

An Analysis of Conflict in History of Kashmir

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Abstract

Since 1989 Kashmir, once known as a bloody war zone for its majestic beauty, harmony and tolerance in the world. Over the years, India and Pakistan have taken numerous confidence-building measures (CBMs) but they do not achieve long-term peace in the region. This paper explores two questions: why did Kashmiri want to participate in armed combat against India and why India and Pakistan's peacebuilding efforts failed to bring peace to the region for the long term? In order to find an appropriate, peaceful and possible solution for the conflict zone, the study will continue to attempt to examine the interests of the various stakeholders. Based on stakeholder research, the paper argues that India and Pakistan need, in order to find a win-win, peaceful resolution of the dispute, to go beyond their present non-engagement and sometimes bilateral negotiating policies through trilateral negotiation. The fact that Kashmiris is absent in any form of negotiation does not lead to a long-term solution.

Keywords: *Kashmir conflict, India, Pakistan, Insurgency, Peace process*

1. INTRODUCTION

Conflicts, whether for a smaller or a larger purpose, whether aimed at serving economic or political interests, threaten the usual way of living until they can achieve their goals. In nature, all disputes are unique. Some of the factors that cause tensions in society include race, economic inequality, a desire for freedom, fear of cultural assimilation, etc. In the planet, there are still some 140 moves for self-determination. These conflicts in all areas impacted by the war have incurred tremendous human and economic casualties. In the war between Israel and Palestine, for example, since 1948 about 1,5 million Israeli civilians have died; two million in Sudan have died; 250,000 Bosnian civilians have been killed and one million have been displaced by Serbia as a result of Bosnia's declaration of independence (Ilan, 2003; Lone, 2006). Since 1989, when the nonviolent resistance movement against India took an ugly turn, the Jammu and Kashmir, known once for its majestic beauty, harmony and the world's tolerances, have been debated as a bloody war zone.

According to official statistics, in the conflict in Kashmir over the past two decades about 47,000 people have died; however, more than 100,000 human rights organisations have died. Around the same time, nearly 10,000 people have been missing and thousands of women raped and tortured, but the conflict is still going on; (Dabla, 2008; Reuters, 2008). The names of the contested areas play an important role in any conflict in the world in demonstrating the essence of the conflict. Since there are more than one party involved in the dispute, conflict resolution is difficult to find an appropriate language. Different stakeholders give the dispute different names that meet their roles or interests. Indo-Pak conflict, Kashmir dispute between the various parties involved and the external community. Kashmir conflict was established earlier. In India, part of Kashmir under Pakistani control is described as 'Pakistani occupied Kashmir,' while in Pakistan Kashmir is described as 'Indian occupied Kashmir' (Lone, 2006). On the other hand, from the Indo-Pak territorial dispute to the Indian self-determination movement from Kashmir, the armed rebellion and the popular resistance movement altered the essence of the conflict. Over the years, India and Pakistan have taken numerous confidence-building measures (CBMs) but they do not achieve long-term peace in the region. In the meantime, since August 2008, the Kashmiri movement has returned to its non-violent fashion, which has offered India and Pakistan once again a chance to solve this dispute. While Pakistan has repeatedly asked India to resume dialogue, India failed to seize the opportunity to resolve the longest conflict in the world, Kashmir (Thaindian News, 2009). We would like to address two questions in this paper: why have

Kashmiris chosen to fight armed against India? And secondly, why India and Pakistan have struggled to bring peace in the region on a long-term basis. In order to find an appropriate, peaceful and possible solution for the conflict zone, the study will continue to attempt to examine the interests of the various stakeholders. The analysis is therefore divided into four parts. The following segment describes the root cause and outbreak of armed rebellion in Kashmir. It addresses the efforts to create peace: conflict management and inability to resolve conflict and explains conflict-resolution initiatives in the last section.

2. KASHMIR: FROM DESPOTIC RULE TO EMANCIPATION

Jammu and Kashmir is on Southern Asia, surrounded by the borders of India, Pakistan, China, Afghanistan and Tajikistan. The state's population is 10,134,700 with a total area of 39,146 mi² (101,387 km²), according to the 2001 census. In 1846, in the Gulab Singh agreement and the UK agreement in Amritsar, a state-owned Punjab town, the region of Jammu and Kashmir was established. The area was governed at various times by different dynasties prior to this Treaty. The Maharaja (sovereignty emblem) of Jammu and Kashmir was awarded to Gulab Singh on March 15, 1846. In exchange, he consented to pay British 0.75 million rupees (Nanakahi) (Zutshi, 1986; Bose, 2003). After the 1846 treaty Amritsar Muslims in Kashmir were oppressed and abolished by Sikh rulers until the end of 1940, they were not permitted to be abolished by them. The treaty provided for the new state to transfer the territories and the destin of people for forever separately to Gulab Singh and their male natural descendants. But the majority of the people in Kashmir are Muslims and eat beef, but the Hindu ruler gave those who slaughtered cow a death penalty law.

And without pay they were required to work. Those who killed the cows will be sentenced to death, this procedure lasts until 1920 and later sentences will be reduced to 10 years. The Hindu rulers' barbarism towards their majority subjects has been manifested in these draconian laws. The tough treatment of those majority communities has made them very poor in relation to other ethnic groups such as Hindus and Sikhs (Bose, 2003). With the Indian national movement against British power gained power in India, the 1930's Reading Room Association in Srinagar (the summer capital of Jammu and Kashmir) was founded at the school in Kashmir by Sheik Mohammed Abdullah (later Famous Leader of Kashmir), who was the birthplace of Kashmir political revival. A list of complaints facing young Muslims over the years came to the meeting of Maharaja in July 1931. However, they end up facing the Maharajas police bullets, resulting in the police fire killing 21 people. The turning point in Kashmiri's political revolution, which marked the beginning of Kashmiri's political consciousness, a group shaken, butchered, and subjugated, rose against the dogra regime. The "stupid-driven cats" raised revolt standards in 13 July, 1931 (Khan 2001 quoted in Boss (2003).

3. KASHMIR: EMANCIPATION TO COLONIZATION

Based on their culture, faith, and geographical closeness, India and Pakistan gained independence from England from 14–15 August 1947, British princely advised that 562 members were free to join either India or Pakistan as they were either free to join either of two countries or remain separate following the expiry of British dominance. All nations, with the exception of three countries, enter India or Pakistan; Hyderabad, Junagadh and Kashmir. The Junagadh ruler arrived in India and fled into Pakistan because Hindus were most of his subjects. However, in September 1948, the Hyderabad ruler did not enter the country; however, the state of Hyderabad was invaded by India and brought under its control. Kashmir remained independent from 15 August 1947-27 October 1947 but was not internationally recognised. During this time, the people of the area were subjected by the Maharayan army and levied exorbitant taxes in the north-west part of the town of Jammu (winter capital of Jammu and Kashmir State) (Schofield, 2002). This rebellion later led to Azad (independent) Kashmir being established, commonly known as Kashmir administered by Pakistan (Boss, 2003). This incident led Pakistan and sent more tribal forces to Kashmir to take control of the entire Kashmir region. In the face of the attack, Kashmir's Maharaja requested Indian military assistance to combat the tribal forces in Pakistan. The Maharai of Kashmir and the then governor general of India Mountbatten signed an agreement to ratify the instrument of accession as soon as the law and order is restored and the invader — Tribal forces expelled/eliminated according to the wishes of the population the instrument of accession (Bose, 2003). In November 1947, India's first Prime Minister, Jawaharlal Nehru, vowed to determine the future of Kashmir in accordance with the wish for Kashmiri, but India did not keep its pledge of conducting a plebiscite which it agreed to do under the guidances of the UNSCC (Govt. of AJK). India began so-called election presses in the area while retaining power over Kashmir. One leader was throneed and the other was disconnected to serve Indian interests during the so-called elections. The leading so-called will remain as long as the accession of

Kashmir to India is not challenged (Ganguli 1996). India's ownership of Kashmir has been legitimised since 1947. Sheik Abdullah had spoken for Freedom back when he was Prime Minister of Kashmir, and was arrested and imprisoned. India declared their marionette to be Kashmir's Prime Minister, who did everything that India needed to save his headquarters. In the absence of famous Kashmiri leadership Sheik India made numerous constitutional changes to Kashmir which began in 1958, constitutional changes which permitted Indian people to take part in the government of Kashmir, to the nomenclature shift of Sadr-i-Riyasat (the president of the State). First properly, elections took place in 1972. However, it was not possible to contest elections for the Plebiscite Front (a group of Sheik associates who requested plebiscite on Kashmir in compliance with the UN Security Council guidelines) (Lone, 2006; Bose, 2003). In 1987, Muslims' United Front (hereinafter MUF) pro-Kazakhstan leaders agreed to compete again. The contest was held between the MUF Pro-Kashmir Mohammed Yousuf Shah and India-supported GhulamMohi-u-din Shah (now NC). Mohammad Yousuf Shah, of MUF won the elections during the ballot counts, but he was declared winner by the electoral officer who had been part of the Indian machinery. When Yousuf and his partners resisted and objected, they were beaten and taken to prison. The Yousuf is now recognised as the head of the UJC, Salah-u-din (an Amalgam of Kashmiri Guerrilla groups). This was Kashmiri's last peaceful resort to claim their right to self-determination by voting.

4. THE CAUSES OF ARMED UPRISING

A variety of internal and external events have contributed to the emergence of the Kashmir guerrilla movement. The internal motives were the Indian Government and Indian government supported in Kashmir to subjugate the Kashmir people. As India has already said, they were put in prison when the MUF tried to enter the election to combat within the framework (Ganguli 1996). This was not the only reason, however. This was due to a number of causes. Apart from the following new trends, some of the key reasons why the armed struggle is rising.

- **Education:** In political mobilisation, education was a significant element; in Kashmir during the 1990's Ganguli calls it a crucial part of political mobilisation. In all of Kashmir there was a dramatic rise in literacy rates, the rates of literacy increased from 11.03% in 1961 to 26.67% in 1981, which undoubtedly led to the politically consciousness of the people, while the second was to spread out the message on freedom and independence through Madrasa (non-formal schools) operated by Jammat-e-Islamia (a religious organisation). In addition, during 1980, a number of Palestinian students studied at Kashmir University which, through their stories of Intifada in Palestine, influenced local students in the region, as well (Ganguli, 1996).

- **Electronic and Print Media:** Secondly, the first, the role of electronics and print media. In the armed rebellion in Kashmir, the press played an important part. A contact distance between Kashmir and the rest of the world existed before the boom in the media, but there was no connection to the world. Palestine's intifada and the collapse of the Berlin Wall, soviet retreat from Afghanistan and Sri Lanka's retirement from Indian Army were examples of these incidents, and people were motivated by news from these events that have become another explanation for the rise of the Kashmiri guerrilla movement (Bose, 2003; Ganguli, 1996).

5. THE PASSAGE FROM VIOLENCE TO NON-VIOLENCE

Kashmir's armed conflict, which began in 1989, took a huge toll of death and destroyed thousands of homes and displaced thousands of families and caused turmoil everywhere. In the larger scale, death and devastation, the 20 years that were fought over changed the discourse of conflict that made the historical context of the conflict meaningless and turned it into a sacrificial context — the Kashmiri conflict, a conflict which was once secular. People don't want their arguments met by gun; a civilian rebellion was the beginning of this nonviolent movement in August 2008, in which over 300,000 people participated (Roy, 2008). Following the civil demonstrations in 2008, in 2009 and 2010 hundreds of thousands of people pressed for their demands — India's liberty. However, both India and Pakistan gained less attention from this transition from violent to non-violent movement. At the same time, this transition from violent to non-violent means of combat, a very critical time for resolving conflict, was also not recognised by the international community. This dispute has all it might to begin another Indian war on Pakistan in the near future if this chance is missed again.

6. PEACE BUILDING INITIATIVES: CONFLICT MANAGEMENT, NO CONFLICT RESOLUTION

Conflict management applies to management, long-term conflict control, if conflict resolution seems in the near future to be unlikely. The authorities at the helm therefore attempt to reduce the consequences of the crisis, or to undertake measures to buy time, maintain the peace, create morale and trust in order to reduce devastation. The problem with management is, that since the 1947 history of Kashmir tells us, India has always tried to use — management technique to deal with conflict in Cashemire. The problem with managing strategies in India is that the tactics are to find ways of manipulating people like physical artefacts and even to manipulate and control things rather than to tackle the root problem (Lederach, 1995). If military force is used to smash Kashmir's people or to apply colonial leaders' (British) dividing and governing strategy. The phase of building peace or resolving disputes between India and Pakistan dates from 1948, but the two countries have yet to achieve a final settlement. The dispute resolution and conflict resolution efforts, which were specifically addressed by India and Pakistan, can be divided into two stages, one from 1948 to 1989 with the assistance of the International Community. During this time, India and Pakistan fought two major Kashmir wars and hence the military conflict. That war did not last for long, so different conflict management strategies had to be used, except to remain alert at border, and to protect its position at the moment of negotiations. However, the armed revolution erupted in 1989 and India had to use different methods of conflict management to contain this conflict (Bose, 2003). A UN Commission for India and Pakistan (UNCIP) in August 1948 took the first step towards resolving Kashmir. On January 1, 1948, after India filed an appeal against Pakistan in the UN Security Council accusing it of initiating tribal attacks in Kashmir, UNCIP was established. The UNCIP adopted a resolution on the cease-fire between both countries on 13 August 1948; the withdrawal of Pakistan's troops and tribal troops, followed by Indian troupes; and the holding of a plebiscite which determines the future status of the State of Jammu and Kashmir in accordance with a people's will (The 1948 Dasgupta cited in Bose, 2003). This was the first agreement between the two countries on resolution (Lone, 2006; Bose, 2003). Over the years, there have been many dialogues between India and Pakistan on Kashmir, but there could be no real move towards resolving Kashmir. The first specific agreement was an Indus water treaty, mediated by the World Bank in 1960.

The leadership of Kashmir did not participate in talks, however, with the result that Kashmiri leadership is increasingly pressurised to redress the Indian-Water Treaty and protect the interests of the Kashmiris in the agreement. The second agreement between the two countries was signed after the 1965 war. In Tashkent, Uzbekistan, under the support of the USSR in January 1966, both countries agreed, pursuant to the deal, to withdraw their troops, located before August 1965, The Tashkent Convention (Lone, 2006). This agreement between the then Indian and Pakistani prime ministers Ms. Indira Gandhi and Mr. Z.A. Bhutto was established in 1972 after India-Pakistan war on East Pakistan (present Bangladesh), where both countries agreed to convert the cease-fire line into a control path. This is known as the Shimla agreement (LOC). This was Indian-last Pakistan's negotiation before the 1989 uprising. Twenty-three resolutions were adopted by the UN Security Council in Kashmir from 1948 to 1971. The United Nations Army Observer Group (UNMOGIP) was set up in January 1949 in India and Pakistan. The Group was formed by Security Council Resolution 39 of 1948 as an extension of the United Nations Commission on India and Pakistan. However, no concrete contribution has been seen so far in the Summer Capital of Jammu and Kashmir. (UNMOGIP) has been the office (Ahmed 2008) which still functions in the summer capital (Ahmed) since 1972, India has changed its commitment to holding a plebiscite in Kashmir and now considers Kashmir an Atoot-Ang (integro-sum part). The situation after 1989 turned many a verse before, almost everybody joined protests against India, young, old, women and men. The entire Kashmir Valley also saw the emergence of a guerrilla moment. As the Intifada of the Cashemir Rebellion is correctly named by Bose (2003). Thousands have been murdered during this period, both unarmed and armed. Just 300 unarmed protestors were murdered by the Indian Army from 21-23 January (Bose, 2003). From 1989, Bose divided the Kashmir War into three stages, one of which was 1990 to 1995, the second period of demoralisation and atrophying, and one of Islamic radicalism and fidayeen phase (suicide squad) between 1996 and 1998, and another between 1999 and 2002. (Boss, 2003). However, two more stages occurred after 2002, one between 2003 and 2007, which we refer to as the CBM building process, and the restoration of the Intifada phase from August 2008. A number of MBEs have been initiating CBMs, especially since July of 2003 since 1989, including the Ceasefire on its border since November of 2003, the LOC bus crossing in 2005 and the 5-point opening of borders during an earthquake in October of 2005. (Renner and Chafe, 2007). Neither of these CBMs helped to introduce some meaningful progress to resolution, but it was seen by the citizens in the 2008 August revolt as steps for disaster management rather than attempts in conflict resolution.

The protests are becoming rituals, because India does not fulfil the people's expectations, even though India has good intentions to take some measures to solve Kashmir, people in Kashmir regard it as India's latest time-buying strategy. This was also pointed out by the Indian funded Chief Minister of Jammu Kashmir in a press conference in

which he said that the people have a great deal of distrust of the government. Each government initiative is seen as suspicious. In Roger Fisher and William Ury's Theory – Interest-based Negotiation – we can see the second explanation for the failure of resolution initiatives. According to them, the key roadblock in the settlement of conflict is 'soft deal' while the one side wants something entirely contradictory to the other's stance (Fisher et al., 1981). Over the years all the three stakeholders (Kashmir, India and Pakistan) are doing positional bargaining, though Kashmiri leadership, and Pakistani position at the time of Mushraf's rule showed much flexibility, but same could not be found from India, with the result no positive outcome was seen from one sided flexibility approach. The principle of Uri and Fisher is that all conflicts are negotiable, behind the positions, and we must consider the interests in order to deal with the conflict. Selection and participation of real Kashmir officials in talks are the third issue that has been observed. In India and Pakistan only the Kashmiri leaders, who support the positions of their respective countries, invite unaddressed the actual Kashmirian members and primarily for the reason that they do not embrace the Indian or Pakistan-centric solution, to their peace building meeting.

7. CONCLUSION

The Kashmir dispute, which has taken many forms, has become a prestigious issue for both India and Pakistan. Over the years, feelings and sacrifice of the people of Kashmir were involved in the dispute which were originally considered a territorial strife between the two countries. The truth of the matter, however, is that the Kashmiris, who constitute the principal party in the dispute, were not involved. Two key stages, peaceful and violent from 1948-1989 and violent since 1989, have passed through India's Kashmiri Independence movement. During this time, India used methods of settling the dispute, both extreme violent and peaceful, but both failed until now. It is because the people of Kashmir have been through all stages of the repression that the aggressive methods fail. If people are long used to confrontation or subjugation, they get used to it. Since Kashmiris have been under direct occupation by the army since 20 years now, it has become common for them to be confronted by any smaller force and, secondly, by the nonviolent process, or negotiations. Over the years a large number of proposals for conflict resolution have been submitted, with interesting outcomes that are acceptable to all the conflict parties, whether from Pakistan or Kashmir. We think the ego and desires of all three major parties in the dispute can be satisfied by regional autonomy on the Kashmir side with the free flow of people and trade across the frontier. The approach fits in with the techniques of sustainable conflict resolution/management: peaceful, win-win, realistic and out-of-box solutions, which are essential to every conflict management strategy.

8. REFERENCES

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