

Kashmir Conflict: The Process of Conflict Resolution and Conflict Management

Hilal Ahmad Wani

Research Scholar, Department of Political Science, Aligarh Muslim University, Aligarh, India.

Introduction

Even today, perhaps the best of us do not realise the depths of Kashmir alienation and are unready to ponder ways and means of overcoming it. Since, time immemorial the people of Kashmir were under oppression and suppression, it was because of the bad rulers and unaccountable Government. Its irony with a tiny nation that they had never seen good days in their life. It is reality about the people of Kashmir that they are warm and soft by nature, but its also fact they were compelled to have guns in their hands and to fight against oppressive and discriminatory system in order to protect their right to self-determination and right to dignity. Although secessionism is not a good, option in 21st century where half of the countries are democratic, oriented and India is in that list.

However, the role of Indian Government and Kashmir Government in Kashmir context is very obnoxious, crude, oppressive and above all undemocratic etc. State came into existence to provide security, safety, well being, and betterment for all people, but its truth, there was always undemocratic government in Kashmir. It's very important to mention here that cycle of violence and uprising in Kashmir is the result of democratic failure. Alienation, insurgency, separatism, revolution and other uprisings are the signs of undemocratic system. Kashmir conflict is the outcome of a process of neglect, discrimination, and suppression of Kashmiri identity and pre-eminence of power centric approach held by the successive regimes. Conflict is not unavoidable if the conflict resolution and conflict management process will be taken into account.

Conflicts can be solved if the best alternatives and democratic methods will be chosen. Only through the conflict resolution mechanism, conflicted parties can solve their incompatibilities and reach an agreement. No human being can survive in oppression and insecurity. Therefore, it would be better to highlight Kashmir problem first, then to find out the best strategies in order to minimize the cycle of violence in Kashmir. It can be said that only through democratic means Kashmir imbroglio could be solved whereas, if conflicted parties will not be ready to adopt flexibility in their approach then situations will be same. It is fact that violence begets violence begets violence begets violence, therefore

accommodation, reconciliation, negotiation, and other democratic methods will be best options to be adopted without following the path of violence and destruction. Human blood is so costly and expensive that nobody can pay its cost. Therefore, need of the hour is to think about how to secure humanity from the onslaught of war and violence.

Genesis of the Kashmir Conflict

The freedom movement in Kashmir may be seen in the context in of social, political, economic, educational and cultural situation, which prevailed in the late 19th and 20th centuries. The appalling conditions of people, who were mostly Muslims, compelled them to rise in revolt against the feudal rule of Maharaja. They did it through several uprisings in the early 20th century. This also reflected in raising their voice for political, economic, cultural and religious rights and against the feudal monarchy. However, the first organised movement in Kashmir started in 1931 under the charismatic leadership of Sheikh Mohammad Abdullah (SMA) and his friends under the umbrella of Jammu Kashmir Muslim National Conference (JKMC). This struggle or a movement had no political connection with Indian National Congress (INC), which was spearheading the freedom movement for the liberation of India from British rule. At its beginning stage, the Kashmiri leaders talked in terms of political, economic rights of Kashmiri people, which were denied to them by the alien rulers. However the movement concentrated, on the demand that discrimination of the Kashmiri Muslims will not be tolerated, in their recruitment in their offices in the state. When the movement under JKMC progressed and came in contact with many other political parties and groups then it started changing its political perspectives and agendas. So in order to make JKMC more broad based it was changed into Jammu Kashmir National Conference (JKNC) in 1938.¹

The Kashmir conflict was created by the partition of the Indian sub-continent in 1947 when India and Pakistan two dominions were created. In 1947, Jammu and Kashmir was among the largest of 562 so-called princely states in the Indian sub-continent. There were nominally self-governing units, ranging in size from tiny principalities to sprawling fiefs, ruled by Hindu, Muslim, and Sikh feudal potentates

with pretensions to royal status. Collectively, the princely states covered 45 percent of the land mass of the sub-continent. These vassal statelets constituted a major pillar of the British concept of "indirect rule" in India. Their rulers, a colourful assortment of maharajas and nawabs, were permitted to administer their holdings as personal and dynastic fiefdoms in exchange for acknowledging the "Paramountcy" of British power. While the British directly controlled and administered the rest of the sub-continent. Typically, British overseers known as "residents" were stationed in the capitals of the larger princely states, but by and large, the Indian rulers were left to their own devices.² At that time, the State of Jammu and Kashmir which was ruled by the Maharaja Hari Singh could not decide accede to India or Pakistan voluntarily.

However, in the complex political conditions and situations at that time, the Maharaja had to accede to India temporarily on the promise of giving the right of self-determination to the people of Kashmir to decide their future destiny and political future. It was on this agreement that SMA, the charismatic leader of Jammu Kashmir National Conference at that occasion, supported the temporary accession of Kashmir to Indian dominion and took over the emergency government in Jammu and Kashmir in 1947. Subsequently, India took the Kashmir issue to the United Nations, and it was declared that "let Kashmiri people decide their own destiny" but India never accepted any third party mediation in the matter of Kashmir. However, the United Nation carried out several political and diplomatic efforts for solving the Kashmir conflict, but it did not succeed in its mission. Thus, the political future of Jammu and Kashmir demand right to self-determination, which was promised to them by India. Pakistan and the United Nations. But, their demands were never taken into account. After the partition in 1947, SMA came to power in Jammu and Kashmir. His government introduced certain reforms, which includes separate flag and constitution for Jammu and Kashmir, abolition of old landlordism and usury system, took a step of free education from primary to University level. Delhi government disagreed by the new activities of SMA and put him in prison in August 1953. Simultaneously, Bakshi Ghulam Mohammad was installed as the New Prime Minister of Jammu and Kashmir. From the very beginning, Government of India never allows democracy to function in the state. This was the major reason of antagonism between the people of Kashmir and Central Government of India. It is important to mention here that SMA who was arrested, his colleagues like Jawaharlal Nehru, Maulana Azad and others, played the major role.³

Aftermath, the friends of SMA founded a new political party which was known Plebiscite Front, (Mahaze Rai Shumari). Its sole objective was to carry on the struggle to achieve the

right to self-determination for the Kashmiri people. SMA supported for the cause of self-determination in prison also and Kashmiri masses supported him. During the 1970's so many developments took place in the Indian sub-continent which has direct or indirect impact on Kashmir movement, such breaking of Pakistan into two states, keeping in view this situation SMA thought better to sort-out the Kashmir conflict under the purview of Indian Constitution. Thus, in 1975, he compromised with Indian leaders and its result was the "Indira Sheikh Accord" which offered nothing new to Kashmir but the maintenance of special rights, which had been already mentioned in Artt.370 of the Indian Constitution. This whole game was rejected by the majority of the Kashmiris and by Pakistani people. When Sheikh took the power in 1975, and tried to end the corruption and nepotism, but his regime did not became successful. Though, SMA did not involve himself in corruption but his family, colleagues, party men all did unparalleled corruption in the state. He died in 1982 as a sad leader, Which partly reflects in his autobiography in Urdu-Aateshe Chinar.⁴

After the death of his father, Farooq Abdullah came into power in 1984. But, when he started deviating from representing the distinctive character of Kashmir due to internal and external pressures, he lost his popularity and legitimacy among the people of Kashmir. As a result, he had to take support from Indian National Congress (INC), which further alienated him from the masses. It was in that context that his, i.e., JKNC, with the open support of Delhi Darbar, rigged the elections in 1987 in Jammu and Kashmir beyond the understandable propositions. It is said that when a Muslim United Front (which fought those elections against the JKNC and INC combine) candidate won after the counting, the name of JKNC candidate was announced as the winner. After the elections were over, anybody who criticized these illegal practices was beaten, tortured and arrested. This rigged election was the turning point, which caused militancy in Kashmir. In other words, it provided a political base to the freedom movement in Kashmir. In can be counted one of the milestone or major reason of emergence of militancy in Kashmir. So, all those who were involved from the side of Muslim United Front prefer to go Pakistan for training and they took guns in their hands against the fraud system. It is very interesting to mention that Indian Government and State Government did not provide political platform to Muslim United Front, it was a group of Muslim youth. It is generally argued that in Kashmir if the Government of India and Government of Jammu and Kashmir had allowed the MUF candidates to win their due in the elections, they might not have opted for the gun. It was in continuation of the preceding political developments that the present movement started in Kashmir in 1989 for achieving complete independence from India.

The primary reason for the emergence of this situation is political indigenous in nature. It may be explained partly by the refusal on the Governments of India and Pakistan to grant the right of self-determination to the people in Jammu and Kashmir and partly by denying the basic political and democratic rights to Kashmiris during the last five decades. The fraud election in Jammu and Kashmir in 1987 stands an absolute example in this connection. There are other major reasons of antagonism that Kashmiris were never respected, their political, civil, economic, cultural and other genuine rights were denied by hock and crook or on the basis of power approach through security forces. So overall marginalization and deprivation is the main result of cycle of violence in Kashmir. Kashmiris have their own identity and culture but India government and its puppet Kashmir Government never compromised with Kashmiryat, they always curtailed the special rights of Kashmiris and crushed them. Kashmiri people autonomy was amended through the process of centralization and over centralization. India which has the always claim that Kashmir is my integral part was not prepared herself to accommodate Kashmir issue it is federal contexts rather it always treated Kashmiris like slaves are being treated. By one way or other way, it can be said that Indian democracy and Federalism failed in the context of Jammu & Kashmir.⁵

Azadi it is the only thing that Kashmiri wants. Denial is delusion. After 18 years of administering a militancy occupation, the Indian Government's worst nightmare has come true. Having declared that the militant movement has crushed, it is now faced with a non-violent mass protest, but not the kind it knows how to manage. This one is nourished by people's memory of years of repression in which tens of thousands have been killed, thousands have been disappeared, hundreds and thousands tortured, injured, raped and humiliated. That kind of rage, once it finds utterance, cannot easily be tamed, re-bottled and sent back to where it came from. For all these years, the Indian State, known amongst the knowing as the deep state, has done everything it can to subvert, suppress, represent, misrepresent, discredit, interpret, intimidate, purchase and simply cut off the voice of the Kashmiri people. It has used money (lots of it), violence (lots of it), disinformation, propaganda, torture, elaborate networks of collaborators and informers, terror, imprisonment, blackmail and rigged elections to subdue what democrats would call "the will of the people". But now the deep state, as deep states eventually tend to, has tripped on its own hubris and bought into its own publicity. It made the mistake of believing that domination was victory, that the 'normalcy' it had enforced through the barrel of gun was indeed normal, and that the people's

behalf, informed us that "Kashmiris are tired of violence and want peace. What kind of peace they were willing to settle for was never clarified.

The people of Kashmir had kept the fires burning and that it was not peace they yearned for, but freedom too.⁶ The Kashmir is the outcome of a process of neglect, discrimination, suppression of Kashmiris identity and the pre-eminence of power centric approach held by the successive regimes of India and Pakistan. Regretfully, the end of the cold war at the superpower level couldn't bring any qualitative change in the mindset of people at the helm of affairs in New Delhi and Islamabad. On the country. Indo-Pak tension over Kashmir reached new levels after the outbreak of an uprising in the Indian controlled Valley of Kashmir in the late 1980s. The question is not the failure of the initiatives for conflict de-escalation, management and resolution in Indo-Pak tension over Kashmir but how an alternate structure of peace and conflict resolution could be created and what can be done at the state and society level to fill the gaps in the approaches and perceptions of parties involved in the Kashmir conflict? Can such a structure for peace be acceptable to New Delhi, Islamabad and the Kashmiri leaders or will the contradictions, which exist among them, further delay the process of conflict resolution in the region? Conceiving a plausible solution of the Kashmir conflict within the parameters of maintaining the state structures, order, fairness, greater autonomy, security, dignified life, justice in all terms, reduction of forces, removal of Armed Forces Special Powers Act, need of development and advancement, make Kashmir as a tourism hub, job security to youth, etc. It is reality about the people of Kashmir who have been suffering from last 65 years, from set of issues: injustices, insecurity, terrorism and identity crisis. It is priority both India and Pakistan to have cordial relations and try to end the Kashmir conflict. Both the countries should think peaceful not only peaceful Kashmir but strive for a peaceful and prosperous South Asia, because violence will put both the countries behind development. Therefore, conflict resolution and conflict management mechanism should be adopted to reduce differences and conflicts. However, both the countries did a lot to reduce the conflicts but there are still more to do in order to resolve conflicts including the Kashmir conflict.⁷

Conflict Resolution Process in Kashmir Context

Is the Kashmir conflict an ethnic, religious or social conflict or is a combination of all these conflicts? If we see from a theoretical perspective, then Kashmir conflict is really a classical case of distinct ethnic and religious community, who are feeling socially and political marginalized or deprived. In this way, it can be said that comes under the perception of Edward E. Azar. Category of "Protracted Social Conflicts". Protracted social conflicts are situations which arise out of

attempts to combat conditions of perceived victimization stemming from the; a) denial of separate identity of parties in the political process b) absence of security of culture and valued relationship c) absence of effective political participation through which victimization can be remedied. According to Azar, the best solution for dealing with protracted social conflict is the de-centralization of political structures so as to provide the discriminated group its identity and fulfilling its political needs. In the context of Kashmir imbroglio three things can be taken into account. (First), the question of identity (second), the issue of security of culture (Third), the absence of political participation.⁸

Kashmir conflict is not limited to the internal contradictions and differences but its dynamics include historical, political, economic, cultural and security dimensions. There is no doubt in saying this, Kashmir conflict is primarily and fundamentally an ethnic conflict; it was always the problem of ethnic identity that is Kashmiryat. In addition, its resolution may be found in upholding, rejuvenating and establishing the Kashmiryat in an acceptable framework in the larger freedom and political order. Kashmir conflict has a multiple dimensions; therefore, any approach to resolving this multi-layered conflict must necessarily involve multiple tracks of engagement and dialogue. Moreover, it is very important to mention here that resolution of Kashmir conflict is only possible, when the largest interests of Kashmiris must receive priority.⁹

Although, secessionism is not a good option in 21st century or so called modern world, where more than half of the world has democratic political systems. So, need of ours is to minimize loopholes and demerits of democratic system. The resolution of Kashmir conflict is already mentioned within the constitution of India. Kashmiris have been given autonomy through constitutional means but that has violated through the process of centralization and over centralization. The special rights of the people of Kashmir were violated through the misuse of power committed by armed forces. Kashmir has its untold stories, Kashmiris have been killed, massacred, raped, tortured, dishonoured and humiliated. There are also untold stories of missing, detentions and encounters. Until and unless Indian Government and State Government of Jammu and Kashmir will not respect the dignity of Kashmiris till that time the Kashmir problem could not be solved. It is history that Kashmiris were never respected and protected. They never enjoy their socio, economic, political, and civic rights rather they have seen only barbarism, injustices, turmoil, killings and torture, etc. Kashmiris were suppressed, tortured, massacred and humiliated. No freedom was given to them rather they were crushed through the deployment of Armed Forces, Armed Forces Special Powers Act (AFSPA), Public Safety Act and

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through other stringent laws gradually and slowly the special autonomy of Kashmir under (art 370) was minimized or even it was abrogated and eroded through the centralization and over-centralization. All these factors created and paved a way for a cycle of violence, regional imbalances were made between Jammu and Valley. It is here to be noted that no democracy can survive under the stringent laws and violent armed force. The untold stories of gross violation of human rights in Kashmir are big slap on the face of Indian democracy. Violation of human rights in Kashmir includes, no respect of the dignity of Kashmiri's, brutal killings of innocent youth-illegal detention, missing of youth from their beloved parents, harassment with women punishment to old people, burning of houses, shops and schools, etc. India with alliance of Jammu and Kashmir government is using its powers in an extensive manner in Kashmir. India can not win hearts of Kashmiris through power means or by hook and crook, but India needs to respect the dignity of people. and use democratic and peaceful methods to control gross violations of human rights, and to preserve the autonomy status of Kashmiri's, which is given to them through constitutional means.¹⁰

Some of the pitfalls and hindrances that could be identified in the conflict resolution process in Kashmir are: a) misuse of power and gross violation of human rights b) marginal role of civil society, NGOs, and c) hard line approach of India, Pakistan and extremist groups d) failure of International Community in peace-building process e) underdevelopment and no opportunities for youth f) lack of private sector g) lack of industries and big companies h) role of external elements i) zero sum game approach, etc.

Some of the major processes, which may be relevant to an alternate architecture for peace and conflict resolution process in Jammu and Kashmir are: a) process of dialogue b) process of constructive co-operation c) process of constructive settlement d) process of greater autonomy e) process of healing wounds through compensation f) process of mutual tolerance and non-violence g) process of socio, economic, upliftment of people through better education, health, employment and other basic facilities h) process of creating a organizations and commissions of peace o) protecting the special rights of Kashmiris.¹¹

Scholarly Views Regarding the Resolution of Kashmir Conflict

Quoting Prof. Hobsbawn, he said that self-determination and secessionism has no relevance in 21st century. He believes that greater autonomy is the only mechanism to end the alienation and to resolve the Kashmir imbroglio. He further said that federal balance in India was essential, and stressed that parameters of autonomy must be worked out

with immense case and thought. M. Shafi, Prof. R.R.Sharma, Prof. Riyaz Punjabi, Dr. Austosh Kumar, Prof. Balbir Arora, and Prof. Noor Mohammad Baba also supported this viewpoint. Prof. Austosh Kumar said that Centre has been playing a much more dominating role. The idea of genuine autonomy being granted to the states has not been given a proper chance nor has its potential has been appreciated in providing solution to the regional problems. It is the context of the ongoing movements for autonomy secession in these states as well as shortcoming revealed over the years in the working of the constitution that the core issues of Indian federal democracy need a critical rethinking.¹² Wajahat Habibullah a great writer and good public civil servant, writes, **"India must adhere to its constitution and the Kashmiris should be allowed to enjoy the freedom that is guaranteed to them by that constitution."** He further said in his realistic remarks, "Until each citizen can live free from fear, democracy can only be notional, no matter how elections are conducted or who participates" Does such a situation exist now? He is not without hope. I believe, based on my experience working in the State and with its people that a remedy for the Kashmir situation need not be elusive, if all stakeholders are sincere in their endeavour to restore peace and respect for the dignity of Kashmiri people, is at the core of any resolution. Ignoring the self-respect of Kashmiris believing that they as a people could be bought brought on and fuelled the cycle of ruin." Summit Ganguly a well-known writer said, "Both regional and ethnic tensions within the State are so high that any settlement will need to consider autonomy for the State and devolution within the states. Any solution to Kashmir problem from the side of policy makers of India must have to acknowledge deep sense of loss, bitterness and a virtually complete lack of in Government both in the valley and in the migrant camps as well, "Kashmiri Muslims feel mutilated and defined by the laws and while the Hindu migrants feel uprooted and betrayed by both the Government and insurgent groups. Any solution to Kashmir conflict must address the underlying grievances of Kashmiri and take a two-prolonged approach between India and Pakistan, to end Pakistan's insurgency and irredentist claim on Kashmir. And among insurgent groups to bring about the internal reforms and negotiations necessary for restoring peace and normalcy."¹³ C. Raja Mohan believes that Kashmir conflict could be solved through the confidence Building Measures. India and Pakistan should have to adopt CBMs and through it, peace can be restored and maintained in Kashmir valley. He included that India and Pakistan should start cross line transportation system and railway linkages, promotion of cross border trade and business, and promotion of joint tourism will pave new avenues for the peace building and conflict building process in Kashmir.¹⁴ Prof. Happyman Jacob at the School of International Studies, JNU, New Delhi, said,

the ongoing unrest in Kashmir is the result of a failure of politics, political courage conviction and empathy. If Kashmir burns this time, it is because politicians in New Delhi and Srinagar have failed to extend a powerful and convincing political argument to the Kashmiris. Gone are the days when a nation state could demand the undiluted loyalty of its citizens only by force and coercion today, a modern multinational state such as India can command the legitimacy of its citizens only by powers persuasiveness and attraction of its political arguments. He said that mainstream politicians in the valley forget what has always been true in the case of Kashmir. King Martin Luther said, Peace is not the absence of conflict but the presence of justice. Happyman Jacob said, **"We can win back V only by making a convincing political argument, by devising a politically conscious reconciliation process, and by being sensitive to the many injustices by which the Kashmiris have suffered."**¹⁵ Sumantra Bose said, the Kashmir conflict has multiple dimensions and is defined by a complex intersection of an international dispute with sources of conflict, internal to the disputed territory and its Indian and Pakistan controlled parts. Any approach to resolving this multi-layered conflict must necessarily involve multiple, but connected mutually reinforcing, tracks or axes of engagement and dialogue."¹⁶ According to Madhumita Srivastava said, **"Kashmir conflict has always been a problem of ethnic identity Kashmiriyat and its resolution may be found in upholding, rejuvenating and establishing the Kashmiri yat in an acceptable framework in the larger freedom and political order."**¹⁷ Robert Wirsing says, "There must be a formal commitment by India and Pakistan to the establishment of a joint commission on Jammu and Kashmir responsible for the LOC's administration, liaison with UNMOGIP, prevention of violations, over sights of such measures of demilitarization of LOC as may be eventually agreed. By endorsing such principles, India and Pakistan would be committing themselves to the creation of a permanent, internationally monitored and routinely functioning instrument for bilateral management of security co-operation in Jammu and Kashmir. Vital to the successful adoption and implementation of the above principles is the formal and simultaneous commitment by the five permanent members of the UN Security Council to the suitably empowered international agency, perhaps a revived United Nation Commission on India and Pakistan (UNCIP II) responsible for negotiating the terms of India and Pakistani acceptance of these principles."¹⁸ According to Hikhar H. Malik, a scholar of the Kashmir conflict said, **"The larger interest of the Kashmiris must receive priority. For a long time, rather than being the focal point, they were simply regarded as a side issue. Yet, it is the Kashmiris who, for generations, have continued to suffer from decisions made about them without consultation."**¹⁹

Conclusion

Kashmir conflict is not unavoidable and unsolvable. But it could also be solved if the conflicted parties, India, Pakistan and Kashmiris will adopt the conflict resolution and conflict management methods. Solution of the Kashmir problem can be done within the federal parameters of Indian Constitution. In addition to this, Kashmiris must be given their special rights and fundamental rights, which are necessary for their dignified life. India cannot win the hearts of Kashmiris through the misuse of power rather it can win them when they will be respected and treated in humane way. Therefore, power politics is no more a good option to sort-out the Kashmir issue. The people of Kashmir can only survive when they will have good governance, which will be accountable, peopling, responsive, just and for the betterment of all. It is well-accepted notion that state came into existence for the safety, security and well-being of the people. When state will not do its functions honestly, then definitely it will pave a way for revolutions and uprisings. From last two decades, Kashmiris have been marginalized and deprived. So, misuse of power, marginalization and deprivation are the main causes of cycle of violence in Jammu and Kashmir. India needs urgent attention to think about the Kashmir problem and try to sort-out it through the means of greater autonomy. All the parties of Kashmir conflict should be ready to change their extremist's views and protect the innocent people of the Kashmir. For the resolution Kashmir conflict India, Pakistan and Kashmiris should have to adopt the conflict resolution and conflict management process in order to solve the longstanding Kashmir conflict.

Any viable process of conflict resolution in Kashmir needs to take into account the real aspirations and genuine demands of Kashmiris. The foremost requirement that can minimize the turmoil situations in Kashmir valley is the process of meaningful dialogues and positive negotiations between India, Pakistan and Kashmiris. If such process is launched with seriousness and full commitment, may lead to constructive co-operation among the conflicted parties. The vision of a constructive settlement would include not only meeting the grievances of the people of Jammu and Kashmir, but also taking care of rights of minorities in Indian and Pakistani controlled Jammu and Kashmir. Flexibility in dialogue process is also necessary in order to reach viable solution of Kashmir problem. Indian democracy can be successful in Kashmir only when people of Kashmir will be safeguarded and protected. India needs also to provide maximum autonomy to the State of Jammu and Kashmir in order to win hearts of Kashmiris. Above all, it is important to mention here that the process of alienation could be prevented when the people of Kashmir will have a dignified life. Moreover, a dignified life is only possible when people will be treated like humans not like slaves. Finally, it can be

said, democracy will be successful when the demands of the people will be taken into account, when people will have their own freedom and liberty to enjoy their life with dignity and prestige.

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