

## The Dismal Predicament of Kashmir from since Emancipation of India-Pakistan

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### ABSTRACT

Kashmir is such conflict which started based on denial of human needs like security, identity, recognition, and personal development. Kashmir issue an enduring rivalry between two states has become more complicated due to the involvement of non state actors means. South Asia, where it is fluctuating and disturbed four times but since 1999. it is stable due nuclear factor. Besides other factors, major contributing factor for disturbed balance of power. Due to the persistency of conflict, the region experienced wars, which disturbed of balance of power. Pakistan and India is based on their threat perception of each other. Having experienced of offensive realism four times, now these states are experiencing defensive realism since 1999. Balance Of power depends on their offensive and defensive nature of warfare. In such situation, human security is ignored and even it is not prime agenda of states. South Asian peace and security depends on US effective role to bring Pakistan and India to nuclear policies. Kashmir can only be resolved, if proper mechanism will be provided and with inclusion of Kashmiri's voice. Border management between Pakistan and Afghanistan which was not paid much attention should be given priority. Due to non-traditional threats,, (terrorist organization) peace and stability of the region is threatening. In this regard having realized the sensitivity to the issue, Pakistan and India should adopt a common agenda.

**Keywords:** *Kashmir, Pakistan, Conflict, South Asia, Offensive, Human Security, Common Agenda.*

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### INTRODUCTION

#### Various Perspective on Kashmir issues

The current situation of the Kashmiri people is not a new phenomenon. Historically, they have been fighting for their rights since the first half of the 20<sup>th</sup> century against the rule of Dogra. Their basic rights were denied by ruler, and many were martyred in 1931. After the India-Pakistan division, failing to become part of Pakistan, they have been fighting for their freedom since 1947. Main focus of the Kashmiri leaders is to draw the attention of international community towards UNSC resolutions for their rights of self-determination. Non recognition of this principle by Indian government has pushed them towards protest and struggles since 1990s. India determined that the status would not let Kashmir exist as a separate entity. Pakistan stands is based on its legal premise that since UN resolutions on Kashmir did not include a third option, Pakistan therefore could not support the idea of an independent Kashmir. Pakistan has throughout these years, fought its case on Kashmir issue on the basis of UN resolutions and regards their implementation as the only feasible solution of the dispute [1]. The British Government's stance on Kashmir issue is that both parties should solve the problem as per UN Resolutions and Shimla Agreement (House of Commons Deb 10 June 2002, cc595-613). Furthermore, Britain thinks that solution of Kashmir should be found in UN resolutions and Shimla Agreement of 1972 (House of Lords Deb 2 May 2000, c147w). Jack Straw giving a statement in the House of Commons declared that Kashmir dispute is a bilateral issue which can be resolved by direct dialogue This is not just bilateral issue, but it has international implications as well (House of Commons Deb 10 June 2002, c595).

#### Pakistan's Policy

Kashmir holds historical and geo-strategical for Pakistan. Pakistan considers Jammu and Kashmir as a disputed territory whose accession with India in Oct 1947 was a result of coercive action by India [2]. Economically, Pakistan is dependent on both Kashmir and India because river resources originate in both these states like rivers Indus, Jhelum and Chenab originate in Kashmir whereas remaining three namely rivers Ravi, Sutlej and Bias originate from India. Geo strategically, Kashmir is situated at a place where it provides a central point for nuclear weapon states of the states of Asia, India, India, Pakistan, and China. Due to this strategic location Pakistan cannot avoid low intensity conflicts with India. Pakistan's concerns in this reference are based on Indian military presence in Jammu and Kashmir and its threat to the NWFP. From military point of view, it provides thirteen routes to Siachen Glacier the highest military base of India and Pakistan. Pakistan considers Kashmir as an unaccomplished task of the Partition of 1947. The Maharajah of Kashmir

after signing the Standstill Agreement with Pakistan could not enter into relations with any other state unilaterally [3]. Main argument given by Pakistan is based on the fact that Kashmir has majority Muslim population and is contiguous to Pakistan. Pakistan's main contention for peace has been to involve third parties in the peace process so as to make them prevail over Indian debate for conceding that there exists a dispute on Kashmir that needs to be settled peacefully. This has not been easy because India has resisted pressures from all major countries to change the status quo in any way to resolve the crisis and the stalemate have persisted for decades [4]. Indian Policy. Strategically, Kashmir is very important for India because it provides a passage to Central Asian Republics in the north, China on the East, and Afghanistan on the West. On the contrary, Pakistan's claims on Kashmir for its security are based on having two roads and one railway system of West Pakistan run parallel to Kashmir. Therefore, Indian occupation Of Kashmir would be considered as a direct threat to Pakistan [5]. India is trying to suppress Kashmiri people with brutal force and to take advantage of differences among various Kashmiri resistance groups. Indian policy is to avoid a meaningful dialogue with Pakistan regarding this issue. From the cold war point of view, Kashmir conflict was supported by both US and Soviet Union through militarization of their own threat perceptions. They did not want this conflict to affect their core strategic relationship. This understanding remained till the end of the cold war.

### **China's Concerns**

Geopolitical rivalry with India was a major factor in China's South Asian policy. It was also determined by China and Soviet Union and India and Soviet Union relations. Sino-Indian warmth, however, did not last long and the two countries fell apart in late 1950s in the wake of their dispute over the demarcation of their common border. India or Pakistan might need to discuss with China the issue of Aksai Chin that China holds, and which India considers to be part of J&K [6]. After the War of 1962 with India, China became a supporter of Pakistani claims on Kashmir issue. In 1964, China's stance was that this issue should be resolved as per the wishes of the Kashmiri people. During the War of 1965, China supported its Pakistan's military strategy which proved to be a deterrent support against India. On Kashmir issue, its stance was that it is a bilateral issue between Pakistan and India [7].

The impact of these shifts in China's South Asia policy was first highlighted during India-Pakistan Crisis over Kashmir in 1989-90. Contrary to its position during the Cold War China openly supported Pakistan against India, Beijing's response was somewhat balanced. Similarly, China also did not make any reference to the relevant UN resolution. During 1990s, China was busy in the normalization of relations with India and at the same time improving Pakistan's nuclear and conventional capabilities [8]. Soviet withdrawal from Afghanistan and ending up of the cold war 1991 shifted China's Asia policy. During the rest of the 1990s China tried to balance its posture in the region and continued with its policy of urging talks between India and Pakistan to resolve their disputes without resorting to force while describing Kashmir as an issue 'left over by history'. In 1998, Indian nuclear tests forced George Fernandes to state that China is mother of Pakistan's nuclear bomb. He further expressed that India's main aim is to counter China's potential [9]. During the Kargil war, China asked both states to respect Line of Control as far as possible and come to the negotiating tables in accordance with Lahore Declaration which emphasized on the maintenance of status quo on the LOC ("Respect LOC, says China," The Tribune, July 7, 1999). Two attacks, one on the Kashmir Assembly in 2001 and the other on Indian parliament on 13 December 2001 aggravated the situation. It was feared that the Mumbai attacks 2008 again might bring both states to the brink of war. China main contribution at this stage was to start shuttle diplomacy. Almost after eight years on September 18, 2016 a terrorist attack took place in Uri in India-administered Jammu and Kashmir. It was the result of killing of Hizbul mujahideen commander Burhan Wani by the Indian army. Chinese were concerned regarding casualties and hoped that these cases would be handled properly. China also demanded peaceful resolution of the Kashmir dispute. After analyzing this conflict from various perspectives, two issues are very relevant the Kashmir issue. First is of the water issue which originated from Pakistan-Indian partition and is directly related to Kashmir conflict and the other relates to the outcome of this conflict and that is of the nuclear factor in Pakistan-India relations.

### **Water Issue**

This issue has its history since the times of the Partition of 1947. India claimed over the waters passing through its territory and demanded its diversion from Pakistan in 1948, which aggravated this issue. Pakistan presented a proposal of neutral arbitration which was rejected by India. At this stage, it seemed that war could have started at any moment [10]. Pakistan's main source of water is the Indus River which passes through Jammu and Kashmir. Having a length of 3180 Kilometers, this river has its origin in western Tibet passing through China and Kashmir, which enters into Pakistan and ultimately falls into sea [11]. Both states got involved in war in 1948. War came to an end after the announcement of a ceasefire, but this issue could not have been solved. Pakistan was represented by field Marshal Ayoub Khan, then President of Pakistan and India by Jawaharlal Nehru, then Prime Minister of India. As per this agreement, Pakistan was asked to use three western rivers Jhelum and Chenab, and India, the three eastern ones - the Sutlej, Beas and Ravi [12].

### **Nuclear Factor**

Kashmir conflict between Pakistan and India is a major hurdle not only for these two but also, for the regional stability [13]. Pakistan and India both have military threat perceptions of each other since their existence. In order to exploit each other on military basis, states do require some dispute and Kashmir provides a reason for a military clash. Since 1947, both states brought each other's army at borders four times, yet after 1999 no war took place. Besides having some dispute, military modernization of both India (in 1974) and Pakistan (in 1998) especially the factor of Nuclearization provides for increased hostility between the two states [14]. India is very rapidly modernizing its nuclear program while opposing Pakistan's nuclear development program. The main reason for its opposition that it does not want another competitor in the nuclear field in South Asia. The major contribution of Pakistan's nuclear capability is to contain aggression and maintain peace [15]. U.S. Central Intelligence Agency (CIA) conducted a study in 1993. According to this study, since half a century, the armies of both sides have clashing on daily basis, and there is greater consideration for beginning of a nuclear war [16]. Many foreign observers, especially Americans, have come to view Kashmir as the most likely trigger for a larger India—Pakistan nuclear war [14]. With such divergent views over the issue, the focus of US policy shifted from NPT to exploring ways means by which the two 'nuclear capable' states in south Asia could be made to cap their respective nuclear programs. United States has been always remained concerned about India and Pakistan nuclear programs which can go beyond the regional framework to that of a global one. This concern was changed during the period of the cold war. After soviet with drawl from Afghanistan improved Sino-Soviet and Sino-Indian relations and changed the perception in the attitude of both US and China making Kashmir a regional issue [17]. Since 1989 Insurgencies and counter insurgencies in Kashmir valley provided both states with excuses for conventional military and nuclear buildup [18]. Rand Corporation has conducted a study. Under this study, it was estimated that nuclear exchange between India and Pakistan would initially kill 2 million people, causing 100 million casualties [16]. Kashmir conflict is not just a territorial issue; it is also a question of humanity and freedom. The position of the current Line of Control can be considered as a Status presenting any solution to the right of self-determination and freedom of the people of the Kashmir. Lack of consensus among the concerned parties, Pakistan, and India problem. This struggle for land and rights of the people is still waiting for a viable solution [19].

## CONCLUSION

Kashmir issue is a stumbling block between Pakistan and India that is a constant hurdle in any effort for maintaining Balance of Power in region. In the view of Mr. Ehsanullah Bath, since independence, Kashmir dispute is the core dispute between Pakistan and India on which both countries have fought many wars. It is not about territory only, but a humanitarian and human rights issue in view of the gross atrocities by the Indian forces. Unless this is resolved as per satisfaction of India and Pakistan as well as aspiration of people of Kashmir, the lasting piece is difficult to achieve in the subcontinent. In an interview Brig Imran Malik has pointed out that Kashmir is the major issue between Pakistan and India which has led to these acrimonious relations over the last seven decades and has been the cause of wars/conflicts/skirmishes between the two countries. Kashmir is the one issue which if resolved could solve a lot of the problems of India and Pakistan as well as the region. Friendly relations between the two belligerents could mean peace and harmony in the entire region which could lead to economic development and a clear betterment in the living standards of the people of the sub-continent as well as South Asia. However, at the moment both countries have taken up maximalist positions and are not willing to give up on their rigid stances and claims in Kashmir. Kashmir issue is never considered as an international issue. Mr. Shamshad Ahmed Foreign Secretary) in an interview shared that the concept of security has undergone a substantive change from its Cold War context. Today, the UN is no longer the sole or meaningful arbiter on issues of global peace and security. If anything, the UN system is being used to legitimize the strategic and security set up suited only to the few. The Security Council has become a tool in this process. No wonder, its resolutions on major global issues including Kashmir remain unimplemented. There is lack of attention and recognition of basic human needs with respect to Kashmir issue and right of self-determination is completely ignored in this case. UN role is not assertive. United States inconsistent policy with reference to Kashmir and delinking of nuclear proliferation from this issue has made it less focused issue. Legality of the Instrument of Accession is still a matter of concern. Both Pakistan and Indian different stances make the in Pakistan wants to resolve it through third party mediation India insists on bilateral resolution under Shimla Agreement 1972. Although China's balanced approach suits Chinese interests within region, but it has no viable impact on Kashmir issue.

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