

Peace and Language Studies: KASHMIR CONFLICT: Is there any Solution?

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Introduction

Kashmir has been one of the burning topics in this Global age and can be regarded as a ticking time bomb. The state has been divided into three parts, one is POK (Pakistan Occupied Kashmir), the second is the Indian Administered Kashmir and the third is the Aksai Chin area.

Especially in the last couple of years due to the rise of militancy once again in the valley (like the URI attack in 2016) by the non-state actors, has changed the landscape of Kashmir entirely into a precarious and violent atmosphere for both the countries (India and Pakistan).

Let's now discuss what exactly caused the transformation of this angelic sate into a region of graveyards and massacres.

THE BEGINNING OF THE CONFLICT IN KASHMIR AND ITS IMPACT IN SOUTH ASIA (1947 –1989)

Kashmir is a region with tremendous geostrategic importance. During the time of India's independence Kashmir was one of the princely states that was left to decide on which side it wants to join or they could also remain independent but not a single princely state remained independent in the same way as the Hindu king of Jammu and Kashmir Raja Hari Singh wanted to remain independent but he was under pressure from both India and Pakistan in order to join either of the two.

Hari Singh was the ruler of Kashmir Kingdom, but the majority of the population in the region was Muslim hence Pakistan government at that time thought that it automatically would come under the Dominion of Pakistan, though Raja Hari Singh wanted to buy time and hence signed a STAND STILL AGREEMENT with Pakistan but India refused to sign in any such agreements. But the Pakistan government under Jinnah was losing their patience and finally on October 1947, some tribal groups (Pashtuns) with the help of the Pakistan army invaded Muzaffarabad. Maharaja Hari Singh requested for help from India and after signing the deed of accession with India, the Indian forces landed in Srinagar the very next day.

India also internationalized the issue by taking the question of Kashmir to the United Nations and on 1st January 1948 a ceasefire line was drawn. The line left Pakistan in control of Gilgit, Baltistan and a narrow strip of the western part of the state of Kashmir, Poonch and Jammu. India occupied Ladakh and the remainder of the state of Kashmir, Poonch and Jammu. Pakistan has always considered this line as a temporary one and provisional but on the other side India desires to give the line a permanency. Pandit Nehru referred the issue to the people of Kashmir. In a radio broadcast on 2nd November '48 during the trouble over Gilgit he declared that the people of Kashmir will decide their political future through a plebiscite which may hold under the auspices of the United Nations. In one of his first public speeches Nehru had declared that India "is a great country, great in her resources in man power, great in her potential in every way. I have little doubt that a free India on every plain will play a big part on the world stage, even on the narrowest plain of the material power".

India also showed willingness to discuss the issue of third party mediation. In this initial phase the Indian leadership was confident of its own position. Even the mighty Americans were

seeking an alliance with India. However soon the optimism changed Pakistan assumed the role of the most allied ally of the United States that the situation altered. In the year 1955 the Indian Prime Minister made an offer to Ghulam Muhammad. He asked that the international boundary be stabilized at the ceasefire line. Nehru said that “India has no desire to take the part of Kashmir that is under you (Pakistan) by force”. Sino–Pakistani pact was in the offing, the Indian leadership felt that it was time to consolidate its position in Kashmir. It was perfectly acceptable for the Indian leadership to convert the LOC into an international border and consolidate that part of Kashmir over which they had already established control. But the scenario was different on the other side, Pakistan went through a lot of problems since its independence, the political failures in the post-independence period led to the emergence of centrifugal tendencies, hence accepting the LOC as a border would seem more like a defeat, hence the border issue between India and Pakistan remained unresolved.

In the year 1958 there was a change of leadership occurred in Pakistan and for the first time went into Military dictatorship under General Ayub Khan. After coming to power Ayub signed military agreements with the United States by which United States agreed to support Pakistan in defense needs. The matter was further complicated by the growing friendship between China and Pakistan, which even resulted in the 1962 Sino–Indian border war. The war had some serious effects on India’s foreign policies. After its defeat India realized that it could not be a world power, but it started to give more emphasis on military. Within three years another war broke out in Kashmir, according to Ian Talbot “The failure of Ayub’s government and his decline in popularity made him to make a last effort to bring back his lost power and therefore gambled on Operation Gibraltar”. The Kashmir issue already gave him the reason to

declare war on India as Taraq Aziz stated that “The LOC in Kashmir was not acceptable to the Pakistan is as well as to the people of Kashmir. Hence to cross the LOC from the Pakistani side was justified.”

India came back from this war with new pride and respect, but India’s discontent with Pakistan was on a rise and Pakistan after its defeat was shattered. Russia called the two countries at Tashkent which resulted in the Tashkent Declaration of 1965, under this both the countries agreed to remove the forces from each other’s territory and neither of them could alter the boundaries. It was exactly what India wanted but within six years in the year 1971 another war between India and Pakistan broke out, the Indian government supported the secessionist movement in Bangladesh. The Indian policy was so successful that Pakistan declared war on India but within a fortnight India came out victorious and a new state emerged in the Asian horizon that is Bangladesh. At Shimla in the year 1972 the two countries signed a treaty which came to be known as the Shimla Agreement. Through this agreement both sides tried to resolve the dispute on Kashmir bilaterally through diplomatic and peaceful means in the near future.

India’s policy after 1971 became more power and region oriented. India gave more important to the border issues; the Border Security Force (BSF) was constructed. Armed Forces Special Powers Act (AFSPA) was enacted into the Indian Constitution, by which a state can be declared disturbed any time and then the army would be given some special powers to bring the situation under control. When the militarization of the border areas took place it resulted in the alienation of the local people from the Security Forces, hence in the year 1989 when the armed insurgency took place these intruders took the advantage of this alienation into their favour.

**THE RISE OF INSURGENCY MOVEMENT IN KASHMIR: THE UNDECLARED
WARFARE IN THE VALLEY (1988-89)**

Islamabad has provided diplomatic and moral support to the cause of the Kashmiri secessionist and has publicized their cause internationally. Numerous sources reveal that Pakistan had tried to foment ethnic tensions in 1965 but failed as Kashmiris appeared to be stronger than ever but this did not happen in 1989 and the onus of responsibility for destabilization in Kashmir rests on India. India remained primarily responsible for the continuing political crisis in the valley of Kashmir. India's efforts to fence the International Border in the Akhnoor sector were marked by protest from the Pakistani Rangers. It portrayed that as policy barbed wires may increase destabilization, even Bangladesh has problems with Indian barbed wires, but these markers were deemed essential to the Indian hegemonic role in the region. After the cold war the military imbalance between India and Pakistan was on the increase. In terms of conventional arms 'India's military arsenal is superior to that of Pakistan in all respect'. However nuclear programs heightened regional insecurities. When undeclared warfare broke out in Kashmir, the Pakistani Officials defended their actions by saying that LOC was not intended to become a permanent line of division in opposition to the wishes of the people of Jammu and Kashmir. There are two stories regarding Kashmir, one is the bombing, massacre, murder, abduction in the name of JIHAD by the militants, or which can be stated as 'Cross Border Terrorism' and the other one is the occupation and suppression of the local people by the alien forces since 1947. Hopes were raised when Atal Bihari Vajpayee the then Prime Minister of India in the year 2000 stated that "The army should cease all combat operations in the valley against the militants during the holy month of Ramzan". The incursion that took place in the year 1989

was at first confined to the valley but from the year 1992 it spread in most parts of Kashmir. The villagers were the once who suffered terribly in the hands of the intruders. Therefore, a Village Defense Committee (VDC) was formed, but the villagers were poorly equipped and they used to complain regarding their regular pay and supply of the bullets by the Government, but such incursions could not take place without the help of the locals. Aslam Choudhry stated “No one wants Pakistan here, if the local people are helping the militants then it’s because they were either threatened to do so or because of poverty”. When the 1989 insurgency took place the images of torture and oppression reflected in the mind of the Kashmiris.

Kashmir has a prison like atmosphere for those who are living permanently as they were always greeted as suspects in the eyes of the security forces. Hence it is easy for the United States to say that the people of Kashmir should be given a chance for a plebiscite or for Pakistani officials to say that any offer acceptable to the Kashmiris will be acceptable to them as well, but the Kashmiris themselves have several opinions. There is one group which wants to have an independent Kashmir, neither joining Indian or Pakistan, the other one wants to join Pakistan and the third one mainly consisting of Kashmiri Pandits wants to be with India. Pakistan plays a dual role regarding Kashmir, on one hand it speaks about peace and a constructive development in the region as well as between the two nations, but on the other it not only supports but also funded the insurgency movement in Kashmir. The Indian Prime Minister’s goodwill visit to Lahore and the insurgency that took place in Kargil soon after cannot be forgotten, according to George Fernandes, India’s Defense Minister at that time stated “It was a stab in the back”. The then Prime Minister of India stated that any framework of talks on Kashmir should be based on humanity.

Results

THE STATE VERSUS COMMUNITY CONFLICT IN KASHMIR

In order to understand Kashmir's post partition phase, we need to understand the ethnic composition of Kashmir. The Buddhists were confined to Leh and Ladakh, the Hindus to the Jammu district, Shia Muslims to Kargil and Sunni Muslims to the valley, but Kashmir unlike the other Muslim states was liberal in its approach. There were equal opportunities for women, but after the insurgency in the year 1989 and after millions of Hindus were forced to leave Kashmir, new strict laws were implemented by the intruders in the region. Women's were the victims of this new Strict Islamic laws.

The women of Kashmir had to suffer both in the hands of the militants as well as in the hands of the Security Forces. Like one night in the month of February 1991, a village near the district of Kupwara all thirty women and children were raped by the Security Forces and was termed as the 'Raped Village'. In any case it's the 'mother' as a nation whose purity, honor, dignity and respect has to be protected. The women near the LOC sometimes used to move further inwards in a much safer place while the male used to stay back to run the family or due to agricultural purposes. During the Kargil conflict the Indian government displaced the villagers from the LOC. The women living near have a pervasive identity which they can neither deny nor adopt.

Two rare studies provide insight into women's situation in Kashmir. In the first, the Women's Center of Bombay University spoke to women in Kashmir in 1994. The report documented large scale rape and other forms of gender specific violence. The militants

threatened women and stated family planning as un-Islamic, they also threatened the doctors those who were in the field of reproductive and child healthcare. Abortion was not allowed as a result of rape by the security forces. Women's health thus becomes a major casualty of the conflict. During the Kargil conflict the Indian soldiers also found bodies of female insurgents, hence it can be stated that the Pakistanis started 'Body Politics'.

India-Pakistan border conflict over Kashmir, the physical violence of bombing and the multi psychological situational pressures make the life of women in these regions constantly traumatic. Control is exerted through the use of language and over women's movements and therefore their identities and sometimes their economies are affected. War treats all women alike whether they are of suspect nationalities or not, women remains on the sideline dominated by men, whether in exile or as widows or as women living on the LOC. The women in the Kargil war are currently positioned between the state and the community.

STAND ON KASHMIR (INDIA AND PAKISTAN)

Since 1948 India and Pakistan have held several rounds of 'official dialogue' to resolve the Kashmir dispute and other outstanding conflicts related to it, but no concrete results came up. Both India and Pakistan have created two separate entities on the disputed territory "Government of Jammu and Kashmir State" (India) and "Government of Azad Kashmir" (Pakistan).

Government of India's (GOI) position on Kashmir

- a) The state of Jammu and Kashmir is now and has been since its accession to India on 26th October 1947 an integral part of the Indian Union.
- b) The only component of the Kashmir issue legally admissible in the talks between India and Pakistan on the future status of the state pertains to Pakistan vacating the territories illegally occupied by it.
- c) Talks between India and Pakistan in regard to the future status of the state should be held within a strictly bilateral framework and in conformity with the Shimla Agreement of July 1972.

Pakistan's position on Kashmir

- a) The state of Jammu and Kashmir is now had been since the end of the British rule over undivided India, a disputed territory. The states access to India in October 1947 was provisional. This understanding is formally acknowledged in the UN Security Council resolutions of 13th August 1948 and 5th January 1949 to which both Pakistan and India agreed and which remains fully in force today and cannot be unilaterally decided by either party.
- b) Talks between India and Pakistan over the future status of the state should be focused upon securing the right of self-determination for the Kashmiri people via conduct of a free fair and internationally supervised plebiscite.
- c) The plebiscite should offer the people of Jammu and Kashmir the choice of permanent accession of the entire state to either Pakistan or India.

- d) Talks between India and Pakistan in regard to the future of the status of the state should be held in conformity both with the Shimla Agreement of July 1972 and the aforementioned UN Security Council resolutions. An international mediation in these talks should not be ruled out.

Discussion

PRESENT SITUATION IN KASHMIR: (PEACE AND NORMALISATION BETWEEN THE TWO COUNTRIES) BUT PEACE STILL ELUDES THE REGION

The war in Kargil was apparently over but peace remains a distant objective. During the November 1998 round of official talks between India and Pakistan, the Indian side is reported to have refused from the 1989 understanding of demilitarization of Siachen glacier through mutual withdrawal of force. India apparently refused to pull back from the Salto Ridge. Instead it offered a ceasefire that would consolidate its effective control over the entire glacier. Since the induction of nuclear weapons in their arsenal the two countries had acquired greater self-image as “invincible military powers”. This time during the Kargil war in May 1999, Pakistan pushed the intruders much deeper into the Indian controlled territory across the LOC in Kargil and Drass than before, and both sides threatened to use all weapons. The fear of nuclear holocaust became real.

However, with the passage of time the voices for peace and normalization of India and Pakistan relations have gained considerable momentum. The increasing demand on both sides of the border for lifting the ban on India Pakistan trade, the starting of the bus service between Lahore and Delhi are indications of the fact that the people of India and Pakistan wants and

needs peace. Indian and Pakistani civil society institutions and public forums have started working on humanitarian issues together. In both countries significant sections of citizens continued to call for caution and asked for the end of hostilities in the region. Weak and small as they might have been at the time of crisis these voices represented the urge of the society to live in peace.

Even after so much of efforts peace is distant, it has turned out to be a ‘dirty word’ for the Kashmiris, and not a single peace rally was held in Srinagar or in other parts of Kashmir. Efforts to create a pro-India and pro-Pakistan Kashmir has fractured the civil society of the state, the high-handedness of the states and their local agents, corruption, ruthless suppression of democratic movements and all dissents gave rise to violence. It is the sphere of social interaction between state and society and between communities. In Indian Jammu and Kashmir (J&K) in the last five decades the three principal ethnic communities, the Kashmiris, the Dogras and the Ladakhis have had very little social and cultural interaction. The militant movement that started in the region in the year 1989 had only one agenda that is the right of “self -determination”.

ANALYSIS

Both the countries should realize that it has come a long way since 1947 and hence shun taking violence means, should now try to develop some concrete and constructive ways of solving the problem. Kashmir issue has been like a ‘Thorn’ between India and Pakistan relations, but it’s time to let go of the past and to step forward with some goals directed towards peace in the valley. It’s high time that both the countries should realize that the destabilization in the

region is also affecting the whole of South Asian region as a whole and both the sides needs to restrict violence between them in the region.

Alliance building is an important function of civil society, we need an alliance building of civil society initiatives for peace and reconciliation. The communal and ethnic divide in Kashmir has to be bridged. It should be recognized that there exists a close nexus between the democratic rights of the people of Kashmir and that of the people of South Asia, the struggle of the Kashmiri people for their democratic rights cannot be separated from the South Asian people's struggle for democratic rights. After two decades of instability and suffering in the hands of the militant as well as in the hands of the Security Forces in the region, the young youths of Kashmir are willing to give 'Peace' a chance.

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