



Kashmir Conundrum and the Way Ahead

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ABSTRACT

The Kashmir problem must be examined through two lenses: Conflict Prevention and Peace Establishment. Following the abrogation of Article 370, the Indian state has implemented measures such as preventive arrest, curfews, and internet blockades to avert potential bloodshed. These temporary measures were essential for preventing violence and upholding law and order. To avert violence, we have implemented an exclusionary policy of refraining from interaction with the natives. Ultimately, the Indian government must devise inclusive policies to engage with the populace, garner their trust, and achieve peace. To avert violence and ensure the maintenance of peace, a transition from public investment in prisons, law enforcement, and punitive measures is necessary. Kashmir is a traumatized society that requires therapeutic intervention to facilitate individual reconciliation and restore their humanity. This article seeks to depart from conventional diplomatic rhetoric regarding Kashmir and examine the community-focused concept of enduring peace. This study will examine the potential for converting Kashmir from a region of conflict to one of peace. The article discusses the contributions of James Gilligan on Preventing Violence, Johan Galtung's concept of Reconciliation, and John Paul Lederach's notion of Sustainable Peace.

Keywords: Kashmir Conundrum, Article 370, Preventing Conflict, Establishing Peace, Social Healing, Reconciliation, Community Policing

Introduction

The hostility between India and Pakistan, the heavy militarization of the region and incidents of insurgency and terror attacks illustrates the protracted nature of Kashmir conflict. The relentless Kashmir conundrum is the failure of state diplomacy and lack of vision. The strategies adopted in Kashmir have either led to conflict prevention (i.e. avoiding outbreak of violence or maintaining status quo) or conflict settlement (i.e. ending violent behavior by reaching a ceasefire agreements). None of the efforts in the last seventy years have led to the establishment of long-term peace.

The abrogation of Article 370 suggests a paradigmatic shift in the strategy of Indian state when dealing with Kashmir conflict. The Indian state is expecting to establish peace through development in Kashmir. According to the Prime Minister Narendra Modi this move in Jammu and Kashmir will help locals to break the vicious cycle of violence, terrorism, separatism and corruption.¹ His vision for Kashmir is 'peace for development' and 'development for peace'. The abrogation of Article 370 and 35 A is a medium to integrate Kashmir with the Indian Territory. But any idea of integration is incomplete without the incorporation of the people. In Kashmir alienation of the masses has to be altered with accommodation of the people.

The Kashmir conundrum has to be debated within two categories; Prevention of Conflicts and Establishment of Peace. After the abrogation Article 370 the Indian state has taken measures like (preventive detention, curfew and blockade of internet) for the prevention of potential violence. These short-term measures were necessary for the avoidance of violence and maintenance of law and order. In the process of preventing conflict we have adopted an exclusionary policy of not engaging with the locals. In the long run the Indian government has to formulate inclusionary policies of engaging with people, winning over their trust and establishing peace. To prevent violence and for the peace to prevail there has to be a shift from public investment on prison, police and punishment. Kashmir is wounded society that needs therapeutic healing to help individual reconcile and recover their humanity. The aim of this article is to move away from traditionalist diplomatic discourse on Kashmir and explore the community centric idea of long-term peace. This paper will look into the possibilities of transforming Kashmir from House of Conflict to House of Peace.

The article refers to the work of James Gilligan on Preventing Violence, Johan Galtung concept of Reconciliation, and John Paul Lederach idea of Sustainable Peace.

Prevention of Violence

For the last seventy years our engagement with Kashmir has been caught between strategic, diplomatic, national and international order. The multiple stakeholders have remained unsuccessful in establishing long term peace. Therefore, the Kashmir conflict can still be identified with four major upheavals. First, Kashmir today is known to be the oldest conflict zones in the world. Second, since 1947 there has been a constant escalation of rivalry and bitterness between two main strategic partners India and Pakistan. Third, there is an unmitigated threat of insurgency and cross border terrorism. Fourth, continuing exodus of the Kashmiri Pundits and the heavy militarization of the Kashmir valley. The unending Kashmir conundrum is result of the failure of traditional statist diplomacy. The challenge is to think beyond the traditional statist diplomacy that has failed to resolve the Kashmir crisis. How do we ensure peace and what should be the nature of this new normal?

In Kashmir the conflict is result of antagonism that has gathered over generations. Despite a series of bilateral efforts and Confidence Building Measures there has been an escalation of hostility between India and Pakistan. Today Kashmir is trapped between two enemy states and the worst victims have been the local people of this region. The heavy militarization of the region and the implementation of strict security laws have created an atmosphere of permanent tension and conflict. It is natural for grievances to develop in such situation. . In the realist understanding use of force is suitable in conflict prone areas.

On August 5, 2019 when the Indian state reduced the status of Kashmir from full state to a Union Territory internet services were blocked in Kashmir valley, curfew was declared and most of the mainstream leaders were put under detention. Under Jammu and Kashmir Public Safety Act of 1978 the government has the authority to deter the free movement of people and vehicle and detain individuals who can disturb the law and order situation. The traditional statist approach is based on the idea that detention and punishment will prevent violence. The traditional method of policing is used to check the spread of violence. Detention and curfew have been used as a means to prevent an outbreak of violence in Kashmir. The individual's right to freedom is compromised for the collective safety of all. Freedom of expression, association and movement has been subjugated in the valley. Political leaders are under detention and local people are not allowed to stage peaceful protest. The state claims situation in Kashmir is 'normal,' whatever restriction exist are part of preventive measures.

James Gilligan writes in his book 'Preventing Violence,' "punishment and detention are the most powerful stimulus to violent behavior that we have discovered. He argues that punishment does not prevent rather it causes violence." ⁱⁱ Punishment increases feeling of shame and humiliation and decreases feeling of guilt and those are exactly the psychological conditions giving rise to violent behavior. In Kashmir impeding and restraining people will further add to the resentment and dissent of the people. Restrictions applied can cause shame and humiliation amongst people and can lead to violent behavior. Young Marx also in his book 'The German Ideology' writes 'shame is the emotion of the revolution'. He contends that revolution is not made by shame but 'shame is revolution in itself' as a kind of anger turned in on itself.ⁱⁱⁱ The feeling of shame might give birth to shame culture, where the feeling of shame actually occurs in oneself when one appears weak, failed, foolish, incompetent, contemptible, rejected, silenced. The source of authority seems to be residing in the other people. Therefore, shame can stimulate violence and vice versa.

When conflicts are handled by force and people feel oppressed, they experience a suppressed violence at a personal level that can even lead them to take political action at national level. To avoid the situation the government must initiate a dialogic process. The truth should prevail, the pain and grievances should be acknowledged and a dialogue must start. To break the cycle of violence in Kashmir we must adopt Johan Galtung's model for conflict transformation. His idea of resolution, reconstruction and reconciliation become important. Sustainable peace in Kashmir is possible through rebuilding of relationships.

The indefinite lockdown imposed by the Indian government can lead to resentment and alienation of the Kashmiris. Recently the Government of Jammu and Kashmir has come up with a full-page advertisement appealing the local population to resume business and start sending the children to schools, thus to restore normalcy in Kashmir. Peace and normalcy cannot be restored by the state alone. The active participation and co-operation of the citizens is equally important for peace to prevail. Today the challenge is to create viable atmosphere for economic development and sustainable peace in Kashmir. For the cycle of fear, suspicion and violence to break the Indian state will have to design an alternate model of peace.

A more people friendly and community centric idea of peace has to be nurtured in Kashmir. Unfortunately, in the traditional diplomatic structure, there is hardly any space for the local voices. Today Kashmir can become peaceful only when people become part of the inclusive peace project on Kashmir. Any claim of normalcy and peace excluding the will of common people can become threat to the security and integrity of state. From prevention of violence efforts should be made towards establishment of peace.

Establishment of Peace

Peace in Kashmir has remained a contested idea. For the political class no direct war between India and Pakistan is equivalent to peace. For the local inhabitants of Kashmir, like the Muslims, Pundits, Sikhs peace encompasses the idea of liberty, equality, universal rights, democracy and peaceful coexistence. Peace in Kashmir is an illusion therefore we need to redefine the idea of peace and normalcy in Kashmir.

Communities are the core institution for crime prevention. The failure of Operation Gibraltar attests this statement. In 1965 the Pakistan armed forces under Operation Gibraltar adopted a strategy to infiltrate Jammu and Kashmir thus instigating the locals to start a rebellion against Indian occupation in Kashmir. It was organized and commanded by Major General Akhtar Hussain Malik. Around 40,000-50,000 men crossed the Line of Control, the idea was to mingle with local Kashmiris and rouse them for rebellion against the Indian state. This would lead to a guerilla war, an armed rebellion in Kashmir leading to national uprising against Indian rule. Ultimately Pakistan did not succeed and the failure of this Operation led to India-Pakistan war of 1965.

Several reasons have been listed for the failure of Operation Gibraltar. But one important factor is the lack of support from the local Kashmiris. This Operation was a complete failure as the local Kashmiris did not become part of the insurgent action. The people acted as agents of the Indian army, and helped them in telling about the infiltrators. The main objective of Pakistan army was to localize the conflict so that the Kashmiri people rise against the Indian State. The local populace was completely uncooperative to the cause of the Pakistani troops and did not provide any support to the Operation Gibraltar.

In present context this incident has a lot of relevance. After 1965 Pakistan has succeeded in localizing Kashmir conflict. The trust deficit amongst the locals has been exploited by the external foreign forces. They have conveniently manipulated the minds of the local Kashmiris. Convinced them to participate in terror activities against the Indian state. The Indian state has somewhat failed to initiate a dialogue process with the locals in Kashmir. The absence of dialogue has led to the segregation and alienation of the local community.

In a recent book titled 'Kashmir: A Land of Regrets' author, Moosa Raza reveals the reason for the disenchantment of Kashmiri Muslims with the Government of India. He mentions that when a Kashmiri Muslim says Pakistan Zindabad he does not actually want to go to Pakistan or merge Kashmir with Pakistan. He is simply using the slogan to irritate India. He further writes that Indian establishment has done absolutely nothing to integrate Kashmiri Muslims with Indian society.^{iv}

The blood-soaked history of Kashmir, the pain of the wounded community (Kashmiri Pandits, Muslims and Sikhs), the unacknowledged trauma and sense of loss is lingering in Kashmir. The continued culture of settling scores through use of violence has led to chaos and disorder in Kashmir. The daily oaths of revenge and preparation for new round of violence creates a vicious cycle of permanent conflict in the region. How to break this viciousness? How to create a new "normal based on peace" against a normal surviving on silence and subjugation? In such volatile circumstances the security measures can only help in the management of conflict. The government has to look for new paradigms for establishing durable peace.

The seventy-year long dispute now needs a healing hand. The transformation of conflict and rebuilding relation is vital for peace building in Kashmir. The grievances of the community should be acknowledged. Sincere efforts should be made to resolve the differences that prevail in the society. The Indian state will have to reach out to the people in Kashmir. A dialogue must start with the Kashmiri Muslims, Pandits and Sikhs. Unfortunately, the traditional approach to prevent violence seldom explores the role of community in averting violence. There is a need to build confidence internally by winning over the trust of the people.

To do a fresh start a culture of community policing should be encouraged where the police officers develop relationships with the locals, getting to know their problem, grievances and may be just using it as a way to start a dialogue. The traditional police practices when works in a conflict zone, it basically creates an atmosphere of suspicion, mistrust and aggression thus leading to violence. Whereas community policing would indulge in recreating an atmosphere of trust, faith and hope amongst people. Rehabilitation of the Kashmiri Pandits in the valley is equally important for the closure of their pain and reconciliation of grievances. Today Kashmir can become peaceful only when people become part of the inclusive peace project on Kashmir. Any claim of normalcy and peace excluding the will of common people can become threat to the security and integrity of state.

Conclusion

The treatment of conflict can either bring in constructive alteration or destructive violence. Constructive alternation of conflict will establish long term peace. Kashmir region is vulnerable to external threat, violence and insurgency so the application of hard politics is inevitable. The statist diplomacy can manage the conflict but cannot transform them toward constructive, peaceful outcomes. Therefore, we need to go beyond the realist approach and develop a new relational approach of community centric model of peace in Kashmir. The success of state institution depends on the kind of support it receives from the people.

In the liberal peacebuilding paradigm, the role of the state institutions becomes central to establishment of peace. For the cycle of fear, suspicion and violence to break the Indian state will have to engage with a fresh

project of peace. To ensure lasting peace a people centric model of peace has to be created. The challenge is to create viable atmosphere for economic development and sustainable peace in Kashmir. Unfortunately, in the traditional diplomatic structure, there is hardly any space for the local voices. In the longer run prevention of violence has to be altered with establishment of peace.

Gandhi once quoted “There is no way to peace, peace is the way”. On the 150th birth anniversary of Mahatma Gandhi this could be the best tribute to his life and his message. The Prime Minister Narendra Modi’s slogan “*Naya Kashmir Banana Hai*” suggests that the concerns have already changed. From how to deal with Kashmir the new question is how to heal Kashmir? Alternative approach of reconciliation and social healing can be useful in the case of Kashmir.

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Endnotes

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