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‘Conflict Management Sows the Seeds of Future Conflict’ A Case Study of the Kashmir Conflict

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AMRITBEN BAGIA, DEC 8 2009

Introduction

The role and value of conflict management approaches is increasingly contested in the Post-Cold War environment. The theoretical framework and application of first generation conflict management has been critiqued by theorists such as Oliver Richmond and others for being limited in its ability to resolve the underlying causes of interstate and intrastate conflicts. Conflict management employs a variety of forms of third party mediation, negotiations and multi-party discussions in order to stop violence and create an environment that is conducive to problem solving discussions. These first generation tools have been employed in numerous conflicts and are still used today. However, while they are effective at temporarily freezing conflict they are less productive at creating long term peace among disputants. In order to illuminate the benefits and deficiencies of conflict management approaches an in depth analysis of the India-Pakistan conflict will be used to demonstrate the specific challenge of long lasting and deep rooted disputes. The long term conflict between India and Pakistan is unique in that it was one of the first conflicts to be addressed by the nascent United Nations organization (UN). The dispute is still enduring today despite numerous efforts by the UN, third party negotiators, mediation from other states as well as bilateral discussions to decrease the tensions and create a peaceful solution acceptable for both parties. The India-Pakistan conflict is also critical in that it clearly highlights the strength and weaknesses of a traditional state-centric approach to solving a conflict that is multi-dimensional and ever-changing. By understanding the theoretical and practical application of conflict management in the India-Pakistan conflict this essay will demonstrate how first generation approaches often exacerbate disputes and sow the seeds for further confrontation.

Conflict Management

Historically speaking, the resolution of conflicts through negotiations and mediation far outdates the formal theoretical discussions of conflict management as an intellectually defined practice. However, with the end of the First and Second World Wars there was a call by the academic and diplomatic communities to formalize an effective approach to resolving conflicts that would not depend or necessarily resort to violence. The complex process of de-colonization magnified the need for effective solutions that could be applied to conflicts in diverse regions with differentiated issues. State formation and territorial delineation caused a unique set of disputes over governance and sovereignty that threatened to destabilize the integrity of large populations and potentially the international system as a whole. Conflict management approaches thus attempted to protect the international system and the current status quo by using “diplomacy, peacekeeping, international mediation, and negotiation” which was seen as the “best that can be achieved given the existence of competing national interests in an anarchical international system”. [1] Critically, this view is problematic for resolving the conflicts that arose in the de-colonization era as it offered a state-centric, mono-dimensional solution to complex multidimensional issues that permeated local, state, and international levels of interaction. [2] The reductionist role of conflict management approaches exemplifies a multitude of theoretical and practical shortcomings in first generation problem solving and peacemaking methods. On an elementary level it is clear that applying a conflict management method that aims to refrigerate a conflict in order to produce an opportunity for resolution is only half-heartedly attempting to create a long lasting peace. To define a conflict as intractable or

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insolvable is condemning the conflict to remain unsolved. On a more complex level the theory of conflict refrigeration is inherently flawed because it depends entirely on state institutions, diplomats, and international institutions to solve problems that permeate all the levels of society and are certainly not limited to the state, sovereignty or territorial disputes. Rather, issues of ethnicity, identity, culture, representation, and social justice may all affect the resolution process on a local or regional level that is wholly ignored by conflict management.

Conflicts are often deemed intractable when traditional forms of conflict management and even later generations of conflict resolution are unsuccessful at halting violence or creating long lasting peace. However, in order to create working solutions to disputes it may be more effective to view the cause of intractability as two-fold; problems may arise from both the nature of the conflict as well as the role of conflict management in the conflict itself. Intractable conflicts may be defined as, "...rooted in a multiplicity of conflicting and overlapping tensions and are marked by 'self-sustaining patterns of hostility and violence' revolving around 'control of the state's political institutions and/or the search for national autonomy and self-determination.'" [3] Theorists would do well to also explore the potentially inflammatory role of mediators, negotiators and the international community as they pertain to the problem solving procedures. For example, are the priorities of the international community vis a vis the UN or diplomats the same as the goals sought by the actual disputants, is there some universal normative solution or should individuation be implemented? As Richmond points out,

...disputants are clearly motivated by the inevitable perception of the rational utility of pursuing armed conflict within the zero-sum Westphalian environment. Consequently, during peacemaking processes, disputants have tended to become entrenched in incompatible positions because the Westphalian foundation of territorial sovereignty makes little provision for conflicting claims over land or representation, as the cases of East Timor, Tibet, Kosovo, Cyprus, Kashmir, Palestine and Sri Lanka aptly illustrate. [4]

The aims of the disputants are often times misinterpreted, misrepresented and even ignored by third parties further perpetuating mistrust and a sense of injustice. Arguably the 'international community' seeks to settle a conflict so that it will no longer pose a grave threat to the populations and the international system as a whole. There is a subtle but clear difference between seeking a solution that will protect the integrity of the state system and a solution that satisfies the needs of the disputants and their communities.

In the case of India and Pakistan, since the late 1940's the British and eventually the UN sought a solution that would be acceptable to the leaders of India and the newly formed Pakistan but did not consider in any practical way what solution would best serve the citizens of those countries. Despite the fact that civil unrest in India, Pakistan and Kashmir was the root cause of international fear (as was the case in numerous other states during de-colonization) the diplomats systematically negotiated solutions, treaties and resolutions that disregarded and further inflamed the public. Resultantly, conflict management failed to address the localities of conflict such as stereotyping between the disparate groups, social justice (both on a local and international level) as well as issues of identity and culture. That is not to say however, that conflict management as an approach to peace-making is wholly unsuccessful, rather it often achieves its purpose of halting violence and creating opportunities for negotiation and discussion. Instead perhaps it is the goals themselves that are most at fault for perpetuating violence.

India and Pakistan Case Study

The India-Pakistan conflict is a useful example when discussing the disjuncture between the goals of the disputants and the international community while engaging in an analysis of conflict management and peacekeeping. By addressing the numerous attempts of the UN, negotiators, mediators and even India and Pakistan themselves to create a self-sustaining peace the challenges of both this specific dispute as well as conflict management as a method are highlighted. The disagreement between India and Pakistan is often labeled and dealt with as a binary conflict that undervalues the integral role of Kashmir and the Kashmiri people. While this is only one of the many flaws in the theoretical and practical approaches of mediators and the disputants themselves it remains one of the most important. While altering deeply embedded conceptions, stereotypes and cultural discords may pose a seemingly insurmountable challenge, changing the definitional characteristics of the conflict is both possible and productive. Conflict management theories are both entrenched in and perpetuate the bipolar assumption of the India-

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Pakistan dispute.

In order to better assess why conflict management sows the seeds of further violence it is critical to frame the discussion with the fundamental flaw of undervaluing the role of the Kashmiri people. India and Pakistan have undergone numerous violent conflicts, three wars, and multiple crises that brought them to the brink of war. In each case a variety of conflict management methods were employed to reduce the violence and present an opportunity for the two states to discuss and resolve their differences. In none of the attempts have the Kashmiri people or leadership been given the central role that the situation necessitates. There is a unique opportunity for insight into conflict management as a method by examining the three wars fought between the two states. Upon the partition of India into two separate states and the ensuing disagreement over the territory of Kashmir the violence that broke out descended into a full war. The severity of the war necessitated the involvement of the UN as a broker for peace between the two states. The role of the UN was both as a peacekeeping body as well as a mediator for discussions between India and Pakistan. The second war between India and Pakistan in 1965 was a clear example of conflict management via third party negotiation. Finally, the Bangladesh war of 1971 demonstrated the evolution from a central role for outside parties to a more bipartisan effort on the part of India and Pakistan. While the wars of 1948, 1965 and 1971 are the only official wars fought between the two states the Kargil war of 1990's and the recent clashes in 2001 and 2009 in response to Pakistani and Kashmiri terrorism demonstrate the failure of even bipartisan approaches of conflict management.

By opening up a dialogue about the 'unspoken' causes of disagreement there may be a potential for a self-sustaining peace between India, Pakistan, Kashmir and other conflict regions deemed intractable. In the case of India and Pakistan there are a multitude of specific inflammatory points of local, regional and international scope, some of which have existed before the division of India and others that have been accrued over time. For example as Kapur points out, "There is a deep-seated conflict between the two countries based on their differing visions of nationhood. From Pakistan's point of view, there are two nations in existence, based on religion. The conflict, therefore, concerns the role of religion in defining Pakistan's identity, and its desire to provide a sense of Pakistani separateness from India." [5] The concept of nationhood and nationalism are central issues between India and Pakistan but also for Kashmir. Kashmir is important to India's self-proclaimed secularity as the citizens of Kashmir are primarily Muslim and their presence in the union is integral to the Indian government's credibility. Furthermore, there is an overwhelming fear that to concede Kashmir to either Pakistan or to independence would cause an unstoppable domino effect among other disaffected states within the union. For both Pakistan and India the issue of Kashmir is vital to domestic politics for both economic and strategic reasons as well as issues of identity and culture. In the case of the India-Pakistan conflict management approaches have been shortsighted in their belief that mistrust and disagreement is often caused or exacerbated by misunderstanding. This is evidenced by Hindus and Muslims who have, "intermingled for centuries, often in the same villages or towns; they understand one another all too well, and easily anticipate their foe's thinking and reactions. Deep mutual comprehension has bred deep distrust rather than enlightenment. Arabs and Israelis are the same. So, too, the Greeks and Turks of Cyprus." [6] The misperceptions of the UN and third party mediators while on the surface seem minimally destructive have in fact systematically broken down the processes of peacekeeping and negotiations over the last half century and continue to do so today.

The UN and Peacemaking

The division of India and Pakistan was orchestrated primarily by the exiting British government, the individual principalities within India were given (if only superficially) the choice between accession to India or to the newly formed Pakistan. There was little issue amongst most of the kingdoms which were Hindu populations with Hindu rulers, Kashmir posed a unique challenge as it was a Muslim majority state ruled by a Hindu. There was a powerful call by the large Muslim population via the Muslim League in India for a separate state that would be the first founded on Islam. As such the desire for Kashmir to join the Muslim state of Pakistan was not just motivated by the material benefits of the land but also in order to create a harmony within the region based on religious unity [7]. The events that caused Kashmir to accede to India in 1948 are highly contested and have added to discontent surrounding Kashmir. A band of tribal warriors (commonly accepted to have originated out of Pakistani territory) invaded Kashmir causing such devastation and fear that the Maharaja of Kashmir requested the assistance of the Indian military to quell the violence. [8] The stipulation of Indian military support was for Kashmir to join the Indian union, once agreed upon India

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did in fact send over a powerful defense force. Naturally India used the invasion of Kashmir as an opportunity to disparage Muslims and the Pakistani government. Tensions between the two states reached an unprecedented level eventually descending into war. The UN was called in by India to assist in settling the dispute but also with the hope that the UN would lend credibility to the agreement between India and the ruler of Kashmir. The UN called for a cease-fire and on January 24, 1949 the Indians and Pakistani sanctioned the UNCIP peacekeeping observer force via the Karachi Agreement.[9] Unfortunately India quickly realized that the United Nations was not going to force Pakistan to cede the parts of Kashmir (known as Azad Kashmir) obtained during the war and rather the cease-fire line became the de facto territorial boundary. The Security Council in fact was less interested in India's complaint regarding Pakistan's aggression in Kashmir and instead focused on the reciprocal complaint against India filed by Pakistan.[10] Furthermore,

... the UN Security Council passed a series of resolutions calling for the status of Kashmir to be decided by a free, impartial plebiscite under supervision of the UN. Pakistan readily agreed, knowing the outcome would favor it. But Delhi refused to accept the UN's will, and set about integrating Kashmir into India. Subsequent UN resolutions reaffirming the original call for a plebiscite were also ignored or dismissed by India as non-binding, irrelevant, and an unacceptable intrusion into India's internal affairs.[11]

India firmly believed that the agreement made between itself and Kashmir before the war was legally viable and any attempt on the part of Pakistan, or the International community to negate the agreement was in direct violation of India's sovereignty. This is a clear example of three main complications with the involvement of the UN in international disputes. The first obstacle to effective UN involvement is built into the *raison d'être* of the organization as evidenced in the charter. The role of peacekeeping was to find a middle ground between chapters VI and VII which stipulate the implementation of diplomacy and enforcement. Peacekeeping was a compromise that aimed to protect both the UN from unwanted involvement but also the disputant's sovereignty. The UN was completely dependent on the consent of the states involved; the presence of UN officials or military personnel was subject entirely to the will of the host nations. In the case of India this has presented debilitating disagreements regarding not only the UN resolutions but also their involvement in the dispute at all. As in the case of UNEF I when Nasser withdrew consent to the UN forces within Egypt, "The ensuing Six Day War illustrated the limitations of traditional consent-based forms of peacekeeping, which not only required consent but also continued cooperation, even if the force achieved little more than freezing the conflict into a post-outbreak status quo." [12] This example is tantamount to the delicate situation in Kashmir as the UN force has been largely unsuccessful at both preventing all out war between India and Pakistan but even less effective at preventing frequent short-term, high-intensity border skirmishes. The second major challenge to UN involvement in international mediation is also rooted in the very nature of the organization, "...the UN's main leverage lies in persuasion and partnership with disputants for agreements based on consensus...depending mainly on the weight of international consensus behind it, on the trust of the disputants, negotiating symmetry, on its own proficiency in providing a forum for debate, and on its communicational skills." [13] The United Nations functions on the premise of international authority and legitimacy which is constrained by an immense bureaucracy. The third limitation of the UN centers on the disputant's perception of the UN as an organization. Specifically, the perceived justice of the resolutions created is paramount to the successful management of conflict. India purposefully limited the role of the UN after 1949 because there is a strong held belief that India is being systematically marginalized and discriminated against by the international community. "The even-handed attitude of the UN has tended to ignore the distinction between aggressor and victim, limiting its effectiveness, even if there was a clear mandate and political will for a solution." [14] While this is by no means unique to the Kashmir dispute, India has invoked this very reason for over half a century in order to delay the implementation of UN resolutions. Pakistan similarly, has based numerous opposition points on the premise that there is an egregious lack of justice for the Muslim majority population of Kashmir who deserve to be governed by a Muslim state. Further to this point is the lack of justice for the Kashmiris who were guaranteed a plebiscite (there were also insinuations and discussions of independence) but have never seen that resolution fulfilled.[15] The result of these three fundamental challenges has been a failure on the part of the UN to successfully prevent violence from erupting or to promote a self-sustaining peace.

Nevertheless, the blame must not fall entirely on the actions of the UN but rather are rooted in the very nature of the organization and its inability to impose solutions. The UN peacekeeping force in Kashmir is heavily constrained by

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the severe lack of personnel, the complications of funding the mission, and the lack of will on the part of the disputants to achieve a working resolution. The United Nations through peacekeeping and mediation attempted to formulate a doctrine that would postpone violence to create an opportunity for negotiation. Disappointingly, when peacekeeping or mediation failed violence was almost always the very next alternative for the disputants. For India and Pakistan conflict management seemed to be synonymous with further violence and unfortunately unlike East Timor, Tibet or Cyprus the intractable Kashmir conflict was compounded by a distinct lack of interest or empathy on the part of the international community[16]. The management approach of the United Nations was unable to break the deadlock in negotiations and in 1950 declared UN peacekeeping forces and resolutions to have failed to resolve the Kashmir dispute. Thus, a new wave of conflict management was attempted with third party mediation at the center.

Third Party Mediation

Upon the failure of the United Nations to prevent future violence in Kashmir or to execute the 1948 cease-fire resolution the major negotiating responsibilities were given to individual third party mediators. The first mediator was General McNaughton the Canadian President of the Security Council in 1949. The General aimed to mediate an agreement between India and Pakistan that would orchestrate the withdrawal of troops from Kashmir and to institute a plebiscite. After his failure there were a number of UN sponsored mediators throughout the 1950's who were all equally as unsuccessful. Consequently, both Pakistan and India turned to outside states as mediators, negotiators and support. The dangers and challenges of third party mediation were brought to the fore as India and Pakistan became caught in the middle of the Cold War between the United States and the Soviet Union. While mediation by a third party presented a positive alternative to the UN resolutions that had no means of enforcement it had a host of other challenges that were compounded by the historical context of great power rivalry.

Successful mediation is dependent on multiple factors for both the third party as well as the disputants these include but are not limited to the individual characteristics of the mediator, their resources and their own political agenda. These are further qualified by the nature and roots of the conflict, the intensity of violence as well as the willingness and trust of the disputants. Similarly to peacekeeping, mediation is also dependant on the consent of the disputants and while coercion can be used to induce a resolution mediators are limited by their resources in their ability to impose solutions. Third party mediation like the resolutions produced by the United Nations is a mono-dimensional, state-centric approach to resolving a multi-dimensional conflict. The attempts of mediators in India and Pakistan were viewed with the same amount of skepticism and distrust as the direct efforts of the UN. [17] For India and Pakistan capitulation to the demands of the other side or to a mediator could cause severe internal unrest. Therefore, in consenting to third party mediation both states were hoping to legitimize their position and if the mediator did not fulfill that requirement consent would be revoked. To this end the role of mediators as the Cold War progressed increasingly bastardized the management process and instead became another forum for conflict. Mediation as a form of conflict management is uniquely susceptible to a transformation from problem solving to problem making in that no third party is truly unbiased or impartial. By closely examining the roles of China, the United States and the Soviet Union as mediators and meddlers the dangers of mediation may be better understood.

Bercovitch offers a detailed analysis of conflict mediation in an attempt to understand when and why mediation may be successful. In his understanding there are a number of critical factors that set the stage for successful mediation some of these include, a flexible understanding of the conflict that addresses "different problems, different parties and different situations", a mediator who is knowledgeable and influential and a cohesive and mutually accepted goal to the negotiations.[18] According to Bercovitch the factors that hinder mediation include, differing ideals, goals and values among disputants, disunity or lack of cohesion within one of the states, a lack of legitimacy accorded to one of the parties, or when the conflict centers around 'vital interests ' such a sovereignty or territory.[19]

Clearly the process of mediation according to Bercovitch is bound to fail in intractable conflicts like Kashmir. Critically India and Pakistan disagreed about not only the dispute over Kashmir but also the method with which to discuss and eventually resolve the issues.[20] Pakistan's active desire to involve the international community in the dispute was contrary to India's equally strong desire to resolve the dispute locally. This disagreement in time morphed into a major dimension of the conflict along side of the original issues; indeed there have been many occasions in which the

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previous attempts of management have become flashpoints for later violence. This is particularly relevant with the increasing role of third parties in the conflict during the Cold War. "The interventionist character of their diplomatic and military postures was driven by a desire to maintain a situation of manageable instability (prevent the outbreak of war, secure a ceasefire if war broke out, support Pakistan against India, and sustain Pakistan in war and peace)."[21] The perpetuation of state-centric solutions by third parties reinforced the demand for third party mediation as neither India nor Pakistan had enough diplomatic clout or military superiority to settle the dispute bilaterally or fend off domestic backlash for compromises with the other side.

While third party intervention in Indo-Pakistan was largely UN sponsored in the 1940's and 1950's there was a sharp break from previous policy in the 1960's onward. India was brought to the center of international attention in 1962 during the Sino-India border war over a largely uninhabited area to the north of Kashmir. India was dealt a crushing defeat which was an inspiration to Pakistani forces that believed they could produce the same result as China. Consequently, in 1965 Pakistan launched a covert operation to expel India from Kashmir which instead ended in a hurting stalemate. The period between 1962 and 1965 set the stage for great power influence in the South Asian region for the entirety of the Cold War. As Sino-Indian relations deteriorated Pakistan advantageously negotiated with China in order to create a long lasting diplomatic (if not always military) alliance. India on the other hand appealed to the United States for aid further alienating China and Pakistan. The United States supplied limited aid in hopes that India and Pakistan would one day provide a united front against communist China. However, the United States was embittered against India after being denied help in the Korean War due to Nehru's non-alignment policies and therefore adopted a non-alignment policy during the second Indo-Pakistan war. The United States' actions were driven by a larger geo-political strategy to combat communism and therefore viewed the semi-socialist India as leaning ever-closer to communism. During the 1965 War the United States supplied weapons for a time to both sides (along with China's support for Pakistan) which essentially leveled the playing field and prevented an all out Indian victory.[22] The Tashkent agreement mediated by the Soviet Union in 1966 was one of the few successful examples of third party mediation in the India-Pakistan conflict. The Soviet Union was seen as a relatively neutral party and therefore was able to bring India and Pakistan to an agreement that reinstated the 1949 cease-fire agreement and a return to the previously held border. Nevertheless, the Tashkent declaration simply refrigerated the conflict and failed to resolve any of the preexisting causes of concern between the two states.[23] Mediation is deemed successful by conflict management standards when there is a cessation of violence however, it does not necessarily require anything other than a return to the status quo. Therefore, while the immediate causes of violence are mitigated the deep seated roots that are the initial and self sustaining reasons for disagreement are largely untouched.

In the case of India and Pakistan the already inflammatory issues were further exacerbated by the increasing involvement of third parties who participated in the rivalry in a biased manner. "Western policy...required the buildup of Pakistan and the adoption of an anti-Indian stance in diplomatic and military affairs." [24] Pakistan was used as a launching point for US military planes during the Cold War and in return received financial and military aid. India was disillusioned with the US-Pakistan alliance and eventually turned to the Soviet Union for support creating a situation in which the US, China and the Soviet Union manipulated and enhanced their positions through India and Pakistan. When India and Pakistan fought again in the Bangladesh war of 1971 the attempts of third party mediators was already marred by the memories of bias. "Repeated US calls for a UN-sponsored ceasefire prolonged the India-Pakistan conflict because US-China-Pakistani policies lacked credibility in India." [25] When Pakistan lost the territory of Bangladesh to independence due to Indian aid it further solidified the application of Cold War, ideological rhetoric to the India-Pakistan dispute. The United States feared the theoretical 'domino effect' of small states becoming systematically communist as they were decolonized or gained independence. As a result of self-interest and self-preservation (neither the US nor the Soviet Union wanted to engage in a direct war with one another) they encouraged a mediated discussion between India and Pakistan to end the war.[26] Once again mediation was temporarily successful and the countries signed the Simla agreement which reenacted the Karachi ceasefire. In essence mediation was dependent on the interest of the great powers to refrigerate the conflict.

By keeping India in check; the United States and Pakistan enjoyed a certain precarious stability from the conflict and the Soviet Union was able to avoid a direct conflict of its own. However in reality, "Great power support for Pakistani policy against India delayed Indo-Pakistani conflict resolution as well as settlement of internal power struggles in Pakistan. The great powers helped deflect Pakistan's internal struggles into external Indo-Pakistani controversies but

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this postponed the need to address the real causes of Pakistan's internal political, economic, and social problems.”[27] These problems include unbalanced power symmetries within the state in which the military has a predominant standing in domestic and foreign affairs. The militarization of society in Pakistan was solidified by the Bangladesh war and a prevailing fear that India was demonstrably expansionist and sought to destroy Pakistan.[28] However, “That India functions at all as a unified state is something of a daily political miracle[29]” cleverly masked by a cohesive opposition to Pakistan. Third parties rather than quelling the fears of both nations instead stoked the fires in order to manipulate the situation to their advantage. This is not to say that mediation is entirely at fault for causing further violence between zones of conflict however, as demonstrated in the Kashmir conflict there are a multitude of challenges to successful mediation. Indeed India and Pakistan have had numerous other violent episodes that were fueled by the unresolved issues from the 1972 agreement and compounded by the original dispute over Kashmir. Mediation like negotiations reflect a conflict management approach that is satisfied by the return of affairs to the status quo. The participation of the United Nations or third party mediators can be seen as sowing the seeds for further violence because they are dependent on outside parties to convince the disputants that peace is more valuable than war. However, in the case of India and Pakistan third parties were unable to convince them of the value of peace and at times seemed to promote a rivalry that in historical context would invariably lead to conflict. The relationship between India and Pakistan had undergone two significant stages the first in which the conflict centered (according to the UN) around a disputed territory. The second stage reflected a universalization of the conflict as a result of the Cold War. Third party intervention in the region was based on the promotion of personal interests. The third stage entered in the mid 1990's when both states demonstrated their capacity to launch nuclear weapons focuses on bilateralism. As a result international interest was once again peaked but neither India nor Pakistan are as easily manipulated or ignored as they once were.

Bilateral Negotiations and Conclusion

India and Pakistan have transitioned away from dependence on the United Nations and Third Party negotiators to deal with their mutual grievances. Invariably however, the bilateral negotiations between the two nuclear powers have been indoctrinated by previous conflict management attempts. India and Pakistan have come no closer to resolving their disagreements than what was attempted in 1949 because they are firmly grounded in a solution that is zero-sum, state centric and plagued by internal domestic political pressure. Conflict management approaches ignored the domestic consequences of international affairs. For either India or Pakistan to compromise on their position is seen as domestic political suicide as a large part of their respective national identities is centered on differentiation from their rival. The reality of the crises is often outside the hands of the formal government, rather local and regional forces derail peace processes. Bilateral negotiations are plagued by mutual distrust, a fear of crisis, extreme stereotypes and incompatible goals. The limited ability of conflict management approaches to create a self-sustaining peace by default contributes to further violence. For India and Pakistan bilateral talks have drawn attention to incompatibilities rather than produce an opportunity for resolution. Perhaps the most devastating factor to the peace process is the exclusion and de-legitimization of local Kashmiri actors. While India and Pakistan's grievances with one another are not limited to Kashmir any resolution reached that excludes a discussion of Kashmiri independence would face exceptional local backlash with potentially international repercussions. Conflict management via UN negotiations, third party mediations and even bilateral talks has limited the scope of potential resolutions to those that protect the status quo and the 'state'. Rather than address the roots of conflict for fear of regional destabilization conflict management approaches are successful at refrigerating violence in the hope that future negotiations will better resolve the complex issues. There is a perpetuation of a cycle that is exclusionary, reductionist and limited; non-state and local actors are ignored, problems are reduced to their most obvious definitions and solutions are limited by the Westphalian system. Tragically India and Pakistan have been fighting for over half a century under the premise that they want what is best for Kashmir but instead both, “have grown used to the status quo of Kashmir, which, if not comfortable is at least familiar. Any change would unleash unpredictable forces and threaten to upset the region's political geography. The situation has been frozen since 1947, and states, like people, do not like change.”[30]

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[1] Richmond, pg 42

[2] "Approaches to peacemaking and peacekeeping that are derived from traditional state-centric management, diplomacy and conflict resolution provide narrow frameworks only capable of addressing a single dimension of conflicts that in their very nature are multidimensional." Richmond, pg 105

[3] Richmond, pg 107

[4] Richmond, pg 109

[5] Kapur, pg 136

[6] Margolis, pg 169

[7] "More than has usually been the case in territorial disputes, arguments over Kashmir coming from both sides have focused with particular consistency on specifically legal issues-on the question of to which country Kashmir *should* belong (by right of law), in other words, rather than on the question of which country's claim were more *appropriate* (by virtue of geography, ethnicity, economy, and so on)." Wirsing, pg 10

[8] Das, pg 266

[9] Wirsing, pg 69; "The UN established a five-member United Nations Commission on India and Pakistan (UNCIP) in 1948, and shortly thereafter deployed a peace observer force (UNMOGIP) which technically is still in existence today, although largely ineffective. Many UN efforts were predicated on holding a plebiscite in Kashmir to resolve the conflict, but this has never occurred." Paul, pg 45

[10] Das, pg 272

[11] Margolis, pg 68

[12] Richmond, pg 107

[13] Richmond, pg 48

[14] Richmond, pg 46

[15] "There were three major resolutions bearing on plebiscite: Security Council Resolution 726 of 21 April 1948, an enabling resolution that authorized formation of the UN commission on India and Pakistan (UNCIP) as well as spelling out in detail the conditions for plebiscite; UNCIP Resolution 995 of 13 August 1948, which only very briefly and vaguely endorsed the idea of Kashmiri self-determination; and UNCIP Resolution 1196 of 5 January 1949, which again spelled out the conditions for plebiscite in detail." Wirsing, pg 58

[16] The impression of the International community of the Muslim activists in Kashmir was that they were primarily brutal terrorists who deserved little sympathy for their cause and their violent methods of protest. Further to this, both India and Pakistan were seen as inflexible and unwilling to negotiate the terms of a free election in Kashmir. Both India and Pakistan believed that the presence of the opposition's forces in the region would influence and obstruct a fair vote but neither was willing to retreat from Kashmir.

'Conflict Management Sows the Seeds of Future Conflict' A Case Study of the Kashmir Conflict

Written by Amritben Bagia

[17] "Both sides have been acutely conscious of the dangers inherent in mediation exercises, among them the mediator's own (and not necessarily compatible) political agenda; and both sides have also been painfully aware that even successful mediation... could lead to domestic political disaster." Wirsing, Pg 190

[18] Bercovitch, pg 15

[19] Bercovitch, pg 21-23

[20] "Indians continued to view direct involvement of the international community in Kashmir as degrading India's independence while at the same time jeopardizing its integrity; and Pakistan's efforts to reintroduce it in the region, pretenses to the contrary notwithstanding, were aimed, Indians believed, solely at acquiring international support for territorial claims that Pakistan had not the power to realize on its own." Wirsing, pg 191

[21] Kapur, Pg 133

[22] Schofield, Pg 85

[23] Wirsing, pg 190

[24]Kapur, pg 131-2

[25] Kapur, pg 149

[26] "...the Karachi Agreement of 27 July 1949 and the Simla Agreement of 2 July 1972...reflect not only a basic change in the power equation between India and Pakistan that occurred in the intervening years, but an equally basic change in the legal standing of the international community in the Kashmir dispute. In particular, they symbolize the progressive and not-so -subtle downgrading over time of the role of the United Nations in this dispute- from one of direct aid in mediating the settlement in 1949 to one of deliberate exclusion from it in 1972." Wirsing, pg 68

[27] Kapur, pg 143

[28] "Conflict with India has contributed considerably to the weakening of Pakistan's economy. Arguably this conflict also stunted the development of civil society in Pakistan, by allowing the military to use the fear of India to alter the balance of civil-military relations in its favour. Pakistan's own sense of identity is defined largely in negative terms against India. The desire of its governments to wound India has often backfired on them. Their patronage of fundamentalists, whom they often used against India, has put Pakistan's own stability in jeopardy. Its governments seem to live perpetually under a sense of siege." Mehta, pg 2014

[29] Margolis, pg 97-8

[30] Margolis, pg 89

— *Written By: Amritben Bagia Date Written: December 8, 2009*