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Epicenter of Apocalypse: Impact and Implications of Kashmir Issue

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Abstract: South Asia is considered the of the most volatile regions on this planet. The reasons for this volatility are so many but the Kashmir issue between India and Pakistan is at the core, and the most prominent constituent of this upheaval.¹ Since the last seventy years we have been discussing this issue and its various narratives, but no appropriate attempts have been made to resolve this by the either side. The various angles on which the Kashmir's narrative is addressed by the media, both electronic and print, throughout the world can be the following: First, the Kashmir is usually portrayed by the media, mainstream politics and academia as a bilateral dispute between India and Pakistan without addressing its impact on native population; secondly, the media particularly the western is seen to analyse the Kashmir problem from a humanitarian lens while blaming for an outright repression, violation of human rights and strong discontentment amongst the vast majority of Kashmiris indicating a humanitarian crisis within Kashmir without suggesting a solution to it; and thirdly, Kashmir can be seen as a battle field for the most debated new Great Game facing a shift towards the prominent hotspots (Kashmir is one) in this multi-polar world which probably leads to apocalyptic situation because of the involvement of almost all the major powers generally from all over the world. Thus, it is pertinent to understand and analyse the present context of Kashmir question from the geo-political perspective to highlight its impact on regional peace and security, in particular and its ripple-effect at the global level.

Key Words: AFSPA, Self-Determination, Great Game, New Cold War, Soft Border, Smart Power.

Introduction:

The South Asian region is widely considered to be one of the most dangerously unstable and volatile regions in the world with the two nuclear-armed countries, India and Pakistan, in conflict over a number of outstanding issues. The standard argument is that conflict in Kashmir, in its present form, has the potential to spark off future armed confrontations which can lead even to a nuclear war between India and Pakistan (with indirect involvement of China) especially given the kind of hostility that the two countries share. In order to locate the transformation of the Kashmir conflict, this is yet to be fully understood in its various dimensions. The present research paper is organized in the following manner. The paper is divided into three main sections followed by recommendations and conclusion as section four. Section I will cover the Kashmir question from the local or Kashmiri angle which will address the issues of Kashmiri identity, right to self determination, the politics of assertion and the present position of militancy etc. Section II will focus on the Indian legitimacy and claim over the land and people of Kashmir, the presence of Indian Armed forces and granting them Armed Forces Special Powers Act (AFSPA). More and more emphasis will be to understand the deep rooted ideological stand of various

political groups from India, particularly Kashmir. Section III will cover the international opinion and followed perception on the Kashmir issue. The last section will deal with the recommendations and concluding remarks: the UN reports will be analysed, and the European (including British) and the American stand on Kashmir question will be given due space in order to decide the concluding part of this research work.

I

The contemporary contour of the Kashmir conflict cannot be seen divorced from the larger geopolitical developments in the South Asian region. India-Pakistan relations in general and the Kashmir conflict in particular are not only influenced by the local, political, security, and social dynamics, but also by the larger systemic and sub-systemic imperatives. But to analyze the Kashmir problem and consider solutions for it, one has to study the political upheaval that shook the entire Indian subcontinent on the eve of independence in 1947 and correlate it to the Pakistani invasion of Kashmir. The significance of the geo-strategic factor as a root cause of the confrontation between India and Pakistan over Kashmir since 1947 must be recognized. In order to fully understand the issue of Kashmiri identity, right to self determination, politics of assertion and militancy in Kashmir, one has

to analyse the Kashmir question in historical manner.

Identity, Assertion and Militancy: A Historical Perspective

The facts regarding the origin of the Kashmir conflict at the time of independence are largely established. The Hindu ruler of a Muslim majority state signed the Instrument of Accession with India on October 26, 1947,² in lieu of New Delhi's military support against the Pakistan backed tribesmen from the North-Western Frontier Province (NWFP).³ The tribesmen had attacked J&K to forcibly liberate the Muslims of Kashmir. The initial uprising of Kashmiri people against the Dogra rule of Maharja Hari Singh started in 1931, under the leadership of Sheikh Abdullah, accepted the Instrument of Accession along with the assurance of the Indian government to protect their autonomy. By November 1947, both India and Pakistan formulated public positions that would make it difficult for both of them to retreat. In supporting the decision to accede to New Delhi, Sheikh Abdullah identified greater similarity between the basic tenets of the idea of India, that is, secularism and *Kashmiriyat*. Nearly a year after J&K leader Sheikh Abdullah defended India's stand in his speech in the UN Security Council meeting by saying:

“It was because I and my organisation never believed in the formula that Muslims and Hindus form separate nations. We neither believe in the two-nation theory, nor in communal hatred or communalism itself. We believed that religion had no place in politics. Therefore, when we launched our movement of ‘Quit Kashmir’ it was not only Muslims who suffered, but our Hindu and Sikh comrades as well.”⁴

It was not before the 1990s that the call for freedom took a violent turn and an armed insurgency began in the state. The rising uprising in Kashmir found an ally in the radicalisation taking place in Pakistan following the 1971 War. This eventually led some leaders in Kashmir to speak for a separate homeland for Kashmiri Muslims,⁵ who constitute nearly 99 percent of population of Kashmir Valley after Kashmiri *Pandits* were driven out by the violent crusade against them in 1990 by militants. To sum it up, initially the Kashmiris - both Hindus and Muslims-had considered themselves vitally different from their counterparts in the rest of the country. But, the movement that started against the “unequal

relationship” between the rulers and the ruled gave way to a communal bias as “political consciousness” spread to Kashmir.

The Kashmir Dispute and Muslim Identity for India, the restructuring of nationalism took place at independence as Pakistan was carved out as a Muslim Homeland. India, instead of choosing the nationality of race, decided to opt for the nationality of territory, cutting across religions, and was home to nearly 13 percent of Muslims at the time of independence.⁶ The secularism of India has been anchored in the Constitution, but the presence of harmony of the nationalising host state of India, the presence of a national minority of Muslims, in whose name an external national homeland of Pakistan was claimed in 1947, never let the Hindu-Muslim cleavage heal in post independent India.⁷ The revival of the Kashmiri freedom movement aided by the insurgency from across the Line of Control (LoC) dividing India and Pakistan further shaped the Muslim identity in the rest of India as well.⁸ It was done through careful symbol selection and manipulation by politically active elites of both the Hindu and Muslim communities and, presently, Kashmir has become an important symbol in projecting the Hindu and Muslim divide.⁹ Till today the Kashmiri leadership has failed to gain the support of the minority communities of Hindus and Buddhists in J&K, the leaders of Kashmiri Muslims, even Sheikh Abdullah, projected the Kashmiri movement for self- determination as one against the dominance of the Hindu-majority India.¹⁰ Thus the Muslim identity and the contestation of nationalism and sub-nationalism in Kashmir have a negative impact on the greater Muslim identity in India. Pakistan, on the basis of a common religion with the Muslims of India, closely monitors their situation, protests alleged violation of their rights and asserts its obligation to defend their interests. The separatist leaders have been constantly invoking the common religious thread between Kashmir and Pakistan to assert secession from India. In 2008, separatist leader Syed Ali Shah Geelani said during one of the protests that Pakistan had been created as the home of Islam, and that goal should never be subverted. He said that “just as Pakistan belonged to Kashmir, Kashmir belonged to Pakistan.”¹¹ It is such stances of the Kashmiri leaders that give fodder to the Hindu chauvinists outside the Valley and then the ensuing stereotyping of the rest of the Muslims and their accepted nationalism towards Pakistan. While

Pakistan can hardly afford to give formal citizenship to the Muslims of India, its continuous monitoring of their situation and interference in their affairs; and the privileges given to the Muslims from the Kashmir Valley and the rest of the country have given rise to two mutually antagonistic nationalisms: one towards India and the other towards Pakistan.

The present alienation among the Muslims of Valley was erupted violent as the result of the breakdown of political order which lead to the subtle political crisis. The immediate context of the crisis was provided by three main political events, stretching in a short span of five years, from 1984 to 1989. The first of these was the dismissal of the legitimately elected National Conference government led by Farooq Abdullah in 1984. The National Conference government that had been voted into power in 1983 with a huge mandate in its favour within the valley was reduced to minority as a result of defections engineered by the Congress Party. This event led to substantial resentment in the Valley. The logic of this event that no government can function in Kashmir, howsoever democratically elected it may be, unless it is supported by the ruling party in the Centre, provoked Farooq Abdullah next to go in for an alliance with the Congress Party. Commonly known as the Rajiv-Farooq Accord, this alliance formalised in 1986, was the second political happening that not only caused substantial damage to the credibility and the reputation of the National Conference, but also generated popular hostility and indignation in Kashmir. Farooq was blamed for being a politically opportunist, compromising on the political interest of Kashmir. The Assembly elections held in 1987 formed the third and the final event leading to massive popular reaction. The National Conference-Congress combine had been successful in obtaining a massive victory in these elections, while the Muslim United Front, a newly organised coalition of political groups, which had launched itself as the potential alternative to the National Conference and the Congress, had failed to win the expected number of seats. The Farooq government that was formed after these elections was confronted with the crisis of governance right from the very beginning precipitating the breakdown of political order and open defiance of authority. By 1989, the crisis had taken the form of the militant response.

The phenomena of militancy at that point of time had the backing of people of Kashmir. It was not, in any case, the mute support by the inactive masses but on the contrary, was a spontaneous

popular political response. By early nineties, this response had acquired the form of a massive political movement, the manifestations of which could be perceived in the huge processions of Kashmiris chanting the slogan of *Azadi* (freedom). Lakhs of Kashmiris believing that *Azadi* was around the corner participated in the marches of protest all over the Valley. Neither was this response organised by any specific political group nor was there any recognised single leader of the movement. The umbrella militant organisation, the All Party Huriyat Conference had yet to emerge. Now nearly thirty years later, Kashmiris have been disillusioned as regards the imminence of *Azadi*. Their response towards militancy is also changed. Fatigued by protracted violence they have a strong urge for normalcy and peace. Some semblance of a political order has been brought to the social and political life of the Valley, especially after the Legislative Assembly elections held in 1996. Yet, the legitimacy crisis continues. The state government still needs the coercive force of the Indian State to effectively exercise its authority. Political alienation, which highlighted the crisis presently the demonstration against the state and security forces is even worst where the Kashmiri young population educated and uneducated have left their earlier ways of demonstration and turned the stone, palters. The situation turned even more provocative when the security forces are trying to control the mob which needs to handle more patiently and harmlessly.

II

Indian Nationalism and Kashmir

The nationalistic discourse in India and its subsequent extension to other parts had its genesis when Britishers were planning to leave the sub-continent in the wake of Indian National Movement particularly during the post World War II period. The present geopolitics of South Asian region in general and India and Pakistan in particular, became clearer only after the departure of colonial masters from the sub-continent who left the region in a complete divided situation particularly on the religious grounds under the influence of their "Divide and Rule" policy. This policy was so tactfully applied by the foreign rulers on the sub- continent that it had faced on its map the emergence of a new Islamic nation i.e. Pakistan based on Two-Nation theory of Mohammed Ali Jinnah.

Thus the partition of India on religious lines had led most liberal and secular Indian people to think on the rightist lines which gave the birth for the re-

establishment of various organizations such as *Vishva Hindu Parishad* (VHP), *Rashtrya Swayam Sevak Sangh* (RSS), *Jana Sangh*, combinely known as “*Sangh Parivaar*” on the socio-politico discourse in the newly formed country. The *Sang Parivaar*, immediately after the partition came out with the idea of *Hindu Rashtra* supported by cultural nationalism similarly based on the lines of Pakistan’s claim of Islamic Nationhood.

But Jammu and Kashmir present a unique example of co-habitation of various religious communities, the dominant among those were Muslim ruled by a minority Hindu ruler Maharaja Hari Singh, a Dogra Ruler. As set up under the Cabinet Mission Plan of 1946, the Maharaja in consultation with Sheikh Mohammed Abdullah the mass leader and the head of interim government from the valley has decided to accede with India. The conditional Instrument of Accession (signed in wake of Pakistani tribal attack) primarily based upon the promise to maintain the autonomy of state under the future Indian Constitution (Article 370). During the passage of time this promise of maintaining the state’s autonomy while deciding the relationship between the union and state was further checked and challenged by the people of the state during last seventy years of its accession to the Indian union.

The contesting nature of the nationalistic and sub-nationalistic forces in India and Kashmir respectively led to further deteriorating the Kashmir issue on various grounds such as; a) First, Kashmiri masses since decades feel to be feared and threatened by the majority Hindu from the outside Kashmir for which they have fought against the autocratic rule of Hindu Maharaja. Secondly, the dominating role played by the Indian government have led a political vacuum actually frustrated the growing leadership in the valley which led to alienation among the youth and paved a way to militancy. Thirdly, the central domination in the form of the presence of military forces has led to the internationalisation of the Kashmir dispute particularly on the grounds of Human Rights Violation much addressed by international media.

So the Kashmir issue is became so sensitive that it needs an immediate change in the approaches and techniques to tackle by all the contesting parties so that the lost political faith can be re-establish among the people while maintaining the constitutionally promised autonomous position to them.

III

International Opinion and Perception

The international community’s efforts to help resolve the Kashmir issue began only weeks after the dispute erupted in October 1947.¹² The controversy remained on the world’s radar scope for a quarter of a century, and then faded away when India and Pakistan agreed at Shimla in 1972¹³ to resolve it peacefully by bilateral negotiations. The outbreak of an insurrection against Indian rule in the Kashmir Valley at the end of 1989 returned the problem to world attention. The United States and other major powers soon recognized that the nuclear capabilities of the rival claimants made the issue more dangerous and its resolution more urgent.¹⁴ But Washington’s main initiatives in recent years have focused on managing the India-Pakistan crises Kashmir has sparked, not on the elusive search for resolution of the Kashmir dispute itself. It has urged both countries to reach a mutually acceptable settlement that takes into account the wishes of the Kashmiri people, and has declared its willingness to play a facilitating role in helping the parties resolve the issue if both the Indians and Pakistanis wish it to.¹⁵ Other interested powers have been even less involved. All have recognized that the continuing refusal of the Indian government to countenance an international role in Kashmir makes it likely that any outside efforts will be as unsuccessful as others were in the past. This conventional—and till now sensible— approach may not necessarily remain valid.

America, Britain, and the Soviet Union also made efforts outside the United Nations to resolve or contain the dispute. Two U.S. presidents became personally engaged. In the late 1950s, Dwight D. Eisenhower weighed in to promote U.S. supervised India-Pakistan negotiations on a basket of crucial issues including Kashmir.¹⁶ The Indians rejected this intervention.¹⁷ Eisenhower’s successor, John F. Kennedy, concluded that India’s defeat by the Chinese in the 1962 border war put a settlement within reach.¹⁸ The failure of Indian and Pakistani negotiators to make any progress in six rounds of discussion in which the United States and Britain became increasingly involved proved him wrong. Moscow’s turn came in 1966, when Alexei Kosygin, the Soviet premier, engineered an agreement at Tashkent that ended the second India-Pakistan War.¹⁹ But that pact merely restored the status quo ante bellum. It did not come to grips with the underlying

issue of Kashmir's political future that had triggered the war.

The Tashkent conference was the last serious involvement by outside powers in the Kashmir issue until it exploded again onto the world stage at the end of 1989. In the following eighteen years, the United States again took the lead in international efforts to deal with the dispute and, more specifically, with a series of India-Pakistan crises the issue generated. President Bill Clinton's personal role in 1999 in persuading Prime Minister Nawaz Sharif to withdraw Pakistani forces from the Kargil area of Indian administered Kashmir was only the most dramatic of several high-level U.S. interventions.²⁰ But neither America nor any other country did much more than urge the two claimants to reach a settlement bilaterally. The most significant international call, orchestrated by Washington, came following the 1998 Indian and Pakistani nuclear weapons tests, when the Security Council and the Group of Eight urged New Delhi and Islamabad to return to the negotiating table. But as noted, the Clinton and George W. Bush administrations maintained that they were prepared to play a more active "facilitating" role only if India and Pakistan wanted them to.²¹ No other countries went even that far. New Delhi continued to resist internationalizing the issue and rejected Washington's offers.²² India had long since recognized that it is bringing Kashmir before the United Nations in 1948 was a blunder²³ and concluded that as the militarily stronger status quo power it was in its interest to deal with the dispute bilaterally if at all. By the same token, Pakistan has believed at least since 1965 that only international intervention could change the political geography of the state though it has at times stirred up trouble in Kashmir in the hope that this would lead the world to take the action it desired. But neither government has yet taken into full account the impact the nuclear tests have had on international consideration of the dispute. These explosions led the world community to focus on maintaining the stability of the subcontinent and lessened the importance it attached to the equities of the Kashmir issue. For the United States and other countries, the use of violence to change the status quo had become an unacceptable option in nuclear-armed South Asia.²⁴ This attitude gave the Line of Control a "sanctity" it had not enjoyed before, to India's advantage.

Against this discouraging six-decade background, what roles can the United States and other countries play beyond cheering the two sides on

from the sidelines and helping defuse crises? Several developments have occurred in recent years that seem to argue for a more active international approach. Washington would need to take the lead in any such initiative. Other countries could help. Moscow could use its influence in New Delhi to persuade the Indians to be more forthcoming. Beijing could be helpful in Islamabad. Pakistan still views China as its most reliable friend among the major powers even though the Chinese no longer endorse the Pakistani position on Kashmir and urge, as the United States does, that India and Pakistan settle the dispute bilaterally.²⁵ The European Union led by Britain should also be enlisted, and some Muslim countries might have some weight with the Pakistanis. The smaller South Asian nations should not be counted on. Anxious not to offend either India or Pakistan, they have taken advantage of the "no-bilateral dispute" provision of the rules of the South Asian Association for Regional Cooperation (SAARC) and have consistently kept their heads down on Kashmir. They will continue to do so. In short, it is only the United States that has the combination of political clout and diplomatic and economic resources to undertake the heavy lifting needed to persuade India and Pakistan to cross the elusive finish line and agree to a settlement.

Recent Developments

Recently, BJP led Government at New Delhi abrogated Article 370 by Presidential Order of 5th August 2019 and dividing the state of Jammu and Kashmir into two Union Territories, the Union Territory of Ladakh (without Legislative Assembly) and the Union Territory of Jammu and Kashmir (with Legislative Assembly). The Opposition under the umbrella of Congress party have fragmented opinion about the move. The regional political parties in J&K opposed the move levelling it unconstitutional and undemocratic. The top leadership of J&K kept under house arrest for maintaining the law and order throughout the state putting whole J&K under section 144 of IPC and banning all the means of communications like Mobile and Internet Services. As said that the time is a big healer as the time passes the restrictions which were imposed earlier with the move are lifted to some extent. After 31st October 2019, the order was implemented appointing Shri R K Mathur as Leutenant Governor of Union territory of Ladakh where as Shri G C Marmu appointed for the Union of Territory of J&K.

IV

Recommendations: This section looks at the potential common threads in the proposed solution to the Kashmir conflict. Indeed, a close examination of the various proposals shows that we could create a consensual roadmap from among them. Creation of such a consensual proposal may ideally go through the following:

1. The Line of Control, or something geographically close to it, will become the permanent border between two sides of Kashmir.
2. The border will be sufficiently permeable to allow for the easy movement of people and goods across it.
3. Kashmiris on both sides of the LoC will be given a greater degree of autonomy in matter of governance.
4. Shared institutions will be established on an all-Kashmir basis to play a role in administering noncontroversial issues affecting Kashmiris.
5. Devise a forum to discuss and resolve the outstanding differences;
6. Propose to implement the most common denominators among them.

What are the commonalities among them? As a starting point, we would like to point out five common themes among them for further discussion. The most important theme running through all of these proposals is the issue of self-rule and autonomy. While some of the proposals examine at length into these two related yet different matters, some do not. But all of these proposals do realize the need to give self-rule²⁶ short of independence to J&K. The other key agreement among these proposals is that all of them apprehend the need for cross border mechanisms for deliberating, consulting and deciding on a variety of matters concerning both sides of J&K. Even as there has been a heated debate on the issue of joint management of resources and certain mutually agreed upon sectors of governance and what it entails among other things, what is pertinent to note is that the key stakeholders have realized that this is one possible way ahead in a world that is quickly going past the confines of borders not just for peace but also for benefits of a great variety.

Interestingly, let us remember that both Manmohan Singh and Pervez Musharraf apart from Sajad Lone, Mirwaiz Umar Farooq and the PDP have endorsed this idea.²⁷ Despite such huge high-level

support for this proposal, this truly great idea lies mired in obscure details.

The third important, if not entirely common, factor in these proposals is the emphasis given to sub-regional problems and aspirations. Valley politics and discourse, by default or design, tends to dominate over most other pressing problems in the whole of the J&K state, including on the Pakistani side of the border: issues relating to J&K have come to identify solely with what happens in the Kashmir Valley. It is necessary, therefore, to address and attend to such regional aspirations and problems be it regional autonomy, highlighting their differences with the valley or addressing governance related issues in the peripheral regions.

The fourth issue addressed by most of these proposals is also the much debated issue of demilitarization in J&K²⁸. While many actors are chary of addressing the issue, some have looked at it openly with a willingness to discuss it. Despite the differences in this regard due to its politico-strategic sensitivity, there seems to be some agreement on phased demilitarization. Demilitarization when adequately phased and timed well with a reduction in terrorist violence, even the hawks within the government of India would be fine with it.

Another equally important common factor seems to be the need to accord the state more autonomy regarding financial matters, recruitments into civil services, etc. While much of this is easy to do, this involves a great deal of trust and flexibility apart from political will on the part of the government in Delhi.

Conclusion

While the commonly accepted line of argument about the South Asian region is that the region is heading towards greater insecurity and instability due to the absolutist positions held by the two nuclear-armed rivals, India and Pakistan, this article has tried to make the contrarian argument that there are positive developments taking place in the region which will need to be seen in proper perspective in order to understand the future path of the region's geopolitics. These positive developments with regard to the relations between India and Pakistan include the eventual resolution of the conflict in Kashmir. Indeed, there are indications to suggest that the bilateral conflict on Kashmir is heading towards resolution. However, it may be said, in conclusion, that the resurgence of the Taliban in Afghanistan and their eventual return to power in Kabul could potentially

frustrate peace-making efforts in the region. Moreover, Chinese policies and behaviour towards the region will also have significant implications for the balance of power there as well as the eventual resolution of the conflict in Kashmir.

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