

Indo-Pak Protracted Conflict & International Rivalry over Kashmir: An Esperance of Conflict Resolution

Shahadat Hossain*

Abstract

India and Pakistan are the two rival countries for long decades because they have been conflicting to each other over Kashmir since 1947. During the 1980s the escalation of conflict was more than that of previous time through the insurgent activities despite they have agreed in two treaties in 1966 and 1972. This article has been construed by three cardinal parts over the Kashmir in conflict. Firstly, Conflict is explained in terms of Protracted Social Conflict (PSC), which is related to the security, identity, recognition etc. of any society gives rise to International rivalries for long time and it is crucial when conflicting parties are in a juxtaposing condition. This kind of rivalry is also new stumbling block to the resolution of protracted conflict. Secondly, the historical conflicting roots have been studied to understand the nature of conflict over Kashmir between India and Pakistan since their independence. Thirdly, a solution acceptable to both countries was mentioned proposed by commonwealth Affairs Committee of the British Cabinet in 1948 as an option to the ground of agreement. In this part, a framework is used to identify present positions, interests and needs of conflicting parties and three major diplomatic solutions have been proposed based on those positions, interests and needs of conflicting parties because this is the inter-state conflict between India and Pakistan.

Keywords: Protracted Social Conflict (PSC), International Rivalries, Kashmiriat, Instrument of Accession, Proxy War, Track 1, Track 2 & Track 3 Diplomacy.

Introduction

India and Pakistan are in the embroiled since their independence in 1947 as British government has bifurcated these two countries by the Radcliff line except Kashmir. People from different religions such as Hinduism, Muslim, Sikhism and Buddhism want to annex their Kashmiri territory to their respective religious based countries. In this respect, Muslims want to annex

* Shahadat Hossain, A post-Graduate Student of the Peace and Conflict Studies, University of Dhaka, Bangladesh.

Kashmir to Pakistan as Hindus and Sikhs want to annex it with India and also people from the Buddhism want to annex it with China. But at china in the context of Kashmir conflict is usually out of dispute as majority of Buddhism in Kashmir are living in “Ladakh” has been captured by china in 1962 indo-Sino war. Both India and Pakistan have captured their respective part of Kashmir in the 1947. The Indian Portion consisted of three regions; the Valley, Jammu and Ladakh and The Pakistan portion consisted of Azad (Free) Kashmir. But both countries endeavor to occupy the whole region of Kashmir and for this cause both countries have made their loyal political parties in spite of not having periodic democratic election. Both countries have entered into two major treaties as such Taskhant treaty in 1966 and Shimla Treaty in 1972 but these were baffled as the acceptable solution of commonwealth Affairs Committee of the British Cabinet on 27 February in 1948 was also baffled. Both countries instigate border skirmishes and the Line of Control (LOC), over the Kashmir which was made in 1966 treaty, by sending various insurgents groups. During the 1980s, the emergence of a violent militant movement has intensified internal strife resulting in at least 30000 deaths at the hand of Indian army and the various terrorist groups and this kind of insurgency as “Proxy War’ is going on there since then.

Theoretical Explanations

“Conflict is a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other but not both”¹. This explanation can be opened out and clarified by saying that there must be at least two parties ; each party is mobilizing energy to obtain goal, a desired object or situation, and each party perceives the other as a barrier or threat to that goal. There are explained two salient theories of conflict from decades to decades which are Protracted Social Conflicts (PSC) as also called *protracted conflict* and International Rivalries. In this context, Kashmir is a place in which such theoretical explanations are effective to be applied to contemplate the conflicting situations.

Protracted Social Conflict (PSC)

This theory has been given by Edward Azar from his experiences of staying in more conflict prone area in 1970s at the University of Maryland to explain the conflicts which are going on from decades to decades. The critical factor in protracted social conflict (PSC) is “The prolonged and often violent struggle by communal groups for such basic needs as *security, recognition and acceptance, fair access to political institutions and economic participation*”². In this construct, PSC emphasizes that the sources

¹ C.R Mitchell’, the Structure of International Conflict, Published by the Macmillan Press Ltd., 1989, London, United Kingdom. Page No. 15.

² Oliver Ramsbotham’, The Analysis of Protracted Social Conflict: A Tribute to Edward Azar, Published by: Cambridge University Press, Review of

of such conflict are in the across or within the states rather than between states. He identified *four clusters of variable*³ as *preconditions* for their transformation to high levels of intensity as such;

Communal Content

There is useful to explain the communal content through the identity groups in any states such as racial, religious, ethnic, cultures etc. in which state/society is crucial to articulate the individual level demands such as security, identity, recognition etc. Whenever any single communal group as a regime controller is unresponsive to the individual demands of other groups in the society/state leads to strains the social fabric and eventually breeds fragmentation to be created PSC in any society or State. *In this respect, individual needs come to be mediated and articulated through the process of socialization and group identity are also culturally conditioned.*

Deprivation of human needs

Human grievances are expressed collectively result from the deprivation of needs. Whenever Authority fails to redresses those needs creates the roots of PSC because these kinds of needs are also non-negotiable and non-compromised. People's security, development, political and identity needs are the cardinal sources of PSC which needs to be understood through development and political access. *In this respect, peace can only be traced by satisfactory development in reducing of underdevelopment.*

Governance and State's roles

This is a critical factor to satisfy human needs of any identity groups. Most of the countries experienced from PSC have incompetent, parochial, fragile and authoritarian governments that fail to satisfy basic human needs. There are *three basic points* that how states create the climate of PSC as such; *one* is that, not treating all members of the political community as legally equal citizens in which state is an aggregate of individuals entrusted to govern effectively and impartial arbiter among the constituent parts. *Other* is the Monopolizing of political authority by dominant individuals and groups and the limiting of access to other groups precipitates 'a crisis of legitimacy' in which regime type and the level of legitimacy are seen as an important link to PSC. *Another* is the rapid population growth and limited resources base which restricts the political capacity of any state results in preventing from meeting the needs of various constituents.

International Linkages

This is crucial of political and military relationship for regional and global patterns of clientage and cross border interest. Political-economic

International Studies, Vol. 31, No. 1 (Jan., 2005), Page No. 109-126, Stable URL: <http://www.jstor.org/stable/40072074> . Accessed: 19/01/2013, 15:02.

³ Ibid 2, Page No. 114.

dependency within international economic system is also crucial matter to eruption of PSC. Formations of domestic social and political organization have many impacts on the role of the state which are greatly influenced by the patterns of linkages within international system.

Edward Azhar also explains *Three 'Process Dynamics'*⁴ and whether those 'four clusters of preconditions' for PSC will activate in an 'overt conflict' or not depends on the 'Process Dynamics' as such;

Communal Actions and Strategies

Basically the various processes of identity group formation, organization and mobilization, the emergence and nature of leadership, the choice of political goals (access, autonomy, secession, revolutionary political program) and tactics (civil disobedience, guerrilla war) and the scope and the nature of externalities.

State actions and Strategies

The previous element forms the second element in which state takes 'coercive repression' and 'instrumental co-option' than political accommodation from different forms of societies and winner-take all norms is also crucial matter to lead PSC.

Built in mechanism of Conflict

The second element leads to this third element which is the malign spiral of conflict escalation as trigger and the effects of prolonged conflicts on perceptions of other and how this will turn the behavior of pugnacious groups. "The perceptions and motivations behind the behavior of the state and communal actors are conditioned by experiences, fears a belief system of each communal group. In a situation of limited or proscribed interactions, the worst motivations tend to be attributed to the other side. There is little possibility of falsification, and the consequence is reciprocal negative images which perpetuate communal; antagonism and solidify protracted social conflict".⁵

International Rivalries

The explicit study of rivalries is a fairly recent phenomenon to emerge as a distinctive approach to war causation which connotes the dyadic level explanation. Basically all states have some propensity to go to war. There are some caveats on the "other things being equal" modifier. *States cannot reach each other are certainly less likely to fight*. But since states are likely to have much contact with each other in the first place, they are also not too likely to have conflicting interests. Thus "*Proximity*" can be significant in breeding conflict in any region. On the other hand, *weak states do not*

⁴ Ibid 2. Page No.-116.

⁵ Edward Azhar , *The Management of Protracted Social Conflict: Theory & Cases*, Alder shot, Dartmouth, 1990 p15.

usually take on very strong states (Vietnam and USA in the 1960s and 1970s are exception). There can be made the situation even more extreme by matching states that lack an army (Iceland and Costa Rica) with states that have large armies and forecast fairly safety that states without armies are unlikely to attack states with armies. Relative capability makes some differences. There are *two reasons for examining rivalries*⁶ are congruity to observations immediately above.

a. The historical pattern of warfare

This is such like that most states in the international system are not involved in war and many have never participated in the interstate warfare. In contrast, there is relatively small number of states which go to war and often do so repetitively with the same opponents. In this construct, although *India* has never fought *Algeria* and *Peru* but it has gone to war repeatedly against *Pakistan* and *China*. The tendency toward warfare recidivism is that we might not want to assume that all states are equally likely to fight with one another.

b. prioritized schedule of perceived threats

Basically states do not gear their diplomatic networks, security preparations and intelligence activities to cover all possible opponents. Instead States tend to operate with a prioritized schedule of which states are most likely to represent threats and focus a disproportionate amount of attention on these enemies. Alliances are contrasted to contain or deal with these threats. In this respect, *India* moved closer to the Soviet Union as *Pakistan* joined USA led military organizations in 1950s. War and military contingency plans are modeled on fighting the specific states that are thought to be the most likely opponents in a future war. That is one of the reasons major power military forces have problems shifting orientations from fighting ‘Conventional war’ into fighting ‘unconventional wars’ in Asia and Middle East.

Rivalries are states that foreign policy decision makers single out as most likely antagonists. *Rivalries can last for decades and persist in part because states have conflicting interests that go unresolved*. There are *two major approaches to identify which states are involved in rivalries*⁷ as such;

a. Enduring Rivalries

It thinks that the most objective approach is to focus upon conflict patterns. When states are involved in multiple militarized disputes within a designed period of time, the density of conflict will identify which states should be regarded as rivalries. A problem is that not all rivalries are constantly engaged in militarized conflict, and are so only rarely. In this respect, both *India* and *Pakistan* have propensity to enhance their military budget since

⁶ Jack S. Levy, and William R. Thompson , Causes of War, Published by Wiley-Blackwell, 2010, United Kingdom, Page No.56-59.

⁷ Ibid 6, Page No.-57.

their independence in 1947 as they tested nuclear weapons in response to each other for several times. Another problem is that some states are in nearly constant conflict but the capability asymmetries that are involved make it difficult for one or both sides to treat the other seriously as a source of intense threat, as compared with a persistent nuisance. Suppose If USA troops are sent on missions to Haiti with some frequency, does it mean that Haiti and USA are rivalries? The answer is “No”.

b. Strategic Rivalries

It argues that rivals should be identified by examining foreign policy histories and attempting to discern whom decision makers regard as their most threatening enemies. This also stipulates that rivals should regard each other as competitors. This usually means that the antagonists possess similar capabilities. States sometimes promote weaker states to rival status just as weaker states sometimes behave as if they were not weak states. In this respect, Pakistan captured a part of Kashmir from India in the war of 1947 namely ‘Azad Kashmir (freed Kashmir) as a competitor in capturing of whole Kashmir region as India is too.

Actors involved in Conflict

Basically Kashmir is occupied by the three countries as Pakistan, India and China but the people of Kashmir are being used as scapegoat. If there is a consensus among all political parties in Kashmir they can be a salient actor. Both India–Pakistan have tied alliances with “great Powers” as United States and Soviet Union respectively. China is usually a out of the conflict with India and Pakistan directly because it has “Veto power” in UN Security Council which may be applied to against that party who will go against China’s occupation of Ladakh in Kashmir. So, both India and Pakistan are the two major actors in the conflict over Kashmir as such;

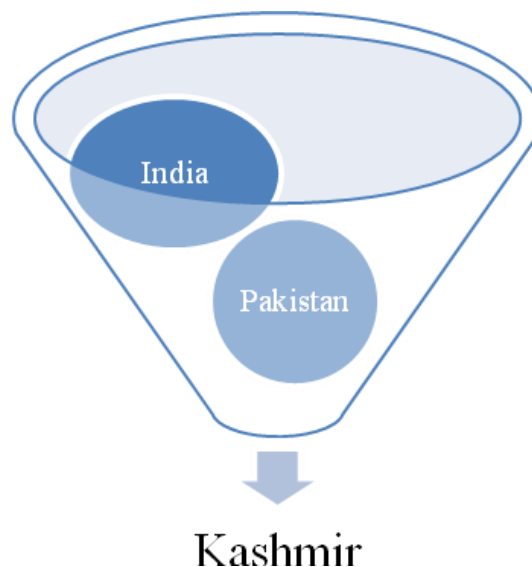


Figure: Actors involved In Conflict over Kashmir.

Historical Roots of the Kashmir in Conflict

Kashmiriat Identity

Basically Kashmir is a region which is situated in three countries as India, Pakistan and China which consists of five distinct places as such *the Valley of Kashmir, Jammu Province, the distinct of Poonch* and *altistan* and *the Gilgit* reguion. These five places have been included under a single administration in the mid-nineteenth century in which different religious people are living such as proximately 77% were Muslim, 20% Hindu, 1.5% Sikh, and 1% Buddhist. Historically in Kashmir, Hindus, Muslims, Buddhists and other communities have lived in relative harmony. Over time, the existence of communal harmony generated a spirit of humanism and tolerance in the region known as Kashmiriat, which gave the Kashmiri identity as a unique quality⁸

Trickery of Raja Gulab Singh and ‘the Treaty of Amritasar’:

Afghan ruler namely ‘Ahmed Shah Abdali’ possessed Kashmir when Mughal power was declined and his rule was also brutal and oppressive. Later, the Sikhs overwhelmed the Afghans in 1819 in which the Kashmiris welcomed them with open arms and the Sikhs became greater oppressors over the Kashmir’s Muslims who are also now majority of the population. In this respect, ‘Raja Gulab Singh’ as Hindhu Dorga family ignited that oppression against Muslim People as he ruled ‘the southeast area of Jammu’. The Sikh people gave the controlling power of whole ‘Jammu Kashmir’ to ‘Raja Gulab Singh’ because of his support to them as he extended his control over Ladakh and Baltistan by seizing these areas from Tibet in 1839. But ‘Raja Gulab Singh’ helped to the British Government’s war against the Sikhs in 1844 to get the advantages from the British Government which bred the signing of ‘*the Treaty of Amritasar*’ in 1846.⁹

Direct rule of a British political agent

The British government relieved the Sikhs of their hold over Kashmir transferred the territory to Guab Signh as his "independent" possession for a sum of Rs. 7.5 million which was a great pathway of political control by Hindu Dynasty. But the Dogras of Hindhu failed to reign state over the Gilgit region, and then the British made the Gilgit Agency in 1889 in fear of Russain motives towards it and placed it under the direct rule of a British Political Agent.

⁸ Rajat Ganguly; India, Pakistan and the Kashmir Dispute, Asian Studies Institute & Centre for Strategic Studies, Victoria University of Wellington, Kelburn, Wellington, ISSN: 1174-5991, ISBN: 0-475-11055-2.

⁹ Monique Mekenkamp, Paul Von Tongern, & Hans van de Veen, ‘Searching for Peace in Central and South Asia’; Lynne Rienner Publications, Boulder, London, Page No. 362.

Doctrine of Paramountcy

This stipulates that the rulers of the princely states Kashmir had the right to decide if they wished to accede to either India or Pakistan, or preferred to remain independent. Kashmir politics was affected by the announcement of India's independence in 1947 which bred that power would be handed over two countries as such India and Pakistan.

The ideological and geo-strategic reasons

The last British Viceroy to India, Lord Mountbatten, was acting under pressure from the Indian National Congress which made it clear to the rulers of the Princely States Kashmir that they must join either Pakistan or India. On 15 August 1947, Hyderabad, Junagadh and Kashmir became independent when British declared independence for both India and Pakistan on the basis of two nations theory (Hindu and Muslim). *Hyderabad and Junagadh* were forced to join India. In this respect, both countries claim for Kashmir to make include it to their state. The Pakistani claim was strengthened by the All Jammu and Kashmir Muslim Conference led by Ghulam Abbas who wanted to accede to Pakistan based on Muslim religious majority. This view was challenged by '*the Jammu and Kashmir National Conference*' led by Sheikh Mohammed Abdullah based on democratic and Secular Ideology but Independent Kashmir closed tie with India. In this respect, '*Maharaja Hari Singh*' had taken decision not to join with India and Pakistan during the period of the Transfer of Power to be *a ruler of independent Kashmir*.

The Instrument of Accession

Pushto (Pathan) Tribesman and other Pakistani armed intruders sought to capture Kashmir by force. They occupied 'Muzafarabad' on 22 October 1947 and then headed for Srinagar (capital of Kashmir). The 'Maharaja Hari Singh' appealed to India for help. The authorities in New Delhi decided that Indian Troops could be sent only after Kashmir acceded to India. Around 26 October 1947, Maharaja Hari Singh signed *the instrument of accession*¹⁰. With the political support of the undisputed leader, Sheikh Abdullah, the Indian army pushed the intruders back. India accused Pakistan of aiding the intruders and entered Pakistani Territory in pursuit of the invaders. '*Full scale fighting*' between the armies of both countries continued until *December 1947*, with one-third of the bigger Kashmir territory remaining under the control of Pakistan. The old principedom had been effectively bifurcated. In 1956, the Jammu and Kashmir Constituent Assembly approved the merger of the state with India. The Indian portion consisted of three regions: the Valley, Jammu and Ladakh and the "*1949 Cease-Fire Line (CFL)*" this became the de-facto border between the two countries. But Pakistan Occupied Kashmir in 1950 which was one-third of the original

¹⁰ Ibid 9, Page No. 365.

territory and this was also split into two areas: the area that bordered China and the Soviet Union was grouped into the Northern Areas and the remaining territory continued to be called Azad (Free) Kashmir. Subsequently, both these areas were incorporated into Pakistan.

Indian Compliant to United Nations Security Council (UNSC)

The Indian government decided to refer the case to the UNSC and lodged compliant on 1st January, 1948. The UN commission for India and Pakistan (UNCIP) was established to investigate and mediate the dispute. A benchmark UNCIP decision on 13 August 1948 called for *an immediate cease-fire* and *asked for troops was to take place in two stages*. Only after the vacation of the Pakistan side was complete would India withdraw its troops from the occupied territory, except for minimum force needed to maintain law and order within the lines existing the moment of cease-fire. The future of Kashmir would be decided '*in accordance with will of the people*'. Pakistan objected to withdrawing its forces ahead of an Indian pullout. Except for the first phase envisioned by the resolution (the withdrawal of Pakistani forces), there has been no progress regarding the other two provisions of the 31 August, 1948 resolution.

Special Status of Kashmir & Indian Constitutional Change

After the accession of the Kashmir to India, Jawaharlal Nehru negotiated the 1953 'Delhi Agreement' between the states and the Indian Union. The government of India accorded Kashmir a Special Status, unlike the other Indian states, with the power to enact legislation on a residuary list of subjects, to elect its own governor, to have its own flag, to be outside the jurisdiction of Supreme Court of India, and to have its own constitution. The union government in New Delhi soon started retracting on its commitment and many of the special constitutional arrangements were suspended. For two long periods, Sheikh Abdullah was put in jail and when he was released from jail in 1975, he joined forces with Prime Minister Indira Gandhi, accepting the constitutional Change. Kashmir was incorporated in the Indian constitution under the Article 370 which gives it a "special status"¹¹.

Political Turmoil in Kashmir

Basically Jammu and Kashmir appeared to have joined the mainstream of Indian politics. The national conference struck opportunistic alliances with whatever political grouping currently formed the union government in New Delhi and appeared to have electoral and popular support in the valley. Elections except possibly for the 1977 elections were rigged and faith in the democratic process receded. Discontent with faltering development, lack of democracy, and widespread corruption from around 1990 onward formed a breeding ground for pro-Pakistani and Anti-Indian forces and terrorist organizations. Because of this danger, sensing a pro-Pakistani pull among

¹¹ Ibid 8, Page No. 3.

the Kashmiri electorate, the government of India has never really allowed genuine democracy to take root.

Military Strengthening and Occasional Skirmishes

India appeared vulnerable militarily after the Indo-Sino War in 1962 where India has lost the Ladakh of Jammu Kashmir. In this way, its Pakistan counterpart launched 'Operation Gibraltar' in 1965 in two phases' as such sending Pakistani troops with disguised tribesman to create insurgency and then creating of climate to hold Plebiscite in Kashmir. But it was baffled because Indian security forces have known this matter which led to skirmishes. In 1971, when liberation war of East Pakistan (Now Bangladesh) was going on and Indian prime minister helped East Pakistan people in taking shelter as refugee in India and sent her armed forces in East Pakistan to help East Pakistan people for their national liberation war. At that time Pakistani president Yahya Khan countered against that by attacking Kashmir.

During the 1970s and the 1980s, the two countries refrained from open confrontation. As allies of the two antagonistic power blocs in the cold war, India and Pakistan strengthened their armies and positioned their army divisions along the LOC. Occasional skirmishes and artillery exchanges have occurred, but usually of little significance. In the 1990s, conflicts tended to multiply, and in May 1999, the Indian army began a military offensive that came quite close to a new war. The offensive was said to be a reaction to what India called the incursion by "Pakistani irregulars and troops" in the high mountains ranges Kargil, overlooking the Leh-Srinagar highway. Fighting, involving combat aircraft, continued for three months and ended with the withdrawal of the irregulars. In 2001, both countries involved in exchanging of fire again near the LOC when USA Secretary of State visited to India and Pakistan in which both countries wanted to get support of USA onto themselves. But by and large the LOC remains respected by both sides. In 2014, both countries embroiled in conflict near the LOC because of rising tension in that are for the shooting to few Indian civilians by Pakistani counterpart.

Emergence of the Secessionist Movement

During the 1980s, a fundamental change has been taken place in Kashmir because people are more educated than previous time which led to the political consciousness among themselves. Economic development and employment opportunities did not expand commensurately leading to a rise in unemployment among the educated poor. For this salient cause, the dismissal of the legitimately elected National Conference government of Farooq Abdullah, the son of Sheikh Abdullah, in the state in 1984. In 1987 election, national government of Farook Abdullah rigged election with the help of Indian National Congress created the resentments among Kashmiri Muslims. On the other hand, and the emergence of a violent

militant movement has intensified internal strife resulting in at least 30000 deaths at the hand of Indian army and the various terrorist groups.

In this respect, during early 1990s the secessionist movement has been carried out by two offshoots. *One side* is Jammu and Kashmir Liberation Front (*JKLF*) wants a sovereign, secular and democratic Kashmir that would include all Kashmiris irrespective of their religious affiliations and this JKLF called upon the Indian government to protect their status in Kashmir in fear that if Kashmir secedes from India then only the Valley would be dominated by the Muslims. *Another side* is Pro-Pakistani sentiments are also demonstrated by the All Party Hurriyat Conference (APHC) as an umbrella of various religious organizations such as the Harqat ulAnsar and the Hibz ul- Mujahideen. These groups wanted to make Kashmir either a part of Pakistan or, at the very least, an independent Islamic State with close ties with Pakistan. The onset of the India-Pakistan ‘Proxy War’ over Kashmir with the outbreak of insurgency is erupted between India and Pakistan which is still going on.¹² In January 2002, President Musharraf banned five extremist groups that have been responsible for much of the violence in Kashmir and that brought the two countries to the brink of a new war after a terrorist attack on the Indian parliament in December 2001.

Armistice and Two Major Agreements

The first batch of the United Nations Military Observer Group in India and Pakistan (*UNMOGIP*) arrived in Kashmir in January 1949 but failed to resolve the political deadlock between two sides. Basically ceasefire was made to preserve the peace until 1965. There were erupted two major wars between India and Pakistan in 1965 and 1971 which led to signing of Tashkent Agreement in 1966 reaffirmed the commitment of both the countries ,to settle their disputes through peaceful means, to respect the cease-fire lines and Simla Agreement in 1972 reaffirmed following two previous wars consecutively. Both India and Pakistan agreed on the exact location of the *Line of Control* (LOC)

An Esperance of Conflict Resolution

Basically conflict in Kashmir has been going on since both *rivalries* as India and Pakistan got their independence from British in 1947. British did not bifurcate India-Pakistan including Kashmir. But the people of Kashmir have been besieged by the particularly both India and Pakistan in determining of their fate since both countries captured Kashmir through the splitting in 1950s. In this respect, *the actors of conflict* are “India and Pakistan” rather than Kashmiri people. Conflict Resolution provides techniques to deal with disputes in a manner which is non-violent, avoids dominance or oppression by one party over other, and, rather than exploiting one party, aims to meet the human needs of all. There was a general support for a solution

¹² Ibid 8, Page No.- 6.

acceptable to both India-Pakistan and it was Under the Commonwealth Affairs Committee of the British Cabinet on 27 February in 1948 in which *external officials as third party* drew up a formula on the following lines¹³ based on the ‘common interest’s Security of both countries.

- Pakistan was to take all possible steps to secure Kashmir with withdrawal of the raiders from the state & to prevent new infiltration from its territory and should not help to those who fight in Kashmir.
- After the cessation of all fighting, India has to withdraw its forces from Poonch, Mirpur & Mujaffarabad, including the garrison in Poonch town. Indian forces in Jammu and Kashmir were to be reduced in number and concentrated in garrison.
- The government of Kashmir is to continue in office but would invite representatives of other parties to join them in the normal administration of the state. For maintenance of law and Order and for carrying out the “Plebiscite”, they would *rely on local personnel in each district*.
- The UN Commission was to be invited to appoint liaison officers to report on the implementation of the truce. The state government was to delegate to the commission all powers required for holding the plebiscite.
- An Advisory Council (composed of equal members of India-Pakistan) was to be set-up to advise the commission.

This formula of conflict resolution hasn’t been implemented in Kashmir in which both countries have proneness to expand its border over the Kashmir because this kind of conflict is PSC. PSC is prolonged conflict because security, recognition, identity and human needs are non-negotiable but have to be transformed into resolution gradually by following robust mechanisms. *Firstly*, there have to identify core needs which lead to conflict in prolonged and *Secondly*, A robust solution of approaches to PSC/international rivalries will be construed in congruity to that conflict in Kashmir.

Identifying Positions, Interests and Needs of Conflicting Parties

How can the parties reconstruct their positions if they are diametrically opposed, as often are? One of the classical ideas in conflict resolution is “to distinguish between the positions held by the parties and their underlying interests and needs”. “Basically positions that parties take place in publicly, for all to see and hear. Underlying interests –what we want to achieve from a particular situation. Finally at the core are the most important needs we

¹³ C. Dasgupta, War and Diplomacy in Kashmir 1947-1948, Sage Publications, New Delhi, 2002, Page No.124.

require to be satisfied”.¹⁴ Each claims sovereignty and their positions seem incompatible. But in negotiations it turns out that Egypt’s main interest is in national territorial integrity and Israel’s main interest is in security. So the political space is found for what came to be the Camp David Settlement in 1978.

Interests are often easier to reconcile than positions, since there are usually several positions that might satisfy them. Matters may be more difficult if the conflict is over values (which are often non-negotiable) or relationships, which may need to be changed to resolve the conflict, although the same principle of looking for a deeper level of compatible underlying motives applies. Some analysts take this to the limit by identifying basic human needs (for example; identity, security, survival) as lying at the roots of other motives. Protracted conflicts are seen to result from the denial of such needs, and conflict can only be resolved when such needs are satisfied. Basic Human needs are non-negotiable. But the hopeful arguments of these analysts is that, whereas interests may be subject to relative scarcity, basic needs are not (for example; security for one party is reinforced by the security of other). As long as the conflict is translated into the language of needs, an outcome such as *satisfactory development* & that satisfies both sides’ *individual needs* can be found¹⁵.

Both India and Pakistan Have agreed on the two major treaties as such One is that “*Tashkent Treaty*” in 1966 through the mediating of The Ex-Soviet Prime Minister Alexei Kosygin in which both countries agreed on *Ceasefire* and *to withdrawal of their forces to the 1948-1949 CFL in Kashmir* and *back to the international boundaries* in the Punjab. On the other hand, “*Shimla Agreement*” was signed in 1972 in which India has inflicted on a strict interpretation of “paragraph two” –that both states have agreed to settle the Kashmir dispute without outside intervention- in order to prevent internationalization of the Kashmir dispute.

On its part, Pakistan has contended that a strict reading of paragraph two is tantamount to a violation of its national sovereignty and which has continued its efforts to internationalize the Kashmir dispute. In this respect, there has been shown the cardinal hierarchical issues, which lead to conflict in Kashmir, through analyzing previous two treaties between India-Pakistan as such;

¹⁴ Simon Fisher, Dekha Ibrahim Abdi, Jawed Iudin, Richard Smith, Steven Williams, Sue Williams ; *Working With Conflict: Skills and Strategies for Action*, Published by Zed Books, London, United Kingdom, pp. 27.

¹⁵ “Ramsbotham, Oliver”, “Woodhouse, Tom” and “Miall, Hugh”, *Contemporary Conflict Resolution*, Published by Polity Press, 2011, United Kingdom, Page No.-21-22.

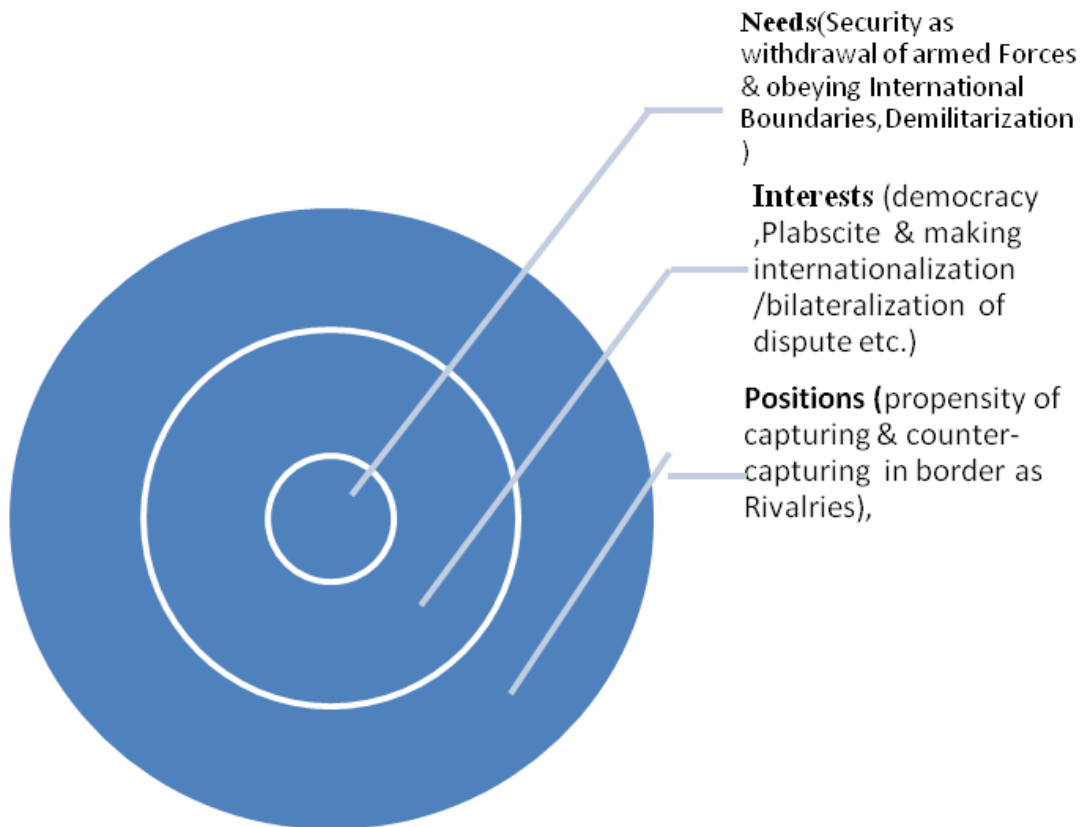


Figure: Positions, Interests and Needs.

Multi-Track Conflict Resolution

Following the two major treaties in 1966 and 1972, this kind of approach to conflict resolution is an effective because this is an Inter-state conflict in which India and Pakistan are the two major elite actors, which are fighting directly against each other, also take policies over the political organizations in Kashmir to what extent conflict will be gone on. In this respect, the people of Kashmir from different religions haven't consensus on the amalgamation of Kashmir but they want to persist authority of Kashmir from their own identity or religion. In general there has been a shift from seeing "third party intervention" as primary responsibility of external agencies towards appreciating the role of "*internal third parties/Indigenous peacemakers*". Instead of outsiders offering the externals for addressing conflicts in one-shot mediation efforts emphasize on *the need to build constituencies and capacity within societies and to learn from domestic cultures how to manage conflicts in a sustained way over time*. This suggests a "*multi-Track model*"¹⁶, in place of the either Track 1 or Track 2 models, which emphasizes the importance of indigenous resources and local actors as Track 3;

¹⁶ Ibid 16, pp.29

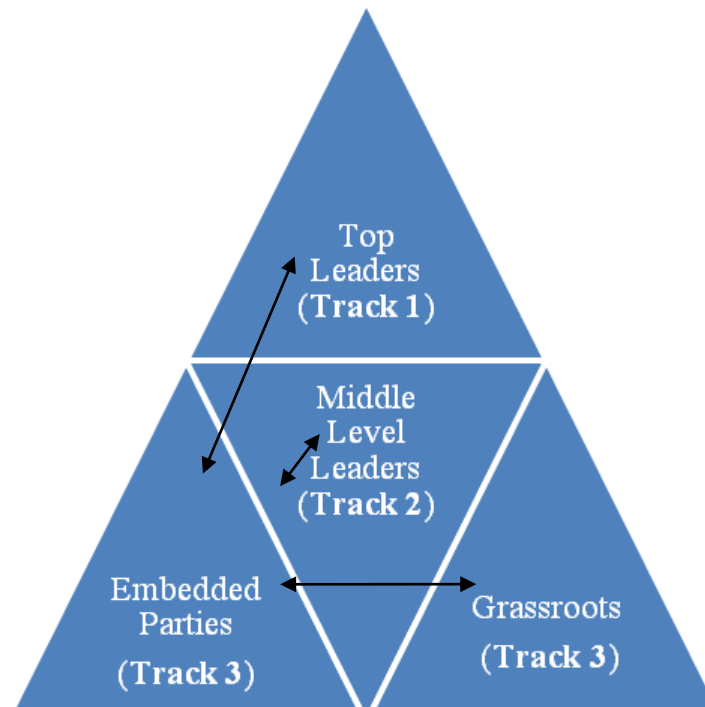


Figure: Multi-Track Conflict Resolution.

Track 1 (Top Leaders)

Negotiation, Peacekeeping, Arbitration, Peace Support, and Mediation with muscle. Exchange and Threat Power Dominate are to be applied by United Nations, International and Regional Organizations, Governments and International Financial Institutions. Foreign policy makers of India & Pakistan are the top leader whose decisions are obeyed by the embedded parties in Kashmir. Security of the two countries should be focused extensively in which *rivalries* between two countries is the stumbling block to ensure security. Previous acceptable solution given by Commonwealth Affairs Committee of the British Cabinet on 27 February in 1948 should also be focused in the peacemaking efforts. Rivalries between two countries can be eliminated by the creation of “Confidence Building Measures (CBM)” at the top level actors who make foreign policies of the countries.

Track 2 (Middle Level Leaders)

Good offices, Conciliation, Pure Mediation, and Problem Solving and Integrative and Exchange power dominate are to be applied by International NGOs, Churches, Academics and Private Business. Jammu and Kashmir Liberation Front (*JKLF*), is loyal to India and All Party Hurriyat Conference (*APHC*), as an umbrella of various religious organizations such as the Harqat-ul-Ansar and the Hibz-ul-Mujahideen, is loyal to Pakistan and both are the middle level organizations in Kashmir. Skilled indigenous persons should be taken from both parties to propel mediation among these middle leaders and also play role for creating awareness for holding “Plebiscite”.

Track 3 (Grassroots and Embedded Parties)

Basically local people of Kashmir who have been fragmented by the ideology should be brought to a strong bondage by the creation of development projects such Modern Education to transform their Ideology and creation of employment to reduce resentment over unemployment. There is no more neutral “civil society” from two major parts of Kashmir where they mediate between local people and embedded parties who are beneficiaries from this conflict. Socially accepted person in two parts of the Kashmir should be brought to carry on this type of Track 3 diplomacy. There are *other mechanisms as Track 3 diplomacy* which may be effective in creating resolution of conflict in Kashmir as such; *Internal third parties/Indigenous peacemakers*: Integrative and Exchange power dominate are to be applied by dexterous “*internal third parties/Indigenous peacemakers*”. Peacemakers will be chosen from both Jammu and Azad Kashmir who are keenly skilled in understanding their culture.

Peace Constituencies within the conflict

Following the previous treaty in 1966 & 1972, there can be declared an area namely “peace constituency” which has congruity to “demilitarized Zone” in conflicting area. *Building social cohesion*: Basically individual needs come to be mediated and articulated through the process of socialization and group identity which are also culturally conditioned. The socialization process is, to make keen cohesion among the people of Kashmir, propelled by the development which eliminates underdevelopment concomitantly. *Common ground*: Security is the core common ground between these two countries in which “International law” is also effective in ensuring security. On the other hand, International Rivalries due to proximate states can also reduced by obeying the “International Law”. “Peace Movement” is also a common ground in which people from India and Pakistan can create pressure on those countries in accepting permanent solution of conflict in Kashmir. “Democracy” should also be applied to prevent an independent leadership from standing the entrenched interests.

Conclusions

The precondition for the transformation of protracted conflict into resolution for the local people from both parts of India and Pakistan is “the guarantee of Human Rights”. This is crucial to propel peace talks because it is effective to “Status Quo” by redressing of the grievances of the people of Kashmir. Persons can also be influenced by their families, communities, countries and even languages¹⁸ in which “cultural” should be considered to the Engagement of peace efforts because this is a common ground for creating an *co-existing & juxtaposing climate* in Kashmir.

¹⁸ Salauddin Ahmed, et al. “Culture of Peace”, published by United Nations Association of Bangladesh (UNAB), June 2001, Dhaka, Bangladesh. Page No. 64.