

Pakistan's Kashmir Policy

*Lt. Gen. ® Talat Masood**

The conflict over the princely state of Jammu and Kashmir has its origins in 1947 when British India was partitioned into two successor states of India and Pakistan, based on the acceptance of the two nation theory. Muslim majority states under dominion rule were allowed to exercise the right to join either India or Pakistan, but in case of the 565 princely states the decision rested with the rulers. Jammu and Kashmir (J&K), a Muslim majority state with a Hindu ruler geographically lay between the two countries. When in October 1947 an indigenous uprising supported by Pakistan tribesman occurred in J&K, and the freedom fighters were advancing on the then capital Srinagar, India rushed its forces and made the ruler, Maharaja Hari Singh, sign the Instrument of Accession. From the resulting Indo-Pakistan war of 1947-48, Kashmir was divided between Azad Kashmir and the Indian administered Kashmir which constituted nearly two thirds of the state. The Karachi agreement brought the war to an end in July 1949 by creating the cease-fire- line. After the conflict in 1971, the cease fire line was re-designated as the "Line of Control" as specified in the Simla Agreement.

The right of self-determination was promised to the Kashmiris by India and when it decided to take up the matter to the UN, this pledge was reaffirmed by it through two Security Council Resolutions, UNSCR 47 of 1948 and UNSCR 80 of 1950. It was presumed that the control of the state of J&K to India was an interim arrangement and the ultimate fate of the state was to be decided through a free and impartial plebiscite to determine the wishes of the people. India, however, on one pretext or the other, has since reneged on its commitment of holding a plebiscite. India wants total control of the region.

Pakistan's position has been that J&K is disputed territory and India is in unlawful occupation of it and that the right of the people to determine their future on the basis of UN resolutions must be granted to them. Pakistan's claim on Kashmir is based on the states Muslim majority population and its geographic contiguity, the same principle that

* Lt. General Talat Masood served in the Pakistani Army for 39 years, retiring in 1990 as Secretary for Defence Production in the Ministry of Defence.

was applied in the creation of India and Pakistan at the time of independence in 1947.

Regrettably, ever since independence, Kashmir casts a long shadow over the entire region by distorting priorities of the two major countries in terms of development and fighting poverty to diverting resources on defense. It has bedeviled their relations and has been responsible for three wars and two major skirmishes between them. The nuclear-armed protagonists came close to fighting one another as recent as December 2001, when India in response to a terrorist attack on its parliament mobilized its forces on the border. The nuclear factor and intense pressure from the United States and the international community averted a catastrophic outcome.

From a Pakistani perspective Kashmir is the core issue and the root cause of tension with India. It maintains that India is in unlawful occupation of J&K and it is the right of the people of the state to determine their future in accordance with their aspirations. Pakistan has made great sacrifices to pursue a pro active Kashmir policy and its defense and foreign policy is significantly influenced by this attitude.

Pakistan, until recently, steadfastly adhered to the traditional position of promoting the right of the people to determine their future on the basis of the UN resolutions and considered it as an anchor of its Kashmir policy. However, President Musharraf has shown considerable flexibility in his approach towards resolving the Kashmir dispute and proposed several options for consideration. Here, the nuclearization of South Asia, impact of events of 9/11 on the region, demands of globalization and the destabilizing effect on the internal polity for the support to militants were major factors that brought about a change in Pakistan to seek a path of cooperation and engage in a peace process. For India too the consequences have been no less grim, although being a much bigger country with more resources it can mask the real picture. Gross human rights abuses by its security forces to hold Kashmir down detract from the secular and democratic character of India. New Delhi feels that its clout with major powers is sufficiently high to contain any adverse fall out from human right violations. Nonetheless, Kashmir remains a serious barrier to actualization of India's full economic and political potential and is a black spot on its otherwise ascending international image.

External and internal factors led both governments to agree to a "composite dialogue" nearly four years ago. Three rounds of talks covering an agreed basket of subjects ranging from Jammu & Kashmir, peace and security, resolution of Siachen and Sir Creek and economic and cultural issues have been completed. As the fourth round was due to take place in July 2006, an unfortunate terrorist attack on a train near Mumbai killed hundreds of innocent passengers. India, without any concrete evidence blamed certain elements in Pakistan for the incident and

suspended the dialogue process. The impasse was only broken when the President of Pakistan and the Prime Minister of India, meeting on the side-lines of the Havana Non-Aligned summit, decided to resume the composite dialogue and reiterated their commitment to the peace process. It is significant that both leaders also agreed to an institutionalized framework for combating the common threat of terrorism.

Both India and Pakistan in the course of the last three rounds have been able to develop certain conventional and nuclear Confidence Building Measures (CBM's) aimed at regulating the dynamics of their security competition. Some progress has also been made in creating conditions for developing economic and cultural interaction between the two parts of Kashmir. For example, the agreement on a cease fire along the 750 kilometer line of control and Siachen glacier is still holding. A host of CBMs covering travel between the two sides of Kashmir and allowing leaders of the resistance movement (APHC), and other Kashmiri leaders, to travel to Pakistan has had a favorable impact in reducing tensions. Nonetheless, lack of progress on settlement of the Kashmir dispute as well as relatively less difficult issues such as Siachen, Sir Creek and the Baghliar dam remain a major impediment towards normalization of relations between the two countries.

Pakistan is not prepared to accept the status quo as a permanent solution to Kashmir because that is the problem and cannot be the solution. It realizes India's constraints and sensitivities to any major territorial adjustments. As a compromise, "self-governance" has been suggested for Kashmir that would give the state of J&K a special status in the Indian constitution. Islamabad maintains that details of this proposal can be worked out in consultation with the resistance groups, represented by APHC and other elements in J&K and Pakistan. It aims at devolution of maximum administrative, financial and executive powers to the State, while retaining only communications, defense and foreign affairs with India. This could give Kashmiris a sense of participation in running their affairs.

Withdrawal of Indian military from J&K is another major precondition that Pakistan and the APHC is demanding for moving the peace process forward. India so far has been unwilling, as it does not want to loosen its authoritarian grip on the people. Any viable solution to the Kashmir conflict will need to address not only the interests of India and Pakistan but more so of the Kashmiris. Bringing the militants into the political process at some stage would also be necessary for ensuring durable peace.

Meanwhile political, economic and social institutions in the entire territory of J&K should be developed for the benefit of the people. For this, soft borders and easing of visa restrictions is essential. Coordination and linkages between the legislative assemblies of the two parts of

Kashmir will strengthen political ties. Development of common tourism, energy and infrastructural projects accompanied by trading and cultural activities will place the peace process on a sound foundation and bring about an economic regeneration of the region.

There is a justifiable expectation, both among people on both sides of Kashmir and among the people of India and Pakistan, that the two governments would make substantive progress on the resolution of disputes and take effective measures to improve the lives of the people. There is a general awareness of the complexity of the Kashmir problem but given political will it is surely possible to make significant progress in the resolution of the dispute.

Delhi, after 9/11, has exploited the transformed global situation to project the Kashmir problem essentially as terrorist related. For India to keep harping on cross border infiltration and trying to view Kashmir through the prism of terrorism would be a travesty of truth and would keep India away from finding a viable solution to the protracted conflict. This policy may have found resonance in Western capitals and was an expedient measure to keep pressure on Islamabad to stop supporting the Kashmir cause, but has not worked. This is because it fails to address the root cause for the deep alienation of the people, especially those living in the Valley and in Muslim majority districts of Jammu. Here, human suffering is wide spread, gross atrocities are committed by security forces and a large presence of the military and para-military forces approximating 600 000 to 700 000 enforce a coercive regime on the people. This generates a cycle of violence, based on the action- reaction syndrome. In reality, Kashmir represents a live, on going, human problem and even if Pakistan were to totally withdraw and put the question of J&K at the back burner, insurgency will not go away. Just as the insurgency in Palestine would not fade away or the Northern Ireland insurgency would not have ceased until a resolution satisfactory to all major stake holders was found. India's tactics of using the terrorism card has found resonance in the West and it may be used as a tool for political expediency to pressurize Pakistan from supporting the Kashmir cause, but it would not work in the longer term.

There exists also an underlying fear among the Indian establishment that softening of borders in Kashmir and relaxing the overall visa regime between the two countries would open up new linkages between the Indian Muslims and Pakistanis. This, in turn, would revive old ties between the two sides of Kashmir which would strengthen Pakistan's position in the region. This presumption and line of argument does not hold to close scrutiny. On the contrary, continued oppression of Kashmiris and restrictions on their travel could alienate not only the Kashmiris but the Indian Muslims as well.

What is needed is to create a climate of trust and understanding and move forward on the resolution of the dispute so that Kashmir from being the most divisive issue becomes the bridge for future partnership between India and Pakistan.