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How have the decisions of political leaders influenced the peace process in Jammu and Kashmir from the time of the Partition of 1947 to present day?

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Abstract

The conflict in Kashmir began as a dispute between the two newly independent nations of India and Pakistan in 1947. Although many factors contributed to its severity and the direction it has taken over the years, the most powerful factors influencing the conflict have been political leaders and emerging separatist groups. The focus of this essay asks, "How have the decisions of political leaders influenced the peace process in Jammu and Kashmir from the time of the Partition of 1947 to present day?" This essay aims to evaluate the implications of political decisions on the peace process in Kashmir.

For the purpose of this paper, the phrase "political leaders" refers to Indian and Pakistani heads of government, along with some separatist groups in Kashmir with significant political power. In order to arrive at a conclusion, significant events throughout the history of the Kashmir conflict were addressed in regards to the actions of the political leaders.

Power politics played a great role in the actions taken by heads of the Indian and Pakistani governments. This is turn led to them neglecting the voice of the Kashmiri people almost entirely. The situation in Kashmir worsened as insurgent groups were created alongside separatist groups and both used violent methods to gain influence over the Kashmiri people.

It seems that the escalations of the conflict from 1947 to the present has made it seem as if this will always be a permanent issue between the two nations, with Kashmir caught in the middle. It would be possible to have a completely independent Kashmir, but only if India and Pakistan can come to terms and realize they need to peacefully resolve their conflict first.

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Introduction

Kashmir has long been a disputed territory between India and Pakistan. It is an area of land bordering the northwestern part of the Indian subcontinent, where the borders of India, Pakistan, Afghanistan and China meet. It became a conflict during the Partition of British India in 1947 when Hindu leader, Hari Singh, of the princely state of Jammu and Kashmir (or Kashmir) did not secede to Pakistan, despite the large Muslim population of the land. Instead, he appealed to the Indian government for assistance in keeping angered Pakistani forces from the land. Since then, India and Pakistan have fought three wars over the territory: in 1947, 1965 and 1999. Some believe the conflict is not merely a territorial dispute, but rather is deeply rooted within the differing religious ideologies between India and Pakistan regarding, respectively, Hinduism and Islam.

Since the beginning of the conflict in 1947, decisions regarding this area have taken the form of power politics with seemingly little regard for the Kashmiri people. Now however, it seems that many of these political choices have had an increasingly negative impact on the Kashmiri people and have removed much hope for a peaceful solution to the conflict. Without the solution of peace, it seems hope has been lost from the eyes of many Kashmiri people and made them vulnerable to the influence of others, whether they are prominent political leaders or radical separatists groups.

Many problems plague the land of Kashmir. They range not only from boundary and territorial disputes but to separatist and settlement issues as well; most of these problems are direct or indirect results of political leaders' decisions and have greatly hindered the process to peace. For the purpose of this paper, the phrase "political leaders" refers to Indian and Pakistani heads of government, along with some separatist groups in Kashmir with significant political

power. This essay aims to evaluate the implications of political decisions on the peace process in Kashmir.

Historical Background of Political Leaders

The conflict regarding Kashmir began in 1947 during the partition of British India into Pakistan and India. At this time, India and Pakistan became two "legally equal" sovereign states (Barash and Webel 152). The British had resided over the Indian subcontinent by splitting it into more than 500 princely states, which were "nominally independent" entities governed by Indian leaders under the British Crown (Ganguly 15). At the time of the partition, the leaders of the princely state, the maharajas, were able to accede to either India or Pakistan. These decisions were usually made in regards to the principalities geographic and religious distributions for practical reasons, with Hindu majorities of populations acceding to India and Muslim majorities to Pakistan (Leather 6). Since the British promptly ended their authority over the area in August 1947, it was left to Hindu Maharaja Hari Singh to make a final decision. Wanting independence for the state, the Maharaja of the Muslim majority Kashmir, procrastinated on making his decision of accession. It was at this time that the newly independent nations of Pakistan and India acquiesced to power politics as they tried to convince the Maharaja to accede to either Pakistan or India (Wirsing 2).

In October 1947, after tribal groups from Pakistan overran parts of Kashmir, the Maharaja desperately needed the assistance of the Indian military (Wirsing 39). Viceroy Lord Mountbatten of Burma, the Governor General of India, stated he would not be able to help Kashmir since Pakistan and India had signed a non-intervention treaty regarding Kashmir; therefore, unilaterally invading Kashmir would be wrong (28). In doing this, the power

Mountbatten held over the area was also exercised as he was making up decisions based off of the ability to have Kashmir under Indian rule (Barash and Webel 160).

It was after appealing to the Indian government that the Maharaja decided to create the Instrument of Accession which stated he would accede to India after their military assistance was provided. Viceroy Mountbatten accepted the agreement and stated the reactive Indian military intervention was only being done to clear the land of invaders (Wirsing 40). The Indian government's newspapers also reported the Viceroy stated afterwards a plebiscite would be held in order to determine where the people of Kashmir wanted to accede to (54). At this time the Indian military began their descent into Kashmir. The Pakistani Governor General, Mohammad Ali Jinnah, did not believe the accession to be valid since the Maharaja was a British appointed official; as a result, he sent Pakistani troops into the area. Thus, beginning the Indo-Pak War of 1947 (56).

In November 1947 the Prime Minister of India, Jawaharlal Nehru, declared to the Indian Parliament that in order to establish their decree with Kashmir about the plebiscite, they should appeal to the United Nations Organization as an "impartial tribunal." Along with appealing to the UN in early 1948, Nehru also took the conflict with Pakistan to the UN's Security Council, hoping to have Pakistan labeled as an "aggressor nation" (56-57). Having Pakistan officially labeled as the "aggressor nation" makes sure that other sovereign and "legally equal" nations know of the status of the situation (88). Had India succeeded in this action, the outlook on the war may be different (Barash and Webel 99). The UN responded with the creation of the United Nations Commission for India and Pakistan (UNCIP) and created a temporary "Cease-fire line," which now has become the permanent boundary line between India and Pakistan, creating Pakistani controlled Azad Kashmir and Indian controlled Jammu and Kashmir (Wirsing 3).

Even after initial cease fire, military remained in the Kashmiri region while border disputes continued in the subcontinent between Islamic and Hindu peoples around East and West Pakistan (Ganguly 23). Despite this, the new Pakistani Prime Minister, Mohammed Ali Bogra, met with Nehru for bilateral negotiations in which both parties stated the Kashmir dispute would be solved without force and a plebiscite would be held. They both agreed to appoint a new mediator as well (24). This particular movement for peace expands upon how two legally equal, sovereign nations can resolve conflict with the use of a mediator (Barash and Webel 261).

However, the 1950s began the pro-Pakistan perspective of the United States, whose relationship with Pakistan was enhanced; thus, threatening Nehru and causing him to believe the Security Council's position on the Kashmiri conflict was to some extent, compromised as it favored Pakistan. Diplomatic relations between the two nations quickly dissipated as India became less favorable towards the plebiscite and having a third party mediator (Ganguly 25-28).

After the Sino-Indian War of 1962 in which China was victorious, Pakistan launched a campaign against India believing that the Kashmiri people were discontent with Indian rule in the region and India would also be too weak to defend them. Pakistan referred the Kashmir as a disputed territory, which in turn caused retaliation from India. This operation in 1965 led to the Indo-Pakistani War of 1965 and ultimately failed (Ganguly 101-103).

The next major dispute between India and Pakistan occurred when Bengali East Pakistan attempted to free them self of Pakistan and become Bangladesh. Indian military began to build up along the border of Eastern Pakistan and war simply seemed inevitable. Pakistan launched a preemptive attack which began the war of 1971. The war resulted in massive losses for Pakistan as they reportedly had over 90,000 prisoners of war in India (Shah 15). It also however finalized the separation of East and West Pakistan into Pakistan and Bangladesh. The signing of the Simla

Agreement between India and Pakistan reestablished the Line of Control and was seen as a new foundation for better relations between the two nations. Going along with the positive relations the Prime Minister of India, Indira Gandhi, released the Pakistani prisoners of war as a gesture of goodwill towards the democratizing nation. Unfortunately, these newly formed good relations quickly dissipated in 1974 when Gandhi tested nuclear weapons near the border of Pakistan. Her actions, in accordance to the deterrence theory—which describes how governments show they will strongly retaliate if attacked in order to lessen the chances of a potential aggressor attacking—were unusual due to good terms both countries were on (Barash and Webel 87). Her actions resulted in Pakistan believing the worst of India (Shah 16).

In 1984 the territory near the Siachen Glacier, that had not been a clearly defined boundary within the Simla Agreement, resulted in additional military conflict between Pakistan and India. Although was primarily successful in taking over the glacier, conflict has generally increased in Kashmir (Wirsing 195). To further aggravate the situation, the late 1980s gave rise to the separatist movement in Kashmir (113-114)

Emergence of Separatists and Insurgents

Groups opposing Indian and Pakistani occupation of Kashmir began to emerge in the late 1980s as the situation further destabilized. Indira Gandhi attempted to strengthen Kashmir by reappointing the previous head of government in Kashmir, Sheikh Abdullah. In doing this, she hoped to lessen the attention given to the idea of having a plebiscite in Kashmir. As Abdullah claimed he was not a "puppet" of Gandhi's government and attempted to reestablish his name within Kashmir to gain power there, his National Conference party gained opposition groups (Leather 9).

Such groups include separatists, those that want entirely different things for Kashmir than what is already in place. They resent the Indian Army's occupation, want complete separation from India and would prefer to accede to Pakistan whom also resent the Indian Army (7). Other reasons for their want for separation can be traced back to the previous Pakistani Governor General, Mohammad Ali Jinnah and his identity concept for a state in which he stressed the cultural unity of a state as the best basis for its identity (Ganguly 5). This may have led to creation of fundamentalist groups, such as the All Parties Hurriyat Conference (APHC) (Leather 11). Groups such as the APHC heeded to theories of conformity from which the social media confirmed the authority of particular leaders, which in turn led separatists to feel a particular connection to their leader (Myers 733). As they followed Jinnah's words, they hoped for a Kashmir independent of Pakistan and Kashmir, based on Islamic values (Leather 19).

A significant number of separatists would prefer Kashmiri independence and sovereignty. Both groups have gone to great lengths to showcase their position and have occasionally discriminated against each other as well. Many of these groups supporting accession to Pakistan have led to a number of human rights' accusations. Militant/terrorist groups affiliated with the *mujahideen*, who are freedom fighters opposing Indian occupancy, have led to many attacks on Indian civilians in the region. (14). Just as well, militant groups reported to having been leaking through from bases in Afghanistan. Many other issues have come about as a result of human rights' violations by both the Pakistani and the Indian Army occupation in respective parts of Kashmir. The Armed Forces Special Powers Act (AFSPA) grants the Indian military wide powers of arrest, the right to shoot to kill, and to occupy or destroy property in counterinsurgency operations. These powers have been abused by officials in countless violations reported by the Human Rights Watch and Amnesty International (29-30). Also,

militant groups have been responsible for an increasing number of deaths of Hindus and the displacement of Kashmiri Pandits since 1989 (Marks 126).

Pakistan's support of militant groups as "freedom fighters" has led to reports of their military assistance (regarding arms) to these insurgent groups. They've also disregarded terrorists groups in Azad Kashmir and other areas of Pakistani Kashmir despite the fact that they are blatantly active terrorist groups. Pakistani President Musharraf's promise to attempt to crack down on these groups in 2002 has not meant much, as he has not properly met these goals (Ganguly 87). Acts such as these have long been part of Indian and Pakistani relations since the deterioration of Simla Agreement after the Siachen Glacier skirmishes in 1987 (Wirsing 67). Also, the Indian government's decision to build a fence on the United Nations issued Line of Control to decrease the number of militant groups illegally entering India from Pakistan has been perceived negatively from the Pakistani point of view as it "...undemarcates [the land], and border fencing is not allowed (Ganguly 35)."

The actions of these militant groups may be overlooked as mistakes due to the government's inability to control them, but they are more than that. These militant groups generally form in order to influence other audiences (Barash and Webel 45). Their influence against the differing opinions of the official government leaders of India and Pakistan adds to the chaos and instability in Kashmir; thus, making it more difficult to think about the absence of war in Kashmir as a possibility.

Analysis of Political Leaders' Behavior

Since the beginning of the conflict the behaviors of individual political leaders have neglected to take into account the will of the Kashmiri people. The constant pleas for referendums have not been met while dispute rages onwards.

Political leaders of both India and Pakistan have long held hostile feelings towards each other. Even the beginning of what could have been friendly relations between the countries after the 1971 war, resulting from the 1972 Simla Agreement, quickly dissipated when Indian leader Indira Gandhi tested a nuclear device near the border of Pakistan (Shah 16). Further relations between the two countries have been hindered due to religious discord among Muslim and Hindu populations in both countries.

Maharaja Singh hoped to have an independent Kashmir, but such was not possible under the existing circumstances. Once Pakistan and India were independent, neither one of them waited before plunging into power politics in order to gain the territory of Kashmir (Wirsing 11). One of the biggest issues Kashmir faces is the fight ensuing between India and Pakistan regarding each country's feelings of entitlement for the land (10). Pakistani leaders often claim they are naturally entitled to the land due to the population's Islamic majority. They also add to their claim of entitlement with their geographical proximity and economic trade patterns with Kashmir; they also go further in stating the Kashmiri people's "right to self-determination" can be reached with Pakistan backing them (Shah 28). Indian leaders legitimize their argument by referring to Maharaja Hari Singh's accession document posed to India as the only necessary valid documentation needed. Although the document is from 1947, it is still used as justification for a fully Indian Kashmir as opposed to one split with Pakistan (31). Indian leaders also point

out that it is their duty to have Kashmir since they can be seen as the as the natural "guardians" for Kashmir based off their geographic positioning (Wirsing 9).

It's interesting to note that both countries have based their claims on the idea that Kashmir belongs to the respective nation by right of law rather than by what's best for the country. They don't take into consideration the Kashmiri people's own preferences regarding their geography, ethnicity and other such factors (10). A strong Western influence can be seen in regards to some of the current motivations behind wanting Kashmir, for instance, now it may be seen as a play for power. Underlying motives include both countries beginning to adapt the philosophy of land equals power in order to further themselves as powers in the international playing field (Ganguly 6). Pakistan furthers this attempt at land by using an irredentist approach in which they again claim Kashmir on the basis of ethnic and cultural unity (5). India just as well can be seen using an anti-irredentist approach in which they prefer to have Kashmir a part of India because of their differences. It would further India's position as a great society with multiple ethnic identities (Ryan 55). It's also interesting to note that peace theorists state that with incompatibility theories, such as the theory of plural society— which consists of multiethnic nations within states—peace is not plausible. However, the idea of consociationalism based off of a democracy of "multi-party cabinets, proportional representation and centralized power sharing, and political decentralization" proves that India could be successful in furthering their multi-ethnic state (Ryan 16).

Muhammad Ali Jinnah embraced the notion of the two-nation theory, which states that individual nations within countries should have their own states, and thus created Pakistan. In doing so, he split up the uniting thread of a dominant land mass of South Asia. In his advocacy for the concept of identity in being the foundation of a state, Jinnah created a particular mind set

among the people that were to become Pakistanis when he stressed the need for a sense of cultural unity among a state (Ganguly 10). To some extent he even "planted a seed" that would become the basis of a few key fundamentalist groups.

Throughout the late 1970s and onwards to the early 1990s, Pakistan's foreign policy attempted to build upon their relationship with the states making up the Middle East (Shah 13) (Choudhury 55). This may have been interpreted by India as their attempt to become more politically powerful than India (Choudhury 11). This seemed to have been a common theme throughout the Kashmiri conflict, one in which the theory of terror management comes about. The theory suggests that the "anxiety of annihilation" create an ongoing threat of fear (Bar-tel 694). This in turn would justify the preemptive reactions of India, Pakistan and separatists organization. For instance, due to the fear of Pakistani invasion, Maharaja Hari Singh was inclined to ask for the help of the India military. In another instance, the Pakistani militant organizations feared the Indian separatists in Kashmir would attack them, and for that reason the Pakistani organizations attacked the Indian group first (Leather 23). This overall fear of attack has caused many instances of preemptive attacks, which in turn have only lessened progress on the path to peace.

During Indian Prime Minister Rajiv Gandhi's visit to Pakistan in 1989, Pakistani president Ishaq Khan questioned the motives of his visit by accusing him of trying to force India's political power over him (Shah 13). Thinking such as this result in fundamental attribution errors, in which the observing Indian nation underestimates the power of the situation Pakistan is in and therefore overestimates the feelings of animosity towards them from Pakistan (Myers 724). Thus, the negative attributions each country has towards each other can result in unfortunate consequences, like the inability to come to terms with peacemaking attempts.

Along with other leading political parties, the militant and separatists groups must not be forgotten. Through much violence and at times guerilla warfare, are they able to gain power and influence over the other Kashmiri people in the region (Wirsing 137). Just as well, by referring to them as terrorist groups, the power of situation takes toll and these groups begin to more actively pursue the roles of terrorist organizations (Myers 727). The separatists also tend to take on a different version of the archetypal "primitive society;" although they aren't "primitive" in their ways of living, the formation of insurgent groups lends itself to the simultaneous creations of the "we-group" in which everyone outside said group is seen as a possible threat (Levine and Campbell 7).

In the end it is unfortunate, but both India and Pakistan's abuse of power within Kashmir has not only led to greater animosity towards each other, but it has affected the psychological mind set of the Kashmiri people and spurred the creation of many separatist and militant groups (Ryan 88) (Leather 13).

Paths to Peace

Although there have been bilateral talks between India and Pakistan, most have resulted in failure. Also, with integral parts of the voice of Kashmir being excluded from the political "platforms" of India and Pakistan, it's quite logical to think that peace cannot be observed without a common factor of unity. In order for peace to exist, societies need some sort of common goal, a basic set of objectives and values, to grow from and to remain united (Ryan 13). With no such goals in place regarding Kashmir, other nations' influences leave Kashmir susceptible to further issues.

However, there are still possible ways to achieve peace in the region, but it is a process and cannot simply be done overnight or through a few diplomatic meetings. The process consists

of three major parts: peace-keeping, peace-making and peace-building (Ryan 51). First, an attitude of both parties wanting peace is necessary in order to allow for a stop to the ongoing violence in the area, this part of the process would be directed towards the armed groups (52). In Kashmir—both Pakistan and Indian controlled Kashmir—the targets would be separatist and insurgent groups who continue to cause chaos. The next step of the process of peace-keeping addresses the "perceived incompatibility of interests" both sides feel (52). The primary targets for this section are the decisions makers and leaders of the political groups involved. It is not that the political leaders must have their share of bilateral, diplomatic meetings (55). Finally, the peace-building begins in order to target the actual people living the area who are implicated throughout all the other violence. In this step, it's imperative to address the negative attitudes held by the people as to change them since attitude plays a large role in the process (51).

A steady demilitarization of the Kashmir must begin to start the process. An independent Kashmir is very possible since it already has the economic stability to succeed (Wirsing 91). It needs political stability that can be achieved without Indian and Pakistani input. In order to continue the path to peace, a plebiscite should be agreed upon by the leaders of Pakistan and India in order to allow the Kashmiri people's voices to be heard. In the past, Pakistani demands for a Kashmiri plebiscite have been reinforced by the United Nations, but were never actually held due to miscommunications and constant smaller conflicts arising from power politics (Wirsing 55). Although insurgency will still be problematic in dealing with, it seems that once the step to peace-building can be taken, the people's discontent with such groups will lessen their influence. Just as well, social stability would be plausible without such chaos according to aspects of consociationalism which emphasize the notion of "power-sharing" in which differing

ideologies can co-exist (Ryan 16). Ideally with compromise on the table rather than powerhungry ulterior motives, peace in Kashmir would be plausible.

Issues regarding the conflict resolution between India and Pakistan are the lack of trust between both nations (Wirsing 249); trust is an essential part of the peace process in which both countries state they want to resolve the ongoing conflict (Levine and Campbell 75). Without trust, progress is difficult to make. However, in order to solve this setback, the consequences for not having peace must be considered as part of the path to peace as well. For instance, without peace, the consequences would greatly outweigh the benefits. Continued conflict between both India and Pakistan would increase issues of South Asia and would cause further discord to both countries' economic policies and others as well (Leather 40).

Also, the possibility of another war between Pakistan and India increases with the ongoing chaos in the region. Not only would this war be disastrous to the people of Kashmir, India and Pakistan, but the looming probability of the war going nuclear is on the rise. The threat of a nuclear war is something that would greatly affect in large part, most of Asia, although specifically South Asia. Such a war would minimally doom the economic, technological, political, and cultural advances of these areas. It would be a great international disruption in terms of the global market as well (Leather 39). Therefore, going nuclear simply cannot become an option between the two nations.

Conclusion

The Kashmiri conflict is a complex issue resulting from ideological differences manifesting themselves into differences between governments. It seems that throughout the conflict surrounding Kashmir, the possibility of peace is being hindered by the decisions of

political leaders, whom have had negative influences on the region resulting in separatists and insurgent groups. Thus leading to even more negative reactions from the people of Kashmir and creating issues greater than a simple territorial dispute due to their power politics.

However it seems that such leaders' decisions have been beneficial in some cases with bilateral agreements and have the potential to be even more beneficial if initiated properly in the future. The best way to proceed with the process of peace is by firstly acknowledging the need for peace, demilitarizing the area and slowly allowing Kashmir to stand on its own free of other international powers. Despite mistakes of the past, leaders have the influence and ability to change for the better once it is realized peace is necessary in the region of Kashmir.

Works Cited

- Barash, David P., and Charles P. Webel. <u>Peace and Conflict Studies</u>. Second Edition ed. Thousand Oaks: Sage Publications, Inc, 2008.
- ➤ Bar-Tel, Daniel. "The necessity of observing real life situations: Palestinian-Israeli violence as a laboratory for learning about social behaviour." *European Journal of Social Psychology* 34.6 (2004): 677-701. *Wiley InterScience*. Web. 3 Oct. 2009.
- Choudhury, G W. <u>Pakistan's Relations with India 1947-1966</u>. Hanoi, Vietnam: Pall Mall Press, London, 1968.
- Ganguly, Sumit. <u>Conflict Unending: India-Pakistan Relations Since 1947</u>. Mumbai: Oup India, 2002.
- Leather, Kaia. <u>Kashmiri Separatists: Origins, Competing Ideologies and Prospects for Resolution of the Conflict</u>. New York: Novinka Books, 2003.
- Levine, Robert Alan, and Donald T. Campbell. <u>Ethnocentrism: Theories of Conflict</u>, Ethnic Attitudes, and Group Behavior. New York, NY: Wiley, 1971.
- Marks, Thomas. "India: State Response to Insurgency in Jammu & Kashmir The Jammu Case." <u>Low Intensity Conflict & Law Enforcement</u> 12.3 (2004): 122-143.
- ➤ Myers, David G. "Social Psychology." *Psychology, Eighth Edition, in Modules*. 8th ed. New York: Worth Publishers, 2006. 723-767.

- Ryan, Stephen. <u>Ethnic Conflict and International Relations</u>. Brookfield: Dartmouth Publishing Group, 1995.
- ➤ Shah, Mehtab Ali. <u>The Foreign Policy of Pakistan: Ethnic Impacts on Diplomacy 1971-</u> 1994. New York and London: I. B. Tauris, 1997.
- Wirsing, Robert G. <u>India</u>, <u>Pakistan and the Kashmir Dispute</u>: <u>On Regional Conflict and Its Resolution</u>. New York: Palgrave Macmillan, 1998.