

CHAPTER I INTRODUCTION

A. Background of The Jammu – Kashmir Conflict

The Jammu – Kashmir conflict is started with territorial disputes between India and Pakistan. Kashmir is a region, which located in the northwestern Indian subcontinent, which borders with China, which is Xinjiang in the northeast, and Tibet to the east. Bordering with Himachal Pradesh and Punjab to the south which both of them are Indian states by Pakistan to the west and by Afghanistan to the northwest. (Encyclopaedia Britannica, 2008) Kashmir is a region which nowadays divided by three countries which Pakistan control Northwest portion (Northern Areas and Kashmir), India controls the central and southern portion (Jammu and Kashmir) and Ladakh, and the People's Republic of China controls the northeastern portion (Aksai Chin and the Trans-Karakoram Tract). India controls 101,338 km² (39,127 sq mi) of the disputed territory, Pakistan controls 85,846 km² (33,145 sq mi), and the People's Republic of China controls the remaining 37,555 km² (14,500 sq mi). (BBC, 2016).

When the British Raj was ended on 15th of August 1947, indicated the British colonial era was ended in India, Britain decided India 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. (Kaul, 2011) The region which was majority population is Muslim joining Pakistan, while the region which majority population is Hindu joining to India. The Maharaja of Kashmir, Hari Singh, was the Hindu head of a majority Muslim state sandwiched between the two countries, and could not decide. He signed an interim "standstill" agreement to maintain transport and other services with Pakistan. In October 1947 tribesmen from Pakistan invaded Kashmir, spurred by reports of attacks on Muslims and frustrated by Hari Singh's delaying tactics. The Maharaja asked for Indian military assistance. India's governor-general, Lord Mountbatten, believed peace would best be served by Kashmir's joining India on a temporary basis, pending a vote on its ultimate status. Hari Singh signed the Instrument of Accession that month, ceding control over foreign and defense policy to India. Indian troops took two-thirds of the territory, and Pakistan seized the northern remainder. China occupied eastern parts of the state in the 1950s.

Pakistan and the Kashmiris protesting the arrival of the Indian army in Kashmir. They doubted the existence of the document. The UN does not recognize Indian claims. Britain itself, a country that once colonized India, did not recognize the claims of India. Even the British,

more fitting Kashmir is under Pakistan. The reason, most Kashmiris are Muslims and geographically, Kashmir closer economic access to Pakistan. However, England cannot prevent the expansion of the Indian army in Kashmir, because militarily India is strong and its population of more than 600 million coupled with a close relationship with Russia the international community did not dare to punish him (Republika, 2000).

Pakistan and India are two countries which are interested in Kashmir. This is related to the strategic value which is owned by the region. 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) (Your Article Library, 2016).

Even though Kashmir have lucrative potential or resources, the economic conditions are still below the average of other regions, as illustrated by their GSDP growth in 2011-2012 is 6.78% or US\$ 1.81 billion, and they have SNDP US \$ 11.80 billion, but they also receiving grant from Indian central government

around US\$ 7.55 billion that put them in the ranking 3rd in the worst list of deficit region. Furthermore, the majority economy sector in the region is agriculture which generated low income (Ayoub, 2013).

Pakistan also rejected the agreement that Kashmir is claimed by India because most societies in Kashmir are Muslim. Both countries considered Kashmir as a part of a precious place in the world it becomes 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 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, Jhelum, and Chenab Rivers). (Siddiqi, 2011)

Meanwhile, the interest of India towards Kashmir is because they have a great significance especially for the purposes of defense strategy. Kashmir is a border area adjacent to the large nations such as China, Afghanistan, and Pakistan. From the historical roots and brief reasons from India and Pakistan which have the desire to defend their claim and interest in Kashmir region in above, we can underline that the factors which led the conflict

is the territorial dispute but that conflict also can't be inseparable from the primordial antagonism.

The Kashmir Conflict was going on for more than 68 years but it still not yet to be resolved, the conflicts instead become increasingly more complex. The first problem of this conflict is the territorial dispute over the ex- princely state of Jammu and Kashmir which can be classified and could be solved by bilateral diplomacy between India and Pakistan, but now become more complex because International organization were also involved to give help for solving this conflict, and the Kashmiri people nowadays also has been divided into several fragments, there are group whose demanding full Independent on Jammu – Kashmir, there are group whose wanting to join Pakistan because they are same Muslim, and there are group whose want to join India, although most areas of Jammu Kashmir are the status quo is an Autonomous Region of India (Peace Kashmir, n.d.).

1. The efforts to solving Kashmir conflict

On February 6, 1954, the Jammu-Kashmir Constitution ratified the territory of Kashmir to India (Ashurhosh, 2012). The agreement resulted in Kashmiri citizens who wanted to join Pakistan angry and did not accept that Kashmir is part of the Indian state. The United Nations as an international organization

contributes to the effort to resolve the conflict over the territory of Kashmir between India and Pakistan, the efforts made by the United Nations can be seen from the proposed PPB to India and Pakistan to demilitarize the Kashmir which ensures that the referendum is impartial to one of the countries between Pakistan and India (Gupta, 1996).

Besides proposing the demilitarization of Kashmir, the UN also proposed a Dixon Plan for a referendum conducted in the troubled region (Valley of Kashmir) but the plan was rejected by India and Pakistan. The UN also sought to exercise a veto in resolving the Kashmir conflict, but several resolutions by the UN have not been able to resolve the Kashmir conflict (Swami, 2001)

Not only the PPB, the South Asian Regional Cooperation Association (SAARC) is also working to resolve the Kashmir conflict. On 5 January, SAARC sought to mediate and negotiate between India and Pakistan. The meeting was hosted by Prime Minister Vajpayee and Pakistani President Pervez Musharraf and comes a day after the SAARC summit, a meeting between the two countries discussing the history and early steps to make peace so that the Kashmir conflict can be resolved (Ahmed, 2012).

However, As stated before, The Jammu-Kashmir conflict is started with territorial

disputes between India and Pakistan. Kashmir as a strategic region for the defense of the country makes India and Pakistan are interested in Kashmir. In addition, Kashmir having good natural resources and potential, Kashmir also has many Muslim inhabitants, that is the reason Pakistan does not recognize India's claim to Kashmir. In fact, after several international organizations such as the United Nations and the SAARC have been involved in resolving conflicts by making agreements, mediations and negotiations, the conflicts between India and Pakistan are still going on today.

B. Research Question

Why Jammu - Kashmir Conflict still ongoing until 2016?

C. Theoretical Framework

Conflict resolution will never be effective to resolve a conflict if the root of the underlying problem has not been encountered. To analyze the root of conflict in Kashmir we can use several ways, namely by Relative Deprivation Theory, Theory of Causes Ethnic Conflict, and Theory of Protracted Social Conflict. The parties who get involved to a conflict also have a very important role in managing and resolving the conflict.

1. Conflict Resolution Theory

According to John Burton, Conflicts occur due to the assertion of individualism. Conflict

as a form of protest-based frustration about lack of opportunities for development and the lack of recognition of identity. Is the tension, conflict, or violence is coming from the issue of class, status, ethnicity, gender, religion, or nationalism, we deal with the same fundamental problems.

Furthermore, John Burton Conflict resolution is, in the long term, a process of change in political, social, and economic systems. It is an analytical and problem-solving process that takes into account such individual and group needs as an identity and recognition, as well as institutional changes that are required to satisfy these needs. (Cunningham, W. G., 1998)

In the case study of Jammu – Kashmir conflict, the Kashmiris, felt that India was unfair for the existence region of Kashmir. Kashmir as part of India should receive special attention, particularly the Muslim majority in Kashmir Valley which amounted to about 80%. Whereas in the Jammu region whose majority of the people embraced Hinduism around 62%, preferring to stay with India. But the total population of the Jammu and Kashmir regions is Muslim with an estimated 68.31%, they are preferable to choose to integrate with Pakistan (Census Commissioner India, 2011). While partly from both side also prefer to choose pro-independent, also due to the reason that during

the joining of India, Kashmir is not progressing.

Some resolutions have been made, but not yet effectively to resolving the conflict of Kashmir. Therefore it is important that the writer tries to analyze the root of the problem with the following theories :

2. Theory of Ethnic Conflicts (Ted Robert Gurr)

According to Gurr, the phenomenon of the emergence of ethnic conflict cannot be separated from three contexts, namely:

a. Local context

Local context as the cause of ethnic conflict is a very fundamental thing that concerns the awareness of differences in vision and mission in a common life in an area. In order to sharpen the analysis in term of local context, the authors combine Relative Deprivation theory and Protracted Social Conflict (PSC) theory (with variables 1 and 2) into this theory for determining the underlying problems of the conflict in the scope of individuals, elites or ethnic groups in Kashmir.

b. National Context

The crisis in the ntional situation in a country, wherein a region there are bad national conditions that cause the

seeds of conflict. The socio-economic and political crisis that threatens people's livelihoods makes them rebellious or form a separatist group.

In the national context, the writer tries to combine the PSC theory (with variable 3) into this theory also in order to sharpen analysis the relations between systems of state with political and socio-economic conditions, which will affect in conflict.

c. International Context

International context is a conflict situation because of the influence of foreign parties. Ethnic conflict is a conflict that occurs due to ethnic differences that live in a country blend, the friction of the conflict occurred because of differences in interests and religion. But according to Robert Gurr ethnic conflict actually involves not only the two ethnics who rivalry as a single actor. But ethnic conflicts that occur within a country are never separated from third parties (Crocker, 2001).

In term of the international context, PSC theory (with variable 4) can be incorporated in this theory, especially in order to analysis the political-economic

and military-political relationship into an international or global framework.

For detail explanation of the theory of Relative Deprivation theory and Protracted Social Conflict theory, will be explained in below.

3. Relative Deprivation Theory (Ted Robert Gurr)

Relative Deprivation theory is the theory which talking about the tension between the actual state, and what you should be able to achieve. According to Robert Gurr Relative Deprivation (RD) is perceived the discrepancy between value expectations and value capabilities. The Relative Deprivation strongly determines the potential collective violence. Gurr concludes that frustration-aggression is the primary source of the human capacity for violence, even aggression is neither necessary nor sufficient indeed, he concedes that sometimes greed drives violence, but that frustration is a much stronger motivating force. Deprivation occurs when your value expectations exceed your value capabilities. Values include welfare, security, self-actualization, etc (Džuverovic, 2013).

Furthermore, Gurr stated that RD can happen in three ways: First is "Decremental deprivation" when value expectations remain constant while capabilities fall. Second is

"Aspirational Deprivation" when value expectations rise while capabilities remain the same. The third is "Progressive deprivation" or like the J-curve in the graphics scheme when expectations continued to grow and capabilities do too, but capabilities either don't keep up or start to fall (Gurr, 1970).

In the case of Jammu – Kashmir, the conditions of the developments and the economic condition in that area is not encouraging by Indian Government, it can be proven by the comparison of Net State Domestic Product (NSDP) at current prices, Jammu – Kashmir has been lagging behind from another Indian state. That condition makes the social gap between people of underdeveloped regions, in this case, are Jammu and Kashmir, and people from another region whose got more attention from the government of India, or another means the more developed region. This social gap may be triggered conflicts toward Kashmiri because based on their expectation is different from the reality which they are faced.

4. Theory of Protracted Social Conflict (Edward Azhar)

Edward Azhar's theory of Protracted Social Conflict (PSC) stated that many conflicts currently active in the underdeveloped parts of the world are characterized by a blurred demarcation between internal and external

sources and actors. 'Protracted Social Conflict' (PSC) explain that the sources of such conflict lay predominantly within and across rather than between states, with four clusters of variable identified as preconditions for their transformation to high levels of intensity (Miall, 2000).

First, there was the 'communal content' identity group-racial, religious, ethnic, cultural and others (Azhar, 1986). PSC focuses on identity groups noting that it is the relationship between the identity groups and states which is the core of the problem and how individual interest and needs are mediated through membership of social groups such as security, identity, recognition, and others. Azhar links the disjunction between state and society in many parts of the world to a colonial legacy which artificially imposed European ideas of statehood on to a multitude of communal groups on the principle of divide and rule. It causes in many postcolonial multi-communal societies, the government of the state is dominated by a single communal group or a coalition of a few groups that are unresponsive to the needs of other groups or minority in the society which strains the social fabric and eventually breed fragmentation and protracted social conflict.

Second, following conflict resolution theory of John Burton, Azar identified deprivation of human needs as the underlying

source of PSC. Failure to redress these grievances by the authority triggering for a protracted social conflict (Azhar, 1990) According to him these grievances resulting from need deprivation are usually expressed collectively and unlike interest, needs are ontological and non-negotiable, so that, if conflict comes it is likely to be intense, vicious and irrational. He also added these needs relate to security, development, political access and identity needs.

Third, in a system, where the state has been entrusted with authority to govern and use force where necessary to regulate society, to protect citizens, and to provide collective goods, governance and role of the state are the critical factors in the satisfaction or frustration of individual and identity group needs. Usually, states which experience protracted social conflict tend to be characterized by the incompetent, parochial, fragile, and authoritarian government that fail to satisfy basic human needs. What happens in most part of the world, particularly in newer and unstable state, where political authority tends to be monopolized by the dominant identity group or a coalition of hegemonic groups, the state is used to maximize their interest of the power holders at the expense of others. The monopolizing of power by dominant individual elites and groups precipitates a crisis of legitimacy.

Fourth, there is the role of international linkages in particular political-economic relations of economic dependency within the international economic system, and the network of political-military in constituting regional and global patterns of clientage and cross-border interest. Modern states, particularly weak states, evidently were weak to the international forces operating within a wider global community: the formation of domestic social and political institutions and their impact on the role of the state are greatly influenced by the pattern of linkage within the international system.

D. Hypothesis

From Research Question and the Theoretical Framework which are adopted in above, we can hypothesize Conflict in Jammu – Kashmir remains unsolved because:

1. The unfairness resolutions which previously be made not yet to accommodate the interests and human needs of Kashmiri.
2. The discrimination from Indian Government toward Kashmiri makes this conflict remains unsolved solved.

E. Scope of Research

In order the discussion to not extend and deviate from the study of the problem as well

as titles that are easy to understand, the authors limit research only focuses on Jammu – Kashmir conflict on the range 2010 – 2016, for examine the conflict resolution process.

F. Research Purposes

1. To know about the protracted social conflict in Kashmir.
2. To analyze the root of conflict in case of Jammu & Kashmir conflict

G. Research Method

This undergraduate thesis uses the qualitative method, the literature, research on journal, article and other data which are relevant to the research question. It includes qualitative strategy in which the writer explores in depts an activity and process. The cases are bounded by time, and writer collected all of the information using a variety of data collection. This research also analyzes the detail descriptions

H. Outline

Chapter I	:	This chapter introduces the problems of the topic and explains on the briefly about the history of the topic. The requirements are the background, research questions, theoretical framework, hypotheses, the scope of research, the purpose of writing, the methods of writing and the structure of writing.
Chapter II	:	This chapter explains about the history, also the origin of Kashmir conflict and the resolution that has been made before.
Chapter III	:	This chapter explains about the causes of ethnic conflict in term of local and national context.
Chapter IV	:	This chapter will analyze the international context or how the third parties influence towards this conflict.
Chapter V	:	This chapter explains a conclusion that summarized the result of the data.