

# The Kashmir Issue

## Introduction

For the majority of Pakistanis, there is a very good chance that our first interaction with Intra-state dissesnsion was the issue of Jammu and Kashmir. An issue which stemmed from the Political independence of Pakistan and India from the colonial British Empire, the Victorian Monarchy seemed to pour fuel on the Muslim-Hindu divisions rather than actually solving it. Such a fire would then rage, that would remain ablaze for decades, diminishing generations of innocent civillians, and tainting foreign affairs between sovereign nations. But why is it that in this day and age of Peace, treaties and International bodies that this issue is still widely unresolved?

## History

During the leadup to Political awareness and activism within the Indian Subcontinent, tensions between Hindus and the Muslims were at an all time high. Failure for the protection of minorities within the region, and a biased attitude against Muslims could be blamed, but perhaps the largest reason for this issue in the first place was the monopolistic nature of the Crown Empire. Monetary based relations, and no regard for the opinions and rights for the population, inhertnely created a sense of competition between the religious factions in the subcontinent. One tangible example of this is the hastily divided princely states. These states were allies of the british, Traditional Raj-Rulers allowed to stay in power over their region, under the condition of showing allegiance to the british, alonhgside giving up their military prowess in exchange for british protection. A modern implementation of the 'Jizya Tax' in other words. During partition, these princely states had the option of joining either Pakistan or India. However the british failed to consider the census of population of the regions these rulers ruled over. As a result of this a number of states had differing opinions between the ruler in power, and the population in the region. In Kashmir's case, Hindu Ruler Hari Singh had pledged allegiance to the british, and also enjoyed impartial control over the jammu and kashmir region. Problem was his population was majority Muslim, but as a Hindu ruler personally he preferred joining India. In stalemate he

decided not to join any state and remain 'Independent' but realised this could not last for long. Soon enough the Dogra Regiment of Maharaj Hari Singh carried out systemic attacks on Muslim populations, which resulted in almost 20,000-300,00 (Approx.) deaths, and hundred thousands more displacement. Before this, by executing an Instrument of Accession under the provisions of the Indian Independence Act 1947, Maharaja Hari Singh agreed to accede his state to the Dominion of India. On 27 October 1947, the then Governor-General of India, Lord Mountbatten accepted the accession. But Pakistan did not.

### **War of 1947 and the Question of Plebiscite**

The Indian attempt to drive out the Muslim tribes came to be the first clear signs of the inevitable first Kashmir war. Not only was Kashmir now divided in two parts, but the legality of Maharaja's ascension to India was being questioned. Soon enough this adapted the face of a territorial war. This war took place until India moved the issue to the United Nations Security Council. The United Nations Commission for India and Pakistan (UNCIP) was set up to monitor the conflict in Kashmir. On 21 April, 1948, the United Nations Security Council passed Resolution 47, which enforced an immediate ceasefire, called on Pakistan to secure the withdrawal of tribesmen from Jammu and Kashmir and asked India to reduce its troops to a minimum. The newly formed UN also was eager to solve this conflict before it had the chance to aggravate. Hence the decision for holding a plebiscite on 'the question of the succession of Kashmir to India or Pakistan' was to immediately put into action. Both Nehru and Jinnah agreed to the idea of a plebiscite, however, but to this day has not been held due to India's reservations. After Jinnah's death, in November 1948, both India and Pakistan agreed to hold the plebiscite, but the conditions were violated, as Pakistan was unwilling to withdraw its army from Kashmir. India then set a precondition to the plebiscite that Pakistan should withdraw the Pakistani Army from Kashmir first; however, Pakistan rejected it saying that the Kashmiris would not be able to vote freely under the presence of the Indian army. Pakistan proposed the synchronized withdrawal of all troops with the plebiscite looked over by the international community, but India rejected this proposal. In the span of several years, four resolutions were passed which called upon both states to withdraw all troops simultaneously. However, they were non-binding and had no mandatory obligations. UN arbitrators also put forth 11 proposals for the

demilitarization of Kashmir, all of which were accepted by Pakistan but rejected by India. The issue hence remained, and still does a Political stalemate.

### **Chinese stake**

It may come as a surprise to many, but being a bordering nation, China also plays a role within this conflict as well. China claims about 20 percent of the land in Jammu and Kashmir known as Aksai-Chin. In 1962, Chinese and Indian troops clashed in a territory claimed by both parties. This marked the Sino-Indian War under which land within the Trans Karakoram was also marked as the Line of Control between Pakistan and China, even though India claimed the land on the Indian side. Chinese troops overran the Indian troops in the Aksai Chin and Arunachal Pradesh region before a ceasefire. China withdrew behind the McMahon Line dividing the two countries along Arunachal Pradesh. The ceasefire line between India and China became known as LAC. This war initially stemmed from The Sino-Pakistan Agreement, which was another show of stake as it was a document signed in 1963 by the governments of Pakistan and China that established the border between them. The agreement is highly controversial and is not recognized by India, which also claims part of the land, known as Aksai Chin, which according to Pakistan and China belongs to the latter.

### **Wars of 1965, 1971 and the Simla Agreement**

August 1965. Operation Gibraltar. A Pakistani led Military operation that aimed towards getting disguised Pakistani armed soldiers into Kashmir to launch an offense against the Indian Regiments. The Indian army however grew suspicious of the increase and influx of 'citizens' in Kashmir, which prompted them to take the offensive. Initially the Indian army was met with success, capturing the strategic town of Haji Pir Pass, and Pakistan making progress Tithwal, Uri and Poonch. A number of battles took place, India penetrating as far as the Lahore Airport, whilst Indian forces being driven out in Sialkot after immeasurable losses. Operation Grand Slam took the Indians by surprise, but yet again international mediation diffused the situation. The intervention of the US and Soviets, meant that Peace had been achieved on 23 September by the intervention of the external powers that pushed the two nations to cease fire, afraid the conflict could escalate and draw in other powers. This was followed by the Tashkent Agreement signed in

Moscow in January 1966, a declaration was released that was hoped to be a framework for lasting peace by stating that Indian and Pakistani forces would pull back to their pre-conflict positions, their pre-August lines, no later than 25 February 1966; neither nation would interfere in each other's internal affairs; economic and diplomatic relations would be restored; there would be an orderly transfer of prisoners of war, and both leaders would work towards improving bilateral relations. This however did not last very long. Political tensions between the West and East Pakistanis were through the roof. East Pakistanis started complaining about Political economical and social discrimination from its west counterparts. Disproportionate seats in the National Assembly, low appointments as high Military and governmental officials all added to the growing resentment. Sheikh Mujib Ur rehman tapped into this anger, and started campaigning on the basis of his 'Six Points' which would guarantee the East Pakistanis their own Political, Military and economic independence. In other words, becoming their own sub state. During the 1971 elections, sheikh Mujib Ur rehman and his Awami League won the general elections with a 52 percent win. This put him in the situation to make his own government. Soon enough this worried Western Officials. PPP leader Zulfikar Ali Bhutto refused to take his seats in Parliament if there was no agreement of power sharing. Sheikh Mujib Ur Rehman suddenly found himself in pressure, his own people demanding he not give in to the demands of the Westerners. This resulted in a conflict between the Pakistani Army and the Mukhti Bahini, an armed group comprising of East Pakistanis who were now fighting for the land of 'Bangladesh'. The arrival of refugees from East Pakistan to India presented an opportunity for the Indians to intervene. The Indian army was technologically superior, with military backing from the Soviets. Pakistan did not enjoy this support, which ultimately meant their defeat in both East Pakistan and regions of Kashmir. The independence of Bangladesh from Pakistan brought Bhutto in power, who wanted to bring better relations between India. Hence in exchange for captured troops the Simla Agreement was signed on 2nd July 1972. Pakistan had agreed to make Kashmir a Bilateral Issue. This agreement is now one of the most complex factors, and main Indian argument in this conflict.

### **Formation of insurgent groups**

Owing to the largely ineffective enforcement of the Simla Agreement of 1972, around 1987, animosity towards the Indian administration and possibly rigged state elections prompted the



formation militant wings by select state legislative assemblies, further fueling the Mujahideen insurgency, prevalent even today. The major militant groups in Kashmir include Hizbul Mujahideen, Lashkar-e-Taiba, Harkat-ul-Mujahideen and Jammu and Kashmir Liberation Front. Disputed state elections in Indian-administrated Jammu and Kashmir give impetus to a pro-independence insurgency centered around the Jammu and Kashmir Liberation Front (JKLF). India accuses Pakistan of fomenting the insurgency by dispatching fighters across the Line of Control, which Pakistan denies.

### **The Kargil War**

The last major War over Kashmir to have taken place was in Pakistani. Kashmiri insurgents and soldiers infiltrated Jammu and Kashmir in mid-1999, after gradual resentment started to grow between both parties once again. The rebels took advantage of the winter weather and took over the unoccupied peaks of the Kargil Range that overlooked the highway in Indian Kashmir which connects Leh and Srinagar. The insurgents wanted to cut off the link to the strategic town of Ladakh, so they broke the highway, which caused uproar between the Pakistani and Indian army. This resulted in a full fledged war between the Indian army, and the Kashmiri insurgents, whom were supported by the Pakistani Army according to the Indian Army. Soon on 5th May, 5 Indian soldiers were captured and killed, followed by heavy Pakistani shelling on Kargil on 9th May. As both India and Pakistan were nuclear powers at the time, the fear of a nuclear war resulting from the issue, the United States intervened, and Bill Clinton put pressure on Pakistan to withdraw. Pakistan soon took ownership and withdrew the troops that ended the conflict. Indian soldiers further continued their advancement in Kargil, before 3 Indian Air force planes were shot down by Pakistani forces. However soon enough International pressure subdued the threat, with President Clinton pressuring Pakistani forces to withdraw from the region. Eventually forces were withdrawn and the Kargil conflict officially came to an end.

### **Siachen War**

The Siachen War, a military conflict between India and Pakistan over the Siachen glacier region in Kashmir began in 1984. It is also known as the highest battleground on Earth. Both countries have permanent military troops at the height of over 20,000 ft. Two thousand soldiers have died in the terrain, with 97% of casualties due to hazardous weather conditions rather than fighting. The conflict began in the unfinished demarcated territory on the map beyond the coordinate NJ9842. The main cause of the war was to the lack of clarity of the 1972 Simla Agreement, which failed to mention who controlled the glacier, and the false assumption that no one would

fight over such a cold and infertile region. On 13 April 1984, Indian troops snatched control of the Siachen glacier in northern Kashmir, narrowly beating Pakistan. Thirty years later, the two sides remain locked in a stand-off, but the Indian army mountaineer who inspired the operation says his country must hang on whatever the cost. The United States wished to exercise intervention within the region, however, was not told to probably because of the lack of importance of the region, and mostly because the issue should be solved bilaterally. A US specialist on South Asia termed the issue as 2 bald people fighting over a comb, teeming the area as not being militarily important. Both Pakistan and India have flaunted the land as theirs, by allowing foreign mountaineers, however all failed including the 2003 try of ceasefire, and now the issue moves into its fifth decade. The problem with Siachen is not the large amounts of money and lives lost each year by providing military personnel on the glacier, but the statement that an Indian officer passed which said: "There will be no movement on Siachen until there is movement on everything else".

## **Recent Developments**

### **The Pulwama Attack**

On 14 February 2019, a convoy of vehicles carrying security personnel on the Jammu Srinagar National Highway was attacked by a vehicle-borne suicide bomber at Lethpora in the Pulwama district, Jammu and Kashmir, India. The attack resulted in the deaths of 40 Central Reserve Police Force personnel and the attacker. On 14 February, Adil Ahmad Dar drove a vehicle packed with explosives into a convoy of 78 buses carrying Indian paramilitary police in Pulwama, on the heavily guarded Srinagar-Jammu highway. It was a devastating attack - the worst carried out against Indian forces in decades.

### **Abrogation of Article 370 and 35a**

The abrogation of Article 370 remains the largest issue in recent times. Within the first few days of August in Kashmir, military movements had begun in the region. Major religious gathering

were cancelled, school was closed and troop movement became more apparent. On 5th October 2019, the Parliament of India voted in favour of a resolution tabled by Home Minister Amit Shah to revoke the temporary special status, or autonomy, granted under Article 370 of the Indian Constitution to Jammu and Kashmir. In other words, the weak foundation of Kashmir and Indias co existence, had just been broken down. Coupled with internet blockades, police suppression of innocents the situation spiralled out of control.

### The Blockade

Kashmir remains an open air prison, leaving people with no control over their lives. Under international pressure, internet was restored but to selected areas. The Kashmir siege, however, goes well beyond the brutal denial of the human rights and encompasses every aspect of life. It is about so many things done to the people all at once. Violation of right to freedom, information and the inability to do anything about it.

This is where a **legal** aspect of the issue is drawn in and the Indian government can be criticized for:

1. Challenging the right to share opinion,
2. Challenging the right to be arrested after trial,
3. Challenging the right to use communication systems,
4. Challenging the right to peacefully protest,
5. Challenging the basic right to privacy,

The blockade exist till present day, and the problem unresolved. We hope the next time we update this article, its the paragraph where we talk about a peaceful solution for the innocents of Kahsmir.

