

Huddles on the Path of Removing the Kashmiris from the Indo-Pak's Harrowed Chess Board

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Abstract: The fragile truce between India and Pakistan appears unable to reinstate sustainable diplomatic ties in spite of the February 24–25, 2024 ceasefire that encompassed the duo's security forces along their United Nations' Line of Control Fort. This inability of the two nuclear powers of South Asia to redefine their perpetual hold on the region makes life unbearable to the Kashmiris now being tossed around on the 'Indo-Pak's harrowed chessboard'. The study examines the current state of affairs in the region with respect to Indo-Pak's perpetual hold on the territories and reviews efforts made by various stakeholders at ending the dispute. Drawn on secondary data, the study reveals that based on the trajectory of events since 1947, the Kashmir dispute cannot be easily resolved unless the differences between India and Pakistan are first settled. Every effort designated to resolve disputes over the region henceforth should carry the local people in the disputed territory along.

Keywords: Ceasefire; Democratic dividends; India-Pakistan conflict; Kashmir region; South Asia; United Nations' Line of Control

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1. Introduction

Kashmir is a disputed region whose sovereignty is contested by India and Pakistan. This dispute since 1947 has posed the threat of conventional war in the South Asia region (Ganguly, 2011; Akbar, 1991). This is due to the fact that neither India nor Pakistan has seen any obligatory reason to withdraw from Kashmir and grant its



independence. Continued fighting ensued until the United Nations intervened to negotiate a ceasefire, whereby the region was divided by a line of control (LOC) (Mclean and McMillan, 2003: 290). Due to one reason or the other, each of the duo continues to lay claims on the territory, which in reality is the reflection of their long-standing suspicion since the partition of British India. India's premise is that Kashmir was once part of British India, and the Document of Accession signed by Maharaja Hari Singh has made Kashmir part of its territory. Pakistan on the other side maintains that being a Muslim majority State (Two Nations Theory), Kashmir belongs to Pakistan. India was successful in annexing other Princely territories (Hyderabad, Jamagnah and Jodhpur) that made the decision to retain their independence status as Kashmir did in the period, perhaps due to the fact that they are Hindu majority population. Despite the attempts made by their Leaders who are Muslims to cede the territories to Pakistan, India eventually annexed them. On this ground, Pakistan had expected Kashmir to accede to it. Having known that the Kashmir Leader is a Hindu, Pakistan made several attempts to forcefully annex Kashmir. Its futility seems to have nullified the possibility of Kashmir becoming a territorial extension of the Islamic State of Pakistan.

Another war between India and Pakistan over Kashmir broke out in 1965, and there have been intermittent military flare-ups since the 1990s. Since the period of the initial invasion in 1947 and subsequent India's counterattack, Kashmir has been a disputed territory and an object of proxy war between India and Pakistan. In this circumstance, the people of Kashmir started to agitate for the restoration of their independence status. They want an end to India's arbitrary rule and Pakistan's terrorist attacks that are especially directed towards the Indian government and Non-Muslim Kashmiris.

Several attempts have been made by authors, analysts, international bodies, research institutes, and other educational institutions to resolve the Kashmir conflict. This study stands to look through these strategies in relation to their viability and challenges in order to devise a way of resolving the dispute so that good governance can take its proper roots in the Kashmir region. The United Nations since the inception of the dispute, passed several resolutions that have the content of the simultaneous withdrawal of Pakistan and Indian troops from the territory and subsequent conduct of a plebiscite (referendum) to ascertain the wish of the Kashmir People. Both of them refused to heed the dictate of the mandate and the United Nations did nothing to enforce the same. They seem to see more of India and Pakistan's interests than the wills of the Kashmir people. The Northern Ireland Model can best be applicable to the Kashmir dispute but has the challenge of its being only intra-territorial conflict (Nationalists and Unionists); no external factor was present as it was in the context of Kashmir dispute (...). The United Nations Trusteeship cannot be applicable in the context of Kashmir because the territory is not in the context of Northern Ireland's territory redeemed from defeated powers in war situations. But out of all these, one fact is detected. The Kashmir dispute has been intractable due to the involvement of India and Pakistan, which has been the reflection of their long-standing territorial dispute that snowballed into ethno-religious rivalry. Even though the region of Kashmir and Princely Jammu is predominantly Muslim, it has its significant areas populated by Buddhists and Hindus. In the face of hardening religious identities, set against a back-drop of a destabilising and militarising skirmishes in Afghanistan, and the inherent value for both India and Pakistan being a key strategic location, the prospects for conflict resolution seem remote. The fact that both India and Pakistan now have nuclear capability makes such a source of tension potentially disastrous.

2. Several Attempts at Resolving the Conflict

Various forms of strategies have been proposed and mechanised in resolving the Kashmir dispute since its emergence in 1947. But this dispute has denied these efforts, and this has made it a contracted war, which left the region vulnerable to global war. Different analysts have attested to the fact that the war over Kashmir by India and Pakistan has been a reflection of longstanding suspicion between them since the creation of a Muslim national State from British India. In this section, the analysis of these strategies is presented, the ones proposed, and the ones actually used, their failures and their success.

2.1 *The United Nations Plebiscites*

The first dispute over Kashmir in 1947 brought about the cease-fire agreement of 1949. This agreement was in attestation to the Line of Control (LOC) by India and Pakistan imposed by the United Nations as an urgent measure to contain the 1947 – 1948 insurgencies. Through this agreement, both parties agreed to occupy the territory along the LOC; this led to the bifurcation of Kashmir's territory.

The war became internationalised by the action taken by India to report the insurgency to the United Nations before the mobilisation of its troops to the region as a counter-insurgency to Pakistan violent attempt to annex Kashmir. The war was then conceived by the United Nations as a threat to global peace. Several actions were taken to investigate the dispute. The Security Council in this context issued several resolutions and monitoring agencies were organized: United Nations Observer Groups for India and Pakistan (UNOGIP) and the United Nations Commission for India and Pakistan (UNCIP).

After the violence was contained in late 1948, the United Nations proposed the conduct of a Plebiscite (Referendum) in order to ascertain the will and wish of the Kashmir people. Before this could be effectively carried out, the United Nations suggested demilitarisation of the region. This proposal was interpreted differently, and India saw the proposal as a mandate for Pakistan to withdraw its troops first, then the plebiscite would be conducted, but Pakistan on the other side interpreted the proposal as simultaneous demilitarisation of the territory by both parties. In this, both parties refuse to withdraw their troops. This was the situation in the region when the Plebiscite was continuously agitated for.

Pakistan was of less conviction that the plebiscite would be impartial due to reasons that India presented the war as a war to prevent the disintegration of its territory to the world government. With this, it is believed that India would have more support from the international community. So also, was India's refusal to withdraw its troops from where it occupied 70 percent of the disputed territory, through which it has more influence on the people in the conduct of the plebiscite. India on the other side is suspicious that the withdrawal of its troops and subsequent conduct of the plebiscite could result in Kashmir eventual accession to Pakistan. Owen Dixon, an Austrian Jurist appointed as a mediator in the region by the United Nations, further suggested that, if both parties do not trust the fairness of the plebiscite, there should be a coalition government of both parties to be administered by a neutral person who will be a United Nations representative. But this was rejected by both parties (Brecher, 1953).

2.2 *Independence of the State of Kashmir (Self-Determination)*

The principle of self-determination has been conceived as a legal right of every nation. Lenin in 1917,



defined it as “political self-determination, that is, the right to secede and form an independent state” (Sehgal, 2011: 6). In this context, self-determination is seen as a viable and practical technique for the dispute to be resolved. And most Kashmir believed in it, and their hopes were further raised by Article 370 of the 1950 India-Kashmir Accord. The provision of this accord gave special autonomous status to India-occupied Kashmir (Ladakh and Kashmir valley); Pakistan also left Azad Kashmir as an entity to be governed in freedom. So also, there were subsequent promises to conduct a plebiscite under the auspice of the United Nations to ascertain the will of the people. But several analyses have been made on the self-determination of the Kashmir region. Some perceive that Kashmir might not be able to survive economically, and eventually, it might place its reliance on either or both parties. More so, the parties to the Kashmir dispute are religious extremists, and wars involving religious sentiments are always complicated. More to this is that Kashmir’s geographical location is strategic to both India and Pakistan. The Independence of Kashmir can therefore be a base location for launching an attack in reciprocity; therefore, Kashmir, as it is being occupied by both parties, constitutes a safety zone, and withdrawal therefrom the duo could posit porosity and vulnerability to their individual frontiers (Vora, 31st July, 2023).

To Kashmir, the fight for independence is being challenged by the incorporation of the liberation movement with Islamic radicalism, especially in the early 1980s as Kashmir nationalists (JKLF) were agitating. Hizbul Mujaidin and other Islamic groups gain prominence during this period. They are conceived to have their source from Pakistan, where “Orthodox Islam” sentiment (Jihad) originated from, which directs the course of self-determination towards terrorism. Indian forces are being attacked, so also are Hindu and other minor religious groups in Kashmir. This posits confusion for Kashmir nationalists. Pakistan, ever since 1947, has never conceded Kashmir as an Independent State because of its Muslim majority. To Pakistan, Kashmir belongs to the Muslim Nation.

Another suggestion was made by the research conducted by Rashmi Sehgal (2011), which stated that Jammu and Ladakh should remain occupied by India. At the same time, Azad Kashmir should remain occupied by Pakistan while Kashmir Valley retains its independence status. This suggestion is practicable only if Jammu and Ladakh are majorly occupied by Hindus and the region is being demilitarised. Kashmir to India cannot be left alone because it shares its frontier with Pakistan, and it possesses most of the tourist and economic values of Kashmir territory. But the viability of this suggestion has been limited by the fact that people in India-occupied Kashmir are experiencing high level of human right violation to the extent of been deprived the right to their religion (especially the Muslims).

2.3 United Nations Trusteeship

The United Nations Trusteeship is one of the techniques for resolving territorial disputes inherited by the United Nations from the defunct League of Nations. The League of Nations adopted this strategy in the settlement of victors over the defeated powers after the First World War. And it was entrenched in the Covenant of The League, the expediency of respect for the territorial integrity of every Nation and State. In this, the former colonies of the defeated powers are not to be under any other State but rather to be administered by the mandate of the Covenant of The League. The mandate was replaced by the United Nations Trusteeship. According to Article 76 of Chapter XII of the United Nations Charter, United Nations Trusteeship has the objective to:

Promote the political, economic, social and educational advancement of the inhabitants of the Trust territories and their progressive development towards self-government or independence as the case may be appropriate to the particular circumstance of each territory and its people (Fahmida Ashraf 2004)

But this is applicable to states that do not have a government of their own (Sheikh Showkat 2009). The direct administration of the territory by the United Nations must be geared towards the self-determination of the people of the territory.

In the context of the Kashmir dispute, India and Pakistan hold on to Kashmir in reference to the 1947 partition plan of British India. This has been respectively based on ethnic and religious claims. But in the case where such a non-self-governing territory is not recovered as a colony, or where the defeated power, as it has been for Kashmir, involves India and Pakistan, then is it necessary to place it willingly under the Trusteeship of the United Nations? This technique, therefore, places more decisive power in hands of India and Pakistan in resolving Kashmir dispute. Under this technique, it poses an enormous threat to any possibility of resolving the dispute.

2.4 Efforts of the George W. H. Bush administration in resolving the Kashmir conflict

The Kashmir dispute was internationalised in 1948 due to action taken by India in reporting the insurgency to the United Nations. This attracted the United States' involvement in the dispute, which basically involved the mandate for the simultaneous withdrawal of every military force of both Pakistan and India in the territory and to subsequently conduct a Plebiscite in order to establish the will of the people. The United States' role was also manifested in the effort of the UN commission to impose a ceasefire line, which eventually became Line of Control. United States' activities under the auspice of the United Nations during this period were plain and impartial. It considered the South Asia region as Britain's area of influence, and none of its interests was at stake in the region.

The Kashmir nationalists' agitation for freedom at the extreme height of the discourse was witnessed by the administration of President George W. Bush in 1989. This revived the United States' long-abandoned intervention in the region, but US intervention in the region was not as intensified as it was in the 1950s and 1960s during the period of Cold War rivalry. The main objective of its involvement during this period was to achieve a peaceful, round-table settlement of the dispute, taking into consideration the wishes of the Kashmir people. But as violations of human rights became prominent, especially by Indian military forces and various insurgency activities of Pakistan, coupled with the possession of nuclear weapons by India and Pakistan, the George Bush administration then resorted to managing the dispute. This was due to its perception that every attempt to change the status of India and Pakistan in Kashmir could only escalate the war. He started by sending his Secretary of State and other representatives to the region to ensure a safe and viable environment for dialogue.

During this period, George Bush expressed his enthusiasm for becoming fully involved in resolving the Kashmir dispute, but his involvement was contingent on whether the parties to the conflict (India, Pakistan, and the representatives of Kashmir) showed their willingness for further external intervention. But India despised any further involvement of the United States in the region since the action taken in 1948 to involve the world government in the issue deprived India of full access to Kashmir. And till today, India continues to claim historical and legal rights to the whole of Kashmir Territory.



Pakistan on the other side has always called for the United States' intervention due to the conviction that every decision made through this means, which will always be in self-determination of the people of Kashmir, will eventually be to its advantage. Kashmir people in this condition are agitating for every form of intervention that will restore the territory's status as a sovereign state.

What is noticed from this role is that the United States has none of its interest at stake in the region as it was in the period of the Cold War and the period after the terrorist attack on the World Trade Centre (September 2001). During the Cold War era, India posed the threat of a power influence (population, culture, ideology and politics) in the South Asia sub-region due to its pursuit of non-alignment policy in mid mid-1950s. The United States saw India as the vacuum that the Soviet Union could fill in expanding socialism in the region. This was further reflected in how the United States supplied troops to India and Pakistan during the second Kashmir war in 1965, even though Pakistan has been a member of military organisations (CEATO and SEATO) the United States established in the region in the containment of Socialism.

The terrorist attack on the World Trade Centre in 2001 directed the United States' policy towards the eradication of terrorism in the world system. Pakistan, in those periods, was reputed to have been supporting the Taliban and Al-Qaeda radical Islamic groups in Afghanistan, where Osama Bin Laden was being supplied with food, finance, arms and logistics. This is also coupled with terrorist attacks in New Delhi, Mumbai and Srinagar in 2001. The United States saw Pakistan as a threat to world peace and, at the same time, as a means to get hold of those who masterminded the 9/11 terrorist attack. In this, Pakistan felt more pressurised and was apprehensive her relationship with the United States and her interest in Kashmir might be jeopardised. Periods after this, there was a decline in the Kashmir insurgency and the conventional war threat was eradicated.

3. Current Situation in Kashmir

3.1 Issues of Autonomy or Self-Determination

Currently, in Kashmir, agitations for self-rule are being differently interpreted in the consciousness of Kashmir people; to some, autonomy means independence of the whole of Kashmir; to some, it implies independence from India or Pakistan, while others see it as a means of looking towards the time when there won't be rebels, assassination, illegal detention, custodial killings, protests and other forms of insurgency in Kashmir. Autonomy to many others is the restoration of their civil rights, dignity and respect. But all the same, what culminates in the consciousness of every Kashmir people is freedom from every foreign and external rule. Based on this diverse understanding, the Kashmir people do not know what they want in uniformity of purpose, and this therefore constitutes a threat of intra-societal dispute in Kashmir.

For more than six decades, the issue of self-determination of Kashmir has been in a stalemate. This implies that the independence of Kashmir has not been accepted by the parties who hold on to the territory (India, Pakistan and China, who since independence have been holding on to Aksai Chin). Without a joint compromise between these custodians, Kashmir's vision of independence is a blurred issue. According to Ali Shah Geelani (2010), the United Nations contributed to this due to their erstwhile resolutions, which never allowed the people of Kashmir to individually make the decision of who they are to follow and that will practically help them in fulfilling the choice. Here, Shah Geelani advocates for individual autonomy of the people of Kashmir, with no

consideration for the independence of “Kashmiriyat” — the common ethos, culture, and belonging as a nation and homeland of Kashmir. This is what Kashmir wants. He further suggested that any dialogue on the status of Kashmir autonomy must include these people because every stand on independence should be in the prerogative power of the people involved.

Since 1996, several efforts have been made by the Kashmir State government to achieve independence for the state of Kashmir. The Government led by the National Conference party established “State Autonomy Committee and the Regional Autonomy Committee” to examine the issue of autonomy. The Committee on State Autonomy concentrated on the relationship between the Central government (India) and the Jammu and Kashmir government, while the latter concentrated on examining the viability of autonomy for Kashmir basic regions (Jammu, Kashmir and Ladakh). The recommendations made by the former was that the autonomous status granted to Kashmir in 1950 through Article 370 of the Indian constitution would be viable save for the temporal conditions of it that needed to be eliminated. The central government rejected the recommendation on the pretext of enhancing the natural process of harmonising the aspirations of the people of Jammu and Kashmir with the integrity of their nation.

In this, India is saying that the autonomy of the state of Kashmir might eventually result to the alienation of the people from the ethos and traditional beliefs that bind them together. India perceived that the resolution of the committee might lead to the establishment of the State of Assembly of Kashmir, which would be constitutionally autonomous from India’s Central governments, if accepted. The findings of the Regional Autonomy Committee recommended that Jammu and Kashmir should be divided into 8 provinces; each of these provinces should have an “elected provincial council” with frontiers ethnically segregated (Amarjeet Singh, 2011). But this is perceived to pose a threat to Kashmir’s democratic vision and might eventually result to the disintegration of Kashmir.

In 2010, the Congress-led government (Central government) made provision to restore autonomy to Kashmir due to continual public protest, but the Bharaja Janata Party (a political party in India) suggested that autonomy to Kashmir people might prompt other states under the centralised Indian government to demand the same. This, therefore, can pose the threat of balkanisation of the Indian territory. People Democratic Party (an opposition party) further suggested that what Kashmir people want is not necessarily the autonomy of the territory, but the integration of India India-occupied part of Kashmir with the occupied part coupled with integration in the economic, communication, transportation, tourism, education and commerce. In this context, government would only be structured as a cross-border regional council of greater Jammu and Kashmir as a substitute for the State of Assembly of Kashmir (Naseer, 2008). This suggestion here is tantamount to proposing a semi-sovereign status of Kashmir, which does not eliminate India’s continual influence. The suggestion only feigns independence for Kashmir but, deep to it, is only to make the people agitate for the withdrawal of Pakistan from the region and subsequently embrace the proposal and if the proposal is accepted, India, under this pretext, would continue to rule Kashmir, but this time, as a whole. All the suggestions given by Pakistan on self-determination of Kashmir have been obviously positive. This is perhaps due to the reason that it will increase its influence in the region because of Kashmir’s major population’s common Islamic orientation, which would subsequently increase their interest to be part of Pakistan.

3.2 Issues of Kashmir Pandits

Kanhmir Pandits are Hindus in Kashmir whose majority live in Kashmir valley. They constitute the second



majority of the Kashmir population. They speak Kashmiri and Hinduism is their religion. They are being discussed here because of the high level of their displacement from the territory since the emergence of the Kashmir dispute, and none of the parties to the dispute agitate for them, even India, a Hindu majority state that is expected to care in compares to how Pakistan is agitating for the rights of the Muslims in Kashmir. All the same, some organisations coexisted for this purpose; All India Kashmir Sinanj (SIKS), and All India Kashmir Pandits Conference. All these organisations have been helping in the reconstruction of the buildings and restoration of the rights of Kashmir Pandits.

The displacement was prominent during the insurgency in 1990. All the violent activities of the Muslim Liberation movements were obviously towards the Indian government and the Hindus. This was evident in the 1998 Kashmir Pandits' massacre in a village called Wandhama; children, men and women were all killed, and so were their houses and temples destroyed (*The India Express*, 2000). The investigation revealed that the massacre was a terrorist attack by Hizbul Mujahideen, and nothing was done to bring the insurgents to judgment. In this, relatively one hundred thousand out of one hundred and forty thousand Pandits left their home, thereby settling across borders in refugee camps and other Hindu majority areas.

Nonetheless, several efforts were made to return them. For instance, the government of Manmohan Singh in 2008 established a special agenda that was economically oriented for the facilitation of the return of the Hindus. Employment opportunities were specially made available for the returning Pandit youths, financial support, reconstruction of their houses and compensation for the lost properties. But what is more challenging currently is that huge numbers of Kashmir Pandits have refused to go back to their homes. Many of them who were interviewed by the press retorted that for many decades, they have left Kashmir and have had more than two generations of theirs grow outside their homeland. K. L. Manalder, who has a son, showed interest in going back home if the Government is truly making the amenities available, but the son, who has gotten married, refuses to return. So also, Ridmu Kaul, a Hindu displaced to New Delhi, has gotten married and has a job. She said she had never thought of going back to Kashmir. The Hindus at home are agitating for their return so as to consolidate their right in all the decisions being made concerning the present status of Kashmir (Power, 2005).

3.3 The Issue of Terrorism and Insurgency

The insurgency in Kashmir has been internally oriented, and it has been between the various separatists, extremists, unionists, liberationists groups and India's repressive government in Kashmir. Since 2002, this has been more prominent than the erstwhile conflict between India and Pakistan. The basic reason for the insurgency has been the Indian autocratic administration of the territory and the resistance of the government by the Kashmir people. India uses force to quell the protestant activities while Pakistan supports Kashmir's insurgents against India. This invariably presents an opportunity on the doorstep of Pakistan to attack India.

In the periods after 2004, Pakistan's support for the insurgency in Kashmir has considerably reduced, in a way might be due to various initiatives for peace talk between India and Pakistan and also due to Pakistan's campaign alongside the United States against terrorism after the 9/11 terrorist attack, and its subsequent anti-terrorist policy in the region. But this is relative because terrorist attack still continues in the region but only at a lower rate. Terrorist activities in Kashmir territory were reduced by 17% in 2006 as compared to 2005. There were terrorist activities during this period and this pace has continued to date. What seems obvious is that Pakistan initially sponsored the infiltration of the terrorists in Kashmir territory but now that there is somewhat of a

paradigm shift from the policy, the terrorists sponsored therefore resume their normal violent activities in the region. This is manifested in terrorist attacks on tourists, tourist centres, rallies, national ceremonies, markets and other strategic places.

Another reason for insurgency in Kashmir has been due to various forms of human rights abuses in the region. Every issue on human rights abuses in Kashmir has always been from India armed forces. This is done through excessive power granted to them by the central government (Indian government). Through this, they curtail civil liberty; they engage in arbitrary searching of premises and in the process loot properties and rape women and girls at gun points, indiscriminate detention, extra-judicial killing, etc. (Amnesty International, 2013).

The denial of people's political rights in Kashmir has contributed more to the cause of insurgency in the region. Ever since the invasion of Kashmir in 1947 by India and Pakistan, the people have never had a say in their political system, and this still exists today. Elections that people always hope could bring an avenue for the expression of their civil rights are always rigged. This is reflected in the April 2014 elections in which people were called to vote, but they believe it will always turn out to be nothing but deception and rigging. The low turnout was also recorded due to the presence of insurgents who do not want Indian military presence in polling stations; subsequently on April 24, two soldiers and three insurgents were reported killed in the exchange for gunfire in Manloo village in Kashmir. These incidents still pose a threat to the resolution of the Kashmir conflict, especially in encouraging people to express their opinions and their civil rights. This situation in Kashmir has hindered democracy from thriving and, as such, deprived the Kashmiris of the opportunity of enjoying the dividends of democracy.

4. Alternative Solution to the Kashmir Dispute

When considering the need to resolve a dispute, there will always be the need to take into consideration the past strategies used in resolving the conflict, the failures of the strategies and past experiences in resolving the conflict, and then the new strategies would be employed. In the case of the Kashmir dispute, one of the factors that require being taken into cognisance is the "dispute management processes," which establishes the concept of participation, the need for responsiveness of all the parties involved to all the procedures devised to resolve the conflict (Folberg and Taylor 1998). More to this process is that the relationship between and among the parties must be well preserved because peace attained forcefully does not last, while according to Mahatma Gandhi, victory attained "by violence is tantamount to defeat, for it is momentary" (Meyerle, 2005: 1). Kashmir dispute in this context needs "assisted negotiation" here. The world community stands to help the parties in the negotiation process, and this would reveal the neutrality and commitment of the global system. This in turn establishes the trust of the parties in the agencies and commission established for the purpose. Then, they can easily bargain, compromise, and make adjustments confidently.

More to this, it is an alternative that culminated in the understanding that the United Nations has no power of its own in world governance but the power of the permanent members of its Security Council. They include the United States, United Kingdom, France, Russia and China. Each of these parties so far has influence on each of the parties to the Kashmir dispute. However, what one may consider as a factor holding them back is the fact that they do not have their interest at stake in the region.



The United Kingdom colonised the region, and the partition plan was drawn under its influence in 1947 since then, Britain's concern has been in ways to consolidate its own economy and political influence in Europe Continent. The United States, since 1990, has directed the course of its policy towards the eradication of terrorism, autocratic rules, proliferation of nuclear weapons and armaments, violation of human rights, promotion of democracy, liberalism, etc., and all these have made the Kashmir conflict intractable. This is reflected in Pakistan's course of action on the Kashmir dispute. Because Pakistan needed help to fight against India, it started supporting and sponsoring the Islamic radical groups (Taliban, Mujahideen, Lashkar, etc.) in Afghanistan, and they, in turn, helped Pakistan against India. Although Pakistan claimed its support for the United States in the course of Anti-Terrorism but, practically, Pakistan has been the source of Terrorist activities in the region (Schaffer, 2012). This may persuade the United States to find ways to resolve the Kashmir conflict. Russia could also use the influence of its relationship with India. China, for years now, has been on good terms with Pakistan. Pakistan has always seen China as the only trusted and reliable party in the UNSC and in the subcontinent. But what is needed at this juncture is the need for the powers to use their various influence in the region in unity of purpose and full commitment to the Kashmir dispute.

Based on the recommendation made by the committees in the Conference organised in March 2007 by the "Institute of Strategic Studies, Islamabad and Kashmir Institute of International Relations" the first factor to put to consideration in resolving the Kashmir conflict should be "human rights and justice". The committee recognised the intrinsic relationship between the two factors, and the deprivation of this right by the Kashmir people contributed to the intensification of the conflict. The negotiation between and among the parties can first be approached under this recommendation by looking into various scenarios of humiliation that the Kashmir people have experienced and are still facing in Kashmir. For instance, under the Armed Forces Special Act of 1990, small boys have been arrested and detained in jail (International Human Rights Watch Group). So also were various indiscriminate searches on roads, houses, and marketplaces. Police forces could take laws into their hands to kill, and they could also detain for years without trial. So also is the sentiment which India and Pakistan exhibit on the issue the sentiment is not only exhibited in politics but in the ethnical and religious sphere. This resulted in the political hegemony India is exhibiting and Pakistan's terrorist activities (International Kashmir Conference, 2007).

More on this is the suggestion that international non-governmental organisations should intervene, especially in managing and resolving the Kashmir dispute, and that resolution activities should be left as their exclusive. Every investigation into Inaman's rights violation should be made, and all culprits must be punished in accordance with the laws and proceedings of the agencies or bodies. The agencies should also ensure that the people they are interviewing and taking proceedings from are outrightly secured and their justice guaranteed. In the course of this, the issues concerning the people who have suffered damage from past wars should be addressed. The people such as widows, orphans, rape victims, and those who lost their homes and other properties should be addressed under the Consultative, Reconciliation, and Restoration strategies, thereby providing counseling and health care services, financial and as well guaranteed security for these set of people.

Self-determination of the Kashmir people is also part of the area of discussion of the committee and they see it as a viable means. Every people, nation and state agitating for autonomy of its territory should be granted; this is under the United Nations resolution 1514 (XV) of 1960 (www.un.org/doc). Kashmir people by all means have the features of statehood, defined territory, population, and government, except Sovereignty and

autonomy. In this, the question of whether Kashmir people would be able to govern themselves and their economic viability should be left for the Kashmiris and the world community to decide because that is part of what India and Pakistan have been holding on to on the decision to grant Kashmir the autonomy of its own.

In the process, the committee of the conference recommended four basic means of achieving the goal of self-determination. This entails: “the identification of the area, demilitarisation of the region self-governance and joint management of the territory” (www.kashmirinternationalconflict/2007). Under this process, the decision was made that if the process would work, the instrument of accession that is being claimed by the Indian government needs to be invalidated and the United Nations resolution for the conduct of Plebiscite should be revived (Swamy 2001). Coupled with this is that the Kashmir people should be involved in all these considerations, and their views should be taken with ultimate importance. In identifying the area called “Kashmir territory”, the recommendation was made that Kashmir territory should be identified as it was before the Pakistan invasion in 1947. After this, the decision of each region to accede to any of India or Pakistan should be attested (International Kashmir Conference, 2007). Part of the process of demilitarisation is the decision to repeal every inhumane and severe law in the territory and the withdrawal of every external military force, the withdrawal of all the military forces is believed to reduce every tension and curtailment of people’s freedom. More to this is the decision on self-governance. Kashmir people should be granted this opportunity, especially starting from the time dedicated to resolving the dispute, and this should be monitored under the United Nations auspice. The decision to pursue self-governance should be made in all spheres (economy, tourism, socio-cultural, education, politics, etc.), and nothing should be held back.

Learning from the models of conflict resolution and the peace process is the need to take into cognisance “the Good Friday agreement”. The Good Friday Agreement was the agreement which led to the successful resolution of the Northern Ireland dispute (Austen Morgan: 2000). This model is recommended because it has similar circumstances to the Kashmir dispute, and the recommendations made during the dispute are also similar to the resolution passed on Kashmir dispute (the demilitarisation of the region and the subsequent conduct of plebiscite to ascertain the will of the people). The Northern Ireland model “recognises the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland concerning its status” (International Kashmir Conference, 2007: 27) in this, it stands for the will of the people, thereby placing relevance on what the people want.

More to this, the International Kashmir Conference “reaffirms commitment to the total disarmament of all paramilitary organisations” (Ibid). This is because the presence of military forces in Northern Ireland could be a threat to the freedom of opinion and expression of the people. The various Unionists and Nationalists were also involved in the Dialogue process. All these served as catalyst to easy compromise in Northern Ireland. But in the context of the Kashmir dispute, there are external factors (India and Pakistan) whose compromise is also needed. This, therefore, stresses the reason why Global community commitment is needed in bringing about the compromise and, at the same time, restoring the relationship between and among the diverse sects on the Kashmir dispute.

5. Conclusion

The Kashmir conflict has been one of the intractable conflicts the world community has been dealing with



since 1947. What makes the war intractable has been the culmination of ethnic, religion and ideological rivalry between India and Pakistan, which was before the partition of British India, while the Muslims experienced minority treatment from the Hindu majority during this period. In this, they conceived there is a need for a separate Muslim state in the region where the Muslims would be governed and their rights protected under Islam doctrine and Ideology. This resulted in the creation of Pakistan, which India sees as a threat to its interests in the region. The suspicion between these parties makes the conflict contracted and intensified to date. India occupies two-thirds of the territory and governs it arbitrarily, so Pakistan has also been using its occupied part of Kashmir to fight proxy wars with India. With this, the conflict has two phases, inner and outer phase, and the inner phase constitutes the insurgencies between Kashmir youths, liberation movements, and Islamic radical groups against the India repressive governments. The outer phase of the conflict has been reflected in 1947–1948, 1965, the 1971 Bangladesh, 1999 Kargil wars, bomb explosions etc., coupled with low intensified insurgencies to date.

The various attempts devised since the inception of the conflict to resolve it have been futile. But various analysts have always suggested that the withdrawal of both India and Pakistan from the region has a long way to go in ensuring the security of the people. But to them both, it depicts their vulnerability and security nakedness. Kashmir territory is contiguous to both territories and has strategic implications for both. India has always claimed that if Kashmir should gain Independence, other states annexed to it could also demand their autonomy, thereby posing the threat of disintegration of India. Pakistan, on the other hand, sees India as a powerful and hegemonic influence that has nothing to offer any Muslim entity like Kashmir but to keep on dominating and suppressing their rights.

Having realised this, this essay examined the various wars fought on the Kashmir issue, the historical and remote causes of the war, the conferences and meetings held and speeches delivered (Especially at the National Institute of Advanced Studies, organised resolution programmes on “conflicts in Jammu and Kashmir” 2011; the Howard B Schaffer’s speech in November 2012; and also was the International Kashmir Conference held to propose a resolution to the conflict in 2007). From all these, strategies were proposed for easy resolution of the Kashmir conflict.

The various proposals, resolutions passed, and strategies devised to resolve the dispute are what this essay assessed in order to bring about the alternative means of resolving the dispute. All these alternative methods are embedded in the self-determination of the people, the principles of “assisted negotiation”, intervention of non-governmental organisations, etc. It is a combination all these moves that I believe would help to revive the long-dead efforts in resolving the conflict.

Kashmir conflict, apart from being a territorial conflict, has been an Internationalised conflict since the time India took the decision to report the 1947 insurgency to the United Nations, and this is what has been influencing several decisions taken to resolve the dispute. In this context, one should hereby recommend that the United Nations Security Council and the General Assembly should have unity of purpose in resolving the long intractable Kashmir dispute. This should not be seen as an interest to be pursued but a duty and obligation to dispense to the region and the world community at large. So also, the United States should see the issue as critical to its foreign policy objectives of peaceful coexistence in the world community. This is believed would mobilise more attention to resolving the dispute (The Carter Centre, 2002). Presently, there are various peace initiatives in the region between India and Pakistan. These moves can be taken advantage of by the international commissions established for this purpose.

As earlier stated, the long-time animosity between India and Pakistan established the conflict and continuously contributed to its intensification. Even if the Kashmir dispute is eventually resolved without settling the differences between India and Pakistan, it could constitute a series of threats to the Kashmir people and Statehood. What seems plausible here is that every means should be ensured to settle the rivalry between Pakistan and India. This would make resolving the Kashmir dispute “a walkover” exercise. What is more plausible in the course of this action is the resumption of dialogue between India and Pakistan, while the negotiation should constitute secrecy at the initial stage of the dialogue process and should not necessarily involve an official agreement. This would enhance confidence and allow for in-depth talk. India and Kashmir are also encouraged to be involved in peace talks to discuss and understand their diverse area of interests

More to this, there is the need for continual emphasis, publications, broadcast, journals, and conferences to be organised for the course of resolving the Kashmir dispute, letting the world know what is currently going on in the region, their advice and what help they could offer. There is also the need to encourage the restoration of the current strained trade relations, especially between India and Pakistan. This is one of the areas where compromise could be easily reached and their rivalry dissolved because “if healthy trade relations are between India and Pakistan- and the potential is immense- it can integrate the lives of millions of people in both countries” (Kumar, 2012: 22). This is because their business institutions would always want continuous relations, thereby looking for a means of restoring them on good terms.

Granting Kashmir ‘a semi-sovereign status can also be plausible, where India and Pakistan would be commissioned to monitor their activities in all spheres under the auspice of the United Nations. Here, Kashmir would need to be integrated, and the free movement of people, goods and services across its frontiers from India and Pakistan to be restored (Hajni 2010). But this can be best viable in circumstances where the rivalry between India and Pakistan, which has led to mutual mistrust, is given a back seat in their relationship.

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