
HISTORY, ISSUES AND PROPOSAL OF KASHMIR FOR BRIGHTER FUTURE

Dr. Anita Devi (Joon)
Associate Professor - History
Govt. College for Women, KARNAL

ABSTRACT

Kashmir is a stunning and captivating land that abounds with natural beauty. Adorned by wild flowers, meadows, sparkling lakes, snow-capped mountains and immense glaciers. Kashmir has often been called as heaven on earth. However, this image of Kashmir has been replaced by a much frightening one. India and Pakistan both claim ownership of Kashmir and this dispute has resulted in two major wars as well as thousands of deaths, human rights violations and atrocious acts of aggression. Since 1947, Kashmir has been the main source of contention between these rival nations. When both countries emerged as nuclear powers in 1998, the world feared that the Kashmir dispute would escalate into a nuclear confrontation. Thus efforts to ameliorate the situation have had little success steps must be taken to improve Kashmir because the status quo is clearly unacceptable. This paper proposes a plan to resolve the Kashmir issue. The proposal suggests that India and Pakistan strike a deal with the United Nations and cooperate to improve the future of Kashmir. The paper begins by presenting the history of the hostile relations between India and Pakistan just to put the situation of Kashmir into perspective. and it also explains the current issues that exist in Kashmir. Finally, the paper details the exact measures that are essential to make the deal between India, Pakistan and the UN successful.

HISTORY

To put the current situation of Kashmir into perspective, it is necessary to understand the history of the troubled relations between India and Pakistan. Ever since 1947 when Britain partitioned the Indian Empire, a bitter rivalry has existed between the two countries. The largest manifestation of their hostility is due to Kashmir dispute which has been the cause of two wars out of the three wars between India and Pakistan and has recently resulted in a nuclear arms race.

In 1947 after Independence Britain divided the Indian Empire into the Hindu-dominated yet secular India and the Muslim dominated Pakistan. This division left millions of Hindus, Muslims, Buddhists and Sikhs in the wrong side of the partition and resulted in extreme rioting and violence that left 5,00,000 people dead and millions more homeless.

Before partition, the regions of Jammu and Kashmir were ruled by a Hindu Ruler known as the Maharaja. Included in the Maharaja's possessions were the predominantly Buddhist region called Ladakh, The Hindu majority area known as Jammu, the Muslim-dominated valley of Kashmir, as well as a number of smaller Muslim kingdom in the west. After independence, the

Maharaja was advised to join and accede to the newly created India and Pakistan. From the date of partition, August 1947, the Maharaja still had not decided what course of action to take. The first India-Pakistan war occurred in October 1947, when Pakistan supported a Muslim insurgency in Kashmir. Armed tribesmen from Pakistan invaded the borders of the state of Jammu and Kashmir and created a violent uprising. The Maharaja was angered by the invasion and asked India for its assistance. In return, he agreed to give up his land to India by signing an instrument of accession. There is much controversy surrounding the conditions under which the Maharaja acceded to India. Some believe that the Maharaja joined India under pressure and coercion.

On April 21, 1948, the UN adopted a resolution that asked Pakistan to withdraw from the entirety of Kashmir. It also asked that a plebiscite be held in Kashmir to determine the wishes of the people regarding accession to India. However, these two events never occurred. In May 1948, the Pakistani army deployed soldiers to the border. Fight was continued until January 1st 1949, when the war ended and the United Nations declared a ceasefire line that divided Kashmir into two regions controlled separately by India and Pakistan.

In 1954, Jammu and Kashmir's accession to India by the state's constituent assembly. In 1957, the state confirmed its own constitution which was modelled along that of India's. India has always considered the state of Jammu and Kashmir as an integral part of the Indian Union because of the legal document signed by the Maharaja. However, Pakistan is convinced that since a plebiscite was never held in the Muslim - dominated Kashmir, it should claim ownership of Kashmir. India affirms that first part of the April 1948 resolution called on Pakistan to withdraw control from the area it had occupied in Kashmir (referred to as Pakistani-controlled Kashmir by Indians and Azad (free) Kashmir by Pakistanis). Since Pakistan has never obeyed, India's stance is that the plebiscite (the second part of the resolution) could not have been followed through. Thus, it claims Kashmir as its own.

Relations were ameliorated when India and Pakistan signed the Simla accord of 1972 which required both sides to work through the Kashmir issue bilaterally. Both countries also agreed that the ceasefire line, which was renamed of the Line of Control, would be respected by both sides "without prejudice to the recognized positions of either side."

Tensions were strained again in 1989 when armed resistance and insurgency to Indian rule broke out in the Kashmir valley. Muslim political parties, which were backed with moral and diplomatic support from Pakistan, demanded independence. Pakistan demanded that the issue should be settled through a UN sponsored referendum. However, India believed that Pakistan was much more involved in the uprising. They believed that Pakistan supported the

militants with training and weapons and thus insisted that Pakistan should cease support across border terrorism. As the years progressed, many militant Islamic groups were formed.

Relations between India and Pakistan further deteriorated with an arms race in the 1990's. In 1998, India conducted its first underground nuclear tests and Pakistan responded soon after with six tests of its own. The arms race between the rivals escalated dramatically in the next couple of years. India and Pakistan were reprimanded for their actions and the world feared a full fledged nuclear war. America placed sanctions against both countries and many countries withheld billions of dollars of aid. The UN Security Council also chastised India and Pakistan and insisted that they should end all Nuclear weapons programs. However, both countries refused to sign the Nuclear Non Proliferation Treaty and The Comprehensive Nuclear-Test-Ban Treaty.

This summarizes the numerous disputes that have occurred between India and Pakistan for the Past 50 plus years and puts the current situation of Kashmir into perspective. Many Indians and Pakistanis have a deeply rooted hate for each other because of Kashmir. The intense emotions that are summoned with mention of Kashmir have much to do with the long history of the tragic dispute. At present, Kashmir is still the major source of contention between India and Pakistan. The next section discusses current issues that exist in the two nations.

ISSUES

There is unthinkable violence in Jammu and Kashmir today. Suicide bombings, attacks by militant groups, open fire by security forces and interreligious conflict are the main reasons for hostility. Civilians are killed on a daily basis. Every year, there are countless reported cases of torture, rape, deaths in custody, extrajudicial executions and disappearances. Indiscriminate violence has marked the area since 1989 and over thousands of civilians have been killed till today.

As mentioned earlier, much of the violence is due to armed militant groups. The militants that initially created insurgency in the 1980's had mainly a nationalistic and secularist view. They wanted an independent Kashmir. However the composition of the militants has changed significantly since that time. The militants that exist now mainly have a radical Islamic focus. There are three main reasons for this shift in ideology of the militants. There has been much encouragement of Pro-Pakistani groups by Islamabad. Whether Pakistan gives moral and diplomatic support or military and weapons support is debatable. Secondly, there has been a surge of Islamic fighters from Afghanistan that have been able to participate in the militants acts of Kashmir. The over bearingness of the Indian army has also provoked the armed militants to engage in further activity. There are about 25 armed militant groups operating in Indian-administered Kashmir. Most of them are grouped in an alliance called the United Jihad Council

(UJC). Two of the most prominent militant groups are centered around Jihad (Muslim holy war) and are called Jaish-e-Mohammad and Lashkar-e-Toiba.

Today, much hostility occurs along the Line of Control. Violence also occurs along the Siachen glacier, a region the LOC never addressed. After partition in 1947 no one bothered to extend the line of control between Pakistan and India up to the Siachen until 1984 because both countries found no strategic importance in the glacier.

Today, troops line the Siachen glacier and hence at 20,700 feet, the Siachen glacier is dubbed the world's highest battlefield. The human body significantly deteriorates at elevations of above 18,000 feet. At a height of 20,700 feet and temperatures below 70 degrees Fahrenheit, the extremely harsh environment of the Siachen glacier has claimed more lives than gunfire. Soldiers who survive the climate often suffer from extreme frostbite, breathing problems, pulmonary and cerebral edema (swelling), blurred speech and chilblains. The Indian government spends \$1 million U.S. dollars a day to maintain control on the glacier in fear that Pakistani troops may invade. Troops will remain in the inhospitable climate of the Siachen until India and Pakistan resolve the Kashmir Issue

There are serious problems occurring in Kashmir and one may ask why the UN does not have a larger presence there. Currently, the only UN presence in Kashmir is the United Nations Military Observer Group in India and Pakistan (UNMOGIP) that was instated in 1949. This job is to oversee the ceasefire line, investigate complaints of ceasefire violations and present its findings to both countries and to the Secretary-General.

Recalling that the two countries signed the Simla agreement in 1972 that established the Line of Control, it also affirmed that India and Pakistan would work through the Kashmir problem bilaterally and without outside input. After this date, India believed that the tenure of UNMOGIP was over since international involvement in the dispute was no longer allowed. However, Pakistan did not take the same view. Thus, India and Pakistan are in disagreement over UNMOGIP's role in Kashmir. However, the Secretary General's opinion is that the UNMOGIP could only be terminated by the Security Council. Today, Pakistanis still lodge complaints with UNMOGIP about ceasefire violations. However, the military authorities of India have not reported any complaints since 1972 and have limited the activities of the UN observers on the Indian side of the Line of Control.

The countries currently contributing military personnel in Kashmir are Belgium, Chile, Croatia, Denmark, Finland, Italy, Republic of Korea, Sweden, and Uruguay. Last year, the organization was appropriated \$9.2 million U.S. dollars. There are currently 116 staff members including 46 observers. The UN is not providing any peacekeeping troops, medical assistance or any other financial aid.

PROPOSED PLAN FOR A BRIGHTER FUTURE

Clearly, the situation in Kashmir needs to be improved. Efforts should be made to solve the issue in the past have had no long term success. My suggestion is that India and Pakistan strike a deal with the United Nations to substantially improve the state of affairs in Kashmir. In my proposal, India, Pakistan and the UN, should all agree on a set of terms that are summarized below. This now will then go on to describe each condition in detail. If all parties follow the proposal, the situation in Kashmir can be ameliorated dramatically.

WHAT INDIA AND PAKISTAN MUST DO :-

Disregard the Simla agreement so that international aid can be accepted.

Sign the Nuclear Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Today

Turn the Line of Control into international border between India and Pakistan.

Improve trade relations, prevent illegal black market trade and circular trade and have Pakistan increase the number of allowed imports from India.

Grant Kashmir more autonomy by giving it a larger presence in SAARC and by giving it privileges that allow it to be more self governing.

WHAT THE UNITED NATION MUST DO :

~ Protect the border between India and Pakistan and Guarantee no more border skirmishes

Station UN troops in Kashmir to maintain peace.

Use International funds (from the UN and JBIC) to improve the economy of Kashmir

Use funds of about \$250 million (U.S.) to improve the tourism industry

Use funds to promote other industries in Kashmir

Have the International Committee of the Red Cross (ICRC) operate in Kashmir

CANCLUSION

There is no easy way of solving the Kashmir crisis. Attempts at resolving the conflict have been going on for over 50 years yet have seen very little progress. It is time for a change and a new approach to settling the situation. India and Pakistan should strike a deal with the United Nations and work together for a more prosperous future. Key elements of this proposal require India and Pakistan to sign the Nuclear Non-Proliferation Treaty and the Comprehensive Nuclear-Test-Ban Treaty. India should declare the Line of Control the International Border and

also give Kashmir more autonomy. What the UN must do in return is establish peace in the region and guarantee no border skirmishes. It should also provide funding to strengthen the economy of Kashmir. These steps will hopefully revitalize Kashmir and once again allow it to be known for immense beauty rather than for grave activity.

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