

Kashmir Struggle for Freedom: Proposed Solutions

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Abstract

The central cause of incessant tensions and consecutive wars between two nuclear nations i.e. Pakistan and India in South Asia is the Kashmir dispute for the last seventy-three years. Numerous efforts inclusive of multiple dialogues and negotiations were made, but in vain chiefly because of India's stubborn agenda, and its inflexible policies and approach towards the stance of Kashmir and also unshaken trust deficits between two hostile enemy neighbors. However, with the abrogation of Article 370 and 35(A) Kashmir conflict has turned into different paradigmatic dimensions. It has not only pushed the valley into an unending turmoil with changing the autonomous status of Jammu and Kashmir. It has also created the enormous imbalance in the demographic status of this region as a Muslim majority state in India. Moreover, most of the local Kashmiris have been struggling for the right to self-determination for many decades which was promised to them by the Instrument of Accession of 1947, and the UN resolutions through a Plebiscite. Therefore, the peaceful solution is the need of the time to make this beautiful heavenly place on earth a place of the mental serene and physical comfort of its inhabitants as they suffering from an ordeal due to the oppression and human rights violations by Indian security forces. This thorny conflict necessitates and also utterly demands a systematic and sustainable solution with the help of the international community and the United Nations. The outcome of this study depicts that the desire for independence in Kashmir is evident, although a feasible solution to this dispute is not possible.

Keywords: Kashmir dispute, struggle for freedom, Pakistan and India, flashpoint of nuclear powers, plebiscite, Instrument of Accession, solution of Kashmir issue, IOK, POK, etc.

Introduction

The word freedom means “the quality or state of being free, the absence of necessity, coercion, or constraint in choice or action” and “liberation from slavery or restraint or from the power of another” (Freedom - Mariam Webster, 1828). The struggle between nations may take on different grounds but intrinsically all people do efforts for their personal and political freedom. It is in the instinct of every individual to live a life of equality and prosperity. When this right is discouraged by the cruel and tyrant authorities, it paves the way for freedom struggle and the course of the nations. This struggle for freedom has been following different wobbly paths but the perceived outcomes are the same, regardless of the religion, the region, and the ideology.

Similarly, people of Jammu and Kashmir have been vying for their freedom since the time of partition of the subcontinent because instead of independence, the last king of independent Kashmir, Maharaja Hari Singh, signed the “Letter of Instrument of Accession to India”, which stands controversial ever since. At that time, Kashmir was one of around 650 princely states under British India. However, it was declared by India’s first Prime Minister Pandit Jawaharlal Nehru on 2nd November 1947 that the future of Kashmir is to be decided by the means of a plebiscite. That dream has not been proved true yet. This unending hostility between two neighbors with nuclear arsenal, has always been witnessed by the entire world. The conflict becomes more fragile because two nuclear-armed neighbors certainly risk regional and international peace (Ashraf, 2019; Ali & Saeed, 2019).

The situation after annulling Article 370 and 35 (A) on the 5th of August 2019 is emphasizing on a peaceful, practicable, and sustainable resolution of longstanding Kashmir conflict (Ansari, et al., 2019). In the light of the aforesaid, this study ponders over the workable proposed solutions of the Kashmir dispute in the real meaning of the ever-burgeoning struggle from the Kashmiris’ perspective and presents their views in the light of real politick of the region (Noorani, 2002).

Review of Related Literature

Being one of the most burning, alarming, and unresolved conflicts in the world, laborious and thorough researches have been done since the inception of the Kashmir issue. It is primarily a humanistic issue of self-determination and freedom which was once denied unrealistically and unethically. Moreover, it holds a geographically significant agenda against the agreed principle among all the stakeholders. The background of this issue engulfs almost every detail of the Kashmir conflict, starting from the very context of the issue to boundary intricacies (Wirsing, 1994).

After the partition of the subcontinent, the choice and right to take a decision about accession were given to the people of the princely states, not to their rulers. India, on

the basis of this right of accession forcibly annexed many of the states where Muslim rulers were desirous of independence or joining Pakistan, e.g. Hyderabad and Junagarh (Lamb, 2003; Noorani, 2002). The case of Jammu and Kashmir was a bit different as it was a state with Muslim majority ruled by the Hindu ruler, Maharaja Hari Singh. India, despite accepting the Kashmiris' right of accession, forced Maharaja for a deceptive accession to India which resulted in a war between India and Pakistan. The Kashmir issue was unilaterally referred to the UN on January 15, 1948 after this war under Chapter VI of the Charter. Both India and Pakistan accused each other in the UN. India accused Pakistan of aggression and aiding tribesmen into Kashmir, while Pakistan blamed India for the illegally annexing of Kashmir (Zamir, 2013). Pakistan proposed that the UN may arrange a ceasefire and withdrawal of forces from Kashmir (Kashmir tensions: "War is not a solution," 2019). Pakistan also proposed the UN to ensure the rehabilitation of fled away refugees, and establish an impartial administration to hold a plebiscite to determine the fate of the Kashmiris (Ansari et al., 2011). However, the United Nations passed the first resolution on Kashmir on January 17, 1948, that made bound to end of hostilities. In a subsequent resolution, the UN Commission for India and Pakistan (UNCIP) was set up to unearth and investigate the facts while playing a mediatory role which could possibly lead to a plebiscite. On August 14, 1948, the UNCIP presented its proposals (Zamir, 2013), the quintessence of which was:

- i. To agree on a ceasefire between India and Pakistan,
- ii. To endeavor Pakistan to withdraw its nationals from Kashmir.
- iii. To make the local authorities, under the UNCIP's supervision, able for the administration of the evacuated area.
- iv. To pull out of Indian troops from Jammu and Kashmir.
- v. To hold a free, fair and impartial plebiscite under UN supervision.

The UNCIP resolution was endorsed by both Pakistan and India including the agreement over principles of the plebiscite however, the UNCIP's plebiscite could not be materialized chiefly due to the Indian hegemony (Zamir, 2013) and ill will despite the fact that the UN continued stressing to solve the Kashmir issue in the coming years, passing numerous resolutions. Moreover, Pakistan continued to engage India in bilateral negotiations but in vain even with the optimistic efforts and approaches by the major powers of the time. All our efforts were made to demilitarize the area and to hold a UN-supervised plebiscite but it remained non materialized.

In 1965, a full-fledged war was fought as an attempt of changing the status quo by other means, due to the failure of political and diplomatic initiatives to make some progress towards resolving the Kashmir issue. This war was a stalemate and could not alter the ground realities. In this wartime, the Soviet Union played its role as a broker for the peace agreement, and resultantly the Tashkent Declaration was signed on January 10, 1966 (Zamir, 2013). However, taking advantage of Pakistan's internal

political crisis, India invaded East Pakistan in December 1971 and divided Pakistan into two resulting in the creation of Bangladesh (Noorani, 2002). In 1972, the Simla Agreement was signed. This agreement unveiled the need for a practical and final settlement of Jammu and Kashmir and called for respecting the LoC by both countries without any sort of prejudice, maintaining that the LoC was not an international border. The defeat of Pakistan in the 1971 war made the people of Indian Occupied Kashmir disheartened. They felt that a weakened Pakistan would not be able to fight for their right of independence and self-determination. The Simla Agreement was a further blow to them in this regard (Zamir, 2013).

During the decade of 1980, with Pakistan preoccupied with the Afghan matters, India took advantage of the situation and the skirmishes on the Siachen Glacier between Pakistan and India began. It was liquefied by the two sides with an agreement to redeploy their military forces from Siachen in July 1989 but the situation overturned soon. The Siachen issue is still continuing to plague Pakistan-India relations (Naz, 2019; Amir, 2018; Zamir, 2013). The resolution of this dispute has become importance with the martyrdom of Burhan Wani and the introduction of nuclear arsenals in the theatre. The haphazard use of pellet guns by Indian security forces over present mass rising has blinded numerous innocent and unarmed people. The world conscience, however, is in the state of questionable quiescence, although stimulated emotions in Azad Kashmir and Pakistan may lead to the fourth war between these two nuclear-armed neighbors (Naz, 2019). Therefore, the civil society and intelligentsia of both countries must raise voices and demand for a sustainable solution to this problem. The obvious options to join Pakistan or India or to become independent are neither attainable nor realistic in present scenario (Sehgal, 2011).

Choices for the Solution of Kashmir Dispute

Following would be the possible choices with reference to the earlier discussion and also the prevalent fabric of the situation:

1. Pakistan Favored Plebiscite/Self Determination

Pakistan is in favor of a plebiscite under UN resolutions with the confidence that Kashmiris would choose to join Pakistan. Pakistan opposes and rejects the Indian stance about the UN resolution which declares it outdated. On the other hand, the plebiscite remains unacceptable to India because of the fear of defeat in it. The Kashmiris also generally support a UN-sponsored plebiscite (Zamir, 2013).

2. Option of Indian Hegemony

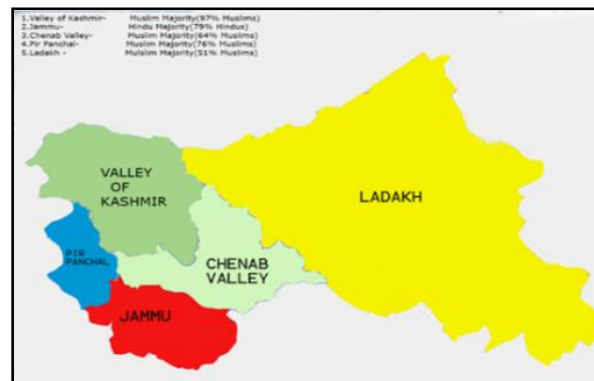
India considers its legitimate right over the whole of Jammu and Kashmir including Azad Kashmir and the Northern Areas. India has always been declaring Kashmir its integral part on various world forums. LoC was accepted by India as a compromise solution at Simla Conference with objectives established in the foregoing analysis.

However, Pakistan has always been denying this option considering it evidently intolerable.

3. The Option of Independent Kashmir

This option is to make Kashmir an Independent sovereign country as the people of Kashmir have their political right to have their own government. However, this option is indigestible to both Pakistan and India, for their own interests.

Figure 1: The map of Kashmir through backdoor diplomacy¹



4. Option of Backdoor Diplomacy for Kashmir

During backdoor diplomacy in 1999, it was proposed that the Muslim majority areas of the occupied Kashmir Valley which falls on the right bank of the Chenab River would join Pakistan and the area with non-Muslim majority would join India (Fig 1). The same proposal was superficially discussed in the foreign minister-level talks in 1962 but was not followed through by the Indians. This settlement could be practicable for Pakistan and the Kashmiris but it seems highly improbable to be accepted by the Indians in the present scenario (Zamir, 2013).

5. The Owen Dixon Plan

In 1950, an Australian jurist discovered ways to resolve this knotty dispute. He proposed a regional approach after visiting this area. His concern was those areas of the valley where no preference of people could be determined for India or Pakistan, i.e., the Kashmir valley; and Azad Kashmir (Figure 3). He therefore suggested that Jammu and Ladakh would go to India while the Northern Areas would become part of Pakistan. Pakistan honored this regional approach but India refused to accept this proposal ultimately (Zamir, 2013; Noorani, 2002).

¹ Source: Kashmir and the politics of water, 2011

Figure 2: The Owen Dixon Plan²



6. Option of Joint Guaranteed Autonomy like the Andorra Solution

This option was proposed by Alastair Lamb in 1998. Andorra, is a small princely state in the continent of Europe (Zamir, 2013; Ahmad, 2000). It had been claimed by Spain and France as it is situated on the borders of both sides. These countries agreed to give Andorra an independent constitution in 1993 and jointly guaranteed autonomy. Similarly, special autonomous status can be granted to Kashmir by Pakistan and India (Zamir, 2013).

Conclusions

It can be acknowledged through the foregoing thorough study that the solutions for the longstanding and complex issue of Kashmir are there in intangible form but it can only be shaped and materialized by the three major stakeholder i.e. people of Jammu & Kashmir, India, and Pakistan, by making a formula without compromising their individual interests. Kashmiris' right of self-determination and the interests of India and Pakistan are the real challenges for world nations advocating peace and harmony in this region. The solution to this complicated issue is not merely a lip service, rather it consists of intricacies and restrictions. Therefore an honest effort to provide a roadmap for a possible solution would be great.

Experts on all three sides can make it feasible by entailing a compromise as the proposed solution would obviously not be fully agreed upon by any of the stakeholders. End of this seemingly unending conflict demands un-hypocritic and just efforts to create new opportunities for cooperation. No party at present exhibits willingness to leave its principled stance hurdling the possible solution of this dispute although an agreement among three stakeholders can make the dream of Kashmir's self-determination come true.

² Source:, Noorani, 2002

An autonomous Kashmir under joint sovereignty would be acceptable for India in line with Article 370 of its constitution and to end this misadventure. Kashmiris will get rid of Indian occupation although they will not have complete sovereignty or accession to Pakistan. The solution to this problem can no longer be postponed. This burgeoning turmoil and the economic gains of cooperation are undeniable forces pushing for an immediate and prolonged solution of the Kashmir issue. This current trend cannot be overruled by India and also the unavoidable need for a substantive change in its stubborn Kashmir policy. Pakistan also needs to continue its peace-mongering efforts and maintain the momentum for the solution. It is an indispensable duty of the Kashmiris to play the most practical role of strengthening their political struggle for freedom. Consequently, the winner would be the one who will remain resolute throughout its triumphant discourse.

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