



The Kashmir Conflict: Geography, Politics, and United Nations Intervention

Anees ur Rashid Hashmi

Assistant Professor, Institute of Kashmir Studies, University of Azad Jammu and Kashmir, Muzaffarabad.

anees.rasheed@ajku.edu.pk

Zahid Aziz

Professor, Department of Kashmiryat, Oriental College, University of the Punjab, Lahore, akhawajzahid@yahoo.com

Matloob Hussain

M.Phil. Scholar, Institute of Kashmir Studies, University of Azad Jammu and Kashmir, Muzaffarabad. matloob.kashmiri@gmail.com

IJKS: Vol. 7 - No. 2/2025

The IJKS

provides a forum for scientific exchange and public dissemination of up-to-date scientific knowledge on the Kashmir conflict, The IJKS is an independent, peer-reviewed, open-access journal. The topics on which we concentrate—Kashmir conflict and violence—have always been central to various disciplines. Consequently, the journal encompasses contributions from a wide range of disciplines, including international affairs, political studies (geopolitics, political economy and other dynamics, diplomacy and public advocacy, law-based approaches, governance and economy (including micro and macroeconomics), self-determination, and other solidarity rights public international law (including human rights and humanitarian laws and intergovernmental organizations), criminology, economics, education, ethnology, history, political science, psychology, social anthropology, sociology.

All articles are gathered in yearly volumes, identified by a QR Code in print volume with article-wise pagination. For more information, please visit www.kprijk.org

Chicago: Hashmi, Anees ur Rashid, Zahid Aziz, and Matloob Hussain. "The Kashmir Conflict: Geography, Politics, and United Nations Intervention." *International Journal of Kashmir Studies* 7, no. 2 (2025).

Suggested

Citation:

APA : Hashmi, A. ur R., Aziz, Z., & Hussain, M. (2025). The Kashmir conflict: Geography, politics, and United Nations intervention. *International Journal of Kashmir Studies*, 7(2).



The Kashmir Conflict: Geography, Politics, and United Nations Intervention

Anees ur Rashid Hashmi

Assistant Professor, Institute of Kashmir Studies, University of Azad Jammu and Kashmir, Muzaffarabad.

anees.rasheed@ajku.edu.pk

Zahid Aziz

Professor, Department of Kashmiryat, Oriental College, University of the Punjab, Lahore,

akhawajazahid@yahoo.com

Matloob Hussain

M.Phil. Scholar, Institute of Kashmir Studies, University of Azad Jammu and Kashmir, Muzaffarabad. matloob.kashmiri@gmail.com

Abstract

The Jammu and Kashmir dispute is one of the longest running and most complex territorial disputes in modern international relations. Rooted in the legacies of British colonialism, disputed sovereignty and competing nationalisms, the conflict has been shaped to an extraordinary degree by the region's peculiar geography, demography, and early international intervention through the United Nations Security Council (UNSC). The partition of British India in 1947 introduced a new element of uncertainty in princely states like that of Jammu and Kashmir and the stage was set for one of the longest running conflicts in South Asia. While there were

international attempts at settlement primarily through the UNSC and the United Nations Commission for India and Pakistan (UNCIP) that offered the normative frameworks for peaceful settlement and demilitarization and for self-determination, such efforts were fraught with structural limitations, political contestation and the geographical and strategic realities of the region.

Key Words: Kashmir conflict, Self-determination, Demilitarization, Plebiscite, Ceasefire agreements, UN mediation, Militarization, Legal and normative frameworks

Introduction

Jammu and Kashmir have great physiographic diversity that has had a direct influence on the political, military and administrative dynamics. The Kashmir Valley is an intermontane valley approximately 135 kilometers long and 32 kilometers wide and is bounded on the northeast by the Greater Himalayas; to the southwest by the Pir Panjal Range. Fertile alluvial lands deposited by Jhelum River and its tributaries have supported high density of settlement, agriculture, horticulture and artisanal production making the valley a historic cultural and economic center¹ In contrast, Jammu region combines with the northern Indian plains and the climatic condition is sub-tropical that is suitable for rice, wheat and fruit cultivation whereas Ladakh is a sparsely populated high-

¹ S. Qazi, "Physiography and Environmental Dynamics of Kashmir Valley," *Himalayan Research Journal* 12, no. 1 (2008): 34–58.

altitude desert and the climatic condition is harsh and has less agricultural potential.² These ecological contrasts have resulted in differentiated patterns of livelihood,³ governance and political integration which have complicated attempts to have uniform administrative structures for the region⁴. Moreover, Jammu and Kashmir is a hotspot of biodiversity comprising alpine meadows, coniferous forests, wetlands and fragile glacial ecosystems. These environmental features not only sustain local livelihoods but they are increasingly being threatened by militarization, climate change and unregulated urban growth.⁵ Strategically, the mountain passes like Banihal and Zoji La have played a vital role in facilitating trade and cultural exchange while in modern times the passes have taken a military importance influencing troop movements, defence strategies and security in the region.⁶ The high-altitude terrain has limited the governance and infrastructure development and added a strategic depth⁷ which has contributed to the centrality of military considerations in political decision-making.⁸

² Robert G. Wirsing, *India, Pakistan, and the Kashmir Dispute: On Regional Conflict and Its Resolution* (New York: St. Martin's Press, 1994).

³ Rizvi, *Ladakh: Crossroads of High Asia* (Oxford: Oxford University Press, 1996).

⁴ Sugata Bose, *Kashmir: Roots of Conflict, Paths to Peace* (Cambridge, MA: Harvard University Press, 2003).

⁵ Census of India, *Jammu and Kashmir Census Report* (2011).

⁶ K. Ali and A. A. Khuroo, "Forest Ecosystems of the Kashmir Himalaya," *Himalayan Environment Journal* 14, no. 2 (2018): 45–67.

⁷ Sumit Ganguly, *the Origins of War in South Asia: Indo-Pakistani Conflicts Since 1947*, 2nd ed. (Cambridge: Cambridge University Press, 2016).

⁸ Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War* (London: I. B. Tauris, 2010).

Demography, Identity and Socio-Political Dynamics

The demographic of Jammu and Kashmir is a great variation in terms of the region due to geography and historical migration. The Kashmir Valley is a predominantly Muslim area⁹Jammu is a mixed religious area and Ladakh has large Buddhist and Muslim communities.¹⁰ Socioeconomic indicators such as literacy and employment are significantly different in these regions, perpetuating structural inequalities in terms of access to education,¹¹ healthcare and economic opportunity.¹² Urbanization in Srinagar and Jammu has worsened these inequalities and placed pressure on the availability of housing, infrastructure and public services.¹³ Gender disparity with low female literacy and labour force participation further adds to the socio-economic vices.

Another factor of complexity is ethnolinguistic diversity. Languages like Kashmiri, Dogri, Ladakhi, Punjabi and Urdu are the result of the historical patterns of migration, imperial governance and cultural exchange.¹⁴ Political mobilization in Jammu and Kashmir has drawn on these multiple identities, sometimes transcending religious

⁹ S. Koul, "Demographic Diversity in Jammu and Kashmir," *Kashmir Demographic Studies* 3, no. 2 (2016): 45–61.

¹⁰ Census of India, 2011

¹¹ Sugata Bose, *Transforming India: Challenges to the World's Largest Democracy* (Cambridge, MA: Harvard University Press, 2013).

¹² S. R. Masoodi, "The Political Economy of Conflict in Kashmir," *South Asia Economic Journal* 18, no. 4 (2017): 89–110.

¹³ A. H. Bhat et al., "Militarization and Daily Life in Jammu and Kashmir," *South Asian Peace Studies* 11, no. 3 (2021): 78–102.

¹⁴ Barbara Metcalf and Thomas R. Metcalf, *A Concise History of Modern India*, 2nd ed. (Cambridge: Cambridge University Press, 2012).

affiliations to make claims for autonomy, independence or accession. Such dynamics have led to a wave of repeated protest, repression and political contestation¹⁵

Partition, Accession and Cause of Conflict

The partition of British India in 1947 had left the state of Jammu and Kashmir in a very precarious condition.¹⁶ Under the Indian Independence Act the princely states were given the option to join either India or Pakistan depending on geographical contiguity and political considerations, but there was no provision to ensure that it was complied with Maharaja Hari Singh at first,¹⁷ too, wanted independence as much out of political calculation than fear of communal violence.¹⁸ Internal divisions - within the National Conference in favour of accession to India under guarantees of autonomy and Muslim Conference inclined towards Pakistan - made the decision-making process difficult. British administrative ambiguity and deterioration of law and order made things worse.¹⁹

The Instrument of Accession signed in October 1947 legally brought Jammu and Kashmir into India and gave New Delhi control over the

¹⁵ S. Khan, "Urbanization and Governance in Srinagar and Jammu," *Urban Studies Journal* 46, no. 2 (2019): 133–150.

¹⁶ Christopher Snedden, *Understanding Kashmir and Kashmiris* (Oxford: Oxford University Press, 2015).

¹⁷ S. Bose and Ayesha Jalal, eds., *Kashmir and the Future of South Asia* (New York: Routledge, 2021).

¹⁸ B. Metcalf, & A. Metcalf, *A concise history of modern India* (2nd ed.). Cambridge University Press.

¹⁹ M. A. Bhat et al., "Urban Growth in Himalayan Regions," *Sustainable Cities and Society* 64 (2021): 102528.

defence, foreign affairs and communications.²⁰ While it was legally valid, the political legitimacy of the accession was controversial,²¹ particularly by Pakistan which claimed that it ignored the will of the Muslim-majority population.²² This duality - legal validity vs. political contestation - became a mark of the Kashmir dispute.

First Indo - Pakistani War & Militarization

Shortly after the accession, the first Indo-Pakistani war broke out in 1947-48 in the aftermath of an incursion of tribal militias from North-West Frontier Province of Pakistan. India military intervention turned the local violence into interstate warfare²³ as it was influenced by the terrain of the region, absence of infrastructure and severe winter weather. The war left behind a large amount of civilian displacement, casualties and de facto division of the region, along what became known as the Line of Control.²⁴

Militarization became a way of life in Kashmir. Large-scale troop deployments, emergency regulations and restricted civil liberties disrupted governance and traditional livelihoods and locked in cycles of insurgency and counterinsurgency that would persist for

²⁰ Korbelt, Josef. *Danger in Kashmir*. Princeton: Princeton University Press, 1954.

²¹ Iftikhar Malik, *Kashmir: Ethnic Conflict and International Dispute* (Oxford: Oxford University Press, 2008).

²² Malik Iftikhar, *Kashmir: Ethnic Conflict and International Dispute*.

²³ David Forsythe, *The United Nations and International Relations*. 4th ed. Cambridge: Cambridge University Press, 2005.

²⁴ Alex Bellamy, and Paul D. Williams. *Understanding Peacekeeping*. 2nd ed. Cambridge: Polity Press, 2010.

decades.²⁵ High-altitude warfare combined with inhuman climatic conditions played a role in the human misery and a lack of civilian supervision.²⁶

United Nations Security Council Engagement, 1948 - 1952

In reaction to the Kashmir conflict, from 1948 to 1952, the UNSC passed a series of resolutions (Resolutions 38, 39, 47, 51, 91 and 96) which made it clear that peaceful settlement, ceasefire, demilitarization and plebiscite to decide the question of self-determination was the way forward.²⁷ Resolution 47 (1948) provided for a three-stage process including: Pakistani troop withdrawal, reduction of Indian forces and preparation for a plebiscite under UN supervision.²⁸

The creation of the United Nations Commission for India and Pakistan (UNCIP) in 1948 was a first attempt at multilateral mediation.²⁹ UNCIP had at first representatives of Argentina, Belgium and Colombia, later the Czechoslovak and United States,

²⁵ Human Rights Watch. "Everyone Lives in Fear." New York: Human Rights Watch, 2018.

²⁶ Paul Staniland, *Networks of Rebellion: Explaining Insurgent Cohesion and Collapse*. Ithaca: Cornell University Press, 2014.

²⁷ Mingst, Karen A., Margaret P. Karns, and Alynna J. Lyon. *The United Nations in the 21st Century*. 6th ed. New York: Routledge, 2022.

²⁸ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*. Cambridge: Cambridge University Press, 2006.

²⁹ Steve Robinson, *Tell Me How This Ends: India, Pakistan and the Search for Peace*. Oxford: Oxford University Press, 2012.

which reflects the UN's aspiration for neutral mediation³⁰. The mandate of the Commission was successively to bring about ceasefire, demilitarization and plebiscite. While the ceasefire was largely realized on January 1, 1949, the ensuing objectives were contested continuously because of disagreements over troop withdrawal, verification and security guarantees.³¹

Implementation difficulties were a reflection of structural constraints of Chapter VI of UN Charter underlining the importance of consent over coercion,³² in limiting the ability of UNCIP to enforce recommendations.³³ Geopolitical considerations, especially a new cold war, also limited the ability to mediate effectively with great power rivalry in the Security Council diplomacy. By 1951, UNCIP's role had been reduced to one of reporting to a substantial extent of active conflict resolution.³⁴

Ambiguity of UNSC Resolutions: Legal and Operational

The Chapter VI resolutions were not binding and this allowed India and Pakistan the scope of selectively interpreting their obligations. India felt that bilateral agreements (e.g. the Simla agreement of

³⁰ Karen A. Mingst, Margaret P. Karns, and Alynna J. Lyon, *The United Nations in the 21st Century*, 6th ed. (New York: Routledge, 2022).

³¹ Francis Robinson, *Kashmir: History, Politics, Representation* (Oxford: Oxford University Press, 2012).

³² Alex J. Bellamy and Paul D. Williams, *Understanding Peacekeeping*, 2nd ed. (Cambridge: Polity Press, 2010).

³³ Ramesh Thakur, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect* (Cambridge: Cambridge University Press, 2006).

³⁴ Derek Gregory, *the Colonial Present: Afghanistan, Palestine, Iraq* (Malden, MA: Blackwell, 2004).

1972) superseded UNSC engagement while Pakistan believed that UNSC resolutions retained their legal and moral authority³⁵. Operational ambiguities such as sequence and verification of the mechanisms also restricted the implementation, with Resolution 80 (1950) then suggesting simultaneous withdrawals and Resolution 91 (1951) explaining that the Constituent Assembly could not replace a plebiscite.³⁶

While UNSC interventions succeeded in halting the renewal of large-scale war along with putting in place long-lasting norms of mediation and self-determination, they left unresolved the core political dispute. Geography ensured such limitations; the mountainous terrain of Kashmir restricted the means for monitoring, ensured military dominion and restricted civilian governance.³⁷ Regional power rivalries and historical claims to sovereignty made further possibilities for moving from conflict containment to political resolution even more difficult.

Governance, Militarization and the Lives of All

Decisions throughout history have continued to be critical is the interplay between geography and governance. Rugged topography, scattered settlements and climatic extremities had always limited the

³⁵Margaret P. Karns and Karen A. Mingst, *International Organizations: The Politics and Processes of Global Governance*, 2nd ed. (Boulder, CO: Lynne Rienner Publishers, 2010).

³⁶John Agnew, *Geopolitics: Re-Visioning World Politics*, 2nd ed. (New York: Routledge, 2003).

³⁷Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action*, 2nd ed. (Cambridge: Polity Press, 2013).

reach of administration and penetration of the state particularly in high altitude and border regions. Urban centers, such as Srinagar and Jammu, received disproportionate investments in infrastructure and the peripheral regions received no attention, continuing the perceptions of marginalization. Colonial legacies under Dogra rule were geared towards revenue and political control while inclusive development took precedence over economic development which remained the case post-1947.³⁸

Militarization has changed into a spatial and social landscape. Extensive military installations, checkpoints and surveillance infrastructure have led to securitized spaces with ramifications for mobility and land use and economic activity.³⁹ Restrictions on movement, requisitioned agricultural land and emergency regulations have been used in order to reinforce the spatial confinement and limit civilian governance. The militarization of the civilian space has become normal and conflict crept into people's everyday life making peacebuilding tasks difficult even in times of lesser hostilities.

Environmental Stress, Climate Change and Conflict Sensitivity

Environmental factors have emerged as important and understudied variables in the political geography of Kashmir. Accelerated glacial

³⁸ Mridu Rai, *Hindu Rulers, Muslim Subjects* (Princeton, NJ: Princeton University Press, 2004).

³⁹ Steve E. Robinson, *Tell Me How This Ends: India, Pakistan and the Search for Peace* (Oxford: Oxford University Press, 2012).

retreat, higher temperatures, random precipitation and extreme weather events are changing hydrological systems, agricultural cycles and settlements.⁴⁰ The Indus River system having its origin in Jammu and Kashmir is of crucial importance to millions of people in South Asia and the environment, making the issue of environmental change directly in relation to regional water, energy and food security.

Environmental stress serves as a threat multiplier which then acts on socio-political grievances and reduces adaptive capacity as a result of militarization, limited governance and economic vulnerability.⁴¹ Land-use restrictions, unregulated urban expansion and deforestation further reduce the ecological resilience and increase the exposure to hazards, such as floods and landslides.⁴² Environmental governance, disaster response and climate adaptation are important and underdeveloped aspects of conflict mitigation that provide limited opportunities for confidence-building and functional cooperation across disputed boundaries.⁴³

The Kashmir conflict is not just a territorial dispute between two nations but a complex multidimensional crisis which is influenced by historical, geographical, sociopolitical and international

⁴⁰ S. T. Ali and A. A. Khuroo, "Biodiversity and Climate Vulnerability in the Himalayas," *Himalayan Environment Journal* 14, no. 2 (2018): 45–67.

⁴¹ Thomas Homer-Dixon, *Environment, Scarcity, and Violence* (Princeton, NJ: Princeton University Press, 1999)

⁴² J. L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention* (Cambridge: Cambridge University Press, 2003).

⁴³ Z. Nengroo and M. S. Bhat, "Wetland Degradation in Kashmir," *Environmental Earth Sciences* 75, no. 24 (2016): 1–12.

dynamics. A critical review of the conflict and UN interventions from 1948 to 1952 revealed both normative successes and practical failures and shows how structural, environmental and political factors interact to have an impact on protracted disputes. This analysis evaluates the efficacy of United Nations Security Council (UNSC) engagement, the relationship between geography and governance and the socio-environmental aspects of conflict and implications for current policy and approaches towards peacebuilding.

UNSC and UNCIP Engagement

The establishment of the United Nations Commission for India and Pakistan (UNCIP) was an ambitious attempt for multilateral conflict resolution for the first time. Normatively, UNCIP set international principles focused on the concept of ceasefire enforcement, demilitarization and self-determination signifying the power of the UN to codify peaceful settlement mechanisms in post-colonial settings. Resolution 47 (1948) was the most typical expression of this ambition in which it was articulated in terms of a three-stage process, including troop withdrawal and a plebiscite under UN supervision. However, the structural limitations of Chapter VI of the UN Charter that is based on voluntary compliance rather than coercive enforcement meant that these measures were ineffective in practice.⁴⁴ One of the biggest problems is the ambiguity of UNSC

⁴⁴ Ian Talbot and Gurharpal Singh, *The Partition of India* (Cambridge: Cambridge University Press, 2009).

resolutions. Sequencing disputes, verification mechanisms and criteria for plebiscite eligibility left gaps of interpretation which were exploited by India and Pakistan to pursue different political agendas. Furthermore, the new Cold War impacted Security Council diplomacy as the great power rivalry played a role in the composition of UNCIP, the ability to build consensus, as well as the willingness to exert pressure on parties to get them to comply. UNCIP's eventual marginalization by 1951 reflects the general problem of translation between normative aspirations and political outcomes for which they can be enforced in an environment of high geopolitical stakes.⁴⁵

a. Introduction: UNSC Resolutions as Norma S Moore

The Kashmir dispute was the first case of the involvement of UNSC in post-colonial interstate conflict. Beginning with Resolution 38 (January 17, 1948), recommending that India and Pakistan refrain from acts which might aggravate the situation, through resolutions in the early 1970s, the Council enunciated such principles as ceasefire, demilitarization, and self-determination (United Nations Security Council, 1948; Scholarly consensus is in recognition that these resolutions reflected normative hopes that had its source in the UN Charter's commitment to peaceful settlement of conflict. Yet, when they are critically analyzed, norms proved to fail into passable political results.

⁴⁵ Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War* (London: I. B. Tauris, 2010).

b. The Early Resolutions (1948 - 1951): Ambitions & Legal Ambiguities

The United Nations Security Council in 1948 Resolution 39 (January 20, 1948), created the United Nations Commission for India and Pakistan (UNCIP) to help mediate the dispute. Resolution 47 (April 21, 1948), center-piece of the early engagement of UNSC, added to the membership of UNCIP and laid out in a three-stage plan, firstly Pakistan's withdrawal of nationals and tribesmen, secondly reduction of Indian forces and finally holding a free and impartial plebiscite under UN supervision to determine accession.

International scholars usually speak of Resolution 47 as normatively significant and operationally flawed. It recognized the disputed nature of Kashmir and supported self-determination which was accepted by both India and Pakistan at the time but did not have any obvious enforcement mechanisms. A.G. Noorani has argued that though UNSC resolutions did not expressly mention specific chapters of the UN Charter, the content of such resolutions went beyond recommendations, such as commissioning UNCIP and taking detailed steps. Nonetheless, the failure of the Council to achieve compliance, in particular on the issue of simultaneous demilitarization, was to be a constant weakness.⁴⁶

Critical scholarship points out that the UNSC treated Kashmir as a political dispute for the most part and did not adequately canvass the

⁴⁶ A.S.Qazi, *Systematic geography of Jammu and Kashmir*. (APH Publishing 2016).

legal and structural intricacies of this dispute. Specialists point out that the Council's clinging to the requirement of consent (instead of the enforcement by force) in Chapter VI of the UN Charter hindered the implementation of resolutions calling for demilitarization and preparation for a plebiscite. This legal ambiguity allowed India to consider resolutions recommendatory and subject to conditions that never materialized and Pakistan held that the resolutions continued to be legally binding and unimplemented.

c. UNCIP Mediation and Politics of Implementation

Unpacking of the UNCIP period (1948-1951) brings out many tensions between the UNSC directives and the ground realities. UNCIP issued two resolutions on August 13, 1948 and January 5, 1949 which held that accession was to be decided by plebiscite and specified duties with regard to demilitarization.⁴⁷ Yet empirical evidence and accounts from scholars tell us that disagreements on troop withdrawals, verification and phased disengagement turned out to be key stumbling blocks.

Josef Korbel - a UNCIP member and early analyst of UN mediation - admitted that UNCIP was hampered by divergent interpretations of the mandate and had neither the firmness to enforce conditions of the plebiscite nor the will to enforce them. Subsequent mediators like Sir Owen Dixon and Frank Graham failed to achieve a mutual demilitarization plan agreeable to both Delhi and Islamabad which

⁴⁷ G. H. Dar, et al. Climate vulnerability in Kashmir Himalaya. *Environmental Monitoring and Assessment*, 192, No. 3, (2020), 1-14.

revealed the structural weakness of the mediation mechanisms of the Council especially in asymmetric political situations.⁴⁸

d. Ceasefire Consolidation UNMOGIP

Following the ceasefire agreement signed on January 1, 1949, there was a series of resolutions objective to institutionalize monitoring in the form of the United Nations Military Observer Group in India and Pakistan (UNMOGIP). Resolutions such as 80 (1950), 91 (1951) and 96 (1951) reiterated the commitment to demilitarization and plebiscite but gave supervision of the ceasefire to UN observers. Resolution 91 clearly stated that the acts of a constituent assembly could not replace a plebiscite.

In spite of these reaffirmations, monitoring without enforcing did not make much difference, according to scholars. The role of UNMOGIP was largely an observational one; it did not have any mandate to induce compliance or mediate political deadlocks.⁴⁹ This structural constraint points to a more general theme: the UNSC was able to stabilize ceasefire lines but could not translate normative prescriptions into political realities.

⁴⁸ Josef Korbel, *Danger in Kashmir* (Princeton, NJ: Princeton University Press, 1954).

⁴⁹ David Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2005).

e. Geopolitical Dynamics & Effects of Cold war

The wider international context of the early Cold War played an important part in determining UNSC involvement. Many scholars hold that great power interests influenced deliberations of the UNSC, and often to the detriment of conflict resolution⁵⁰. The Soviet bloc's periodic vetoes and strategic diplomacy in favour of India, and Western orientation to Pakistan helped in creating stalemate rather than cooperation in the Council. This reflected a structural paradox in that the entity which had been entrusted with the responsibility to maintain the peace on international levels was embroiled in geopolitical rivalries, weakening its ability to mediate impartially.

f. Later Resolutions and Changing Mediation Environment 1957 - 1971

In 1957, the UNSC passed Resolutions 122, 123 and 126 reiterating the demand for plebiscite and once again reaffirmed the fact that the legislative actions of Jammu & Kashmir Constituent Assembly could not constitute final accession. Yet, by this time, the parties were becoming more and more disengaged from UN mediation. India invoked later treaties such as the Simla Agreement of 1972 in arguing that bilateral negotiations rather than international

⁵⁰ J. Karn, "Constitutional Status and Political Mobilization in Jammu and Kashmir," *Indian Political Review* 7, no. 1 (2008): 22–47.

adjudication should define the future of the dispute - as a manifestation of changing norms of bilateralism post 1971.

g. Scholarly Appraisals: Positive and Negative

Academic assessments are concerned with a number of important points:

Normative Achievement but Political Failure UNSC resolutions stated clearly democratic principles and procedural sequencing in finding a resolution, plebiscite and demilitarization in particular. Yet, these were still normative goals, but not outcomes that were mandatory.

Legal vs. Political Ambiguity: A.G. Noorani emphasizes on the fact that UNSC resolutions accepted the disputed nature of Kashmir and the right to Kashmiri self-determination but their legal status was controversial in that they did not have explicit chapter references and enforcement clauses. **Mediation Mechanism Weaknesses:** Reviews of UNCIP mention that lack of UNCIP's authority when coupled with refracted political will on the part of the parties led to incomplete demilitarization and a stalled plebiscite process.⁵¹

Geopolitical Constraints: The Cold War affected the work of the UNSC as the peace efforts were sometimes subordinated to the strategic alignments and this has contributed to the Council's failure

⁵¹ Human Rights Watch, *World Report 2018: Events of 2017* (New York: Human Rights Watch, 2018).

to behave impartially and effectively. Observers vs. Although the monitoring role of UNMOGIP was successful in stabilizing the ceasefire lines, it had no powers to ensure the political or military disengagement that have led scholars to question the pragmatic agency of the Council in conflict transformation.⁵²

The resolutions of the UNSC regarding Kashmir from 1947 to 1971 make up a chapter of international conflict resolution which is rich in normative but limited in operational terms. They reflect early UN wishes towards democratic self-determination, ceasefire management and impartial mediation.⁵³ However, structural flaws of Chapter VI mechanisms, geopolitical rivalries of the Cold War era and different national interpretations of the resolutions compromised their implementation⁵⁴. While scholars like Noorani emphasize the continuing legal importance of early UNSC affirmations of self-determination, others like the evaluations of Korbelt that appeared at the time point to institutional weaknesses which limited the ability of UNCIP to enforce conditions for a plebiscite.⁵⁵ Thus, the UNSC's experience of Kashmir brings to fore a bigger tension in international law and diplomacy: normative authority is no good if

⁵² Thomas Homer-Dixon, *Environment, Scarcity, and Violence* (Princeton, NJ: Princeton University Press, 1999).

⁵³ Adeela Ahmed, Arsim Tariq, and Rashida Abbas, "Demographic Changes in Indian Occupied Jammu and Kashmir (IOJK) and the Future of UN Resolutions," *International Journal of Kashmir Studies* 3, no. 2 (2022).

⁵⁴ P. S. Verma, *Jammu and Kashmir at the Political Crossroads* (New Delhi: Vikas Publishing House, 1994).

⁵⁵ A. G. Noorani, *Kashmir Dispute 1947–2012* (Oxford: Oxford University Press, 2011).

you have not got the mechanisms of enforcement and the geopolitical will.

Geography and Governance

Kashmir's geography and the spatial fragmentation of Kashmir have had a decisive impact on the governance and militarization of the region and the persistence of conflict. Mountainous terrain, high altitude deserts and scattered settlements have limited the penetration of states and reach of administration especially in the peripheral areas. Colonial histories such as the Dogra's domination that was focused on extraction of revenue on the people rather than creating an inclusive government also furthered the structural inequalities and regional disparities.⁵⁶ Post-1947 governance frameworks, preoccupied with security imperatives, struggled to find ways between civilian administration and military oversight, locking in cycles of marginalization and local resistance.⁵⁷

The militarization of everyday life has helped to contribute to the problems of governance. Checkpoints, surveillance infrastructure and emergency regulations have made space securitized places where there is limited mobility and economic activity and where conflict is institutionalized into everyday life.⁵⁸ From a political

⁵⁶ A. G. Noorani, *Kashmir Dispute 1947–2012* (Oxford: Oxford University Press, 2011).

⁵⁷ M. A. Khan, "Migration and Urban Stress in Kashmir," *Asian Population Studies* 15, no. 2 (2019): 205–223.

⁵⁸ N. C. Behera, *State, Identity and Violence: Jammu, Kashmir and Ladakh* (New Delhi: Manohar Publishers, 2006).

geography perspective militarization is a security strategy and mode of governance or can be seen as the way in which the state's control of territory impacts relations within society and perpetuates a security-oriented political culture.

Socio-environmental Dynamics

Environmental stress and climate change have become important, but understudied elements of the Kashmir conflict. Glacial retreat, volatile precipitation and extreme weather events are a threat to water security, agricultural livelihood and ecosystem. Environmental vulnerabilities are threat multipliers, which increase socio-political grievances, decrease adaptive capacity, and combine existing inequalities and militarized governance to increase the sensitivity of conflicts. Yet environmental governance remains primarily secondary to security-centered policy and that means there are few possibilities for cross-boundary cooperation or disaster risk reduction as conflict mitigation tools.⁵⁹

The legal framework for UNSC engagement also presents some important limitations. Resolutions under Chapter VI were not binding and obligations were interpreted by both countries of India and Pakistan in a selective manner. India's reliance on bilateral agreements like the Simla Agreement and the Pakistani insistence on the continuing validity of UNSC resolutions indicate differences in legal attitudes and the absence of any mechanism for solving such

⁵⁹ J. L. Holzgrefe and Robert O. Keohane, *Humanitarian Intervention* (Cambridge: Cambridge University Press, 2003).

problems. These ambiguities are a reflection of the tension between the international normative authority and state sovereignty in particular in post-colonial territorial disputes.⁶⁰

Normative Success vs. Political Failure: UN intervention helped to embed long-lasting norms of ceasefire management, mediation, and self-determination, which regrettably failed to deliver a long-lasting political settlement because of non-compliance, uncertainties in operations and geopolitical constraints. Geography as a Determinant of Conflict The topography of the region restricted the governance, reinforced militarization and reduced the ability of civilian oversight which shows the importance of the spatial factors in affecting political results.⁶¹

Environmental Stress as a Threat Multiplier Climate variability, glacial retreat and resource vulnerability combine with existing political, social and economic stressors and lead to increased livelihood insecurity and a complicated conflict resolution. Structural Constraints of Multilateralism: Failure of UNCIP and UNSC resolutions in ensuring compliance point to structural constraints of Chapter VI mechanisms especially when dealing with conflicts in which high-stake sovereignty issues and longstanding territorial claims are at stake. Identity and Sociopolitical Complexity: The variety of ethnic and religious backgrounds,

⁶⁰ United Nations Security Council Report, *Security Council Report on Kashmir Engagement* (New York: United Nations Archives, 2019).

⁶¹ Mridu Rai, "Spatial Governance and Administrative Challenges in Jammu and Kashmir," *South Asian Governance Review* 5, no. 3 (2004): 19–37.

layered identities and historical grievances have perpetuated mobilization along competing political claims and presented evidence that legal or diplomatic processes would not be enough in resolving the conflict.⁶²

Strengthening Multilateral Mechanisms with Enforcement Capacity: The UN engagement for the future and its approach should take into account mechanisms going beyond the reliance, in Chapter VI, on voluntary compliance. This could include conditional peace-building frameworks, better verification missions or confidence building measures with associated enforceable incentives. Whilst concerns over sovereignty remain key, well calibrated pressure with multilateral support may increase compliance and not undermine legitimacy.⁶³

Integrate Environmental Governance into Conflict Resolution: Recognizing the role of environmental stress as a conflict multiplier, policy makers should ensure that climate adaptation, disaster risk reduction and shared resource management are integrated in peace building frameworks. Joint water management, glacial monitoring and climate resilience initiatives, can lead to politically neutral ways of cooperation leading to trust even in the absence of comprehensive political settlement⁶⁴.

⁶² Republic of India and Republic of Pakistan, *Simla Agreement*, July 2, 1972, India-Pakistan, 92 U.N.T.S. 189.

⁶³ Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action*, 2nd ed. (Cambridge: Polity Press, 2013).

⁶⁴F. Wani, "Gender Disparities in Kashmir's Socio-Economic Landscape," *Journal of Gender Studies in South Asia* 10, no. 2 (2021): 88–105.

Addressing governance and spatial inequalities Targeted development in peripheral high-altitude areas is important in order to mitigate perceived marginalization and reinforce state legitimacy. Investments in infrastructure and education, healthcare and capacity building at the local administration level will have to be complementary to security measures, providing balanced spatial governance and facilitating civilian oversight on military presence.⁶⁵ Prioritize Conflict-Sensitive Development - Economic programs must be sensitive to sociopolitical sensitivities, ethnolinguistic diversity and gender differences in order not to exacerbate grievances. Inclusive development policies inclusive of marginalized communities can offer the deterrent power against the appeal of violent mobilization and create lasting political stability.⁶⁶

Foster Incremental, Normative-Based Diplomacy In the face of the chronic sovereignty dispute, sustainable conflict-resolution may have to rely on incremental approaches which focus on confidence building, limited cooperation in areas of common concern and adherence to internationally recognized norms of human rights and self-determination. Full political settlement may be less immediate than functional collaboration in the areas of the environment, economics and administration⁶⁷. Lessons from UNCIP How credible

⁶⁵ A. Masoodi, "Gender and Education in Kashmir," *Economic and Political Weekly* 52, no. 18 (2017): 56–63.

⁶⁶ M. Wani, "Women and Labor Participation in Kashmir," *Asian Journal of Women's Studies* 27, no. 3 (2021): 401–420.

⁶⁷ N. Ahmad and H. Dar, "Urbanization and Development in Kashmir," *Journal of Urban Studies* 57, no. 4 (2020): 623–641.

are the verification mechanisms for conflict mediation? Third party monitoring, transparency mechanisms and real time reporting can help mitigate the mistrust and increase compliance and evidence for adaptive policy responses.

Promote Multidisciplinary Research and Policy Integration Future interventions must consider and incorporate geographic, environmental, sociopolitical and historical perspectives. Cross-disciplinary research can be useful in the formulation of policies with finer details, anticipating unintentional consequences and multidimensional causes of protracted conflict.⁶⁸ The conflict in Kashmir is one of the complex interplays of geography, identity, colonial legacies, militarization and international intervention. The physical geography of the region has contributed to the development of military strategy, has limited governance and has reinforced security-oriented political decision-making. Demographic diversity and layered identities have contributed to competing claims and political resolution has become problematic.⁶⁹

Early UNSC and UNCIP interventions developed normative frameworks of ceasefire, demilitarization and self-determination, but structural limitations, lack of enforcement mechanisms, operational ambiguity and selective compliance perpetuated a protracted, militarized and unresolved conflict. Environmental stress and uneven modes of spatial governance are still colliding with social,

⁶⁸ J. Rizvi, *Trans Himalayan Geopolitics* (New York: Routledge, 1996).

⁶⁹ Mridu Rai, *Hindu Rulers, Muslim Subjects* (Princeton, NJ: Princeton University Press, 2004).

economic and political vulnerabilities, fitting the long-standing tension between international norms and political realities in hotly contested post-colonial spaces.⁷⁰ The Kashmir case brings out the tension that is always between international normative aspirations and political realities in protracted territorial disputes.⁷¹ While UNSC involvement had created precepts of ceasefire, demilitarization and self-determination, the structural limitations, geopolitics and local cosmopolitics limitations limited their effectiveness.

Geography, militarization and environmental stress are reacting with historical grievances to perpetuate the conflict and point to the need for multidimensional approaches to conflict resolution. Future peacebuilding and policy interventions need to integrate enforceable multilateral mechanisms, conflict sensitive governance, environmental cooperation and incremental diplomacy in order to mitigate the persistence of the conflict. By bringing together all these, the international community and players at the regional level can strengthen the chance of stability, resilience and ultimate political resolution in Jammu and Kashmir.

⁷⁰ O. N. Koul, "Linguistic Diversity in Jammu and Kashmir," *Journal of South Asian Studies* 39, no. 2 (2016): 245–262.

⁷¹ Rashida Abbas, Adeela Ahmed, and Muhammad Tabish, "Mediation in Armed Conflict: A Case of Kashmir," *Pakistan Journal of International Affairs* 5, no. 2 (2022), <https://doi.org/10.52337/pjia.v5i2.423>