

CHAPTER I

INTRODUCTION

A. BACKGROUND

On 15th of August 1947, when the British colonial era was ended in India, Britain decided India to become an independent nation and Pakistan stood as a new state in South Asia. The division of territory between India and Pakistan was based on the Principle of Partition. The region which was basically inhabited by predominantly Hindu joining India. While the region which was inhabited by predominantly Muslim joining Pakistan. The Principle of Partition could not work well when there were three areas which had different desires between the people and ruler. The three regions were Junagadh, Hyderabad and Kashmir. At the end of the conflict, Junagadh and Hyderabad problems could be resolved by holding a referendum. However, the problem of the Kashmir region becomes a never ending fight between India and Pakistan.

Figure: 1.1 The Map of Kashmir



Source: Commons.wikimedia.org

According to the picture on the previous page, Kashmir is a very strategic region for the defense of the country which has a mountainous topography of the region, as well as the areas bordering with many countries such as Afghanistan, China, Tibet and some of Middle East countries. Kashmir is also the region which has an advantage by being a very lucrative place in its economic aspect. While, its tourist attractions are also famous for its natural beauty (because it is a center for the wool industry, carpet, and its land is fertile). Besides, the major rivers of Indus and Jhelum flow in Kashmir are important for the agricultural sector (Dewi, 2006).

Pakistan and India are two countries which are interested in Kashmir. This is related to the strategic value which is owned by the region. Because Kashmir is claimed as a strategic region, in the 19th century, Kashmir had been a bone of contention between Russia and the British Empire (Ganguly, 1997). The conflict between Pakistan and India in the case study of Kashmir risking began since it gained its independence from Britain in 1947. The first problem began to heat up when there was a rebellion in Poonch in October 1947, causing the actions of Maharaja Hari Singh as a leader of Kashmir to terminate soldiers from Poonch residents, and replace it with Hindu and Sikh soldiers. Seeing that incident, the rebels proclaimed the establishment of Azad Kashmir as a part of Pakistan. The situation was getting out of control and made the leader of Kashmir, Maharaja Hari Singh, and request assistance to India (Bradnock, 2010).

India Directly helped Maharaja Hari Singh. However, India wanted some feedback from Maharaja Hari Singh by claiming some territories including Kashmir. Maharaja Hari Singh agreed and India ruled about 43% of the Kashmir region, including most of Jammu, Kashmir Valley, Ladakh, and Siachen Glacier. India claims were contested by Pakistan, because Pakistan considered the agreement between Maharaja Hari Singh and India was an informal and illegal agreement. Therefore, Pakistan directly took actions by ruling about 37% of the territory of Kashmir, namely Azad Kashmir and the northern part of Gilgit Baltistan.

Pakistan also rejected the agreement that Kashmir is claimed by India because most societies in Kashmir are Muslim (Didyouknow.org, 2010). Both countries considered Kashmir as a part of precious place in the world it become the reason why they used their power to get Kashmir. The interests of Pakistan toward the existence of Kashmir were considered as an area of significant importance for the strategy. In terms of socio-cultural, Pakistan considers that is has similarities with Kashmir. One of which is the majority of people who are Muslim.

Kashmir also has a great significance for the economic life of Pakistan. Economic life or prosperity of West Pakistan depends on the rivers such as disgorging in Kashmir (Indus, Jhelem, and Chemab Rivers). These rivers irrigate approximately 20 million acres of Pakistan, which is overgrown with rice, wheat, sugarcane, cotton, and others. Therefore, if Pakistan controlled Kashmir, Pakistan would not worry about the water crisis in their country. On the contrary, if

Kashmir is get controlled by another State, the 20 million hectares of farmland in western Pakistan would not get its water supply since it depends on rivers above. The economic life of Pakistan may be threatened since the land depended upon the control of these rivers which were located in Kashmir.

In another hand, the interests of India through the existence of Kashmir are because they have a great significance especially for the purposes of defense strategy. Kashmir is a border area adjacent to the large nations. India, in this case, does not focus on Economic aspect because critical traffic such as railways and rivers which are washed away the wood are the main export materials of Kashmir all heading to Pakistan. As an addition, the only road linking Kashmir with India from Yammu to East Punyab in winter was on the lid. The only way only goes to Pakistan (Korbel, 2002). Kashmir as a part of the conflict became more complex because it was originally problem area, but develops into conflict between religion and conflict flow.

Kashmir conflict occurs because of a conflict of political interests from both countries and the powers that be realized through unilateral claims of India and Pakistan. Kashmir is a symbol for the Indian national identity once Pakistan and its turned into obstacles in domestic political affairs. The diplomatic relations of both countries it becomes difficult to be achieved.

There are some international organizations dealing with and have the duties to resolve this conflict such as United Nations. During its project, United Nations also faced the difficulties when they tried to resolve it. The two countries are at

loggerheads finally on the call by United Nation on November 2nd, 1947, which was attended by the Governor of Pakistan, named is Mohammad Ali Jinnah and the Governor of India, named is Lord Mounbatten. One outcome of the meeting was going to hold a referendum under United Nations supervision. After the results of the meeting were reported to the Prime Minister of India Jawaharlal Nehru and the Prime Minister of Pakistan Liquat Ali Khan, then the two countries was agreed.

The United Nations also was not desperate because they are finally made an organization which was responsible for this problem, the United Nations efforts more optimal when on 20th of January 1948 because the UN Security Council form the United Nations Commission for India and Pakistan (UNCIP) whose members are including the United States, Belgium and Argentina. However, on 21th of April 1948, the UN decided to add two new members UNCIP, which are Colombia and Czechoslovakia. The first command which was made by UNCIP is India and Pakistan should withdraw troops, stop the war, refugee returns, release political prisoners, and immediately hold a referendum on the status of Kashmir (Kurniawan, 2012). However, the way to resolved Kashmir conflict is not easy as we imagine. The efforts of United Nations become really useless when the parties who involved in Kashmir conflict such as India and Pakistan were always rejected and tried to postpone the proposals and referendums made by UNCIP.

While the other international organization trying to resolve the conflict which happened in Kashmir is SAARC (South Asian Association for Regional Cooperation). Their duty is to provide a forum for representatives from both India

and Pakistan to negotiate and try to resolve their dispute. For example, in January 2004 the two countries through their representatives meet to negotiate. After five years do not want to travel to Pakistan and more than two years is not willing to talk with the leaders of neighboring countries, On 3 January, the Prime Minister of India, Atal Bihari Vajpayee came to Pakistan. Officially, he came to attend the summit annual of South Asian Association for Regional Cooperation (SAARC) in Islamabad.

However, the ultimate goal is for restarting the India-Pakistan peace efforts. As usual, this conflict is difficult to solve, and the conflict is still existed because it's proved when Pakistani soldiers were killed in 2010 which were caused by the shooting from Indian troops in Kashmir. The other example is still so many citizens and soldiers from India and Pakistan fight each other and got killed by bombing and shooting on the border of Kashmir that happened in the last year of 2014.

The conflict about Kashmir turned into obstacles in domestic political affairs and the diplomatic relations of both countries becomes difficult to be achieved even until 2014 which do not go smoothly. Most of foreigners called Kashmir as "a garden of eternal spring and an iron fort to a palace of kings" because of outstanding natural beauty. But the fate of the people of Kashmir is not as beautiful as its epithet because they live in bitterness and fear.

The problem in international conflict is intent to be bilateral relation between India and Pakistan. The conflict which was reflected to the form of war,

deployment, distrust between each others, and withdrawal of diplomats which was caused by several factors, including the factors of history, religion, politics, and foreign intervention and it is actually happened in Kashmir conflict.

The goals of this thesis are to examine the history of politics, religion, territory, interests and relations between India and Pakistan. The others are to knowing the roads of Kashmir conflict and discover the efforts which have been undertaken by both parties and international parties such as UNCIP and SAARC in resolving this conflict. It is caused by the study of Kashmir conflict has gets little attention and even many people already forget about it. They feel that this conflict is a conflict which has no resolution because it last almost 67 years and this conflict still occur. Therefore, this topic is important to be investigated and be reminded again to the international societies.

A. RESEARCH QUESTION

This undergraduate thesis is based on research question which will be mentioned below:

- Why does the border dispute between India and Pakistan after independence of both countries, in the case study of Kashmir is difficult to be resolved?

B. THEORETICAL FRAMEWORK

The theory which the writer will select to answer the research question is conflict resolution theory. Hence the reasons and explanations will be described in section below:

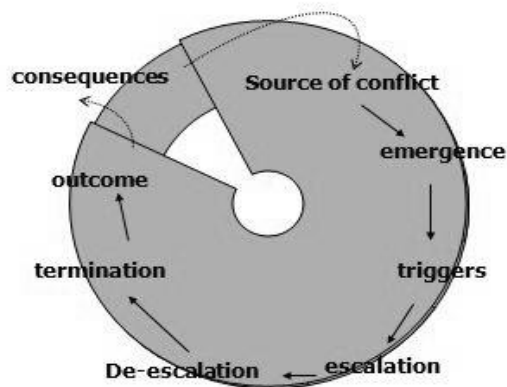
- **Conflict Resolution Theory**

Conflict is competition between parties who realize that they have the potential to not tune in their respective positions in the future; each wants to dominate or take a position that does not in harmony with the other party wishes (Boulding, 1962). Conflict can sometimes be resolved by both warring parties directly. But not infrequently have to involve a third party to mediate and find a way out either by the state, Regional Organization or International Organization. To resolve the conflict, the warring parties usually use conflict resolution theory as the measurement to resolve the conflict.

Hence, the conflict resolution theory emphasizes the need to see peace as an open process of can be thought to encompass the use of nonviolent resistance measures by conflicted parties in an attempt to promote effective resolution and dividing the conflict resolution process in several stages in accordance with the dynamics of the conflict cycle. Conflict resolution also seeks to create a mechanism for a comprehensive settlement of the conflict in each stage of conflict escalation (Kriesberg, 2006).

Based on the explanation above, the writer believes that conflict resolution theory is the best theory to answer the research question because Kashmir conflict is a border dispute that has a biography and the efforts in resolving its conflict. Hence here the stage of conflict biography and resolution according to Louis Kriesberg:

Figure: 1.2 The Stage of Conflict and Resolution
According to Louis Kriesberg



Source: Conflict Resolution Course by Mr. Sugito

Latent Conflict: This condition is talking about the source of conflict. Therefore, the source of Kashmir conflict is because of the Principle of Partition made by Britain. The result of Principle of Partition is about declaration of new independence state in South Asia it was basically the region which was inhabited by predominantly Hindu joined India, while the region which was inhabited by predominantly Muslim joined Pakistan. The Principle of Partition could not work well when there are three areas that

have different desires between the people and ruler, one of them is Kashmir. Then, the end Kashmir region becomes a never ending fight between India and Pakistan (Kriesberg, 2006).

Conflict emergence: This condition is talking about the emergence of Kashmir Conflict because India and Pakistan want to take over Kashmir and claim its territory based on their own National Interests. India is more focus on defense strategy and territory reason, while Pakistan is more focus on socio-cultural and economic reason (Kriesberg, 2006).

Trigger: This condition is talking about relative dissatisfaction to actors / parties / decision and so on that makes the trigger of the conflict. In this condition, the trigger of Kashmir conflict because of the actions of Maharaja Hari Sings or known as the leader of Kashmir. At that time, it was happened after 2 month independence, there was a rebellion in Poonch because of Maharaja Hari Singh terminate those soldiers from Poonch residents, and replace it with Hindu and Sikh soldiers. The situation got out of control and forced Maharaja Hari Singh to requested help from India (Kriesberg, 2006).

Escalation: This condition is talking about competition and changes in the relationships between the parties by act to hurt each other. Therefore, in this condition the act to hurt each other is very obvious when Pakistan discovered the secret agreement between India and Maharaja Hari Singh. Because of that's agreement, Pakistan becomes very wrath and directly claimed some territory of Kashmir, but then this action also followed by

India. They both also increasing military capability since 1990, its proved when India spends their budget for 3 % of their GDP, while Pakistan spends their budget for 6% of their GDP (Yayusman, 2014). In other hand, they also created a threat as the power to take over Kashmir (Kriesberg, 2006).

De – escalation: This condition is talking about the ways in resolving conflict. The approach that appropriate in Kashmir conflict which will be used to identify based on conflict resolution theory is mediation or using third party to help the conflicting parties come a mutual satisfaction agreement. Kashmir Conflict become an international problem since UNCIP and SAARC tried to involved in this border dispute as a peace making through conducted some negotiation or making referendum and proposal. But in the end, India and Pakistan are prefer to not support on the referendum and proposal which was made by third party because it was proved when India and Pakistan are prefer to disagree, deny, and postpone the proposal and referendum that was made by the representative of third party to resolve this border dispute (Kriesberg, 2006).

Termination: This condition is talking about the process of implicit and explicit through negotiation and mediation to achieve good agreement and deliberation. The rule to stop the conflict, a number of people must be agreed that it is completed (both parties who involved and even the observer and mediator such as third party). But then, if we look at de – escalation stage, the countries which involved in Kashmir conflict such as India and Pakistan are prefer to not fully support on the referendum and proposal

which was made by UNCIP and SAARC. Then, the parties who involve in this case are preferred to always continuing the conflict and they are directly has not decided to stop the conflict, because they thought that Kashmir has a lot of advantages and its natural beauty (Kriesberg, 2006).

Therefore, Kashmir conflict is not successful to fulfill the requirement on this termination stage, because both countries which are involved in Kashmir conflict are directly has not decided to stop the conflict. They are preferred to choose their own power to gaining control in Kashmir. In other hand, India and Pakistan also do not fully support the decision which was made by third parties to resolve the conflict and makes the position of Kashmir become not clear whether become a part of India or Pakistan until 2014.

C. HYPOTHESIS

From the basic ideas that have been applied, in this research the hypotheses as follows:

“The Kashmir conflict is difficult to be resolved because India and Pakistan are preferred not to decide to stop the conflict and not fully support the proposal and referendum made by third party as peace efforts.”

D. METHOD OF RESEARCH

Methodology in the collecting data and sources for completing this thesis is based on library research, in which the data and resources were collected from books, journals, e-books, sample thesis, internet sources, and others that refer to Kashmir conflict studies. In another hand, during collecting the data as the case of literature, the writer prefers to look through library that located at University of Muhammadiyah Yogyakarta and also assisted by an outside source such as online quick access provided by the Indonesian public library, Google Scholar and official sources published by the two governments of both countries, India and Pakistan.

E. SYSTEM OF WRITING

The outline of this thesis is as described as followed:

Chapter I: This chapter contains the introduction. The outlines in this chapter are the background, the purpose of research, the research question, the theoretical framework, the hypothesis, the method of research, and the system of writing.

Chapter II: This chapter contains the origin of Kashmir Conflict. The outlines in this chapter are the failure of Principle of Partition, the interests of countries with the position of Kashmir, and the trigger of Kashmir Conflict.

Chapter III: This chapter contains the efforts and the process of resolution. The outlines in this chapter are the role of third parties in Kashmir Conflict, and the efforts that has been undertaken for resolving the conflict. In this chapter, there are two organizations that tried to resolve this border dispute and acts as third parties, which are UNCIP and SAARC.

Chapter IV: This chapter contains analysis problem toward Kashmir conflict. The outlines in this chapter are the factors that make Kashmir Conflict is difficult to be resolve, while there are two kinds of factors which writer will use. The first is internal factors and then the second is external factors.

Chapter V: This chapter contains the conclusion and summarizes the research.