

## **Pakistan – India Conflict with Special Reference to Kashmir**

**Musarat Javed Cheema**

*University of the Punjab, Lahore.*

### **Abstract**

The chapter studies different aspects of the sub-conflict of Kashmir that has become the one of the most dangerous issue not only in South Asia but also in the world. It is so important that it might be studied as a full conflict in itself. Therefore the significance of the movement is vital to be understood. The study explores the development of the sub-conflict of Kashmir over the broader inter-state conflict between India and Pakistan has also been examined. The possible solutions of the sub-conflict have equally been seen.

**Keywords:** India, Pakistan, Kashmir, dispute, conflict

### **Introduction**

Kashmir is located at the junction of Pakistan, India, Afghanistan and China in the Himalayan mountains. India's Mughal emperors by the beauty of its surroundings called Kashmir paradise. The total area of state of Kashmir that is a former princely state of British India was 86,023 square miles. In the last seven decades Kashmir became a paradise lost. Its people were trapped in the current of a bitter dispute between India and Pakistan. It became a focal point of inter-state conflict in the first and second India-Pakistan wars, in 1947-1948 and 1965, started on the dispute over Kashmir, and the territory also saw heavy fighting in the third war in 1971 (Bose, 2004).

At the time of partition of Indian Jammu and Kashmir including Aksai Chin, had an area of 222,236 square kilometers. Out of this area Kashmir had 10 percent, Jammu 14.4 percent, and the frontier districts 75.6 percent. According to the census of 1941 population of Kashmir was 4.02 millions, 77 percent were Muslims and 20 percent were Hindus. Today 45.62 percent of the original state territory is with India, 35.15 percent with Pakistan and 19.23 percent with China. The Line of Control (LoC) divides Jammu and Kashmir to 778 KM long area and there is an uncontested border of 198 km between the part of state with India and Pakistani Punjab. In the Siachen area there is an undefined line about 150 km separating India and Pakistan (Karnad, 2004).

## **Significance of the Sub-Conflict over Kashmir**

Very few issues emerging from the partition of India in 1947 have proved to be as difficult and problematic as the sub-conflict between India and Pakistan over the former princely state of Jammu and Kashmir (Ganguly, 2007).

This dispute has equaled the Israeli-Palestinian conflict and the Greek-Turkish-Cypriot dispute owing to its persistence, sensation and impregnability to rational settlement (Hellman, 1976). Richard Nixon wrote: "Nuclear powers have never fought each other, but the clash between Muslim Pakistan and Hindu India over the disputed Kashmir territory could erupt into world's first war between nuclear powers" (Nixon, 1992).

## **Cause for Kashmir Dispute**

Unlike other inter-state disputes, the causes of the Kashmir dispute neither involve vital strategic stuff nor are an area of great geopolitical importance. The original sources of this dispute may be sought in the diverse conceptions regarding the building of the state in South Asia. India, as a state, was committed to secular nationalism. It, therefore, wanted to include Kashmir, mainly the Muslim state in order to demonstrate its secularism. India argued that if a Muslim-majority area might flourish in the limits of a Hindu dominated state; India would have been committed to secularism without any doubt. For Pakistan, it was equally very much important to integrate Kashmir into its dominion, as the homeland of the Muslims of South Asia. Its leaders argued that their nation was incomplete without inclusion of Kashmir (Ganguly, 2006).

## **Indian Point of View**

India regards Kashmir sub-conflict as a territorial issue. She claims that Jammu and Kashmir is her integral part and Pakistan is interfering in the affairs of the state by supporting the Mujahideen. The sub-conflict over Kashmir put into question. When it emerged, the largely publicized and often declared belief that India's identity was able to absorb as well as accommodate various kinds of social groups. Kashmir was significant for highlighting this self-image specifically because its majority population was Muslim, and the struggle to hold on to it against Pakistan's claims gave India's early political life a strong point of reference (Basrur, 2008).

The Muslim majority status of Kashmir was significant for India due to its importance in the context of Indian secularism. Indian Union did not comprise any other majority Muslim state. Therefore Kashmir provided ideology of Indian secularism. Kashmir also provided India a safeguard in contrast to the demands for India to leave behind her officially declared ideology of secularism and become a Hindu state (Malik, 2002). The second feature of this external orientation of

India's identity was the fear, though over time these anxieties have been dissipated through continuous hard struggle and actions of Indian leadership that the loss of Kashmir would set a precedent for other regions in Indian Union to break apart (Basrur, 2008).

It is an accepted reality that Indian society is largely segmented. India's population is over a billion and it is divided into various types of innumerable languages and dialects, 6 major religions, some 6400 castes and sub-castes, and 52 major tribes (Behar, 2004). Sixty-five percent of communities are either bilingual or trilingual. Identities go beyond seemingly separate Hindu or Muslim religious types. There are more than 1000 communities under the influence of the religious leaders in dual religious systems (Das, 2006). In this situation creating a unified identity of India is difficult, also because the inter-group violence occurs often. In India, state building through the democracy has often been marred by regular and serious distortions in the form of violence in the name of religion, caste, and tribe as well as economic exploitation and economic or political neglect (Basrur, 2008). This has forced India to have a strong grip as well as built a strong occupation over Kashmir.

Another significance of Kashmir for India lies in the fact that it was the ancestral homeland of Nehru, the first Indian Prime Minister and one of the founding fathers of India. He used his influence to ensure India's commitment to retaining Kashmir (Malik, 2002). Successive Indian governments and various Indian writers put forward another symbolic reason for Indian determination to occupy Jammu and Kashmir is that its secession might set a dangerous example for other states of Indian Union who are disillusioned with India (Malik, 2002).

The practical reason for the significance of Kashmir for India can be divided into security and economic needs of India. Post 1947, Kashmir's strategic significance increased due to the creation of the rival Pakistan. Both India and Pakistan were involved in hostilities with each other as well as with other countries of the area. The location of Kashmir was such that whichever country would control it would have been in strong strategic military position to attack other. Indian hostility with China increased this phenomenon the more. Economically, as a state rich in the production of timber with the headwaters of three major rivers of Indus Basin Kashmir could be very beneficial to India despite the fact that in 1947 the economic links of Kashmir with the areas which later became the parts of Pakistan were far greater than with the areas which became the part of India after partition (Malik, 2002).

### **Pakistan's Point of View**

The perceptions of Pakistan and India about the constituents of the sub-conflict are altogether different. Pakistan considers it as an unfinished agenda of the division of India in 1947. Pakistan regards it as an issue of giving the right of self-determination to the Kashmiris, a principle also accepted by the UN Security Council Resolution.

Original importance of Kashmir for Pakistan lies in the two-nation theory upon which All India Muslim League based its demand for a separate Muslim homeland. The theory mentions that the Hindus and Muslims are two separate nations who cannot live together and that the Muslims of the subcontinent cannot lead their lives in full accordance with their beliefs under Hindu domination. Indian control over Kashmir was problematic because it was the sole Muslim majority region that was not given to Pakistan. In contrast, the Hindu majority state of Junagadh, whose Muslim ruler preferred to join Pakistan, was incorporated by India in 1948 at the time of independence. It became a useful issue for Pakistani rules to gain political support because it raises 'deep passions and emotions' that touch the heart of Pakistani identity. For the majority of Pakistanis, Kashmir is so central to their national identity that without it, partition of India and liberation of Pakistan still remains 'fundamentally incomplete' (Basrus, 2008).

Kashmir was significant for Pakistan practically in the strategic and economic fields. The strategic importance of Kashmir was the same as to India mentioned above. In a cable to Nehru, on 16th December 1947, Prime Minister of Pakistan Liaquat Ali Khan stated, "the security of Pakistan is bound up with that of Kashmir". Pakistan was as much concerned about the effects of leaving Kashmir because threats were there from India and Russia. Liaquat Ali made this clear in a 1951 interview: 'The very position of Kashmir is such that without it Pakistan cannot defend itself against an unscrupulous government that might come in India' (Malik, 2008).

Kashmir's river links with Pakistan were also vital. The waters of the Indus, Jhelum and Chenab rivers all flowed through Kashmir before they reached Pakistan. The agriculture of the Punjab and Sindh that is the backbone of Pakistan's economy depended on the water of these rivers to a large extent. Pakistan had the fear of permanent switching off the water supply on behalf of India. This fear of Pakistan was expressed by Pakistan's first Foreign Minister Zafarullah Khan: If Kashmir should accede to India, Pakistan might as well, from both economic and strategic points of view, become a feudatory of India or cease to exist as an independent sovereign state".

The Pakistani concerns on the water issue that increases the significance of Kashmir issue for Pakistan is still present. Asif Ali Zardari, the President of Pakistan, was also anxious in 2008 just like first Foreign Minister of Pakistan, over the stoppage of water on behalf of India. Zardari, pointing to the ramifications of the violation of the Indus Water Treaty, said the Indian move to stop the water by building dams on the rivers flowing towards Pakistan would damage the bilateral ties, which the two countries had built over the years.

In the UNSC Pakistan denied all Indian allegations of illegal action in assisting the tribesmen in Kashmir. It represented the situation in Kashmir in the start of the issue as essentially one of the popular revolt against the oppressive regime of Maharaja (Lamb, 1992). Pakistan maintained that a standstill agreement was reached between Pakistan and the State of Kashmir in 1947. Under this

agreement, Pakistan had become responsible for the defence, foreign affairs and communication of the State (Ali, 1973). The Pakistan also stated that the accession of Kashmir to India was based on fraud and violence and therefore, could not be recognized (Ali, 1973).

### **Historical Background to the Kashmir Sub-Conflict and its resolution**

The sub conflict over Jammu and Kashmir is the nucleus of all problems between India and Pakistan. It has troubled the relations between the two countries since their independence from the British rule in 1947. The origin of this sub-conflict lies in the reality that when the British India was partitioned in 1947, Muslim majority areas were to be given to Pakistan while Hindu majority areas were to be given to India. The state of Jammu and Kashmir was one of 562 princely states of the British India. It had Muslim majority and it was ruled over by a Hindu maharaja who concluded a standstill agreement with Pakistan and started atrocities against the Muslim population of the state. In reaction the population revolted.

Indian leaders view that in October 1947 a force of Pushtun Afridi tribesmen invaded Kashmir. The tribesmen had come to help their Kashmiri brethren who were concerned that the Maharajah of Kashmir was going to hand over Kashmir to India. Kashmiri forces with the help of the tribesmen proclaimed a war of liberation against the Maharajah and advanced on the capital, Srinagar. Hari Singh fled to Delhi and directly appealed to the Indian government for military assistance. Mountbatten, the last British viceroy and at the rise of the situation in Kashmir the Governor-General of India, accepted Hari Singh's plea with the condition that the Kashmiri people would be offered a referendum to decide their future. Indian Prime Minister Nehru, however, himself a Kashmiri Hindu, flew troops to the state (Johnson, 2005).

During the final months of 1947, while high level Indo-Pakistani talks failed to resolve the crisis in Kashmir, Indian troops succeeded in breaking the back of the tribal offensive and securing their own hold over Srinagar. At the same time the Gilgit region on 3 November 1947, under the leadership of the commander of the Gilgit Scouts, Major W. Brown, threw off all vestige of Dogra rule and declared for Pakistan on the following day. Already, with the onset of the winter of 1947-8 the military situation in Jammu and Kashmir was fast approaching a stalemate, the State being effectively cut in two by an elastic but impenetrable battle-front. During the course of 1948 fighting in Kashmir went on between the Indian Army and the forces of the Government of Azad Kashmir, which formally declared its independence from Maharaja's government on 24th October 1947 just before the Indian airlift in Srinagar (Lamb, 2002).

This led to a brief armed conflict between Pakistan and India in 1948. It was India, which referred the dispute to the UNSC. On first January 1948 the Indian representative to the UNSC, P. P. Pillai, transmitted to the President of the UNSC the case from India. It was in the form of a complaint against Pakistan and it

## South Asian Studies 30 (1)

requested the UNSC to stop Pakistan from meddling in Kashmir. The argument of India was based on the validity of Maharaja's association to India (Lamb, 1992).

United Nation's Commission on India and Pakistan — UNCIP was formed to enquire the issue of Kashmir and help the conflicting parties so that they might reach a settlement. The result of the considerations of the Commission was two resolutions of the UNSC, which were passed on 13th August 1948 and 5th January 1949. The first called upon both governments of both conflicting parties to “reaffirm their wish that the future status of Jammu and Kashmir shall be determined in accordance with the will of the people”. The second resolution resolved that both governments had accepted principles that the question of accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite.

After the deployment of Indian forces in Jammu and Kashmir on 26th August 1947 the Indian government adopted a policy with double standards. The Indian government, on one hand, expressed the intention for resolving the dispute in the light of the aspirations of the people of the state but on the contrary, practically the Indian leaders, especially Nehru, the Prime Minister of India, took steps to incorporate the state in the Indian Union.

One of the first efforts of the resolution of the Kashmir issue by international peace brokers took place during October 1948. Prime Minister of Pakistan, Liaquat Ali Khan told that he held two secret talks with the British Prime Minister Clement Attlee, British Foreign Secretary Ernest Bevin and Indian Prime Minister Jawaharlal Nehru. The talks did not bring a solution to the issue very neater (Dawn, 1984-Oct 25). Instead of an escalation of the war in the last days of 1948 there were negotiations leading to a cease-fire which took effect on 1st January 1949 and on 27 July 1949 Indian and Pakistani military representatives signed at Karachi an agreement defining a cease-fire line in Kashmir which, until the 1965 was to mark the limit of the two states (Lamb, 1992).

Apparently both parties agreed that India and Pakistan each might administer a part of Kashmir until a plebiscite could be held. Pakistan had controlled the Gilgit Agency, Baltistan, and the western edge of the valley of Kashmir, with a population of about 3 million, whilst India had held the rest of Kashmir, Ladakh and Jammu, administering nine million (Johnson, 2004).

The cause of this quick, unexpected and temporary settlement of the Kashmir conflict was that at that time the Commanders of the Armies of both states were still British, General Gracey for Pakistan and General Bucher for India. They remained in close touch during the critical days and their presence decreased the possibilities of long conflict. Secondly the Prime Ministers of the both countries, Jawaharlal Nehru of India and Liaquat Ali Khan of Pakistan, did not want to shatter their newly found states in the very start (Lamb, 1992).

On 22nd August 1949 Dawn reported that UN might name Admiral Chester Nimitz as mediator in the Kashmir dispute. Meanwhile the UN Central Headquarters in Rawalpindi declared that the demarcation of the cease-fire line

extending over 800 miles was completed (Dawn, 1950-Feb 24). On 16th December 1949 the UNSC decided that its President General Andrew Menaughton would negotiate informally with India and Pakistan to find out a mutual satisfactory way of dealing with the Kashmir issue (Dawn, 1949-Nov 03). On 24th February 1950, the UNSC passed a resolution regarding the termination of the UNCIP and appointment of a UN representative to take over UNCIP's powers and responsibilities in Kashmir (Dawn, 1950).

On 14th March 1950 the UNSC decided to appoint a mediator in the Kashmir dispute (Chaudhry, 1968). Sir Owen Dixon, a UN representative for Kashmir dispute, arrived in New Delhi for conferring with Indian Prime Minister Jawaharlal Nehru and Indian Government official. He also had talks with Pakistani government officials (Dawn, 1950). With the efforts of Owen Dixon, the Tripartite Conference on Kashmir started in New Delhi on 20th July 1950. Pakistani Prime Minister Liaquat Ali Khan, Indian Prime Minister Jawaharlal Nehru and Sir Owen Dixon were the participants of the conference. The five days conference concluded with the communiqué that the conference failed to reach an agreement (Sarraf, 1977).

Second round of direct talks between Indian and Pakistani high authorities started in 1951 with the Commonwealth Prime Ministers Conference. The Pakistani PM tried to get Kashmir put on the agenda of the conference but failed due to the opposition from India. He then threatened to boycott the conference if it did not consider the dispute over Kashmir. Consequently an informal meeting among the Rober Menzies, the PM of Australia, Clement Attlee, the British PM, Jawaharlal Nehru, Indian PM and Liaquat Ali Khan, Pakistani PM took place on 16th January 1951. The outcome was unsuccessful and India rejected a compromise for usage of the Commonwealth troops during the period of plebiscite in Kashmir (Lamb, 1992). Owen Dixon continued his efforts for the peace but finally declared on 22nd August 1950 that there was no immediate prospect of India and Pakistan, compromising any of their differences over Kashmir dispute (Dawn, 1950-Aug 22). Despite Dixon's gloom, the UN did not leave its struggle to bring about a mediated settlement in Kashmir on the basis of a plebiscite. The UNSC, after all, had resolved that there should be a plebiscite; and it did not seem as yet disposed to permit its resolutions to moulder in a limbo of fruitless good intentions. Stimulated by the suggestion of Sheikh Abdullah, the leader of National Conference, to convene a Constituent Assembly of Kashmir and thereby take decisions on the future of the State, on 30th March 1951 the UNSC affirmed that it considered the course of action suggested by Sheikh Abdullah out of order and appointed Dr. Frank P. Graham, a former US Senator, as UN Representative replacing Sir Owen Dixon (Lamb, 1992).

The newly appointed UN representative Dr. Frank P. Graham, reached Karachi on 30th June 1951 (Sarraf, 1977). He held different rounds of talks with Indian and Pakistani leaders but on 21st December 1951 he also reported to the UNSC that India and Pakistan had failed to reach an agreement on a plan for demilitarization of Kashmir before holding a UN plebiscite to decide the future of

## South Asian Studies 30 (1)

Kashmir (Dawn, 1951-Dec 21). On 19th September 1952, Dr. Graham finally reported to the UNSC that had failed to effect an agreement between two conflicting countries (Burke, 1975).

The UNSC on 23rd December 1952 approved the Anglo-American resolution on Kashmir, calling for renewed negotiations between India and Pakistan (Saraf, 1977). Pakistan and India continued their dialogue under the auspices of the Dr. Graham, the UN representative. An official communiqué issued by the UN in Geneva told that on 19th February 1953 the delegations of India and Pakistan returned back to their respective countries to report to their governments (Dawn, 1953-Feb 19). After this date no major development in the UN sponsored peace efforts took place until 1957. From 1950 the Indian government recognized Kashmir as a separate state with greater autonomy, but, in 1953, India removed Sheikh Abdullah from premiership of Indian held Kashmir and shelved the issue of a referendum (Johnson, 2005).

However, bilateral talks between India and Pakistan took place. The Prime Minister of Pakistan, Muhammad Ali Bogra and the Prime Minister of India, Jawaharlal Nehru talked with each other in New Delhi on 17th to 20th August 1953. The joint communiqué produced at the end of the negotiations told that the discussions were not altogether futile. The idea of a plebiscite in the valley of Kashmir was apparently confirmed at least in principle by both sides. This was a crucial moment in the history of crucial movements.

Nehru afterwards changed his position. He did not even remain interested in the continuation of negotiations. Though the correspondence between the two Prime Ministers continued till September 1954, Nehru did not budge from his revised position the regional plebiscites were not the matters to be discussed. He maintained that all was well in Kashmir if only Pakistan vacated its aggression. Lamb views that by the judicious selection and definition of the regions, the outcome could well have been the acceptance. But Nehru's avoidance from the solution of the dispute prolonged the dispute (Lamb, 1992).

Nehru made no attempt to dissolve the tension between Pakistan and India on Kashmir question when he met another Pakistani Prime Minister Ch. Muhammad Ali on 18th May 1955 in New Delhi. The Kashmir problem was discussed. Some of its aspects were discussed but no fresh initiatives emerged in the result of the talks between the Prime Ministers of both conflicting states (Lamb, 1992).

On 16th January 1957 Foreign Minister of Pakistan Malik Feroz Khan Noon, opening the Kashmir case in the UNSC asked that as required by the previous resolutions of the UNSC and the UNCIP, accepted by both the countries, a plebiscite under the UN should be held in the disputed State, after all Indian and Pakistan forces had been withdrawn from it. He proposed that, instead of those forces, a UN force should go into Kashmir. Malik Feroz Khan Noon also asked UNSC to call upon India, to refrain from taking any steps to integrate the Indian held Kashmir with India (Pakistan Horizon, 1957-Mar 10).



The UNSC adopted a resolution on 24th January 1957 declaring that any changes made in the status of Kashmir without a plebiscite, would not be in accordance with the previous UN decisions. Violating this clear resolution as well as the sovereign rights of the people of Kashmir, India, on 26th January 1957, implemented the Constitution of India in the valley. The Constitution that declared that the state of Jammu and Kashmir was and should be an integral part of the Union of India, in effect, incorporated Kashmir into the Indian Union legally. This action of the Indian Government made the people of the valley to raise protests. Pakistan, definitely, was there to support the people of the valley (Pakistan Horizon, 1957-Dec 10).

Another UN representative for Kashmir, Gunnar V. Jarring reported the failure of his Mission to India and Pakistan on 30th April 1957. In his report to the UNSC he revealed that while Pakistan had accepted, India rejected his suggestion for submitting for arbitration. Meanwhile Dr. Graham, the UN representative, also continued his efforts for peace and submitted his report to the UNSC on 3rd April 1958 (Pakistan Horizon, 1957-June 11). Afterwards UNSC continued its deliberations, debates and resolutions over the issue. Another UN representative Dr. Ralph Bunche, UN Secretary for Political Affairs, arrived in Rawalpindi, on a fact-finding mission. He said that the Kashmir dispute was a matter of active concern for the UN (Pakistan Horizon, 1964).

In mid-1962 Kashmir came up before the UNSC again, but the Soviet Union vetoed the resolution seeking the revival of earlier resolutions. After the Sino-Indian war in 1962 delegations of both countries headed by Z. A. Bhutto and Swaran Singh met six times in Pakistan and India, between 27th December 1962 and 16th May 1963. During these talks India reportedly offered Pakistan some 3500 square kilometres of territory in certain areas along the ceasefire line but Pakistan did not accept the offer, as it demanded the control of complete state of Kashmir. Therefore the talks ended. In 1964 once again the Soviet Union vetoed the resolution over Kashmir when the UNSC discussed the Kashmir issue (Karnad, 2004).

A survey of the internal political development of Indian held Kashmir during 1954-64, which was made by Alastair Lamb, does not show within the State of Jammu and Kashmir a delight with the prospect of union with India. Sheikh Abdullah was an autocrat ruler who ran a one-party government despite undoubtedly being popular in Indian held Kashmir. With his removal in 1953 India did not have any alternative to him. He was replaced with Bakshi Ghulam Muahmmad who could not have won the elections without the support of Indian Central government. The elections conducted by India in 1957 and 1962 were very carefully managed by the Indian authorities. The opposition parties could not participate in those elections effectively. Such elections by no means could be called as substitute of the plebiscite (Lamb, 1992).

In 1963, growing anger at India's often brutal, corrupt rule over Kashmir, and the theft of a sacred hair of the Prophet (peace be upon him) from the famous Hazratbal Mosque in Srinagar, ignited widespread protests and riots by Kashmiri

Muslims. The protests raged on for two years. Indian security forces brutally suppressed them with heavy bloodshed. The surging violence in Kashmir finally sparked a second full scale war between India and Pakistan in 1965. The two nations battled for seventeen days before the UN imposed a ceasefire (Margolis, 2001).

In 1965, heavy fighting between Pakistan and India started. One reason for this rapid deterioration in Indo-Pakistan relations undoubtedly lay in the increasing evidence from 1963 onwards that India intended to incorporate all of Indian held Kashmir into the Indian Union as just another state of the Union of India. Thus it was unilaterally declaring the Kashmir issue forever closed (Lamb, 1992). During the war India captured the valley between Dras and Suru rivers. India had to return these areas after the signatures over the Tashkent Agreement.

The UNSC passed two resolutions before and at the conclusion of the war of 1965. In the second resolution passed on 20th September 1965 the UNSC demanded that a cease-fire should take effect between both countries on 22<sup>nd</sup> September 1965. The resolution also provided for the settlement of the political problem underlying the conflict between India and Pakistan. After the war of 1965 UN India-Pakistan Observation Groups were formed. The UN Secretary General proposed that the UN observation groups on the Indo Pakistan cease-fire line should remain in the area for a further three months after 22<sup>nd</sup> December 1965. Lt.Gen. R. H. Nimmo, Chief of the UN Military Observer's Group in Kashmir died in Rawalpindi on 4th January 1966.

There can be no doubt, observes Lamb, that the 1965 war enormously increased India's hold, already powerful, upon Indian held part of Kashmir. By 1968 the Indian Government was amply confident of its control over the situation in Kashmir to decide to complete the process of the freeing of Sheikh Abdullah, Mirza Afzal, Mridula Sarabhai and other Kashmiri leaders from restraints of one type or other. During 1968 Pakistan continued to press for further negotiations on the Kashmir problem as a sequel to Tashkent, either through UN or by means of direct talks between India and Pakistan. The question of a No War Pact was around for a while. The Indian response was non-committal (Lamb, 1992).

After 1966 although UN did not play any active role for the resolution of the Kashmir dispute the UN was kept alive on the issue of Kashmir. On a two-day visit to Pakistan, the UJN Secretary General, U. Thant said on 19th April 1967 that UNSC was seized on the Kashmir issue and it was for that body to take any action it deemed necessary for the resolution of that issue.

The Tashkent Agreement of January 1966 that was signed after the war of 1965 and was negotiated between Indian Prime Minister Lal Bahadur Shastri and Pakistani President Ayub Khan under mediation by the Soviet Prime Minister Aleksei Kosygin, confirmed the status quo in respect of Kashmir and the retreat of troops behind the actual line of control. During the third Indo Pakistan war of 1971, Kashmir played a secondary role (Kreutzman, 2008). The war was fought particularly on the issue of East Pakistan.

However, Kashmir dispute could not be sidelined at all. India recaptured the valley between the Dras and Suru rivers. An Indian plane from the Indian held Kashmir was hijacked to Lahore on 30th January 1971 allegedly by two apparent Kashmiri freedom fighters that belonged to the National Liberation Front. The government of Pakistan agreed to grant political asylum to the two hijackers. It also conveyed to the Indian Government their demands for the release of political prisoners and the cessation of brutalities by Indian forces in Indian held Kashmir. The Indian government did not accept the demand of the hijackers that thirty-six arrested freedom fighters be freed from Indian prisons. On rejection of their demands the hijackers blew up the plane. In protest India accused Pakistani government of being directly involved in the hijacking and destruction of Indian plane. The compensation for the blown up plane was demanded from Pakistan, on the refusal of which the Indian government banned the flights of all Pakistani airplanes over her territory.

This activity on the name of the JKLF was probably the first act of militancy on behalf of some Kashmiri organised groups (Malik, 2002). This act of ban played a central role in the war of 1971 as Pakistan could not reinforce its forces in East Pakistan directly flying through Indian areas and Pakistan had to adopt other longer routes to supply the arms and other reinforcing material to its forces who remained engaged in the civil war with the Bengali MuktiBahini from April 1971 to December 1971 and then in war with India in November and December 1971.

No UN involvement particularly on Kashmir issue appears during and after the 1971 war between India and Pakistan despite Pakistan's permanent representative to the UN wrote a letter to the UNSC and stated that India had violated the agreements connected with Kashmir. He informed that the Government of India not only massed its forces on the borders of Pakistan but had considerably increased its troops in Kashmir.

In the Simla Agreement after the war of 1971 Kashmir was divided by a Line of Control (LoC). The LoC replaced former cease-fire line. The LoC stretched roughly 450 miles from grid reference NW 650 550, at the termination of the international border thirty-five miles west of Jammu, to NJ 980 420 in the Karakoram Range sixty-five miles southeast of Mount K2 and twelve miles north of the Shyok River.

Simla Accord, which was designed to end the Indo-Pakistan conflict failed to bring any long-term peace to Kashmir (Johnson, 2005). After Simla Agreement, India adopted the policy of rejection of the involvement of any third party in the settlement of the issues between Pakistan and India. Therefore the UN's role in the conflict resolution was not accepted by India. The UN Secretary General on 31st January 1972 said that the UN observers on the Kashmir cease-fire line had not been free to check violations.

Indian government's attitude to negate any third party mediation was based on the interpretation of the Simla Accord. By the deals of the Simla Agreement, drawn up on 2 July 1972, the Indian government claims that India and Pakistan

have to settle the Kashmir dispute bilaterally, and not through international pressure from the United Nations (Johnson, 2005).

In spite of India's refusal from the involvement of their party Pakistan continued its efforts to involve the TIN as a mediator. For example Pakistan instructed its representative in the UN on 23<sup>rd</sup> July 1972 to appraise the UN of Pakistani position that the UN observers supervising the Kashmir cease-fire line, continue to have a role to play.

The second major incident on behalf of any Kashmiri organised armed resistant group, after the incident of the hijacking of Indian plane in 1971, that attracted the international attention was the kidnapping in February 1984 of a senior Indian diplomat in England, Ravidra Mahtre. The group who did this activity was the new appearance in the context of the sub conflict. Its name that came in the limelight was Kashmir Liberation Army (KLA). It was considered to be linked with the JKLF. In exchange for the release of Mahtre, the kidnappers demanded the release of a JKLF leader Maqbool Butt and some other prisoners who were imprisoned in various Indian jails. Before the reply of the Indian authorities Mahtre was found killed. In the subsequent development, on 11th February 1984, Maqbool Butt was executed. The execution of Butt became the event that began to become an occasion of a large-scale agitation activity (Malik, 2002).

In 1987, the Muslim United Front was formed. This Front lobbied and prepared the ground for holding of the elections in the Indian controlled Kashmir in 1989. In the elections arranged by the Indian Government only a small percentage of people turned out for the voting. In the result of these elections the National Conference came into power and its leader Dr. Farooq Abdullah, a Muslim, made the government in Indian held state. He invited the secessionist leaders to the negotiations but the secessionists did not respond in positive. By the end of that year there was a renewed struggle for the freedom of Kashmir.

An interesting development appeared in the context of the sub-conflict of Kashmir that at the same time as protesting in Indian held Kashmir continued more vigorously against India and the National Conference, Kashmiri Muslims and resistant groups expressed greater support for Pakistan. The death of Pakistan's President General Zia-ul-Haq in August 1988 was followed by pro-Pakistan demonstrations in Kashmir. A few days earlier Pakistan's national day, 14th August, was celebrated in Kashmir while India's national day on the other day on 15th August was designated a black day (Malik, 2002).

Another strong wave of conflict appeared since 1989 with the reigniting of the Kashmir problem. Indian writers stress that it was due to government mismanagement at the center and a corrupt state government that the long-standing tensions in the valley turned into violence during mid-1989. Militant groups began violent campaigns against the Indian government in Kashmir. Indian army that always maintained heavy presence on the LoC straight away tried to seal off the border. The rugged terrain, however, made a complete seal-off altogether

difficult for Indian army. The most disturbing fact for the Indian government was that contrasting in 1947 and in 1965 the 1990s insurgency was primarily home grown (Barua, 2005).

The number of armed secessionists increased from hundreds to the thousands. The organisations of the secessionists were strengthened; the most prominent were the Hisbul-Mujahideen and the Jammu and Kashmir Liberation Front (JKLF). Other organisations joined under the umbrella of Hurriyat Conference that campaigned peacefully to resist Indian forces' presence in the Indian held Kashmir. Iffat Malik has observed that a handful of the Kashmiri groups had begun operating in the 1960s, for example, Al Fatah and somewhat later, the JKLF. These groups, in the view of Iffat Malik, presented an alternative form of opposition, that may be called the armed resistance to increasing control of India over Kashmir, to that of Plebiscite Front, which carried out acts of sabotage, small-scale assaults on the police authorities (Malik, 2002).

In the result of a political crisis India dissolved the government of Farooq Abdullah and placed the Indian held Kashmir in direct control of the governor appointed by the Central Government of India. From 26th January 1990 onwards, the almost continuous curfew remained the order of the day and this situation continued for eight months. Almost civil war broke out in Kashmir and Indian forces started a crackdown (Malik, 1996).

Indian government decided that, rather than try and win the Kashmiris over by persuasion, it would rush the budding insurgency before it could take off. Therefore if in 1987 there was a chance that conflict in Kashmir with Kashmiris could have been prevented by 1990. Indian policies in the Indian held Kashmir as well as generally in the Union of India and use of force in the held areas had made the conflict with the Kashmiris a certainty (Malik, 2002).

In response to the crackdown on the Indian side of Kashmir and the more aggressive border patrolling of the Indian forces, the Pakistan beefed up its forces on the LOC. The tension and the greatly increased incidents of cross-border firings and artillery duels have led to a near state of war between Pakistan and India. In April 1990 Benazir Bhutto, the Prime Minister of Pakistan, declared that Pakistan was embarking on a 1,000-year war to wrest Kashmir from India (Barua, 2005).

Some Indian scholars stress that the Kashmir problem is necessarily internal problem of India. They therefore adopted a one-sided approach that A.G. Noorani adopted. According to him the political discrimination of the Kashmiris in Indian held Kashmir felt at the hands of the Indian government led to the rise of Kashmiris in Indian held Kashmir. The cause were summed up as "the political coup ousting Chief Minister Farooq Abdullah in July 1984, the forced marriage of his National Conference with the Congress party in November 1986, and the rigging of the 1987 state election was enough to drive the Kashmiris to desperation" (Noorani, 1992).

By 1991, the Indian government had abandoned any political approach to Indian held Kashmir and had adopted a military framework for dealing with the crisis. Indian state police that was mostly Muslim in Indian held Kashmir was

considered insufficient in both number and training to deal with the threat of militants. Many people were 'widely suspected of harbouring undecided feelings about, if not actively sympathizing with the Kashmiri militants (Malik, 2002). In 1993 Pakistani Military Intelligence estimated that the Indian army had 300000-400000 troops deployed in Kashmir (Barua, 2005).

The violent insurgency within Indian held Kashmir gave Pakistan a chance to pressure India for the talks between the two countries. The seven rounds of the negotiations on foreign secretary level continued from December 1990 to January 1994. Indian Prime Minister Narsimha Rao also wrote a letter to the Pakistani Prime Minister Benazir Bhutto in October 1993. The letter offered to discuss all issues including Kashmir. In the absence of the flexible mindsets the both countries once more adopted the traditional ways of non-engagement. Talks failed because India wanted out of the talks the end of what it called Pakistan sponsored valance. Pakistan wanted the change in the territorial status quo. The contradictory targets of both countries led the talks to failure (Karnad, 2004).

In December 1998, with almost half a million troops and security force personnel engaged in round-the-clock counterinsurgency operations, Indian Army Chief, declared that militancy in Jammu and Kashmir had been reduced to a trickle despite the intense efforts of Pakistan's IST to push more militants into the region (Barua, 2005). Ironically, the lesson that the Pakistan Army learnt in 1971, that the mistreatment of civilians generates insurgency, seemed to have been lost on the Indian security forces in Kashmir. There was and still is a risk that an internal dispute could rapidly escalate into an inter-state conflict, just as it did in 1971 (Johnson, 2005).

For almost ten years the insurgency in Indian held Kashmir remained confined to the Indian held areas and LoC. While Pakistan provided more than just moral support to the Kashmiri resistant groups, it avoided from direct involvement. The rivalries between the two countries in the Siachen Glacier had not any link with internal situation in the Indian held Kashmir. But in 1998 the signs of direct involvement of Pakistani forces in the Indian held Kashmir marked a further escalation of the Kashmir conflict. Iffat Malik views that having already gone from, build-up to insurgency, to full-scale insurgency, it became or seriously threatened to become an international conflict (Malik, 2002).

A breakthrough in June 1997 led to an agreement for the formation of eight working groups for discussion including on the key subjects of Kashmir and peace and security. Pakistani and Indian PMs (Nawaz Sharif and AtalBihari Vajpayee) met in New York in September 1998 and the June 1997 Agreement was given the green light. These developments and some back-channel contacts paved the way for the Vajpayee-Nawaz Sharif meeting of February 1999 in Lahore. Pakistan had concern for its economic conditions and Indian concern was the stoppage of violence in Indian held Kashmir. This air of peace was thawed with the Kargil War of May-July 1999 (Karnad, 2005).

On 24th December 1999 a group of armed men hijacked an Indian plane, with 178 passengers and 11 crew members, on its way from Nepal to New Delhi. The plane tried to land in Lahore, but the Government of Pakistan denied the permission. Therefore the hijackers forcedly landed the plane at Amritsar and then took off for Kabul. Moving from Kabul to Muscat and then to UAE the plane reached Kandahar on 25 December. Lashkar-i-Taiba immediately condemned the hijacking and denied any involvement; instead a group calling itself the Islamic Salvation Front claimed responsibility.

On reaching Afghanistan, the hijackers issued their first public demand of the release, amongst others, of Maulana Masood Azhar, an ideologue and fundraiser for the Harkat-ul Ansar (reformed in 1997 as Harkat-ul-Mujaheddin), who had gone to Kashmir in 1994 to help in the insurgency and was captured soon afterwards and imprisoned in a high security jail near Jammu. As negotiations continued from the airport control tower, Prime Minister Vajpayee insisted that his government would not bow to their demands, which were increased to include 35 more Kashmiri militants, and a £125 million ransom. But after three days, the hijackers reduced their demands and the Indian government eventually agreed to release three militants, including Azhar. The crisis finally ended when the five masked hijackers, holding their guns high, left the airport in a van with a driver provided by the Taliban. Both they and the three released militants immediately disappeared into the Afghan countryside (Schofield, 2003).

Subsequently the US government informed the Pakistani government that it believed that Harkat-ul-Mujaheddin was responsible for the hijacking and questioned Pakistan's involvement in supporting its activities through its military and intelligence agencies. At the same time, the Indian government was criticised for sending a signal to Kashmiri militants that India was a soft state which could be manipulated through terrorist activity.

In the spring of 2001, Vajpayee relaxed his position by inviting Musharraf to India. The Indo-Pakistani talks were held at Agra in mid-July but despite the display of cordiality between the two leaders, no mutually acceptable outcome could be achieved during the talks. Subsequently Musharraf claimed that he had succeeded in obtaining Vajpayee's agreement on admitting the centrality of the Kashmir issue to their relationship, but, when it came to signing the communiqué, the wording had been revised to include a mention of 'cross-border terrorism', which Pakistan could not concede. After first postponing his departure in order to try and agree an acceptable text, Musharraf concluded the summit by returning abruptly to Islamabad (Schofield, 2003).

One of the prominent Kasluniri leaders, Syed Ali Gillani, Chairman All Parties Hurriyat Conference, while writing to President of Pakistan General Pervez Musharraf, affirmed that the Indian state sponsored terrorism continues to wreck havoc with the life, property and honour of the Kashmiris. He also wrote to the Secretary General of the United Nations on 20th September 2004 that India's actions for last 15 years were the worst example of state torture and terrorism,

which were also admitted by the delegation of European Union in its report of 24th August, 2004.

In the negotiations during the period of Pakistan's President Musharraf, the creation of an independent Kashmir composed of Azad Kashmir and Indian held Kashmir was promoted by some of the Kashmiri leaders supported by the Western countries. The proposal was strongly rejected by both Pakistan as well as India. This third option was deemed by many peace workers, as a driving force for peace talks and the reconciliation process, which was initiated by President Musharraf and Prime Minister Atal Bihari Vajpayee. Many peace workers were optimistic that the negotiations might lead to an agreement. The peace-keepers viewed that both countries were in a position that they could not afford a continuing interruption of economic exchange and communication (Kreutzman, 2008). The bomb blasts in Mumbai in July 2006 led to suspension of the composite peace dialogue.

### **Main Players in the Kashmir Sub-Conflict**

There are various local, national, and international players who in some way are engaged in the conflict and who can lend support to a sustained dialogue on Kashmir that may bring to negotiated solution to the conflict.

#### **Kashmiri Players**

Only Governments of India and Pakistan are not two parties of the conflict. The local players within India can be divided into four sets: traditional political parties working in Indian held Kashmir like the National Conference, People's Democratic Party (PDP), Congress, BJP, and other elected representatives; separatist political groups - mainly but not only the Hurriyat Conference; the Militant Kashmiri groups functioning within Indian held Kashmir; and the leaders of the minority communities in the Indian held Kashmir (Behara, 2006).

The National Conference is the single largest political party with the biggest voter share in the IHK's assembly and has a support base in rural IHK. It can play an important role in building a domestic political consensus and is also about to act as a spoiler in the peace process. The PDP, a ten-year old regional party, represents the new class of political leadership in the IHK whose pro-Kashmiri stance is trying to appropriate the Hurriyat Conference's political agenda without the latter's secessionist overtones. The separatist groups including the Hurriyat Conference believe that Kashmir's final future remains to be decided along the lines of their ideological leanings, political strategies, and goals. For its part, Pakistan has accepted the Hurriyat Conference's representative status in IHK. On the Indian side, too, Hurriyat has hoped the central government would acknowledge it as the representative of Kashmiris that no political authority in India has conceded.

There are active militant groups, which include Lashkar-e-Taiba, Jaish-i-Mohammed, al Badr, and Harkat-ul-Mujahideen. India claims that they are



Pakistan based but they have deep roots also in IHK. Majority of these militant groups support the alliance of Kashmir with Pakistan. Hizb-ul-Mujahideen is the militant group with a substantial Kashmiri cadre. It insists that New Delhi must formally recognize that Kashmir is a disputed territory yet seeks the status of the principal interlocutor. The commanders of the Hizb-ul-Mujahideen feel that the wages of war are greater than any payouts that may come with peace, albeit for different reasons.

Finally fourth player whom India tries to give importance is the group of political leaders of the minority communities—the Kashmiri Pandits, Ladakhi Buddhists, Shia Muslims (of Kargil), Gujjars, Paharis, and Dogras (Behara, 2006).

In Azad Kashmir three sets of political forces are important to be taken into account as key players. One set is controlled by traditional players such as the Muslim Conference and Pakistan People's Party (PPP), which believe that the Kashmir conflict revolves around the IHK and hope to bring it into Pakistan's fold. They pursue the agenda of uniting Kashmir with great passion.

The Jammu and Kashmir Liberation Front (JKLF) is another political force that seeks a united, sovereign, and independent Kashmir. Finally, there are the militant organizations, with the strength of more than one hundred, which function jointly in AJK and Azad Kashmir (Behara, 2006).

### **Indian National Players**

Important political stakeholders include the Congress, the United Progressive Alliance (UPA) government led by Prime Minister Manmohan Singh, the BJP (the main opposition party), and the smaller coalition partners of the Congress and the BJP that favor a deeper federalization of the Indian policy. They want the solution of no redrawing of boundaries grounds and maximum autonomy short of secession in the domestic context.

The BJP's Hindutva philosophy does not seem to argue well for the Kashmiri peace process. Kashmir has always been central to the Hindu notion of Rashtra-Rajya (nation-state), and the BJP has traditionally advocated that Article 370 be abolished since Kashmir, by virtue of its Muslim majority, needed to 'prove' its loyalty to India by abandoning all claims to special treatment (Travers, 2008).

Indian security forces including the army, various paramilitaries, and the IHK police constitute another significant player because of their role in direct fighting in IHK. Unlike the military in Pakistan, the armed forces in India are not going to shape the political contours of the peace process, but their inputs are fully taken into account in operational matters such as cease-fire agreements or demilitarization of certain parts of the Valley (Behara, 2006).

### **Players in Pakistan**

On Pakistan's side, there are different entities, which may be categorized as the players in the sub-conflict of Kashmir. At the top of the list there is elected

## **South Asian Studies 30 (1)**

government of Pakistan. The Ministry of Kashmir Affairs that coincides with government of Azad Kashmir is major decision maker in respect of Kashmir. Pakistan's armed forces cannot be negated at all. Moreover religious leaders and political parties like Jamaat-i-Islami are important players who have deep roots in the public and can influence the public opinion a lot. They can function as spoiler as well as helper in the resolution of the conflict. It is up-to the government how they manage these groups.

Along with these local players in the sub-conflict of Kashmir there are certain international players who can influence the peace process and can make the settlement of the sub-conflict of Kashmir as well as the conflict between India and Pakistan possible.

### **Complexities within Indian Held Kashmir**

Technically Pakistan has not absorbed Azad Jammu and Kashmir (AJK). This area has its own President and Prime Minister, but in fact the Federal Ministry of Kashmir Affairs controls AJK. The 1955 Kashmir Act provided the party-based elections to a small state council. The 1970 Kashmir Act created a Presidential system. The elections with adult franchise were held in 1970 as in other parts of Pakistan. The 1973 Constitution of Pakistan does not bear any reference to Kashmir. In 1974 the Presidential system in Kashmir was replaced in the parliamentary form of government. The religious bond has enabled Pakistan to continue its control of AJK with far greater ease than India has been able to control Indian held Kashmir.

There are many complex situations within Indian held Kashmir itself in contrast to Pakistani controlled Kashmir where the groups are not too extreme against Pakistan. The dissimilarities in Indian held Kashmir have caused the conflict continuously sustain. In 1986 National Conference (NC), ruling party of Indian held Kashmir forged a deal with the administration controlled by National Congress Party. NC is a party that is widely accused of corruption. This deal with National Congress threatened Kashmir's remaining autonomy. Due to this deal the Muslim United Front (MUF), a new party, came to fore. This party had in its supporters a cross-section of Kashmiris. They included secessionists, youth and the pro-Pakistan Jama'at-i-Islami. In the elections held in Kashmir arranged by Indian government in 1987, the MUF appeared strong. The NC, however, won the elections. The MUF believed that NC's victory was due to the rigging in the elections. Before the election, hundreds of MUF leaders and activists were arrested. Unsurprisingly, many of the younger MUF supporters switched their allegiances to the militant groups, which, until the election, had been declining in numbers and support. Some of the new recruits crossed over the Line of Control to Pakistan to obtain arms and training. Even though they were unable to unite over the issue of an independent Kashmir or accession to Pakistan, the militants nevertheless, shared a common enemy in the National Conference controlled state of Indian Kashmir. In 1988 and 1989 the groups began assassinating National

Conference leaders and agitated for change using violent protests. Some groups also targeted Hindu civilians, forcing a steady, if small exodus of Hindus from Kashmir. Religious conflict in Kashmir prevented a solution and fuelled the fighting, but it is really a question of where power lies that matters most to each side (Johnson, 2005).

Only two attempts have been made by India for the resolution of the differences between India and discontented groups within India during period of conflict since 1947. The first attempt started in early 1949 after the India Pakistan ceasefire became effective and the UNCIP became active on behalf of the UNSC. During these negotiations Gopal aswamy Ayyangar who had been the PM of Indian held Jammu and Kashmir in 1937 to 1943 and Mirza Afzal Beg discussed the peace in the area with the joint efforts of the community. The Delhi Agreement of 1952, that came out in the result of these negotiations, provided that Delhi's desire for control and Srinagar's desire for freedom of action was fulfilled. The second attempt for finding a settlement took place after Indo-Pakistan War in 1971. The Kashmir Accord of November 1974 between Sheikh Abdullah representing Kashmiris of Indian held Kashmir and Indian Prime Minister Indira Gandhi from Indian government took place. According to the Kashmir Accord contained a provision to review post 1953 legal changes. This deal could not continue due to the absence of settlement with Sheikh Abdullah and also due to the rise of insurgency within Indian held Kashmir. The series of interlocutors that the V. P. Singh, Narsimha Rao and Vajpayee governments of India appointed — Fernanades, Pilot, Pant, Jethmalari and Vohra — were meant to play nothing but a cosmetic role. The Hurriyat steadfastly refused to talk to any of the Kashmiri governments. Another Ansari Group started talks with the Deputy Prime Minister of India in January 2004.

### **Damages of the Conflict**

More than 24,000 lives have gone wasted during the sub-conflict of Kashmir (Johnson, 2005). Both India and Pakistan have expended a great deal of money, many lives and much effort. Both countries have fought difficult campaigns, often against the odds, in 1947-8, 1965, 1971 and 1999. So far no country could achieve a lasting strategic advantage from any of the disastrous fight.

### **Kashmir Sub-Conflict and Related Aspects**

#### **Terrorism**

Indians call the secessionists working in Indian held Kashmir as the terrorists and in this context Pakistan is alleged to promote the inter-state terrorism. India calls the armed activities within the state by the armed secessionists as Pakistan sponsored terrorism. For India the freedom fighters are terrorists. On the other hand Pakistan considers that Indian occupation itself is an act of state terrorism because

## **South Asian Studies 30 (1)**

Indian occupation of the state is illegal and against the wishes of the people. Pakistan, like the point of view of the secessionist Kashmiris, considers that India violates the human rights in its held area.

### **Jammu and Kashmir's Policy Choices**

The Kashmiris on both sides of the LoC have three broad choices strategically given the degree they can act independently. They can join hands and fight for a sovereign Kashmir state; they can enforce the insurgency in IJK and demand their political rights; or they can accept the status quo accepting the arrangement that is now prevailing by accepting Indian control over IJK.

To secure the new coalitions that could create a pan-Kashmiri identity, various internal leaders would have to come together and undertake a truly all-inclusive dialogue - embracing all ethnic, religious, regional, and linguistic identities, down to the grassroots level. This extraordinarily ambitious option is the only political means of creating a sovereign Jammu and Kashmir state. It requires visionary leadership not just in Srinagar and Muzaffarabad but also in every corner of the state. Realities in both parts of Kashmir offer little hope for realizing this policy option (Behara, 2006).

When both governments of the countries involved in the situation and the Kashmiri leaders fail to give any solution of the conflict and fulfill people's aspirations, various Kashmiri and Pakistani groups can resort to the violent insurgency. Violence may also accelerate for other reasons, such as weakening of the security grid or complacency among the security forces and the Jammu and Kashmir state police in the long term because of their operational mistakes and atrocities. There is no dearth of ideologically motivated, well-trained cadre armed with weapons and funds in Kashmiris who are quite prepared to wage a jihad. Another alternative for Kashmiris is to give up their demand for a sovereign and territorially independent state and separately, though simultaneously, negotiate political deals with the governments of India and Pakistan that provide for a highly porous, preferably open, border, between the two parts of Kashmir. On the Indian side of Kashmir, those willing to explore a political solution within the framework of the Indian constitution (the entire spectrum of political parties) and those excluding this possibility (the separatists, especially the Hun-iyat) a consensus is necessary on Indian side (Behara, 2006).

### **Pakistan's Policy Choices**

Pakistan, too, has three broad strategic choices regarding the future of Kashmir: not to rock the boat and wait for a more opportune moment, invigorate and intensify Jihad throughout India, or pursue a negotiated settlement.

As one option, Pakistan could be silent over how the militants to operate in Kashmir and elsewhere in India while restraining them, as far as possible, from executing any high-risk terrorist strikes that might trigger a military confrontation

with India. With a heavy deployment of Pakistani troops on the Afghan border, the army fighting against militants aligned with al Qaeda in the Waziristan area, and the need to control Indian supported miscreants in Baluchistan, Pakistan may want to avoid tension in its eastern borders and avoid fight with India, at least until the situation stabilizes at home.

Second option for Pakistan is to support the militancy in IHK so that India might bend on its knees. For this Pakistan will have to support the militant organizations in IHK. The perils associated with supporting militancy may be greater for Pakistan than India. Pakistan is facing the menace of terrorism in its tribal areas including Waziristan. The bomb explosions daily have disturbed the civil life in Pakistan. The militancy in its own boundaries can pose risks for Pakistan's own political future. All in Pakistan seem to recognize that militancy, as an instrument of state policy is not only discredited but also unsustainable. Pakistan has bled because of radical Islamic groups no less than India.

Pakistan's third broad option is to seriously pursue the peace process and negotiate a settlement to the Kashmir dispute. This does not imply giving up the cause of Kashmir unilaterally, though it would entail several strategic shifts in Pakistan's Kashmir policy. The rationale for negotiation is Pakistan's realization that the military and militancy are simply not worth risking Pakistan for Kashmir.

This course of action would require painstaking negotiations with India and international support. A negotiated settlement would require Pakistan to redefine its core position on Kashmir, which in official circles is that a UN plebiscite would settle the dispute but in reality is that Kashmir must be brought into Pakistan through coercive means (Behara, 2006).

### **India's Policy Choices**

There are three options for India regarding the resolution of the sub-conflict of Kashmir. They are to stick to go-slow and evolutionary approach; go on the offensive against Pakistan; or actively find out a mutually acceptable final resolution.

First style of Going-Slow while sustaining the dialogue process is that without significantly correcting course, but also without putting Kashmir on the backburner, India could adopt military CBMs aimed at avoiding a war and promoting economic cooperation and people-to-people contacts. Specific dialogue on Kashmir should exclude any efforts to change the map. This Indian approach can be criticized for its short-term thinking. History tells that if there is too long pause in addressing Kashmiri's aspirations, a boiling Kashmir can smoke again. The trouble in Kashmir then results in prompting Pakistan for raising its demand for plebiscite.

India's second option is to remain offensive and toughen the stance in bilateral talks against Pakistan while alleging that latter is. There are three ways in which India can remain offensive. First, replying through waging an extreme secret war against Pakistan, supporting insurgency in Baluchistan, igniting trouble

## **South Asian Studies 30 (1)**

in Karachi, aiding tribal warfare in Waziristan, and fomenting Sunni and Shia differences with the objective of keeping the Pakistan engaged in coping with challenges to its internal security (Karnad, 2004). This is not only a high-risk strategy but its very success could spell doom for India's larger national interests. Such strategies usually backfire. It is virtually impossible to calibrate and control such groups to ensure they will work for only the sponsoring state's goals.

Alternatively, India could use the growing Kashmiri complaints against the 'iniquitous water-sharing arrangements' to reopen the Indus Water Treaty, as demanded by the Jammu and Kashmir State Assembly's resolution passed on 2<sup>nd</sup> March, 2003 (Sahni, 2006). This could alter the political equations between different Kashmiri players and Pakistan. India could also fight this battle on Pakistan's own turf without muddying the bilateral waters by exacerbating its deep divisions on issues of water sharing.

Third alternative for India is to go on the diplomatic offensive and change the negotiating parameters within the peace process. In this case, it would have to aggressively defend its original thesis that the entire state of Jammu and Kashmir belongs to India by citing the Indian Parliament's unanimous resolution of 1994 mandating that the government bring Pakistan-controlled Kashmir back into its fold. New Delhi must bridge this gap between its official stand and popular perceptions by reverting to its original demand, which would then allow more room for negotiating a final deal with Islamabad.

India's third broad strategic option is to join Pakistan in exploring ways to reach a final resolution of the Kashmir conflict. This entails making peace with and among the diverse domestic constituents, mobilizing broadly based diplomatic support for a peace deal that does not compromise India's vital interests, and clinching a settlement with Pakistan. Notwithstanding being an ideal option it is the most difficult to pursue. In the short term, New Delhi must reckon with the spoiler element of Jihadi groups because any peace deal poses an existential threat to them. They will therefore try their best to scuttle the peace process at any cost (Behara, 2006).

### **The Way of Settlement**

Is there a way to settlement of the sub-conflict of Kashmir? Without a settlement of the sub-conflict, which focuses and magnifies all the historical, religious and political hatreds between the two conflicting countries, the perilous stalemate will continue indefinitely, expose to dangerous rise of war at any time (Margolis, 2001).

Despite discouraging diplomatic rigidities, the fifty year-old UN plan for a supervised referendum in Kashmir still remains the best possible solution. There is also a possibility that Kashmir may stand an independent state and there are certain demographic, political, and economic factors why Kashmir can exist as a viable independent state, with the condition that it may function as a buffer state between Pakistan and India and in that capacity it would be bound to establish and

maintain absolute neutrality. Margolis believe that an honest vote in a plebiscite in Kashmir undoubtedly would produce a majority in support of accession to Pakistan or independence.

India has long recognized this fact. Therefore India has decided at all costs to obstruct every effort of plebiscite that India could not control and rig. Intense international economic, diplomatic or political pressure over India or rise of a massive upsurge in Indian held Kashmir can bring the change in the minds of the leadership of India. It seems unlikely in this prospect. India's political leadership, for the most part the opposition BJP's Hindu chauvinists in past decided only to stake their destinies on crushing the uprising in Kashmir. BJP could not take a decision of plebiscite in Kashmir during 2004 as losing Kashmir would fly in the face of the BJP's loudly stated ambitions to re-create the old Raj under Hindu rule, and negate the party's very *raison d'être* as the spear-point of Hindu revivalism.

Therefore, it looks like that independence is unachievable, and also the union with Pakistan is very hard in present context. There is another option that Kashmir might be given a genuine autonomy within the Indian union. Here again the obstinacy of Indians come in the way as India claims Kashmir already has full autonomy under the local state government. Very few people can believe this false report of the real situation. Even Dr. Farook Abdullah, the leader of NC, is not apparently convinced of this version. Margolis thinks that he is considering giving up being an Indian satrap and returning to his residence in the peaceful English countryside.

India cannot endorse real autonomy because it would definitely mean a right to secede from India. It may also mean that a state government could be elected that might make very close alignment with the government of Pakistan. India is also apprehensive for the spark of calls for more autonomy from other restless regions within Indian Union. The people of these restive regions are already dissatisfied from Indian controls and taxation. The areas such as Assam, Mizoram, Nagaland, or worse, even big states like Tamil Nadu and Karnataka might demand and elect to keep their taxes at home, selling resources and exports directly to foreigners, and refusing to any longer subsidize poor regions of the country.

Notwithstanding every potential solution is replete with problems and dangers, the people of Kashmir are more actively declaring that they will no longer accept the status quo and will get their freedom at every cost. They are determined to continue their struggle in every condition. Their struggle for freedom and the discouraging as well as savage response from Indian government and state machinery produces certain threats for escalation war between Pakistan and India. There remains utter danger of nuclear war if this sub-conflict is left unheeded. The expectations can only be fixed to the world powers and the fraternity of nations who may come forward to put a pressure over India so that she may give concessions for the resolution of this sub-conflict that has gained the standard of a full conflict with the passage of time.

The international fraternity can review the situation of human rights in the Indian held Kashmir. India has continued its repression in Kashmir that is one of

the worst forms of the violations of the human rights. This repression undermines the ambition of India for getting a permanent seat in the UNSC and for gaining the international respect as a mature, democratic great power. The world powers must consider that while they were condemning China for its atrocities in Tibet during 1990s. India was equally, if not more harshly, responsible for political torture and murders in Kashmir during the same period.

Margolis believes that India would be better off without its portion of strife-torn Kashmir. Keeping the mountain state in the union by force is costing Delhi huge sums of money it can ill afford, wearing down the Indian army, and damaging India's reputation. But the Indian government has got itself stuck in the mountains of Kashmir; it is unable to go either forward or backward, as the voices of its moderate politicians are increasingly drowned out by the rising clamor of Hindu fundamentalism and chauvinism. No Indian politician dares risk being accused of having surrendered the glorious earthly paradise of Kashmir to the hated Muslim enemy. Muslim Kashmiris cannot abide Indian rule. Everything must change; but nothing, it seems, will. Any peace process in Kashmir needs to be based on the following principles:

The inherent character of the sub-conflict of Kashmir needs a multi-national approach of conflict resolution. In that framework, all conflicting nationals as well as the governmental agenda and identities will have to be acknowledged. An implied commitment behalf of all players as well as mediators is required more than anything else. The players of the conflict will have to understand or they will have to be made understand that the resolution of the conflict is better for their existence and the mediators will have to understand that the resolution of the conflict is necessary for the betterment of humanity at large.

The possible solution of Kashmir must be very much soft of nature. The regard for existing status co as well as the change according to the aspirations agreed upon by all parties involved in the conflict is very hard task for the mediators. It calls for the sagacity of the external mediators as well as the sane attitude on behalf of all players that they may bring such solutions, which may lead to lasting peace and may bury all of the elements, which can be harmful for the peace.

## **References**

- Ali, Chaudhry Muhammad. (1973). *The Emergence of Pakistan*. Pakistan Historical Society.
- Barua, Pradeep P. (2005). *The State at War in South Asia*. London. University of Nebraska Press.
- Basrur, Rajesh M. (2008). *South Asia's Cold War: Nuclear Weapons and Conflict in Comparative Perspective (Asian Security Studies)*. New York. Routledge.
- Behera, N.C. (May 2007). *Demystifying Kashmir*. Washington D.C. Brookings Institution Press.
- Bose, S. and Jalal, A. *Modern South Asia: History, Culture, Political Economy*, 2nd ed. New York and London: Routledge.
- Burke, S.M. (1975). *Mainsprings of Indian and Pakistani Foreign Policies*. Paperback.



- Choudhry, G.W. (1968). Pakistan's Relations with India, 1947-1966. London. Pall Mall Press.
- Das, N.K. (2006). People of India and Indian Anthropology. Economic and Political Weekly. 3156-59.
- Dawn, (22-8-1949).
- Dawn, (24-2-1950).
- Dawn, (21-12-1951)
- Ganguly, S. (2007). Kashmir: Roots of Conflict, Paths to Peace (review). *Journal of Cold War Studies*.9(1), 144-146.
- Ganguly, S. (1996). Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay. *International Security* 21(2), 76-107. The MIT Press. Retrieved April 20, 2014, from Project MUSE database.
- Ganguly, S. (2007). The Roots of Religious Violence in India, Pakistan and Bangladesh. London. Routledge.
- Hellmann, Donald Ed. (1976). Southern Asia: The politics of Poverty and Peace. Toronto. Lexington Books.
- Johnson, Rob (2005). A Region in Turmoil. London. Reaktion Books.
- Karnad, B. (2004). A Strategy to Counter Pakistan Supported Terrorism. In "Pakistan in a Changing Strategic Context". Behera, A.D. and Mathew J.C. ed. New Delhi. Knowledge World.
- Kreutzmann, Hermann. (2008). Kashmir and the Northern Areas of Pakistan.
- Lamb, Alastair (2002). Kashmir: A Disputed Legacy: 1846 - 1990. Karachi: Oxford University Press.
- Malik, I. (2002). Kashmir Ethnic Conflict International Dispute. Karachi: Oxford University Press.
- Margolis, E. S. (2001). War at the Top of the World. New York: Routledge.
- Nixon, R. (1992). Seize the Moment: America's Challenge in a one-superpower World. New York. Simon and Schuster.
- Noorani, A.G. (1992). "The Betrayal of Kashmir". In Perspectives on Kashmir: The Roots of Conflict in South Asia. Raju, G.C. Ed. Westview Press.
- Pakistan Horizon. (10-3-1957).
- Pakistan Horizon. (10-12-1957).
- Pakistan Horizon. (11-6-1957).
- Sahni, H. K. (2006). The Politics of Water in South Asia: The Case of the Indus Waters Treaty. *SAIS Review of International Affairs* 26(2), 153-165. The Johns Hopkins University Press. Retrieved April 20, 2014, from Project MUSE database.
- Saraf, M.Y. (1977). Kashmir's Fight for Freedom. Lahore. Ferozsons.
- Schofield, Victoria. (2003). Kashmir in Conflict: India, Pakistan, and the Unfinished War 42(3). 551-556. Islamic Research Institute, International Islamic University, Islamabad. Article Stable URL: <http://www.jstor.org/stable/20837300>
- Tavares, R. (2008). Resolving the Kashmir Conflict: Pakistan, India, Kashmiris and Religious Militants *Asian Journal of Political Science*, 16(3).

## Biographical Note

**Musarat Javed Cheema**, is Assistant Professor, at Centre for South Asian Studies, University of the Punjab, Lahore, Pakistan.

---