

**RESEARCH PAPER****The Simmering Fault Line of South Asia: Kashmir Problem****¹Tariq Javed Akhtar* and ²Prof. Dr Syed Khawaja Alqama**

1. PhD Scholar, School of International Relations, Minhaj University Lahore, Punjab, Pakistan

2. Dean of Social Sciences, Minhaj University Lahore, Punjab, Pakistan

***Corresponding Author** javedakhtartariq@gmail.com**ABSTRACT**

Conflict is ubiquitous. In the contemporary world of dependency and interdependency, we must live with it. Competition, cooperation, and conflict will remain essential components of regional and global emerging order. Confronted with such an emerging world, where does Pakistan stand on the issue of Kashmir? This paper first examines the historical perspective of the Kashmir dispute and the annulment of Articles 370 and 35A of the Indian constitution. Then, it moves on to examine the Musharraf formula to resolve what appears to be the never-ending conflict in Kashmir. Through the third-party intervention model to examine the possibility of resolving the conflict.

Keywords: Articles 370 and 35A, Conflict, Kashmir**Introduction**

This research paper examines at the problems in the relationship between Pakistan and India, describe the problems they cause, and suggest different ways to lessen their terrible effects. A theoretical model of power politics created by Hans Morgenthau in his famous book "Politics among Nations" will be used as a starting point for the study. This model that Morgenthau suggested is a great way to look at the nature of the struggle between the two states. The main idea of Morgenthau's writing comes from the idea of power politics and the nation-state. The relationship between Pakistan and India has been tense for a long time, ever since they became independent seventy-five years ago. Muslims ruled India for about 850 years, and Hindus worked with the British while they oversaw the subcontinent. Hindus also fought against Pakistan's creation and the unfair occupation of Kashmir. The border disputes between Hyderabad and Dakkan and between Junagarh and Manavadar are major problems in our relationship. In this case, though, the breaking up of Pakistan (the birth of Bangladesh) is the biggest blow to Pakistan. Also, there have been five wars between India and Pakistan. The most recent one was when India brought nuclear weapons to the area in 1998.

India and Pakistan gained independence in 1947. Since its founding, Pakistan's foreign policy has been shaped by the Jammu and Kashmir dispute with India. Both countries have foreign policy concerns (Masood & Muzaffar, 2019). This research examines President Musharraf's Kashmir policies and period. We'll explore India's policy after annulling Articles 370 and 35A. The first half discusses President Musharraf's efforts to avoid labelling the freedom movement "terrorism" and resolve the issue peacefully. This study examines civilian government changes and predicts future developments.

Over the past seven and a half decades, Kashmir has been the most prominent cause of hostility between India-Pakistan (Korbel, 2002). Both the countries have different points of view and different objectives as it relates to Kashmir. Both countries interpret and see this issue according to their own national interest. But Indian policies over this dispute have been always alarming. According to United Nations Security Council (UNSC) resolutions, Pakistan believes in the right of self-determination of the people of Jammu and Kashmir. But from the beginning, India is trying to crush the people of Kashmir. Pakistan claims the

freedom of Kashmir as the logical interpretation of the Two Nation Theory which clearly stated that the Subcontinent's Hindus and Muslims were two different nations.

Literature Review

Korbel (2002) explains various dimensions of the Kashmir problem in this treatise spectacularly. Undoubtedly, it is a matchless treasure of knowledge about this issue. None with comparable qualifications and experience besides him has left such a remarkable account of the problem. Korbel states that this is the core problem that separates India and Pakistan and has resulted in many wars between the two. He adds that besides the casualties during the wars, about ten million people migrated across the border, and about a million were killed during the partition of the Sub-Continent. In this situation of animosity, the UN intervened in the Indian request to decide whether Kashmir should join India or Pakistan. In the end, the author concludes that it was. India did not do its duty to get the UN-proposed plebiscite held in Kashmir.

Schofield (1999) highlights almost an all-compassing reckoning of Kashmir's history, starting from the 15th century to the indigenous uprising in 1989. The writer clearly shows that local Kashmiris have been denied self-rule since the beginning. The Sikhs conquered it in 1819 and were defeated by the British, and subsequently, the region was sold to Dogras in 1846 by them. The author laments that the independence of the sub-continent also did not bode well for the Kashmiris. There have been many wars between Pakistan and India because of Kashmir. She concludes that the UN and big power intervention have also been inconsequential. Finally, the people's explosive uprising over the last three decades will likely be catastrophic for the world. Ultimately, the author warns that the world must fulfil its political and moral responsibility to solve the problem and save the region from cataclysmic results.

Kasuri (2016) highlights Pakistan's security policies. According to him, Pakistan had to face several trilateral partnerships due to its security issues, involving delicate balancing acts and diplomatic maneuvering by the nations involved to protect their national interests. This book is very informative in understanding Pakistan's relationships with other states, particularly the US and India. The author writes that Pakistan had to use its strategic position in the face of security concerns from a much bigger and more powerful India. He also notes that in 1954-55, Pakistan received military and economic support from the US to participate in a Western alliance structure to address its defense weaknesses and compete with India militarily. Pakistan entered the Cold War collective defensive alliance in September 1954 and became a member of the SEATO.

Research Methodology

The primary objective of this study in this article titled "The Simmering Faultline of South Asia: Kashmir Problem" is to offer a thorough and systematic approach to examining the complex relationship between India and Pakistan. This study aims to develop a comprehensive understanding of the complexities as well as the ways forward that have been suggested by employing a research approach that incorporates both qualitative and quantitative methods. In the context of qualitative data in this research, academic papers and historical documents have been used, as well as quantitative data; different tools have been used, such as reports, books, existing literature, and media sources.

Theoretical Framework

The theoretical framework model of power politics created by Hans Morgenthau in his famous book "Politics Among Nations" will be used as a starting point for the study. This model that Morgenthau suggested is a great way to examine the nature of the struggle between the two states. The main idea of Morgenthau's writing comes from the concept of power politics and the nation-state.

Genesis of the Problem

The Charter of Independence enunciated by the British rulers laid down that out of the areas under their direct subjugation, the Muslim majority areas, for example Punjab, Sindh, K.P.K., and Baluchistan in the North-West and East Bengal and Sylhet in the East would constitute Pakistan. The Hindu majority areas would form India. Regarding the princely states of India, the policy was that those would take decision themselves; to join India or Pakistan or remain independent. Kashmir was one of them. It signed standstill agreement with India and Pakistan. Later, India entered its regular army in Kashmir and threatened Maharaja Hari Singh to sign an illegal document of accession of Kashmir with India. Seventy-two per cent of population of Kashmir which was Muslim vehemently rose up against the ruler's decision.

Helped by the civilian volunteers from Pakistan, freedom fighters got part of Kashmir liberated. Resultantly, there was war between the newly organized Pakistani forces and Indian army. Suffering territorial and human losses, Nehru took the case to United Nations Security Council. The Security Council passed a resolution to hold plebiscite in Kashmir to let the people of Kashmir decide their future. It was actually a historical event in the annals of the Kashmir. Indian attitude remained non cooperative, and it did not help the United Nations to succeed in its mission. After that the United Nations established an independent commission to resolve the issue, but the Indian intransigence did not assuage, and the commission remained unsuccessful.

Geo-Political Importance

The Quaid-e-Azam Muhammad Ali Jinnah termed Kashmir Jugular vein of Pakistan which simply means that Pakistan cannot exist without it. Sans Kashmir, Pakistan is incomplete (Sattar, 2019). The Mountains of Kashmir which stand as sentinels on the north-eastern border of Pakistan, their denial to Pakistan seriously weakens the defence of Pakistan. Major rivers which are the backbone of our agriculture originate from Kashmir. In 1947 almost all entries into and exits from Kashmir mouthed towards Pakistan.

The latest development is mapping of major rail and road routes of China Pakistan Economic Corridor (CPEC) which will be running through Gilgit-Baltistan. The most important of all these is the right of self-determination of 22 million people of Kashmir. In all fairness, it must be granted to them. Fundamentally, because of Kashmir, there have been many wars between India and Pakistan: 1948 Kashmir War, 1965 War, 1971 War, 1984 Siachen War and 1999 Kargil War (Azmi, 1990).

Arms Race between India and Pakistan

After the war of 1971 India carried out nuclear explosion in 1974. Actually, it was the culmination of the arms race in the region. After Indian initiative, Pakistan was forced to start work on nuclear program for its survival. As we all know the survival of a state is the prime motive of all the endeavors of the state. For the sake of survival, Pakistan struggled for balance of power in the region. In May 1998, both shocked the international community by testing the nuclear bombs; India did it first followed by Pakistan. We can say that it was the show of actual balance of power in the region.

Both the countries did not sign the nuclear non-proliferation treaty which is known as NPT. Because of threats from India, Pakistan does not want to stop preparation of the nuclear weapons (Ghosh,2020). The international superpowers also want to sell their weapons by hook or by crook, that's why they want to see hostility between the two countries to continue. If we talk about India's foreign policy, we infer that they are not ready to accept Pakistan at any cost.

According to the statement of the Indra Gandhi, “they want to undo Pakistan” (Korbel,2002). And another political leader, Rajeev Gandhi also declared that they will make Pakistan part of India soon. Pakistani leaders and Pakistan’s foreign policy did not envisage to crush India or to make it part of Pakistan. Pakistan always wanted peace and peaceful coexistence. Pakistan’s foreign policy is based on bilateral peaceful relations with India and it always wants to negotiate on the issue of Kashmir.

Pakistan’s nuclear development is defensive and peaceful because Pakistan never tried to attack India first. This policy shows that we want to live peacefully in the region. We want to utilize our limited resources on development of the state. Today we are apparently securing our state boundaries but actually insecuritying them and depriving the taxpayers’ of two times meal: hence, in fact making them unsafe. There are many types of evil today, we have illiteracy, hunger, poverty, inflation, Covid-19, energy crisis and other diseases etc. to fight for but our concentration unfortunately is on traditional security (Lamb, 2003).

Covid-19 has unveiled development policies of the both countries. This crisis laid their health and medical showcases. Today the people are dying because of lack of oxygen cylinders and medicines but in both countries especially in India the lack of hospital beds the people are helpless and hopeless. In India patients of Corona virus have been lying in the cars and on footpaths. The citizens of the both countries are asking about their health facilities. But it is a big question mark on the whole world’s economic and development policies.

We are living in a country where half of the people cannot read and write. There are also many issues which must be addressed i.e., terrorism, religious extremism, judicial activism and prejudice in the society. Both the states are highly dependent upon their nuclear capability. Every state knows about “Mutual Assured Destruction” (MAD) but is continuing to spend resources on hard power for the sake of security. We know that war or military solution is not the way to solve the problems. We will have to sit on table for peaceful talks and get out of this arms race. Though we cannot say that we are living in a beautiful world yet to think that armies will solve our problems and weapons and military hardware will make the situation more peaceful then we are living in a fool’s paradise (Kasuri, 2016).

Kashmir is the bone of contention between the two states. India raised huge armed forces and finally went nuclear to realise her hegemonic designs. In turn, Pakistan had no other option and had to have a strong army. In response to India, to ensure its security, it was constrained to develop its deterrent nuclear capability also. As regard the Kashmiris, they have been struggling against Indian occupation for last 76 years (Masood, Sultana, & Muzaffar, 2020). In this research, we shall briefly mention about the policies of General Musharraf’s government and dilate upon various options which were considered suitable at that time.

General Musharraf’s Policies over Kashmir

According to the book ‘ISI of Pakistan’, General Musharraf visited India in July 2001 and a summit meeting took place between General Musharraf and Mr Vajpayee (Kiessling, 2016). The visit is considered the first solid step to improve the bilateral relations. Both the leaders General Musharraf and Atal Behari Vajpayee came on the same point of starting talks on every issue which could spark hostilities. The hardliners and opposition of India criticised Vajpayee’s initiatives to resolve the conflict between the two countries. On the other hand Pakistan presented the Kashmir problem as the core issue.

During the visit, General Musharraf raised the issue of Kashmir in a very effective manner. He highlighted many advantages of the solution of this problem. In the end he concluded that without resolving the Kashmir issue we cannot think about the peaceful coexistence. We can say that he actually presented the D tente policy which meant live and

let live. He also pointed out that fighting does not resolve the problem and we must endeavour to solve it by peaceful means. He urged the Indian government to open channels of mutual dialogue because both the countries had wasted enough resources on fighting wars. We must spend our limited resources on food, health, and welfare of the respective people.

Various options considered in Musharraf Era

Governments of India and Pakistan realised that present contentious situation could not be allowed to go on. As a result of backdoor diplomacy, following options were considered:

Option 1

Jammu, the Valley and Laddakh awarded to India, Azad Kashmir and Gilgit-Baltistan given to Pakistan and control line declared as border between India and Pakistan.

Option 2

India and Pakistan to withdraw their forces and plebiscite is held to grant the right of self-determination to the people of Kashmir in accordance with resolutions of United Nations Security Council.

Option 3

Jammu and Laddakh given to India. Azad Kashmir and Gilgit-Baltistan to Pakistan and the valley is granted independence.

Option 4

The whole of Kashmir is granted independence. Pakistan and India to guarantee its freedom.

Option 5

Jammu and Laddakh given to India, Azad Kashmir and Gilgit Baltistan to Pakistan and plebiscite is held in the Valley to grant it the right of self-determination to join India or Pakistan.

Critique

There are pros and cons of all options. We can recommend the Option 2 which already enjoys the approval of the UNSC. The right of self-determination must be granted to the people of Kashmir which has legal and moral justification. Alas! some invisible hands sabotaged the efforts made by the both sides by creating disruptions with incidents like Mumbai attacks.

Indians have deployed about 9 lacs of regular military troops to control the Kashmiris. Their forces have been brutally massacring the Kashmiris and they have suffered about 100,000 dead for the sacred national cause in last about 30 years. Crossing all moral, human and legal limits, India has annulled Articles 370 and 35A of its constitution in August 2019. The Indian government has repealed decades-old laws that provided the controversial Muslim-majority state some autonomy. Interior Minister of India told parliament that the president had signed a decree for removing Articles 370 and 35A of the constitution, ending Kashmir's long-standing autonomy.

Articles 370 and 35A

The Article 370 which came into effect in 1949, gives a special status to Jammu and Kashmir state in the Indian constitution (Aljazeera, 2019). It authorises Kashmir to make its own laws in all matters except finance, defence, foreign affairs and communications. It permits Jammu and Kashmir to have a separate flag and Article 35A denies property rights in the Kashmir to the outsiders (Indians).

After annulment of these articles, the people of Kashmir are facing forceful lockdown and curfew on daily basis since 05 August 2019. They are experiencing bloodshed at the hands of Indian forces. On the other hand, Pakistan supports Kashmiris in their just struggle but the world conscience is silent, and they don't take the issue seriously.

The annulment of these articles is aimed at bringing major demographic changes which will help realise notorious designs of India in future. So far the world conscience is asleep in this respect and the situation in Kashmir is aggravating day by day. Pakistan is trying to provide political and moral support to Kashmiri brothers in their just struggle to attain their right of self-determination. We, in-fact are required to increase our efforts to harness support of UN, EU, OIC, big powers and other countries to force India to let the Kashmir problem be resolved in conformity with the UNSC resolutions.

Human Rights Situation in Kashmir

Since 1947 various Indian governments have been denying the human rights to Kashmiris. The people of Kashmir are facing tyranny because of their demand of right of self-determination and freedom from Indian occupation. The use of force by Indian Government is fuelling intense aggression in Kashmir. The inhuman attitude and violation of human rights is becoming more and more tyrant and it is giving more impetus to the struggle of self-determination of the people of Kashmir. On the other hand, India is blaming the victims with the help of its strong media and is trying to construct an image of Kashmir as an integral part of India.

Indian governments always claimed that the invisible hands and cross-border militants were fuelling the situation of conflict and war (Sifton, 2019). According to John Sifton, Human Rights Watch a director of advocacy group, the situation of human rights in Kashmir is alarming. The Indian army wants to crush the rightful protesters with an iron hand. The Indian security forces are using lethal force on protesters including the use of different weapons like pellet guns and tear-gas etc. These types of attacks have been brutally injuring Kashmiri people and many thousands have lost their lives. According to the Human Rights Watch India's "Armed Forces Special Powers Act" which is known as (AFSPA) is continuously empowering the forces who get undue immunity from any type of accountability. On the other hand, Pakistan government is always raising the voice on Kashmir issue, but the international institutions and community are silent. We can say that they are not taking Pakistani stance with due responsibility and seriousness.

Right to life

The Indian governments have been violating the human rights which are clearly enunciated in UN charter. The Indian security forces are not giving any space and even the right to life to the Kashmiris. Unfortunately, UN and big powers are silent. According to the human rights declaration, man is born free and nobody has the right to deprive him off the right of life. Unfortunately, Kashmiris are facing lethal attacks at the hands of Indian security forces. According to the human rights declaration no one has the right to torture others because everyone is born to be free. In the case of Kashmir, the Indian security forces are torturing the Kashmiris to become Hindu and accept India as the motherland. Only if they become the part of India they would be allowed to live with peace.

The Kashmiri "Hurriyat Leaders" (freedom fighters) like Syed Ali Geelani, Mirwaiz Umar Farooq, and Yaseen Malik have been tortured to force them to give up freedom

movement. General Musharraf during his interview especially mentioned about Yaseen Malik who many a time has faced intense torture by the Indian forces due to which he has lost his eyesight. The Kashmiri women are brutally raped and tortured. In Kashmir sometimes Indian security forces do not allow Kashmiris to perform the religious activities like Friday prayer and Eid prayer etc. The Indian governments have not been ready to give ordinary social rights to the Kashmiris which are laid down in the declaration of human rights charter of UN. They are living discriminatory life in the so called civilized and modern world.

The Kashmiris are paying big price for freedom and mainly they are detained because they want freedom. They demand equal rights and they demand self-determination. Sometimes they are brutally beaten or killed whenever they show their solidarity with Pakistan. After the annulment of the Article 370 and 35A, Indian forces have become more lethal and tyrant. According to the HRW's reports at times the Indian government shut down the Internet services, mobile phone services, and other forms of communication like social media and print media etc in Kashmir. The Indian policies do not allow the Kashmiris even the right of freedom of speech. They are also denied right to protest which is everyone's fundamental right.

The Kashmiris are deprived of their self-respect. The Kashmiri women are raped by the Indian forces. India boasts about being the biggest democracy of the world but does not give basic human rights to its citizens, particularly Kashmiris. HRW and other forums raise their concerns about these tragedies. They emphasise upon India to grant to its citizens the right of freedom of speech.

5th Generation War

"Fifth-generation warfare (5GW) is the battle of perceptions and information. 5GW is also a cultural and moral war, which distorts the perception of the masses to give a manipulated view of the world and politics". These lines have been taken from Aljazeera, 2021. 5GW simply means to make impossible the possible, and possible the impossible. It is the war of information. It is the war of perception and misperception. The research came out as a result of more than 15-years campaign involving more than 500 false news sources and a dozen fake non-governmental organisations that took place in 116 countries. The important part of our research is that many of those networks attempted to promote a pro-India and anti-Pakistan perception. The problem with this argument is that "fifth-generation war" is not a commonly known concept by international affairs or international security intellectuals. The term "fifth-generation war" does not appear in the content of five well-regarded international relations or international security peer-reviewed journals – International Security, Journal of Conflict Resolution, Journal of Peace Research, Journal of Strategic Studies, and Security Studies–in the last five years, despite the fact that these journals have printed roughly five million words.

The book "Danger in Kashmir" is matchless treasure of knowledge about the issue of Kashmir (Korbel, 2002). None with comparable qualification and experience other than Korbel has left such a remarkable account of the problem. He says that this is the core problem which separates India and Pakistan and has resulted into many wars between the two. He adds that besides the casualties during the wars, about 10 million people migrated across the border and about a million were killed during the partition of the Sub-continent. In this situation of animosity, the UN intervened on Indian request to decide whether Kashmir should join Pakistan or India. In the end the author almost concludes that it was India which did not do its duty to get the plebiscite held in Kashmir.

Conclusion

Today we are securing our state boundaries but insecurity human beings and depriving the innocent people of two times of meal. There are many types of evil today; we

have illiteracy, hunger, poverty, inflation, Covid-19, energy crisis and other diseases etc. which India and Pakistan must fight against. We are living in a country where half of the people cannot read in any language. There are also many issues which must be addressed i.e., terrorism, religious extremism, judicial activism, and prejudice in the society. The Kashmir problem is arguably the most important political problem in the world which needs to be resolved urgently. No other problem concerning the future of about 22 million is pending since so long a period. This is the oldest problem on the agenda of the United Nations. Nowhere else in the world, so much of human blood has been spilled and human lives lost as for the just right of self-determination in Kashmir. Because in no other area in the universe, there are chances of breaking out of nuclear war as much as in the case of Kashmir. These all facts entail that the world conscience must wake up from slumber and attend to the moral and political call of the hour. The UN, OIC, other international organisations, regional forums, big powers, and the world community in general must meet their obligations to resolve the Kashmir problem in a just and equitable manner.

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