

Q. Discuss the Kashmir problem in its entirety throwing light on its background and prospects of possible solutions to this core issue b/w India and Pakistan

Introduction

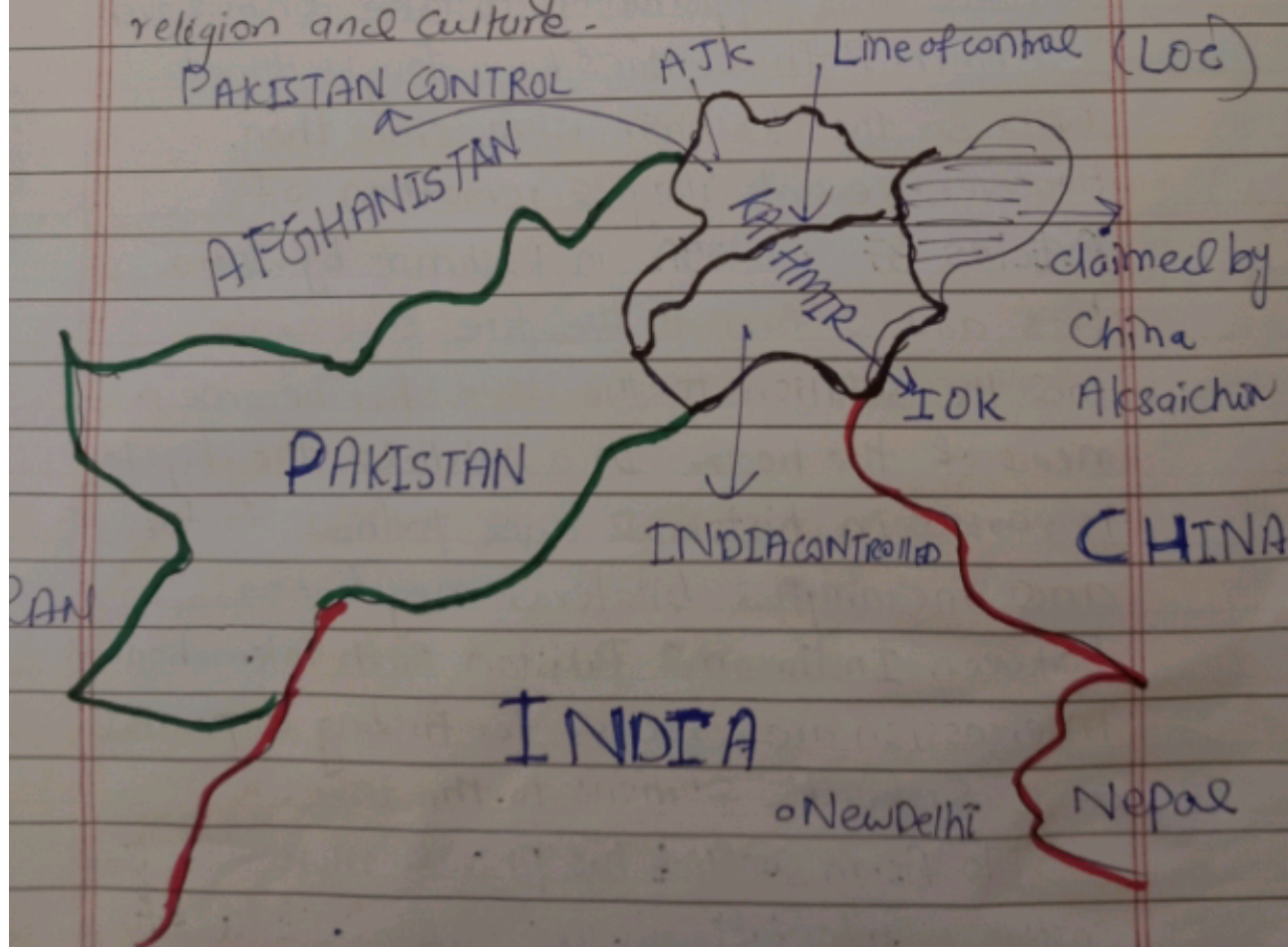
Following the Partition of India in 1947, the greatest source of tension between the new states of India and Pakistan was to be the future of the princely state of Jammu and Kashmir. As per the 3rd June Plan for all the princely states to join either to Pakistan or India, Hari Singh - a Hindu Ruler of Kashmir opted for accession to India. Pakistan rejected it; India has seized this opportunity to take control over Kashmir. Both countries have fought three wars on the Kashmir issue, since then. However, recent illegal revocation of Articles 37 and 35A in Kashmir by India has added fuel to the fire once again, and the solution to the issue has become a need of the hour. In a nutshell, the dispute is rooted in historical and political factors, and meaningful bilateral negotiations between India and Pakistan with international intercession are crucial for finding a peaceful and sustainable solutions to the issue.

“No Asian conflict has proved more deadly, costly or intractable than which continues to

divide India and Pakistan over Kashmir.
(Stanley Wolpert, "India and Pakistan")

2. Kashmir location and Demographics

The state of Jammu and Kashmir (J&K) a landlocked territory, lies in north-western part of Indian Subcontinent. Bounded on the northeast by the Uygur Autonomous region of Sinkiang and Tibet (both parties of people republic of China), it is surrounded by the Indian states of Himachal Pradesh and Punjab on the south, on the Northwest by Afghanistan, and on the west by Pakistan. Nearly 97% population of Jammu and Kashmir state comprise Muslims, linked to Pakistan through the ties of ethnology religion and culture.



3) Sequence of Important Events

o 1947 - Partition b/w Pakistan and India



o 1947-1948 - Indian Pakistani war over Kashmir



o 1954 - Indian takes over Kashmir



o 1963 - Two countries hold a meeting about Kashmir - No agreement reached



o 1964 → Pakistan brings the situation to the UN's attention



o 1965 - Second war over Kashmir



o 2001 - More failed peace talks



o 2019 - India drives military into Kashmir and takes away their rights declaring national emergency of terrorism

3a Partition of united India

The viceroy of British India, Lord Mountbatten, came up with the 3rd June Plan for the Partition of subcontinent.

Therefore, the Kashmir issue began after the Partition of India and Pakistan in 1947. As per Indian Independence act of 1947, the rulers of Princely states were given

an option to join India or Pakistan, based on the religion, culture and geographical proximity of their states.

3b Standstill Agreement

In October 1947, Pashtun tribesmen entered Kashmir's territory to help the Kashmir against Maharaja's cruelty. Consequently, following tribal incursions and an uprising in the region, Maharaja Hari Singh sought military assistance from India. Therefore, in return for India's assistance, the Maharaja signed a standstill agreement with India.

This agreement aimed to ensure that no one, either Pakistan or India, would be allowed to enter Kashmir unless the decision of Kashmir is pending.

3c India - Pakistan War Over Kashmir

Maharaja Hari Singh, officially integrated Jammu and Kashmir into Dominion of India on October 26. India took control of Kashmir on October 27, 1947. However, Pakistan rejected the agreement, by calling it fraudulent, and both countries had their first war on Kashmir in 1947.

Stanley Wolpert in his book "India and Pakistan" wrote:

"No Asian conflict has proved more deadly, costly or intractable than which continues to divide India and Pakistan over Kashmir."

3d Kashmir Case in United Nations

On 1 January 1948, India filed a complaint with the Security Council against Pakistan, under Article 35 of Chapter VI of the charter, and asked the Council to call upon Pakistan to stop giving assistance to the invaders. Both sides hotly debated the issue in the commission. Finally, on 13 August 1948, UNCIP adopted an elaborate three-part resolution providing for the ceasefire order by Pakistan and India, a truce agreement, and Plebiscite. The resolution reiterated:

"The question of the accession of the state of Jammu and Kashmir to India or Pakistan will be decided through democratic methods of a free and impartial Plebiscite."

3e The Pakistan-India War, 1965

The Pakistan-India "Kashmir war" in 1965 was the culmination of the rise and fall of expectations of a peaceful settlement of the Kashmir dispute, jingoism triggered by border clashes in the Rann of Kutch, a limited operation born of frustration and depression conceived by the Pakistan Government to draw international attention. Leaders on both sides seemed to have lost control over actions that pushed them into a war neither side has planned.

4. A Bird Eye view on current situation in Kashmir

On August 5, 2019, the PM of India ended the special status of Kashmir by the revocation of Article 370 and 35A. Consequently, the people of Kashmir did not accept it and protested against this decision. Consequently, the people of the valley suffered isolation from the whole world for more than three years during the lockdown imposed by India. Moreover, human rights violations, communicational blackouts, military deluge and forced detentions is not a new thing in Kashmir by Indian forces.

"Kashmir is a burning issue; its solutions are indispensable for durable peace." Stanley Wolpert

5. Prospects of Possible solutions to Kashmir issue between Pakistan and India

The Kashmir issue is a complex and sensitive matter, but there have been various proposed prospects and solutions to address the dispute between India and Pakistan.

5a. Pakistan needs to Strengthen its Foreign Policy

Currently, India is among the top five economies of the world, with

a strong foreign policy aiming for its national interest. On the other hand, due to the economic crisis, Pakistan is facing the hardboot time - Additionally, the flaws in Pakistan's foreign policy make it difficult to ally the world's super economies towards itself, which ultimately fails all the efforts of Pakistan to solve Kashmir Dispute.

5b Taking an issue to the international Court of Justice (ICJ)

Ironically, almost all resolutions of the UN on the solution for Kashmir involving retreat and referendum have not been accepted by India. However, according to Article 65 of the UN, any dispute can be referred to ICJ by any organ of the UN for a legal opinion. As the Israel and Palestine dispute is being referred to ICJ, the Kashmir issue should be discussed there for possible solution.

5c Bilateral cooperation in all possible fields

Dialogue is the most effective way in which the dispute between India and Pakistan over Kashmir can be resolved amicably. Creating economic incentives for both sides could help build common interest and provide a

foundation for cooperation. Cross-border trade, joint economic-projects, and shared infrastructure could contribute to stability, leading towards meaningful bilateral talks on the Kashmir issue.

5d The Partition option Dixon formula

It is a regional partition of Kashmir considering four regions and envisaging the Plebiscite in these regions, including Ladakh, the Northern areas and Azad Kashmir, splitting Jammu and Kashmir separately into Jammu and Kashmir valleys. It was given by a UN representative in the 1950s. Pakistan agreed to it, but India stepped back, disagreeing with minor conditions. Therefore, chances are still there to use it as a solution.

5e The Irish Model

The good Friday agreement included provisions for a referendum on the constitutional status of Northern Ireland. A similar approach could involve allowing the people of Kashmir to express their preferences through a fair and transparent process. This model has ended the 30-year disputes. If sincere efforts are made, the idea of possible solutions can be made from this model to solve the 70 year dispute of Kashmir b/w India and Pakistan.

6. Conclusion

In a nutshell, the situation in Kashmir is complex and multi-faceted, influenced by historical, political, social, and security-related factors. Undoubtedly, various attempts at diplomacy and negotiations have made over the years, including international mediation efforts, but a comprehensive resolution has not yet been achieved.

“Kashmir is the most important single conflict in the subcontinent, not only just because of its territory and population are concerned, but because the larger issue of national identity and regional balance powers are embedded in it. “Solving” the Kashmir dispute means addressing these larger concerns, and they cannot be addressed without new thinking on Kashmir and Kashmiris.

(Stephen P. Cohen, The idea of Pakistan)

