resolution and has persisted over an extended period of time. The prolonged deadlock has resulted in escalating violence and significant loss of life(*The New Humanitarian | Kashmir's Decade-High Death Toll a 'Warning Sign,'* n.d.). The intractability of the conflict has also given rise to a second set of human security challenges, which can be characterized as reverberations. These challenges encompass the material and physical security of the Kashmiri people(Ph.D, 2018), regional geostrategic instability(Raquel, 2014), and an increased cost of the conflict for all parties involved(*Kashmir Conflict Takes Toll on India and Pakistan Economies - Nikkei Asia*, n.d.). Following is the model that can explain the cause-and-effect relation of human security and intractability in the case of the Kashmir Conflict.

## Initiators

The correlation between human security challenges and the intractability of the Kashmir conflict can be elucidated by examining key characteristics highlighted in Edward Azar's protracted social conflict theory(Azar, 1990). According to Azar, protracted social conflicts arise when communities are denied the satisfaction of their basic needs based on their communal identity. However, this deprivation is not a simple outcome but rather the result of a complex causal chain that involves the role of the state and the pattern of international linkages. Moreover, the genesis of protracted social conflicts is shaped by initial conditions, including colonial legacy, domestic historical setting, and the multi-communal nature of the society(Azar, 1990).

Azar's proposition suggests that societies with a multi-communal composition are more prone to protracted social conflict. In the context of the Kashmir conflict, the communal composition has strong religious undertones, with various religious and ethnic communities living in the region. The conflict in Kashmir is deeply rooted in the legacy of colonialism(Christopher, 1988), as well as the divide-and-rule policy implemented by the British Raj, which created divisions between different communities based on religion and ethnicity.

The conflict in Kashmir has historical origins, including the sale of Kashmir by the British Raj to Hindu Dogra kings, and the subsequent partition of the Indian subcontinent (Panikkar, 2018). The conflict escalated when the Hindu ruler sought military assistance from India against Pakhtoon invaders. The Indian government agreed to help under the condition that Kashmir becomes part of India, leading to the forced occupation of Kashmir and a sense of betrayal among the Kashmiri people(Bhatt, 2003).

Identity and autonomy are major sources of the clash between the Indian state and Kashmiris, with the conflict taking an ethnoreligious shape. Kashmiri nationalism emerged as a political force, fueled by the perception of threats to Kashmiri communal existence and the disappointment in political alliances. The Indian government's heavy-handed tactics, economic control, and suppression of dissent have further deepened the distrust between the state and society in Kashmir.

Azar's framework emphasizes that conflicts arise when a particular identity group controls political power and resists the participation of minority groups, leading to the deprivation of basic human needs. The Indian government's governance in Jammu and Kashmir has been criticized for lacking true democracy and prioritizing Indian interests over the well-being of the local population. The economic dependency created by India's control over resources has hindered economic development in the region.

The Kashmir issue, analyzed through Azar's framework, highlights the impact of international linkages on governance and access to basic human needs. The conflict is influenced by both internal and external factors, with international relationships shaping India's policies. During the Cold War, India leaned towards the Soviet Union, while Pakistan allied with the United States(McMahon, 1996). Russia has consistently supported India's position in Kashmir, helping India maintain a military presence in the region(*India-Russia*, n.d.). In the 21st century, India's foreign policy aims to protect its sovereignty and promote national interests. It has developed strong diplomatic relations with powerful nations like the US(*Indo-U.S. Ties*, n.d.), Russia(*India, Russia Discuss Nuclear, Space And Defence Cooperation*, n.d.), China(*India-China Trade Climbs to USD 135.98 Billion in 2022, Trade Deficit Crosses USD 100 Billion for First Time,*

n.d.), and Saudi Arabia(*Exploring India Saudi Arabia Trade and Economic Relations | IBEF*, n.d.). This global interdependence has allowed India to neutralize the Kashmir issue on the international stage but has also emboldened human rights violations. The international community has largely failed to address the suffering of the Kashmiri people. India's economic and diplomatic ties have given it leverage and allowed it to deflect criticism by framing the conflict as counterterrorism.

## Intractability Phenomena

The conflict in Kashmir is rooted in long-standing grievances over identity and autonomy. The dynamics that led to the armed struggle in the region can be understood by examining the process dynamics and the actions of various actors.

Azar identifies communal actions and strategies as one of the key dynamics that can activate latent conflict. In Kashmir, the limited democratic development in the region and the reversal of democratic reforms by the Indian government in the late 1970s contributed to the escalation of conflict. Non-violent channels for expressing discontent were limited, leading to increased support for armed struggle for secession from India(Widmalm, 1997).

Muslims in India, including those in Kashmir, have faced political, cultural, and economic marginalization compared to Hindus. The allocation of land to a Hindu organization near the Amarnath Temple in Kashmir sparked riots in 1986. The rigging of the 1987 elections further fueled discontent(Ahmad, 2017). The oppressive political structure in Kashmir allowed for the assertion of a distinct Muslim identity, leading to increased mobilization among Kashmiri Muslims. International events like the Iranian Revolution and the rise of Islamism globally also influenced the Kashmiri struggle, adding a religious dimension to the conflict.

The Jammu Kashmir Liberation Front (JKLF), initially a secular party, used Islamic themes to mobilize people and justify violence. Their goal was to establish an Islamic democratic state in Kashmir(Staniland, 2014). The conflict escalated with the intensification of assassinations and killings.

The Indian government's military approach and counter-insurgency tactics, coupled with human rights violations, further fueled the armed struggle. Harsh measures, such as the deployment of troops and the lack of distinction between civilians and combatants(Andrabi, 2019), led to increased anti-Indian sentiment in the region. India's use of co-option as a strategy to maintain control and buy time without addressing the underlying issues has contributed to the intractability of the conflict. Pro-India Kashmiri leaders have been used and discarded, leading to instability(Kanjwal, n.d.).

The revocation of Article 370 in 2019 by the Indian government exacerbated the anger and sense of betrayal among Kashmiris. The government's refusal to engage in meaningful dialogue and address the root causes perpetuates the cycle of violence. Negative perceptions and emotions such as fear, hatred, and resentment play a role in perpetuating communal antagonism and prolonging social conflicts. The rise of Hindu nationalism in India has further complicated the conflict, with the BJP promoting Hindutva and marginalizing religious minorities(Shani, 2021). The BJP-led government has capitalized on anti-Muslim sentiment to justify oppressive measures in Kashmir, portraying the conflict as a national security threat. The use of hate speech and crimes targeting Muslims has exacerbated tensions and raised concerns about India's secular democracy.

## Reverberations

The Kashmir conflict is a protracted social conflict with no clear end-point, resulting in zero-sum outcomes for all parties involved. The conflict has deformed political institutions, creating a sense of hopelessness and inhibiting peaceful solutions. Human security challenges are both the cause and effect of the conflict's intractability, leading to a vicious cycle of more challenges and entrenched conflict. The conflict has deteriorated physical and economic security, leading to the destruction and insecurity of the people of Kashmir. The use of torture by Indian security forces has resulted in disappearances, killings, and torture of suspected sympathizers(Wani, n.d.).

The ongoing Kashmir conflict has also led to institutional deformity, eroding trust in political leaders and alienating the people from the political process(Ganguly, 1996). Perceptions and attitudes have become psychologically ossified, hindering meaningful communication between all parties involved(Azar, 1990). The deeply entrenched views of India and Pakistan about Kashmir make dialogue challenging. The conflict's intractability has increased dependency on external assistance and mediation. The international focus on the conflict is justified due to the nuclear capabilities of both countries, posing a significant threat to the international order(Jahn, 2015). The ongoing conflict incurs massive human, economic, social, and psychological costs. While the resolution may not be near, adopting a human security approach can help minimize damage and promote understanding among the parties involved.

The conflict in Kashmir is complex, involving multiple dynamics and actors. Addressing the underlying grievances, engaging in meaningful dialogue, and promoting inclusivity are crucial steps towards resolving the conflict and achieving lasting peace in the region.

## Deciphering Potential Pathways for Conflict Resolution in the Light of Human Security- Intractability Correlation

In the context of the Kashmir conflict and its correlation with human security and intractability, there are several potential pathways that can be considered for conflict resolution. These pathways prioritize the mitigation of underlying human security challenges and advocate for a comprehensive and sustainable framework in domestic and foreign policy formulation, aiming to address the complexities of the Kashmir conflict through an inclusive lens. Here are some key considerations:

## Addressing Human Rights Concerns

Addressing the human rights violations and security challenges in Kashmir necessitates a clear and articulate approach that prioritizes the protection of human rights, ensures justice for affected individuals, and addresses the systemic issues at hand. The prevalence of multiple incidents of killings in Jammu and Kashmir, spanning back to the 1990s, reveals a concerning lack of accountability for the perpetrators responsible for these acts. This includes heinous crimes such as the murder of human rights lawyer Jalil Andrabi("Jammu and Kashmir: Remembering Jalil Andrabi," 1997), deaths of members of the Jammu and Kashmir Liberation Front(*Jammu and Kashmir Liberation Front (JKLF)*, n.d.), civilian casualties resulting from mortar shelling(*Police Say Indian Mortar Shells Kills 6 Civilians in Kashmir*, 2019), unlawful killings during protests(Boone & Islamabad, 2016), and numerous other incidents involving men, women, and children. The absence of justice and accountability in these cases signifies a broader challenge in terms of human rights within the region,

emphasizing the urgent need for further investigation and action to ensure justice for the victims and their families(*Kashmir Myth ofNormalcy.Pdf*, n.d.).

In Jammu and Kashmir, victims of human rights violations encounter obstacles when seeking justice. The state police often refuse to register complaints or delay taking action, hindering the progress of investigations. While there have been some improvements in terms of access to police stations, investigations involving security force personnel remain largely ineffective. Consequently, victims and their families frequently resort to courts or public pressure to ensure that their complaints are registered and investigations proceed(*Kashmir Myth of Normalcy.Pdf*, n.d.).

The challenges faced by victims of enforced disappearances illustrate the complexities and delays in obtaining justice. For instance, it took the police 12 years to register a complaint and initiate an investigation into the disappearances of Mushtaq Ahmad Dar and Mushtaq Ahmad Khan. Despite immediate attempts by the families to register complaints, they faced delays and encountered difficulties in providing proper documentation. Moreover, even after a judicial inquiry was ordered, there was an additional delay of over six years before the case was officially registered. Although investigations were eventually completed in 2012, no decision on prosecution has been made(*"Denied" Failures in Accountability for Human Rights Violations by Security Force Personnel in Jammu and Kashmir*, 2015).

Commissions of inquiry established by state and central authorities as a response to human rights violations have been perceived as tactics to impede justice. These inquiries, lacking the power to establish individual criminal responsibility and resulting only in recommendations, are often kept undisclosed. Consequently, they have failed to lead to direct criminal prosecutions.

The legal situation in Kashmir violates international human rights law, as litigants frequently lodge claims against security forces for violations including assault, torture, rape, extrajudicial killing, and arbitrary detention. India, as a party to international human rights treaties, bears the obligation to provide effective remedies to the victims of these abuses. However, research indicates that India fails to fulfil its international obligations in Kashmir (*Section 70 in The Army Act, 1950*, n.d.). Government actors consistently neglect the investigation of claims, refuse to cooperate in investigations and prosecutions, and disregard court orders(*Kashmir's Growing List Of Forgotten Inquiries − Article 14*, n.d.). The Kashmiri court system experiences delays and backlogs, depriving victims of effective remedies. Procedural double standards tend to favour the military over claimants. Additionally, detained individuals in Kashmir are denied their rights to challenge the lawfulness of their detention and are held for extended periods without the opportunity to contest their confinement in court(*Kashmir Myth of Normalcy.Pdf*, n.d.). India's actions in Kashmir infringe upon its international treaty obligations and fundamental principles of human rights law.

To address human rights violations and ensure human security in Kashmir, India should undertake several crucial measures. Upholding the rule of law stands as the foremost imperative. India should ensure that security forces are held accountable for any human rights abuses and establish a transparent and independent mechanism to investigate and prosecute those responsible. Such actions will help cultivate trust within the local population and ensure that justice is served.

Protecting freedom of expression and assembly constitutes another critical aspect.

India should safeguard the rights of individuals to freely express their opinions and peacefully assemble. This encompasses the protection of press freedom and the removal of undue restrictions on civil society organizations. Fostering an environment that values and respects diverse voices is vital for constructing a more inclusive and tolerant society.

Ensuring effective remedies for victims of human rights violations is of utmost importance. India must guarantee that victims have access to fair and impartial judicial processes through which they can seek redress. It is essential to establish mechanisms that facilitate the prompt implementation of court orders and provide adequate support to victims throughout the legal process. This will not only ensure the delivery of justice but also promote its perception as such by the affected communities.

Furthermore, strengthening security sector reforms stands as another critical step. The Indian government should prioritize comprehensive reforms within the security forces operating in Kashmir. This includes providing human rights training to security personnel, formulating clear guidelines and protocols for their conduct, and implementing robust mechanisms for oversight and accountability. By ensuring that security forces adhere to the highest standards of professionalism and respect for human rights, the risk of abuses can be significantly diminished.

By undertaking these comprehensive and sustained measures, India can make significant progress in addressing human rights violations, promoting peace, and enhancing human security in Kashmir. Such an approach requires a multifaceted strategy that tackles the root causes of human rights violations, fosters accountability, and actively engages with all relevant stakeholders to build a more inclusive and peaceful society in the region.

## Engaging Stakeholders

A holistic approach to the Kashmir issue requires engaging all relevant stakeholders, including the governments of India and Pakistan, the Kashmiri leadership, and the affected communities. The inclusion of diverse perspectives and meaningful participation can help build trust, promote dialogue, and develop solutions that address the aspirations and grievances of all parties involved.

The Kashmir conflict is a multifaceted and longstanding issue involving multiple stakeholders, primarily India, Pakistan, and China. India claims the entire region of Kashmir and administers the largest portion of it, known as Jammu and Kashmir. India views Kashmir as an integral part (Bureau, 2023)of its territory, emphasizing its historical accession by Maharaja Hari Singh in 1947. On the other hand, Pakistan claims the right to self-determination(*Pakistan Fully Committed to Support Kashmiris' Right to Self-Determination as Youm-e-Istehsal Is Observed – Ministry of Foreign Affairs*, n.d.) for the people of Kashmir and administers a smaller portion called Azad Jammu and Kashmir. Pakistan argues that the predominantly Muslim population of Kashmir should have the choice to join Pakistan. Additionally, China controls a portion of Kashmir known as Aksai Chin and lays claim to the northeastern part of the region, bordering China's Xinjiang region and Tibet. China's involvement adds another layer of complexity to the conflict.

Engaging the stakeholders in the Kashmir conflict has proven to be challenging, with various attempts made to address the issue yielding limited success. International law, represented by the United Nations, has been involved in efforts to resolve the conflict but has not been able to achieve a lasting solution.

To foster engagement and dialogue among the stakeholders, several measures can be considered. Diplomatic negotiations

play a vital role in facilitating high-level talks between India and Pakistan, with the inclusion of other relevant stakeholders. Such diplomatic efforts provide a platform for discussing and addressing the concerns and aspirations of all parties involved.

Implementing confidence-building measures (CBMs) is another crucial step toward creating an atmosphere of trust and reducing tensions. CBMs can include cross-border trade, people-to-people exchanges, cultural initiatives, and the establishment of increased communication channels.

Track II diplomacy, involving non-governmental organizations, think tanks, and experts from India, Pakistan, and other countries, can facilitate informal discussions, brainstorming sessions, and the exploration of potential solutions outside formal diplomatic channels.

Inclusivity is paramount in addressing the Kashmir conflict. Providing a platform for Kashmiri representatives to participate in the dialogue process is essential. Their perspectives and aspirations need to be taken into account to ensure a sustainable and inclusive resolution to the conflict.

Multilateral mediation involving the international community, particularly influential nations or international organizations, can also play a significant role in facilitating the dialogue process. Mediation efforts should respect the aspirations of all stakeholders involved and help create a conducive environment for resolving the conflict.

It is crucial to recognize that the Kashmir conflict is a highly sensitive and intricate issue with deep historical, political, and cultural dimensions. Any potential solutions or engagement strategies should consider the diverse perspectives and aspirations of the people of Kashmir, as well as the concerns of the governments involved.

# Economic Development and Cross-border Cooperation

Economic development and cross-border cooperation are crucial in resolving the Kashmir conflict. One approach to consider is trade and economic integration between India and Pakistan. By promoting trade routes, facilitating cross-border commerce, and removing barriers to economic cooperation, the region can experience increased economic activity, job creation, and improved living standards. Establishing special economic zones or trade corridors can provide opportunities for both countries to benefit mutually.

Another effective approach is the implementation of joint infrastructure projects. Collaborative efforts in sectors such as transportation, energy, and telecommunications can enhance connectivity and create economic opportunities for both India and Pakistan. For instance, the development of cross-border transportation links, including roads, railways, and bridges, can facilitate trade and the movement of people and goods, leading to economic growth and cross-border cooperation.

Promoting tourism and developing joint tourism packages can also contribute to economic growth and cross-border cooperation in the Kashmir region. The natural beauty and tourist attractions of the area can be highlighted to attract visitors and generate revenue. By emphasizing the shared cultural heritage and natural landscapes, tourism can serve as a bridge between communities, fostering understanding and economic cooperation.

However, it is essential to acknowledge that the resolution of the Kashmir conflict involves complex political, historical, and geopolitical factors. Any approach towards economic development and cross-border cooperation should be accompanied by sincere dialogue, political will, and a

commitment to addressing the underlying issues that have fueled the conflict.

Enhancing cross-border cooperation between India and Pakistan can help build trust, promote regional stability, and address shared challenges. Initiatives in areas such as trade, tourism, cultural exchanges, and joint resource management can foster collaboration and create positive interdependencies.

It is important to note that the Kashmir conflict is complex and deeply rooted, requiring a multi-dimensional and long-term approach. The interplay between human security challenges and intractability necessitates a comprehensive strategy that addresses the underlying causes while promoting the well-being and security of the people affected by the conflict.

## Conclusion

The Kashmir conflict remains one of the most intractable and enduring conflicts globally, with significant implications for human security in the region. Addressing the security challenges stemming from the conflict requires adopting a policy framework rooted in the principles of human security. By understanding the underlying initiators of the conflict, such as communal identity and autonomy, and recognizing the reverberations, including the material and physical security of the Kashmiri people and regional instability, a more comprehensive approach can be developed.

The conflict in Kashmir is deeply rooted in historical, colonial, and religious factors. The communal composition of the region, the legacy of colonialism, and the multi-communal nature of the society have contributed to the protracted nature of the conflict. The denial of basic needs based on communal identity and the resistance of minority groups' participation in governance has intensified grievances and fuelled the conflict. Moreover, international

linkages and the geopolitical interests of powerful nations have influenced the dynamics of the conflict.

The conflict's intractability is further perpetuated by the actions and strategies of various actors, including the Indian government and militant groups. The limited democratic development, political marginalization, and oppressive political structure have led to the escalation of the conflict. The use of violence and counter-insurgency tactics by the Indian government, coupled with human rights violations, has deepened the animosity and sense of betrayal among the Kashmiri people. The revocation of Article 370 in 2019 and the rise of Hindu nationalism in India have added new dimensions to the conflict, hindering the prospects of resolution.

The conflict's intractability has reverberated through various dimensions of human security, including physical security, economic development, institutional deformity, perceptions, and international ramifications. The conflict has resulted in significant loss of life, destruction, and insecurity for the people of Kashmir. It has hindered economic development and eroded trust in political leaders. The deeply entrenched views of India and Pakistan, coupled with their nuclear capabilities, pose a threat to the international order. The ongoing conflict incurs massive human, economic, social, and psychological costs.

To advance conflict resolution, it is crucial to prioritize human rights concerns and address the systemic issues at hand. Upholding the rule of law, protecting freedom of expression and assembly, ensuring effective remedies for victims, and implementing security sector reforms are key steps in addressing human rights violations and promoting human security in Kashmir. Additionally, engaging all relevant stakeholders, including the governments of India and Pakistan, the Kashmiri leadership, and the affected

communities, is essential. Meaningful dialogue, inclusion of diverse perspectives, and building trust can help develop sustainable solutions that address the aspirations and grievances of all parties involved.

While the Kashmir conflict remains complex and resolution may not be near, adopting a human security approach can help minimize damage, promote understanding, and pave the way for lasting peace in the region. By addressing the underlying human security challenges and engaging stakeholders in a comprehensive and sustained manner, progress can be made towards resolving the conflict and ensuring a more peaceful and inclusive future for Kashmir.

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