

Kashmir as a barrier and bridge

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In this moment of hope when Indian and Pakistan are showing good degree of readiness to normalise relations, we shouldn't lose our grip on realism. The question of Kashmir has been and continues to be the major source of tension between the two countries. The problem is enmeshed with conflicting theories of Indian and Pakistani states. Pakistan wanted to apply the concept of Muslim majority areas forming its part to the princely state of Kashmir. Such a desire was based on the principles according which the partition of British India was to take place. The princely states had option to accede to either India or Pakistan on the basis of proximity and communal composition of population. India supported by Lord Mountbatten took full advantage of the anomaly in Kashmir. There, the ruler was a Hindu, while over 78 percent of population was Muslim and the state was adjacent both to India and Pakistan. In utter disregard of the wishes of the people of Kashmir, the Maharaja, in dubious circumstances, signed the Instrument of Accession with India. India, however, accepted accession as a provisional measure and committed itself to holding of a plebiscite in Kashmir to determine the final status of the State.

Tragically, notwithstanding such unilateral promises and United Nations resolutions, India began integrating the State of Jammu and Kashmir into the Union after realising that the plebiscite will not go in its favour. Even Article 370 of the Indian Constitution, which was intended to protect internal autonomy of Kashmir, has been "reduced to a husk". Reneging on the pledges to allow Kashmiris the right of self-determination, the rigging of successive elections to place pliant Kashmiri leaders in power and the erosion of autonomy have alienated the Muslim population of Kashmir.

Pakistan has rejected Indian measures to assimilate the Kashmir State and has insisted that India must grant right of self-determination to the people of Kashmir. It believes if such right is granted, and the plebiscite is conducted under the UN or third party auspices, overwhelming majority of Muslims in Kashmir will vote to join Pakistan. This position on plebiscite may change, if and when, India shows flexibility in its own stance. At times, Pakistan has actively supported various groups in Kashmir seeking independence from India, and in doing this, it has gone to war with India on four occasions. But its level of support and level of involvement has varied depending upon the internal situation in Kashmir and the security climate in the region. After the separation of East Pakistan in 1971 and signing of the Simla Agreement with India in 1972, Pakistan preferred to push the issue on the backburner, keeping symbolically alive for domestic political purposes. However, with the eruption of mass movement in the 1990s leading to unrest and insurgency, the issue has caused constant tensions in India-Pakistan relations during the past decade, quite often boiling over into military clashes on the border. And, last year, to the point of a major war.

In the present context, Pakistan sees the

Kashmir uprising against India as a legitimate and popular movement that has developed its own momentum largely in response to coercive and manipulative policies of the central government of India. This view has been confirmed by Indian human rights activists, intellectuals and even by some politicians. A celebrated Indian writer Khushwant Singh argues that India has totally lost the sympathies of Kashmiri Muslims, and that "...if there was a plebiscite, the vote would go heavily against India and in favour of Pakistan."

For the past eleven years, Indian forces have faced one of the toughest and most enduring insurgencies that they are fighting in different parts of the country. Although other

The most important aspect of Indian policy is to neutralise and isolate Pakistan from the Kashmiri resistance. It has been attempting to do so by telling the world leaders that Pakistan is behind the militancy in Kashmir. India has exploited the post-nine-eleven environment to portray Kashmir as just an issue of terrorism, accusing Pakistan of sending fighters across the border

insurgencies in the North-East of India have caused disruption of political process and have kept different outfits of security forces engaged, the insurgency in Kashmir has involved the largest number of Indian army personnel, intelligence agencies and para-military forces. By some estimates, India has continuously deployed over half a million troops in different formations against a relatively small population. Depending on the severity of the crisis, it has been adding more troops.

Unwittingly, India has chosen to deal with what is essentially a political issue with the use of brutal force. There are three assumptions on which India's Kashmir policy has rested. First, the military and security agencies with licence to kill, detain and torture would eventually force the people of Kashmir to accept Indian rule. Such an assumption would defy logic and experience of other similar insurgencies around the world. For India itself eleven years are more than enough to question this assumption. The armed resistance and guerrilla warfare in modern history have symbolised the struggle of the weak against the strong. Many of these struggles have forced the powerful adversaries to ne-

gotiate a political settlement. The states that fight popular insurgencies like the one in Kashmir over time lose moral authority and erode their own ability to maintain effective control over the populations.

The counterinsurgency campaigns that the Indian government has been launching with fresh resolve each time to crush the Kashmiri resistance have de-legitimised its rule and created enormous difficulties in restoring normal political order or re-engaging Kashmiri groups in the political process. Destruction of villages, arbitrary arrests through the application of draconian laws on the pretext of "special circumstances", torture on youth and disappearance of mostly young people without any trace is a sure sign of political defeat and a cause of discontent in the State.

The most important aspect of Indian policy is to neutralise and isolate Pakistan from the Kashmiri resistance. It has been attempting to do so by telling the world leaders that Pakistan is behind the militancy in Kashmir. India has exploited the post-nine-eleven environment to portray Kashmir as just an issue of terrorism, accusing Pakistan of sending fighters across the border. The Indian leaders also assert that Pakistan has no *locus standi* in the Kashmir conflict, which it argues, is an internal matter. Both of these assertions are politically loaded. It is true that a decade long conflict has attracted elements from Pakistan and other countries, but they cannot operate inside the Indian Held Kashmir without local cooperation, and they do not represent the numbers that would engage half a million Indian troops. Resort to violence by either side and murders of civilians for political effects are abhorable crimes.

It is time to recognise by all the three parties — India, Pakistan and the Kashmiri insurgents — that military means have lost efficacy both in settling internal conflicts or interstate disputes. In this regard, the lessons of its own failure in Kashmir should not be lost to India. Kashmir is a central problem between India and Pakistan that has drained economic resources of the two countries and has kept pushing them to the edge of disastrous conflicts. But Kashmir is not just a piece of territory, but full of people with their own dreams and political aspirations, struggling to win their rights. It would be prudent to listen to their voices and find out what they really want. There are three parties to the problem, the Kashmiris, India and Pakistan.

It will be unrealistic even to contemplate leaving Pakistan out of any final settlement of the Kashmir dispute. Pakistan has a historical claim, is an interested party and has tremendous stake in the issue. It will be contrary to the facts of history and prevailing geopolitical realities of the region to claim that any solution would be possible or even work without Pakistan's participation. But another equally important aspect of this realism is that violence and war would be counterproductive to any settlement; a composite, flexible, consistent dialogue with open-mind may transform Kashmir from a barrier to a bridge between India-Pakistan.