

Kashmir Conflict: Solutions and Demand for Self-determination

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Abstract

Besides being the longest unresolved dispute in the World, Kashmir is also a nuclear flash-point between two of South Asia's enemy countries, India and Pakistan. India and Pakistan, both nuclear powers have several times engaged in fighting over the Kashmir region. Most Kashmiris, on the other hand have been fighting for their right of self-determination recognized by the UN for many decades. The promise made by the first Indian Prime Minister, Jawaharlal Nehru which is also envisaged in the Instrument of Accession of 1947 to let Kashmiris decide their future through a Plebiscite still eludes Kashmir. In the past two decades, the region has been witness to a lot of violence which has also strained the relations between India and Pakistan. There have been several rounds of talks on Kashmir between governments of India and Pakistan. Sadly, there has not been any substantial positive outcome in resolving this dispute. The Kashmir dispute has been analyzed several times in terms of its impact, economical or political, on India, Pakistan and also Kashmir. An analysis through a Kashmiri point-of-view as to what the Kashmiris want and how the two decade long conflict has affected their resolve for self-determination makes for an interesting research. The data for this study was collected in Kashmir through a questionnaire survey. 166 questionnaires were collected from five main districts of J&K. Different possible solutions to the Kashmir conflict were presented to the respondents and their views were sought. This paper thus reports the results of this exercise and discusses the same in light of Kashmiris' aspirations and realpolitik of south Asia.

Keywords: Kashmir, Self-determination, Human Rights Violation, India-Pakistan, conflict.

1. Introduction

People of Jammu and Kashmir have been struggling for their right of self-determination from more than six decades. The issue of Kashmir started just after India's independence and the birth of Pakistan in 1947. At that time there were around 560 princely states under British India and Kashmir was one of them. The delay in deciding Kashmir's future by Maharaja Hari Singh - the last king of independent Kashmir - after the British left was the root cause of Kashmir conflict. The tribal invasion caused by raiders from Pakistan made the Maharaja feel insecure and he decided to seek help from India. India's viceroy Mountbatten promised him militarily help and in return Maharaja signed the "Letter of Instrument of Accession to India", which stands controversial ever since. And with that Instrument of Accession, the Kashmir dispute has stared into the faces of the two nuclear neighbours for more than six decades now.

On 2nd November, 1947 India's first Prime Minister Pandit Jawaharlal Nehru announced on All India Radio that "Kashmir future will be decided by the means of plebiscite". However the promise of plebiscite is still pending. India claims that people's participation in elections shows that people are happy and there is no demand for any plebiscite. Pakistan and those opposing this viewpoint on the other hand say that the elections have never been free and fair in Kashmir and when they have been so, the people have voted for governance issues like roads, electricity and other amenities, and not for sorting out the Kashmir dispute. Meanwhile, the number of people having lost their lives during the past two decades of Kashmir is overwhelming with some agencies putting the number at around 89,000 and the number of enforced disappearances at 10,000. There are around 600,000 to 700,000 Indian troops in Kashmir and aspersions have often been casted on the freeness and fairness of elections conducted under such heavy military presence. On the other hand, the Indian army has often been accused of grave human rights violations like torture, custodial deaths, disappearances, rape and molestation in the state. The army has often invited censure from international human rights agencies like Amnesty International.

A statement issued on the floor of the J&K Assembly by the Deputy Chief Minister on August 1st 2006, revealed that there are more than 600,000 security forces in Jammu Kashmir. That means the ratio of deployment to people is 1 soldier for every 18 persons. This is an incredibly high concentration of troops for an area whose population is not more than 12 million. Officially the number of militants operating in J&K has come down to 1500. Despite such huge military setup in J&K and several efforts to bring this dispute to an end, a long-lasting solution eludes the people of Kashmir who bear the main brunt of this conflict.

Therefore this study looks at the solutions to this dispute from the perspective of the people of Kashmir and presents their views in the light of *realpolitik* of the region. The results of this study show that there is an overwhelming desire for independence in Kashmir, however at the same time this does not look like a feasible solution to this dispute. That Kashmir is a vexed issue, involving interests of different stakeholders and thus making it difficult to solve this conflict is substantiated by the results of this study conducted in five main districts of the state. The rest of this paper takes the following structure. The second section reviews the related literature. The third section discusses the research design. In the fourth section, findings of the study are presented and discussed. In the last section, conclusion is provided.

2. Literature review

Being one of the intractable unresolved conflicts in the world, the Kashmir issue has attracted attention of many researchers, scholars and authors. A number of books and articles have been written on the Kashmir conflict. This review of literature presents a snapshot of some important related works. *India, Pakistan and the Kashmir Dispute* by Robert G. Wirsing 1994 looks at almost every detail of the Kashmir conflict, starting from the very context of the issue to boundary intricacies. An excellent analysis, it however focuses less on the issue of self-determination of Kashmir. Another eminent author, a British historian Alstair Lamb in his book “*Kashmir: A Disputed Legacy, 1984-90*” (1991) argues about the veracity of the Instrument of Accession and concludes that it was not signed by Maharaja Hari Singh of Kashmir on 26th of October 1947, a day before the Indian troops arrived in the Kashmir Valley to defend Kashmir against the raiders from the Northwest Province of Pakistan. Lamb argues that not only India’s legal claim to the state of Jammu and Kashmir is fraudulent but that the accession was the outcome of a conspiracy between INC leaders, the Maharaja’s government and senior Indian army officers including some British. This book too did not touch the idea of self-determination for the Kashmiris.

In his book *Kashmir, 1947: Rival Versions of History* (1996) Prem Shankar Jha’s offers a direct rebuttal to Lamb’s recounting of the events about Kashmir’s accession to India. He provides counter historical material and testimonies, such as that of Field Marshal Sam Manekshaw, to prove that the Instrument of Accession had actually been signed. This book has focused more on the historical perspective of Kashmir Conflict, the idea of self-determination for Kashmiris has not discussed in detail. Another well-know British author on Kashmir affairs, Victoria Schofield states in her book *Kashmir conflict* (1996) that “once understood the challenge for now is to move on, the history on Kashmir cannot be re-written: an analysis, however, of all the relevant aspects of the struggle makes it easier to understand the depth of disappointment and, at times, hatred which has caused all sides”. Victoria Schofield’s discusses almost every aspect of the Kashmir Conflict. However it focuses less on self-determination of Kashmir. Like Lamb, Schofield also doubts the authenticity of the Instrument of Accession signed between the Indian government and Maharaja Hari Singh. Schofield writes, that “Maharaja Hari Singh left the Srinagar Valley in the early hour of the morning of 26th October or, as Mahajan confirms, at 2 am. The journey at night in winter by road from Srinagar to Jammu could be expected to take at sixteen hours”. Comparing these details with the details taken from the diary of the then acting British High Commissioner in Delhi, Alexander Symon, Schofield concludes that the whole incident of signing of Instrument of Accession is of questionable.

Placing the Kashmir issue in the larger context of Indian politics, Bruce Graham (2008) in his book *Hindu Nationalism and Indian Politics* focuses on the rise and fall of Bhartiya Janata Party (BJP) in India. However, Graham speaks only a little about the role of Bhartiya Janata Party in Kashmir Conflict. He states that “the Jana Sangh had early taken the position that Kashmir was an integral part of India, that the reference of the dispute to the United Nations should be withdrawn”, and the proposal for plebiscite should be abandoned but its main concern was to exert pressure on the government of India to change its policies towards the Government of Jammu and Kashmir. He argues further, that it is impossible for Indian government to deny the idea of a plebiscite because “Article 370 (Appendix E) of the Indian Constitution provided that Article 238, which applied to Part B states in general, should not apply to the state of Jammu and Kashmir and that the power of the Indian Parliament to make laws for the state should be limited to matters specified in orders of the president of India”, in consultation with the state government regarding the areas of policy covered by the Instrument of Accession (foreign affairs, defense and communications) and with its concurrence in other matters. Graham concludes that the rise of BJP “espoused causes such as advancement of Hindi, which had given it strongly northern bias, and had adopted extreme attitudes in foreign policy, as in the case of the Kashmir Dispute”. Another book *The State of Martial Rule* (1990) by Ayesha Jalal focuses more on the origin of Pakistan’s political economy and the extra burden of Kashmir dispute on newly born Pakistan. Jalal argues about the expense incurred during the partition era and the unsettled dues.

Financially weak itself after World War II, the British government was already under a debt of the over 1 billion sterling (just for undivided India). She has highlighted Pakistan's problems like economical, social, political, and military and challenges from tribal areas and the Kashmir dispute. At the time of partition, Pakistan took a loan of 2 billion US dollars for setting up the country's legal system, building up its parliament and other needs. However just after partition, Pakistan came under the expense of war for Kashmir. Jalal argues that Kashmir dispute is a bone of contention between India and Pakistan since independence of India and formation of Pakistan. She further argues about much-controversial topic of the tribal raiders in 1947. According to her the percentage of Pakistan Army members among the raiders was not more than 5%. However she adds that "one has to conclude that the government of Pakistan with the connivance of Frontier Ministry was actively promoting the sentiments that had encouraged the tribesmen to invade Kashmir". About Kashmir issue Jalal argues that just for keeping Kashmir dispute alive India and Pakistan are spending endlessly on military. This book too did not discuss the idea of self-determination for the Kashmiris.

Subalterns and Raj: South Asian since 1600 by Rispin Bates (2007) covers all the facets of India before and after independence and the formation of Pakistan and the emergence of Kashmir dispute. Bates mentions about the Kashmir conflict in the chapter titled *The Nehruvian era*. He speaks about the 'micawberish' behaviour of Maharaja Hari Singh and the situation in which he signed the Instrument of Accession.

According to Bates "when Hari Singh formally acceded to India, Mountbatten insisted that the troops could be deployed in support of the Maharaja only if the accession was subsequently confirmed by a referendum". Bates suggests that the Instrument of Accession was signed by Maharaja of Kashmir but on the condition of having a referendum. Even at the time of the ceasefire the main "condition of ceasefire agreement was that a referendum should be held to determine the fate once normality was restored". Pertinent to mention that the demarcation of contributions made by Jawaharlal Nehru, Indira Gandhi and Rajeev Gandhi towards Kashmir issue has been minutely examined by Bates.

Hooman Peimani in his book *Nuclear proliferation in the Indian Subcontinent: The Self-Exhausting "Superpowers" and Emerging Alliances* (2000) highlights that one of the objectives of Pakistan to become a nuclear power was the Kashmir conflict. "As the defeated side in two wars, Pakistan has had every reason to see India as a main threat to its national security". And Kashmir was the instigating reason for the first two wars between the two countries. "India's refusal to implement two United Nations Security Council (UNSC) resolutions calling for a plebiscite in Kashmir as a peaceful means for settling the dispute between the two neighbours has prevented its settlement to this date". The continuation of its current divided status and India's control of its larger part have created an unstable situation conducive to military confrontation the two sides¹. However Hooman also mentions that Pakistan's objective to become a nuclear power is an attempt to avoid a major confrontation with India. "Pakistan's main objective was to put the forgotten issue of Kashmir on the international agenda". Hooman further adds that Pakistan's nuclear capability now grants it some assurances that the international community cannot remain idle and watch the escalation of the conflict between two nuclear powers over Kashmir. This book too did not discuss about the idea of self-determination for Kashmiris.

3. Research Design

To examine the current situation in Kashmir a paper based questionnaire survey was designed and administered in Indian-administered Kashmir. The questionnaire was distributed among postgraduate students, government employees, social activists, and the local businessmen in Kashmir. Five main districts of Kashmir were chosen for the survey: Srinagar, Baramulla, Pulwama, Anantnag and Kulgam. 200 questionnaires were distributed among the respondents, while after several follow-ups, 116 questionnaires were returned, giving a response rate of 58%.

4. Findings and discussion

4.1 Demographic profile of respondents

A total of 116 respondents were collected from the five main districts in Kashmir which comprised 23.3% from Srinagar, 19.8% from Pulwama, 20.7% from Baramulla 17.2% from Anantnag and Kulgam 19.0%.

Among these respondents, majority were postgraduate students (81.9%). The total number of lecturers and teachers was 13.8%. Other respondents were 4.3% which included government employees and businessmen.

¹ Nuclear proliferation in the Indian Subcontinent: The Self-Exhausting "Superpowers" and Emerging Alliances by Hooman Peimani, pp:27, published on 2000.

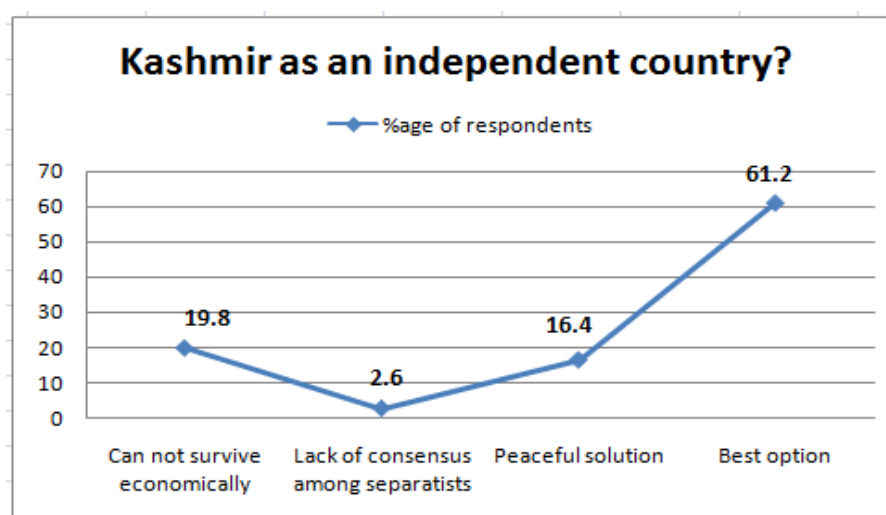
The result of the processed data indicates that the respondents were dominated by those in the age group of 18-25 years (76.7%), followed by age group of 26-35 years (18.1%), while those in the age group of 36-45 years were 1.7%. 2.6% of the respondents were in the age group of 65 years and above. The number of Female respondents was 27.6% and number of male participants was 72.4%. Kashmir being a majority Muslim state, most of the respondents were Muslims (96.6%). The percentage of other minority respondents like Hindus and Sikhs was 3.4%.

4.2 Analysis of proposed solutions

Several viable solutions were presented to the respondents and their response was sought. These proposed solutions and the respondent's responses are discussed below:

Proposition 1: Kashmir as an independent country

Out of all the respondents, 61.2% of the respondents believed that the best solution for Kashmir imbroglio is independence. The reason as to why most of the Kashmiris believe in this option is because Kashmiri were promised by the government of India the right of self-determination through a plebiscite by virtue of which they can choose between acceding to India, Pakistan or independence. A total of 19.8% respondents said that Kashmir cannot survive economically if it will be free from the Indian control. Only 2.6% said that the idea of free Kashmir is not possible due to lack of consensus among separatists. However 16.4% respondent felt that this is a peaceful option. These results are presented in the figure below.



Source: Data analysis made on the basis of data collected during fieldwork in Jammu Kashmir

Discussion

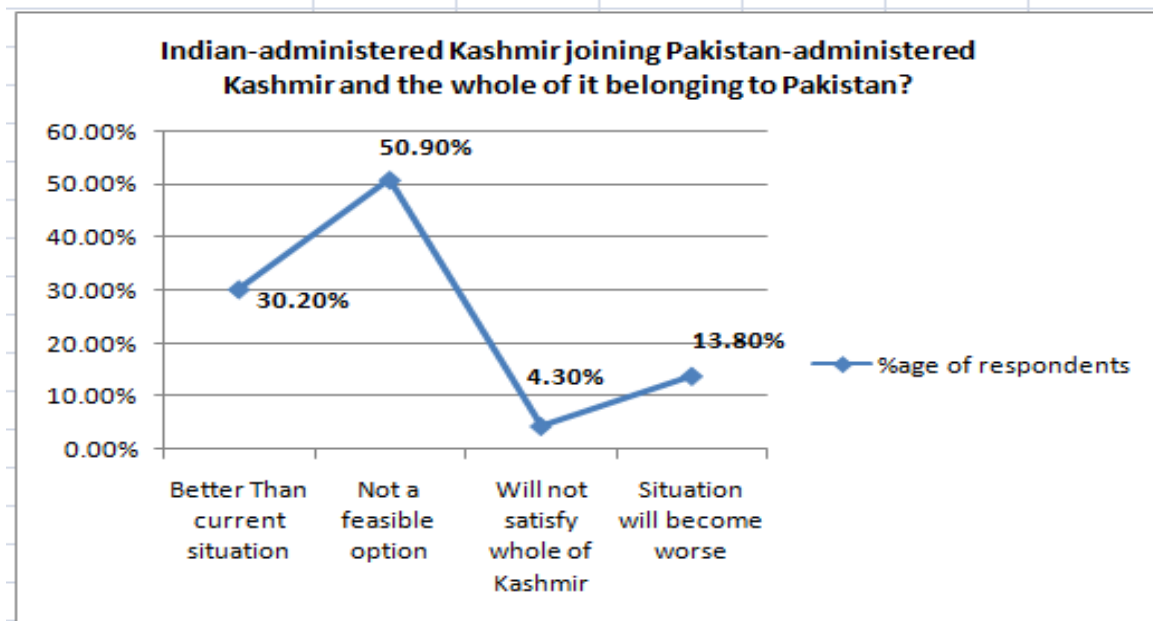
Analyzing the present situation, Independence is perhaps the most difficult solution for Kashmir. One reason is that Kashmir is located in between two developing countries namely India and Pakistan. Even now vast segments of population in these two countries are illiterate and poverty-stricken and even a thought of giving independence to Kashmir threatens to make these countries instable. Hindu extremism in India and Muslim extremism in Pakistan is another serious challenge facing both these countries. So it would be difficult for Indians and Pakistanis to believe that Kashmir deserves the right to be an independent country. The mere mention of separation of Kashmir sends both the Indians and Pakistanis into a tizzy and the chances of riots and bloodshed are more from both the sides in case Kashmir emerges as a free nation.

However the emotions of the people are not the only obstacle in the resolution of the Kashmir conflict. Kashmir's strategic position is a major problem for its resolution. The geographical location of Kashmir, that of being like a buffer between India and Pakistan makes things even more difficult. India and Pakistan always want Kashmiris to teeter-tottered between these two countries. Many efforts have been made in the past to build peace between India and Pakistan. But every time it gets stocked at the Kashmir issue. The two countries have fought three wars in past and two out of the three were over Kashmir. The solution to the Kashmir conflict becomes difficult on two bases: first is its strategic position, which is so unique that neither India nor Pakistan wants to give their part of Kashmir. An independent Kashmir on the other hand would also face many threats from both these countries. Kashmir will remain in the middle of two enemy countries. If Kashmir gets independence that means they have to start everything from the scratch. For a newly independent country the priority should be development and economic management rather than security and army. However it will become difficult for Kashmir to keep track of the notorious intentions of India and Pakistan. India and Pakistan are already scourged with extremism.

The chances of this threat increases incase Kashmir becomes independent. There can be a situation like partition of India and Pakistan (riots of 1947 between Hindus and Muslims). So the idea of an independent Kashmir is very difficult if we compare the current mindset of India and Pakistan. Both India and Pakistan will make it impossible for independent Kashmir to exist. Religious sentiments in both the countries will further hamper Kashmir’s development and peace.

Proposition 2 :Indian-administered Kashmir joining Pakistan-administered Kashmir and the whole of it belonging to Pakistan

30.2% of the total respondents said that situation will become better than the current situation if Indian-administered Kashmir joins Pakistan-administered Kashmir and the whole of it belongs to Pakistan while 50.9 % believed that this is “not a feasible option”. A total of 13.8% respondents believed that situation will become worse if this solution is implemented. 4.3% said that this option will not satisfy the whole of Kashmir.



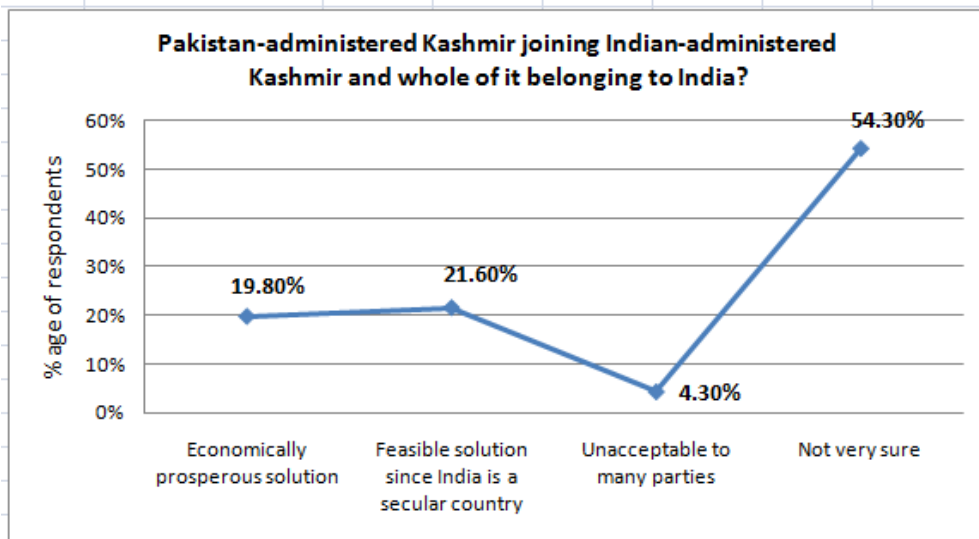
Source: Data analysis made on the basis of data collected during fieldwork in Jammu Kashmir

Discussion

Majority of Kashmiris are Muslims and Pakistan is an Islamic country so one can say that this is the best solution for Kashmir. However this solution has its own serious limitations. Majority of Kashmiris prefer to be an independent country rather than joining a country that is already under the threat of ex0tremism. Kashmiri people are by and large peace-loving and secular-minded people. There has not been a single riot between Hindus and Muslim in the recent history of Kashmir. Except from one major incident (1989) in which many Hindus pandits fled from Valley, claiming that they got threatened by Pakistan-sponsored militants. However another religious minority in Kashmiris, the Sikhs are staying in Kashmir from decades like Muslims amid full harmony and brotherhood. Kashmiris will not prefer to join Pakistan because they have faced a huge humanitarian lose under Indian rule. Almost 80, 000 people have been killed till date and 10,000 have disappeared in Indian-administered Kashmir. Having been subjected to all this by a relatively secular country, they perhaps expect no positive treatment from the Pakistani side. This solution is not feasible because it would be one sided. Kashmir conflict involves three parties: India, Pakistan and Kashmir. This solution can only satisfy one party, Pakistan. Hence this option sounds unrealistic.

Proposition 3: Pakistan-administered Kashmir joining Indian-administered Kashmir and whole of it belonging to India

This solution is also one sided and will only satisfy only one party to the conflict. Apart from this it would be difficult to join Azad Kashmir with the Indian Territory. Geographically it is not impossible and a total of 54.3% respondents are not sure about this solution. However it would be difficult from the religious point of view. A total 19.8% believe it is economically a prosperous solution. And 21.6% believe that it is a feasible solution since India is a secular country. Whereas 4.3% respondents think that this option will be unacceptable to many parties.



Source: Data analysis made on the basis of data collected during fieldwork in Jammu Kashmir

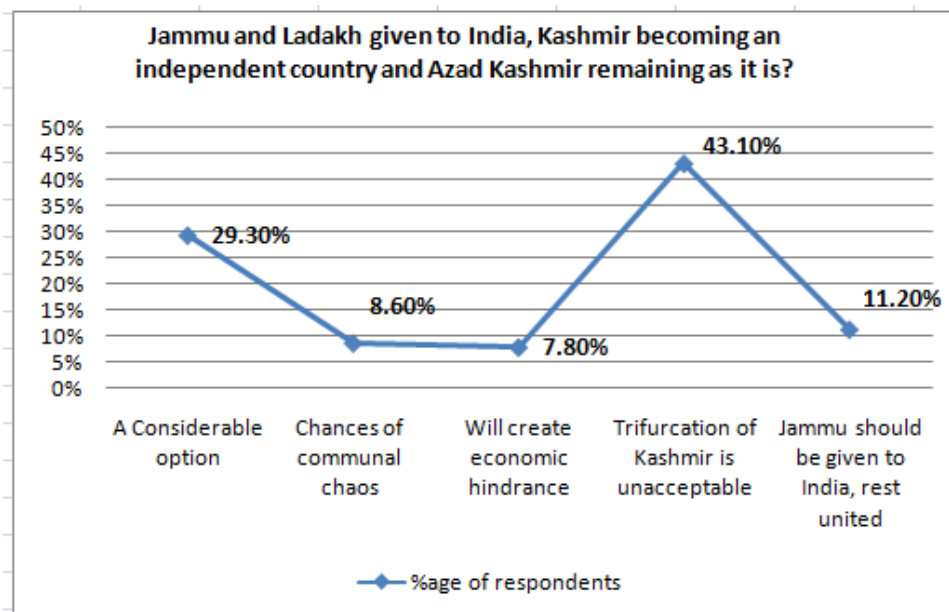
Discussion

This solution seems to be unrealistic for the following reasons:

- 1 *Azad* Kashmir has a Muslim majority and it would be difficult to convince a Muslim majority *Azad* Kashmir to join a Hindu majority country like India.
- 2 There are almost no reports of human right violation by the Pakistani Army in *Azad* Kashmir. However the same cannot be said about the Indian-administered Kashmir where human rights violation at the hand of army and other security forces are quite frequent. The people of *Azad* Kashmir thus will never prefer to join India.
- 3 Another concern would be that of language. People in *Azad* Kashmir speak a different language than Kashmiris on the Indian side.
- 4 Last but not the least, this solution can also ignite the emotional sentiments of extremists in Swat valley (Pakistan) and Afghanis because they will never tolerate that a Muslim state is joining a Hindu majority.

Proposition 4: Jammu and Ladakh given to India, Kashmir becoming an independent country and Azad Kashmir remaining as it is

The totals of 29.3 % of respondents believe it is a considerable option. However, keeping in view the road connection and trade link between Jammu and Kashmir and climate of Ladakh, 7.8 % share the idea that this option will create economic hindrances. While the totals of 11.2 % respondents are unsure or believe it's better to give Jammu to India and rest Kashmir kept united. However the majority of respondents, 43.1 % are not ready for trifurcation of Kashmir.



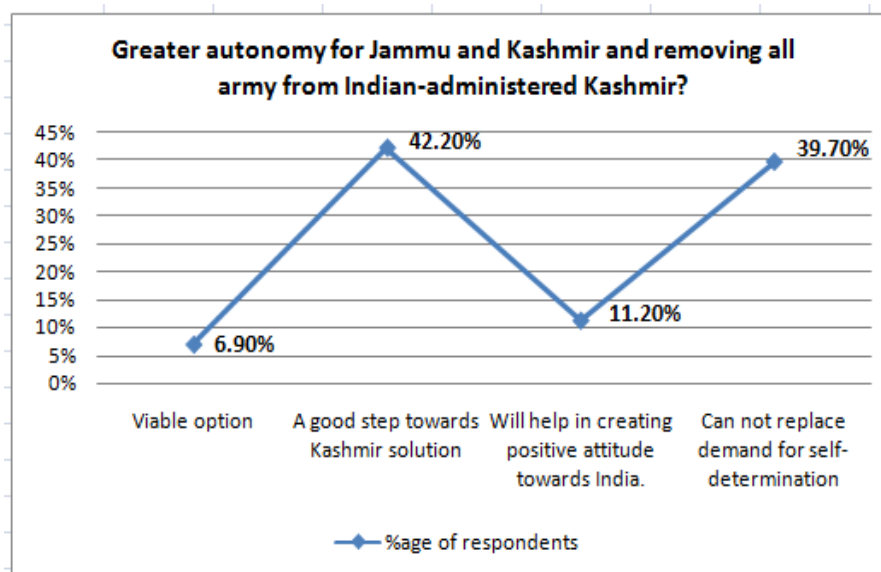
Source: Data analysis made on the basis of data collected during fieldwork in Jammu Kashmir

Discussion

Analysis based on the present situation suggests that this option is very much feasible. This solution would perhaps satisfy all parts of Kashmir. Especially in the Indian-administered Kashmir, the majority of people who are struggling for their freedom are from the Kashmir Valley. People in Jammu are Hindus who share the same religion as majority Indians. And they will not have any problem remaining as a part of India. Same is somewhat the case with Ladakh. However this solution also has some limitation. First of all India will never want to be happy to lose a territory like Kashmir Valley which has huge strategic as well as touristic value. Kashmir has a very unique strategic value as its border connects with Pakistan. An independent Valley will always remain under the threat of extremists from Jammu and with the back-up of a bigger entity like India, the worry compounds further.

Proposition 5: Greater autonomy for Jammu and Kashmir and removing all army from Indian-administered Kashmir

Majority of the respondents, a good 42.2 % believe that this could be a good step towards Kashmir solution, 11.2 % think this will help in creating positive attitude towards India while 39.7 % are not ready for any solution than self-determination and believe that nothing can not replace the demand for self-determination.



Source: Data analysis made on the basis of data collected during fieldwork in Jammu Kashmir

Discussion

As mentioned above it would be difficult to leave the Kashmir Valley as an independent state. The other option would be leaving Azad Kashmir as it is. The cases of protests in favor of independence against the Indian government are conspicuously visible in the Indian-administered Kashmir. Similarly violations of human rights are prominent in the Indian-administered Kashmir. It is difficult to conclude whether people of Azad Kashmir want independence from Pakistan or not. Perhaps there is almost no written material which suggests that the people in Azad Kashmir are suppressed. In the case of Indian-administered Kashmir, the news of human right violation is much prominent. Further recently the curbs on religious freedom have also been reported; like people are not allowed to attend Friday prayers regularly in the main mosque of Kashmir, The Jamia Mosque. Presence of huge army is making people less confident and instills fear among the common people. Greater autonomy to the region seems to be the much-demanded solution for Kashmir. Looking at the present situation and analyzing other possibilities, this is the best solution one offer conclude for the present situation. Reducing the presence of army can bring positive changes in the perception of Kashmiris towards the Indian administration. Also people will be freer to go out for daily jobs and children can grow in a fear-free atmosphere. This can further encourage Kashmiri people to build positive rapport with India. Autonomy can give Kashmir stable economic growth and free governance.

4. Conclusions

As the Kashmir Conflict is a great burden for India, Pakistan and the people of Jammu Kashmir and the whole of South Asia, it is very important to find a resolution for the conflict. One way to explore a solution to the problem is to consider self-determination for those live in Kashmir. In this study, the idea is only explored for Jammu Kashmir (Indian-administered) due to difficulties getting the data on Azad Kashmir. Five options were explored in this study.

The quantitative analysis of the data shows that the demand for Kashmir's independence is high among the people of Kashmir. However the full independence for Jammu Kashmir does not seem to be possible due to likely opposition from India and maybe even by Pakistan. And another option of joining Pakistan is not only unacceptable to the majority in Jammu Kashmir but it is somewhat of an anathema to India. The option to give more autonomy to Jammu Kashmir within India seems to be a feasible idea to India and to those who wish to remain under Indian administration. But that option will be unacceptable to Pakistan, those who want to join Pakistan and those who wish for full independence. The last option is that of maintaining the present situation, that is maintaining the status quo, which means Jammu Kashmir remains under Indian control, contested by Pakistan and the rebels, the area continues to face constant security problem, the Indian security forces continue to stay in J&K in huge numbers and accusation of them violating the human rights of the Kashmiris continue.

Kashmir conflict is no doubt an intractable conflict making all parties to search for a formula to resolve the conflict peacefully. What could be the political framework that will accommodate the Kashmiris aspiration for self-determination, the interests of India and Pakistan is the real challenge for those who seek peace in the region. The above discussion shows that people of Kashmir are not happy with the Indian administration. This is evident given the frequency of protests in the valley. On the other hand, instead of co-opting the dissident and separatist voices in the valley, the human rights violations seem to have only accentuated the demand of separation. Considering the ground geo-political realities in the Indian sub-continent, the most workable solution to the Kashmir dispute seems to be minimizing the security forces in Kashmir and granting basic human rights to the Kashmiris, relieving them from daily frisking, and focus should be on creating more employment and education opportunity for Kashmiris. While this may not be the ultimate solution to this issue, it may well prepare some ground for a better solution and meanwhile relieve the people of the region from their day-to-day turmoil.

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