Abstract

Man as a rational being endowed with a sense of freedom and responsibility, does not remain satisfied only with his material existence. He wants to know and realize the meaning of his life. It is this perennial urge in man that inspires him to indulge in great creative activities. He creates great cultures and civilizations and tries to realize the meaning and value of his life in and through them. That might be the reason that man thrown out the state of nature and entered into a politically organized society to secure his freedom and achieve his ambitions. According to traditional wisdom, the warp and woof of history is the succession of human and social conflicts, punctuated by wars and other forms of organized violence. It is only temporarily swords are shielded and guns are silent. In viewing and reviewing the thousands of years of recorded history, what strikes the eye of the casual beholder and thus the great majority of humankind, is the omnipresence of conflict. The present work is in the form of thesis is the result of a continuous and constant attempt of reaching all relevant and significant literature available on conflict resolution and relevant to the contents of the thesis. Although selective in nature, an attempt has been made to cover all the aspects of the topic. It covers the various facets of conflict resolution with respect to Jammu and Kashmir, which has made the contents of the thesis much broader and wider. Thus, the present work concerns itself with the historical analysis of conflict resolution and goes to examine it from various angles. In addition, focus obviously is on Indian Occupied Jammu and Kashmir.

In the first chapter of the thesis efforts have been made to discuss many of the pet ideas regarding conflict resolution that which we have cultivated in recent past. A handful of people of North America and Europe began to establish research groups to develop these new ideas. Nevertheless, the new ideas attracted interest and the field began to grow and spread. Scholarly journals in the conflict resolution were created. In this chapter, I have discussed the meaning and definition, role and importance, emergence and growth of the conflict resolution, then I have also highlighted what are the causes and forms of conflict, and what are the democratic methods and techniques for the resolution of conflicts, In addition to this I also included some theories and theorist in the conflict resolution field in my first chapter. Conflict resolution as a specialist field has emerged during post cold war period. It started in 1950s and 1960s
at the height of cold war period when the development of nuclear arsenals and great
powers rivalry seemed to threaten human survival. In today’s global arena, conflict
resolution has much primacy and relevance due to prevailing socio, economic,
political cultural, caste, ethnic, conflicts in every part of the world. It is important to
mention here that conflicts started in any society when people are not getting their due
share. When people are being exploited or discriminated in one respect or other, so
the marginalization and deprivation is one of the major causes of conflict. Conflict
resolution is really a best mechanism of peace building, peacemaking and
peacekeeping process. It is a only a way out from conflicts and disputes. It talks about
that conflict should have to be solved through peaceful means without following the
way of violence. In totality, it is the best way of social justice. Only through the
mechanism of conflict resolution conflict parties come together and sort-out their
incompatibilities and major differences and reach on peaceful agreements.

Chapter second gives a brief historical and political profile of Jammu and
Kashmir. Since the State of Jammu and Kashmir has certain features of history,
geography, climate, culture, language, ethnicity, etc. A description of all these factors
becomes more important. The departure of the British from the Indian Sub-continent
and the partition into two successor states, India and Pakistan, were the starting points
for the dispute on Kashmir. On the Kashmir issue, the position of India is frozen in
time. Both India and Pakistan went on for a war thrice to settle the issue. From the
day of accession to India on 26 October 1947, the issue remained unsolved till today.
Lord Mountbatten’s pledge to consult the people of the state for ratification of the
accession, although was accepted, but was never being adopted. The State of Jammu
and Kashmir whose foundation was laid by Gulab Singh, a feudatory of Sikhs for a
cash payment of 75 Lakhs of rupees. Muslim subjects who formed bulk of the
population, bore the heaviest brunt of the Dogra autocracy, which was highly
exploitative. The economic miseries of the people increased due to Jagirdari System
and above all a corrupt administration with the transfer of power and partition of the
Subcontinent, new problems cropped up. All these princely states were supposed
either to join the dominion of India or dominion of Pakistan. The State of Jammu and
Kashmir like Hyderabad and Junagarh joined neither India nor Pakistan. The State of
Jammu and Kashmir being the Muslim populated area and keeping in view the
strategic importance of the state for Pakistan, Pakistan sent armed infiltrators to get
the control of the state. The Maharaja Hari Singh feeling helpless to deal with the
situation made frantic requests to India to help him. Jawaharlal Nehru taking advantage of the situation forced him to sign the Instrument of Accession. Even the Viceroy Lord Mountbatten while signing the Instrument of Accession introduced a provision that the wishes of the people should be ascertained after normalcy is restored in the valley. Meanwhile, India lodged a complaint in United Nation, which also favored a plebiscite in the State of Jammu and Kashmir. Initially, India agreed to hold a plebiscite, but nothing concrete emerged and tensions between the two countries escalated resulted into three wars and Kashmir became permanent irritant between the India and Pakistan. In the meantime, the constant ignorance of the basic issues of right to self-determination, installation of non-elected government by the centre, corruption and unemployment, misuse of power, violation of human rights by armed forces, killings, fraud encounters, illegal detentions, burning of houses and properties of people, rapes with women, killing of innocent youth are those stories which caused extension of cycle of violence in Jammu and Kashmir. The Central Government always has forgotten the promise of United Nation that let Kashmiris decide their destiny. I have included all dimensions and aspects about the history of Kashmir conflict, and I reached at this point that it is great irony with the innocent people of Kashmir that they were always marginalized and exploited by those who were in power and this exploitation was beyond its limit. In other words, people of Kashmir have never seen a happy moment in their life especially after 1989. They were always tortured, humiliated, killed, dishonored and marginalized. It can be said that government has used so much power against them, which affected dignity of every Kashmiri. Moreover, I think Government of India and Government of Jammu and Kashmir should have to change their policies and programmes in Kashmir, if they will not change their policies then definitely time will come when the voices of separatism cannot be controlled.

In the Chapter third, the areas of conflict have been discussed in detail. The Kashmir conflict is a dispute over sovereignty. The international dimension of conflict is complimented and compounded by sharply different the contested territory. The Kashmir conflict refers to the territorial dispute over Kashmir, the North Western Part of South Asia. The parties to the dispute are India, Pakistan, China and the people of Kashmir. India claims the entire erstwhile princely State of Jammu and Kashmir based on an Instrument of Accession signed in 1947. Pakistan claims all areas of the erstwhile State of Jammu and Kashmir except for those claimed by China. China
claims Aksai Chin and other areas. India administers approximately 45% of the region, Pakistan controls approximately 35% of Kashmir, mainly Azad Kashmir and Northern Areas of Gilgit and Baltistan. In addition, China controls 20% of the Kashmir including Aksai China and Shaksgam valley. The main conflict areas discussed in this chapter were Gilgit, Baltistan, Azad Kashmir, Shaksgam valley, Karakoram Tract, Siachen Glacier and water disputes between two countries were discussed. Kashmir is the origin point many rivers and tributaries of Indus valley river basin. They include Jhelum, Chenab which primarily flow into Pakistan while other branches of Ravi, Beas, and the Sutlaj irrigate Northern India. There lies a deep dispute between India and Pakistan over the flow and usage of the water of these rivers.

The Chapter fourth deals with the scores of issues and questions leadings towards conflict resolution. It will highlight the highly contentious political questions of vital national security interests, such as, Confidence Building Measures (CBMs) and mostly the Kashmir dispute. The chapter will include the major dialogues and negotiations held between the India and Pakistan on Kashmir issue. It will also examine the policies and formulations of Jammu and Kashmir State Government for the resolution of Kashmir conflict. The Kashmir conflict is the outcome of a process of neglect, discrimination and suppression of identity of Kashmiris. It is an ethnic conflict and includes historical, political, economic, cultural and security aspects as well. External factors also contribute to shaping the dynamics of the Kashmir conflict. The various efforts to resolve the conflict like the Tashkent Agreement (1966), Shimla Agreement (1972), Lahore Summit (1999), Agra Summit (2001), and other peace steps failed to make dent in the bilateral relations. The National Conference Autonomy Formula, the PDP’s Formula of Self Rule, both are being negated not only by the Central Government, but by the People of Kashmir as well. The dichotomy, which Kashmir sociology presents, is the political alienation of Kashmiris. Kashmiris believes politics to be norm less, elections to be fraud and the character of political loyalty a matter of expediency.

Chapter fifth, deals international and nongovernmental concern for conflict resolution. Conflicts, including ethnic conflicts are not unavoidable but can be indeed be prevented. This requires, however, that the necessary efforts are made. Political sources of conflict need to be identified and concrete steps must be taken to resolve them. Kashmir conflict is also an ethnic conflict it could be also resolved if conflict
resolution mechanism will be adopted. Kashmir conflict could be resolved through mutual consensus, negotiations, conciliations, bargaining and above all through greater autonomy mechanism. The State of Jammu and Kashmir needs good governance, which must be accountable, responsive, democratic oriented, and peace-loving. This chapter of my thesis highlights the role of International Community and Non-governmental Organizations, their policies and initiatives for the resolution of Kashmir conflict. I have included the US policy towards Kashmir dispute thoroughly. The role of UN, EU, SAARC, Civil Society, OIC, APHC, has been also examined through scholarly point of view. In fact UN, EU and SAARC always try to sort-out to Kashmir conflict but India always rejected third parties involvement in Kashmir issue. Therefore it can be said that international concern some how failed in Kashmir context. However, international community criticized human rights violations and misuse of in Kashmir. Especially, OIC and Civil Society always criticized gross violations of human rights and supported that Kashmir issue must be resolved through peaceful means. Especially, role of OIC is vital in the context of Kashmir because it always supported and shown its greater concern for the people of Kashmir. In addition to this the role of Civil Society can not be ignored, it is Civil Society which highlighted that there is gross violation of human rights in Kashmir committed by armed force and militants, they pressurized government of India that to stop violations of human rights in Kashmir. Than I also discussed the role of APHC, since, its inception it was fighting for the cause of Kashmiris. The main motive and objective of APHC is right to self-determination for the people of Kashmir. Some scholars put a label over APHC that it is a terrorist organization. It could be mentioned here that APHC is not a terrorist organization rather it is a bargaining organization from the side of people of Kashmir. In other words, it can be said that APHC is really a voice of the people of Kashmir, Kashmiris have always supported to this organization, because it is only their platform where from they can raise their demands of freedom and self-determination. The five point formula of Syed Ali Geelani who is the main Supremo of APHC, are that India should accept that Kashmir is a disputed territory, Armed Forces Special Powers Act should be revoked (AFSPA), prisoners should be free, violations of human rights should be banned, forces should be taken away from civilian areas, etc.

In summation, it becomes more important to examine the entire range of development in the State of Jammu and Kashmir right from the days of the
independence. The present work is a modest attempt in this direction. What is therefore required is a sober approach, free from political overtones to the problem. The problems and grievances of the people have to be identified. In totality, it can be said that secessionism or liberation is not a good option; rather problems have to be resolved within the paradigm of federalism. The dignity of the people of Kashmir must be respected. They should be provided greater autonomy and dignified life only then Kashmir conflict could be solved. Armed forces should have to be taken away from civilian areas; Armed Forces Special Powers must be revoked because they are using their power in an extensive way. Developmental packages are also needed to make Kashmir tourist hub in the world. Employment should be given to Kashmiri youth who are unemployed. Any conflict of the world could not be solved unless, we find-out basic causes of alienation then, we should have to take those strategies through which we become able to solve them. India as a major democracy can become successful in Kashmir when problems of Kashmiris will be taken into account, only then, Kashmiris could feel safe and secure.