

The Kashmir knot

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One of the cardinal principles of presiding is that the chair remains neutral or at least pretends to be so. Unfortunately, our worthy president gives his opinion first and conducts discussion afterwards.

Nevertheless, it is kind of him to allow the nation to discuss the Kashmir problem under his guidance. The first point to be discussed then is the legitimacy of the president and the COAS to negotiate the solution of the Kashmir knot.

President Musharraf took over the country to become its self-appointed Chief Executive, then he became the un-elected President by holding the notorious referendum. Now he is genuinely an elected president after the 17th amendment to the constitution. But he seems to be on the path of negating his own presidency. He was elected President only by promising to leave the position of COAS by 31 December 2004.

If he does not do so, then he shall cancel his own legitimacy as President. The MMA support for electing General Musharraf as president was conditional and this condition was accepted by the president. So without fulfilling that condition his election becomes null and void. In order to legitimize his position as the President, General Musharraf must leave the office of the COAS.

Only then will he become the legitimate President in accordance with the constitution of Pakistan. The ARD stand against the presidency will not hold any ground and Musharraf can legitimately proceed to negotiate the settlement of the Kashmir problem with India.

Secondly, President Musharraf wants the nation to think of a solution to the Kashmir knot away from the resolutions of the UN Security Council. It is appreciable that he has kept the discussion open, therefore it is expected that he will not try to make it alone.

He must listen to what the independent section of the nation tells him; not what the ruling party, the serving bureaucrats or the serving military brass tell him. He should also be careful of the so called intellectuals who had rejoiced about his earlier utterances on these lines when he made a statement to the effect that he

international agreements cannot be overruled by internal legislation.

An argument goes that our stand has not been given support by the world community. This is no doubt true, but the cause is our consistently poor government and defective foreign policy. In 1962, when our Chinese friends asked us to make use of the then prevailing opportunity and grab Kashmir from India, we slept over it. In fact, we approached the US to prevail upon India to hold a plebiscite in Kashmir. Now, if there is such an opportunity, would the Chinese again suggest such a course of action?

Suppose India goes to the United Nations now and says that in view of the Tashkent and Simla agreements, the Kashmir question should be ousted from the UN agenda. Do we think anybody will support Pakistan? Even our friends will argue that our president himself says that we can talk on Kashmir without UN resolutions – how can they say anything against the Indian move?

Let us be consistent on our principled stand, and there will not be any dearth of support. After all, the leading nations of the world did pass the two Security Council Resolutions in 1948-49.

Unfortunately India thinks that one day it will become so powerful that it will be able to force its decision upon Pakistan as well as upon the population of Kashmir. Maybe they can achieve that hegemonic stature in the distant future, but in that case it will be like a forced marriage. Whenever the people will gain power, they will divorce India. So Pakistan must not become impatient to give up a just and fair provision in the form of the United Nations resolutions.

We can wait for a few more years or many more decades but a just cause must never be abandoned. Sometimes even a weaker country can acquire strength to force a just solution. If the Kashmiris want to join Pakistan, they will join us sooner or later. Giving in to the

Indian obstinacy is certainly not acceptable for a just cause and for universally recognized resolutions.

The Indians also say that they will never agree on a division of Kashmir on religious grounds. Surely it should not be so. The

are the UN Security Council resolutions.

The United Nations Security Council Resolutions are the basis of solving the Kashmir knot due

to many reasons, some of which are mentioned below.

Firstly, the two resolutions were accepted by both Pakistan and India. It is especially important because these resolutions were accepted when the two great founder statesmen of the sub-continent, Jawaharlal Nehru of India and Quaid-I-Azam Mohammad Ali Jinnah, were governing the two newly born states.

Secondly the fact that the contents of the resolutions call for a free and fair plebiscite to determine whether the state of Jammu and Kashmir should join India or Pakistan, is more current today than it was in 1948. The will of the people is being sought even in those places in the world where previously there was no dispute. West Irian has become an independent state after ascertaining the wishes of the population there. Scores of countries that were part of the USSR were liberated in Central Asia and Eastern Europe on this very basis.

Even the USA is trying to ascertain the wishes of the people of Iraq and Afghanistan. Hence this provision of a plebiscite cannot be said to be outdated. Thirdly the Indians often quote the reason that if a plebiscite is held in the State of Jammu and Kashmir, then many other Indian States shall demand a plebiscite and they fear that a Pandora's box will be opened up.

Some Indians even advance the argument that Pakistan also hold plebiscites in the provinces of Sindh and Baluchistan. The answer to both these arguments is simple – that the cases of the other states of India and Pakistan have not been submitted to the UN, so there is no question of holding a plebiscite in such states or provinces.

Fourthly, the Indians are not accepting Kashmir as a dispute. Even when they accept it, they say that the dispute is about Azad Kashmir and the Northern Areas, not for those areas held by India. They claim that the Maharaja of Kashmir opted to join India in 1947. The answer is that the UN resolutions passed afterwards negate all previous claims. Hence the entire state of Jammu and Kashmir is a disputed territory by international standards.

Fifthly there is an argument that the state of Jammu and Kashmir is part of India by virtue of constitutional amendment by the Indian parliament, and that without a constitutional amendment passed by two-thirds majority, this status cannot be changed. The answer is that



majority votes in the entire state of Jammu and Kashmir should decide the fate of the entire state. That is what the UN resolutions say.

Musharraf seems to be in a

hurry to achieve solutions to all problems. We pray he can do so, but he should know as a commander that a lot of hard work is required before undertaking operations. If we just go without preparations then we can meet the fate of our disastrous commando operations in 1965. Working on such problems with consistency is a laudable effort, but solution for the sake of solution is undesirable.

Anybody could have gone to India and solved all issues and problems between us in a few hours by giving in to the Indian demands. We have had all types of rulers in the past, but none changed our principled Kashmir policy. Musharraf is also inclined to take unilateral decisions.

He went to Agra and was about to sign an agreement without the nation knowing anything about it. At that time even the elections had not been held and the Chief Executive could not have taken a decision of such vital magnitude. Now we have a parliament in place, whatever its quality. The President should get endorsement of his proposed line of thinking from a two-thirds majority in the parliament. Or else a national referendum should be held to endorse the changes.

Some Indian intellectuals have expressed the view that they will prefer to deal with Musharraf rather than any elected politician. They too know that here is a man who can take any decision and the dumb Pakistani nation will keep gazing at the sky for divine guidance. President Musharraf is sincere, patriotic and capable, but leaving everything to one person is not advisable. During the last couple of days a new development has eroded the confidence of the nation in a political party, which is a coalition partner of the PML (Q).

The supreme leader of MQM has given a statement in India that if he was around before partition he would not have voted for the creation of Pakistan, or words to that effect. Mr Altaf Hussain's visit to India had the approval of the government of Pakistan. Shall we then conclude that the government holds the same views as Mr Hussain?

If not, then the MQM-PML(Q) coalition has no legitimacy. Their ministers will be more loyal to their party boss than President Musharraf. However if the Government agrees with what its partner's boss has said, then a national discussion should be initiated on this issue, which affects the very foundations of Pakistan.

