

THE BORDER DISPUTE BETWEEN INDIA AND PAKISTAN
AFTER INDEPENDENCE OF BOTH COUNTRIES
(IN THE CASE STUDY OF KASHMIR 1947 – 2014)

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Abstract

The Kashmir conflict is actually begun after the British Colony ended up in 1947. They decided India and Pakistan stand as an independence state based on Principle of Partition which clearly stated that the region which was basically inhabited by predominantly Hindu joined India. While the region which was inhibited by predominantly Muslim joined Pakistan. However, the principle of Partition could not work well when Kashmir as an area which had different desires between the people and ruler. Therefore, it makes Kashmir difficult to choose their destiny whether join India and Pakistan in the future and makes India and Pakistan fight in getting Kashmir because they consider that Kashmir is beneficial place for them. This condition makes the bilateral relation of the two countries become worse and makes the international societies worried.

Keywords: *Border Dispute, Kashmir, India, Pakistan*

Introduction

The division of territory that was made by Britain to divide between India and Pakistan was based on the principle of Partition. The region which was basically inhabited by predominantly Hindu joined India. While the region which was inhibited by predominantly Muslim joined Pakistan. The principle of Partition could not work well in Kashmir because they had different desires between the

people and ruler. However, the problem of the Kashmir region becomes a never ending fight between India and Pakistan.

India and Pakistan considered Kashmir has a strategic value 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 first Kashmir Conflict 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).

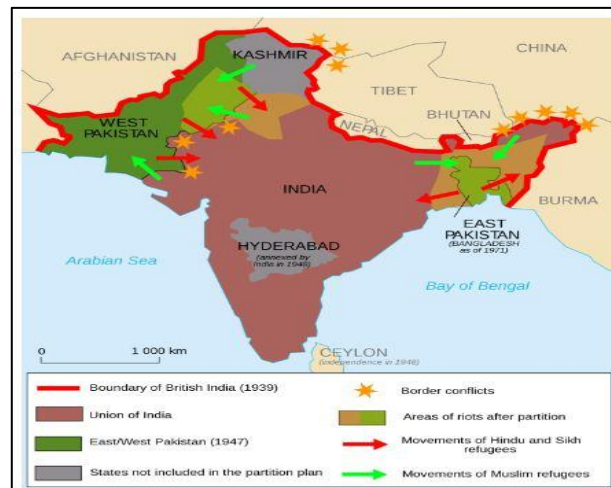
India Directly helped Maharaja Hari Singh. However, India wanted some feedback from Maharaja Hari Singh by claiming some territories including Kashmir. Maharaja Hari Singh agreed and India ruled about 43% of the Kashmir region, including most of Jammu, Kashmir Valley, Ladakh, and Siachen Glacier. India 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 Countries with the Position of Kashmir

The existence of Kashmir creates the giants control between India and Pakistan because they believe that Kashmir is a strategic place for gaining their power in many sectors. Both of them believe that if Kashmir becomes the part of them, they will live wealthily.

Figure 2.1 Kashmir Surrounded by Large Countries



The picture which was put by the author proves that Kashmir is surrounded by large countries and recognized as strategic place for many reasons of various sectors such as economic, social, politic, culture and so on. Therefore, the reasons of India and Pakistan make a conflict in Kashmir because they have their own interests (Ganguly, 1997).

1. The Interests of India

India sees Kashmir as a good place for their defense strategy reasons. For India, they believe with the acquisition of Kashmir, it would allow India to have access to strategic countries in the southwest part of Kashmir. In addition, this is to provide a series of traditional relations between Central Asia and the Subcontinent. India's relations with neighboring paramount countries such as Russia, China, and Afghanistan depend on the amount of extent of region of Kashmir which can be mastered. India in this case does not focus on Economic aspects because critical traffic such as railways and rivers which were washed away the wood which becomes the main export materials of Kashmir all heading to Pakistan. Additionally, the only road linking Kashmir with India from Jammu to East Punjab in winter was on the lid and it also becomes the only way only to go to Pakistan (Korbel, 2002).

On the other hand, India believes if Kashmir becomes a part of Pakistan, India's prestige as a great country which is able to compete with Japan and China will decrease and the point of view from the other countries about India will also decrease. According to Holsti, K.J, The national interests with regard to a country's medium-term goal is to increase the prestige of a country. Therefore, India bend over backwards to get Kashmir.

2. The interests of Pakistan

Since the independence, Pakistan has sought to master the region of Kashmir. It was due to geographical location of Kashmir with an area of 222,801

km² which has potential in term of economic aspects and strategic location for Pakistan. The first interest is because the economic aspects are derived from soil fertility as well as the natural beauty allowing the area to become tourist attractions. The importance of the position of Kashmir for Pakistan in term of economic aspect are all rivers which are located in Kashmir are flows toward the regions of Pakistan and the Pakistani channel network activity center are located in Kashmir. On the other hand, the economic life or prosperity of West Pakistan depends on the rivers such as Indus, Jhelem, and Chemab Rivers are disgorging in Kashmir. These rivers irrigate approximately 20 million acres of Pakistan, which is overgrown with rice, wheat, sugarcane, cotton, and others.

Therefore, if Pakistan masters Kashmir, Pakistan would not worry about the water crisis in their country. On the contrary, if Kashmir is controlled by another country, the 20 million hectares of farmland in western Pakistan would not get 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. Therefore, Kashmir has key for Pakistani foods storage because when the rivers not irrigating Pakistan, the thinks might be happens is the Pakistani society would living in poverty and the government of Pakistan cannot export foods anymore.

The second interest is because Pakistan believes that Kashmir has the same religious view. Therefore, it will be easier to live together in harmony. Under the era of Ali Zinah which took the road itself to separate from India due to political aspirations which considered that Muslims is cannot be transmitted. Therefore, the

community that believe in Islam decided to be born free from India and if Kashmir became a part of Pakistan, the adherents and the existence of Islam in South Asia would be stronger and bigger (Putri, 2010).

3. The Situation and Condition of People of Kashmir During the Conflict

Figure: 2.3 Kashmiri people is under pressure



Kashmir is a place which its majority is Muslims and it tends to agree with Pakistan. Unfortunately, Maharaja Hari Singh destroyed the people of Kashmir by declaring the accession to India under a controversial document or known as an instrument of accession. This story begins when Kashmir was ruled by Maharaja Hari Singh who had not decided the choice whether joined India or Pakistan. The Muslims community of Kashmir wanted to join with Pakistan, but there are also Muslims of Kashmir which were still loyal to India and were willing to join India.

During this time, in January 1947 there was a rebel and revolt in the area of Poonch and ultimately extended reaching Northwestern Kashmir and ignited a war. Pakistan along with the citizens of Kashmiri Muslims and Pathans rebellion

occupied Muzafarbad and drove the Hindu community. The reason was because the rebels did not support with the actions of Maharaja Hari Singh who terminated those soldiers from Poonch residents, and replace it with a Hindu and Sikh soldiers. On 24th of October, this group proclaimed the establishment of Azad Kashmir and holds the State launching an attack to capture the capital of Kashmir which was Srinagar.

In this condition, Singh, as the leader of Kashmir, lost the trust from the Kashmiri people. They are demanded for independence of Kashmir. Singh lost control of all riots that were happening in Kashmir. Singh finally decided to ask for help from New Delhi (India) in order to resolve the issue in Kashmir. Finally, India was willing to help but with one condition which demanded Kashmir to become a part of India. After the Instrument of Accession was signed by Singh and India, India directly sent troops to Kashmir and there was open war against Kashmiri Militants and Pakistan. Maharaja Hari Singh wanted to stay independent but eventually decided to accede to India by signing over key powers to the Indian government in return for military aid and a promised referendum.

After the accident, the territory had been the spark for the two India-Pakistan wars: the first was in 1947-8 and the second was in 1965. In 1999, India fought a bitter conflict with Pakistani backed forces that had infiltrated Indian-controlled territory in the Kargil area. The results are Pakistan repulsed and 2/3 of Kashmir belonged to India.

Figure 2.3 Countries Controlled Kashmir



After war, India directly 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 based on The Instrument of Accession which was applied in 1947.

The Instrument of Accession is clearly stated to enable each of the rulers of the princely states under British Paramountcy to join one of the new dominions of India or Pakistan was created by the Partition of British. While, Pakistan also rejected that Kashmir was claimed by India because most of societies in Kashmir are Muslim. Therefore, it became the reason causing the Kashmir Conflict to be still ongoing until 2014.

The relations between India and Pakistan have always been cold due to the problem of Kashmir. Moreover, the sentiments, hatred and insult other were

occurred and resulted in those actions are violence and death. In 2014, there has been no solution to the resolution of this issue. The history of discrimination the people for many years as well as the annexation of territory caused factor of the establishment of movements as new terrorism. This situation happen because the anger and hatred happened in past which is always being kept in the memory of the people of Kashmir.

Although several ceasefire and military reduction agreements have been made between India and Pakistan, there is still significant internal violence which largely leads to protest on the part of the civilians which is often calmed by military and insurgent operations from both sides. A lot of efforts and a ways to reduce the tensions; one way which has been done by India is withdrawing their military forces. On the other hand, India is aware of the tension stems not only from the public protest movement in Kashmir but also Pakistani was considered of being involved in increasing the intensity of tension in Kashmir (Agha, 2001).

In this circumstance, the Kashmiri people often conduct protests and terror attacks from various parties and create the situation of Kashmir to get worse. On the other hand, There is another separatist group in southern Kashmir i.e. Punjab which wants the freedom too. Therefore, the slightest conflict occurring in India and Pakistan can result in instability of Kashmir, can interfere the security of Kashmir and make the citizens of Kashmir to be no longer alive in a sense of comfort and peace because they live in tension and fear caused by a never ending conflict.

The Role of Third Parties in Kashmir Conflict

A problem or conflict will be resolved when the actor involved is not only the country but also the organizations. The need of International Organizations is necessary because sometimes the problem between countries cannot be solved by the related countries. With the involvement of the organizations, the problem can be solved using the approach of international law, international organizations, as well as democratization.

There are some international organizations dealing with and have the duties to resolve this conflict such as United Nations. During their project, United Nations also faced the difficulties when they trying 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 because this conflict 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.

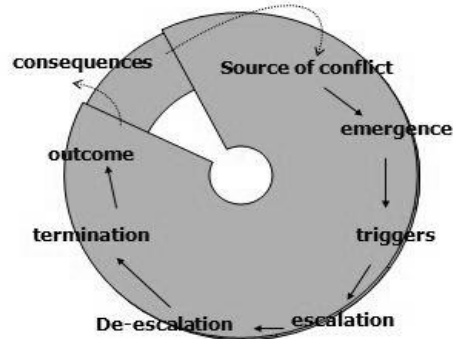
The Factors Causing Kashmir Conflict is Difficult to Resolve

Both countries considered the position of Kashmir as territory which had no owner and it made both countries wanted to master it in various ways. One of them is to use Hard Power through the Armistice. Seeing this action, Kashmiri faced difficult choice. In fact, Kashmir already loses their identity and their belief to choose. It was caused by many different of opinions between the people and the leader in Kashmir. Moreover, the dark history which was happened in past becoming factor which make Kashmir into a fragile place which has no power to fight against India or Pakistan (Gedeon, 2011)

India and Pakistan preferred to spend the budget which they had for military interests in Kashmir than to be used for the welfare of people in India and Pakistan. Therefore, the people of the two countries are living in suffered hunger, poverty, and also dropped out from school. The economic aspect of India and Pakistan were also unstable because they constantly fought over Kashmir rather than improving the stability of its country respectively.

Figure: 1.2 The Stage of Conflict and Resolution

According to Louis Kriesberg



According to the figure above, this journal already discover started from source of conflict until De-escalation Stage (conflict resolution) but almost all ways are not work and Kashmir Conflict still ongoing until 2014 because India and Pakistan did not fulfilled the requirement of Termination Stage which mean the conflict will ended up if the parties who involved are willing to stop the conflict. However, India and Pakistan choose to continue the conflict and not willing to stop the conflict. Therefore, the conflict resolutions which were made by UNCIP and SAARC are useless.

Today, Kashmiri, continue their life while ongoing militant operations take place and military presences exist surrounded them. Several ceasefire and military reduction agreements have been made by third parties to reduce the tension between India and Pakistan. While, the significant internal violence which largely leads to protest on the part of civilians who are often calmed by military and insurgent operations from both sides still exist.

The efforts and the role of third parties were likely futile and unappreciated because the referendum which was decided and made by them was never followed and implemented by India and Pakistan. Basically, the involvement of United Nations was based on the request of India and Pakistan, but Simla Agreement which was signed and agreed by India and Pakistan indirectly made the position of the third parties weakening for resolving Kashmir Conflict.

Conclusion

There is no easy way in solving Kashmir Conflict because the conflict between India and Pakistan is one of the most durable conflicts which had been taken place between the two neighboring countries. In some lag time of peace, a conflict between them lasts almost 68 years as old as the age of both countries and the conflict has not resolved. The conflict between India and Pakistan is a conflict which can harm and disturb the South Asian region because the conflict involves these two major countries.

Kashmir is the region flanked by two large countries, which are Pakistan and India. The origin of the conflict is begun after British colony splitted India and Pakistan into two major parties based on the Principle of Partition, India which its majority people are Hindu and Pakistan which its majority people are Muslim. However, the status of sovereignty of Kashmir is not clear and makes the two countries to have it because Kashmir is a very profitable area.

Seeing this conflict, the third parties such as UNCIP and SAARC were trying to resolve the conflict between India and Pakistan because they see the conflict was beyond the limits of reasonableness and it almost takes a lot of casualties. However, UNCIP and SAARC were getting the difficulties to resolve this conflict because Pakistan and India preferred not to decide to stop the conflict and not fully support the proposal and referendum as peace efforts. The reason is because they preferred to choose their own power to resolve the Kashmir Conflict through military defense and hard power.

This conflict also creates a lot of disadvantages especially for economic reason of both countries because both countries just focus on building military capability to attack each other and maintain their power in Kashmir. Therefore, the people in their own countries do not become their priority anymore and it causes poverty, starving, and unbalances economic system of its countries.

The diplomatic ways to resolve the conflict are not effective anymore because the conflict just creates victims and hatred among the parties which were involved. The people of Kashmir always felt unsafe and insecure as long as India and Pakistan still concerned with the interests of their respective countries in getting Kashmir and makes Kashmir Conflict is difficult to solve. 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.

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