

## **Kashmir and the Process of Conflict Resolution**

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### **Introduction**

This paper attempts to examine the process of conflict resolution between India and Pakistan in the light of the Kashmir conflict. For Pakistan, without the resolution of the Kashmir conflict, there cannot be peace and stability in Islamabad-New Delhi relations. Whereas, for India, Kashmir may be a major issue negatively affecting Indo-Pakistan relations but is certainly not the core issue as repeatedly stated by Pakistan. The traditional position taken by India and Pakistan on the Kashmir conflict resulted into stalemate in their relations and heavy defence expenditures and ineffectiveness of regional cooperation in South Asia. The holding of composite dialogue between India and Pakistan to discuss various critical issues, including Jammu and Kashmir, is a positive development as far as the process of conflict resolution in that troubled region is concerned. Six important themes, which will be examined in this paper, are as follows:-

1. Background of the Kashmir conflict.
2. Conflict Resolution process in Kashmir.
3. Obstacles and pitfalls in the process of conflict resolution in Kashmir.
4. Alternative architectures of peace and conflict resolution between India and Pakistan on the Kashmir conflict.
5. The relevance of alternate architectures of conflict resolution in resolving the Kashmir conflict.
6. Future prospects of conflict resolution in Indo-Pak relations.

Furthermore, the paper will dwell at length the role played by the vested interest groups in wrecking opportunities for peace between India and Pakistan and using the Kashmir conflict as a pretext for arms build up, both conventional and nuclear.

### **Background of the conflict**

The Kashmir conflict is the outcome of a process of neglect, discrimination, suppression of Kashmiri 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 could not bring any qualitative change in the mindset of people at the helm of affairs in New Delhi and Islamabad. On the contrary, Indo-Pak tension over Kashmir reached new levels after the outbreak of uprising in the Indian controlled Valley of Jammu and Kashmir in the late 1980s. The question is not the failure of the past initiatives for conflict de-escalation, management and resolution in Indo-Pak relations 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 the contradictions which exist among them will 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 and justice is an uphill task. For around 57 years, the people of Jammu and Kashmir (J&K) are suffering from a set of issues: injustices, insecurity, violence, terrorism and identity crisis. Along with the people of J&K, who are coping with the threat to their survival because of an uncertain future, the region of South Asia, particularly India and Pakistan is also a victim of 'conflict process' and 'violence process' in Kashmir. These two processes are primarily the outcome of the failure of New Delhi and Islamabad, the two major players in the Kashmir conflict, to create conditions for peace and providing people of J&K relief from years of bloodshed and killings.

Three critical realities which grip India, Pakistan and J&K relate to the forces who are against altering the territorial status quo; those who want to change the map of J&K to their own advantage and those who want to seek a middle path and resolve the Kashmir conflict through a process of dialogue. The first two forces, who since the partition of the Indian subcontinent in August 1947, have followed the paths of confrontation, intransigence and belligerence in dealing with the Kashmir conflict are now exhausted thus giving an opportunity to the third force to play a more meaningful role and reverse the process of violence.

Conceptually, the conflict in Kashmir has four important dimensions impacting on Indo-Pak relations and the future of South Asia as a whole. First, the role of state actors; second, centrifugal forces who

at the present are out of the power structure; third, the question of security and insecurity engulfing the people of Jammu and Kashmir and fourth the broad question of religion and ethnicity. If all the four dimensions are analysed the process of conflict resolution in Kashmir could be understood in a better manner. As far as the state actors are concerned, the position taken by the state of Pakistan and India on the issue of Jammu and Kashmir has remained intransigent and devoid of much flexibility. After the offering of hand of friendship by the then Indian Prime Minister, Atal Behari Vajpayee to Pakistan on 18 April 2003 and Islamabad's positive response that one can see some change in the positions taken by India and Pakistan on the Kashmir conflict, the meeting which took place in the sidelines of 12<sup>th</sup> SAARC summit, held in Islamabad on 6 January 2004, between Vajpayee and President Pervez Musharraf resulted into the holding of composite dialogue so as to resolve various issues, including the one related to Jammu and Kashmir through negotiations.

In November the same year, President Musharraf presented the idea of resolving the Kashmir conflict by following a step by step approach, i.e. by seeking the opinion of people in all the six regions of Jammu and Kashmir: whether they want to join Pakistan, India or have an independent status. Such a proposal was a significant departure of Pakistan's position on Kashmir, which used to call for the holding of plebiscite in J&K according to the UN Security Council resolutions but subject to the pursuing of a flexible response by New Delhi. One important achievement of composite dialogue was the agreement to launch Srinagar-Muzaffrabad bus service from 7 April 2005. More so, ceasefire along the line of control which was unilaterally announced by Pakistan in November 2003 and reciprocated by India is still holding, despite some violations. Following the 8 October 2005 earthquake in Pakistani and the Indian controlled parts of Kashmir, it was suggested by Pakistan to open five cross points along the Line of Control so as to facilitate the distribution of relief and humanitarian assistance to the victims of earthquake from both sides. While some of these points were opened but because of bureaucratic restrictions, primarily from the Indian side, these couldn't serve the purpose, i.e. to help Kashmiri people in that moment of need. Proposals of Poonch-Rawlakot bus service, Srinagar-Muzaffrabad truck service and Sialkot-Jammu bus service were also proposed by Pakistan, India and the Kashmir groups so as to promote trade, tourism and people to people interaction on both sides of LoC.

Therefore, at the state level, one can see some positive change as far as the management, if not the resolution, of the Kashmir conflict is

concerned. Although, New Delhi's stated position like 'Kashmir is its integral part' and Pakistan's assertion that 'Kashmir is its life line' and is an unfinished agenda of the partition of the Indian sub-continent remains unchanged to a large extent, the two countries have agreed to resume the dialogue process on all contentious issues, including J&K. Centrifugal forces in J&K got an impetus because of state repression and the feeling among Kashmiris that they have an identity which is different from New Delhi and Islamabad. Decades of injustices and discrimination against the people of J&K unleashed the process of instability and violence strengthening centrifugal forces. The fact that the final settlement of J&K cannot be reached without the inclusion of Kashmiri leaders on both sides of Line of Control (LoC) is the clear evidence of the ability of centrifugal forces to wreck any agreement reached between India and Pakistan, which excludes them.

The long spell of violence and bloodshed in the Indian controlled parts of Jammu and Kashmir led to the unfortunate state of insecurity among Kashmiri people about their present and future. The upsurge of extremist groups further compounded the security predicament of Kashmiri people giving rise to suspicion in their minds that they will continue to live as 'second class citizens' unless a just resolution of the Kashmir conflict is not reached. As far as religion and ethnicity are concerned, both foment identity crisis of the people of J&K. But, here the question is not of a unified Kashmiri identity vis-à-vis New Delhi or Islamabad but the existence of identity crisis within the diversified regions of Jammu and Kashmir. The Muslims of Kashmir Valley, who are in the forefront of movement for self-determination, do not share much of their cultural heritage with the Muslims of Jammu or the Pakistan administered Azad Kashmir or the Northern areas of Gilgit, Hunza and Baltistan. On this account, ethnicity is not a source of identity among the people of Jammu and Kashmir. Same is true in case of religion, because the Buddhist community living in Ladakh do not share with the Muslims, Hindus or Sikhs living in other regions of Jammu and Kashmir. As rightly said by an American expert on South Asian security affairs, Robert Wirsing, that 'the multiple and conflicting religious identities of Indians, Pakistanis, and Kashmiris are deeply and unavoidably implicated in the Kashmir dispute. The Kashmir dispute's roots simply cannot be described entirely or even mainly in secular terms. Like it or not, the Kashmir dispute is, in no small part, a dispute over religion'.<sup>1</sup> From any standpoint, ethnic and religious contradictions

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<sup>1</sup> Robert G. Wirsing, *Kashmir The Shadow of War Regional Rivalries in a Nuclear Age* (New York: M.E. Sharpe, 2003), p.10.

in J&K make the process of conflict resolution in that part of the world quite complicated and challenging.

A sense of insecurity among the people of J&K accentuated their identity crisis and gave rise to militancy from the side of dissatisfied groups and repression from the state actors. In a conflict prone situation like J&K, the question of identity relates to both ethnic, lingual and religious issues because in that region heterogeneous groups ranging from Muslims, Hindus, Sikhs and Buddhists tend to have multiple identities. Most important, the question of identity in J&K becomes quite obvious when it comes to religion. On some occasions, 'it is ethnic or racial identity that makes the headlines. But identity has many faces. For instance, when an Arab man travelled in the 1980s to Afghanistan to fight in a guerrilla army against the Soviet army, he may have been motivated by his own sense that he was a Muslim, that he was defending a people sharing his religious identity.'<sup>2</sup> Similar feelings developed in some segments of Kashmiri Muslim society that their identity was being crushed in the wake of military crackdown launched by the Indian Army to suppress uprising in J&K and they have no option than to assert themselves and protect their religious identity. The problem is when the state views the assertion of an ethnic or a religious identity a threat to its interests. If the Kashmiri identity is in conflict with the Indian state the hard line elements in New Delhi will look at such a situation with mistrust and suspicion. Similarly, the assertion of the identities of Azad Jammu and Kashmir (AJK) could be seen by Islamabad a threat to the state interests.

If Article 370, giving special status to the state of Jammu and Kashmir in the Indian constitution had not been diluted, the identity of the people of J&K would have been preserved to some extent. But New Delhi took repeated measures under the name of national integration and assimilation process, which compelled the nationalist forces in J&K to launch a political struggle for their rights. When force was used to deal with that political struggle, the result was violence, bloodshed and the rise of extremism and terrorism in J&K. According to the Instrument of Accession, India was to only have control of defence, foreign affairs and communications. All other matters were to remain in the State government's jurisdictions. In the 1950 Indian Constitution, this arrangement was embodied in Article 370. This gave J&K its own status,

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<sup>2</sup> Marysia Zalewski and Cynthia Enloe, 'Questions about Identity in International Relations,' in Ken Booth and Steve Smith (eds.), *International Relations Theory Today* (Cambridge: Polity Press, 1996), p. 280.

primarily to frame its own constitution.<sup>3</sup> But the seeds of conflict in J&K were planted when the central government based in Delhi refused to adhere to neither the autonomy condition mentioned in the instrument of accession nor the constitutional safeguards given to J&K to maintain its identity.

### **CR process and Kashmir**

The Kashmir conflict has been going on since 1947 with periods of violence and a semblance of relative stability. Attempts for de-escalation and management of that conflict failed in the past because of hard line positions adopted by the concerned parties: New Delhi, Islamabad and the Kashmiri groups.

The literature on conflict and conflict resolution deals with the situations and conditions, which are related to the outbreak of conflicts, particularly those relating to denial of justice and various forms of discrimination and exploitation. Once people are conscious about the costs of conflict, the chances of efforts for the resolution of conflict becomes bright. As far as definition of conflict is concerned, it is 'derived from the Latin word *confligere* meaning to strike together. Originally, it had a physical rather than moral connotation, though the English word has both'.<sup>4</sup> Some how, 'conflict is sometimes used to refer to inconsistencies in the motions, sentiments, purposes, or claims of entities, and sometimes to the process of resolving these inconsistencies'.<sup>5</sup> The term conflict usually refers to a condition in which 'one identifiable group of human beings (whether tribal, ethnic, linguistic, cultural, religious, socio-economic, political, or other) is engaged in conscious opposition to one or more other identifiable human groups because these groups are pursuing what are or appear to be incompatible goals'.<sup>6</sup> Hence, 'the root cause of the conflict lies not in particular issues or interests that may divide the parties, but in the very

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<sup>3</sup> Iffat Malik, *Kashmir, Ethnic Conflict International Dispute* (Oxford: Oxford University Press, 2002), p.95.

<sup>4</sup> Quincy Wright, 'The Nature of Conflict' in John Burton and Frank Dukes, *Conflict: Readings in Management and Resolution* (London: The Macmillan Press, 1990), p.15.

<sup>5</sup> *Ibid.*

<sup>6</sup> James E. Dougherty and Robert L. Pfaltzgraff, *Contending Theories of International Relations A Comparative Survey* (New York: HarperCollins Publishers Inc, 1990), p.187.

structure of who they are and the relationships between them'.<sup>7</sup> By further elaborating the definition of conflict, it can be argued that,

Conflict is carried on by many methods, coercive and non-coercive and there are various procedures for settling conflicts; but among large groups no final decision of conflict is likely to be absolute, and it is perhaps undesirable that it should be.<sup>8</sup>

Is Kashmir conflict an ethnic, religious or social conflict or is a conglomeration of all these conflicts? If seen from a theoretical perspective, the Kashmir conflict is a classical case of a distinct ethnic and religious community (Muslims) feeling socially and politically deprived. J&K conflict may be classified as a 'protracted social conflict' because of feelings among Kashmiris of 'economic and technological under-development, and unintegrated social and political systems, including distributive injustice, economic, social and extreme disparities in levels of political privilege and opportunity'.<sup>9</sup> As substantiated by Edward E. Azar, 'protracted social conflicts universally are situations which arise out of attempts to combat conditions of perceived victimization stemming from the following:

1. A denial of separate identity of parties involved in the political process.
2. An absence of security of culture and valued relationships.
3. An absence of effective political participation through which victimization can be remedied.<sup>10</sup>

For Azar, the best possible solution to deal with the protracted social conflict is de-centralization of political structures so as to provide the discriminated group its identity and fulfilling its political needs. Decentralization, if introduced, can promote local participation and self-reliance and give a sense of control to marginalized groups over their affairs.<sup>11</sup> Three things can be taken into account while examining Azar's protracted social conflict theory in the context of the Kashmir situation. First, the question of identity, second the issue of security of culture and third the absence of an effective political participation. The culture of violence and insecurity in J & K has been created because people living

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<sup>7</sup> Hugh Miall, Oliver Rambotham, Tom Woodhouse, *Contemporary Conflict Resolution The Prevention, management and transformation of deadly conflicts* (Cambridge: Polity Press, 2003), p. 12.

<sup>8</sup> Quincy Wright, *op.cit.*, p. 30.

<sup>9</sup> Edward E. Azar, 'Protracted International Conflicts: Ten Propositions,' in John Burton, *op.cit.*, p. 145.

<sup>10</sup> *Ibid.*, p. 147.

<sup>11</sup> *Ibid.*, p. 151.

in that region faced a discriminatory attitude from state actors and the heavy centralized structure of governance further deepened the state of conflict. If a solution of the Kashmir conflict is reached based on securing the identity of the people of J&K, ensuring them basic security, social justice and political participation in a viable democratic process, it is possible that militant and terrorist elements will not be able to sustain the environment of fear and violence. Protracted social conflict can only be dealt with the proper involvement of the parties concerned and providing them a stake to reach a plausible solution in a decentralized state structure.

### **Dynamics of the Kashmir conflict**

The Kashmir conflict is not only limited to internal contradictions of J&K but its dynamics include historical, political, economic, cultural and security aspects. External factors also contribute to shape the dynamics of the Kashmir conflict. According to Madhumita Srivastava, ‘the Kashmir conflict is primarily and fundamentally an ethnic conflict, though some forces in India as well as in Pakistan are trying their best to make it a communal one because of the identity of Kashmir people from the rest of India and Pakistan. That the Kashmir problem has always been a problem of ethnic identity *Kashmiriyat* and its resolution may be found in upholding, rejuvenating and establishing the *Kashmiriyat* in an acceptable framework in the larger freedom and political order’<sup>12</sup> On the other hand, Sumantra Bose argues that,

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 and mutually reinforcing, tracks or axes of engagement and dialogue.<sup>13</sup>

Therefore, to a large extent, ‘Kashmiris simply wanted basic democratic rights, including representative, accountable government and a voice in determining the destiny of their homeland. But, the Indian State appeared to interpret popular opposition to Pakistan as further

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<sup>12</sup> See Madhumita Srivastava, *International Dimensions of Ethnic Conflict A Case Study of Kashmir and Northern Ireland* (New Delhi: Bhavana Book & Prints, 2001), p. 80

<sup>13</sup> Sumantra Bose, *Kashmir Roots of Conflict, Paths to Peace* (Cambridge: Harvard University Press, 2003), p. 207.



licence to continue trampling on those very rights.’<sup>14</sup> Nonetheless, ‘the politics of Kashmiri identity was transmitted into ethnic nationalism, associated with a distinct Islamic tinge and a transfer from India to Pakistani loyalty. The ruling elite of Pakistan, unreconciled with the idea of the loss of Kashmir readily responded to this historic opportunity. Kashmir became one of the worst tragedies of international politics, degenerated into a pawn in Indo-Pak rivalry. The unfortunate victim of this process has been the people of Kashmir.’<sup>15</sup> The dynamics of the Kashmir conflict could be divided, as stated by Iffat Malik into two distinct phases. The first phase starting from 1987-1989 can be considered as the period of ‘build-up’ to ‘insurgency.’ The second phase beginning from 1989 to the present day is the period of actual full-scale insurgency. The major difference between these two, as pointed out by Iffat Malik is, first the intensity of public alienation from India and second, militant activity in Kashmir. Both have become much greater in later part. However, one could argue that, recently, a third phase relates to the internationalisation of the Kashmir conflict. This phase involves escalation of hostilities from Indian Kashmir, between Kashmiri Muslims and Indian security forces, to direct conflict between India and Pakistan.<sup>16</sup> She further argues that, ‘Kashmir today is in a state of conflict. It has been so since 1989. However, militant activity in Kashmir actually predates the current conflict by many years, though obviously nothing like the current scale. There is some evidence to suggest that a handful of groups started operating in the 1960s, like *Al-Fatah* and, somewhat later, the Jammu and Kashmir Liberation front (JKLF). These groups presented an alternate form of opposition to the growing Indian control in Kashmir to that of the Plebiscite Front, carrying out acts of sabotage and small scale assaults on the police authorities.’<sup>17</sup> Initially,

<sup>14</sup> Sumantra Bose, *The Challenge in Kashmir* (New Delhi: Sage Publications, 1997), p. 35.

<sup>15</sup> Sunanjan Das, *Kashmir & Sindh Nation Building, Ethnicity and Regional Politics in South Asia* (London: Anthem Press, 2001), p. 77. He further argues that Farooq Abdullah’s rapport with Rajiv Gandhi was condemned by Kashmiri nationalists. At that stage, the Islamic forces under the banner of Muslim United Front emerged on the scene. Hence, the Islamization of Kashmiri ethnic assertion got an impetus. The rigging of 1987 provincial legislative elections by New Delhi further perpetuated violence in the Valley. Hence, the insurrection in Kashmir has been described in many circles as an ‘Intifada’ having a Pan-Islamic flavour of the Pakistan variety. See *Ibid.*, p. 48

<sup>16</sup> Iffat Malik, *op.cit.*, pp. 281-82.

<sup>17</sup> *Ibid.*, p. 282.

the Kashmiri grievances were primarily of three types: first, New Delhi's policy to undermine the Kashmiri identity by violating Article 370 of the Indian constitution which guaranteed special status to the territory of J&K. Autonomy for the people of Jammu and Kashmir was guaranteed by the Indian Government when in October 1949 India's Constituent Assembly inducted Article 306A in India's constitution, affirming that New Delhi's jurisdiction in the Indian Jammu Kashmir would remain limited to three categories of subjects specified in the Instrument of Accession, i.e. Defence, Foreign Affairs and Communications. However, when India became a Republic on January 26, 1950, Article 306 A became the basis of Article 370 of the Indian constitution, which guaranteed autonomy to J&K within the Indian Union. However, the forces opposed to granting autonomous status to J&K gained strength in Delhi resulting into the issuance of a constitutional order in May 1954, which replaced the 1950 constitutional order. While the 1950 constitutional order had guaranteed the autonomous status of J&K, the 1954 order gave the Indian Central Government the right to legislate in the Indian Kashmir on the majority of subjects in the Union list.

Second, economic backwardness of J&K, which led to unemployment and lack of adequate economic opportunities because no viable industrial infrastructure was created by New Delhi in that state. Tourist industry in J&K was not developed in a professional manner and moreover, it was not a substitute for a proper employment opportunity. Third, political suppression resulting into arrests and detention of those who were critical of Delhi supported government in Srinagar and their backers in Delhi. State sponsored manipulation in J&K assembly elections also created political alienation among people against India. For instance, 'the response of the Indian Government to the rising popular unrest and militant activity following the 1987 elections was highly significant because there was still a chance then that political concessions by New Delhi given to Kashmiri people could have controlled the insurgency. If in 1987 there was a chance that conflict could have been prevented, by 1990, Indian policies made it a certainty.'<sup>18</sup> All the three grievances contributed to the escalation of conflict in J&K and transformation of political and civil rights' movement among Kashmiris to the rise of extremist and fanaticism.

A vivid description of the Kashmir conflict has been given by Alastair Lamb in the following words:

The Kashmir dispute, in other words, started life as a contest over rights to a territory, not the struggle to establish the wishes

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<sup>18</sup> *Ibid.*, p. 286.

of the people. After October 1947, of course, many extra elements were added to the problem including the need and possible mechanism for the determination of the will of the people of the State of Jammu and Kashmir. The solution of the Kashmir dispute over the recent four decades and more, and its increasing complication by competing interpretations of issues, involved the status of the State of Jammu and Kashmir as a political entity in its own right, strategic and economic interests of the various parties, widen its implication, and the problem of self-determination in a region which contained not only Muslims but also Hindus, Sikhs and Buddhists.<sup>19</sup>

Viewed as a complicated but a tragic conflict, J&K is a souring point in Indo-Pak relations. The people of that region have suffered endlessly but are unable to get relief. The story of their sufferings is quite old as both India and Pakistan vied to seek a legitimate status of that territory but seldom took the feelings and aspirations of Kashmiri people into account. That led to the widening of the conflict and deepening of sharp mistrust and suspicions among the Kashmiri people about the intentions and policies of New Delhi and Islamabad. Unfortunately, as pointed out by Wirsing, 'the end of the cold war has brought neither peace dividend nor peace of mind to the South Asian region. It has, on the contrary, made unmistakably plain the enormous differences in the capabilities of India and Pakistan, elevated the importance within each of them of the armed forces, and given an enormous push in each to the acquisition of advanced weaponry, both conventional and nuclear.'<sup>20</sup> Is the prevailing positive trend in Indo-Pak relations a positive sign for the just and an early resolution of the Kashmir conflict or like in the past it will be similar to any other missed opportunity? The changing dynamics of the Kashmir conflict tend to put the people of J&K in a very critical situation because of two main reasons. First, if their leadership fails to play the cards well, they can again be cheated and get a raw deal. It has happened in the past and can also happen in the present and future. Second, if an element of conflict fatigue is prevailing over India and Pakistan then it will become easier to think in terms of providing a just and fair settlement of the Kashmir conflict. If the composite dialogue results into some sort of normalization process in Jammu and Kashmir, it would mean better interaction among people living along both sides of Line of Control.

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<sup>19</sup> Alastair Lamb, *Kashmir A Distorted Legacy 1846-1990* (Hertfordshire: Rexford books, 1991), p. 156.

<sup>20</sup> Robert G. Wirsing, *op.cit.*, p. 221.

### Pathways to resolution

There is no short cut to the resolution of such an intricate conflict like Jammu and Kashmir. Realistically speaking, all pathways to the resolution of J&K conflict could be blocked if the basic principle of fairness and justice is not taken into account. The stark reality of the Kashmir conflict is its asymmetrical nature. Kashmiris being a weaker party are conscious of their disadvantaged position vis-à-vis India. And, considering asymmetry, there is also a sharp imbalance in the power configuration of India and Pakistan. For that purpose, it is not wrong to argue that the only party which enjoys an edge vis-à-vis Kashmiris and Pakistan is India. Any viable settlement on J&K must be backed by New Delhi. The question is how India and Pakistan can find a path for the resolution of the Kashmir conflict? Sumantra Bose argues that,

The key to breaking the deadlock in Kashmir lies in the metropolitan capitals of India and Pakistan. Concerted sustained intergovernmental cooperation between India and Pakistan is the essential basis of any Kashmir process. If such intergovernmental cooperation were to occur the other dimension of the Kashmir problem might turn out to be surprisingly tractable. In its absence, however, no lasting, substantial progress is possible on those other fronts, and the Kashmir question will continue to be a prime source of international tension, regional instability, and violent internal conflict.<sup>21</sup>

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<sup>21</sup> Sumantra Bose, 'Kashmir Roots of Conflict, Paths to Peace (Cambridge: Harvard University Press, 2003), p. 223. Bose further states that 'in order to promote a sustained and fruitful peace process, the intergovernmental framework needs to take an institutionalised form. It cannot remain ad hoc, limited to periodic, high profile events such as meetings between the two countries or between career officers of the two foreign services. Such encounters and discussions must be part of a sustained process and a coherent, institutionalised intergovernmental framework of peace building. An institution such as permanent intergovernmental council needs to be constituted. It should be chaired by the Prime Ministers of India and Pakistan, with foreign ministers of the two countries functioning as working chairs. The membership should include, in addition, the President of Pakistan, the President of India, the Interior and Defence Ministers of both countries, the top professional civil servants in both Interior and Foreign Ministries, the Chiefs of Military Staff of both countries, and selected Parliamentarians from the two sides, eminent citizens of both countries who have shown a commitment to resolving their antagonism through peaceful

According to Bose, the longer-term Kashmir settlement necessities that the LoC be transformed from an iron curtain of barbed wire, bunkers, trenches, and hostile militaries to a linen curtain between self-governing India and Pakistan regions of Jammu and Kashmir. Self-rule framework for Pakistan and Indian controlled Jammu and Kashmir must be complimented by cross-border institutional links between the regions under Indian and Pakistan sovereignty.<sup>22</sup> A self-rule framework for Indian and Pakistan J&K would require, as suggested by Bose, cross border Jammu and Kashmir Ministerial Council which will include Ministers from Indian and Pakistan controlled J&K so as to give impetus to cross border cooperation as a path to resolve the Kashmir conflict. The issues to be dealt by such a council would be like intra J&K trade and commerce, intra J&K waterways, cross border transport, environmental protection and preservation, agriculture, cultural matters and tourism. Such institutional links would also include cooperation between the elected members of Indian and Pakistan controlled J&K so as to transform the myth of soft border into a reality. Other matters like foreign affairs, external defence, currency and macro economic policy and some aspects of communication would be controlled by the governments of India and Pakistan.<sup>23</sup> However, any agreement on Kashmir must be ratified by the participants of India and Pakistan, as well as by any other relevant bodies in the two countries. It should also be put to popular referenda, conducted separately in the Indian and Pakistani parts of J & K.<sup>24</sup> Bose in his road map for the resolution of the Kashmir conflict focuses on two things: first, not to disturb the territorial status quo and second to involve the people of J&K in a proactive process of economic and political interaction resulting into de-escalation of tension and developing a better understanding at the popular level on the issue of soft border. Perhaps, by following that road, the identity of J&K could be restored because of greater and meaningful interaction among the people of that region and the ultimate marginalization of Indian and Pakistani control from their respective parts of J&K. If such a road is followed by the policy makers of the parties involved in the Kashmir conflict, the outcome may be positive. The launching of Srinagar-Muzaffrabad bus service and proposal for starting Jammu-

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mean, and at appropriate point, top Ministers of inclusive and autonomous governments of Indian Jammu Kashmir and Azad Jammu Kashmir.' *Ibid.*, p. 224

<sup>22</sup> *Ibid.*, p. 263

<sup>23</sup> *Ibid.*, p. 264

<sup>24</sup> *Ibid.*, p. 265.

Sialkot bus service may go a long way in restoring Kashmiri identity on the one hand and better cultural, trade and commercial relations among the people of Jammu and Kashmir on the other.

On the other hand, Robert Wirsing suggests that, '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 demilitarisation 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 the bilateral management of security cooperation in J&K. 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 formation of a suitably empowered international agency, perhaps a revived UN Commission on India and Pakistan (UNCIP II), responsible for negotiating the terms of India and Pakistani acceptance of these principles.<sup>25</sup> Wirsing's proposal for resolving the Kashmir conflict involves the international community, including the UN, which may not be acceptable to India but will have support in Pakistan. India has bitterly opposed the involvement of third party or any other international participation in J&K conflict even if such initiatives support the bilateral track of negotiations but may agree to form a joint commission of India and Pakistan for bettering the conditions in that region.

Addressing a closed door symposium organized by the *India Today Conclave 2004* via satellite from Islamabad on 13 March, Pakistan's President Pervez Musharraf referred to his four-point process to resolve the Kashmir dispute. According to him:

1. Centrality of the Kashmir dispute should be accepted.
2. Talks should commence to resolve that dispute.
3. All solutions not acceptable to either of the three parties be taken off the table.
4. The most feasible and acceptable option be chosen.<sup>26</sup>

One major problem with Musharraf's proposal is India doesn't accept the centrality of the Kashmir conflict and calls it as one of the issues negatively impacting on India-Pakistan relations. Otherwise, the

<sup>25</sup> Wirsing, *op.cit.*, p. 225.

<sup>26</sup> See news item, Jawed Naqvi, 'Peace rests on resolution of Kashmir issue: Musharraf proposes cut in defence expenses, end to extremism,' *Dawn* (Karachi), 14 March 2004.

last three points do not conflict with the Indian position on J&K conflict. As far as the Kashmiri groups are concerned, they have no problems with the road map given by Musharraf for resolving the Kashmir conflict. In a conflict resolution process, the willingness of the parties concerned to unleash the process of negotiations is the key. As long as there is stubbornness and conditions attached to start negotiations, the prospects for a plausible resolution of any conflict are remote. Same requirement applies in case of J&K conflict.

Some of the obstacles and pitfalls which could be identified in the conflict resolution process in Kashmir are as follows:-

- A. State policies
- B. Marginal role of civil society
- C. Hard line and extremist groups
- D. Zero sum game approach
- E. Role of external elements
- F. Missing opportunities for peace

The intransigent state policies of India and Pakistan on Kashmir tend to create a very complicated situation for the CR process because the opportunities for peace are wasted resulting into the strengthening of hard line extremist groups and creating conditions for zero sum game. If the Indian State considers Jammu and Kashmir as its integral part with no question of compromising its sovereignty over J&K, Pakistan considers Kashmir as its lifeline and calls it a missing 'K.' Such state policies are more obvious when the civil society of India and Pakistan is unable to restrain state actors and the hard line elements ruin opportunities and prospects for peace in J & K. Only when there is a softening of hard line positions taken by the parties involved in the Kashmir conflict can one hope of effectively dealing with the obstacles and pitfalls.

The nexus between state and hard line/extremist elements of society is a fundamental cause of derailment of peace and conflict resolution process in J&K thus giving external forces an opportunity to take advantage of such a conflict. If there is a suggestion for third party mediation on Kashmir, primarily from the side of Pakistan and some Kashmiri groups, it is primarily because of the frustration from the lack of progress for the resolution of the Kashmir conflict at the bilateral state level.

Once these obstacles and pitfalls are identified by India and Pakistan and both sides take steps to deal with such issues, new opportunities for peace and conflict resolution in J&K could be created. The problem occurs when the state actors of the two countries are unwilling to change the status quo and take a position, which is non-

traditional and aimed to resolve the conflict according to the wishes of the people of Jammu and Kashmir.

At this stage one can ask when the past efforts for peace and conflict resolution in J&K couldn't render positive results, what should be an alternate architecture in this regard and how it can be established? An alternate architecture for peace and conflict resolution for J&K could be defined as a process which takes into account the hard realities of the conflict while offering a plausible solution to the parties involved. The architecture for peace and conflict resolution in J&K, which has existed till now, ignored two fundamental realities: first, the participation of the people of J&K in the process of peace and conflict resolution and second, adopting a flexible position on issues which have created stalemate and impediment in reaching out a solution since long. It primarily focused on either maintaining or changing the territorial status quo and without considering the basic fact that political will, commitment and seriousness exercised on their part could have made things better not only for the people of J&K but also of people of South Asia.

Some of the major processes which may be relevant to an alternate architecture for peace and conflict resolution process in Jammu and Kashmir are as follows:

1. Process of dialogue
2. Process of constructive cooperation
3. Process of constructive settlement
4. Process of protecting minority rights in Indian and Pakistan controlled J&K
5. Process of regional autonomy in Indian and Pakistan controlled J&K
6. Process of healing wounds through compensation
7. Process of socio, economic uplift of people through better education, health, employment and other basic facilities
8. Process of mutual tolerance
9. Process of neutralizing hard line elements
10. Process of creating a constituency of peace
11. Process of creating awareness about CR
12. Problems and challenges in creating an alternate
13. architecture for CR process
14. Methodology to unleash the processes

Any viable process of CR in Kashmir needs to take into account the inclusion of processes mentioned above. The foremost requirement is



the process of dialogue and a clear-cut agenda on Kashmir which must be unleashed by India, Pakistan and the Kashmiri leaders. If such a process is launched with seriousness and commitment, it may lead to constructive cooperation among the parties concerned in the Kashmir conflict resulting into a viable settlement in which all the three parties may benefit. The process of launching two-pronged talks involving the Kashmiri groups and India on the one side and India and Pakistan on the other side has begun. Talks between the moderate faction of APHC and the Indian Government are going on. As far as India and Pakistan are concerned, the foreign secretaries of India and Pakistan agreed in Islamabad on February 18 to hold series of talks on various contentious issues, including Jammu and Kashmir in May 2004 under the composite dialogue process.<sup>27</sup>

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 minority in Indian and Pakistani controlled J&K. Unless the minorities, whether Hindu, Muslim, Sikh or Buddhist in different regions of J&K feel safe and secure in any future settlement on J&K, it will become impossible to guarantee the success of conflict resolution. However, the question arises, what incentives should be given to India to pursue a flexible approach on Jammu and Kashmir? Pakistan has made it clear that it can pursue a flexible approach on J&K provided India reciprocates. From a realistic standpoint, the biggest incentive for India, and for that matter also Pakistan from the peaceful resolution of the Kashmir conflict is an end to around six decades of hostility, diversion of huge resources from human development to defence expenditures and the hope of bettering the lives of millions of people of not only India and Pakistan but also the whole of South Asia.

As far as regional autonomy is concerned, the process must include maximum decentralization in the affairs of J&K, whether under the Indian or the Pakistani control. According to an Indian origin American Professor, 'at the national level, New Delhi must move toward restoring Kashmir's compromised autonomy.' Most of the grievances of Kashmiri people have emanated because they have not been<sup>28</sup> treated

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<sup>27</sup> Hasan Akhtar, 'Schedule set for Kashmir talks,' *Dawn* (Karachi) 19 February 2004.

<sup>28</sup> Sumit Ganguly, 'An Opportunity for Peace in Kashmir?' *Current History* (Philadelphia), Vol. 96, No. 614, December 1997, p.418. He further suggests that since most of the disaffected population does live in the valley, some effort has to be made to assuage its discontent and sense of alienation. To this end, any government in India will have to restore popular

properly by the state authorities, primarily those belonging to New Delhi. With minimum central control in the affairs of J&K, a positive change could be brought in that region creating plausible condition for resolving the Kashmir conflict. This would also require healing of past wounds either by paying compensation to those who were victims of state repression or restoring their self-respect, which was badly violated during the era of violence. If the economy of J&K is made vibrant by giving small loans to poor people so that they can be self-employed and use the amount for education and housing, such steps will have a positive impact on the political environment of that region. When people will be engaged in productive activities, the influence of extremist and militant groups will reduce substantially. With mutual tolerance exercised by the heterogeneous population of J&K it will become possible to neutralize hard line elements and creating a strong constituency of peace so that decades of ill-will and hatred which plagued J&K is removed and an environment of sanity and peace is established. By creating awareness not only among the people of India and Pakistan, but also among Kashmiris that enough is enough and the sustained cycle of confrontation must end will definitely help create a better situation for resolving the Kashmir conflict. At some stage, one can also think of establishing a 'Truth And Reconciliation Commission' for J&K which can hope to provide justice to those who suffered as a result of years and years of discrimination and state suppression. That type of an initiative must come from the side of those who had contributed to the sufferings of people and those who had suffered. In that case, New Delhi and the Kashmiri resistance groups can think in terms of such a commission which will create goodwill, harmony and tolerance in J&K.

A critical observation which may be made while examining the issue of the Kashmir conflict is what India will benefit from such a process and why should New Delhi, which favours territorial status quo will agree to a situation in which it is required to give major concessions like granting maximum autonomy to its controlled parts of J&K? Two important benefits which India can secure by following a flexible approach on J&K conflict are: first, for an emerging power like India, the

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faith in a variety of local political institutions and processes. Strategies for achieving this might include aggressively recruiting Kashmiri Muslims for positions in the state bureaucracy, restoring the local judiciary's independence, reining the paramilitary forces, and punishing those members of the security forces involved in human rights violations. Also the regime in Kashmir needs to carefully and adroitly seek to bring APHC into the political fold.

solution of the Kashmir conflict will positively elevate its image at the international level. If India aspires for a permanent seat at the UN Security Council then it needs to improve its relations with its neighbours and also seek a peaceful resolution of the Kashmir dispute. Second, its relations with Pakistan may substantially improve thus having a positive impact on the process of regional cooperation in South Asia. As far as Pakistan is concerned, the ruling establishment will have to reconcile with the fact that it cannot take Kashmir by force and any solution of the Kashmir conflict must be within the domain of larger autonomy. Benefits for Pakistan if the Kashmir conflict is resolved will primarily relate to reducing its defence expenditures, improving relations with New Delhi and getting more recognition and support from the international community.

Problems and challenges in creating an alternate architecture for conflict resolution in Kashmir are numerous. First, the forces who have benefited from the decades of violence in J&K will create maximum obstacles to the process of reconciliation, peace and conflict resolution. So far, the vested interest groups had succeeded in subverting efforts for purposeful dialogue and settlement. It is yet to be seen how the present positive trends in Indo-Pak relations which have raised hopes for the resolution of the Kashmir conflict will help neutralize such forces. Second, false ego and stubbornness of the parties involved in the Kashmir conflict will also make things difficult for either establishing or strengthening an alternate architecture for conflict resolution process in Kashmir. Till the time, there is an element of maturity, prudence and sincerity among those who matter in the Kashmir conflict, it will be difficult to change the paradigms of conflict and remodel these on pragmatic and realistic lines. According to Iftekhar H. Malik, a Pakistani origin scholar based in the UK,

In any realistic resolution of the Kashmir conflict, 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.<sup>29</sup>

Now the question is how the alternate architecture for conflict resolution can help resolve the Kashmir conflict? Following points could be examined in this regard:

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<sup>29</sup> Iftekhar H. Malik, *Continuing Conflict in Kashmir Regional Détente in jeopardy* (London: Regional Institute For a Study of Conflicts and Terrorism, March 1993), p. 18.

- A. Mutual stakes of the conflicting parties to resolve the conflict
- B. Proper unleashing of processes and the simultaneous monitoring of progress
- C. Building of trust and confidence
- D. Benefits of peace and cooperation
- E. Learning from past failures
- F. Stabilization in political, economic and security relations.
- G. Involvement of people in the process of CR

Once the process of purposeful negotiations to resolve the Kashmir conflict is unleashed and violence is curbed, if not completely stopped from all sides, normalcy will return to the troubled regions of J&K on the one hand and Indo-Pak relations will also improve substantially on the other hand. There is no substantive guarantee that such a change will take place to resolve J&K conflict if such processes are unleashed, yet as apparent in most of the intractable conflicts, there is always light at the end of the tunnel. With that positive change, mutual stakes of the conflicting parties will be created so as to sustain the alternate architecture of conflict resolution process. However, it would also require from the parties concerned that such a process must be properly monitored so that gaps and loopholes are not created. Building of trust is the key in order to secure benefits of peace and cooperation. As far as the Kashmir conflict is concerned, the sad thing is India, Pakistan and Kashmiri groups still hold substantial mistrust and suspicion against each other. Without trust and confidence, it becomes difficult to guarantee either reaching a settlement or ensuring smooth sailing of conflict resolution process. Lack of trust can put any settlement at stake. Likewise, if the parties in a conflict are unable to learn lessons from the dynamics of conflicts, failures and successes, it becomes difficult to stabilize political, economic and security relations among parties who are in the process of resolving and then post-conflict situation.

Most important, the involvement of different segments of society in India and Pakistan is essential for the success of CR process in Karachi. If the Indian Prime Minister Dr. Manmohan Singh and President Pervez Musharraf are able to strike a deal on Kashmir but if it is not supported by people and particularly those who represent various political forces and groups, it will be difficult to guarantee the smooth sailing of such a deal. BJP has raised its objection on Congress led government's undermining of cross border terrorism while dealing with Pakistan. BJP's argument is during 6 January 2004 meeting between President Musharraf and Prime Minister Vajpayee the centrality of stopping cross border terrorism from the side of Pakistan was

acknowledged, a fact not emphasised by the government of Manmohan Singh. It is true that India and Pakistan have secular and Islamic identities but it should not mean that the people of Jammu and Kashmir should be denied their own identity. Therefore, taking people into confidence before reaching a settlement on the Kashmir conflict is necessary. One is aware of the fact that various extremist groups in India and Pakistan leave no opportunity in opposing the peace process. It is that segment of society which must be neutralized for a successful launching and implementation of the CR process on Kashmir.

Following a meeting between Pakistan President Pervez Musharraf and the Indian Prime Minister Manmohan Singh in the sidelines of NAM summit held at Havana in September this year, it was decided to resume the peace process which was suspended after the Mumbai blasts of July. The joint statement, which was issued after that meeting, agreed to set up an 'India-Pakistan anti-terrorism institutional mechanism' and pledged for a peaceful resolution of the Kashmir conflict.<sup>30</sup> Referring his meeting with the Indian Prime Minister in Havana, President Musharraf stated while talking to the Pakistani media in New York on September 17 'that the joint statement issued after the meeting was a victory for both sides and would auger well for the future of Indo-Pak relations.'<sup>31</sup> On the Kashmir issue, he also maintained that, 'we did not discuss the modalities of a solution. The realisation of narrowing down differences and strengthening of convergences is the way forward. It sets a direction forward.'<sup>32</sup> On the other hand, the Indian Prime Minister, addressing press conference at Nainital at the conclusion of a conclave of chief ministers of Congress rules states said that, the two countries had to find ways to reconcile their positions on the Jammu and Kashmir issue, considering that New Delhi has maintained that there could be no redrawing of borders and Islamabad has said it would not accept the Line of Control as permanent border. There has been trust

<sup>30</sup> See editorial, 'Breakthrough in Havana' *Dawn* (Karachi), 19 September 2006.

<sup>31</sup> 'Accord augers well for future ties: Musharraf,' *Dawn* (Karachi), 18 September 2006. In his speech at the UN General Assembly, President Musharraf that, 'an acceptable solution of the Kashmir dispute was within reach as a result of the peace process between India and Pakistan. I am confident that my positive meeting with Prime Minister Manmohan Singh in Havana will help to carry forward the peace process which is vital for the future of both countries and for peace in South Asia and beyond.' See 'Kashmir solution within reach: Musharraf' *Dawn*, (Karachi), 20 September 2006.

<sup>32</sup> *Ibid.*

deficit in our relations with Pakistan. But we cannot stand still. I sincerely believe that our two countries have to find ways and means to get over the problems, that include terrorism.’<sup>33</sup>

One needs to see how the present improvement in Indo-Pak relations following Musharraf-Singh meeting in Havana will contribute to the process of conflict resolution as far as the Kashmir issue is concerned. In not too distant past also, such pledges were made by the two sides but the fragility of Indo-Pak peace process shattered hopes and expectations in this regard. BJP has criticised Musharraf-Singh understanding in establishing joint India-Pakistan anti-terrorism institutional mechanism and called it a failure on the part of the Congress led government to what it alleged curb Pakistan sponsored terrorism particularly in the Indian controlled Jammu and Kashmir. Whereas, Congress and the left wing parties have welcomed such a mechanism as they unlike the BJP would like to move ahead in the peace process. The walls of mistrust and suspicion between India and Pakistan are major impediment as far as the resolution of the Kashmir conflict is concerned. What the Indian Prime Minister has suggested about trust deficit makes sense and the two sides must give a top priority to take practical measures for establishing basic trust and confidence in their relations.

For the just and fair resolution of the Kashmir conflict, an alternate architecture for peace is essential. The question is: has the time for such an initiative arrived and if not then what can be done to create conditions in this regard? Only through a process of purposeful dialogue can the Kashmiris, Indians and Pakistanis ensure a better world for themselves and also for the people of South Asia. There is no other way to defeat the forces of darkness who have kept South Asia poor and underdeveloped by not abandoning the path of confrontation and following the path of reconciliation and cooperation.

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<sup>33</sup> ‘Need to reconcile positions: Singh,’ *Dawn* (Karachi), 25 September 2006.