

An Analysis of Pak-India Rivalry over Kashmir Dispute: A Conflict Resolution Approach

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Abstract: Kashmir is known to be a heaven on earth for centuries. This earthly paradise turns out to be a hell for the last seventy-three years of history. Kashmir conflict, on the contrary, remains a bone of contention amid India and Pakistan since independence. The Kashmir dispute is an extremely complicated phenomenon that offers an inflexible contest to the modern approaches of conflict resolution. The conflict of Kashmir needs a viable resolution because both antagonist states are nuclear powers of the region, which may have devastating consequences since it undoubtedly keeps the global and regional peace at risk. The end of this seemingly unending conflict demands unprejudiced 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. This research aims to analyze the possibilities of normalization of India and Pakistan's relationship while highlighting various options for peaceful resolution of the Kashmir conflict. In the present scenario, it would be necessary to condition Pakistan and India's people to reach out a workable solution to the Kashmir issue in a win/win situation by adopting a give and take strategy as a conflict resolution approach.

Keywords: Partition Plan, Indian Held Kashmir (IHK), Line of Control (LOC), Self-determination, Human Rights, Plebiscite.

I. INTRODUCTION

Kashmir is known to be a heaven on earth by travelers and poets for centuries. Unfortunately, this earthly paradise turns out to be a hell of a site of conflict for the last seventy-three years of history. The people of Kashmir have been suffering heavily due to the unending dispute between Pakistan and India (Wenning, 2003). Undoubtedly, South Asia has become one of the most militarized regions because Pakistan and India are not only two neighboring states and traditional rivals equipped with nuclear stockpiles (Amir, Asadullah, Karim, and Ahmad, 2020). Kashmir conflict, on the contrary, remains a bone of contention amid India and Pakistan since independence. Three wars have been fought on the Kashmir dispute so far, and it continues to be a significant source of their irritant bilateral relations to the extent that it ought to be a nuclear flashpoint in South Asia (Fayaz, 2014). It (Kashmir) is a root cause of hostile relationship between Pakistan and India and nuclear misadventure happening any time (Amir, Asadullah, Karim, and Ahmad, 2020). Kashmir emerges as one of the utmost fierce and unstable conflicts amongst Pakistan and India as nuclear adversaries in South Asia's contending region. The dispute becomes more and more intangible with stakeholders having nuclear

weapons since it undoubtedly keeps at risk the global and regional peace (Farrukh Ansari, Saifuddin Effendi , and Haque, 2019). The core issue of Kashmir is a major cause of enmity between Pakistan and India, which has turned out to be a nuclear flashpoint and also an endless threat to the South Asian security environment (Hussain, 2009; Azeem, Ahmad, Hussain & Nafees, 2021).

The conflict of Kashmir has become a constant cause of rift amongst Pakistan and Indian relationships both directly and indirectly (Amir, Asadullah, Karim, and Ahmad, 2020). Kashmir dispute seemingly is an intractable contest between Pakistan and India. It is considered a battle for territorial or physical control over the territory of Kashmir and psychological warfare. There subsists between Pakistan and India, an extended debate over national ideology concentrating their inconsistent ideologies in this psychological war (Wenning, 2003). The never-ending antagonism between Pakistan and India over the territorial conflict of Kashmir for seventy three years has to be observed by the whole international world communities (Farrukh Ansari, Saifuddin Effendi , and Haque, 2019). In the present day, Kashmir has become the "mother of all questions" within the South Asian region. The various debates for peaceful resolution of Kashmir conflict have undergone during the past 73 years of history. India considers the territory of Kashmir as an imperative part as well as a geographical constituent. Similarly, Pakistan has been providing political, moral, and diplomatic support to the struggle of Kashmir. Three wars have previously been fought between Pakistan and India over the Kashmir issue (Sher, Ahmed Khan, and Jabeen, 2017).

Geographically, Jammu & Kashmir is a region adjoined to the west by Afghanistan and Pakistan; China and Tajikistan to the north-east sides and the south by India (Khan, 1994). Kashmir demographically epitomizes to be a model of indigenous heterogeneity because nearly twelve million inhabitants have occupied with diverse socio-religious and linguistic histories (Gershman, 2001). The conflict area comprises the whole State of J & K and its five parts: Laddakh, Jammu, Gilgit-Baltistan and the valley of Kashmir (Khan, 1994). The Indian Held Kashmir (IHK) has approximately nine-million population whereas Pakistan's administered Azad Kashmir region has three million residents (Gershman, 2001). The conflict involves an area of about 222,236 Square Km (Wenning, 2003). The Kashmir dispute is predominantly a territorial conflict. Since Simla Agreement 1972, the State of Kashmir has been separated into IHK towards the east and south consisting of the areas of Laddakh, Jammu, and valley of Kashmir while Pakistani-controlled Kashmir towards the north and west comprising Gilgit, Azad Kashmir and Baltistan (Gershman, 2001). India controls 37% including Laddakh, Jammu, and valley of Kashmir, whereas Pakistan holds 44% consisting of Gilgit, Azad Kashmir and Baltistan and China occupies 19% of Kashmir like Aksai Chin and Shaksgam (Wenning, 2003).

According to the June 03, 1947 Partition Plan of the Indian Sub-Continent, Britain engraved Pakistan principally from the Muslim areas and allocated the Hindu regions to become parts of India. There arose problems for dealing "princely-states" as Kashmir was one of them. The British gave them options for accession to either Pakistan or India (Hussain, 2009). It was neither a choice with respect to the geographic position of princedoms' nor its demographical configuration. The adjoining territories were given to India and Pakistan respectively, most of these states merged to the country they were adjacent to (Ganguly, 1997). There was a religious dichotomy within Kashmir amid the Hindu ruling dynasty (Dogra) and the Muslim majority population. It raised questions regarding who was to decide the future of Kashmir-either the ruler of the princely state of Kashmir or the people of Kashmir (Wenning, 2003).

The people of J & K have been vying for their self-determination since the time of partition of the Indian Sub-Continent because instead of independence, the last ruler of Kashmir Valley, Maharaja Hari Singh, signed "Letter of Instrument of Accession to India", which stands controversial ever since (Aurangzeb, Akhtar , Ali, Hayat , and Amir, 2020). The Kashmir dispute is an extremely complicated phenomenon that offers an inflexible contest to the modern approaches of conflict resolution (Wenning, 2003). The annulment of 35(A) and Article 370 Kashmir dispute turned out to be more paradigmatic. Not only it pushed Kashmir into never-ending anarchy by altering the independent status of J & K, as well as it produced a massive disparity in the demographical position for being an Indian Muslim state of majority in the regions (Aurangzeb, Akhtar , Ali, Hayat , and Amir, 2020). Throughout the last seventy-three years (Farrukh et al., 2019; Hussain, Hassan,

Rafiq, Abdullah & Quddus, 2020), systematic efforts all-encompassing of various discussions and dialogues have undergone, but of no use due to obstinate Indian strategy, and uncompromising approach concerning Kashmir issue and lack of trust among two antagonistic neighboring countries of Pakistan and India (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020). The establishment of peace is an imperative need for redressing grievances of the people of Kashmir, who are subjected to ordeal suppression due to violations of human rights in the IHK (Farrukh Ansari, Saifuddin Effendi, and Haque, 2019). The peaceful resolution of the Kashmir conflict is the dire necessity for making this heavenly paradise a place of comfort and peace for the people who are suffering from oppressive ordeal and violations of human rights. The Kashmir dispute demands a methodical resolution of the issue according to UNSC resolutions (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020) because the conflict is going to be prolonged day by day (Farrukh Ansari, Saifuddin Effendi, and Haque, 2019).

It was declared by Jawaharlal Nehru, the first PM of India, on November 02 1947 that the future of Kashmir is to be decided using a plebiscite (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020). India raised the issue of Kashmir in 1948, before UNSC. The U.N. Security Council has passed various resolutions concerning Kashmir, endorsing that plebiscite under the U.N. supervision is right of the people of Kashmir, which never took place up to a day (Gershman, 2001). The Kashmiri's generations are struggling for their independence rights for the last 73 years, being assured by the U.N.'s resolutions and 1947 "Instrument of the Accession of Kashmir" (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020). Pakistan and India are hostile adversaries since 1947 due to Kashmir conflict based on which numerous efforts to bring peace in South Asia have failed (Farrukh Ansari, Saifuddin Effendi, and Haque, 2019). The dispute of Kashmir needs a viable resolution because both antagonist states are nuclear powers of the region, which may have devastating consequences, not only for Pakistan and India but also for the whole world (Wenning, 2003) by producing threats of sudden nuclear war (Amir, Asadullah, Karim, and Ahmad, 2020).

II. THE PAKISTANI PERSPECTIVE ON KASHMIR

Kashmir is essential for Pakistan due to three reasons. Firstly, there exists a religious and cultural link between the people of Pakistan and Kashmir, and it is an unfinished agenda of the Indian Subcontinent partition plan. Secondly, it links Pakistan with China through Karakoram Highway. Third, Pakistan's agricultural-based economy mainly rests on the supply of water from the rivers of Indus, Jhelum, and Chenab, which all originate from Kashmir. These water supply sources are a lifeline for Pakistan's irrigation-based economy (Sher, Ahmed Khan, and Jabeen, 2017). Pakistan maintains that Jammu and Kashmir is a territorial dispute between Pakistan and India. The resolutions have admitted this disputed territory August 13, 1948 and January 05 1949 of the UNSC, which were agreed upon by India and Pakistan (Ijaz, 2000). Pakistan considers the Kashmir an area of the Muslims in the region. Promotion of the cause of Muslims in Pakistan's responsibility (Farrukh Ansari, Saifuddin Effendi, and Haque, 2019) and that talks between India and Pakistan should aim for securing self-determination as a right for inhabitants of Kashmir for offering them the choice of enduring accession to either India or Pakistan (Hussain, 2009). On the other hand, Pakistan views Kashmir's accession in October 1947 to India as illegitimate because the will of natives of Kashmir had not been considered for deciding the future of Kashmir (Wenning, 2003).

Pakistan supports the right of freedom for Kashmir, which may provide the people of Kashmir an option for accession to Pakistan (Khan, 1994). To demand a plebiscite, Pakistan considers the issue of Kashmir as being a preliminary agenda of the partition plan (Wenning, 2003). Pakistan opines that Kashmir had been ceded to India illegitimately by the ruler of a princely state who was not representing the will of the inhabitants of Kashmir. Since most of the mainstream Muslim regions of majority adjoined to Pakistan, it is believed that Kashmir should belong to Pakistan and that if India has control over the whole territory of Kashmir, India would be capable of moving armed troops towards the boundary line, which may pose grave threats for safety and sovereignty of Pakistan. Losing Kashmir to India will cut off access to support from China and have Indian troops to be present adjacently to significant cities of Pakistan. It may prove to be

devastating in the case of a conflict with India. Hence, Pakistan believed that if Kashmir is lost, she would be at the mercy of India (Asoori, 2020).

III. INDIAN PERSPECTIVE ON KASHMIR

Kashmir is thought to be significant from the Indian point of view concerning its geographical positioning because it makes available strategic and commercial linkages of India with Afghanistan, CAR's and China. It will empower India to control the flow of the waterways emanating from mountains of Kashmir and may strangle Pakistan's economy at any time by choking the rivers. It (Kashmir) is a primary source of irrigation for Indian Punjab as well as production of hydroelectricity, and more so, India meets from Kashmir the bulk of her timber supplies. The occupation of Kashmir for India is also considered to be a manifestation of her national unity and an emblem of secular ideology (Sher, Ahmed Khan, and Jabeen, 2017). Kashmir having its contiguity to Afghanistan, Russia, and China and for remaining a part of the ancient Silk Route may secure India's northwestern border as a Muslim majority state in the regional set up. The annexation of Kashmir was thought to "fortify the idea of a secular India" (Amir, Asadullah, Karim, and Ahmad, 2020). The geostrategic significance of Kashmir cannot be denied in the region due to the origin of significant waterways of the Indus Basin (Farrukh Ansari, Saifuddin Effendi, and Haque, 2019). It (Kashmir) was the ancestral home of PM Nehru who was eager to make Kashmir a part of India (Amir, Asadullah, Karim, and Ahmad, 2020).

Kashmir has excessive geostrategic worth for India because it shares borders with Pakistan, Afghanistan, and India (Farrukh Ansari, Saifuddin Effendi, and Haque, 2019). The Indian strategy towards Kashmir is operating at exceptional levels being local, bi-lateral, and transnational. At the local levels, India's main objective is to interrupt the struggle for freedom of Kashmir by utilizing of massive use of force and influencing disagreements amongst various fighting groups of Kashmir (Hussain, 2009). At Pak-India bilateral levels, India articulating her preparedness for discussing unsettled disputes has inclined to avoid negotiations to Pakistan related to Kashmir conflict by moving away from India's stated position Kashmir remains to be an integral part of India (Wirsing, 1994). At the international levels, the policy of India regarding Kashmir is predominantly aimed at three objectives: refracting the freedom campaigns of Kashmiri's by alleging for being violations of human rights in Kashmir and discrediting the resistance movement by people of Kashmir as a "terrorist activity" to be sponsored by Pakistan, and emphasizing that the Simla Accord 1972 provides a viable forum for settlement of Kashmir dispute (Hussain, 2009).

IV. PROPOSED CHOICES FOR RESOLUTION OF KASHMIR DISPUTE

There has been numeral suggested choices for resolving the Kashmir conflict, but none of them is acceptable to both Pakistan and India reciprocity (Sher, Ahmed Khan, and Jabeen, 2017). Considering the historical contextual of the dispute and its different reasons, and its probable influence on the situation of global and regional security environment, questions arise concerning the resolution of the complicated issue of Kashmir (Wenning, 2003). In the present scenario, it would be essential to condition the people of Pakistan and India reach to a workable solution to the Kashmir dispute under a conflict resolution approach by following the principle of 'give and take' for getting a feasible solution in a win/win situation for concerned parties (Sher, Ahmed Khan, and Jabeen, 2017).

1. Pakistan Favored Plebiscite/Self Determination

Pakistan favors a plebiscite under U.N. resolutions with the confidence that Kashmiris would choose to join Pakistan. Pakistan opposes and rejects the Indian stance about the U.N. resolution, which declares it outdated (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020). On the other hand, the referendum remains unacceptable to India because of the fear of defeat. The Kashmiris also generally support an UN-sponsored referendum (Akram, 2020).

2. Option of Indian Hegemony

India considers its legitimate right over Jammu and Kashmir, including Azad Kashmir and the Northern Areas. India has always been declaring Kashmir as an integral part at various world forums (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020). India accepted LOC as a compromise solution at Simla Conference with objectives

established in the initial analysis. However, Pakistan has always been denying this option considering it intolerable (Hussain, 2009).

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 government (Ijaz, 2000). However, this option is indigestible to both Pakistan and India for their interests (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020).

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 (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020) which falls on the right bank of the Chenab River, would join Pakistan and the area with the non-Muslim majority would join India. The same proposal was superficially discussed in the foreign minister-level talks in 1962 but was not followed 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 (Akram, 2020).

5. The Owen Dixon Plan

The United Nations Security Council designated in 1950 Sir Owen Dixon as the U.N. arbitrator for Kashmir (Hussain, 2009). He was an Australian jurist who discovered ways to resolve this knotty dispute (Aurangzeb, Akhtar, Ali, Hayat, and Amir, 2020). He endeavored to address the organizational responsibilities of Kashmir by proposing that it may be consigned to the indigenous authorities, which may be overseen by the U.N. officials (Hussain, 2009). 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 (Aurangzeb et al., 2020). He suggested that Jammu and Laddakh 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 (Noorani, 2002). Sir Owen Dixon, later on, suggested instituting for the whole of Jammu & Kashmir a single coalition government for the duration of plebiscite under the UNSC. This alliance government may comprise of hitherto two antagonistic parties; an honest government of the trusted and nonpolitical individuals and an administration instituted of representatives of the U.N. (Korbel, 1966; Hussain, HassanRafiq, & Quddus, 2019).

6. Option of Joint Guaranteed Autonomy like the Andorra Solution

Andorra is a small princely state in the continent of Europe (Ahmed, 2000). Spain and France had claimed it is situated on both sides' border (Akram, 2020). The clash between Spain and France over the territory began in 803 A.D, whereas the issue was resolved in 1993 (Hussain, 2009). Alastair Lamb proposed this option in 1998 (Ahmed, 2000). 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 (Akram, 2020). The Andorra approach encompasses the formation of an independent zone like the princely state of Andorra concerning Spain and France with Pakistan and India ensuring conjointly autonomy of the region, which depends on Pakistan and India for supervising the security of Kashmir and mutually working for funding (Hussain, 2009).

7. Proposal by Selig Harrison: The Trieste Model

A well-known American intellectual, Selig Harrison, gave a proposal regarding Indian Held Kashmir (IHK) to be portioned so that Laddakh and Jammu regions remain under the control of India. In contrast, Kashmir's valley is "united with sizeable Muslim pockets in Jammu and Laddakh." According to Harrison, India could provide for this new state "far- reaching autonomy as part of a Trieste-type solution." In return, Pakistan may "grant the same degree of autonomy to Azad Kashmir." These novel entities may be self-regulating in entire fields, excluding defense, communication, foreign affairs, trading & foreign assistance, and currency (Hussain, 2009). Pakistan and India will withdraw militarily under the supervision of the U.N. peacekeeping mission. The existing LOC will be converted to become an international boundary line. Following the Trieste settlement approach, it could likely be a porous border for the inhabitants of Kashmir to free traveling devoid

of Indo-Pak visas. Gilgit-Baltistan and Hunza will remain under Pakistan, consequently retaining admittance towards China (Farrukh Ansari, Saifuddin Effendi, and Haque, 2019).

8. The Chenab Formula

The "Chenab-formula" came under discussion in 1962-63 between Pakistan and India (Malik, 2010). This proposal envisions the partition of Kashmir along the border line of Chenab River (Ijaz, 2000), which will form the separation line between free (Azad) and occupied parts of Kashmir (Malik, 2010). Pakistan will accept "Doaba," being land between Ravi & Chenab near Shakargarrh, extending up to districts of Dhodha, Rajwari and Chhamb as an international border. Kargil will go to India under this "give & take," but from Kargil to the upward territory, India will adhere to giving to Pakistan (Hussain, 2009).

9. Proposals of Pervez Musharraf for Demilitarization of Kashmir

President of Pakistan Pervez Musharraf, on October 25, 2004, called for a nationwide debate concerning novel choices for the resolution of the Kashmir conflict (Hussain, 2009). He proposed for the identification of different regions of the disputed territory of Kashmir, which may be demilitarized to determine their status (Rana, 2004). The need for this deliberation stemmed from the certainties demanding for the LOC's transfiguration as an international border between Pakistan and India (Hussain, 2009). He suggested for identification of these seven regions of Kashmir for this purpose. The Northern areas & Azad Kashmir zones remain under Pakistan's control while the remaining five areas may be under India's control. The 1st zones of places will consist of Sambha, Jammu, and Katwa of the Hindus majority. The 2nd zone may include Jammu's areas like Phirkuch, Rajawri & Dodha of Muslim majorities like Rajas, Gujars, and Sidhans tribes. The 3rd zone will comprise the Muslim majority areas of Kashmir Valley. The 4th zone will encompass Balti and Shia majority population areas of Kargil, and the 5th zone may be comprising Laddakh and its adjacent areas of the Buddhist population (Rana, 2004).

V. RECOMMENDATIONS

To achieve a peaceful settlement of the Kashmir issue following are some of the recommendations: -

- a. While upholding diplomatic, Political, and moral patronage for the cause of Kashmir, Pakistan should maintain its principle viewpoint regarding the Kashmir dispute and insist on a final just solution that meets the aspirations of the people of Kashmir.
- b. Pakistan should continue with the current CBMs, which could eventually lead to greater mutual trust between India and Pakistan.
- c. The government and the media must refrain from creating unrealistic hope and euphoria that a quick solution to Kashmir is round the corner.
- d. The electronic and print media of Pakistan may project Kashmir with a professional ability at the regional and global platform following the national policy.
- e. Pakistan needs economic development and modernization of militaristic equipment for maintaining credible deterrence and influencing the resolution of the Kashmir conflict (Sher, Ahmed Khan, and Jabeen, 2017).

VI. CONCLUSION

It is imperative to conclude through the preceding study that the solutions for the longstanding and complex issue of Kashmir are there in intangible form. Still, it can only be shaped and materialized by the three primary stakeholders, i.e., Jammu & Kashmir, India, and Pakistan, by making a formula without compromising their interests. Experts on all three sides can make it feasible by entailing a compromise as the proposed solution would not be fully agreed upon by any of the stakeholders. The end of this seemingly unending conflict demands unprejudiced 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. The right of freedom for the people of Kashmir and Pakistan and India's regional interests 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. Instead, it consists of intricacies and restrictions. Therefore an honest effort to provide a roadmap for a possible solution would be great. India and Pakistan should extend it so that future generations should not take arms instead of Khushaal Kashmir (prosperous Kashmir). The two ought to take in a lesson from Germany and France, a once unpleasant neighbor, battled against each other in the two worldwide wars now are the piece of solid European Union, sharing a free fringe, both utilizing a similar Euro. Their past conflicts have been overlooked, and their nationals appreciate preferable personal satisfaction over their antecedents. The general population of Indo-Pak before segment battled against British Colonialism yet after the part is fighting with each other. India and Pakistan can live like France and Germany; however, the issue is that both are in the race in military and arms, which influenced the cushion as the highest militarized zone in the world.

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 to the Kashmir issue. This current trend cannot be overruled by India and 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 beneficial role in strengthening their political struggle for freedom.

Consequently, the winner would be the one who will remain resolute throughout its triumphant discourse. Both Pakistan and India are nuclear powers today. The recent stand-off between the two countries has demonstrated that Kashmiri's freedom movement is a significant dispute between Pakistan and India. It needs to be addressed at the earliest to save this region from the horrors of another conventional war or even a possible nuclear war between the two countries. Because of the complexity of the issue, the solution may not be easy and may not be possible in the near or even distant future. However, the ability and will to change the region's direction and destiny will test leadership in both countries. Here, the international community can also play a positive role. Significantly, the U.N. has longstanding formal liabilities in Kashmir. It is dire need of time for Pakistan and India to initiate possible negotiations to discuss the Kashmir dispute and address their core vital national interests. The Kashmir issue deserves a peaceful resolution of the conflict for being a hotbed of conflicts in the last 73 years of a troubled history. In the present scenario, it would be necessary to condition Pakistan and India's people to reach out a workable solution to the Kashmir issue in a win/win situation by adopting a give and take strategy as a conflict resolution approach.

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