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Solutions to the Conflict in Kashmir

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Abstract

This policy paper investigates the conflict between India and Pakistan over the region of Kashmir in order to weigh whether a political rather than military resolution can be found. Various proposals to resolve the conflict are examined and evaluated. On the one hand, the possibility of Kashmir's autonomy is considered; on the other, the solution of joint governance or, as a third option, formal partition of Kashmir in an Indian and Pakistani territory are explored. The importance of resuming political talks between India and Pakistan represents a primary first goal in order to make any resolution possible.

Introduction

Since the Partition of India in 1947, the South Asian states of India and Pakistan have been locked in a near constant struggle for control over the region of Kashmir. Several wars have been fought between the two states over this region, with those areas coming under the control of Pakistan forming the territory of Azad Kashmir and those of India forming the state of Jammu and Kashmir in 1949. In addition to the wars fought between both sides has been an ever present insurgency within the Indian state of Jammu and Kashmir; instigated, trained, and funded by Pakistan in an attempt to force India's withdrawal from the region through the force of the Kashmiri people themselves. Following the acquisition of nuclear weapons by both states (1974 for India and 1984 for Pakistan), and the repression of the insurgency by the Indian military and security forces, there has been a serious level of dialogue between India and Pakistan over the future of Kashmir. This dialogue has led to numerous proposals about the future status of Kashmir, with three scenarios forming the bulk of these proposals: full independence for Kashmir, various forms of formal partition between India and Pakistan, and

maximum autonomy for both Kashmiris in an either unified or divided state. This dialogue between India and Pakistan has, however, failed to achieve any lasting solution to the Kashmir conflict, as each of these proposals fails to provide an adequate solution acceptable to all sides involved or achievable in the current situation in Kashmir. The dialogue itself has broken down as a result of relatively recent events with the power and role of the Pakistani military inside Pakistan preventing a serious attempt at finding a solution within Pakistan itself on the one side, and on the other, the stance and political role of Indian nationalists.

Proposal 1: Political Independence for Kashmir

Of all the proposals brought forward as a solution to this conflict, independence for Kashmir is the newest and the one least likely to be agreed upon. Proposals for Kashmiri independence from India and Pakistan have almost exclusively come from the Kashmiri people themselves. In fact, polls conducted in 2010 throughout the region found that 44 percent of those asked in Azad Kashmir and 43 percent of those asked in Jammu and Kashmir would vote for independence if a referendum were to take place (Bradnock 28). These figures are deceiving, however, as the vast majority of those in Jammu and Kashmir that responded in favor of independence came disproportionately from the Kashmir Valley, where “between 74 percent and 95 percent” support independence, in contrast to less than one percent in Jammu, 30 percent in Leh, and 20 percent in Kargil (Bradnock 28). With such polar attitudes inside the region itself towards independence, it would be even harder to find consensus outside Kashmir for its independence, with many believing that the relationship between the “state, nation, and territory” would have to undergo a national discussion in India to shape the view of Kashmir away from a “Muslim-majority province in the secular, yet Hindu-dominated Indian state”

towards that of a independent, sovereign state (McGranahan 171). Even if such a drastic shift in national thought could be achieved, the force behind the gaining of independence for Kashmir, a plebiscite, is completely out of the question for India and is a foregone dream for Pakistan. Indian governments today consider any plebiscite on the future of Kashmir to be “irrelevant, outdated,” but are also afraid that the voters will punish them if Kashmir *is* granted independence, while in Pakistan General Pervez Musharraf “admitted that [plebiscite] is not practical today” during his tenure as President from June 2001- August 2008 (Indurthy and Haque 39). Proposals for an independent Kashmir are thus not a viable solution to the conflict, as they do not provide a solution agreeable to India, Pakistan, or even roughly half of the Kashmiri population itself.

Proposal 2: Formal Partition in Kashmir

One of the proposals that has seen a great deal of discussion in the Indo-Pakistani peace talks has been a formal partition between India and Pakistan, though with some variation between proposals calling for partition. The general idea behind formal partition is that an official international boundary between India and Pakistan in Kashmir will be agreed upon and recognized between the two, either the current Line of Control (LOC) or an adjusted and negotiated border, with both sides maintaining “sovereign control over the respective parts of the state that fall under their jurisdiction post-partition” (Yusuf and Najam 1520-1521). With an official international border defined between the states, a transformation of the borders into a state of “soft borders” and demilitarization throughout the region could then be enacted in the hope of reduced militancy, promotion of peace, and the allowing of “human and economic exchanges to bring normalcy” to the lives of the Kashmiri people (Yusuf and Najam 1521-1522). There has been a great amount of support for proposals with these elements from the

people of Kashmir, with polls showing an 85 percent support for accepting the LOC as a permanent border in some form, 74 percent thinking that the “withdrawal of all Pakistani forces would improve the chances of resolving the dispute,” and 69 percent thinking that “the withdrawal of all Indian forces” would improve the situation, showing the high levels of support for these proposals from the Kashmiri populace (Bradnock 28). Of the variations that would readjust the border away from the LOC, some even go so far as to call for a transfer of the Muslim-majority “Vale of Kashmir” to Pakistan, granting Pakistan a border adjustment favorable to it to give it the push needed to completely end support for Kashmiri terrorists and thus its support for partition (Indurthy and Haque 38-39).

The Challenge of Borders Redrawn

What these partition proposals do not take into account, however, are some of the realities inherent in the current situation in Kashmir that have been present since the first talks on formal partition. The first complication is that the supporters in India and Kashmir of partition have done so with a “strong preference for converting the LOC into an international border” and no renegotiation, in direct contrast to those in Pakistan who have a “virtual consensus... for a fundamental renegotiation of the LOC” to bring the Muslim-dominated portions of Jammu and Kashmir into their Azad Kashmir (Yusuf and Najam 1520-1521). Likewise, when polled about whether or not they would vote to have Kashmir join Pakistan in a referendum, only 15 percent within the entire region said they would vote for it to join, with 50 percent of those in Azad Kashmir saying they would choose Pakistan compared to merely two percent in Jammu and Kashmir, showing that even within Pakistani Azad Kashmir only roughly half of the population would choose to be a part of Pakistan (Bradnock 28). This drastic difference between the Pakistani and Indian Kashmiris has been attributed to observations about the Muslims in the

Kashmir Valley being “mostly moderate, eclectic in their religious beliefs and values and [having] incorporated some aspects of Hinduism and [being] predominately sufi, which is pacifistic in its theological orientation,” in polar opposition to the militaristic attitude and fundamentalist orientation of the Muslims of Pakistan. This disparity shows the great difference that has developed between Muslims on both sides of the LOC (Indurthy and Haque 40). The second obstacle rooted in political reality for the partition proposals has been the fact that autonomy for both Kashmirs, demilitarization on both sides of the LOC, and the creation of a “soft border” have increasingly become prerequisites for peace in the region, and no longer simply an aspect of the proposals to be enacted after an agreement is made (Yusuf and Najam 1521). By insisting that these elements be implemented only after a solution has been agreed upon, these partition proposals fail to provide a realistic approach to solving this conflict. These two factors together thus work to make partition proposals unsuitable for the Kashmir conflict, regardless of the amount of support they have achieved within Kashmir or the possibility of support within India and Pakistan.

Proposal 3: Autonomy for the Region of Kashmir

The final proposal that has seen the most consideration between all the actors involved, and which seems to have the best success of being implemented, has been to grant maximum autonomy to the entire Kashmir region, both to Pakistani Azad Kashmir and Indian Jammu and Kashmir. Much like the previous proposal for partition, this proposal has multiple variations, but each follows the same general plan: the entire Kashmir region would be granted the maximum amount of autonomy possible by India and Pakistan, effectively granting self-rule, in conjunction with a demilitarization of the region and the opening up of borders into a state of “soft borders” by the two sides, much like the previous partition proposal (Yusuf and Najam

1520- 1521). Grounds for autonomy come primarily through Article 370 of the Indian Constitution that specifically grants autonomy to Kashmir, but which has been completely eroded and disregarded over time following the multiple wars and insurrections within Jammu and Kashmir (Baba 77).

The variations that suggest modifications to this proposal differ principally around the “form and type of autonomy, and the mechanisms through which the arrangement would be offered,” such as whether or not the region would be granted separate or joint autonomy, or in other words divided into separate administrative and autonomous provinces or a single, unified one respectively (Yusuf and Najam 1520).

The Call for Autonomy: Whose Autonomy?

The variations in proposals for autonomy follow two basic models. The principal model for separate autonomy comes from a proposal submitted by the Kashmir Study Group (KSG), where it is recommended that the entire region be divided into five separate autonomous provinces: Kashmir; Jammu; Ladakh (a region of Indian Jammu and Kashmir); Azad Kashmir; and the Northern Areas of Pakistan (historically a part of Kashmir that remains separate from Azad Kashmir) (Baba 75). These five provinces would have “free access to one another and to and from both India and Pakistan,” and would maintain their own “democratic constitution(s)” and legislature for all local issues other than defense and foreign affairs, which would be the joint responsibility of both India and Pakistan through “defense and financial arrangements” that would be designed at a later date (Baba 75). These arrangements would work alongside a single high-level governing body with “representatives from each of the five entities as well as from India and Pakistan” to address cross-regional issues, and would serve to demilitarize the

entire region as well (Baba 75). Though the KSG is principally a group of Kashmiri expatriates in the U.S. supportive of India, proposals for autonomy cross the India-Pakistan divide, with even General Musharraf, during his tenure as President of Pakistan (2001-2008), suggesting autonomy through his “four-point proposal to identify regions that need a solution for determining their status,” which included Kashmir and the possibility of self-rule and the development of a “joint mechanism with India, Pakistan and the Kashmir to oversee self-government” (Baba 75).

In contrast, the proposals for joint autonomy follows the model laid out by a recommendation submitted by Sajjad Gani Lone, founder and leader of the Jammu and Kashmir Peoples’ Conference, where he calls for an “economically single boundary-less Jammu & Kashmir Economic Union with India and Pakistan jointly managing defense and foreign affairs.” The current borders and LOC would become “irrelevant” because of the union between both Azad Kashmir and Jammu and Kashmir, although they would still exist nominally (Baba 75-76). This model follows the recommendation, described earlier, for separate autonomy, characterized primarily by the administration of the single Kashmir province by the Kashmiris themselves with defense and foreign affairs overseen by India and Pakistan, where both nations would cooperate and share responsibility for these two aspects of government. The difference of this solution lies in the fact that the border between the provinces would not exist; the barriers to movement between the current Azad Kashmir and Jammu and Kashmir would also cease to serve as anything more than administrative purposes (Baba 75-76). Proposals for separate autonomy have so far outnumbered those for joint autonomy, but both seem, on the surface, to provide an excellent solution to this conflict that both India and Pakistan could

endorse (Yusuf and Najam).

Much like the proposals calling for partition, these proposals for autonomy fail to recognize several factors that will prevent them from being implemented successfully. The chief and primary issue, which also blocks the partition proposals, is that demilitarization of the region by both India and Pakistan is a condition that needs to take place before Kashmir's autonomy can be negotiated and implemented. Neither India nor Pakistan have taken steps to achieve such demilitarization. On the Indian side, especially, military and security forces have remained in force throughout the region since the onset of the insurgency in 1989, even though violence in Jammu and Kashmir and attacks by insurgents have significantly declined since 2003 (Staniland). Indeed, the continued high levels of military and security forces in Jammu and Kashmir have actually worked to prevent autonomy from being enacted in the Indian state, as these forces have continuously used repression against the Kashmiri people whenever they attempt to engage in the political process of the state through mass movements and protests—primarily in an attempt to gain a greater amount of autonomy for the state than is currently granted (Staniland). Likewise, Pakistan refuses to change its military posture on its side of the LOC, forming the vicious circle so common in flashpoints across the world where one will not remove its military forces until the other removes theirs. This significant reality preventing autonomy proposals from being a viable solution is only compounded by the breakdown of dialogue between India and Pakistan and the power and role of the Pakistani military within Pakistan itself.

Discussion

As shown, each of these proposals provides a unique and plausible solution to the Kashmir

conflict as well as challenges that prevent a realistic implementation of their solution at this time. Outside of the scope of each individual proposal, however, lie several problems preventing a coherent solution from being constructed and agreed upon between India and Pakistan, regardless of the proposal, and have served to make the entire dialogue process a failure. The first of such issues lies with the current breakdown in dialogue between India and Pakistan on the entire Kashmir issue. Following the 2008 Mumbai terror attacks by members of the Lashkar-e- Taiba (LET), India suspended the composite dialogue it had scheduled with Pakistan on the Kashmir issue in retaliation for evidence pointing to involvement by the Pakistan military's Inter-Services Intelligence (ISI) in training the perpetrators and planning the attack (Indurthy and Haque 30-32). This, in turn, led to the deterioration of relations between the two states—almost triggering war—as India took steps to ensure it would never face such an attack again and Pakistan moved troops to its border with India in fear of a possible retaliatory attack by India (Indurthy and Haque 31). Though relations would later de-escalate and return to normal, they would never return to the point prior to the attacks, as India has continuously called for Pakistan to prosecute those members of the LET and ISI that have been implicated in the attacks, something the Gilani-Zardari government at the time of the attacks had been either unable or unwilling to do (Indurthy and Haque 31-33). In addition to this unwillingness to resume talks until the actors behind the Mumbai attacks have been punished, India has also stated that “no progress in dialogue with Pakistan [is] possible in an atmosphere vitiated by violence or threat to use violence,” and so no dialogue can be pursued until Pakistan has “fulfilled its commitment of completely dismantling the terrorist infrastructure from its soil as has been agreed to.” Pakistan has not shown any movement to implement such action (Indurthy and Haque 34).

The second issue preventing any proposal from being agreed upon between India and Pakistan is a reality inherent within Pakistani politics: the power and role of the military. Since 1958, the Pakistani military has continuously influenced or intervened, either directly or indirectly, in the politics of Pakistan to maintain its political and economic clout and its social interests (Indurthy and Haque 23). This clout is considerable; as Ayesha Siddiqa's work, *Military Inc.: Inside Pakistan's Military Economy*, has shown: the military's assets make up about ten percent of Pakistan's GDP, forming a virtual "commercial empire" within Pakistan that brings in billions of income for the military through connections to businesses in the agriculture, manufacturing, and service sectors of the economy (Siddiqa). Because of these serious assets, the military has had every reason to influence events to maintain its power, including such actions by Army Chief General Ashfaq Pervez Kayani in touring forward military positions along the LOC while reaffirming the "army's commitment to the Kashmir cause" following the election of Prime Minister Yousuf Raza Gilani and President Asif Ali Zardari, as well as later rebuking President Zardari's offer to India of a "no first strike use" for their nuclear weapons, a rebuke that forced President Zardari to rescind the offer (Indurthy and Haque 28-30). In addition to these indirect influences on Pakistan's politics, the ISI has continuously been accused of attempting to undermine relations between Pakistan and India by backing various terrorist attacks, including a bombing of the Indian embassy in Afghanistan and the already mentioned Mumbai attacks (Indurthy and Haque 29-32). The ties between the military and the ISI with these terrorist organizations has even been admitted by the Pakistan government when President Zardari stated "militant groups were 'created and deliberately nurtured' as a policy for 'short-term tactical objectives.'" The ISI continues to maintain its ties with the LET to this day, even though the

Gilani-Zardari government stated its commitment to see the organization dismantled and destroyed following the Mumbai attacks (Indurthy and Haque 36-37). In general, the desire of the military can be best described by the actions of Lieutenant General Shuja Pasha during a meeting with Indian defense advisors in 2009, where he “asserted that the ISI and the Pakistan army were involved in framing Pakistan’s India policy along with the Foreign Office, and, therefore, he wanted India to deal directly with these three institutions” on the issue, in essence controlling the talks between India and Pakistan to maintain their position (Indurthy and Haque 37). This all points to the fact that the military prefers the state of tension that exists between India and Pakistan over Kashmir, as any peace and resolution would weaken their strong position in Pakistani politics and the economy. Such an assessment is borne out to a great extent by the huge surge in popularity for the military following the Mumbai attacks and the heightened state of tensions after the military had become “an unpopular institution under the Musharraf regime” which saw the beginning of peace talks and low tensions (Indurthy and Haque 33).

Conclusion

Overall, the dialogue between India and Pakistan over the Kashmir conflict has failed to create any meaningful solutions to the conflict. The proposal for Kashmiri independence, though immensely popular in some areas of Kashmir, fails to gain an absolute majority of support throughout the entire region and lacks any incentive for India or Pakistan to support it. The proposal for formal partition between India and Pakistan, though promising in some aspects and guaranteed to gain Pakistani support if the border is redrawn in their favor, is currently unrealistic due to its conditions that autonomy, soft borders, and demilitarization should come after the implementation. The proposal for either joint or separate autonomy for Kashmir,

though by far the most realistic and agreeable of all the proposals, fails to take into account the lack of any desire by India to grant autonomy to the Kashmiris living under its administration or for Pakistan to pull its troops away from the LOC. Even if these proposals were not to fail of their own accord, they still fail to take into consideration the reality of the situation between India and Pakistan and within Pakistan itself. The dialogue that existed between India and Pakistan on this issue has broken down and come to a standstill following the Mumbai attacks of 2008 and the brink of war resulting from the events, with India asserting that no talks will continue until the perpetrators of the attacks, both within the LET and the ISI, have been brought to justice, and Pakistan either unwilling or unable to oblige. Within Pakistan itself, the military and its ISI are more than willing to ensure talks remain dead over this issue, as the Kashmir conflict is what keeps them in a position of power and wealth within the Pakistani economy and politics. The Kashmir conflict is thus far more complicated than the scope of a simple proposal is able to handle. Without first a drastic change in the politics of Pakistan or a willingness by India to resume talks in a serious manner and without justice being brought to those behind the Mumbai attacks, it seems a solution may never be found. All that can be hoped, at least at this time, is that the situation on either side of the LOC improves on its own for the Kashmiri people, who have become caught in the middle of these two states and have thus had to suffer the consequences of their conflict

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