



ISSN NO. 2320-5407

Journal homepage: <http://www.journalijar.com>

INTERNATIONAL JOURNAL
OF ADVANCED RESEARCH

RESEARCH ARTICLE

THE KASHMIR ISSUE: NATURE AND STAKEHOLDERS

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Manuscript Info**Manuscript History:**

Received: 15 May 2014
Final Accepted: 23 June 2014
Published Online: July 2014

Key words:

Kashmir Dispute, Hurriyat
Conference, India, Pakistan,
Stakeholders

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The Kashmir issue which was born in 1947 with the partition plan coming into force, has been a major source of political rivalry between India and Pakistan on one side and between India and Kashmiri leadership (mainstream as well as separatist) on the other side. This complex issue has resulted in the colossal damage of life and property on both sides of the borders and there seems to be no in sight solution to this issue as of now. This paper aims at focusing on the complex nature of the Kashmir Issue and the stakeholders involved with it. Besides this paper will also discuss the forbidding obstacles to finding a solution to the conflict that would be acceptable to both the countries and to all the factions in Jammu and Kashmir for building a sustainable peace.

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INTRODUCTION

Prior to 1947, under the suzerainty of the British Raj, all the 600 princely states¹ were technically independent as long as they accepted the supreme authority of the British Crown and abdicated their control over defense, foreign affairs and communications in the state². As independence drew near and Muslim League's call for a Muslim state entity, led by Muhammad Ali Jinnah, became a reality, the princely states were given the choice of joining either India or Pakistan. States sharing a border with Pakistan and/or with a predominantly Muslim majority would go to Pakistan.

Jammu and Kashmir, crowning India and nestled in the Himalayas proved to be problematic in this regard with a predominantly Muslim population, a shared border with nascent Pakistan and a Hindu Maharaja, keen on an independent political entity³. At the time of independence, the autocratic rule of the Maharaja of Jammu and Kashmir was being challenged by a secular movement led by Sheikh Mohammad Abdullah who was ardently supported by Gandhi, Nehru and other political leaders. When the State refused to join either Pakistan or India, a rebellion supported by Pakistani troops invaded its territory in Oct. 1947. So, the Maharaja sent an urgent request for troops from neighboring states but was not able to quell the violence. The newly appointed Prime Minister of India Jawaharlal Nehru agreed to send troops if the Maharaja would sign the Instrument of Accession⁴ to India. This Accession was created on a temporary basis with the Indian government promising to grant the Kashmiris a plebiscite once peace reigned. This of course has not happen to this day. The Maharaja signed Accession to India on 27th of October 1947 and New Delhi sent troops to protect what was now the Indian territory. The first and longest war fought between India and Pakistan ended with Pakistan having claimed a part of Kashmir. This area is referred to by Pakistan as Azad (free) Kashmir and is referred to by India as Pakistan occupied Kashmir (PoK). This region along with the greater Kashmir region in the State of Jammu and Kashmir is the disputed territory between India and Pakistan. The 1947-48 war between India and Pakistan ended with India seeking UN mediation on 1st January 1948. In this way Kashmir soon became the emblem of new identities created by partition. Pakistan claimed Kashmir because of its predominantly Muslim population and shared border. India fought back because Kashmir became

the symbol of secular India and also the added complexity of Kashmiri independence giving rise to secessionist movements in other parts of India⁵ especially the North-East which has been plagued by identity conflicts too.

In 1954-55 on grounds that Pakistan was on the periphery of Soviet Union in the Middle East, the US offered a security alliance to Pakistan which it accepted⁶. The Soviet Union was not to be left behind and quickly began supporting India in the UN and offering veto possibilities to the American agenda in the sub-continent. The plebiscite that had been promised to the Kashmiris nearly a decade ago was withdrawn by Nehru on grounds that Pakistan's existence in Kashmir was illegal, Kashmir had accepted the Indian Constitution, and the Cold War changed the situation⁷. There has been no turning back and the conflict has only gotten more entangled and intractable, with Pakistan fighting India in 1965 and 1971 attempting to reclaim Kashmiri territory. In the midst of this growing Indo-Pak animosity, there has also been a progressively intensifying discontent and disillusionment of the Kashmiri people against the Indian government. There has been an increasingly popular insurgency movement since 1989 in Kashmir as various ideological groups claim the right to an independent state and oppose Indian rule in Kashmir⁸. Many of these insurgent groups aim not only for the freedom of Kashmir from Indian rule but also to extend Islamic rule to India. They also benefit immensely from the chaotic political situation in Kashmir because it provides them with a huge bulk of a vulnerable population with enough grievances to recruit to fight for their ideologies. It added complexity to already complicated conflict involving interlinked issues of religion, ethnicity and intense interstate rivalry over the identity and allegiance of J&K's diverse spectrum of communities. Unpacking the Kashmir 'issue' involves acknowledging a level of complexity that the commonly prevalent interpretations of the crisis simply cannot handle. We already know that the struggle over Kashmir makes subcontinent one of the world's few regions where a nuclear conflict cannot be ruled out, and that J&K has lately become the destination for some radical Islamists seeking to liberate fellow-Muslims from oppression. What are much less known, and even more poorly understood, are the mundane specifics-how this dangerous conflict plays at the local level, what variations exist at and why in the wishes of the diverse communities that inhabit Jammu and Kashmir, and what motivates men with gun on all sides⁹.

Fragmentation of J&K's Social and Political Landscape

It is commonplace for United States officials to say that 'the wishes of the Kashmiri people' must be taken into account in any settlement¹⁰, or for Pakistani officials to say, that 'any solution acceptable to the Kashmiris is acceptable to us'. References to 'the Kashmiri people' or 'the Kashmiris' obscure a very important reality: the extraordinary degree of fragmentation of society and politics in Jammu and Kashmir. The probable wishes of certain sections of the population in J&K (e.g. the majority of valley's population) are in conflict with the wishes of certain other sections of citizens (e.g. the overall Hindu majority in Jammu region), while the wishes of yet other sections (e.g. non-Kashmiris Muslims in Jammu region or Muslims in the Kargil district of Ladakh) are unclear. The existence of this medley of competing voices is a key political fact that needs to be appreciated by all interested in resolving the Kashmir problem.

The differences between the three regions are only the most obvious form of internal social and political cleavages in J&K. Further divisions and tension exist within the regions. For example, in the largely pro-azaadi Valley of Kashmir, a basic disagreement exists between a large segment that defines azaadi as independence from both India and Pakistan and a much smaller but not insignificant segment that sees azaadi as synonymous with incorporation into Pakistan. There is also a third segment in the valley. This is made up of many Kashmiri-speaking Sunni group, in addition to the small minority of Hindu Kashmiri Pandiths, and the allegiance of this segment is ultimately with India (for the Muslims groups, if only because they view Pakistan with suspicion and think that independence is an unrealizable political agenda). In the Jammu region, confessional Hindus (65% of the population) almost invariably identify with India, but there are schisms among these Hindus as well. Divisions exist on the basis of ethno-linguistic particularity (whether people are Dogras, Rajputs or Punjabis), caste, rural-urban and class divides or some combination of these markers of differentiation.

There are further complications. Although the Jammu region has an overall Hindu majority of close to two-thirds, three of its six districts actually have Muslim majorities. Non-Muslims (Hindus and Sikhs) comprise significant minorities in each of these districts: over 40% in Doda, 35% in Rajouri and 15% in Poonch. Among the Muslim-majority districts, Doda's Kashmiri speaking Muslim majority is by and large- although by no means invariably- pro-azaadi (with the predictable split between pro-independence and pro-Pakistani elements), as is the Kashmiri-speaking Muslim belt in the northeastern reaches of Poonch district, adjoining the valley. Meanwhile, one can only speculate about the preferences of Gujjars and Bakerwals, Rajputs and others who form bulk of the Muslim population in Rajouri and Poonch districts. Moreover, one of the Jammu region's three Hindu-dominated districts, Udhampur, has a Muslim minority of almost 30%, including both Kashmiris and Gujjars. Even the solidly 'Hindus' city of Jammu in the south of J&K has a Muslim population of several tens of thousands who have lived there for generations.

The internal social and political picture of Jammu & Kashmir thus resembles a Russian matryoshka-doll- beneath one layer of complexity there is always another one. Partitionist proposals are an easy temptation for those who do not want to deal with these layers of social diversity and plurality and the political challenges they pose. Numerous proposals to carve up the territory of Jammu & Kashmir in an effort to dilute diversity and engineer greater homogeneity are in circulation. Some upper-caste urban Hindu elites in the Jammu region want to 'trifurcate' J&K into three separate units- 'Hindu-majority' Jammu, 'Muslim-majority' Kashmir and 'Buddhist' Ladakh¹¹. Some Kashmiri Muslim elites in the Kashmir

Valley have responded to this proposal with a counter-proposal to trifurcate the Jammu region instead, effectively separating its Muslim majority areas from the Hindu-majority areas. One US- based group, which is financed by an expatriate Kashmiri-American businessman and includes retired US diplomats, has carried the dubious logic of partition further¹². It proposes the creation of a 'sovereign Kashmiri entity, but without an international personality' (which is possibly a contradiction in terms) encompassing the Kashmir Valley and some of the Muslim-majority as well as confessionally mixed areas in the Jammu region. These proposals are utterly insensitive to the 'Russian doll' situation and fluidity of identities that are the reality of social and political life in Jammu & Kashmir. All would create 'stranded' minorities, and the last, more ambitious scheme could trigger a spiral of sectarian violence and reciprocal expulsions in numerous locales, which could lead to a general conflict between India and Pakistan. Partition is not only no solution to the internal complexity of Jammu & Kashmir. It is a positively dangerous idea¹³.

The multiple forms of fragmentation of society in Jammu and Kashmir are mirrored in its fragmented political spectrum of diverse parties, groups and movements. The All-Party Hurriyat Conference is a grab-bag of disparate ideologies, factions and personalities, ranging from the revolutionary independentists to the Pakistan-oriented religious conservatives including Hurriyat (G) headed by the most conservative Kashmiri separatist leader Syed Ali Shah Geelani, Hurriyat (M) led by the young Mirwaiz Umar Farooq (Son of late Molvi Mohammad Farooq), Jammu and Kashmir Liberation Front under Mohammad Yasin Malik & Jammu Kashmir Hurriyat Conference formed and led by Shabir Ahmad Shah and Nayeem Ahmad Khan who were earlier running their separate parties. These disparate tendencies are gathered under one roof only by a shared aversion to Indian repression. Although the APHC harbours ambitions of being the pivotal player in talks involving India, Pakistan and 'representatives of Kashmir', its ability to act as a cohesive grouping is in serious doubt because of clashing personal egos, factional rivalries and ideological disagreements. In addition, it is important to remember that the popular sentiment the APHC symbolizes-the aspiration to azaadi (freedom) – is limited to the Kashmir Valley and a few zones inhabited by Kashmiri-speaking Muslims in the Jammu region.

The 'pro-Indian' stream of politics is represented by some 'regional' parties, such as the National Conference, which runs a corrupt and unpopular coalition civilian regime with Indian National Congress and is the local surrogate of New Delhi, as well as a strong rising opposition party called the People's Democratic Party (PDP). The PDP, led by a one-time senior Congress party leader from the Kashmir Valley¹⁴, is loyal to India but tries to capitalize on popular discontent with the NC regime. Both the NC and the PDP have some influence in various parts of J&K. In addition, 'national' (i.e. all-India) parties like the BJP and Congress have some following in pockets of the three constituent regions. There are also various smaller groupings.

Pakistan as a factor

Compulsions of history, geography, culture and politics all point to the conclusion that any meaningful dialogue on Kashmir requires the involvement of Pakistan in some capacity. This may not be fully appreciated in Delhi, but it is fairly obvious on the frontlines of conflict in Rajouri, Poonch or Srinagar. In the Kashmir Valley, there is unanimity cutting across political faultlines on the need for Pakistan's involvement¹⁵.

However, exactly how to get Pakistan involved has emerged as the most troublesome issue of the incipient Kashmir peace process. In August 2000, the Hizbul-Mujahidin abruptly terminated its ceasefire when the Indian government rejected the group's ultimatum to acknowledge Kashmir as a trilateral dispute necessitating immediate tripartite talks between India, Pakistan and representatives of J&K population. The Indian government, for its part, has stayed firm in its refusal to countenance such a setup for dialogue on Kashmir. The Indians say that Pakistan has still not expressly undertaken to stop infiltration of militants from its side of the border into Indian controlled territory and that Pakistani duplicity in the past in launching the Kargil operation in 1999 within months of the Indian Prime Minister's goodwill journey to Lahore cannot be forgotten. It is unlikely that Delhi will shift from this position and agree to an explicitly tripartite setup for a Kashmir peace process¹⁶.

However, it is possible to devise a working solution to the bilateral-trilateral conundrum that should be acceptable to all sides. In September 2000 the chairperson of United Jihad Council Salahuddin, who is based in Pakistan, stated that he saw nothing wrong with bilateral dialogue between New Delhi and representatives of pro-azaadi groups in J&K, as long as there was a guarantee that Pakistan would be included 'during the decisive phase of the dialogue ...at the second or third stage'¹⁷. In early December 2000, following the unequivocal Indian rejection of an explicitly tripartite setup, Pakistan's foreign office ventured a very similar suggestion that such bilateral contacts could proceed with the caveat that they 'should be followed by three way dialogue involving Islamabad immediately afterwards'¹⁸. New Delhi then called for 'an early resumption of the composite dialogue process' with Islamabad on all issues of mutual concern, but not limited to Kashmir (the Pakistanis would ideally like a process that is not only explicitly three-cornered but exclusively focused on the Kashmir problem).

But to define the stakeholders as simply the Pakistanis, the Indians, and the Kashmiris would naturally be too simplistic and belie the complexity of the conflict. The promised plebiscite to the Kashmiris is long overdue; there isn't even a permanent provision for the state in the Indian Constitution. As mentioned earlier, the state of Jammu and Kashmir consists

of three distinct territories with three diverse religious populations. The Kashmir conflict makes them all important stakeholders especially as most of the people living there have lived their life under constant threat of violence.

Lessons from the Past

It will obviously be difficult, at best, to reconcile this multitude of competing tendencies and aspirations. However, certain costly follies of the past should not be repeated. Ever since 1947, successive Indian governments have made a habit of striking deals with particular factions and personalities in J&K as a means of maintaining Indian control over the region. These local client groups have then been given a certain authority to govern J&K- although always subject to New Delhi's overriding veto-while the rest of the political spectrum has been denied recognition and rights to effective participation, and even criminalized in some cases. The result has been an absolute retardation of democratic institutionalization in Jammu and Kashmir. J&K's government has, with few exceptions, been the preserve of a series of corrupt cliques whose composition has fluctuated constantly over the last fifty years, depending on New Delhi's changing assessment about which groups among Kashmir's political class have been most willing and able to run surrogate governments. The cliques, in turn, have had little sense of accountability to the public because they have judged, correctly, that their political fate is ultimately dependent not on the will of the people of Jammu and Kashmir but on the whims of those in power in New Delhi. They have thus concentrated their energies not on governance but on accumulating wealth and victimizing political opponents. On occasions when the favoured cliques have shown signs of independent behaviour, New Delhi has arranged for their removal and replacement by less popular and hence more compliant cliques. This is what happened to the relatively representative governments led by Sheikh Abdullah in 1953 and his son Farooq Abdullah in 1984 as mentioned earlier.

Throughout, political opposition to the ruling cliques have been repressed and stigmatized as 'anti-national'. The most infamous example is that of the MUF (Muslim United Front) in 1987. As a result, political opposition- indispensable to the functioning of a competitive system of a representative democracy- has also remained uninstitutionalized. This bizarre puppet theatre, with New Delhi playing the puppeteer, eventually collapsed in 1990, as Yousuf Shah metamorphosed into Salahuddin. The essence of the tragedy is an absolute disjuncture between the pluralism of J&K's society and politics and the anti-plural institutional space promoted by the Indian authorities.

J&K's political landscape has changed radically in the last two decades. But the past still holds one vital lesson for the present and the future: any process of dialogue to address the conflict must be as inclusive and broadly based as possible. It must actively seek to involve the rainbow spectrum of political activism and opinion in J&K, ranging from the militant outfits and APHC to the major pro Indian parties.

Conclusion

One of the key issues that have to be dealt with before a transformation strategy is proposed is to confront the role that identity plays in the Kashmir conflict. Identity has been defined as "an abiding sense of selfhood..." or a "core construct" in the sense of self¹⁹. This is central to understanding the Kashmir issue because no individual or group will be willing to negotiate their concept of their self. Diplomatic and political mediation to the conflict has been based on negotiation or compromise policy. While it is accepted that the three main groups of stakeholders have different interests that they want realized in a transformation strategy, these interests can at least be negotiated. However, none of the stakeholders will ever compromise on a point if they believe it is central to the way in which they think of their existence or their self concept of who they are. The common belief that India will not be India without Kashmir is referring to exactly this concept. Somehow, Kashmir has become a key part of the Indian identity which in and of itself is an extremely vague and possibly non-existent idea. However, when social policy, film, art, and sport are framed in this manner, the people begin to assume this identity. The same can be argued for Pakistan. Losing Kashmir poses to both India and Pakistan the prospect of losing a core sense of their 'Indian-ness' or 'Pakistan-ness' Continuing to being subservient to the political whims of either government presents the Kashmiris with the threatening prospect of losing their Kashmiryat. These concepts of self are clearly not negotiable and stall any attempt at transforming the conflict even before a strategy is implemented.

The working solution (for Kashmir issue) to the bilateral-or-trilateral obstacle may thus lie in two formally separate but related and parallel tracks of engagement. The Indian governments, as well as moderate elements in the Hurriyat Conference, have no qualms about the first track- New Delhi- Srinagar. Indian leaders have repeatedly emphasized their readiness in principle to talk to representatives of their 'own' citizens, while Hurriyat moderates are so eager to get a dialogue off the ground that they are willing to be flexible on the modalities and have engaged themselves in track-two diplomacy in the past for the same reason. The second axis of dialogue – New Delhi- Islamabad is also of great importance for any durable peace process cum solution to the long pending Kashmir issue. The dialogue at this axis would probably have to begin afresh more or less on India's terms especially when BJP with its own majority has taken over at New Delhi.

In any event, an agreed solution to the Kashmir dispute remains a very remote prospect. India and Pakistan have both chosen to make possession of Kashmir central to their national ideologies of, respectively, 'secular' and 'Muslim' nationalism. These polarized positions make any substantive settlement- which must necessarily be a compromise-inherently difficult, even without the complication of J&K's internal sociopolitical diversity. Jammu and Kashmir has been a pawn of conflicting nationalist positions and ruthless power-games for over fifty years. Consequently, its own people,

including the local elites in Srinagar, have little control over the unfolding of events. The prospects of a durable peace in Kashmir will be decided in the corridors of power in the two metropolitan capitals.

Notes and References

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9. Accounts which seek to contest simplified understandings of Kashmir conflict and present an alternative perspective include: Sumantra Bose, *The Challenge in Kashmir: Democracy, Self- Determination and a Just Peace* (New Delhi, Thousand Oaks, CA & London: Sage,1997); Tavleen Singh, *Kashmir: A Tragedy of Errors* (Delhi: Penguin India, 1995); Victoria Schfield, *Kashmir in the Crossfire* (London: I.B. Tauris, 2000); and Balraj Puri, *Kashmir Towards Insurgency* (Delhi: Orient Longman, 1993). See also Robert Wirsing, *Pakistan and the Kashmir Dispute* (New York: Saint Martin's 1994), and Raju Thomas, ed., *Perspectives on Kashmir* (Boulder, CO:Westview, 1992).
10. However, in a departure from its standard language, the State Department of US commented in December 2000 that India, Pakistan and 'all residents of the Kashmir region' need to be involved in any meaningful peace process. *Hindustan Times*, 6 December 2000, p 1.
11. This 'trifurcation' proposal was publicly rejected by Indian Home (Interior) Minister L.K. Advani in November 2000.
12. See Kashmir Study Group, *Kashmir: A Way Forward*, February 2000. The Kashmir Study Group is sponsored by businessman Farooq Kathwari.
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