

Turbulent Kashmir: Unresolved issue of the Partition

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The 200 year long British rule came to an end on August 15, 1947 with the Partition of India into two nations, namely Pakistan and India. It was a violent separation of communities who had lived together for generations. This tragic divide claimed thousands of lives, displaced millions and left behind it the legacy of the disputed Kashmir issue, which is still unresolved. Because of this dispute the two countries are spending huge sums of money on arms and this phenomenon has greatly affected the economic development of both the countries. Insurgency and terrorism fuelled by Pakistan to create instability in the region to pressurize India for Kashmir's merger with Pakistan has its roots in the great divide of 1947. In this contest the quest of the paper would be to find out the factors which led to and widened this devastating divide and to explore ways and possible solutions to the Kashmir dispute, for lasting peace in the region and better relations between India and Pakistan.

India and Pakistan have shared a feeling of "mutual distrust" ever since the partition of India. Kashmir has been the bedrock issue between both the nations and has been an unresolved boundary dispute. This distrust was an outcome of the colonial legacy of "*divide and rule*". The colonial policy of divide and rule pitted the Muslims against the Hindus. The policy gave rise, amongst the Muslims, to a sentiment of "Islam being in danger" in the Hindu dominated Indian society. The growth of Islamic nationalism and hence the demand for a separate Muslim state was an outcome of this paranoia.¹

Since the days of Syed Ahemad Khan, in 1880, a basic theme of the Muslim communities was that if the British left India, the Hindus, because they were a majority, would dominate the Muslims and totally override their interests. Even a cultured and liberal person like Jinnah now catered to the worst feelings of fear and hatred. In his presidential address to the Muslim League in 1938 he said: "The high Command of the Congress is determined, absolutely determined, to crush all other communities and cultures in this country and to establish Hindu Raj".² On the other hand Hindu Communalists did not lag behind. V. D. Savarkar, the then President of Hindu Mahasabha, went to the extent of saying that the Muslims want to reduce the Hindus to the position of helots in their own land.³

The idea that India and Pakistan are two separate communities divided by religion took birth with the aid of the British midwife. For the perpetuation of British rule it was necessary to reduce the influence of the congress and to create rivals to the Hindu community. The obvious strategy to detract the Hindus was to show favors to the Muslims. There are numerous instances of this policy from the earlier times. In the

twentieth century Curzon's partition of Bengal in 1905, Minto's assurance to the Muslims, Montagu-Chelmsford's affirmation of these measures in the Reform Act of 1919, are conspicuous⁴

Even after the Independence of 70 years the two countries are sharing feeling of mutual distrust and rivalry which got seeded during the British rule. The mainstay of the distrust and conflict between India and Pakistan has been Jammu and Kashmir, a northern state in India. For India, Kashmir is an integral part of its union, while for Pakistan, Kashmir is a disputed land. Kashmir dispute has created special bitterness in the bilateral relations between India and Pakistan, more than anything else. The geopolitical rivalry between India and Pakistan is rooted in the 1947 communal partition of the subcontinent.

The "ideological orientations" of the Hindus and the Muslims, "Secular Indian Nationalism" became the basis for the Kashmir conflict between the two countries because the majority of the population in Kashmir is Muslim. The issue became more complicated because the ruler of Kashmir (Maharaja) was a Hindu and the population of Kashmir was predominantly Muslim. At the time of partition, the Maharaja signed the "instrument of accession," expressing his will to be a part of India. The Maharaja did not sign it immediately or willingly but out of compulsion to save Kashmir from the invasion by Pakistan in October 1947. India, therefore, claims Kashmir to be a part of its territory by virtue of the signed accession. Pakistan's assertion is that the will of the people was not taken into consideration before signing of the accession agreement. This resulted in the first war between India and Pakistan in 1947. The Indian Government responded to the call for help and protection by the Maharaja of Kashmir and the Indian Army went into action to repel the attack on the western borders of Kashmir. Pakistan's army also got full fledged involved in the war. The war lasted for almost a year till the ceasefire agreement was signed, in January of 1949, as a result of the UN diplomatic effort. The ceasefire agreement, sponsored by the UN, required a withdrawal of the forces on both the sides and demarcated a new ceasefire line. The UN agreement also stipulated that a plebiscite should be held in Kashmir to take into account the will of the people. The government of India, however, failed to implement the last recommendation of the UN which became a sore point between India and Pakistan. The two countries have denied each other's claims on Kashmir resulting in a conflict which is still unresolved.⁵

India and Pakistan have so far fought three wars over Kashmir, namely, Indo-Pakistan wars of 1947 and 1965 and Kargil war of 1999. The two countries have also been involved in several skirmishes over the control of the Siachen Glacier. India claims the entire state of Jammu and Kashmir, and from 2010, administers approximately 43% of the region, controlling Jammu, and Kashmir Valley, Ladakh and the Siachen Glacier. Pakistan administers approximately 37% of Jammu and Kashmir, namely Azad Kashmir and Gilgit-Balistan. China currently administers Demchok district, the Shakshgam Valley, and Aksai Chin region which has been disputed by India since China took Aksai China during the Sino Indian War of 1962. The root of conflict is in Kashmir Valley between the Kashmiri insurgents and the Indian government based on the demand for a local autonomy and self determination.⁶

In 1972 India and Pakistan signed the Simla Agreement, by which both countries agreed to settle all issues by peaceful means using mutual dialogue in accordance with the UN Charter. Over the years Pakistan's effort to internationalize the Kashmir issue were not appreciated by India. India is demanding the issue to be resolved through bilateral negotiation as per the Simla agreement. Any attempt of third party intervention is widely criticized by India. In the post Simla agreement period, Kashmir is rather a bilateral issue to be discussed at the negotiation table by India and Pakistan.

The conflict in Kashmir is not just between Pakistan and India, but also between militant groups in the region seeking autonomy from Indian rule. These groups include Hizbul Mujahideen, the Jammu and Kashmir Liberation Front, which seeks independence for Kashmir, and Pakistan –based Lashkar-e-Taiba(LeT), a terrorist group with connections to Islamabad and the 2008 Mumbai attack. There is a common belief among terrorists groups that India is harming Muslims and Muslim interests. Terrorists have used “an essentially nationalistic conflict and morphed it into a pan –Islamic jihad, a religious war with global implications”.⁷

The qualitative heightening of terrorism and secessionism, with the accompanying violence in Jammu and Kashmir, supported by Pakistan since the end of 1989, was peaking towards the end of 1991. Through the 1990s the Line of Control (LoC) in Kashmir and the International Border (IB) in Jammu witnessed incessant cross firing. In May 1998, the two countries tested nuclear devices and officially declared themselves nuclear armed. Following the nuclear tests, India's then Prime Minister Atal Bihari Vajpayee decided to give peace a chance and made a historic trip to Lahore in February 1999. He signed a number of treaties and agreements during his meeting with his counterpart, Prime Minister Nawaz Sharif of Pakistan.⁸

Pakistan's Kargil intrusion in May 1999, soon after prime minister Atal Bihari Vajpayee's visit to Lahore Declaration, came as a big surprise to everyone, no one more so than Vajpayee himself. The war reversed all the gains from Vajpayee's Lahore bus diplomacy and illusion of enduring peace with Pakistan. Stability in Kashmir cannot be ensured unless relations between Islamabad and New Delhi improve.⁹

Even after the end of Kargil war, the Loc and IB continued to be tense. Firing across the border by the two armies was routine. Prime Minister Vajpayee attempted to make peace with Pakistan once again and invited Pakistan's new military ruler – and architect of the Kargil invasion – Gen. Musharraf to Agra, in India, for a summit meeting, which unfortunately did not achieve anything. In December 2001, Pakistan based terrorists carried out an attack against the Indian Parliament while it was in session and killed seven security personnel. This led to a mass mobilization of Indian troops along the border with Pakistan, though no war broke out. Tension continued through 2002 due to yet another terror strike against a military in J&K. Firing incidents had reached a new height during the period between 2001 to 2003 due to fence building by India along the border with Pakistan.¹⁰

With the 2001 terrorist attacks on the Indian Parliament in New Delhi and the Mumbai attack in 2008, relationship between the two countries got further worsened. India is accusing Pakistan for these attacks. On the other hand, Pakistan is accusing India for internal disturbances and insurgency in the tribal areas of Sind and Baluchistan. Both the countries are playing the war of misperceptions. Since 2014, a new terrorist group, Tehreek-e- Taliban Pakistan(TTP), has emerged in the tribal areas of Pakistan to threaten Pakistan's political institutions. The Pakistan leadership has often accused India of supplying arms and funding to the Tehreek-e- Taliban Pakistan (TTP) who are resorting to terrorists acts against Pakistan, because of Pakistan's support o the US war on terrorism after 9/11 incident.¹¹

For the last 70 years, the two nations have been pursuing the policy of enmity towards each other. This is due to narrow mindedness on the part of our policy makers and common man. In present era of weapons of mass destruction, the open fully fledged war is a remote possibility. The only way to disturb the enemy state is the policy of spreading terrorism and proxy war in that state. Enormous resources have been spent on purchase of arms, wars and spreading insurgency. Had these resources been spent for eradicating poverty and for bringing development, these countries would have joined the group of developed nations.

If we consider whole issue of Indo Pakistan relations in a broader framework of South Asian region, we would find that it is in the interest of two nations to solve all the contentious issues including the issue of Kashmir amicably to increase regional cooperation. Stability in Kashmir cannot be ensured unless relations between Islamabad and New Delhi improve. For instance, during the 2003 -08 period, Kashmir returned to normalcy because a dialogue process had generated hope that the issue would be resolved politically and the wishes of the people of Jammu and Kashmir would be taken into account.

Ever since the situation in Jammu and Kashmir became volatile, i.e., in 1980-90, a number of proposals have been put forward to resolve the problem. Some of them are as follows:

1) Acknowledging the current line of control in Jammu and Kashmir as the international border between India and Pakistan, thereby stabilizing the situation and then allowing normal interaction between the Kashmiris staying in what is now called POK(Pakistan-occupied Kashmir) and those on the Indian side of Jammu and Kashmir. (This was the proposal which the late Zulfikar Ali Bhutto reportedly gave general assurances to fulfil during the Simla talks in 1972.)

2) UN resolutions should be revived leading to plebiscite.

Working out a new standstill arrangement on Jammu and Kashmir between India and Pakistan and placing the territory of the state under some UN trusteeship mechanism to be followed a few years later by a plebiscite or referendum for ascertaining the views of the people there. A segment of the JKLF (Jammu and Kashmir Liberation Front) leadership made this proposal in 1992. Two plebiscites could be held : one on the Indian side and other in POK. The results of both plebiscites should form the basis of a solution.

3) Both India and Pakistan should renounce their claim and jurisdiction over Jammu and Kashmir and make it an independent state.

4) The Kashmir Valley may be ceded to Pakistan, while India retains Ladakh, Jammu and other areas.

Except for the first proposal, which matches ground realities and which safeguards the territory, integrity of both India and Pakistan, all other proposals are bound to generate opposition on one count or the other.¹²

The relations between India and Pakistan have been in a state of constant flux, ever since the Partition of the subcontinent on the basis of religion and Independence, over the State of Jammu and Kashmir. Terrorist activities in the state of Jammu and Kashmir have increased over the year which has proved to be a major hindrance in the growth process. It has huge devastating impact on the infrastructure of the area, besides disturbing the normal way of life in the region. In the increasingly interdependent and globalized world, the need of the hour is to grab the every opportunity that comes in the way of exploring the possibility of peace in the region. Problems between Nations can be resolved either by war or by diplomacy, but in the case of Indo-Pak relations neither diplomacy nor war has so far brought about any reconciliation. The only way forward is the resumption of dialogue and initiation of a comprehensive peace process wherein Kashmiris stakeholders' inclusion is a must. If the problem couldn't be resolved there can be no peace in the region and no type of regional organization can grow like SAARC, etc and regional development and economic integration will be utterly difficult. The problem of turbulent Kashmir has grown into an intractable issue, with its roots in the Partition of 1947.

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