

## Journal of Social Signs Review

### Kashmir Conflict: A Study of Potential Solutions from 1947 to 1957

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#### Abstract

India got independence from British rule in 1947 and was divided into two independent states of India and Pakistan. However this division was not complete in the sense because it left many unresolved issues most problematic among those was Kashmir Issue. Kashmir is a region situated in the north of Pakistan. At the time of partition, the majority population was Muslim, so Pakistan wanted it be declared as the part of Pakistan based on the principles of partition. At the same time Indian government had it claim over the state because the ruler of this state declared accession with India. In this way this became the most disturbing issue for the Pakistan and Indian states, over which they fought at least three wars. This paper explores the various options that were purposed by either the states of the countries, United Nations and the Media groups. In this endeavors the contents of the newspapers, assembly debates and official documents will be analyzed to reach the results. It concludes that all the purposed solutions were viable but the will of both the states was missing because of the vested interests of the establishments of the respective states.

**Key Words:** Kashmir, Partition, Solutions, India, Pakistan, Security

### **Introduction**

United India was partitioned in 1947 into India and Pakistan. Since then, both the countries are engaged in the conflict to resolve the Kashmir issue. This issue is getting more complex with the passage of time. The Kashmir issue is the major cause of the wars between the two India and Pakistan (Ali, 2019). The interaction between both are suffering from Complications due to the Kashmir issue. Pakistan and India have fought several wars over the Kashmir issue. The first war was fought in 1948. Then successive Wars of 1965, 1971 and most recently 1999 war known as Kargil war were fought. There will be many reasons for these Wars but the main reason is the Kashmir issue. In these wars both countries suffered from a great loss of life and property. Apart from these wars the continuity of firing on the LOC. In order to maintain balance in the area, both are going forward in arm race. Modern weapons and ammunition are being tested. Even in 1974, India tested nuclear explosions and as a response, Pakistan carried out seven nuclear explosions in 1998 compared to India's five. Pakistan army was fighting in Kashmir during the 1947-48 with the help of tribal people. Colonel Akbar khan was the commander of the operational forces in Kashmir (Kanwal, 2014). He said that if there is a war with India in Kashmir, Pakistan can defeat India by occupy Kashmir. But the prime minister of Pakistan at that time Mr. Liaquat Ali Khan wanted to find a Political solution of Kashmir Issue. United Nations proposed a ceasefire which became effective on January 1949 and Liaquat Ali khan was in favor of it. The Karachi agreement was signed between India and Pakistan according to this ceasefire line became interim line of control which was affected on 27 July 1949. Pakistan has also joined many international agreements to improve relations with India and resolve the Kashmir issue on a permanent basis.

## **SEATO and CENTO**

SEATO and CENTO are two defense agreements. America offered Pakistan an Alliance in order to contain Soviet expansion and further in order to contain India as well (Jabeen, 2011). America's goal was to stop the epidemic of soviet communism from spreading. India Always opposed Pakistan joining the SEATO and CENTO treaties. The Indian President had said in the parliament that if America gave aid to Pakistan the negotiations on Kashmir Issues will not Progress. America also did not want to offend India. That is why Pakistan did not get any upper hand from these agreements to resolve issues with India especially to resolve the Kashmir issue (Rao, 1985). The Kashmir issue remained the same.

Many global thinkers, scholars' politicians and national leaders of great countries presented various other proposals and formulas to resolve the Kashmir issue between India and Pakistan. The both countries also invited each other several times to resolve the conflict between them. The aim of these efforts was to avoid any future conflict and to establish peace in the region. Resolutions of the United Nations that was adopted on 13<sup>th</sup> August 1948 and further more on 5<sup>th</sup> January 1949. Security Council also proposed the plebiscite options for settling the Kashmir dispute in coming years.

These resolutions required the procedures for free and impartial referendum under the supervision of the UN. Both India and Pakistan earlier agreed to the proposed solution of conducting the plebiscite, although both had different interpretations to the same resolution of the UN.

## **The McNaughton Report 1949**

After the conflict between India and Pakistan in 1949, the Ceasefire was held on July 27, 1949. Then McNaughton that was then the president of Security Council met India and Pakistan leadership to find a mutual solution. On February 3, 1950, he submitted a report regarding which present a

demilitarization program which should be implemented without public opinion. The major points of the report was, Withdrawal of regular forces of Pakistan, Withdrawal of regular forces of India, Reduction of local forces from both sides and Pakistan's assurance for dealing effectively within its borders with any hostile entrance to their territory

Agreement between two parties for demilitarization Agreement by both Governments for UN representative for supervising the demilitarization. When UN was satisfied with the program, the plebiscite administrator would execute the functions under resolution by UN Commission for India and Pakistan on Jan 5, 1949. Both India and Pakistan suggested some amendments to the proposal which were not accepted by the other. He said that his role would not of any use anymore. Fleet Admiral Chester Nimitz was appointed as voting administrator. On March 14, 1950, Security Council called upon India and Pakistan to immediately execute within period of five months. Then on April 20, 1950, Sir Owen Dixon was appointed as UN representative of India and Pakistan by the council (McNaughton, 1950).

#### **Sir Owen Dixon Plan 1950**

Sir Owen Dixon known as the Australia's most prominent chief justice. He was a representative of UN for India and Pakistan related issues. He purposed two related plans to resolve the problem of Kashmir. The first solution was related to conduct of region by region plebiscite. After the plebiscite it involves the allocation of the respective areas to Pakistan or India, as per the results of the plebiscite. One option on this proposal was to allocate to Pakistan and India only those areas that opt for regional vote. However Pakistan has reservations this proposal. The objection was the ground that government of India had earlier committed to hold a plebiscite in whole valley of Kashmir. However

now India was willing to conduct plebiscite only in parts of the Kashmir that was against the earlier promise.

As a result of so varying aspiration in order to bring both countries on a consensus, Owen Dixon gave both Indian and Pakistani state with another proposal. This suggested a partition of Kashmir and to conduct a plebiscite for the Valley. The plebiscite, which would be conducted by an administrative body of United Nations officers, would require complete demilitarization. Sir Owen Dixon submitted his report on 15 September 1950 (Sisodia, 2005). Pakistan and India both rejected this proposal (Hussain, 2009). Dr. Frank Graham former president of university of North Carolina and ex-senator of United States were appointed as United Nations representative for India and Pakistan on 30 April 1951. He had series of meetings with both countries and made 12 proposals. Demilitarization was his main proposal which will be completed in continuous ninety days but was rejected by the both sides. On October 18, and November 10, 1951, first report by Dr. Graham was considered by Security Council. So, they ordered Dr. Graham to continue his efforts for both parties' agreement. This report stated that both parties agreed for those points which ensure peaceful settlement (Bose, 2009).

The second report was submitted on December 1951. In that report, he mentioned that both parties agreed on 8 proposals out of 12 but still no agreement was achieved on demilitarization. His main objective was to complete demilitarization in one continuous step which should be completed on July 15, 1952. Security Council considered the report on January 17, 30, and 31, 1952. The USSR representative claimed that UN and US real motive behind this plan was to settle Anglo-American troops in Kashmir to make it military base against USSR and China.

In his third report, he stated that India wanted to regular forces in Pakistan side. Pakistan and India both had withdrawal their forces from

Kashmir. He claimed to have plebiscite administrator on his side for resolving problems.

According to his fourth report, From May 29 to July 16, 1952, Dr. Graham had meetings with India and Pakistan governments in New York. Then a ministerial conference was held in Geneva from August 26 to September 10, 1952. Then he submitted new draft which suggested that a minimum force of 6000 from Pakistan and 18000 from India would be allowed. This was not accepted by both sides. Then he presented a new draft on September 4, 1952 which suggested that minimum forces would be required for maintenance of law and order after demilitarization.

Security Council accepted third and fourth report and passed a resolution on December 23, 1952 urging both sides to quickly negotiate and decides the specific number of forces to stay on cease fire line at the end of demilitarization. Number should be between 12000-18000 armed forces remaining on Pakistan side of the line.

In his fifth report, he mentioned that both parties did not agree to demilitarization resolution. So, it is clear that both sides agreed on the fact that free elections should be done under UN and world community supervision in Jammu and Kashmir to decide their political future. India and Pakistan main dispute was due to the method of demilitarization. So, event in 1952, Security Council announced that India will be allowed to keep 18000 army and Pakistan be allowed to keep 6000 army on cease fire line and plebiscite process should start. This matter is still to be decided in UN.

In addition to the above discussed models, there were several other models as well that were purposed during different years. This paper will now discuss those briefly:

### **Andorra Model**

The Andorra model is forming a self-contained government-based territory co-ruled by two states just like France and Spain rules Andorra, a landlocked country. So, India and Pakistan can mutually rule Kashmir and work for its funding. Andorra model has biggest support from India and Pakistan both. Many famous writers, journalists or activists proposed solutions similar to Andorra model. Musharraf also proposed ideas similar to this model. Mirwaiz Omer Farooq, the Chief of All Party Hurriyat Conference was the first one from Kashmiri leaders to present this solution in a press conference in September 2004. US based Kashmir Study group studied Andorra model for Kashmir at international level. They said that their proposal was in consultation with India and Pakistan and also Jammu and Kashmir peoples (Rid, 2021).

### **The Aaland Islands Model**

Just like the Kashmir, the Aaland Island was a part of Sweden empire along with Finland until 1809. but then war happened with Russia and Finland with Aaland was abandoned to Russia. Then after Finland became independent state in 1917, Aaland started struggle for reunion with Sweden. Then in 1921 it was decided that Aaland would be a part of Finland but have self-government which would give them the right of having their Swedish language, and culture. Aaland Island have control over social, environmental, medical, trade, culture, education, and all other areas except for taxes. Ten states guaranteed this autonomy. With this this method has been used to solve minor issue all over the world. So, this model was also proposed to resolve the Kashmir conflict.

### **The Irish Model**

Northern Island conflict has a striking resemblance with Kashmir conflict. In the early 1920s, twenty-six divisions were Irish Free states and the other six northern divisions were under British rule. Then British freed the Ireland in 1920 which then become republic of Ireland in 1937. The population of

northern divisions comprises the two-third Protestants that considered them to be British nationality and the other one-third contain Catholics who regarded themselves as Irish nationality. Catholics were considered disloyal minorities who were repressed by Protestants. This happened for 50 years until major civil rights movement started in 1960s. This conflict between Catholics and protestant turned into severe crisis. In early 1970s, Northern Ireland faced civil war when Irish republican army (IRA) formed against Protestants. Then British troops were sent to Northern Ireland to keep the situation calm but they faced severe resistance from IRA. Then in 1972, British rule established in Northern Ireland. Then for three decades, thirty-five thousand people were killed in political violence and thirty-six thousand were injured. Northern Ireland became an extremely bitter conflict.

Good Friday agreement of April 1998 was the Northern Ireland peace process marked a moment. As prime minister of Republic of Ireland stated about this moment “enormous moves that they had dared not dream about for the previous seventy years”. In May 1998, this agreement was conducted separately in both Northern Ireland and Republic of Ireland which was approved by 71% and 96% respectively. This model holds various clues about how to solve Kashmir issue (Bose, 2009).

According to the report of BBC news online there are seven scenarios to resolve the Kashmir Conflict among India and Pakistan. Chenab Formula is one and the most significant among them. These Seven Scenarios are given below:

Kashmir has always been bone of contention between India and Pakistan from last more than half a century. At present a temporary line called line of control (LOC) divides the territory into two states. As per media India has no issue to accept the LOC as international border. Both the United States and United Kingdom have also favored this claim of India. However, Pakistan



has continuously objected to the Line of Control being recognized as the boundary since it would leave the Kashmir Valley, which is primarily Muslim, a part of India. The aspirations of the Kashmiris who have been struggling for independence for all or part of the state since 1989 are likewise ignored when the status quo is formalized.

Pakistan has continuously supported this as the best way to resolve the conflict. Given that the state's population is predominately Muslim, it feels that it would choose to join Pakistan. However, a single plebiscite in an area with a diverse population in terms of culture, religion, and ethnicity would lead to disgruntled minorities. The Buddhists of Ladakh and the Hindus of Jammu have never expressed a desire to join Pakistan and would object to the result. A plebiscite would determine the state of Jammu and Kashmir's allegiance, as agreed upon by India and Pakistan in 1947. The entire state would have joined Pakistan if the majority had voted in favor of Pakistan. Apparently, there's no way to do this anymore.

A plebiscite that gives voters the option of joining either India or Pakistan ignores the independence struggle, which has been backed by militant and political groups since 1989. The idea of holding a plebiscite to resolve the Kashmir dispute has long since been rejected by India. Rather, the administration contends that by taking part in state elections, the populace has exercised their right to self-determination. Nonetheless, others continue to view the call for a plebiscite—which was supported by the UN Security Council and suggested by India's Governor-General, Lord Mountbatten, in 1947—as a means of enabling Kashmiris to exercise their right to self-determination.

This scenario required that India will have Kashmir, however from the perspective of Pakistan this was not a possible solution as the Muslim residents of Jammu and Kashmir, also included the Northern Areas of Pakistan.

They had never shown a desire to join India so from the perspective of Pakistan this solution was not possible. The Maharajah of Kashmir gave his decision join India. Subsequently, India and Pakistan decided to have a vote to determine which nation the people of Kashmir wished to join. It holds that by taking part in state elections, the populace made their decision. The referendum also falls short of meeting the desires of those Kashmiris who seek complete independence since it does not provide a third option — independence from both India and Pakistan.

Since this would force India and Pakistan to cede territory, which they are unwilling to do, embracing this as a viable option will be tough. India and Pakistan would therefore likely oppose any plebiscite or referendum that has the potential to produce a majority vote in favor of independence. The state's citizens, who are happy with their status as citizens of the nations to which they already owe allegiance, would also reject it.

A "Balkanization" of the area might result from an independent Jammu and Kashmir, as well as other states in Pakistan and India calling for their own independence. Following talks between India and Pakistan on Jammu and Kashmir in the 1960s, some Kashmiris insisted that the state be made independent, just as it was before the Maharajah joined India in 1947.

The majority of the state's supporters, who live in the more populated Kashmir Valley and want both India and Pakistan to leave the territories they currently control, are Kashmiris. Their argument is supported by the fact that the state was once an autonomous princely state, has a population of more than 90, and is larger geographically than at least 68 UN member states. Pakistan and India, who would both lose land, do not back this initiative. Furthermore, the international world opposes an autonomous Kashmir due to the likelihood of regional instability.

The present Indian-administrated Kashmir Valley and the small area of land known to Pakistan as Azad Jammu and Kashmir might be combined to form an independent state. This would give Pakistan and India sovereignty over the strategically significant areas of the Northern Areas and Ladakh, which border China. It is improbable that India and Pakistan would engage in conversations that could lead to such a situation.

In the event that a regional plebiscite offering the option of independence was called for and the majority of people living in the Kashmir Valley and in Jammu and Kashmir, which is administered by Pakistan (apart from the Northern Areas), also opted for independence, an administrative union of these two regions could result in a smaller, independent Kashmir.

This would leave the majority Hindu Jammu and the largely Muslim Northern Areas as parts of India, while the Buddhist Ladakh and the majority Muslim Jammu would remain parts of Pakistan. It is also possible that some Muslim districts of Jammu might decide to become members of the new state. Pakistan has called for the status of the Kashmir Valley to be changed, but since it depends on water from the Mangla Reservoir in Jammu and Kashmir, which is under its administration, it is unlikely that it will allow the territory to slip from its authority.

India has declined to contemplate conducting a plebiscite in any region of the state and is still adamant about keeping the Kashmir Valley a part of the Indian Union. No matter how ambitious the citizens may be neither nation has yet considered a scenario in which the outcome would be detrimental to their own interests. Chenab formula is closely related to Kashmir conflict. Some considered it as possible solution of Kashmir conflict but some considered it as conspiracy. At the time of united India, Kashmir stood as a Muslim-majority state. It was proposed in the treaty of 3 June 1947 that Kashmir can only affiliate with Pakistan or India. Against the

wishes of the Kashmiri people, Raja Kiran Singh of Kashmir opted to join India while asserting its independence. Kashmiri people opposed the decision. Due to this decision of Maharaja of Kashmir, Kashmir became a conflicted state. Due to this conflict, there were three major wars fought between two neighbor states. both countries face life and property loss.

### Conclusion

Kashmir issue is one the most contentious issue in the South Asian history that has resulted in the three wars between the two nuclear powered nations. The security establishments in these countries had even since the creation of the countries used this issue for the procurement of more and more weapons and security infrastructure that resulted in the economic deprivation the millions of people. Among the purposed solution most viable and near to reality was the one purposed by the UN whereby plebiscite was to be conducted in the Kashmir but due to different interpretations by the Indian and Pakistani governments it failed to deliver.

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