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Kashmir as a Protracted Conflict: The Legacy of Colonialism and International Law

ARBAZ MUZAFFER¹

ABSTRACT

More than a year after the highly debated 'Article 370' and 'Article 35A' of the Indian Constitution were made inoperative by the government of India, it has become imperative to comprehend how these moves have shaped the conflict ever since. The intractability of conflict in Kashmir has left everyone in a disarray and even after the Indian government made Jammu and Kashmir its union territory, there has been hardly any decrease in either the human rights violations or the armed insurgency. The region of Kashmir has been battling the conflict for decades now and this protracted conflict has not only been detrimental to the rights of the people of Kashmir but has also been the reason for huge and widespread underdevelopment. This article, therefore, tries to revisit the roots of this conflict by showcasing to what extent international law and the legacies of colonialism have been a part of the conflict in Kashmir.

Keywords: TWAIL, Colonialism, Self-determination, *uti possidetis*, Protracted conflict

I. BACKGROUND OF THE CONFLICT

Kashmir reminds every one of two things - heaven and conflict. From the exodus of Kashmiri pandits and the rise of insurgency to human rights violations, Kashmir has witnessed it all.² The inconclusive nature of this conflict has reduced Kashmir to the likes of the buffer territories wherein civil liberties have taken a colossal amount of hits over time. Even the prime conflict between India and Pakistan right now is the Kashmir issue itself.³ The conflict has been a chronicle of Kashmir as the valley continues to fret and dread under curfews,⁴ turmoils and witness to dour and grave human rights violations⁵, thousands of deaths⁶, fake

¹ Author is an Advocate at High Court of Jammu and Kashmir, India.

² Mridu Rai, *Kashmir: From Princely State to Insurgency*. (Oxford Research Encyclopedia of Asian History 2018)

³ M.V. Naidu, 'The Kashmir Dispute and India-Pakistan Relations: The Untold Story of Cold War Diplomacy' (2000) 32 *Peace Research* 1-30

⁴ Aaliya Anjum and Saiba Varma, 'Curfewed in Kashmir: Voices from the Valley' (2010) 45 *EPW* 10-14

⁵ Meenakshi Ganguly, 'Kashmir: UN Reports Serious Abuses' (*HRW 10 July 2019*), <https://www.hrw.org/news/2019/07/10/kashmir-un-reports-serious-abuses> accessed 6 November 2020

⁶ Akanksha Narain, 'Revival of Violence in Kashmir: The Threat to India's Security' (2016) 8 *CTTA* 15

encounters⁷, enforced disappearances⁸ and much more appalling accounts which people are always foreboding. This has spooked everyone and rendered the people of Kashmir with forlorn hope about their future.

The advent of armed insurgency to liberate Kashmir from Indian control garnered huge local support in the early 1990s⁹, however, the Indian government was agile enough to initiate its counter-insurgency strategies to contain the proliferation of insurgents as soon as possible and make integration of Kashmir with the rest of India, a reality.¹⁰ These strategies are still in place and any able person can discount that the counter-insurgency measures have only severed the prospects of such integration.

The conflict procured prominence after the infamous 'Instrument of Accession'¹¹ was signed between India and the erstwhile princely state of Jammu & Kashmir. Scrambling to establish control, India and Pakistan fought their first of the four wars on Kashmir (1947, 1965, 1971, 1999).¹² The conflict of Kashmir was firstly internationalized in 1948, when the first Prime Minister of India, Pandit Jawahar Lal Nehru took this conflict of Kashmir to the United Nations. United Nations, which had been latterly established, intervened expeditiously and called for a ceasefire. The United Nations Security Council then passed several resolutions, one of them made the people of Kashmir, a third party to this dispute between India and Pakistan.¹³

A plebiscite was called for which would determine the fate of Kashmir based on their wishes and respecting their right to self-determination which has not been carried out yet, owing to reluctance from both countries.¹⁴ Always under the United Nation's radar, Kashmir awaits such unequivocal resolution.

With the insurgency movement passing into its fourth decade and the conflict into its eighth decade, it is an essential requisite to settle this issue post-haste to avoid further abrasions of rights.¹⁵ On one hand, the government of India takes the insurgency as a threat to its national security but on the other hand, the alleged human rights violations over the years have

⁷ Anuradha Bhasin Jamwal, 'Fuelling the Rage in Kashmir' (2010) 45 EPW 14-16

⁸ Nagraj Adve, 'Enforced Disappearances in J and K' (2007) 42 EPW 990-1060

⁹ Sumit Ganguly, 'Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay' (1996) 21 International Security 76-107

¹⁰ Victoria Schofield, *Kashmir in Conflict* (I.B Tauris & Co Ltd. 2003).

¹¹ Ijaz Hussain, 'Kashmir dispute and the instrument of accession' (1995) 18 Strategic Studies 13-27

¹² Shireen Mazari, 'Nature of Future Pakistan-India Wars' (2002) 22 Strategic Studies 1-8

¹³ United Nations Security Council Resolution 39 (20 January, 1948) & Resolution 47 (21 April, 1948).

¹⁴ Nasreen Akthar, 'A Response to "The Kashmir Conflict"' (2010) 27 International Journal on World Peace 45-53

¹⁵ Joanna Slater, 'From Scholars into Militants: Educated Kashmiri Youths are Joining an Anti-India Insurgency' *Washington Post* (Srinagar March 29, 2019).

escalated.¹⁶ Although in times of emergency, several human rights can be derogated when it is found necessary to address threats to the life of a nation¹⁷ but in a state of protracted conflict, how long can human rights be derogated and actions of state actors made immune remains unresolved. Moreover, the crimes allegedly committed by the armed groups whether pro-government or of militant organisations continue to remain unheard and unresolved. The militants however are neutralized sooner or later but justice remains elusive for the victims who have suffered at the hands of state actors.

When it comes to human rights abuses, Kashmir has been the worst hit and has seen the most blatant human rights abuses and relentless humanitarian tragedies.¹⁸ With time it has become apparent that the Indian government wants Kashmir and not Kashmiris. The phrase "*Kashmir for the Kashmiris*" does not hold any meaning albeit the Indian leaders' standard line has always been that Kashmir is "an integral part" of India.¹⁹ Kashmir has been plunging into a deeper crisis lately with all the changes to its autonomy as well as over the fears of changing its demography post Article 370 and 35A abrogation.

This article argues that the case for self-determination of Kashmir can be situated well within the framework of international laws and post-colonialism while exploring the extent to which the international principles and the colonial history are a reason for the conflict in Kashmir. To set up this account, it is important to the international legal principles such as setting up of post-colonial boundaries which relate directly to the making of postcolonial India thereby forming the root cause of the conflict in Kashmir.

II. KASHMIR AND THE SELF-DETERMINATION

While Kashmir's fight for self-determination continues, which by its definition provides free choice to the people by way of referendums or plebiscites to decide their future prospects²⁰, the accounts of alleged human rights violations have escalated drastically since the emergence of insurgency. The prime reason being that the counter-insurgency measures taken by India which are still in place have not been accepted by the people of Kashmir who have therefore continuously rejected the idea of being ruled by India.²¹ Consequently, Indian armed forces and local police are alleged to have consistently perpetrated thousands of

¹⁶ OHCHR, Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir. United Nations. (May 2018 to April 2019).

¹⁷ *Lawless vs Ireland* (Merits) [1961] ECHR 2

¹⁸ Humra Quraishi, *Kashmir: The Unending Tragedy* (Manjul Publishing, 2019).

¹⁹ Pierre Tristam, 'Kashmir History and Background' (*Thought Co*, 03 July 2019), <https://www.thoughtco.com/kashmir-history-and-background-2353435> accessed 10 August, 2019

²⁰ Eric Ting-lun Huang, 'The Evolution of the Concept of Self Determination and the Right of the People of Taiwan to Self-Determination' (2001) 14 *New York International Law Review* 167

²¹ Victoria Schofield, *Kashmir in Conflict* (I.B Tauris & Co Ltd. 2003).

enforced disappearances, custodial killings, fake encounters²², rapes, cases of torture, use of excessive force, injuries,²³ and detention without trials²⁴ as mentioned earlier. These are prevalent even now and justice never served therein.²⁵ The insurgent groups have also been alleged of abducting or killing people related to the Indian government or working for Indian armed forces²⁶ but the former has always outnumbered the latter.

On the other hand, India and Pakistan have been fighting ever since the partition but their colonial attitude towards Kashmir along with their respective policies have failed the people of Kashmir always.²⁷ As mentioned earlier, despite several United Nations Security Councils Resolutions which expressly called for the right to self-determination through a plebiscite²⁸, India has until now denied that right to the people of Kashmir. This denial of the right to self-determination is also in itself a human right violation.²⁹

The conflict of Kashmir has plunged into a deeper crisis since August 2019 as the Indian government removed the autonomy of Jammu & Kashmir given to it under Article 370 and 35A of the Indian Constitution.³⁰ In a similar effort by Pakistan, which used to support Kashmir's cause, the government of Pakistan recently granted provincial status to Gilgit-Baltistan. This territory along with Kashmir, Azad Kashmir and Ladakh is a disputed region and forms the part of the actual geographical area of Jammu and Kashmir but has been under the control of Pakistan since partition.³¹ While both countries maintain and claim their control on parts of Jammu and Kashmir, the idea of self-determination still reverberates in Kashmir.

In the paradigm of international law, although self-determination enjoys a firm entrenchment, its scope is underscored by a great deal of ambiguity. While the idea of self-determination

²² South Asia Human Rights Documentation Centre, 'Ignoring the Disappeared of Kashmir With Impunity' (2012) 47 Economic and Political Weekly 20-24

²³ Meenakshi Ganguly, 'Kashmir: UN Reports Serious Abuses' (*Human Rights Watch*, 10 July 2019) <https://www.hrw.org/news/2019/07/10/kashmir-un-reports-serious-abuses>, accessed 6 November 2020

²⁴ Mohamad Aabid Bhat, 'Preventive Detention in Counter-Insurgencies: The Case of Kashmir' 21 *Insight Turkey* (2019) 53-69

²⁵ Office of the United Nations High Commissioner for Human Rights, "Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019." (OHCHR)

²⁶ Sajid Iqbal, Zoheb Hossain & Shubh Mathur, 'Reconciliation and truth in Kashmir: a case study' (2014) 56 *Race & Class* 51-65

²⁷ Lawrence Lifschultz, 'Death in Kashmir: Perils of "Self-Determination"', (2002) 37 *EPW* 3225-234

²⁸ United Nations Security Council Resolution 47 (21 April, 1948).

²⁹ K. Balagopal, 'Kashmir: Self-Determination, Communalism and Democratic Rights', (1996) 44 *Economic and Political Weekly* 2916-921

³⁰ Claire Parker, 'Kashmir's New Status Could Bring Demographic Change, Drawing Comparisons to the West Bank', (*The Washington Post*, 8 August 2019) <<https://www.washingtonpost.com/world/2019/08/08/kashmir-s-new-status-could-bring-demographic-change-drawing-comparisons-west-bank/>> accessed 6 November 2020

³¹ Gilgit-Baltistan to Become a New Province of Pakistan, Announces Khan Government (02 November 2020) <<https://thediplomat.com/2020/11/gilgit-baltistan-to-become-a-new-province-of-pakistan-announces-khan-government/>> accessed 06 November 2020

still lives in Kashmir, it is also necessary to understand the contour of the variants of self-determination that may be important to its case.³²

III. THE LEGACY OF COLONIALISM AND INTERNATIONAL LAWS

Moving on to another aspect, in response to the phenomena of colonialism, the development of the right to self-determination has not aided in resolving the colonial problems which are still prevalent and persistent in many nations that were colonised such as India.³³ Indian subcontinent before partition was ruled by British but once the process of decolonisation started which involved the territory from being colonial in nature to being independent. The question that arises here is how did this decolonisation contribute to the making of the problem of conflict in Kashmir?

Since the cartographic lines were drawn by the colonisers without giving regard to the identity statuses of the people inhabiting such territories, the decolonisation process resulted in people being forced to join the precolonial arrangements or get fragmented without taking into consideration their wishes or their identity whether cultural, religious or ethnic. It came as a new notion of statehood that was inscribed upon such people.³⁴ These newly formed territorial boundaries were further legitimised through an international principle of *uti possidetis* (the continuation of colonial boundaries in post-colonial states) which focused on the unalterability of the colonial boundaries.³⁵

While applying the idea of *uti possidetis* which is of the western construct, the states were formed without giving any regard to their identity or ethnic or religious composition, this, in turn, gave rise to the suppression of vulnerable groups such as religious minorities. Therefore, the problem of minorities is itself engrained in the demarcating of such post-colonial boundaries³⁶ because the idea of this modern statehood was forcibly imposed upon a lot of diverse communities.³⁷ The protection of minorities has undoubtedly been one of the main concerns in international laws but its serious application and the protection it ought to provide is much needed in modern times.³⁸

³² Michael Kugelman, 'India's Sudden Kashmir Move Could Backfire Badly' (05 August 2019), <<https://foreignpolicy.com/2019/08/05/indias-sudden-kashmir-move-could-backfire-badly/>> accessed 10 August 2019

³³ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP 2004).

³⁴ Alpana Roy, 'Postcolonial theory and law: A critical introduction' (2008) 29 *Adel. L. Rev* 315

³⁵ Allen E. Buchanan, *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law* (OUP 2004).

³⁶ Mohammad Shahabuddin, 'Minorities and the Making of Postcolonial States in International Law (2020) 18 *TWAILR* 1

³⁷ Partha Chatterjee, *The Nation and Its Fragments: Colonial and Postcolonial Histories* (Princeton University Press 1993).

³⁸ Patrick Thornberry, *International Law and the Rights of Minorities* (Clarendon Press Oxford 1991)

Taking note that Kashmir has the largest religious minority population (Muslims) in India, there have been well-articulated contentions that international law although the thought of being a solution to the problem of minorities has also been a part of such problem³⁹, and has contributed to the marginalisation of such minorities as well.⁴⁰

The problem in Kashmir is, therefore, a direct result of the norms of international laws such as *uti possidetis* being the facilitators to the conflict because on one hand the international law expressly entitled regions like Kashmir for the right to self-determination but at the same time also legalised and allowed the administrations to keep control on the newly demarcated post-colonial states whose existence is questionable in itself. This also resulted in unending violence and protracted conflicts because the international ideas of sovereign state solving problem itself has turned to be too unreal in the post-colonial era and therefore made international law a part of this problem.⁴¹ It can be contended that the problem, therefore, lies in the international law and its norms as well, which on the one hand prioritizes the rights of people but on the other hand, allows the problems to remain unredressed.

The Kashmir issue can be of vital importance to the researchers who study colonialism in all of its forms and kinds. Since the central tenets of the colonial studies are Europe, which colonised, and the Non-Europe, which was colonised, major colonialists such as the British, Portuguese, French, and Dutch powers actually changed the perception of how we see the world today. India being one of the British colonies, has continued through its policies, to use the laws applicable during the British rule, all in order to deter people and crush dissent.⁴²

Despite the fact that the modern doctrine of the right to self-determination was actually formulated in response to the phenomena of colonialism, such development, however, did not help or resolve the colonial problems which are still prevalent and persistent in nations that were colonised, such as India.⁴³ The people of Kashmir, as a result of this conflict's intractability, continue to be subjected to the most degrading inhumane treatment, mostly after the insurgency gained momentum.⁴⁴

IV. COLONIAL LAWS IN THE CONTEMPORARY KASHMIR

The laws such as “Armed Forces Special Power Act, 1990” and the “Jammu & Kashmir

³⁹ Steven Wheatley, *Democracy, Minorities and International Law* (CUP 2005).

⁴⁰ Mohammad Shahabuddin, *Minorities and the Making of Postcolonial States in International Law* (CUP 2022)

⁴¹ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP 2004).

⁴² Haley Duschinski & Shrimoyee Nandini Ghosh, ‘Constituting the occupation: preventive detention and permanent emergency in Kashmir’ (2017) 49 *The Journal of Legal Pluralism and Unofficial Law* 314-337

⁴³ Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (CUP 2004).

⁴⁴ James Goldston & Patricia Gossman, *Human Rights in India: Kashmir Under Siege* (HRW 1991).

Public Safety Act, 1978” have proven to be disastrous for Kashmir and unfortunately, the Armed Forces Special Powers Act, 1990 whose roots lie in the British colonial enactment of “Armed Forces Special Power Ordinance, 1942”, has given legal immunity to armed forces wherein they find themselves free to commit any such acts which would otherwise be considered grave violations even under international laws.⁴⁵ It was enacted at first by the then Viceroy of India, Victor Alexander John Hope, commonly known as Linlithgow when there were massive protests all over the country because of the “Quit India Movement” which was launched by Mahatma Gandhi. Subsequently, the All-India Congress Committee was declared illegal and the most prominent and known leaders of the congress were arrested and imprisoned.

The viceroy, Linlithgow initiated the “Armed Forces (Special Powers) Ordinance” in 1942. This ordinance gave power and authority to commissioned officers not below the rank of the Captain in the army to use force or even cause death to a person who, when stopped by the officials, does not comply with or tries to destroy any property to be protected by such officials. Moreover, after making an arrest, the person arrested was to be handed over to the police for further investigation and follow up. Soon this ordinance was extended to the whole of British-India. Under this ordinance, the armed forces were protected heavily and thus became immune from any legal action that could have been taken against them which required prior sanction from the central government.⁴⁶

After independence, this law was enacted again in 1958 in north-east India, with an aim to assist the Indian army to maintain “rule of law or public order” in places designated as “disturbed areas”. Then in 1990, AFSPA was brought to Jammu & Kashmir as well during the times when insurgency started in Kashmir. This law provided the same immunity to the Armed Forces as it provided in British India.⁴⁷ Under this law, the armed forces also have the power to prohibit the gathering of 5 or more persons in an area as well. In simpler terms, it can be well-argued that this law gives immense and unbridled cum unchanneled powers to the armed forces in disturbed areas. Disturbed areas are considered to be those areas, where differences arise on the basis of race, religion, caste, or language.⁴⁸

⁴⁵ Dr. U.C. Jha, *Armed Forces Special Power Act: A Draconian Law?* (VIJ Books India 2015).

⁴⁶ Basim Akhter, ‘State of Human Rights in Jammu and Kashmir in the Light of Armed Forces Act: A Critique’ (2017) <https://shodhganga.inflibnet.ac.in/bitstream/10603/174075/10/10_chapter%205.pdf> accessed 20 April 2020.

⁴⁷ Santosh Kumar, ‘Armed Forces (Special Powers) Act (AFSPA) – The Debate on Security Vs Human Rights’ (13 April 2019) <<https://www.iasexpress.net/armed-forces-special-powers-act-afspa-upsc/>> accessed 18 April 2020.

⁴⁸ Hemant Singh, ‘Armed Forces Special Powers Act (AFSPA): Powers and Pros & cons of the law’ (30 April 2019)

On the other hand, the “Jammu and Kashmir Public Safety Act (PSA), 1978” which allows detention up to two years without trial also draws its roots from “The Anarchical and Revolutionary Crimes Act of 1919” commonly called as Rowlatt Act of 1919, and “Defense of India Act 1915”.⁴⁹ These violations, however, are not any isolated occurrences but are actually connected to the national security policies which justify these violations. The laws and policies are the ones that have actually developed in the British colonial era and are made applicable today as well.⁵⁰

Enacted more than 40 years ago, this law has wreaked havoc among the masses of Kashmir, and alongside AFSPA, these two laws have only invited trouble for the common people of Kashmir. If one survives from the wrath of AFSPA, he eventually falls into the trap of PSA. It was actually introduced by Sheikh Abdullah, commonly known as Sher-i-Kashmir and mostly seen by the people of Kashmir as a person who betrayed Kashmiris and joined hands with the Indian National Congress in the 1950’s. This act was basically enacted to prevent smuggling of the timber in Kashmir and detain the smugglers. This law is somewhat identical to that of the National Security Act, 1980 (NSA) but it was enacted exactly around 2 years before NSA was introduced.⁵¹

As far as its definition is concerned, it calls for preventive detention, not a punitive one and one of the main features of this act is that, under this act, a person can be held in detention, lodged in jail without trial for 2 years. It can be invoked on a person even if he is already in jail, or is applying for bail, or even if he has been acquitted. It is invoked by executive order of the Divisional Commissioner or a District Magistrate and not by the police.

Against the constitutional provisions, a person who has been put in detention under PSA is not allowed any legal representation or any right to apply for bail up to 24 months and the only possible way for him to be released from detention is that his legal representatives ought to file a “*habeas corpus*” petition in the High Court under which such detention order can be challenged and if the court is satisfied, it can quash such detention. This is the only sought-after remedy against the PSA as of now. But another problem that arises here is, even if the High court quashes the PSA, that does not bar the government from invoking another PSA on

<<https://www.jagranjosh.com/general-knowledge/what-is-asfpa-and-powers-given-to-armed-forces-1525695112-1>> accessed 20 April 2020.

⁴⁹ Rakesh M K and Dhruv Chatrath, ‘Detention without a Crime’ *The Statesman* (3 May 2018) <<https://www.thestatesman.com/features/detention-without-crime-1502630494.html>> accessed 25 December 2019.

⁵⁰ John Reyonlds, *Empire, Emergency and International Law* (Cambridge University Press 2017).

⁵¹ Sruthi Radhakrishnan, ‘Explained: The Jammu & Kashmir Public Safety Act’ (17 September 2019) <<https://www.thehindu.com/news/national/explained-the-jammu-kashmir-public-safety-act/article29438694.ece>> accessed 24 April 2020.

that released detainee as soon as he is released.

In 2019 alone, hundreds of such detention orders were passed and not only against the common civilians but the separatist and mainstream political leaders, advocates, and other high-profile people as well when the government of India made Article 370 inoperative. As of now, thousands of Kashmiris are languishing in jails all over India serving this preventive detention because the jails in Kashmir ran out of space to hold every detainee.⁵²

It has been well established that the Jammu and Kashmir Public Safety Act, 1978 is actually violative of the International Human Rights Law because of the fact that it denies a person's basic human and fundamental right of legal aid, rules out the judicial review, and also violates many other safeguards which are otherwise available to those in detention. It violates the basic principle of legality and gives a free hand to the police to curtail one's right to speech, assembly, and freedom of expression. Even in 2008, a body of United Nations specifically laid down that this law and the rules of detention provided under the law were violative of Article 7, 9, 10 and 11(1) of the United Nations Universal Declaration of Human Rights and Article 9 and Article 14 of the International Covenant on Civil and Political Rights as well. It then called upon the government of India to draft such laws conforming to its International Human rights Standards and Obligations.⁵³

V. CONCLUSION

A fact that the birth of "Third World Approaches to International Law" was primarily a response to the making of international law by the Europeans or Colonists, in particular, it has been widely demonstrated by the TWAIL scholars that not all the states were successful to adapt and use the norms such as the principles of statehood. What it did was that many states plunged into conflicts and even civil wars.⁵⁴ There is a need to introduce a refined international law approach to counter the international norms such as '*uti possidetis*' which will carefully take into consideration the actual nature and the background of postcolonial territories. This will give the international laws a channel to make a positive impact instead of becoming a part of the problem in the post-colonial states which are in conflict. It will also aid in correcting the inherent international legal principles whose application has been detrimental to the conflict-ridden post-colonial territories.

⁵² AFP, 'About 4,000 people arrested in Kashmir since August 5: govt sources to AFP' <<https://www.thehindu.com/news/national/about-4000-people-arrested-in-kashmir-since-august-5-govt-sources-to-afp/article29126566.ece>> accessed 21 April 2020.

⁵³ Amnesty International Ltd, "A 'Lawless Law' Detentions under the Jammu and Kashmir Public Safety Act," (2011)

⁵⁴ Makau Mutua and Antony Anghie, 'What Is TWAIL?' (2000) 94 ASIL 31- 40

For Kashmir, the conflict has become protracted in nature and considering the fact of India and Pakistan being nuclear arsenals, through an extensively normative and empirical analysis, this research will pave a way to establish a resilient and strong normative commitment to resolve the conflict in Kashmir while making case for justice to the victims and trying to minimize the human rights violations. This will not only be a significant contribution to international law but also to the peace and conflict theories by being more engaging and relevant to the present world policies that play an important role in shaping the ongoing conflicts.

The conflict in Kashmir has also been a hotspot in the global south for a long time now when it comes to international relations especially the relations between India, Pakistan, and China who are the stakeholders in this conflict. This conflict has also been termed as a time-bomb for South Asia which makes it necessary to make ways for its peaceful resolution as the peace in South Asia depends essentially on the future of the conflict in Kashmir.⁵⁵ Any prospective action towards the resolution of this conflict will have to shape carefully while taking into consideration South-Asian politics. There is a need to evaluate a case for external diplomatic intervention in Kashmir's conflict as well. The concept of self-determination is very broad in scope and has been always contested on a very large scale. It is, therefore, necessary to facilitate a redressal mechanism to consolidate the needs of victims (justice) in this conflict and the people of Kashmir in general (self-determination) by identifying relevant models of conflict resolution keeping in consideration the international relations of the global south.

⁵⁵ Saifuddin Ahmed and Anurug Chakma, 'Kashmir Conflict: A Critical Analysis' (2012) 6 *Society & Change* 20-36