

# Resolving the Kashmir dispute

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President Musharraf's assertion that India-Pakistan can resolve the ongoing Kashmir dispute in one day provided the two sides give up their maximalist positions appears to be little too reflective of inflated optimism. But his habit of putting forward constructive ideas periodically certainly indicates his good intentions and augurs well for future course of action. In order to remove the major hurdles on way to desired peace, it is indeed imperative that the top leadership regularly expresses its determination to attain this coveted goal.

It is not the first time that President Musharraf has suggested a way out of a difficult situation. He has already put forward his four-point formula to resolve the Kashmir dispute. The formula has been repeated many times in various press conferences and talks and interviews with visiting journalists. His often-highlighted formula included the recognition of Kashmir as a dispute, initiation of negotiations, shedding of unacceptable positions or stances and securing a win-win situation for all the involved parties. Not only the international community has firmly recognised Kashmir as the main dispute between India and Pakistan but the two countries have already started a focused dialogue on Kashmir that is reflective of a desire to resolve the dispute.

The third and fourth stages of the formula are indeed the most difficult one. In many ways there exists interdependence between the third and fourth stages. Shedding unacceptable positions and securing win-win situation is not all that easy. Nevertheless one needs to appreciate those efforts to tackle the third and fourth stages are being undertaken. No one is ignoring the difficulties involved or refusing to recognise the existing complexities, but underneath message of these efforts

is that we have to face them, tackle them and resolve the issue in one way or the other.

Both countries have recognised and repeatedly acknowledged that neither party can force a military solution, therefore the only option left is via negotiations. It is also a well-known fact that parties often want to negotiate from a position of strength. The parties involved in a negotiation process often feel comfortable to start negotiation with their maximalist position. Nothing wrong with this practice though it invariably prolongs the process.

What President Musharraf seems to be communicating to the involved parties is that the maximalist positions are impeding progress and therefore it is necessary to consider giving up those positions in order to make the process move forward towards the desired goals? However it must also be highlighted that it is not easy to quickly retreat from often projected positions. Sometimes the internal dynamics make even the well intentioned change rather difficult.

To facilitate the process and to bypass some unnecessarily created hurdles, a positive approach needs to be regularly highlighted. President Musharraf's suggestion to 'identify the region, demilitarise it and change the status' reflects earnest desire and efforts to make the process move forward. If objectively judged, no one is going to dispute the fact that demilitarisation is one of the major hurdles. However it is also important to mention that demilitarization is not easy to attain.

During the early phase of the dispute UN failed to resolve it mainly because it was unable to secure demilitarisation of the disputed state. The 1948 United Nations Security Council (UNSC) resolution consisted of three sections placed in order of priority. The first section



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dealt only with ceasefire and asked the parties involved to agree to a cease-fire. The second section referred to demilitarization and then to proceed to third section that was ascertaining the wishes of people of Jammu Kashmir though a UN super-

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vised plebiscite. The first stage was quickly attained. The second was never attained and third stage of holding of plebiscite was impossible without the attainment of demilitarisation of the state.

In order to secure demilitarisation of state the UN initially disbanded the UNCIP (United Nations Commission on India and Pakistan) and then opted to send a UN representative to the region. The first representative was an Australian Sir Owen Dixon whose main job was to secure the desired level of demilitarisation of state in order to hold plebiscite. Despite his best efforts, he was unable to attain the desired objective. In fact he is even quoted to have commented that he was convinced that an Indian agreement on

demilitarisation could never be obtained.

In his report to the UN, he recommended not only the retention of UN military observers but also urged the UNSC to continue pressing both India and Pakistan to reduce military presence in the dispute state though he appeared somewhat sceptical of UN's ability to force upon India any just solution. Admittedly the UNSC acting on his advice continued the pressure on both India and Pakistan by sending

Jammu and Kashmir by the Indian Constitution gradually accelerated. By the beginning of the 21st Century the Indian military presence in the disputed state had increased to an alarming level. Current situation as described by various sources put the number of Indian security forces more than 700,000.

To secure reduction in the Indian military presence is not going to be easy and quick even if the Indian agree to reduce their forces in principle. A realistic assessment would indeed imply that it would take sometimes. But President Musharraf's remarks need to be read in congruence with the original UN resolutions that were accepted by both India and Pakistan. One of the major problems referred in those resolutions was the issue of demilitarisation. Just as the UN resolutions stated three major stages on road to the resolution, cease fire, demilitarisation and plebiscite, President Musharraf also appears to have stated on similar lines three stages, identify the region, demilitarise it and change its status. There is no doubt that the intention of the President Musharraf appears to be genuine and sincere. It can be easily read in terms of his commitment to peace in the region.

The use of the word 'one day' has unnecessarily been projected by some sections of media. But then media has its own approaches to highlight the significance of such phrases. The employment of phrase that it can be resolved in one day does not mean in literal sense of the word. It actually means that even a complex dispute like the ongoing Kashmir dispute can be resolved within short span of time provided certain conditions are met. One of the major conditions has been specifically mentioned which is that both sides should abandon their maximalist positions.

another representative to secure the demilitarisation.

The second UN representative entrusted with the task of securing demilitarisation of the state was Dr Frank P Graham. Despite his concerted efforts, Dr, Graham was unable to secure an agreement on desired level of demilitarisation. A third UN representative was Gunner Jarring, a Swedish diplomat, who was asked by the UNSC to secure a panacea for demilitarisation of the state but he too was unable to resolve the issue.

Since 1957 the UN efforts gradually began to decline and Indian efforts to erode the special status that was conferred on the state of