

An Analysis of the Kashmir Dispute

Master's Thesis in
Peace, Mediation and Conflict Research
Developmental Psychology
Insha Anwar, 2202835
Supervisor: Karin Österman
Faculty of Education and Welfare Studies
Åbo Akademi University, Finland
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Abstract

Aim: The present study analyses the Kashmir dispute, commonly perceived as a bilateral issue between India and Pakistan, overlooking the Kashmir as key stakeholders. The study aimed at finding solutions from the perspective of the people of Kashmir.

Method: Two conflict analysis tools were applied; the Conflict Wheel and INMEDIO's Conflict Perspective Analysis (CPA).

Results: India and Pakistan utilize the Kashmir dispute for their own interests, neglecting the Kashmiri people's concerns, leading to their alienation. To keep regional supremacy, the U.S. and its allies are strengthening economic relations with India, positioning it as a competitor to China. Subsequently, it has damaged Pakistan's standing in the Kashmir dispute, leaning the balance of power in favour of India. In addition, India and Pakistan becoming nuclear powers have amplified the threat of an atomic war in the region. This highlights the urgency to resolve the Kashmir dispute and foster peace in the region.

Conclusions: Global powers have not effectively pressured India to reverse its recent abrogation of Articles 370 and 35A. Urgent resolution of the Kashmir dispute is vital to avoid potential war between nuclear-armed rivals. Destabilisation of both Pakistan and India would not only affect the region but also carry global ramifications.

Key Words: Kashmir dispute, Pakistan, India, people of Kashmir, conflict analysis

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1. Introduction

1.1 Aim of the Study

Kashmir, situated in a geo-strategically important region of Asia, has been a source of rivalry and conflict between India and Pakistan since 1947. The Kashmir dispute is the oldest unresolved conflict in the records of the United Nations (bin Shamsuddin, 2014). An overwhelming desire for independence in Kashmir has been observed (Snedden, 2021). However, it has been argued that independence is not a feasible solution to the Kashmir dispute since it involves the interests of different stakeholders (Sehgal, 2011). The present study examines the dispute and seeks a solution from the perspective of the people of Kashmir.

The Kashmir dispute began immediately after the partition of the Indian subcontinent in 1947. The princely state of Jammu and Kashmir was claimed by both newly formed states of India and Pakistan (Sengupta, 2020). The United Nations Security Council adopted Resolution 47 declaring that the people of Jammu and Kashmir should be granted the right of self-determination through an impartial plebiscite (Qadeer, 2017). The unresolved dispute has become more critical in the last few decades since the major stakeholders became nuclear powers in the 1990s. In addition, after the invasion of Afghanistan in 2001, as part of the war on terror, the United States and its allies have invested interests in the region. Global powers can potentially influence the United Nations Security Council to implement the resolution to resolve the conflict in Kashmir. The present thesis investigates why the issue has been prolonged and the possible reasons that impede the solution by using conflict analysis models to examine the conflict from different perspectives.

This thesis will provide the historical perspective of the conflict, the stakeholders' role, recent developments, and the plight of the people of Kashmir, and possible solutions and recommendations to resolve the issue.

1.2 The Historical Perspective

At the time of partition in 1947, the state of Jammu and Kashmir was a Muslim-majority area (Snedden, 2001). According to the partition rules, it was supposed to become a part of Pakistan or remain independent. However, after the partition, Pakistani tribal militias invaded Kashmir (Rashid, 2020), leading the Hindu ruler Hari Singh of Jammu and Kashmir to join India through

the accession treaty (Sengupta, 2020). This led to a war between Pakistan and India that ended in 1948 after intervention by the UN. A formal ceasefire was declared effective on 1 January 1949 (Syatauw, 2012). The border fronts became known as the line of control, and the position remained the same.

Since 1949, Jammu and Kashmir has been divided into four parts. These include the Indian-occupied part of the state which includes Jammu, Kashmir Valley, and Ladakh. Pakistan controls the region divided into two provinces, Azad Kashmir and Gilgit-Baltistan, both are Muslim-majority areas and China controls two regions of Aksai Chin with the Trans-Karakoram Tract (Poplin, 2011).

The Kashmiris have been struggling for the right to self-determination in the light of the UN Security Council's resolutions since 1948. The global powers perceive the issue of Kashmir from the perspective of India and Pakistan rather than as a humanitarian issue (Khan et al., 2020). Kashmir stands as a focal point of contention between the two countries but cannot be declared a simple bilateral conflict because of its multi-dimensional nature. International powers considered the Kashmir issue as the most likely flashpoint for using weapons of mass destruction (Alam et al., 2020). In 2000, U.S. President Bill Clinton mentioned Kashmir as "the most dangerous place in the world" (Marcus, 2000).

The war of 1971 between India and Pakistan over the dispute of East Pakistan (present-day Bangladesh) affected Pakistan's position over Kashmir because of its defeat from India (Richard & Leo, 1990). In 1984, India captured the Siachen Glacier and never withdrew while, in 1999, Pakistan tried to infiltrate Kashmir at the point of Kargil but withdrew because of international pressure (Schofield, 2003).

1.2.1 Local Kashmiri Politics (1947 – 1989)

After the treaty of accession with India, the whole region became a victim of India-Pakistan rivalry and due to the involvement of the UN it emerged as a global political issue. However, despite the accession with India and formal integration with the Indian Union in 1956, the internal politics of the state was unstable. In the Valley, there was discontent after the ratification of accession to India in the newly state assembly.

Sheikh Abdullah of the National Conference, who had earlier played a significant role in the ratification of the treaty of accession, was imprisoned following his public outcry for a

plebiscite. The Shimla Agreement in 1972 between India and Pakistan changed the whole scenario of politics in the Valley. After this development, Sheikh Abdullah and Kashmir moved closer to India and signed an accord with then-Indian Prime Minister Indira Gandhi in 1975, which came to be known as the Kashmir Accord. This accord strengthened the control of the central government in New Delhi over legislation in Kashmir. With this shrewd move, Indira Gandhi's Congress Party re-entered politics in the Valley in alliance with the National Conference. However, in 1977, the Congress withdrew its support of the Abdullah Government, and thus the alliance between the National Conference and the Congress-Indira ended. Sheikh Abdullah started speaking about the plebiscite and independence that prepared the people of the Valley against India and strengthened the wave of sentiments of succession from India. This awakening of achieving the goal of self-determination and plebiscite among the Kashmiri people facilitated armed insurgency in coming years (Pandita, 2003).

1.2.2 State Elections (1987)

State elections in Kashmir were held in 1987 and it was widely perceived that the elections were rigged by the leader of the National Conference, Farooque Abdullah who was the chief supporter of the unity of Kashmir with India (Chowdhary & Rao, 2003). This led to the militant insurgency in the Valley. Youth from the Valley for the first time were ready to take up arms; the rebels who were fewer in numbers easily managed to gain the sentimental support of the local population. Eventually, Kashmiri youth bursting with revolutionary passion, crossed the line of control into Pakistani-administered Kashmir to receive militant training and join the revolution as freedom fighters. The year 1989, has been described as the outbreak of uprising which had been developing among the Kashmiri population for the previous two years (ibid).

1.2.3 The Armed Conflict in the Kashmir Valley (1989 - 2019)

1.2.3.1 The First Phase (1989-2002)

Militant groups, mainly the Jammu Kashmir Liberation Front (JKLF), started targeted assassinations of famous Hindu personalities and bomb blasts in Hindu majority areas especially in temples and liquor shops to create an environment of fear for Hindus (Dar, 2020). However, frequent strikes and participation of the residents of the area in mass protests clearly showed the overwhelming support of the general public for the militants. These events were an indication that the independence movement was then changed to the movement for a separatist

Islamic state. Consequently, Hindus of the Valley made an exodus in large numbers by January 1990. The central government of India imposed the overnor rule on January 20, 1990, to control the situation and thousands of Indian troops entered the Valley. The Indian security forces started military operations against the local population. After the exodus of Kashmiri Hindus from the Valley, the military operations were perceived as aggression against the Muslim population by the Hindu-majority state of India. This phase was marked by violence and large-scale internal displacement.

1.2.3.2 The Second Phase (2003-2012)

The nuclear tests by both India and Pakistan in 1998 and the 9/11 terrorist attacks in the United States changed the dynamics of the issue of Kashmir. In 2001, then Pakistani president Pervez Musharraf banned all militant organisations after the alliance with the U.S. in the War on Terror including Hizbul-Mujahideen and Jaish-e-Mohammad. Militant organisations were directly under immense international pressure and the change in Pakistani policy towards the Kashmir issue left no other option for the groups than to hide or disperse. In addition, Indian intelligence and border control grew more effective. The Indian government sought to improve its control through a puppet Kashmiri regime. In the process, residents of the Valley lived in despair.

Despite a decline in violence and the return of democratic politics in the Valley, India continued its control over Kashmiris through oppression and did not reduce its military presence. Kashmiri Muslims felt alienation under heavy surveillance and restrictions on free movement. India retained the immunity of armed forces to do whatever it wanted with the vulnerable population with no legal accountability. Only pro-Indian politicians were allowed to run in the elections. India used it as a political cover to portray its polite policy against Kashmiris. The continued immunity of security forces to human rights violations through the Armed Forces Special Powers Act (AFSPA, 1990) and the continued Indian strategy to suppress harmless Kashmiris paved the way for the resurgence of militancy (Staniland, 2013).

1.2.3.3 The Third Phase (2013-2019)

The continued oppressive strategy of India and the feeling of deprivation among the youth of Kashmir gave rise to a new struggle and uprising, the Kashmiri Intifada. During that phase, many new strategies were used by the Kashmiris and Indian forces. The uprising against the government took on different dimensions including the same old strategy; insurgent attacks on

security forces followed by a show of civil resistance through strikes and shutdowns. A mass gathering at the funerals of militants was a show of hatred toward India. A new tactic used during that phase was the provocative unarmed but violent confrontations. However, the strategy used by India was the same, crushing agitation through the massive use of force. Pakistan couldn't help much but proved effective through some cross-border help. India also ignored the state-level rights of Kashmiris and controlled the state politics of Kashmir (Gokhale, 2017).

1.3 Negative Role of the Stakeholders

1.3.1 The Role of Pakistan

Pakistan's support for the cause of the independence of Kashmir has always been evident. Pakistan has consistently supported the Kashmiri people's right to self-determination through a plebiscite under the UN Resolution 1948, which was also pledged by the first prime minister of India, Pundit Jawahir Lal Nehru. The religious factor has been central in Pakistani argument; it has long been argued that being a majority Muslim state Kashmir should be part of Pakistan according to partition rules. Moreover, the protection of the freedom of the Muslim brothers of Kashmir was also considered the prime responsibility of the state of Pakistan. However, as policy appears, over the last few decades Pakistan has changed its strategies with more focus on creating problems for India. Many Kashmiri nationalists also realized that Pakistan is more interested in bringing financial and military loss to India rather than helping Kashmiris.

In 1989, Pakistan's role was one of the decisive factors in starting the uprising. At the peak of the armed struggle, Pakistan assisted militant groups through the supply of arms and recruitment of rebels to instigate targeted attacks on Indian officials. In mid 1980s, many Kashmiris crossed the border to get training in Pakistan. The training camps in Pakistan were established to train mujahedeen for the Kashmir Jihad which was initiated in 1989 (Swami, 2007).

The support of Pakistan for the freedom movement of Kashmir significantly reduced after the 9/11 terror attacks primarily due to a shift in government policy regarding Kashmir. However, the mindset of Pakistani think tanks remained the same to undermine India. The role of Pakistan has been evident since the uprising. The recruitment of militants by Pakistan and militants' fight against India for the independence of Kashmir was widely appreciated by the people of Pakistan. Pakistan's support of militancy in Kashmir has been argued to be one of the

reasons why India never cut down its military presence in the Valley. Indian forces claimed to have controlled militancy in the region by preventing arms supplied by Pakistan (Burke, 2013).

1.3.2 The Role of India

India has always been clear about its stance on the Kashmir issue and provided moral justification for its actions. India considers Kashmir an integral part of India, and using aggression against the locals is a way to preserve peace and protect the Indian Territory. India's main target has been to keep Kashmir united with India at any cost. Indian think tank believes that if India loses Kashmir it would make it difficult for India to protect other parts united in a secular state. India has been using aggression as a strategy to create fear among Kashmiris and to maintain a strong hold over the region.

Since 1989, more than 500,000 Indian soldiers have been deployed in the Kashmir Valley to fight against militants who were never more than 3,000. Military interrogation camps have spread across urban and rural areas of the Valley. Kashmiris are aware of the atrocities committed by the Indian military in these camps as one of the respondents of a study on the Kashmir conflict said, "They eat people there" (Mathur, 2012).

1.3.3 The Role of Militant Groups

The role of the Kashmiri militant groups has been very negative providing India with a justification for their use of force in the region. Torture, rape, and looting inflicted by the militant groups on the Hindu population led the Hindus to leave the Valley and their ancestral homes (Cohen, 1998: 210). It has been argued that insurgency by the militant groups and Pakistani establishment made India bring military forces to the region (Cohen, 1998). The exodus of Hindu pundits provided India with a ground to suppress the Muslim minority. Thus, Kashmiri indigenous groups did not help the cause but helped India more.

Conversely, the Hurriyat Conference; a leading indigenous political party in Kashmir has been struggling to gain independence from India through negotiations rather than the use of arms. The party has been demanding complete independence for the whole of Kashmir especially Muslims from both India and Pakistan through plebiscite. In recent years Kashmiris are feeling alienated and they are widely taking the struggle for independence as their own. India also tried to hold general elections on seats of the Indian Union and -faced defeat on a large scale. It has been argued that the Indian state policy of continuous use of aggression and

torture was the reason behind their defeat in elections. In the recent new phase of the conflict, Indian forces targeted the protesters with pellet guns making thousands of Kashmiris blind. The tactic of Indian forces, which involves killing or torturing civilians on one hand while expecting their participation in elections on the other, has proven to be unsuccessful.

1.4 Abrogation of Article 370 and 35A

In 2019 Indian government revoked Article 370 of the Indian constitution which provided Jammu and Kashmir a special status. That shift in the status of Kashmir has unsettled Pakistan, and its position has become awkward as a chief supporter of the independence of Kashmir.

The recent suicide bomb attacks on Indian security forces in South Kashmir killed many Indian soldiers. The Indian government held Pakistan responsible for backing this terrorist attack. The attack ignited a regional crisis and resulted in a rapid escalation between nuclear-armed rivals. Pakistan's current weak economic situation and India's strong security measures refrain Pakistan from taking any action against India's claim.

Furthermore, the scrapping of Article 370 led to fresh military fights along the Line of Control between India and Pakistan. The situation in the newly created Union Territory of Jammu and Kashmir continues to be tense and uncertain. Since May 2020, new military combats and a standoff have started between China and India on the Ladakh border. This development would provide Pakistan an opportunity to add turmoil in the Valley, making it difficult for India to retain Kashmir while combating both Pakistan and China for a longer period (Ganai, 2020).

The recent change in the status of the valley has brought more problems to Kashmiris. Daily life has become miserable with massive restrictions. After the formal abrogation was implemented the Indian government-imposed mass curfew for months. The authoritarian lockdown was imposed through communications blackouts and political leaders from all the parties in the Valley were detained in the name of preventive custody.

1.5 The Role of Global Powers

The international community considers the Kashmir issue from the perspective of a conflict between two nuclear powers, Pakistan and India, rather than a humanitarian issue. The Kashmir dispute is undoubtedly a point of contention between the two countries but cannot be

categorised as a bilateral conflict due to the multi-dimensional nature of the issue. Kashmiri people have been struggling for the right to self-determination since 1948, in the light of the UN Security Council's resolutions. However, this humanitarian issue has become a bilateral problem between India and Pakistan to achieve their interest (Rizvi, 1994).

China has a predominant role in global politics as a permanent member of the UN Security Council. Although China also considered Kashmir as a bilateral conflict between India and Pakistan, China has become fully involved in its interests to have a strong hold over the Aksai Chin area after the abrogation of Article 2019 by India. It is argued that the huge Indian market is the primary reason for the silence of the Global Powers concerning the Kashmir Issue. Moreover, the U.S. is using India as a shield and a buffer against China to maintain its domination in the region. The rationale can be attributed to the economic interests of these countries. For example, India has been ranked as the ninth biggest trading partner of the U.S. in terms of products and services. In 2019 alone, the trade between these two countries was around \$146.1 billion (Office of the United States Trade Representative, 2020).

2. Method

For an in-depth understanding of the Kashmir dispute, two of the conflict analysis tools were applied. The process of a conflict analysis focuses on a) the conflict profile (history of the conflict), b) the actors involved, and their perspectives, c) the structural and proximate causes, and d) the dynamics of how these elements interact (Conflict Sensitivity Consortium, 2012). Moreover, the method helps to identify prospects to resolve disputes without a violent conflict

For the present study, the following instruments were used a) The Conflict Wheel (Salihu & Enwere, 2023) and b) INMEDIO's Conflict Perspective Analysis (CPA) (Swiss Agency for Development and Cooperation, 2005). These tools allow an in-depth understanding of the dynamics of the dispute, the conflict actors, and the conflict issues. It also helps to understand the structure of the conflict and its development over time.

2.1 The Conflict Wheel

The Conflict Wheel is a meta-tool that gives an overview of the conflict and organizes other tools to analyse the different aspects of the conflict (Salihu & Enwere, 2023). The wheel represents a complete circle, wholeness, and continuous motion. Similarly in a Conflict wheel, after examining various aspects of the conflict, the different features and characteristics of the conflict need to be combined and reintegrated to set the conflict analysis into motion (Swiss Agency for Development and Cooperation, 2005). The wheel represents both completeness and movement since all the diverse aspects come together again after being analysed for the conflict wheel to keep rotating (Mason & Rychard, 2005). The conflict wheel introduces the dimensions of the conflict presented below.

2.1.1 *The Conflict Actors/ Parties*

The conflict parties or actors are the ones who influence the conflict. They can be actors who are directly involved in the conflict (conflict parties), mediators of the conflict (third parties), and actors who are not directly involved in the conflict (stakeholders) but have an interest in the conflict from different perspectives (Mason & Rychard, 2005).

2.1.2 *The Conflict Issues*

The conflict issues reflect the causes of the conflict, the historical evolution of the conflict, and what actions of the involved conflict parties led to the conflict.

2.1.3 The Conflict Dynamics

The dynamics of the conflict have been described as the conflict trends, changes in strategies and actions of the parties involved, and what actions triggered or increased the dispute or conflict (Jones & Metzger, 2016).

2.1.4 The Conflict Structures

The conflict structures refer to the effects of the conflicts on the parties involved. For example, indirect violence because of an ongoing conflict is explained through the conflict structures.

2.1.5 Causation

The causation part of the conflict wheel helps to distinguish between diverse causes and the influencing factors. Many different factors individually or in combination can lead to a conflict.

2.1.6 Strategies/ Options

This dimension of the Conflict Wheel examines possible conflict strategies used or to be used by the conflict parties. It also explores the effects on the part of conflict parties or third-party efforts to de-escalate or resolve the conflict.

2.2 INMEDIO's Conflict Perspective Analysis (CPA)

The Conflict Perspective Analysis Tool (CPA; Swiss Agency for Development and Cooperation, 2005) focuses on different perspectives and standpoints of all the conflict parties. It helps in understanding the differences and commonalities among the involved parties and their concerns and perspectives on the conflict. According to Mason & Rychard (2005), the CPA tools help in distinguishing between facts and assumptions that enable all the involved parties to look into the issues from an unbiased viewpoint. It has been argued that CPA is a good preparation for a mediation process as it does not look explicitly at structures or context but rather focuses on the interests of all the involved parties to provide a coherent analytical description of the conflict (Wandaka, 2019). The tool of the CPA model focuses on explaining each party's perspective in a way that could facilitate the mediation process between them. The Kashmir conflict is widely regarded by politicians and scholars as a three-party conflict. Where

each party has a strong stance on the righteousness of their perspectives and ignores the other party's interest. Which makes it difficult to resolve the conflict (Ahmed & Chakma, 2012).

2.2.1 The Conflict Actors

2.2.1.1 India

India considers Kashmir as its integral part and wants to keep Kashmir under its control at any cost. There is a firm resistance against the idea of independence of Kashmir in Indian policy. It is widely believed that the independence of Kashmir would risk the integrity of Indian dominion, if India loses Kashmir it would be difficult to control rebellion movements in other parts of the country like Punjab. India will never agree to give up its control of Kashmir to earn the status of a peaceful country among the international community. Some researchers have argued that then PM of India Pandit Jawaharlal Nehru had an emotional attachment to the state of Kashmir as it was his ancestral home that why he was eager to make Kashmir a part of India (Amir et al., 2020).

2.2.1.2 Pakistan

As a party to the Kashmir conflict, Pakistan asserts that India gained accession to the state of Jammu and Kashmir through manipulation, and claiming Kashmir as an integral part of India is absurd. It has been observed that the Pakistan government under different civil and military regimes has not only covertly supported insurgency in Kashmir but has also been openly supporting Kashmiris and highlighting the Kashmir conflict at international forums. All the political leaders in Pakistan including Mohd. Ali Jinnah; the founder of Pakistan urged the Kashmiri Muslims to fight for their right to self-determination and independence from India. Then Prime Minister of Pakistan Zulfikar Ali Bhutto openly spoke of dismantling the barrier between the people of Jammu and Kashmir and their relatives and Kashmiris in the Pakistani-administered Kashmir. He even once advocated the use of force to resolve the dispute between Indian imperialism and Kashmiri democracy. One prime example of Pakistani involvement in the Kashmir conflict is the role of ex-Prime Minister, Benazir Bhutto who during the armed insurgency in Kashmir in 1989 openly supported the mujahedeen to fight against Indian forces in Kashmir.

2.2.1.3 Kashmiris of the Valley

The people of Kashmir have been actively pursuing a movement for the right of self-determination. People are taking to the streets to protest against the Indian oppression sometimes peacefully and other times resorting to violence. However, Indian security forces have been responding to all the demonstrations with excessive use of force, resulting in several casualties and injuries. It is important to note that there are three factions among the people of Kashmir each with their demands. One group believes in seeking independence, the second prefer to become part of Pakistan and the third group would like to remain as a part of India.

2.2.2 Facts

The Kashmir conflict can be resolved through different channels, one of them being mediation. Mediation involves a neutral third party who makes decisions on behalf of the conflicting parties or disputing countries with their mutual consent. Mediation is an increasingly effective mechanism that is employed worldwide to settle political, territorial, and or economic disputes between nations. In the case of the Kashmir conflict, the intervention of a neutral third party could mediate between the conflict parties and resolve the decades-long dispute (Kayani, 2019).

Although it will not be the first mediation attempt, numerous attempts in the past have been made to resolve the dispute between India and Pakistan that resulted in a ceasefire however, no permanent solution was found. There is a grave need for intense mediation to a permanent solution of the Kashmir dispute that will protect the rights of the people of Kashmir and foster the economic development of the region. However, the dispute should be resolved under the UN charter, framework, and official resolution otherwise it could lead to further long-term issues as happened in the case of Palestine (Fai & Ghulam Nabi, 2012).

2.2.3 Interests

The majority of Kashmiri people always wanted their land free of any occupation. For this purpose, they have always been ready to fight for their right of self-determination. The Muslim-majority Kashmir Valley has long been in support of and demanding complete independence from India. The regions of Ladakh and Jammu have been demanding greater autonomy (Chandran, 2008), and they have been successful in achieving it after the abrogation of Article 37 A by the Indian government in 2019.

It has been observed that both Pakistan and Indian Governments prioritise their strategic interests over the aspirations and interests of the people of Kashmir (Bhatt, 2003). India considers and associates the issue of Kashmir as war with Pakistan. Especially after the incident of the 9/11 terrorist attacks, when India skilfully used terrorism as a tool to avoid its strategy towards the issue of Kashmir and perceived terrorism as a bilateral issue between Pakistan and India. India once fenced the LOC emphasising that no bilateral talks on the issue of Kashmir would take place until the issue of cross-border terrorism was negotiated (Chandran, 2008). India's stance is evident in calling Pakistan a state that supports terrorism. It has been argued that to serve its interest India supporting the private sector in Kashmir to promote local development of the region (Cheema, 1994).

The interests of Pakistan are rooted in the principle of self-determination for the people of Kashmir. The interests include minimizing killings and violence by the Indian military against Muslims, fostering a sense of unity among the Muslims in Kashmir, and resolving water disputes with India through the resolution of the Kashmir issue (Evans, 2001).

2.2.4 Options

The process of negotiations includes five strategies: avoidance, compromise, collaboration, competition, and accommodation (Lewicki et al., 1996). It has been observed that India and Pakistan have frequently been using strategies of avoidance or competitiveness. Several solutions for the resolution of the Kashmir issue have been proposed but none was mutually accepted by both countries (Sher et al., 2017). Concerns and questions have emerged regarding the resolution of the complex issue of Kashmir in light of regional and global security (Wenning, 2003). In the present context, there is a grave need to reach a practical solution to the dispute in a win-win situation for all the conflict parties through a conflict resolution approach adhering to the principle of "give and take" (Sher et al., 2017).

2.2.4.1 Plebiscite/Self Determination

Pakistan has long been in support of having a plebiscite in accordance with the UN resolution, with confidence that the people of Kashmir choose to join Pakistan. Pakistan very firmly rejects the Indian opinion on the UN resolution declaring it outdated (Aurangzeb et al., 2020). The majority of Kashmiris also support the idea of a plebiscite; however, India has been resistant to

opting for it because of the fear of defeat. Thus, Plebiscite has remained a point of contention in the region (Akram, 2020).

2.2.4.2 Option of Indian Hegemony

India has always stated Kashmir as its integral part and also asserts its legal claim to the entire region of Jammu and Kashmir including the Pakistani-administered Kashmir and the Northern Areas of Pakistan (Aurangzeb et al., 2020). India accepted the Line of Control (LOC) as a compromise solution proposed during the Shimla Conference. In contrast, Pakistan has consistently rejected this option, deeming it unacceptable (Hussain, 2009).

2.2.4.3 The Option of Independent Kashmir

The option of independent Kashmir involves granting Kashmir the status of an independent and sovereign nation, acknowledging the political rights of the people of Kashmir entitled to self-governance. However, it has been argued to be an unacceptable alternative for both Pakistan and India given their respective interests (Ijaz, 2000).

2.2.4.4 Option of Backdoor Diplomacy for Kashmir

During the confidential diplomatic negotiations in 1999, it was proposed that Muslim-majority areas with the Indian-administered Kashmir Valley, located on the right bank of the Chenab River would align with Pakistan and the Hindu or non-Muslim majority areas would join India. The same proposal was briefly touched upon during the foreign minister-level discussion held in 1962. It is argued that the proposal might seem feasible for Pakistan and the people of Kashmir, but not acceptable for India as the Indian government did not persuade or follow the proposed plan (Akram, 2020).

2.2.4.5 Proposals for Demilitarisation of Kashmir

On October 25, 2004, then-President of Pakistan Pervez Musharraf encouraged a nationwide debate to explore innovative solutions to resolve the issue of Kashmir. He proposed the idea of identifying specific areas of disputed Kashmir regions that could be demilitarised to ascertain their legal and political status (Rana, 2004).

The need for such a debate arose from the unquestionable requirements for converting the Line of Control (LOC) into an international border between Pakistan and India (Hussain,

2009). For this purpose, Musharraf proposed a plan to identify and allocate control over seven specific regions of the whole region of Kashmir. According to the plan the zones of northern areas and the Pakistan-administered Kashmir were planned to remain under the jurisdiction of Pakistan, while the remaining five areas would come under Indian control (Rana, 2004).

2.4 Ethical Considerations

The study is consistent with the principles concerning human research ethics of the Declaration of Helsinki (World Medical Association, 2013), as well as follows the guidelines for the responsible conduct of research of the Finnish Advisory Board on Research Integrity (2012).

3. Results

3.1 The Conflict Actors

The primary conflict actors in the Kashmir dispute are Pakistan, India, and the state of Kashmir on both sides. China has also emerged as a prominent conflict party over time. The stakeholders of the conflict are the U.S.A. and Russia because of their business ties with India and Pakistan. The new world order has made Russia a prime stakeholder because of its old bilateral relations with India, and the recently established relations with Pakistan. Moreover, Russia has become a close ally of China.

3.1.1 Pakistan

Pakistan has always been claiming the state of Jammu and Kashmir. It supports the right of self-determination of Kashmiris through plebiscite according to the UN resolutions (Khan, 1994). Pakistan's point of view is based more on religious factors than political ones. It is a widely held belief in Pakistani society and among the think tanks that according to partition rules, Kashmir being a Muslim-majority state should be part of Pakistan. Moreover, if India gains total control over the whole territory of Kashmir, it could create tension at the Indo-Pak border posing a grave threat to the sovereignty of Pakistan (Akhtar et al., 2021).

Pakistan has long argued that India's denial of the right of self-determination of Kashmiris is the root cause of the Kashmir dispute. For Pakistan, Kashmir remains the unfinished business of the 1947 partition plan (Wenning, 2003). Pakistan speaks openly of its support to the Kashmiris and considers its obligation to help the Kashmiris in the -Indian-controlled valley. It has been argued that Pakistan also provided logistic support and armed training to Kashmiri fighters in 1989 (The European Foundation for South Asian Studies, 2017).

3.1.2 India

India's stance is clear; that the Indian-controlled Kashmir is India's integral part and that the Kashmir dispute is a bilateral issue between India and Pakistan. Therefore, the plebiscite according to the UN resolutions is out of the question and is based on the 'two-nation theory that India rejects.

For India, nominally a secular state, it is not acceptable to withdraw from Kashmir Valley because it is a Muslim-majority area. Moreover, , losing Kashmir is losing battle from

a long-time enemy, Pakistan. The Indian politicians have used this emotive issue to scare the Indian public that the separation of Kashmir will lead to the division of India. India fears that if the Kashmiris gain freedom from India, the separatist movements in the states of Punjab and Tamil Nadu might accelerate demanding their separation from the Indian Union. India, as a safety measure, has deployed heavy security in the Valley and has been using state power and draconian laws to suppress the freedom movement in Kashmir.

3.1.3 The State of Kashmir

Kashmiris are the most important party in the conflict. As aforementioned at the time of partition in 1947, the state of Jammu and Kashmir was overwhelmingly a Muslim-majority area. It has been argued that the partition plan posed problems for the Muslim-majority population in Kashmir which was divided between Pakistan and Indian-controlled areas. Whereas the people of Hindu majority Jammu and the Buddhist majority Ladakh region have been living peacefully since then.

Over time Kashmir administered by Pakistan gained its rights and became a self-governing entity. The religious sentiments of Pakistani people have always been high which led to the support of Kashmiris in Indian-administrated Kashmir. Whereas, politicians in Pakistan have been using the Kashmir dispute and the plight of Kashmiris for their political gains.

The elections of 1987 in Indian-administered Kashmir Valley were widely regarded as rigged by the Central Government of India in favour of its political ally Farooq Abdullah leader of the National Conference, who was re-elected as chief minister of Jammu and Kashmir. In retaliation, many young Kashmiris crossed the line of control, entered Pakistani-administrated Kashmir, and joined the organised militant groups. Consequently, it led to the Kashmiri intifada (Malik, 2019).

3.1.4 International Powers

It is considered that the huge market of India is the main reason for the silence by the global powers over one of the oldest disputes. Moreover, it has been argued that it is a strategic move by the U.S. to use India as a restraint against China to continue its domination in the region. It has been argued that the U.S. is avoiding the settlement of the Kashmir dispute by supporting the Indian stance while branding Kashmiri freedom fighters as terrorists after the incident of

9/11. It has also been argued that an ongoing conflict between Pakistan, India, and China could provide an opportunity for the U.S. to stay involved in the region and keep its influence. Pakistan and India are the potential markets to sell U.S. weapons due to the ongoing Kashmir conflict between the two countries. China is also of the view that supporting Kashmiri's right of self-determination will harm China's interest in the Xinjiang region. Enduring the Kashmir problem will also keep on engaging the main opponent, India.

China has not had a concrete policy on the question of Kashmir, choosing instead to capitalise on the issue for its agenda. In the past six decades, China has aggressively expanded its geographical expanse vis-à-vis India through military campaigns along the China-India border in Jammu & Kashmir (J&K) and investment in infrastructure development in Pakistan-administered Kashmir. China's policy has historically been inclined towards Pakistan that has become more evident over time. For example, immediately after India repudiated Article 370, Beijing called on India and Pakistan to resolve the Kashmir issue bilaterally, while adding a caveat that India was undermining China's territorial sovereignty

3.2 The Conflict Issues

The root cause of the Kashmir dispute dates back to 1846 when the British government handed over the state of Jammu and Kashmir to a Hindu ruler Maharaja Gulab Singh through the Treaty of Amritsar (Khaja, 2016). At that time, Kashmir was a Muslim-majority area and the Dogra Hindu rulers had been in power in the region for hundred years. The Dogra rule did not respect the rights of Muslims who were in the majority during its rule. Therefore, feelings of alienation were common among Muslims of the state at the time of partition.

According to the partition plan for the independence of India and Pakistan as sovereign states, the Hindu majority areas were supposed to become part of India and Muslim majority areas would join Pakistan. Thus, its alliance became the most controversial part of the partition due to the geo-strategic position and beautiful landscape of the princely state of Jammu and Kashmir.

3.3 The Conflict Dynamics

The Kashmir dispute has become central within the Indo-Pakistani conflict dynamics in the last few decades. Many efforts have been made to ease tensions between India and Pakistan. Bilateral talks were held where Kashmir was one of the main issues discussed including the

1999 Lahore Summit, the 2001 Agra Summit, and the 2003-2009 Composite Dialogue (Ganguly et al., 2019).

In 1999, Indian Prime Minister Atal Bihari Vajpayee visited Pakistan to attend the Lahore Summit together with his Pakistani counterpart Nawaz Sharif. Both leaders signed a treaty known as The Lahore Declaration. The Lahore Declaration was arguably the most important bilateral agreement ever signed between the two countries. However, within a couple of months, the Kargil war-1999 broke out between India and Pakistan which sabotaged the atmosphere of a friendly relationship. Two years later Indian PM Vajpayee invited then Pakistani president General Pervez Musharraf for a dialogue in Agra in July 2001. Later in 2006, Musharraf proposed a “four-point agenda” to resolve the Kashmir dispute. The four points included 1) de-militarization or phased withdrawal of troops 2) no change of borders of Kashmir and rights of Kashmiris to move freely across the Line of Control (LoC) 3) self-governance in Kashmir without independence 4) a joint supervision mechanism in Jammu and Kashmir involving India, Pakistan, and Kashmir.

All the efforts were unsuccessful because Kashmiri leadership did not take part in any of the talks. One of the reasons behind the lack of participation was that the Kashmiri people had feelings of alienation and also because there were differences of opinion and division among Kashmiri leadership. The leadership in Pakistani-administered Kashmir always has the same stance as of Pakistani government. Whereas, in the Indian-administered Kashmir a division in the Kashmiri leadership has been observed especially after the freedom movement of 1989. One group of leaders is pro-Indian, but they don't have the support of the people of the Kashmir Valley but have support from the Hindu and Buddhist majority areas of Jammu and Ladakh. The people from Jammu and Ladakh regions are not in favour of separation and freedom from India. Therefore, over the years, Kashmir valley has become a center point of the conflict.

Third parties and stakeholders did not put any pressure on Pakistan and India to resolve the issue amicably. One of the reasons might be the perception of the Kashmir issue in international politics as a bilateral issue between two nuclear powers rather than just an issue of the Kashmiri people.

Moreover, both countries have strong positions on Kashmir. Pakistan is in favour of the plebiscite as per the wishes of the Kashmiri people. Whereas India doesn't consider UN resolution as significant as Pakistan does. India claims Kashmir as an integral part and a

bilateral issue between India and Pakistan. Thus, disregard the UN referendum which might include the voice of the Kashmiri people. India accuses Pakistan of supporting Kashmiri separatists in Indian-administrated Kashmir.

3.4 The Conflict Structure

In 1989, the Kashmir Valley became the center of the dispute, with emerging militant groups who began to operate in the Valley. It has been argued that Muslims from the valley joined the militant groups including disappointed political workers, opponents of the National Conference in the 1987 elections, and the Kashmiri youth who became alienated by Indian government policies and have been facing economic deprivation. This led to massive anti-India demonstrations, strikes, and rallies across the Kashmir Valley by the Kashmiri Muslims. However, not all Kashmiris supported the insurgency, especially the Hindus from the Valley, known as the Kashmiri Pandits. The weak law and order in the Kashmir Valley worsened when militants started target killings of high-profile figures of the Hindu Pandit community (Duschinski, 2008).

In 1990, the exodus of Kashmiri Pandits started the persecution by the Indian security forces causing thousands of Kashmiri Muslims to cross the LOC and flee to Pakistan-administered Kashmir, where they are currently living as refugees. It is argued that thousands of young Kashmiri men crossed the LOC to get training and weapons, and returned to fight the Indian forces (Bose, 2003; 126). Since then, the Kashmir Valley has become the biggest militarised conflict zone in the world. Indian strategy has been to rule by creating fear among the masses which was achieved through the presence of paramilitary forces on a large scale in the valley.

The people of Kashmir became the scapegoat for both India's and Pakistan's policies. The infliction of torture was a common practice in the Valley by Indian forces in the following years. Moreover, Kashmiri rebels and their activities became weak and relatively ineffective due to less support from Pakistan. Later, the Indian government changed its policy and used pallet guns to oppress the mass- agitations in 2010 and 2016 respectively.

Narendra Modi led the government of BJP came into power for the second term with a sweeping majority in 2019. The new government abrogated Articles 370 and 35-A of the Indian constitution which provided special status to the state of Jammu and Kashmir. The change in the laws led India to integrate the state of Jammu and Kashmir into the Indian Union. The

development has given a new dimension to the structure of the more than seven decades-old Kashmir dispute. Pakistan being one of the major actors in the Kashmir issue, immediately rejected the Indian unilateral step and announced that it would use all possible options to deal with the Indian aggression.

China has also been claiming Ladakh Valley as part of China. Thus, China also declared the new Indian Act as unacceptable and void because it damages China's territorial integrity and threatens its strategic interests. Thus, the recent developments have made Kashmir a more complex issue.

3.5 Causation

At the time of the partition of the sub-continent, both Pakistan and India wanted to gain (accession) control of the whole princely state of Jammu and Kashmir because of its geo-political and strategic position. Thus, they started lobbying to gain control over the region. At that time around 77% population of the state of Jammu and Kashmir was Muslim. The Muslim population wanted to join Pakistan, but the evidence suggests that the Hindu Maharaja Hari Singh was using delaying tactics with the support of New Delhi and was waiting for a suitable time to join India. It has been argued that Hari Singh's support for accession to India was evident from different encounters between the Indian government and Hari Singh. The most prominent event was Gandhi's exceptional visit to Srinagar just a few days before the independence in 1947 (Korbel, 1966).

It has been argued that the Radcliffe division of Muslim majority district Gurdaspur was one of the root causes of the Kashmir conflict. That division was against the basic rule of partition and paved the way for Indian forces to enter Jammu and Kashmir later on (Birdwood, 1956). In August 1947, the two countries were declared independent states, and princely states held back to decide which side to choose. Maharaja's delaying tactics led to a revolt in the Poonch region of the state. The tribesmen from the frontier province of Pakistan joined the revolt with alleged Pakistani support. That led to the first war between the newly born states India and Pakistan. Considering the situation, Maharaja went to New Delhi asking for its help to control the situation and India exploited the opportunity and made him sign the Treaty of Accession. This led to a war between newly established India and Pakistan in 1948. The war ended with intervention by the United Nations at the request of India which gave instant international recognition to the Kashmir conflict. The UN Security Council passed a resolution

to remove the Indian and Pakistani troops from the region. The UN resolution 1948 also emphasises to conduct free and fair plebiscite in Kashmir. However, the resolution has not been implemented to date. Thus, the relevant cause of the Kashmir conflict includes the violation of United Nations Resolution 1948, the India-Pakistan geopolitical rivalry, Pakistan's changing stance on the Kashmir issue, and the violation of the human rights of Kashmiris by the Indian authorities.

3.6 Strategies

India filed a complaint against Pakistan in the UN Security Council on January 1; 1948 due to fear of losing Kashmir as a result of the Indo-Pak war of 1948.. This development internationalised the Kashmir issue from its very beginning (Rizvi, 1994). In response to that the the UN Security Council adopted another resolution on 21 April 1948 calling for free and impartial plebiscite in Kashmir (Balcerowicz & Kuszewska, 2022). However, the UN has failed to implement the resolution to date. The present thesis argues that the failure of the UN in implementing the UN Resolution 1948 has given liberty to both India and Pakistan to use the Kashmir issue for their gains rather than for the rights of the people of Kashmir. The third parties in the conflict China, Russia, and the U.S.A. have shown their commitment to resolving the Kashmir dispute however they have been more focused on their interests and on maintaining their influence in the region. They support the idea of resolution of the Kashmir conflict and on the other hand, they are major arms suppliers to the nuclear powers, India and Pakistan. In a way they indirectly contribute to the human rights violations in Indian-administrated Kashmir, making the issue more complicated and violent. Therefore, the role of the UN Security Council is widely regarded as ineffective.

One practical solution could be the positive role of the third parties where they send the impartial commission to Kashmir and investigate the situation. In addition, placing pressure on India and Pakistan to allow free access to human rights organisations to examine the situation of human rights in Kashmir.

- (1) Provide relevant information regarding the current situation in both parts with precise data regarding the presence of military, paramilitary, and militant groups in the region.

- (2) Constituting the de-escalation process which should remove Indian and Pakistani forces from the region and all militant groups to hold a plebiscite under UN surveillance.

This would require full cooperation from the governments of India and Pakistan or at least their approval that the UN-led forces enter the region. Third parties could pressure both nuclear powers to cooperate in this regard. Third parties including the U.S.A., China, and Russia need to play their part otherwise it will not be possible to resolve the Kashmir conflict, especially after the action of the Government of India of scrapping the special status of Indian administered State of Jammu and Kashmir on 5th of August 2019.

4. Discussion

4.1 Summary of the Findings and Recommendations

The Kashmir dispute emerged immediately after the partition of the Indian sub-continent in 1947 and is acknowledged as the oldest unresolved issue according to the United Nations records (bin Shamsuddin, 2014). The dispute over Kashmir is a territorial one between India and Pakistan, originating from the complicated historical circumstances surrounding the partition of British India in 1947. It can also be called a conflict since it involves political, ethnic, and religious dimensions that have led to military confrontations in the past. The situation of Kashmir continues to be a contentious global issue characterised by conflicting claims over territory by India, and Pakistan.

The region of the Indian sub-continent has been seen as one of the most dangerous places in the world due to the high risk of war between traditional rivals and nuclear powers, Pakistan and India. In the past last three decades, Kashmir has turned into a site of conflict and turmoil. Apparently, the Kashmir issue is a long-standing conflict between two South Asian neighbouring countries; India and Pakistan, however, the people of Kashmir have suffered the most.

India, Pakistan, and the Kashmiri people are the three main actors in the dispute, along with China which also claims a part of the region. Moreover, militant groups have emerged as stakeholders since the outbreak of insurgency in 1989. The onslaught of armed separatists led to a mass exodus of Hindus from the Valley. The central government of India moved swiftly and deployed its soldiers in large numbers. Indian soldiers have been involved in widespread human rights violations in the Kashmir Valley in the Indian-administrated area (Wani et al., 2013) that subsequently led the Valley to be a centre of the dispute. However, the plight of the people in the Valley is still not well recognised by the international community.

In recent decades, the Kashmir issue has emerged as a main barrier to resolving the tensions between India and Pakistan. The topic of Kashmir has been emphasised in bilateral discussions. However, these actions have been ineffective due to the non-participation of the Kashmiri leadership and lack of interest from the people of Kashmir. The Kashmiri leadership is divided in their stance. The leaders from Pakistan-administered Kashmir generally have a

pro-Pakistan stance, while Kashmiri leaders from Indian-administered Kashmir exhibit varying views, with some being pro-India and others against.

Since 1947, the majority of the people of Kashmir have been hoping and fighting to achieve their right to self-determination, in the light of the UN Security Council resolutions passed in the following years (Wani & Suwirta, 2014).

However, the Kashmir issue has long been recognised by the global community as a conflict between two nuclear powers; Pakistan and India, instead of a humanitarian problem. Nonetheless, this evident humanitarian concern has changed into a bilateral issue between India and Pakistan, motivated by their respective interests. In addition, China also holds an important position in the issue of maintaining strong control over the Aksai Chin region following India's abrogation of Article 370 in 2019.

China, being a permanent member of the UN Security Council, could play a pivotal role in resolving this issue. However, China also considers Kashmir as a bilateral conflict between India and Pakistan as do other global powers. The United States supports India and its stance as a strategic move to undermine the growing power of China and secure its supremacy in the region. The main reason for adopting this strategy can be linked to the economic interests of the United States and its Western allies.

In 2019, during Narendra Modi's second term, the BJP-led government revoked Articles 370 and 35-A, changing the previously granted special status of Jammu and Kashmir. With this significant constitutional move, India has integrated the disputed region of Jammu and Kashmir into the Indian Union. This development has shifted the perspective of the framework of the Kashmir dispute. The following are some of the recommendations.

A free and fair plebiscite as per United Nations Resolutions could be the most effective way to resolve the Kashmir dispute, where the key stakeholders of the conflict; the people of Kashmir, obtain the opportunity to determine their future.

International powers can play a vital role by sending an impartial commission to investigate the Kashmir situation. They should pressurise India and Pakistan to allow free access to human rights organisations for inquiry. Following a thorough examination, the region should be demilitarised and placed under UN control, leading to an impartial plebiscite across Kashmir.

Over the years, Pakistan has maintained its support for holding a plebiscite in the light of the UN resolution 1948. Pakistan strongly believes that a large majority of the people of Kashmir from both sides would choose to join Pakistan. Most Kashmiris support the idea of a plebiscite. However, India rejects it due to apprehensions about potential defeat, leading to a belligerent issue in the region. A plebiscite may lead to another possible solution to the dispute; an independent Kashmir, if the majority of people vote in favour of independence. This would grant sovereignty and acknowledge the political rights of the people of Kashmir for self-governance.

In 2004, Pakistan's then-President Pervez Musharraf proposed a plan to resolve the Kashmir dispute. According to the plan, the control over the region of both countries would remain intact. The main reason for the proposal was to transform the Line of Control (LOC) into a recognised international boundary separating Pakistan and India. It is a kind of two-state solution, to bring prosperity to the region. All the aforementioned recommendations for the future can be achieved only with the assistance of global powers to ensure and implement a suitable plan for the peaceful and stabilised Jammu and Kashmir region.

4.2 Limitations of the Study

The current analysis of the Kashmir dispute is based on the review of literature, official reports, and events concerning the Kashmir dispute employing conflict analysis tools. However, interviews conducted with people from Kashmir valley in the Indian-administrated Jammu and Kashmir region would help in better understanding the perspectives of Kashmiri people on their future; whether they want an independent self-governance entity, stay with India, or align with Pakistan. Future research with a mixed approach could bring forth possible solutions to the long-standing dispute.

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