

Kashmir and Uncertainties: Dynamics of Conflicts between India and Pakistan

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Abstract

This study tends to focus on the current status of all the parties involved in Kashmir dispute. The paper exclusively deals with J&K- Indian held Kashmir. Historical analysis has been conducted to look into the emergence of Kashmir conflict and the nature of struggle undertaken by Kashmiries over time. Comparison has been made between the diplomacy of Pakistan and India regarding Kashmir issue. Different incidents which, slowly but surely, carved Pakistan out of the picture are briefly described. In addition, India's long term policies to win the hearts of Kashmiri people have also been investigated. This short paper is exploratory in nature. It is an attempt to highlight some of the important questions surrounding this issue and also to provide a framework for future research.

Key Words: Counter Terrorism, Zero Tolerance, Military Operations, Coercive Diplomacy, Conflict Resolution

Introduction

The recent episode of uprising in the historical revolt of the Indian held Kashmir is coming as a surprise to many. It marks a new and unique turn in the history of Kashmiri revolt against Indian occupation, and it is not clear if all the 'stake holders' are able to read the writing on the wall. If the brutality of the Indian forces are touching new levels, the resilience of Kashmiris and the sheer intensity of the uprising is also marking a departure from its own past. The death of young Burhan wani on 8th July 2016 started a new chapter in the history of revolt, as thousands upon thousands poured out on streets in protest against the killing of the famous young man. The clashes between protesters and police have escalated into full-fledged crisis since then. The vicious violence and brutality that has ruled the clashes between police and civilians seems to have pushed Kashmir out of the 'comfort zone' of the central government of India. The gruesome technique of 'blinding' used to scare the protesters has failed to bring the temperature down in Kashmir. In fact, as the security forces march on to Kashmir, it seems to be slipping away from India's iron grip with unprecedented rapidity. If the odds are turning against India, Pakistan- the other stakeholder in the conflict is also treading troubled waters. In the absence of pro-Pakistan jihadist outfits, Kashmir seems to have distanced away from Pakistan, and topping it all is the inability to generate any meaningful international support for Kashmir during the uprising.

The uniqueness of the recent uprising is apparent from some very exceptional features that it has displayed so far. Contrasting with its past, the first difference lies in the indigenous drive of the uprising. The Pakistani support that has withered away considerably has given way to a more home grown and organic kind of uprising which is even more 'lethal' as far as India is concerned. It is easy to cut off 'supply

lines' but when the supplies are internally supplied the dynamics of revolutionary change altogether. The recent surge is also unique in its resilience; it is proving to be the most stubborn and tenacious bout in the long history of Kashmiri revolt. The mass communication technology and the indigenous means of support have rendered a new force to the revolt. India explodes with questions- provocative questions- that were never asked before over Kashmir as curfews, naked force, and communication controls try to hold down the revolting zeal of the masses in Kashmir. Cynical as it is, the uniqueness of the recent uprising is also obvious in the silence of the international community over the Kashmir issue. International communities' silence is becoming more of a norm when one looks at the deteriorating human rights situations in many different parts of the world.

As temperature rises in Kashmir, both India and Pakistan seem to be having trouble with maintaining their traditional roles and positions in the game. New dynamics are emerging as the conflict ages and it is imperative now to re-read the history of the conflict. It is also important to revisit the history of the conflict to situate it into contemporary politics and conflict management scenario. It is also imperative to shake up the diplomatic history to find out flaws that have resulted in the international communities' absurd and loathsome silence as well as the Kashmiri estrangement.

Literature Review

Zaidi(2013) in his paper, has described the background of the conflict, its Physical features geographic location of area, and also the process through which the boundaries of Kashmir were created under the British rule. Apart from that, he argued that Kashmir was the basic reason for three wars between India and Pakistan. Different resolutions of the UN on the issue are described. He mentioned possible solutions to the issue at the end. The paper does not take into account why both sides could not resolve it. On the other hand the current situation of both parties to the conflict in terms of diplomatic successes is not explained.

Chopra (1968) in his paper criticized Chinese attitude towards Kashmir dispute. He argued that it was China who made the situation worst. China's stance before 1962, Sino-India war, remained impartial. But soon after that they started using the issue to enhance bilateral ties with Pakistan. He interlinked the Chinese behavior and success of Pakistan in UN. By and large, he criticized bilateral relation between China and Pakistan rather than providing a comprehensive insight to Kashmir issue. It was not only China which tried to cultivate support by using that conflict; other big powers also did the same thing, such as USA and Russia.

Mahmood (2001) in her study investigated the Indian attitude towards Kashmir dispute. She traced different delaying tactics used by India. According to her, Indian occupation was pre planned; however, later on India could not defend its stance on Kashmir. She described the Indian refusals to UN resolutions. Furthermore, India claimed that it was Pakistan which forced her to defy those resolutions. For example, Pakistan signed an agreement for mutual army training with the USA. However, Pakistan's failure to disclose Indian attitudes is not described. Later

developments of issue are also missing. Paper does not explain the possible solutions as well.

Lockwood (1970) investigated the tendency of a separate state for Kashmiris. For that purpose the demographic division within Jammu and Kashmir has been explained. According to him the conflicting interests of native people are the main trouble. Sheikh Abdullah emerged as the main advocate for the self-determination cause from very beginning. His plan received different response from different areas. Author divided the Kashmir into three main areas depending upon people's response to this agenda, namely Jammu province, Kashmir valley and Ladakh. State people's Convention was created to reach a conclusion. However, it did not produce or generate positive results. The paper does not look into the influence of Pakistan and India on such solutions. It also lacks the information about political opposition faced by Abdullah.

This study is qualitative in nature. Mostly, secondary data have been used. Data is collected from websites, newspaper articles, books and journals. Apart from that, it also relies on primary data. For that purpose, data is collected by the author himself through observation, interaction with and interviews of native Kashmiris. Interviews were conducted through personal contacts. For that purpose, social media has been used. As far as reliability is concerned, such means are not much reliable. Due to lack of time and resources I have to use them. On the other hand access to conflict zone is also very tough.

Historical Background

When the decolonization process took place in the 20th century, many societies faced the chaotic situation. Colonial regimes were authoritarian and despotic. They ruled different multi-ethnic, multi-cultural and multi-religious societies with highhandedness. After Second World War, different countries started moving towards the system of nation state which triggered communal violence in many of the colonies. Britain ruled subcontinent, a multi-cultural society, through divide and rule policy. It did not bode well for native people in the long run. When European powers gave independence to their former subjects, they demarcated colonies according to their own will. They did not take into account the demographic diversity of population. That's why many post-colonial states experienced the succession movements and territorial conflicts. Similar situation also emerged in subcontinent when the British left it. Because of post WWII international scenarios and economic challenges they decided to withdraw in haste. They divided the subcontinent into two dominions: Pakistan and India. There were more than 560 princely states in sub-continent too. Partition formula was silent or ambiguous about the fate of those states. It was mentioned that princely states could join any of the dominion or make a suitable political arrangements to form separate states(Mangrio, 2012). Lord Mountbatten suggested that princely states should take decision in accordance to their geographic location and communal ties. Keeping these considerations in view, almost all states acceded to India or Pakistan, except Hyderabad, Junagadh, Jodhpur and Kashmir. Rulers of Jodhpur, Junagadh and Hyderabad wanted to join Pakistan. But India refused to accept their decision and got their control on the bases that they had a Hindu majority population. At that time,

Kashmir, having Muslim majority, was ruled by a Hindu ruler Maharaja Hari Singh. Maharaja wanted to establish a separate state. In an attempt to get some time to make a decision, standstill agreements were signed with both India and Pakistan. Muslims of Kashmir saw it as a delaying tactic by Maharaja. Since they were not happy with his rule, they started an insurgent movement. In October, many tribesmen from Pakistan went there to support fellow Muslims (Bakaya & Bhatti). It further worsened the situation. Maharaja signed an instrument of accession with India to cultivate its support. India sent its troops in Kashmir to assist Maharaja. Later on it resulted into a war between India and Pakistan. By the end of 1948, Kashmir was divided into Pakistani administered and Indian administered area. From that point onwards, a prolonged conflict started between India and Pakistan. In fact, Kashmir has remained a bone of contention between both countries throughout the history.

Both India and Pakistan claimed, on separate grounds, that Kashmir belonged to them. India believed that the Kashmir's accession to India was accepted by Mountbatten that's why it belongs to them. On the other hand, Pakistan claimed it by referring to the partition plan. Kashmir was a Muslim majority area that's why it was supposed to join Pakistan. Apart from that, geographically it was aligned to Pakistan. For example the only rail line in Kashmir connected it to Sialkot, Pakistan. Whoever's claim was right, our interest is to investigate and find current position of all parties to the dispute through historical analysis. With the passage of time, Pakistan has lost grip on its stance. On the other hand India is still struggling to hold the ground. Apart from that Kashmiris are finding themselves nowhere.

Pakistan's Diplomatic and Political Failures

The newly born state of Pakistan was not able to respond productively to Kashmir dispute from the very beginning. During its teething years, many events took place, but Pakistan could not cash them. Pakistan made two mistakes at the time of partition. Firstly, acceptance of Junagadh's accession was not a wise decision. Its Muslim ruler did it against the wishes of the Hindu majority population. Pakistan had set a wrong precedent by accepting it. They argued that the right of accession was given to rulers through partition plan. India invaded Junagadh on the grounds that it was a Hindu majority area. Later on it also used the same precedent in accepting Kashmir's accession. Pakistan lost Kashmir as well, in an attempt to get Junagadh and Hyderabad. Secondly, tribesmen from NWFP (Pakistan) went to Kashmir to provide assistance to rebellions. Hari Singh perceived it a potential threat to his rule. He signed the instrument of accession with India to get military assistance. Pakistan provided opportunity to India, which Congress was trying to produce since long (Suharwardi, 1983). After that fighting started between tribesmen and rebellion on one side, while Indian troops on the other side. The story did not end here and Pakistan had the second bite of cherry in the shape of fighting. Unfortunately, once again they misread the situation. Firstly, Quaid-e-Azam ordered General Gracey to send army in Kashmir, but he refused. Later on, Jinnah was forced to take his decision back. If they had sent the forces, the situation would have been different. Due to tribal incursions, reasonable part of territory was already liberated. Secondly, the tribal warfare was not effectively planned. Pakistan sent more tribesmen but they could not build on what they had got already. Native rebellion, which started in Poonch, was going well and

had reasonable strength. Pakistan should have provided arms and ammunitions to them instead of direct tribal incursion. (Humaira et. al, 2020)

From that point onwards, all parties to dispute required continuous struggle to get something out of that mess. Once again, India realized the situation and brought the dispute before United Nations to mould it further in her favor. India took the dispute to Security Council under Article 35 chapter VI (Akram & Shahzad, 2015). It was a well calculated move of India. They did so in January 1948, just two months after Kashmir's accessions. First motive behind it was to observe cease fire. Tribesmen and rebels, with the help of Pakistan army, were progressing effectively, as newly born state of India did not have well established army but India was still able to get its first motive fulfilled as cease fire was enforced soon. Pakistan got the hold of Northwest part, called as Azad Kashmir. On the other hand, major portion of territory came under India, now called Jammu and Kashmir. India managed to get time to consolidate its possession. Secondly, India brought the issue under chapter VI, not under chapter VII of the Charter of United Nations. Under article 39, chapter VII, Security Council has the authority to look into any dispute which seems a threat to world peace. Article 40 says that it can also call upon parties to discuss the dispute but decision would be binding. Under article 41 and 42 it has the authority to force both parties through different means, such as sanctions or armed force (Goodspeed, 1967). However, under chapter VI a party or parties to dispute can request UN to mediate. Whereby, its decision would not be binding and can be implemented only with the agreement of all the parties. In 2001, Kofi Annan, Secretary General of UN, gave similar interpretation of the Kashmir dispute. According to him, Kashmir resolutions were passed under Ch VI, and not under VII, that's why UN cannot enforce them forcefully (Ashraf, 2015). India used this option and did not agree on any resolution or solution given by Security Council.

Story did not end here. Indian diplomatic successes and Pakistan's failures continued throughout the prolonged history of dispute. India managed to bring this issue on bilateral solutions on many occasions. In 1953 insurgency erupted in Kashmir after the ouster of 1st popularly elected Prime Minister, Sheikh Abdullah. (Khan, 2016) Nehru-Bogra negotiations took place in the same year. Nehru managed to convince Bogra, and Pakistan's support to insurgency was withdrawn. He promised that India would hold plebiscite in Kashmir by the end of 1954. He argued that it could be done only under peaceful environment. In the meantime, Pakistan signed an agreement with USA to get military aid. Nehru used it as a tool to end the bilateral talks. He claimed that military building of Pakistan was a threat to India. It was a lame excuse because India was spending three times more than Pakistan on its military at that time. Indian government simply turned the negotiations down when they made it sure that insurgency in Kashmir was suppressed. They promised to hold plebiscite just to calm down people of Kashmir. Regardless of this Indian betrayal, Pakistan agreed on many occasions to solve Kashmir dispute bilaterally in the years to follow. Pakistan agreed on bilateral solutions to all disputes in Tashkent Declaration and Shimla Agreement. 1965 war took place on Kashmir issue. Tashkent Declaration ended the war without even discussing Kashmir dispute. Once again India got itself out of trouble easily. They maintained that it was not feasible to discuss Kashmir at that point of time due to public reaction back at home (Ashraf, 2015). It was promised that both countries would discuss and solve it

soon. Unfortunate event of Prime Minister Shastri's death was a big blow to that commitment. Like previous one this agreement also faded away without any productive result regarding Kashmir. Similar provisions about bilateral solution were mentioned in Simla Agreement as well.

It seems that Kashmir dispute was placed into the cold storage after that. No diplomatic or political development, regarding Kashmir, took place between India and Pakistan. Both countries have been blaming each other for the miserable condition of Kashmir. From early 1990s to 2010, different insurgencies and uprisings were there. Indian forces have managed to suppress them although few were very intense (Reshi, 2015). India claims that militants have been pouring in to Kashmir from Pakistan. On the other hand, Pakistani government only condemns this allegation and killings of Kashmiri people. It seems that Pakistan has lost its all possible chances to liberate Kashmir. Above discussion shows that Pakistan has only the option of bilateral solution to this dispute; however, such solution depends entirely upon the willingness of India. As long as power gap between two countries keeps on increasing, chances of a bilateral solution will decrease. On the other hand, Pakistan cannot get it through war because both countries have developed nuclear war heads. Pakistani government cannot do anything other than urging international community to play its role in resolving Kashmir dispute. In short, Kashmiris are on their own in their struggle against India. Pakistan is just waiting for another long awaited opportunity to lose it like previous ones.

Indian long term policies and native Kashmiris

Above discussion depicts that India has got the due time required to implement its policies in Kashmir. They are following long term policies to win over Kashmiris. Different incentives have been provided to Kashmiri nationals. Indian held area, Jammu and Kashmir, has become a pampered state. Indian government is pouring in handsome amount of revenue. They are getting much more than many other states of India. 10% of the total central grants have been given to J&K although it is home to only 1% of total population (Raghavan, 2017) in other words it got 1.14 lakh crores or 91,300 per capita from 2000 to 2016. It is comparatively very high than other states, for example UP got 4,300 per capita in same period. Number of people living under poverty line decreased from 24.24% in 1980 to 3.48% in 2000 (Pandey, 2017). This clearly shows the intentions of Indian government towards Kashmir. It is not the only state policy implemented by India in Kashmir. Apart from that cultural diffusion is also going on. Students are getting education across borders. Many Indian students are enrolled in medical colleges of Kashmir. Kashmiri students are also there in Indian universities. Many cases of hostile behaviors towards those students have been registered. However it has many positive aspects as well for India. Interactions among these students are creating flexibility in their behaviors towards each other. Cases of intermarriages are also there.

These policies have multi-dimensional outcomes. Firstly, it has direct impact on the success and failure of uprisings. People of Kashmir has become, somewhat, dependent on India. Students who are getting education in Indian institutions do not participate in such uprisings. They have their vested interests in India. With the passage of time strength of uprisings is decreasing. Another factor behind decrease in

intensity is the failure of previous insurgencies. People have become disappointed because they could not translate those struggles into productive conclusions. Secondly, they have become more concerned about their future. In global view Pakistan is a failing state while India has emerged as a regional power (Qazi, 2017). It is posing a potential threat to Pakistan's Kashmir cause. In this regard Indian economic policies towards Kashmir are playing their role. Here one question arises, why India could not win over Kashmir yet? Although India has achieved some of its motives but we cannot say that those are enough. Or one can say that it is an exaggerated point of view. Whatever the reality is, there are at least two major factors which are not boding well for Indian cause. Firstly, Kashmiris consider them a separate entity or feel themselves bound to Pakistan. Many reasons are there behind this mindset of Kashmiris. They still associate Indian government with that of Maharaja. They suffered a lot under his rule. Apart from that they believe that Indians have suppressed them and not providing inalienable rights. John Locke listed them as life, liberty and pursuit of happiness. On the other hand they are communally attached to Pakistan. Their struggle started as an attempt to join Pakistan. It was supposed to be the part of Pakistan under partition plan. Secondly, immoral and brutal acts of Indian army are providing fuel to the anti-Indian sentiments. Indian army has immunity from human right laws and special powers under AFSPA (Armed Forces Special Powers Act). Even pro-Indian Kashmiris have been opposing it (Bukhari, 2015), these and many other issues are restricting Kashmiris to accept India as their homeland, regardless of its progressive policies. One cannot say that India has won the Kashmir, rather, a lot has still to be done to reach that point.

Many survey reports have been published regarding Kashmiri's point of view about their future. Indians claim that most Kashmiris want to be the part of India, while Pakistanis believe that Kashmiris want to join Pakistan. On the other hand, international media claims that majority wants independence or separate homeland (Reshi, 2015). It is always very hard to conduct field study in conflict areas. To avoid such biasness I have opted to discuss various areas of J&K. Broadly we can divide J&K into three areas, namely Ladakh, Jammu and Kashmir Valley. Ladakh is largest one in terms of area while it has very small population. People over there have pro-Indian feelings and most of them are non-Muslims. Jammu is the largest one in terms of population. It shows mixed response, however majority of them want to join India and few demands separate state. Kashmir Valley has reasonable population. Pro-Pakistan sentiments are dominant here, especially in the districts of Srinagar, Anantnag, Bandipora and Baramulla. Most of the uprisings and insurgencies of Kashmir took place here. Current uprising of 2016 is also taking place in this region. However, it has lost its intensity too, because of the above mentioned reasons.

Conclusion

Pakistan's stance on Kashmir faced many setbacks: Pakistan lost it on diplomatic front and also missed many opportunities due, mainly, to the lack of political farsightedness. By signing the agreements regarding bilateral solutions of mutual issues made it dependent on the willingness of India to consider an issue or not. As far as UN's decisions are concerned, those are subject to the agreement of both parties. Pakistan has the only option to condemn Indian atrocities in Kashmir or highlight this dispute before international community. It also can provide assistance

to uprisings or freedom movements of Kashmiris in future. On the other hand, India has been following long term policies to win Kashmir, though, without much success. It still has to do a lot for this purpose. Majority of Kashmiris does not seem to have the priority to join Pakistan but this also does not mean that they want to accede to India. Nature of their struggle has changed. Now, most of them are demanding an independent state. Freedom struggle requires potentially strong mass movements. At present, they are not united for this cause. They are divided into pro-Pakistani, pro-Indian and pro-independence factions. Given the lack of consensus, they could not manage to get desired outputs from successive uprisings. All of their efforts proved inadequate, hence, withered away without any success. Current insurgency is also losing its footing. We can look into the short comings of Kashmiri freedom struggle by comparing it with other such movements of the past. Anti colonial movement of subcontinent can be used for this purpose. There are some sharp differences between these two cases. Firstly, British power decreased after WWII while India is emerging as regional power. Secondly, people of subcontinent had one cause, the independence from colonial master. On the other hand, Kashmiris are divided about their goal as explained above. In short, Kashmiris have to reconsider their priorities and reshape their struggle. Current approach does not seem to work but one thing is clear that they have to do it on their own.

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