

# Kashmir options: an appraisal

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*Kashmir  
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SINCE 1947, the Kashmir dispute has remained at the heart of rivalry between Pakistan and India and a source of festering threat to the stability of the region and maintenance of international peace and security. The dispute sparked two wars between the two countries and cost thousands of Kashmiri lives.<sup>3</sup>

Regrettably, the UN Security Council (UNSC) could not get its own resolutions on Kashmir implemented to resolve the conflict and despite the recognition of the dangers inherent in this situation, Pakistan and India also failed to hammer out a mutually acceptable solution bilaterally as the positions adopted by them for the resolution of the dispute remained inflexible and irreconcilable. The international community, which could have played a helping role in this regard, also remained a passive observer of the situation.

Under the circumstances, there was just one ray of resolving the dispute if the parties concerned showed greater pragmatism and instead of clinging persistently to their stated positions sought a solution to the thorny problem by exploring some other viable means of minimizing their basic differences over it. Despite the fact that both the countries hold diametrically opposite positions on Kashmir, a way forward can be found by showing

asked the Pakistani opinion-makers to suggest realistic ideas for a solution of the Kashmir dispute.

It is believed that the top leadership in Pakistan and India has already reached a tacit understanding to explore various options to resolve the Kashmir imbroglio.

President Musharraf's initiative to hold a public debate in Pakistan on this issue should not, therefore, be misunderstood by New Delhi and should be seen in its correct perspective.

India need not fear that a preconceived blue print would be thrust upon it by Pakistan for the resolution of the dispute. Needless to say, only negotiations and compromise among the parties concerned would ultimately produce solution acceptable to all the three parties. There are no shortcuts to attain this goal.

Various options have been

A number of other arguments can also be made against the conversion of the LoC into a permanent border but the most compelling one is that the predominantly Muslim valley in Kashmir whose inhabitants are fighting for their right to self-determination since 1947, would be retained permanently by India. This could run counter to the aspirations of the Kashmiri Muslims. For this very reason the conversion of the LoC has been classed as the least acceptable option.

iii. Political autonomy: Some Indian and Kashmiri leaders continue to support the devolution of maximum administrative, financial and legislative powers to Srinagar notwithstanding the fact that Article 370 of the Indian constitution granting a special status to the State of Jammu and Kashmir has virtually been rescinded following the strong opposition in India to the

grant of such a status to a state which is claimed to be an integral part of the country. In view of this, the desirability of political autonomy for Kashmir already stands discounted.

iv. Independent Kashmir: The Jammu and Kashmir Liberation Front (JKLF) demands the entire State of Jammu and Kashmir should become independent.

This demand is, however, untenable since the Indian Independence Act of 1947 gave only two options to the princely states of the subcontinent: either join Pakistan or India. There was no third option for these states to claim independence. The demand for independence is unequivocal.

The division of the state which President Musharraf has in mind is not only a viable option to resolve the Kashmir dispute on a permanent basis, but is also in conformity with the very rationale of the partition of the subcontinent in 1947. Incidentally, some Indian opinion makers have also suggested that it may be best for New Delhi to cede the valley to

flexibility if the two sides are indeed keen to address this long-standing problem.

President Musharraf's recent initiative, which raised a range of options to resolve the 57-year old dispute, must be seen in this context.

The president was very explicit that he was not making any proposal out only desired a realistic public debate on various options that could be considered to resolve the Kashmir problem. Yet, certain elements in the country have dubbed his initiative a volte-face on Pakistan's policy on Kashmir, since independence.

The main thrust of their criticism is that by floating his new ideas the president has bypassed the UNSC resolutions, which stipulate that the final disposition of the State of Jammu and Kashmir will take place in accordance with the wishes of its people. It seems that these critics have either read too much into what the president said or have deliberately indulged in polemics rather than substance on an issue of great national importance.

For obvious reasons, the only option for Pakistan would be the one that would be acceptable to the Kashmiri people. In other words, Pakistan would be supporting meaningful self-determination for the Kashmiri people in conformity with the spirit of the UNSC resolutions. By taking his bold initiative the president has showed pragmatism and political acumen. By no stretch of the imagination can an upright approach be construed as an abandonment of the Kashmiri people's right to self-determination as embodied in the UNSC resolutions.

India's official reaction to President Musharraf's initiative was restrained and focused more on the procedure. The spokesman of the Indian external affairs ministry said that the on-going composite dialogue process between the two countries is the only correct forum to raise any such proposals or suggestions since Jammu and Kashmir is one of the subjects of the agenda.

While making this observation, the Indian spokesman evidently overlooked that President Musharraf did not proffer any proposal to India. He merely

## Pakistan and retain the rest of the territory of Jammu and Kashmir.

suggested from time to time for the resolution of the Kashmir problem. The principal among them are enumerated below, briefly discussing the prospects of their acceptability or otherwise by the concerned parties — Pakistan, India and the Kashmiri people. Such an exercise is necessary to evaluate President Musharraf's seemingly innovative and thought-provoking Kashmir formula and to see the chances of their acceptance by the parties concerned or some other viable solutions have to be found.

It may be emphasized, however, that however creative option one may suggest for the settlement of the Kashmir dispute, it could prove a non-starter if the contending parties have no political will to resolve the conflict and fail to show flexibility and the spirit of accommodation needed.

One option is plebiscite. In 1947 both Pakistan and India agreed that the final accession of the State of Jammu and Kashmir to Pakistan or India would be decided by a plebiscite to be held under the auspices of the United Nations. The demand for a plebiscite is, therefore, considered by a large number of people in Pakistan and Kashmir to be the only legal basis for the resolution of the Kashmir dispute. India has, however, rejected this option categorically. As such, to place too much reliance on this option seems to be pointless and only a forlorn hope.

ii. Permanency of the LoC: In 1972, under the Shimla agreement the ceasefire line was renamed the Line of Control (LoC). India, which claims the entire State of Jammu and Kashmir to be its integral part has, however, been prepared to convert the LoC, with minor adjustments, into a permanent soft border with Pakistan permitting free movement between the two sides. Pakistan has consistently refused to accept this suggestion as it would bestow legitimacy to the status quo and also tacitly acknowledge the legality of Kashmir's accession to India in 1947.

cally opposed by Pakistan and India, as both of them would lose territory. It would also encourage sub-national tendencies in their respective countries.

China is also opposed to an independent Kashmir as it may give a boost to Tibet's demand for independence.

v. Condominium: Another option establishing a shared sovereignty by Pakistan and India over the whole or part of Kashmir seems to be a creative proposition. However, the proposed condominium may face endless problems and hurdles. Given the historical mistrust between the two countries, it is hard to believe that Pakistan and India would be able to exercise joint control over the disputed territory that would endure for a significant length of time.

vi. Musharraf's formula: On October 25, President General Pervez Musharraf floated the idea to break he impasse on Kashmir. He identified seven geographical, linguistic or religious entities in the disputed territory and proposed that either the settlement of all these regions could be discussed between Pakistan and India or only one of them, evidently meaning thereby the Kashmir valley. It is reassuring that the political analysts in and outside the country have evinced great interest in the president's initiative and a lively debate on the subject is taking place these days in the media.

As regards President Musharraf's specific proposal, mentioned above, it may be said that out of seven regions identified by him, two are already under the control of Pakistan, namely Azad Kashmir and the Northern Areas, and the remaining five are under the Indian control. The division of the state which President Musharraf has in mind is not only a viable option to resolve the Kashmir dispute on permanent basis, but is also in conformity with the very rationale of the partition of the subcontinent in 1947. Incidentally, some Indian opinion makers have also suggested that it may be best for New Delhi to cede the valley to Pakistan and retain the rest of the territory of Jammu and Kashmir with it.

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