

Kashmir Uprising: Indian Approach and Regional Stability

*Muhammad Tehsin and Adnan Bukhari **

Abstract: *The Kashmir dispute has been termed as the core issue between two nuclear arch-rivals of South Asia, India and Pakistan, for the last seven decades. This conflict has hampered political, economic and social development not only of Pakistan and India, but has also impaired the chances of political and economic integration of the South Asian region. Indian policies and laws in Kashmir, causing massive human rights violations and defiance of the UN resolutions, have exacerbated the security situation of Kashmir in particular and South Asia in general. Despite several proposals to settle the dispute including the UN resolutions, the issue remains still unresolved. The Kashmiri indigenous uprising erupted in 1987 and has been rejuvenated after the killing of Burhan Wani, a 22-year-old Kashmiri by Indian forces in July 2016. This paper attempts to examine multiple dimensions of the Kashmir issue to explore its implications for Indo-Pakistan relations. The article has been divided into three broad sections. The first section provides a theoretical framework by applying realist theory in India-Pakistan relations, Edward Azar's theory of protracted conflicts and John Rawls' theory of justice. The second section delineates policies adopted by both states on Kashmir. The article also discusses the recent developments in Indo-Pakistan relations including crisis management. The final section proposes a conflict resolution mechanism that will include ceasefire, managing cross border issues and other CBMs as the way forward towards resolving the dispute.*

Keywords: Kashmir, Culture, Identity, Justice, Plebiscite.

Introduction

The Kashmir dispute has been a permanent source of tension between two major nuclear arch-rivals, India and Pakistan, since partition. This issue has its roots in colonial divide in South Asia that was based on unjustified territorial partition of Kashmir. The basic assumption of accession of princely states was that ruling princes would decide to accede to any of the newly established two states, India or Pakistan, considering two-pronged criteria, geographical contiguity and popular aspirations.

The controversy started, when the Hindu ruling prince of Kashmir, *Maharaja Hari Singh* acceded to India without taking into account people's aspirations as the majority of Kashmiris consisted of Muslims. India in connivance with the *Maharaja* attacked Kashmir in 1948 and seized possession of a major portion of Kashmir.

* Dr Muhammad Tehsin is an Assistant Professor at the Department of Defence and Strategic Studies, Quaid-i-Azam University, Islamabad, and Adnan Bukhari is a PhD candidate at the Department of Defence and Strategic Studies, Quaid-i-Azam University Islamabad.

Conversely, it also took forceful control of Hyderabad and Junagarh on account of their Hindu majority population despite the fact that the *Nizam* of Hyderabad had chosen to stay autonomous and the *Nawab* of Junagarh had signed an instrument of accession with Pakistan. According to one view, India occupied the Kashmir region with the intent of trying to validate its action by forcing the *Maharaja* to sign papers of accession.¹ In such a scenario, Kashmir's struggle for self-determination started against the Indian invasion of the valley.

The Kashmir movement is nearly a century-old now being started prior to the departure of the British in 1947. It has been seventy years since Kashmir's movement of self-determination is on the agenda of the United Nations (UN). The Kashmiri people perceive Indian injustices and violence as a threat to their survival. Almost a hundred thousand Kashmiris have laid down their lives in this fight for self-determination. The current uprising of Kashmir is galvanized by the murder of Burhan Wani, a Kashmiri freedom fighter in Indian Occupied Kashmir (IOK). Wani's assassination by Indian forces turned him into an icon for another wave of uprisings. India has been trying to suppress the uprising by trying to divert international attention by blaming Pakistan for terrorist attacks in Kashmir including an attack on the defence base of Uri in September 2016. Pakistan, however, has remained committed to highlighting the Kashmir issue and human rights violation by India in IOK.

There is, at least, one common perspective in India and Pakistan on the issue as they blame Britain for incomplete partition agenda of Kashmir. The unresolved issue of Kashmir has been viewed by India as a policy of 'divide and rule' of the British. Many Pakistanis remain convinced that Lord Mountbatten and Radcliff supported India during the territorial division.² This narrative received credence, when the former British Prime Minister, David Cameron stated in 2011 that, "we are responsible for the (Kashmir) issue in the first place."³ He suggested that Britain was responsible for the political deprivation and socio-cultural injustices faced by the Kashmiris.⁴ An author opined that, "the British, through their divide-and-rule administration, hammered the first cracks into the relations of Hindus and Muslims in South Asia, and in Kashmir in particular ... in the process of their withdrawal, the British granted the important decision of Kashmir's fate to one man, which essentially created the possibility of the Muslim dominated Kashmir joining the Hindu-majority India. This is because the responsibility of making the critical decision was bestowed upon *Maharaja* Hari Singh, who leaned towards India. As such, the British were responsible for the fallout from the instrument of accession."⁵

The history of the bilateral relationship of India and Pakistan is marked by three full-fledged wars including 1948, 1965 and 1971, a low intensity conflict in

1999, many incidents of cross border firing and several border stand-offs. However, peace process also made certain strides, which includes, signing of the Indus Water Treaty in 1960, Shimla Agreement in 1972, many Confidence Building Measures (CBMs) in 1999, and composite dialogue in 2004. Kashmir is considered a bone of contention between the two states. There is increasing need to resolve this issue through a process that is practical and agreeable to three major stakeholders, India, Pakistan and Kashmiris.

The changing regional dynamics and national postures in India and Pakistan have resulted in a situation, where it is not clear as to which party is revisionist and which side is pro-status quo. A revisionist state seeks to change the current distribution of power, e.g., national territorial boundaries. A status quo posture would seek to maintain existing borders and relative power between states. Both India and Pakistan remain locked in cross border firing across the working boundary and line of control. In the nuclearized context, an escalation of tension and conflict is dangerous for regional strategic stability. This necessitates resorting to conflict resolution by initiating dialogue among three players, India, Pakistan and Kashmiris to resolve long-standing Kashmir issue. This approach should include elements of transparency, reconciliation, openness and above all, inclusiveness of Kashmiris.

Theoretical Framework

Theoretically, the crux of Kashmir issue between India and Pakistan lies in 'power-centric' approach, which entails conflict and violence. India has stationed about 700,000 troops in IOK and is accused of human rights violations. Pakistan has also deployed troops in Azad Kashmir to avert any possible aggression by India. Realpolitik and power maximization have been adopted by both states to compete in anarchic international order. This has led both states towards conventional and strategic arms race along with evolution of different warfighting strategies. Kashmir issue has been proven to be a point of attrition, which results in escalation of tensions. A narrowly focused realistic approach by both countries has converted South Asia into a troubled region with uncertain security situation. Consequently, people of both states suffer from conflict and violence.

The Culturalist Theory provides an effective conceptual lens to understand Kashmir's indigenous struggle for self-determination. This theory bases its premise on cultural identity as a dominant feature in understanding the nature of the Kashmir issue. The people are viewed as unit of analysis in such a scenario. This is also related to identity politics. Edward E. Azar explored the concept of conflict resolution, i.e., the Theory of Protracted Social Conflicts. According to Azar, protracted social conflicts are the result of deprivation experienced by communities on account of their unique cultural identity. This collective deprivation of a

community is caused both by the state concerned as well as the international community that directly or indirectly supports the oppressive state.⁶

The Kashmir issue can be categorized as 'protracted social conflict' because of deprivation of political, social and ethnic identity of Kashmiris, based on *Kashmiriyaat*. If any group of people qualifies to be termed as 'one nation', it is the Kashmiri speaking people of the Kashmir valley. Kashmiri adolescents express their distinctive cultural identity through drawings and visual depictions.⁷ Azar substantiated 'protracted social conflicts' as a combat situation between state and victimized group coupled with injustice and economic disparities. He posited that a protracted social conflict is the fallout of three main factors:

- a. Non-acceptance of separate identity and denial of political rights,
- b. Insecurity about ethnic, religious and cultural values, and
- c. Ineffective political participation of people due to trust deficit and non-remedial behaviour of concerned state.

The Kashmir issue has been transformed into a protracted social conflict because of denial of cultural identity of Kashmiris, insecurity in their community due to the killing of thousands of innocent Kashmiris by Indian forces and ineffective political setup, which snubbed their right to self-determination. Kashmir struggle is an epic example of identity based political, social, religious, communal and ethnic conflict. It is an indigenous struggle for the Kashmiri right of self-determination rather than a planned strategy backed by Pakistan, as India often claims. Kashmir is facing multi-dimensional and multi-layered sources of conflict, in a complex security situation. To deal with social protracted conflict, an innovative procedure, with amalgamation of the Justice Theory and Owen Dixon's Plan, should be applied. John Rawls' Justice Theory holds that the most effective way to manage a protracted social conflict is provision of justice to the affected community. The Rawlsian theory postulates that justice is fundamental to social institutions and is of primary importance in political participation.⁸ This theory can be applied for the purpose of peace restoration in valley, through social and political amelioration.

Through the perspective provided by Rawls' and Azar's theories, certain CBMs can be identified including ceasefire, observing human rights, and curtailing cross border firing. The problems of inequality at societal and political level should be replaced with equality, liberty and freedom. The UN observer group and other NGOs should be allowed access to the people and to record truth about human rights abuses. Achieving stability, through crisis management, is an intense, difficult and time-consuming process that involves several backchannel meetings. Pakistan and India need to change the shape of clash - conflict transformation - and ultimately

strive for resolution of Kashmir issue.⁹ The peace process should be consolidated with CBMs, comprehensive negotiations and people-to-people contact. Negative public perceptions, hatred, mutual suspicion and distrust should be eliminated. Both countries have inherited a legacy of distorted and complicated history. It promotes the negative image of each state, leading towards abhorrence. History should be written on the basis of archaeological facts and accurate events.¹⁰ This would require verification of facts, transparency and openness. Conceptually, many of the above-mentioned measures can be categorized by applying the theoretical framework provided in this paper:

- a. Adoption of John Rawls' theory of justice, i.e., manage conflict through dispensing justice by symbolic recognition of Kashmiri right to determine their future. Economic and trade activities should be encouraged. Draconian laws¹¹, such as, POTA, TADA, AFSPA and PSA should be withdrawn and all political prisoners (except hardcore terrorists), captured under this law should be released to initiate an inclusive political setup.
- b. Recognition of the Kashmir dispute as a protracted social conflict as per Edward Azar's definition. Furthermore, joint approach vis-à-vis conventional and strategic CBMs should be taken by India and Pakistan to sustain strategic stability of the region.
- c. Adhering to Owen Dixon formula of 'demilitarization', i.e., mutual demilitarization of forces from disputed region by both states in a phased manner as a starting point to set the grounds for future plebiscite. Fencing should be removed from the line of control (LoC) and the boundary should be softened so that people should be allowed to move freely.

The power of dialogue and negotiation in peace process cannot be underestimated. The nature of Kashmir conflict is political; therefore, long lasting solution can only be achieved through serious political and diplomatic efforts.¹² New Delhi and Islamabad should negotiate to formulate an extensive, workable and step-by-step de-escalation, conflict management and interactive conflict resolution mechanism, which should also include Kashmiris as stakeholders.

The next section analyses Indian policies towards Kashmir. It finds that Indian policies have been ineffective and proved a failure to achieve an enduring peace in the valley. Subsequently, this paper will discuss Pakistan's position on the Kashmir issue.

Indian Policies toward Kashmir: From Status Quo To Revisionism?¹³

The conventional Indian approach to Kashmir issue rests on the assumption that the decision of *Maharaja* to sign a paper of accession with India is absolute and unchallengeable. Recently, a revisionist posture has been adopted by India as declared by the Narendra Modi-led BJP government that the unfinished agenda of partition pertains to the disputed part of Kashmir 'occupied' by Pakistan, which needs to be resolved through bilateral talks.¹⁴ This Indian position is revisionist since it rejects the status quo that currently prevails between India and Pakistan including the status of Kashmir. India negates the option of plebiscite in the valley on the account that Pakistan has not withdrawn its troops from its 'illegally occupied' part of the valley. India envisages for itself a hegemonic and expansionist role in South Asia.

India claims that Pakistan has forfeited the moral grounds to file any petition in case of Kashmir. For Indian strategists, the only problem confronting Kashmiri people is Pakistan-sponsored terrorism. While, strategic and political narrative of Pakistan is based on Muslim brotherhood and its principled stance on illicit accession of Kashmir to Indian Union. India has divided its policy to deal with this enduring crisis at three levels; local, bilateral, and international.

At the local level, India is trying to suppress the resistance of Kashmiris, fighting for their right of self-determination since 1948. For this purpose, India is using callous state power. In the process, Rawlsian concept of justice remains neglected amidst the massive human rights violations. Furthermore, Indian government is trying to manipulate the demographic realities. It is trying to alter the ethnic, religious and geographic realities of the valley by governmental action. This approach needs careful attention in view of India's professed policy of secularism.

At bilateral level, India avoids to discuss Kashmir in bilateral dialogue with Pakistan. Instead of the adoption of Owen Dixon's Formula, which still remains an equitable and practicable option, India is applying delaying tactics through intermittent engagement and dialogue with Pakistan to strengthen its control over the valley. India appears content to maintain a brutal control over a major portion of Jammu and Kashmir; is desirous to designate the LoC as a permanent international border, and has recently expanded the conflict to include the Pakistani portion of Kashmir.¹⁵

At international level, India denies the cultural rights and identity of the Kashmiri people, which fuels popular unrest, as per Edward Azar's theory of protracted social conflict. India is pursuing three objectives; first, it is trying to divert international concerns over Kashmir; second, it strives to diminish Pakistan's efforts

to highlight the issue of human-rights violations by India; and third, it is denying Pakistan's standpoint that Jammu and Kashmir are unresolved territory and needs resolution. India also excludes any third-party involvement in resolving Kashmir issue on the pretext of Shimla agreement, which called for resolving all outstanding issues bilaterally.

Denial of Rawlsian Justice: Indian Laws in Kashmir

Jammu and Kashmir retain special autonomous status according to Article 370 of the constitution of India. This provision was initially temporary and later became a permanent feature of the Indian constitution, when Kashmir's Constituent Assembly dissolved itself. However, the Central Government of India has been chipping away at Kashmir's autonomous status and the ruling Bhartiya Janata Party (BJP) government led by Narendra Modi has openly talked of revoking Article 370, which affirms Kashmir's unique cultural identity.¹⁶ This policy is in line with the Indian approach of denial of justice to the Kashmiri people. According to Rawls, denial of justice is the crux of protracted social conflicts. Coupled with social discrimination, there are human rights violations, which highlight the gap between the Indian policies in Kashmir and the Rawlsian criteria of social justice.

India is providing impunity to law enforcement agencies from any legal action under various obscure acts, including POTA, TADA, PSA and AFSPA. The Armed Forces Special Power Act (AFSPA) provides military with excessive power to arrest without any warrants from court. The Disturbed Area Act (TADA) is a Presidential Act, which provides safety to police officer and magistrate of 'troubled area' even if they are involved in killing of local unarmed people. The Public Safety Act (PSA) allows law enforcement agencies to arrest any individual on charges of creating 'unrest' in the valley. Under the Prevention of Terrorism Act (POTA) 2002, any person can be jailed for 180 days on suspicion of any terrorist activity, without any evidence. Kashmiri people are subjected to illegal detention and torture under these laws. International human rights organizations routinely express serious concerns over gross violations of human rights in Kashmir by India. These organizations include UNHCR, European Commission on Human Rights (ECHR) and Human Rights Watch (HRW).

Defiance of the UN Resolutions: Indian Approach to Owen Dixon Plan

Ironically, India raised the Kashmir issue in the UN in January 1948, but later defied the UN resolutions by not holding plebiscite in the valley. An appraisal of some important resolutions calling for holding plebiscite provides interesting insight into the genesis of the Kashmir issue. The United Nations Commission for India and Pakistan (UNCIP) adopted a resolution on August 13, 1948, which stated that both

governments should agree to a truce and then consult with the commission for creation of suitable environment for a plebiscite.¹⁷ The UNSC Resolution of January 5, 1949 highlighted the need for a vote to determine the will of the Kashmiris.¹⁸

In 1950, UN mediator Sir Owen Dixon proposed regional plebiscite to provide a solution to the Kashmir dispute. He identified three issues in conducting the plebiscite. First was identification of regions in Jammu and Kashmir; second was the issue of demilitarization; and third was the nature of status to be accorded to the territories. Owen Dixon noted that these differences originated from sharply different views of both states over the meanings of the Kashmir dispute. The Indian External Affairs Minister Natwar Singh acknowledged this difference in perceptions about Kashmir in an interview, "India can wait indefinitely on Kashmir, while Pakistan cannot wait."¹⁹

The UNSC reaffirmed the principle of self-determination for Kashmiris through various resolutions in 1951 and 1957.²⁰ Two UN resolutions passed on March 30, 1951 and January 24, 1957, both re-emphasized the centrality of a plebiscite to determine the will of the Kashmiris in deciding their political fate and cultural preservation.²¹ Pakistan has repeatedly called for implementation of the UN resolutions on Kashmir.²² If India is sincere in resolving the dispute, it is need of the hour to implement the UN resolutions to conduct plebiscite. This can be accomplished in an equitable and practical manner by adoption of the Owen Dixon Formula. India's defiance of the UN resolution has exacerbated the situation and increased regional hostility.

Kashmir Uprisings: A Consequence of Protracted Conflict

The protracted conflict between India and Pakistan mainly because of Kashmir dispute has resulted in three wars, i.e., 1948, 1965 and 1971, and a small-scale conflict in 1999. A significant separatist uprising started in 1987 within the valley. From 1987 to-date, Kashmir has been facing intermittent uprisings. The persistent India denial of Kashmiri rights and identity led to the 1987 uprising begun in post-1987 elections in Indian held Kashmir, when the Muslim United Front claimed that the elections were rigged.²³ As predicted by Edward Azar, the deprived Kashmiri community rose up in protest in anti-India demonstrations, followed by police firing and curfews. Bomb blasts and kidnappings marked the uprising. India also claimed that Pakistan sent *Mujahedeen* to support the Kashmir movement. The killing of more than 100 protesters by Indian forces on Gaw Kadal Bridge in January 1990 sparked a wave of fury among the entire population of Kashmir. Subsequently, around 100 people were killed during the funeral procession of the slain leader Mirwaiz Maulvi Farooq. Yasin Malik representing a faction of the Jammu Kashmir Liberation Front (JKLF) announced unilateral ceasefire in 1994.²⁴

After 1995, there was some involvement of certain organizations, such as, *Lashkar-e-Tayyiba (LeT)*, *Harkat-ul-Mujahedeen* and *Hizb-ul-Mujahedeen*, however, they had a separate existence under the umbrella of the United Jihadi Council (UJC).²⁵ Mirwaiz Umar Farooq, a Kashmiri leader, maintains that the Kashmir movement is “purely indigenous, purely Kashmiri” and a militant strand has appeared since 1989 that remains on the sidelines.²⁶ A report, appeared in *BBC* in 2011, stated that 2,156 bodies were found concealed in forty unmarked graves over the past twenty years.²⁷ Such heinous violations of human rights characterize the Kashmir uprising providing evidence of a separate Kashmiri identity within Indian society and polity, and the repressive denial of this Kashmiri identity by the Indian state and government institutions.

Burhan Wani: A New Spirit of Freedom Struggle

The recent wave of uprising in Kashmir was triggered, when a 22-year-old Kashmiri, Burhan Muzaffar Wani was assassinated by Indian security agencies on July 8, 2016. India professed that Wani had links to militant outfit, *Hizb-ul-Mujahedeen*. He was popular because of his active use of social media, where he advocated resistance against Indian rule in Kashmir.²⁸ His video messages contained the topics of Indian injustice and oppression, which would often go viral in Kashmir. He exhorted the Kashmiri youth to resist Indian occupation.²⁹ The killing of Wani has given a new spirit to indigenous freedom struggle of Kashmiris.³⁰ Shujaat Bukhari, a Srinagar based journalist, stated that a new political discourse was emerging and militancy was gaining political legitimacy in a vacuum where genuine political activities were muffled. He raised a pertinent question about the popularity of Wani attributing it to the ideology, he promoted.³¹

In the aftermath of killing of Wani, India adopted a hard-line approach to deal with the situation of social unrest.³² Popular protests were witnessed as a consequence of the assassination. Indian law enforcement agencies employed brutal methods to control the popular protests.³³ More than 104 people died and over 12,500 people were injured as of September 2016.³⁴ All districts of IOK were placed under curfew for 53 consecutive days,³⁵ in a brutal demonstration of ‘collective punishment’. The Kashmiri lives and liberties have, since then, been subjected to intense disruption and turmoil at the hands of Indian law enforcement agencies.

Pakistan showed solidarity with Kashmiris and provided them moral and diplomatic support. On July 20, 2016, a black-day was observed in Pakistan against the atrocities of India in Kashmir.³⁶ The Pakistan’s Parliament, the National Assembly, adopted unanimous resolution against human rights violations in Kashmir by India and called for sending UN Human Rights Council (UNHRC) to the region to investigate the issue.³⁷ Pakistan’s former Prime Minister, Muhammad

Nawaz Sharif highlighted the ongoing Kashmir activism in the 71st UN General Assembly session in September 2016. His speech referred to the murder of Burhan Wani by Indian forces. Mr. Sharif demanded a UN fact-finding mission to investigate the cases of extra-judicial killings and other atrocities committed by the Indian occupying forces.³⁸

Pakistan's Policy Toward Kashmir

While, India proclaims Kashmir as its integral part, the historical approach of Pakistan over Kashmir is that *Maharaja* acceded to India, because he could not sustain pressure of the Indian army and government. The British Viceroy also supported India at that crucial moment. Pakistan claims that Kashmir has been a disputed territory on the forum of UNSC since 1948. It was the time, when India agreed that Kashmir accession was controversial and promised to conduct a plebiscite to determine the opinion of Kashmiris about their political future. These resolutions are still on the agenda of the UNSC, and any party to conflict cannot marginalize it unilaterally.³⁹ Pakistan's Kashmir policy has three aspects:

- a. Pakistan has been reiterating that the issue of Kashmir is disputed and unresolved. It calls for India to initiate dialogue. This approach serves two purposes; one, the issue of Kashmir stays alive; and two, it strives to protect the inherent right of self-determination of Kashmiris.
- b. Pakistan has been calling for conducting plebiscite under the supervision of the UN so that aspirations of the Kashmiris could be determined.
- c. Pakistan encourages the involvement of Kashmiri leaders to find out a solution through talks held in continuation of the Shimla Agreement, Agra and Lahore summits.

In spite of the above-mentioned facts, in practical terms, Pakistan's repeated recourse to diplomatic means for resolving the conflict shows that Pakistan is ready to make compromises for peace with possible acceptance of a solution resembling status quo.⁴⁰ On the other hand, Indian belligerence and the Modi-government's reference to those Kashmiri areas, which currently form part of Pakistan, demonstrates India's increasingly revisionist posturing towards the Kashmir dispute.

Different solutions have been proposed for the management of this conflict during last seven decades. At the first instance, violations of human rights should be stopped to create a feasible milieu as stipulated in Rawlsian theory of justice. A phased demilitarization of the region in line with Owen Dixon's formula would be a second significant CBM and most importantly, the fundamental right of local people

to participate in dialogue and negotiation should be ensured as pointed out by Edward Azar's theory, signifying the provision of cultural rights to resolve protracted social conflicts.⁴¹

Towards Conflict Resolution: Crisis Management in Nuclear Context

The threat perceptions in both India and Pakistan derive from the asymmetrical power structure in South Asia.⁴² This imbalance owes itself to the larger size of India, grater human resource and expansionist military objectives. However, both countries are equipped with nuclear arsenal and any strategic adventure can lead towards the nuclear flashpoint.⁴³ The crisis of Uri in September 2016 was caused by a militant attack on an Indian Army base in the Baramulla District of IOK killing seventeen Indian Army soldiers and injuring eighteen others. India accused Pakistan for this incident by claiming that the weapons and equipment that was used in Uri attack had Pakistani markings.⁴⁴ On the other hand, Pakistan declared this attack as 'self-generated' and called Indian allegations as 'long-time habit'.⁴⁵

The cross-border firing by India and Pakistan in the post-Uri incident has caused further deterioration in Indo-Pakistan relations. The current tension between the two nuclear rivals is dangerous for regional strategic stability. India's blame-game towards Pakistan for holding it responsible for every terrorist attacks needs to cease. India's so-called surgical strike in late September 2016 in post-Uri incident further exacerbated the crisis. India claimed that it carried out a commando operation to demolish several transit hideouts of militants, who were operating against India by entering several kilometres inside Pakistan's territory.⁴⁶

India's two-pronged strategy of isolating Pakistan and threatening to abrogate Indus Water Treaty contains dangerous strategic dimensions. It should be kept in view that the annulment of treaty unilaterally would be considered illegal under Article 12(4) of Indus Water Treaty, to which both the countries agreed upon 66 years ago.⁴⁷ Pakistan is a lower riparian country and dependent on 80 percent of water of rivers, coming from Kashmir. The hydro-politics in Kashmir also necessitates resolving this issue amicably.

The recent developments including killing of Burhan Wani, augmenting of Kashmir uprising, Uri incident, and post-Uri so-called 'surgical strikes' have caused escalation in tensions between India and Pakistan. Further, trust deficit, clashing religious ideologies and different security perceptions have caused excessive damage to the Indo-Pakistan relationship.⁴⁸ The escalation of tension necessitates managing the conflict under the nuclearized context. This needs an

effective conflict resolution mechanism by referral to Azar's concept of identity as a basic human need and Rawls theory of justice. For this, there should be realization in India that its hard-line and heavy-handed approach during last seventy years has failed in Kashmir that is leading to a snowball effect of greater freedom struggle in Kashmir. If this conflict has to be managed and curtailed, an inclusive framework for resolution should be initiated, involving Kashmiris, Pakistan and India. All three parties need to work together to form a consensual approach for a peaceful and stable valley that could be divided for a peaceful and stable region.

The ceasefire should be revived and a renewed spirit should be shown by both India and Pakistan. There is a need to stop the violent activities of non-state actors. Pakistan and India should formulate a joint working mechanism to curb the menace of terrorism. This requires greater transparency, openness and above all political will in order to fulfil the Rawlsian criteria for provision of social justice. India should stop human rights violations in Kashmir and provide space for Kashmiris for talks. The use of pellet guns and tear gas should be banned. Providing space for political and economic activity to Kashmiris will create conducive environment to negotiate final-status issues.

According to the Owen Dixon Formula, both India and Pakistan should seek mutual and simultaneous demilitarization from Kashmir in phased manner. The demilitarization will serve as a major CBM not only between India and Pakistan, but also for Kashmiris. This will show sincerity of both states in resolving this seven-decade-old problem. Whatever the proposed solution might be either it be holding plebiscite, establishing self-governance with a joint management, or making the existing border permanent, Kashmiris should be involved in the peace process. The inclusiveness of Kashmiris in resolving Kashmir issue is a pre-requisite to achieve a long-term solution.

Conclusion

The issue of Kashmir has entered its seventy-first year and no major breakthrough has been achieved so far despite several policy options and solutions proposed by Kashmiris, Pakistan and the UN. The Kashmiri indigenous uprising for self-determination, which started in 1987 and rejuvenated after the killing of Burhan Wani in July 2016, has entered into a crucial phase because of the long-standing politico-economic deprivation of the people of Kashmir. India has been trying to crush this insurgency by adopting a coercive approach that is failing by all means. Moreover, its approach of isolating Pakistan diplomatically is dangerous, because Pakistan's presence in the region cannot be ignored. The Kashmir issue between the two countries has remained a bone of contention since their independence. Both

countries fought three wars against each other and a low intensity conflict goes on. Many cross-border firing incidents have yet achieved nothing. A general war in nuclearized context would be catastrophic. Any conventional or non-conventional confrontation will prove suicidal for both countries.

The erstwhile approach of pitting blame on the British should be shunned. India and Pakistan should both display statesmanship by opening up to 'out-of-the-box' solutions – including constructive third-party role – in dealing with this intractable problem. It is imperative for conflict resolution that both states realize the miseries of the Kashmiri community. The only way to move forward is to be engaged in interactive conflict management talks, and constructive dialogue. This dialogue should not only be 'inter' (between India and Pakistan) but also 'intra' (among Kashmiris, Pakistan and India). This dialogue should be inclusive, mutual and 'Kashmir-centric'. The Kashmiris have their own identity, history and culture. Only dispensation of justice (in form of giving the right of self-determination to Kashmiris) will address the protracted conflict between the two states. The resolution of this core dispute will not only fulfil the longstanding Kashmiri dream of freedom, but also prove to be a catalyst for strategic stability in South Asia.

Endnotes

¹ Mushtaq ur Rahman, *Divided Kashmir: Old Problems, New Opportunities for India, Pakistan, and the Kashmiri People* (Boulder: Lynne Rienner, 1996), 17.

² T. V. Paul, *The India-Pakistan Conflict: An Enduring Rivalry* (Cambridge: Cambridge University Press, 2005), 23.

³ Palash Ghosh, "Britain to blame for Kashmir strife, other global conflicts: PM Cameron," *The International Business Time*, April 5, 2011. <http://www.ibtimes.com/britain-blame-kashmir-strife-other-global-conflicts-pm-cameron-278725>. (accessed on Aug 10, 2017).

⁴ Ibid.

⁵ Edward Quah, "To what extent can Britain be held responsible for the conflict in Kashmir," *Academia*, accessed January 20, 2017, <https://bc.academia.edu/EdwardQuah>.

⁶ Edward E. Azar, *The Management of Protracted Social Conflict: Theory & Cases* (Aldershot, Dartmouth, 1990), 12.

⁷ Kanika Ahuja, Megha Dev Dhillon, Kalyani Akalamkam, and Deepika Papneja, "Identities in Conflict: A Comparison of Drawings of Muslim Adolescents in Kashmir and Delhi," *Sage Open*. January-March 2016:1-11. <https://us.sagepub.com/en-us/nam/open-access-at-sage>. (accessed on April 4, 2017)

⁸ John Rawls, *A Theory of Justice*, (Massachusetts: Harvard University Press, 1971), 33.

⁹ Adekoye Abimbola Raquel, "The Impact of the Kashmir Conflict on Indo-Pakistani Relations and its Security Implications for the South Asian Region," *University of KwaZulu-Natal*, (South Africa, 2014). <https://researchspace.ukzn.ac.za/handle/10413/12770>. (accessed on Aug 11, 2017).

¹⁰ P. R. Chari, Pervaiz Iqbal Cheema and Stephen P. Cohen, *Four Crises and a Peace Process* (New Delhi, Harper Collins Publisher, India, 2008).

¹¹ The Draconian laws are imposed by India in IOK including Public Safety Act (PSA) 1978, Terrorist and Disruptive Activities Act (TADA) 1990, The Armed Forces (Jammu & Kashmir) Special Powers Act (AFSPA) 1990 and Prevention of Terrorism Act (POTA) 2002.

¹² Pervaiz Iqbal Cheema, *India's Kashmir Policy in Perspectives on Kashmir*, ed. Dr. K. F. Yousaf (Islamabad: Pakistan Forum, 1994), 97-118.

¹³ The notion of status quo and revisionist powers is taken from Morgenthau's definitional framework of types of states. According to him, a status quo power is one which aims to keep its power level and shows no interest in changing the distribution of power. In contrast, a revisionist power aims at acquiring more power. See Morgenthau, Hans J., *Politics Among Nations*, New Delhi, Kalyani Publishers, 1985, p. 53

¹⁴ "Pakistan Occupied Kashmir is a Part of J&K: PM Modi at All-Party Meet," *CNN-New18*. Aug 12, 2016. <http://www.news18.com/news/india/pakistan-occupied-kashmir-is-a-part-of-jk-pm-modi-at-all-party-meet-1280803.html>. (accessed on Aug 15, 2017).

¹⁵ Robert G. Wirsing, *India, Pakistan, and the Kashmir Dispute: on Regional Conflict and Its Resolution* (New York: St. Martin's Press, 1994), 219-20.

¹⁶ "Will work to remove Article 370 when we have numbers in Parliament, BJP says." *The Times of India*, May 24, 2015. <http://timesofindia.indiatimes.com/india/Will-work-to-remove-Article-370-when-we-have-numbers-in-Parliament-BJP-says/articleshow/47405797.cms> (accessed on April 4, 2017)

¹⁷ Resolution adopted by the United Nations Commission for India and Pakistan on 13 August 1948.

¹⁸ "The Kashmir Issue at a Glance," *National Assembly of Pakistan*, <http://www.na.gov.pk/en/content.php?id=89>. (accessed on January 20, 2017)

¹⁹ V. Sudarshan, "No Time-Frame on Kashmir – V. Sudarshan interviews K. Natwar Singh," *Outlook*, 25 April 2005. <http://www.outlookindia.com/magazine/story/no-time-frame-on-kashmir/227193> (accessed on April 05, 2017).

²⁰ Ibid.

²¹ Ibid.

²² Irfan Haider, "PM Nawaz urges Ban Ki-moon for plebiscite in Kashmir," *The Dawn*, September 28, 2015. <https://www.dawn.com/news/1209319>. (accessed on Aug 12, 2017).

²³ Kashmir: Nuclear Flashpoint, 1987-1998, *Kashmir Library*, (accessed on January 20, 2017), http://www.kashmirlibrary.org/kashmir_timeline/kashmir_chapters/1987-1998_detailed.shtml.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Emily Wax, "Peaceful Protests in Kashmir Alter Equation for India," *The Washington Post*, August 28, 2008. <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/27/AR2008082703195.html>. (accessed on Aug 13, 2017).

²⁷ "Kashmir graves: Human Rights Watch calls for inquiry," *BBC*, August 25, 2011. <http://www.bbc.com/news/world-south-asia-14660253>. (accessed on Aug 14, 2017).

²⁸ Peerzada Ashiq, "Burhan Wani, Hizbul poster boy, killed in encounter," *The Hindu*, July 8, 2016. <http://www.thehindu.com/news/national/other-states/Burhan-Wani-Hizbul-poster-boy-killed-in-encounter/article14479731.ece>. (accessed on Aug 15, 2017).

²⁹ Shujaat Bukhari, "Why the death of militant Burhan Wani has Kashmiris up in arms," *BBC*, July 11, 2016. <http://www.bbc.com/news/world-asia-india-36762043>. (accessed on Aug 15, 2017).

³⁰ Ibid.

³¹ Ibid.

³² Ashok Swain, "Unrest in Kashmir is bad for India, but good for Modi government," *DailyO*, May 26, 2017. <http://www.dailyo.in/voices/kashmir-policy-stone-pelting-bjp-modi-armed-forces/story/1/17433.html>. (accessed on Aug 16, 2017).

³³ "Protests intensify in Indian Kashmir, security forces kill five," *The Reuters*, August 17, 2016. <http://www.reuters.com/article/us-india-kashmir/protests-intensify-in-indian-kashmir-security-forces-kill-five-idUSKCN10R0VQ?il=0>. (accessed on Aug 20, 2017).

³⁴ "Kashmir Intifada: Death toll in post Burhan Wani martyrdom rise to 104," *The Times of Islamabad*, September 17, 2016. <https://timesofislamabad.com/kashmir-intifada-death-toll-post-burhan-wani-martyrdom-rise-104/2016/09/17/>. (accessed on Aug 21, 2017).

³⁵ "Curfew lifted from entire Kashmir valley, says Div Com," *The Greater Kashmir*, August 31, 2016. <http://www.greaterkashmir.com/news/front-page/curfew-lifted-from-entire-kashmir-div-com/227298.html>. (accessed on Aug 23, 2017).

³⁶ "Pakistan observing 'black day' against Indian 'atrocities' in Kashmir," *The Hindustan Times*, July 20, 2016. <http://www.hindustantimes.com/india-news/pakistan-observes-black-day-today-against-indian-atrocities-in-kashmir/story-n43uQ35WYBbjUBZ8Apl6RP.html>. (accessed on Aug 24, 2017).

³⁷ "Pakistan parliament unanimously passes resolution on Kashmir," *The Economic Times*, August 2, 2016. <http://economictimes.indiatimes.com/news/international/world-news/pakistan-parliament-unanimously-passes-resolution-on-kashmir/articleshow/53509254.cms>. (accessed on Aug 23, 2017).

³⁸ Statement by Pakistan's PM at the General Debate of the 71st Session of the UN General Assembly, September 21, 2016, www.pmo.gov.pk.

³⁹ Ijaz Hussain, *Kashmir Dispute: An International Law Perspective* (Rawalpindi: Services Book Club, 2000), 17.

⁴⁰ Khurshid Mahmud Kasuri, *Neither a Hawk nor a Dove: An Insider's Account of Pakistan's Foreign Relations including Details of the Kashmir Framework* (Karachi, Pakistan: Oxford University Press, 2015), 337-339.

⁴¹ Pervaiz Iqbal Cheema, "Solution for Kashmir Dispute," *Regional Studies* (Autumn 1986), 121.

⁴² Hasan Askari Rizvi, *Pakistan and Geostrategic Environment* (London: The Macmillan Press, 1993), 18-20.

⁴³ Robert G. Wirsing, *Kashmir; the Shadow of War Regional Rivalries in a Nuclear Age* (New York: M.E. Sharpe, 2003), 10.

⁴⁴ "A haul of arms with Pakistani markings," *The Hindu*, September 20, 2016. <http://www.thehindu.com/news/national/A-haul-of-arms-with-Pakistani-markings/article14988759.ece>. (accessed on Aug 24, 2017).

⁴⁵ "Uri Attack was "self-generated" by India: Pakistan Defence Minister," *The Indian Express*, October 4, 2016. <http://indianexpress.com/article/india/india-news-india/uri-attack-was-self-generated-by-india-pakistan-defence-minister-3052279/>. (accessed on Aug 25, 2017).

⁴⁶ Mahendra Ved, "India-Pakistan ties sour again after Uri camp attack," *New Straits Time*, Oct 8, 2016. <https://www.nst.com.my/news/2016/10/178922/india-pakistan-ties-sour-again-after-uri-camp-attack>. (accessed on Aug 16, 2017).

⁴⁷ Khaleeq Kiani, "Ahmed Bilal Soofi Interview, 'Indus Treaty Can't Be Revoked Unilaterally,'" *The Dawn*, September 27, 2016. <https://www.dawn.com/news/1286307>. (accessed on Aug 27, 2017).

⁴⁸ Khurshid Mahmud Kasuri, *Neither a Hawk nor a Dove: An Insider's Account of Pakistan's Foreign Relations including Details of the Kashmir Framework* (Karachi, Pakistan: Oxford University Press, 2015), 173.