

Reversing the tide of history

Kashmir

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The "Dixon Plan" also conceded that some areas were certain to vote for accession to Pakistan and some to India. These should be allocated accordingly, without a vote. Thus, Pakistan was to retain the Northern Areas and Azad Kashmir whereas Laddakh was to be assigned to India. The Plan envisaged a division of Jammu between the two and a plebiscite in the Valley of Kashmir.

Pakistan did not accept this plan on the ground that the future of the entire state was to be determined by a single plebiscite. India agreed to the plan conditionally: i) the area of the state where there is no apparent doubt of the wishes of the people should go to India or Pakistan without a plebiscite; ii) the plebiscite should be limited to those areas where there is doubt as to the result of the voting; iii) the demarcation should have due regard to the geographical features and requirements of an international boundary.

Sir Owen Dixon then proposed another plan involving a partial plebiscite in a limited area, including the Valley of Kashmir and partitioning of the remainder of the state. Both Pakistan and India agreed with this plan but with such conditions which were not acceptable to the other side.

The possibility of "partition-cum-plebiscite" was also raised at the Liaquat-Nehru meeting in New Delhi in July, 1950, in which both sides were

ready to explore ideas beyond their original positions. During this meeting, Sir Owen Dixon reportedly sought to elicit positive response from both sides on partition of the state with a limited plebiscite in the Valley and some specified areas.

In a bilateral context, Bhutto-Swaran Singh talks in 1962-63 were the only high level India-Pakistan negotiations dedicated to exploring "a political solution" of the Kashmir dispute, which, as both sides agreed, was to be "honourable, equitable and final" taking into account the need for: i) delineation of an international boundary in Jammu and Kashmir; and ii) disengagement of the forces of India and Pakistan in and around Kashmir, and the removal of all tensions.

During those talks, Pakistan accepted the partition of the state but urged that territorial division should take into account the composition of the population of the State, control of rivers, requirements of defence and other considerations relevant to the determination of an international boundary and acceptable to the Kashmiri people.

India was also ready to accept the partition of Kashmir while urging that the division should take into account geographic, administrative and other considerations, and that the settlement should involve the least disturbance to the life and welfare of the people.

Both countries also agreed that the settlement should embody, in a solemn declaration, their determination "to live side by side in peace and friendship and to solve all other problems peacefully and to their mutual benefit; and that ways and means should be considered for removing the major irritants between the two countries."

It is important to recall that in their reaction to Sir Owen Dixon's proposals as well as during Bhutto-Swaran Singh

talks, both Pakistan and India were prepared to accept less than their basic positions and a partition plan based on geographic and ethnic lines. /

More recently, the Kashmir Study Group (KSG), a US based think tank under the chairmanship of a Kashmiri businessman, Farooq Kathwari, and with the obvious encouragement of the American establishment, has launched a proposal called 'Kashmir — A Way Forward' for a settlement of the Kashmir dispute. This proposal was also, in essence, based on the "partial plebiscite-cum-partition" concept which India and Pakistan had almost accepted multilaterally (Dixon Plan) and discussed bilaterally (Bhutto-Swaran Singh talks).

The KSG proposal in its original version envisaged partition of Kashmir in three parts: one comprising the Northern Areas and Azad Kashmir to stay with Pakistan and the other consisting of Jammu and Laddakh remaining with India whereas the Valley of Kashmir will be reconstituted, through a plebiscite, as a sovereign entity (but one without an international personality).

Since this proposal came under severe criticism in India, the KSG came forward with a modified version recommending that "a portion of the princely state of Jammu and Kashmir be reconstituted as a sovereign entity (but one without an international personality)....through an internationally supervised ascertainment of the wishes of the Kashmiri people on either side of the Line of Control".

"This ascertainment would follow agreement among India, Pakistan and representatives of the Kashmiri people to move forward with this proposal. The sovereignty of the new entity would be guaranteed by India, Pakistan and appropriate international bodies." "The new entity would

have its own secular, democratic constitution, as well as its own citizenship, flag, and a legislature, which would legislate on all matters other than defence and foreign affairs. India and Pakistan would be responsible for the defence of the Kashmiri entity, which would itself maintain police and gendarme forces for internal law and order purposes. India and Pakistan would be expected to work out financial arrangements for the Kashmiri entity, which could include a currency of its own."

"The borders of Kashmir with India and Pakistan would remain open for the free transit of people, goods, and services in accordance with arrangements to be worked out between India, Pakistan, and the Kashmiri entity.

"While the present Line of Control would remain in place until such time as both India and Pakistan decided to alter it in their mutual interest, both India and Pakistan would demilitarize the area included in the Kashmir entity, except to the extent necessary to maintain logistic support for forces outside the state that could not otherwise be effectively supplied. Neither India nor Pakistan could place troops on the other side of the Line of Control without the permission of the other state."

The KSG proposals have not found any sympathy in India, nor would they be readily acceptable to Pakistan. For tactical reasons, both continue to stick to their long-held declaratory positions and are reluctant to publicly endorse any plan that would be seen as a whitening down of their respective stated positions.

Meanwhile a view has emerged that the Kashmiri people now prefer what is commonly known as third option — independence. Many Kashmiri political leaders only talk of freedom and make no public reference to their

desire for accession to Pakistan. Both Pakistan and India are averse to this option but if the people of Kashmir are the final arbiters of their destiny, their will and choice must remain supreme.

It would be premature for either India or Pakistan to indicate a preference for any of the options available or proposals made or discussed at any level in the past. But if India and Pakistan take a fresh look at the proposals which they discussed at early stages of the dispute under UN-sponsored negotiations or high-level bilateral talks, they could find a common ground to evolve a mutually acceptable road map for a possible solution.

In recent years, India and Pakistan have been claiming "flexibility of approach and sincerity of commitment" in their quest for a peaceful settlement of all outstanding bilateral issues, including the Jammu and Kashmir dispute. They have also been talking of the need to move beyond their respective stated positions and to find a "practical and achievable" solution of the Kashmir issue which would not be based on conversion of the LoC into a permanent international border and which would take into account the legitimate interests of India, Pakistan and the Kashmiri people.

If these are not platitudes and clichés, both countries must start reversing the tide of their adversarial history by mutual consolidation of CBMs, maintenance of an atmosphere free from "violence and terrorism", and substantive progress towards a peaceful settlement of all outstanding problem, including the Jammu and Kashmir issue. The "linkage and simultaneity" of progress in all these areas would be of crucial importance.

The writer is a former foreign secretary.

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described by India was commenced in clear violation of the Indus Waters Treaty. The Sir Creek dispute should never have arisen in view of the unambiguous Rann of Kutch award. This dispute is now holding up India-Pakistan maritime delimitation causing several legal and humanitarian problems.

One thing is clear: beyond the UN resolutions, there is no compact formula or tailor-made solution available for addressing the Kashmir issue. In recent years, a number of options have been publicly talked about at diplomatic and academic levels. These notably include: i) status quo or legitimization of the Line of Control; ii) partition of Kashmir with adjustments across the LoC; iii) plebiscite under the UN auspices; and iv) independence of Kashmir.

There have also been suggestions that in view of the complexities involved, the Kashmir issue may be put on the back burner, while the process of India-Pakistan normalization can move on in all areas, especially trade, tourism, people-to-people contact and friendly exchanges. This cosmetic approach can never work as normalization between India and Pakistan will take place only if the root causes of their conflicts and tensions are eliminated through a peaceful settlement of the outstanding disputes.

Status quo in any form is a non-starter. Foreign Minister Kasuri has rightly said that status quo is part of the problem and not a solution. Plebiscite remains the only viable approach to which both India and Pakistan had committed themselves in terms of the UN Security Council resolutions.

The possibility of partition of the State of Kashmir with adjustments across the LoC has been discussed as a

serious option on many occasions in the past with both India and Pakistan showing conditional amenability.

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desire for accession to Pakistan and India. The option but if the people are the final arbiters of their will and choice must be theirs.

It would be preposterous for India or Pakistan to force any of the proposals made at the level in the past. Pakistan take a firm stand on proposals which they consider the stages of the disputed negotiations. In general talks, they could ground to evolve a viable road map for the future.

In recent years, there have been claims that the approach and settlement "in their quest for a settlement of all our issues, including the Kashmir dispute." The talking of the need for their respective states to find a "practical solution" of the Kashmiri problem is not based on the reality of the situation into a permanent one and which would be legitimate interest and the Kashmiri people.

If these are not the facts, both countries are reversing the tide of their mutual consolidation and progress towards the progress of all our people, including the Kashmiri issue. The "linkage" of progress in all the areas of crucial importance.

The writer is a former

Contributor