Enduring Rivalry? A Case Study of the Conflict in Kashmir

The Kashmir conflict is one of the longest running of today. Although it can be argued that six decades of conflict is rather modest in an historical perspective, the conflict is frequently portrayed in terms of 'enduring' and 'protracted'. Defined by Paul as a; *"persistent, fundamental, and long term incapability of goals between two states"* (Paul, 2005, 4); this was further underlined by Wyman; arguing that the India-Pakistan rivalry is among the enduring rivalry dyads born feuding (Paul, 2005, 81). Starting as a bilateral dispute over territorial entitlement stemming from India's claim of control to the entire state of Jammu and Kashmir, and Pakistan's irredentist claim to the Indian controlled of Kashmir, the conflict has evolved beyond interstate level. Growing popular discontent throughout the 1980s introduced new actors as well as a wider range of aims and interests. With the increasingly complex and multidimensional nature, the conflict has become increasingly ideological on all sides.

This case study will start by presenting the origins and causes of the conflict. It will then move on to introduce its main and in-direct actors, and how they have influenced the evolution of the conflict. A key element here will be the changing nature of the conflict, particularly after the 1989 uprising. After presenting an assessment of the relative failure of attempted conflict resolution process, the study will look at the main obstacles of conflict resolution, emphasizing mutual nuclear capability and domestic constraints. In conclusion, the study will make use of relevant theory in an attempt to examine why conflict resolution is still on-going, arguing that that third party support for Pakistan, nuclear capability equalizing the fundamental asymmetry and Indian failures to acknowledge the complex nature of the conflict have all been key obstacles for achieving a viable settlement.

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As India and Pakistan was established as two separate states in 1947, the 'Indian Independence Act' contained a provision allowing 562 princely states to decide whether to join India or Pakistan. Most states decided to remain within its respective national domains, however, three states opted for independence, among them Jammu and Kashmir. A key foundation for the conflict can be traced to the region's exceptional ethno-religious diversity. Being made up by four districts, Kashmir which is predominantly Muslim, Leah and Kargil, mostly Muslim and Buddhist and Jammu, predominantly Hindu, the area is fundamentally conflict prone (Ganguly, 1997, 39). Although having a predominantly Muslim population, the region was ruled by the Hindu Maharaja Hari Singh who strongly favoured Kashmiri independence (Blank, 1999, 39). However, following an attempted invasion by Pakistani tribal forces, Singh; hoping to forestall an uprising and a Pakistani-backed incursion saw no option but to join India (Ganguly 2006) (Paul, 2005, 7-8). This was unacceptable for the Pakistani nationalist government of President Mohammed Ali Jinnah who considered the absorption of Kashmir as vital. Arguing that Pakistan would be 'incomplete' without it, Jinnah decided to send soldiers to the region. On the contrary, Indian nationalists view the integration of Kashmir as a demonstration that India could be a nation where all faiths could live together under the aegis of a secular state (Ganguly, 1997, 8-10). Thus, losing Kashmir would for Indian nationalists undermine its secular identity.

As both countries decided to send soldiers, the dispute escalated into a short war, ending with a cease-fire agreement in late 1948, leaving Kashmir divided into two-third under Indian rule and the rest under Pakistan and China (Paul, 2005, 8). The 1949 settlement established the ceasefire line today known as the 'line of control' (LoC),

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which remained UN monitored until 1972. As a result of the settlement, India gained control of an area of approximately 10 million people in the regions of Kashmir Valley, Jammu and Ladkah while Pakistan seized control of Azad Kashmir and some sparsely populated regions in the north, altogether about 3 million people (Bose, 2003, 2). Based on evolutionary concept framed by Hensel; a first confrontation ending in a stalemate and dissatisfaction among both is likely to increase distrust and hostility (Paul, 2005, 30). In the Kashmir conflict, this was indicated by neither of the parties accepting the LoC as border. Furthermore, numerous skirmishes and two additional wars (1965 and 1999) over Kashmir, and another three over related matters in (1971-72, 1990 and 2001) has only marginally altered the LoC (Ganguly, 1997, 3).

While Pakistan have attempted to annex territory justified on ethnic or historical grounds and India sought to preserve status quo, both countries have largely overlooked the Kashmiris themselves (Paul, 2005, 203 / Schofield, 2000, 228). Despite enjoying a special constitutional position under article 370, e.g. being allowed its own constitution and elections to state legislature held under the provision of the Indian constitution, the actual extent of the autonomy has proven highly volatile (Dossani/Rowen, 2005, 240). Growing Kashmiri nationalism in the 1980s combined with grievances over perceived disproportionate representation in the regional parliament were efficiently utilized by militant leaders to mobilize disillusioned youth for armed struggle for increased political rights (ibid. 249-251). From 1989 and onwards, this grievance erupted in violent separatist movement erupted id in this region. The 'Jammu and Kashmir Liberation front (JKLF)' leaded uprising caused sporadic strikes and demonstrations, reaching its peak the December 1989 kidnapping of the Indian Minister for home affairs' daughter (Ganguly, 1997, 1).

The introduction of new actors, and particularly the secessionist movements significantly changed the military and political character of the conflict, thus creating a multidimensional and highly complex conflict (Bose, 2003, 4). This efficiently moved the conflict beyond state level, and since then it has been the Kashmiris that have done most of the fighting and suffered the highest losses. At the moment there is believed to be around 10 different separatist operating in Jammu and Kashmir, ranging from terrorist groups to non-violent organizations. Although only a handful of these have political credibility, they highlight the plurality of opinions existing among the Kashmiris (Krepon, 2004, 152).

Failing to acknowledge the changing nature of the conflict, Indian policy makers approached the Kashmir issue from a traditional counterinsurgency perspective. However, as observed by Kilcullen; the nature of modern counter-insurgencies tend to consist of multiple competing insurgent forces, each seeking to maximize their survivability and influence (Kilcullen, 2006, 122). By deploying four hundred thousand security forces from its army as well as paramilitary forces, India did not only raise the share of annual administration costs allocated to security. Fighting an unidentifiable enemy caused the Indian army to suffer high causality rates in their efforts of maintaining control of the Kashmir. After six years of fighting, counter-insurgency operations had claimed the lives of at least 15,000 people. Furthermore, by placing the state under emergency rule in July 1990, India granted its security forces substantial immunity as well as introduced judicial and extrajudicial punishments such as laws enabling the law enforcement agencies to keep suspect under custody for up to a year (Ganguly, 1997, 2) / (Wirsing, 1994, 156). Fuelled by severe accusations of torture by the police, India increasingly failed to win the battle for winning 'hearts and minds'. Rather than running a successful counterinsurgency campaign, Indian policies generated an increasing sentiment of alienation and strong refusal of integration with India, particularly in the Kashmir valley (Bose, 2003, 195).

An important characteristic of asymmetric conflicts is the potential of third parties of third parties may change conflict structure in terms of communication as well as balance of power (Ramsbotham et. al, 2005, 18). Following the 1971 war that resulted in the liberation of Bangladesh (before then East-Pakistan); India emerged as the dominant power of the subcontinent. In addition of being a symbolic, psychological and material blow, the loss of East-Pakistan undermined Pakistan's irredentist ethno-nationalist claim of Kashmir (Ganguly, 1997, 59-60). However, instead of adjusting its goals, Pakistan adjusted its strategies (Paul, 2005, 106). Despite Hagerty pointing out that Hindus and Muslims have coexisted on the sub-continent for centuries without substantial violence, and Singer's observation that ethno-cultural dissimilarities are rarely able to produce war (ibid. 86); it is worth noticing Mac Ginty's point of ethnicity as a powerful mobilization tool that can be very useful in order to exploit existing conflicts (Mac Ginty, 2008, 71-72). Suddenly presenting Pakistan with an opportunity to revenge the 1971 humiliation and undermine Indian control of Kashmir, Pakistani leaders decided to aid rebels by providing weapons, training and sanctuaries (Ganguly 2006).

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Furthermore, being able to obtain relative sophisticated and effective weapons and guerrilla training from the Pakistani army's Inter-Service Intelligence (ISI), Kashmiri militants efficiently outgunned local police forces and in short time paralyzed the state's law and order machinery. Uplifted by the initial success of the independence movement, Pakistan's in the early 1990s gradually diverted its assistance towards Islamic militants seeking accession to Pakistan. As local Kashmiris predominantly subscribed to a secular or a Muslim Kashmiri view of their identity, major beneficiaries such as the Hizbul Mujahedin enjoyed very limited popular support. Nevertheless, the introduction of foreign jihadists and mercenaries, many of whom with experience from Afghanistan, further escalated the war, but also decreased popular support for the militant movement (Dossani/Rowen, 2005, 251-253).

As pointed out by Jabri, third parties can through for instance facilitation of communication, provision of resolution alternatives and use concession gaining tactics make an important contribution to conflict resolution (Jabri, 1995, 54). However, in the case of Kashmir, third parties have mostly complicated, rather than aided the prospects of a settlement. By taking advantage of the bi-polar Cold War order, Pakistan succeeded in presenting itself as an 'Islamic barrier again communism (Wirsing, 1994, 88). As Soviet Union launched its invasion of Afghanistan, Pakistan became a front-line state in the global ideological battle. This gave Pakistan access to billions of dollars of US military and economic aid, and although never threatening India's control of Kashmir, the military aid model largely undermined the fundamental asymmetry of the conflict denied India the chance to emerge as regional hegemon (Rudolph, 2008, 39). The end of the Soviet threat largely moved South Asia to the back burner in terms of US interest. However, following the 2001 terrorist attacks and the following 'War on Terror', Pakistan again has become a valuable ally for the US. Despite warnings from then deputy national security advisor Robert Gate that it would emerge as loser in any kind of full-scale military conflict, Pakistan has not reined its support for the Kashmir insurgency. A reason for this is arguably that these warnings tended to watered down by advices to Indian decision makers to step down their offensive and improve the human rights records of its security forces (Ganguly, 1997, 110-111). Although, official statements from Washington have continued to urge Pakistan to stop aiding terrorist groups, its value in the 'War on Terror' has greatly reduced US pressure on Pakistan to resolve the Kashmir conflict (Bose, 2003, 227 / Bajpai, 2003, 114). Furthermore, as Pakistan also have sought ties with China, it has to a large extent confirmed Weiner's argument that as parties tend to seek support from countries with mutual interests, irredentist conflicts dictate patterns of alliance (Weiner, 1971, 671-2). Since the 1962 Sino-Indian war, China has at times given India more concerns than Pakistan; both as a main contributor to Pakistan's nuclear and missile program and as a potential enemy (Krepon, 2004, 28, 83).

Following the partition of India and Pakistan; arguments over Kashmir were largely framed as a question of to whom Kashmir should belong to by law. Despite this, there has been no international effort of initiating any international investigation, nor has the dispute been tried for any international tribune or other kind of arbitration body. Even when discussed in the UN Security Council after the 1948 ceasefire, there were no announced judgements of the dispute (Wirsing, 1994, 10-11). However, by bringing the conflict before the Security Council, India indirectly acknowledged that the territory were disputed, and more important, creating an international audience for Pakistan's claims (ibid.55). Three major resolutions have called for a UN supervised plebiscite for the Kashmiris to express their will, but although this was also accepted by the two countries in 1949, it did not happen. Whereas Pakistan largely remained in favour of plebiscite, growing fear of a majority in support of independence evidently inspired India to in 1954 declare the accession as irrevocable and thus abandoning the idea of a plebiscite (ibid.58-59). Except from the failed 1963 talks in which the US and the UK assumed the role of joint intermediaries, there have been no further formal talks explicitly addressing the Kashmir issue. Later attempts such as the British mediation over the 1965 'Kutch crises succeeded in reaching a cease-fire agreement; which was followed by the 1966 Soviet mediated Tashkent agreement which further restored peaceful relations (ibid. 190).

In contrast to the UN supervised ceasefire of 1948, the 1972 Shimla agreement were a bilateral attempts have been the 'Simla agreement' on the 'Bilateral Relations between the Government of India and the Government of Pakistan', attempting to place the parties on a path to reconciliation. At the time, both parties expressed intentions to end conflict and confrontation and initiate work for the development of a friendly and harmonious relationship and durable peace. However, since then there have been disagreements about its interpretation (Krepon, 2004, 156). Whereas India continued to insist the illegitimacy of Pakistan's claim, Pakistan argued the need for settlement addressing the will of the Kashmiris (Wirsing, 1994, 63). Despite both India and Pakistan have expressed desire to bring the Kashmir conflict to an end, neither have been prepared to make any substantial concessions. In this matter, the failed

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talks of the Siachen glacier, lasting from 1986 to 1992 can be seen as a descriptive proof of the parties' inability to come to agreement on relatively minor issues. As numerous rounds of bilateral meetings have ended inconclusively, both countries seem to have become more attached to their initial positions (Schofield, 2000, 226).

By immediately blaming Pakistan as an 'agent provocateur' behind the insurgency, India has generally overlooked the possibility of multiple causes of popular discontent in the region (Ganguly, 1997, 226). However, looking at the recent decade, one can see some traces of progress, as Kashmir is no longer the battleground as it was during the 1990s (International Crisis Group 2010). Although both countries continuously refuse the idea of establishing the LoC into an international border; the 2004 'Composite talks' succeeded in reducing tensions and thereby prevented a return to the hostile climate of Kargil crisis (International Crisis Group 2006). Increased regional stability was further highlighted by the successful regional elections of 2002 and 2004, which largely restored popular belief in the possibility of free and fair elections. Since then, a coalition government have sought to cooperation but also qualified opposition to India (Dossani/Rowen, 2005, 255-257). Additional secret peace talk in 2007 further reduced cross boarder violence and created initial optimism. However, the inability to solve underlying issues again became highly visible as then President Pervez Musharraf lost grip to power and as the terrorist attack in Mumbai in 2008 efficiently put the 2004 initiated talks on hold (Polgreen 2010).

A key question in evaluating the effectiveness of conflict resolution is whether to emphasize the end of violence as a in itself or whether success is only accomplished after a total transformation of the conflict (Jabri, 1995, 55). In Kashmir, the legacy of rivalry and mistrust has not only made attempts of negotiations challenging, but has over the years also made the conflict prone to disruption by extremists. As there have been little signs of neither demilitarization, nor an effective end to human rights abuses by Indian security forces, Kashmiri alienation still runs deep and easily fuelling public resentment waiting to be exploited by militants. This has made it extremely difficult to build viable and sustained dialogue between the main parties (International Crisis Group 2005). As there throughout the years have been few attempts to sufficiently address the root causes of the conflict, most mediation attempts and talks have been centred on conflict management, rather conflict resolution (Paul, 2005, 46). This makes it is hard to point out any particular success or failures of conflict resolution. International mediation efforts have arguably contributed to reduced tensions; however, this has had little effect overall effect on resolving the conflict (Wallensteen, 2007, 87, 262). The view of lack of success is also supported by Galtung. When introducing the concept of positive peace, Galtung implicitly argued that peace is something more than 'absence of war' (Galtung 1985, 145)[1]. By pointing to examples of violations of social and political right, segmentation, fragmentation and marginalization of groups within Kashmir, one can to some extent argue the presence of structural violence in Kashmir suggest a fundamental failure of conflict resolution (Barash/Webel, 2009, 7-8) (Galtung, 1990, 292).

The 1998 introduction of mutual nuclear capability added yet another element to the conflict. Building on arguments raised by proliferation optimist such as Waltz; Hagerty (1990) argued in his study of the India-Pakistan conflict that *"the logic of nuclear deterrence is more robust than the logic on non-proliferation"* (Krepon, 2004, 70). On the contrary, as it can be argued that the India-Pakistan situation is significantly different, it is discussable whether the Cold War experiences are applicable to South Asia. This argument was further strengthened as the 2001-2002 Kargil conflict undermined two other common assumptions in international relations; democracies does not go to war against each other (the Nawaz Sharif government at the time was a civilian establishment), and that nuclear states does not go to war against each other. Although proliferation optimists will point out that in the post-nuclear crisis of 1990, 1999, and 2001-2002; both parties restricted its military offensive, however, on the other hand it did not make the parties abstain from keeping their nuclear arsenals in status of advanced readiness (Krepon, 2004, 20, 25). Moreover, despite attracting international attention leading to a US led shuttle-diplomacy in the Kargil crisis; it did not lead to any sustained international effort (Basrur 2002). Combined with other fundamental differences such as asymmetric capability and short delivery times giving little time for considerations in an emergency, it is highly debatable if the introduction of nuclear weapons has improved the prospects of conflict resolution.[2]

International analysts have frequently hailed domestic policies as important constraints for conflict resolution. As the conflict has become deeply embedded in the societal structures and identities, the prospect of any political leader in Pakistan or India to gather public support for giving up its claims seems distant (Bar-Tal, 2000, 351) (International Crisis Group 2003). Since the 1960s, Islamic radicalism has played a major role in Pakistani politics and by mixing

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identity with politics is has contributed to foment and sustain the Kashmir conflict (Dossani/Rowen, 2005, 2). As an example, the development of nuclear weapons which was framed as a necessary response to a threat to its national identity posed by India (Barash/Webel, 2009, 134). Despite failing to integrate 'Azad Kashmir, Islamic based ethno-nationalism has been vital to justify Pakistan's irredentist claims in Kashmir (Paul, 2005, 179) (Wirsing, 1994, 67). Although both countries have maintained relatively high military expenses, India's relative costs have not been on the level of Pakistan. Decades of constant conflict have left indelible marks on particularly Pakistan's political economy, where its centralized economy has throughout history been strongly oriented towards defence rather than development. These factors have left the military with a respected and privileged position in society, hence arguably being a benefiter of continued conflict in Kashmir (Jalal, 1995, 140-142). According to 'democratic peace theory', stable and consolidated democracies are less likely to resort to military force. As Pakistan's period of democracy have been short-lived, one cannot observe any impact on the Kashmir rivalry (Paul, 2005, 47-48).Continuous references to Kashmir as 'Indian-occupied Kashmir' and the 'unfinished business of the partition' has made it highly unlikely that any Pakistani government will be able to get acceptance for the idea of giving up on Kashmir without proving a significant concession from India (Bajpai, 2003, 121-122). As Pakistan has been struggling to maintain national unity, the Kashmir issue has and is likely to remain a live wire in Pakistani domestic policies and as a vital tool for ensuring government legitimacy (Sumit, 1997, 5) (Paul, 2005, 34).

Despite being less dependent on identity for internal legitimacy and stability, increasing popular support for Hindu nationalism have gradually reduced Indian tolerance towards Islamic radicalism and also decreased for increased Kashmiri autonomy or independence (Dossani/Rowen, 2005, 4). Furthermore, Hindu nationalists fear that a successful insurgent claim of self-determination for Kashmir would have demonstrative effects that unwittingly could implicate the remaining Muslim population in India, hence possibly threaten the unity of the Indian state (Ganguly, 1997, 128). Looking at the four regions, an intuitive solution would be for India to declare military victory and then concede the Kashmir Valley to Pakistan. This would enable India to maintain control of Jammu, Kargil and Leh, easier bring an end to the insurgency, and enable its security forces to withdraw from an untenable situation as well as satisfying Pakistan. However, as the vast majority of Indians consider Kashmir as a part of India, such solution would be politically indefensible for any government). Furthermore, there is no guarantee that this would end Pakistan's ambitions of the entire region, as a concession could be taken as a sign of weakness (ibid.140).

Conclusion

When examining the historical evolution of the conflict, one can argue that both the growing number of actors as well as structural changes such as the introduction of nuclear weapons has made the conflict resolution increasingly complex. Furthermore, the domestic constraints predominantly caused by the use the rhetoric of identity and irredentism has made it difficult to address both different sources of conflict as well as its changing characteristics. Although third parties on several occasions have intervened to reduce tension and prevent outbreak of war, there has been few sustained attempt of resolving the root causes of the conflict.
Although acknowledging the inability to exercise complete control of the truth, Foucault argued that bio-power largely produces people's understanding of the world, behaviour and values, is largely a product of bio-power[3] (Danaher et.al, 2000, 74, 80). Further, as those in powers also create the dominant discourse of observing the world, truth is also a central element of politics (Simons, 1995, 94). Applying Foucault's concepts to Kashmir, one can argue a strong tendency to reducing the conflict to fundamentally state-centred normative claims of territory. As a consequence of this discourse, structural peace-building from below has been forced to yield by elite peace-making. Drawing on lessons from Yugoslavia, Curle points out that successful peace-building requires a change at grass-root level through multilateral mediation, rather than traditional diplomacy (Ramsbotham et. al, 2005, 14, 217).

Looking at the structural characteristics increasing the risk of violence and fundamental failures in establishing a viable peace building process, it is easy to subscribe to Bose's argument that Kashmir will remain a zone of intractable and recurrent conflict (Bose, 2003, 208). As of now, nuclear capability equalizes Pakistan's conventional military disparity towards India; however, Pakistan's massive dependence on third party support shows that rivalry is negotiable rather than inevitable (Paul, 2005, 132). Despite recent years being characterized by a period of reduced tensions, there is still an urgent need for India and Pakistan to develop an ability to accommodate debate beyond the political level in order achieve a meaningful settlement of the conflict (Wallensteen, 2007, 115). Although the conflict

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appear protracted, the combination of Kashmir establishing itself as 'ungovernable space' and the diminishment of Cold War strategic constraints might contribute to alter some fundamental structures of the conflict. Moreover, as India is increasing its economic and military superiority vis-à-vis an unstable Pakistan, the prospect of a preponderant India might encourage all both sides to modesty and pragmatism and reconsider its zero-sum perspectives.

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[1] For more information on Galtung's concept of peace and structural violence, see Galtung Johan, (1985), "*Twenty-five years of peace research: ten challenges and some responses* ", Journal of Peace Research, No.2, Vol. 22, pp.141-158 and Galtung, Johan (1990), "*Cultural Violence*", Journal of Peace Research, Vol.3, No. 27, pp. 291-305

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