

COMMENT

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THE PEACE PROCESS BETWEEN PAKISTAN and India is gaining momentum. There is hope that it will help steer the subcontinent away from confrontation and towards a peaceful settlement of all issues, especially the key issue of Kashmir. A roadmap has been drawn up and the two countries are reporting progress without addressing the most difficult questions about the final resolution of the Kashmir issue.

The only agreement announced so far is that the solution should be to the satisfaction of both countries. Ironically, it is the ostensibly positive development that has caused a great deal of anxiety and frustration among the people of Jammu and Kashmir. The statement is seen as a policy

shift indicating a common Indo-Pak approach that denies the people of Kashmir the status of the principal party to the dispute. The people of Jammu and Kashmir fear that the cherished Indo-Pak amity would be brought about at the cost of their interests and national pride.

A number of Kashmiri opinion makers and activists have expressed grave concern on the issue. Demand for credible Kashmiri representation in the ongoing talks is what today unites Kashmiri groups having conflicting ideologies, ranging from right wing pro-Pakistan religious parties, ultra-nationalists and pro-India secularists.

Of course, at this early stage, the fundamental issue is not immediate inclusion in talks. It is rather setting clear goals and the principles to be followed for the resolution of the problem. No consultation is necessary for now, if India and Pakistan make it clear that they are serious and willing to proceed towards peace and stability in the supreme interest of the people and that they are determined to resolve the Kashmir issue in accordance with the democratic principle of respecting people's right to self-determination. No one can deny that there is no conflict of interest between the people of Kashmir and the peoples of India and Pakistan. India and Pakistan cannot realistically pursue a Kashmir policy at odds with the rights and interests of the people of the subcontinent. They must be guided by a vision to protect and promote the collective interest of the people in the region by upholding the principles of freedom and democracy.

It should be obvious that India and Pakistan have no right to negotiate the future of the people of Kashmir under their respective administration without consulting them. At the same time it must be noted that both India and Pakistan hold a big stake in Kashmir. They have fought three full-scale wars and have been engaged in a proxy war for fifty years. They have sustained huge human and financial losses in pursuit of their Kashmir policies and to maintain their respective *de facto* and *de jure* position. As important stakeholders they have to discuss in depth their claims and reach an understanding. They have the right

to negotiate, surrender, abandon, adjust or modify their respective claims in their best interest. On reaching on a mutual agreement, however, they would have to negotiate with Kashmiris, the inevitable principal party to the dispute without whose consent no decision can be implemented.

It would be unfortunate if in the twenty-first century, India and Pakistan should follow the colonial pattern of decision making and try to determine the future of 1.5 million people without ascertaining their express will. The future of a people cannot be determined solely through back channel diplomacy or bureaucratic exchanges. A universally recognised democratic process is the only trustworthy mechanism to address this complicated issue. For a fair, equitable and permanent solution, the opinion of every single adult Kashmiri must be determined through a free and democratic process.

An important question is who should India and Pakistan be talking to? None of the governments installed by India and Pakistan in the territories administered by them were elected to decide the future of the people of Kashmir. These were elected through questionable processes and with a limited mandate to run the day-to-day administrative affairs. They cannot be trusted to decide the sensitive and complex issue concerning the future of the people.

More than thirty-five groups in different parts of Kashmir today claim the right to represent the people of Kashmir. With regard to political as well as militant organisations in Kashmir, both Pakistan and India have been following a policy of pick and choose. But the policy cannot continue for determining the question of the future of the people. They have to immediately get out of all deals and tell all parties to prove their representative character.

Since 1947, India and Pakistan have held quite rigid and monolithic notions of territorial sovereignty. They are still reluctant to change their traditional positions. But a new functional and pragmatic approach is needed to resolve the issue. Out of the more than a dozen solutions said to be on the table those failing the criteria must be

excluded. The traditional positions — called principled approach by both — can only add to the complications. The policies based on “integral part” and “jugular vein” rhetoric have proved futile. These approaches were taken for the wrong reasons and consequently suggest the wrong solutions. Asking the people of Kashmir to decide between accession to Pakistan and India through a referendum, given the volatile ethno-religious situation in South Asia, might ignite religious sentiments, strengthen religious fundamentalism and lead to the worst massacres in the history of the subcontinent.

An independent-Kashmir solution, commonly known as the Third Option, is a simple and practical solution offering both India and Pakistan honourable exit. It may, however, be unacceptable to both countries for a host of reasons including the fact that it is in conflict with the SAARC agenda. If India and Pakistan are serious about the 2015 agenda of common currency, soft borders and free flow of goods and services an independent Kashmir may not be the most acceptable solution.

Some believe that a united Kashmir under joint India-Pakistan suzerainty may be the most pragmatic and totally satisfactory solution for all parties. A united, democratic Kashmir can provide a foundation to build a greater South Asia. By granting such a status to the Jammu and Kashmir the leaders of India and Pakistan can gain firsthand experience of dealing with the complex issues of free trade, common currency and ultimately a joint defence for the subcontinent. No solution through a universally recognised democratic process would be unacceptable to the people of Kashmir. It should not be unacceptable to India and Pakistan either. There is an opportunity for India and Pakistan to change the destiny of the more than one billion people by resolving this issue once and for all. History will not forgive them if they miss this golden opportunity again.

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