

# Kashmir policy: an overview

Kashmir

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AS India-Pakistan "composite" dialogue moves ahead, both countries need to build a domestic consensus on their new approach for a "practical and achievable" solution of the Kashmir issue. They also need to identify the likely areas of convergence among the parties concerned, including the people of Kashmir. This is a challenging task which would require a comprehensive review and dispassionate reappraisal of the two countries' Kashmir policies.

The governments in India and Pakistan have kept this issue alive for more than five decades through official and media rhetoric while the people in both countries have been yearning for peace. It is time both sides showed courage and leadership to take their people into confidence on the internal and external costs of their confrontational policies and on the options they now plan to pursue during their on-going "composite" dialogue for a final settlement of the Kashmir issue.

For the past 57 years, South Asia has remained mired in tensions and conflicts. The root cause of these problems is the unresolved Kashmir dispute which has kept India and Pakistan perennially locked in a confrontational mode. Neither Pakistan nor India has gained anything from this environment of endemic hostility.

The two countries have fought wars and continue to pay a heavy price in terms of their compounded socio-economic problems and resultant human suffering. The clash in

1948, the 1965 war, the Kargil crisis, the volatile Line of Control, the recurring skirmishes at the "Working Boundary", frequent war-like military deployments and resultant tensions, and the perceived, ever-present Indian threat to our sovereignty and territorial integrity are all directly related to Kashmir.

In the process, Pakistan has maintained a high level of defence expenditure at the cost of economic and social wellbeing of its people. Our people risk losing out on the march to sustained economic growth if they remain caught in a vicious circle of "conflict and confrontation" with India.

India is suffering too, but the time is on its side. Despite the losses and setbacks caused to its economy by its hegemonic policies and continued hostility to Pakistan, it has managed a place for itself in the world's Big League. The Indian economy is on a steep growth path with a projected yearly increase of over eight per cent. Political stability and the strong democratic dispensation add to India's size, weight and influence on the world political scene.

We, unfortunately, remain beset with too many problems, on both the domestic and external fronts. Our difficulties have been

than 50 per cent) voted in favour of the resolution. The overwhelming majority of member states, including four permanent members of the Security Council (and the self-avowed champions of freedom and democracy), abstained while a large number of countries deliberately absented themselves only because the resolution was viewed largely in the context of India-Pakistan dispute over Kashmir. The message from the international community was loud and clear: expediencies, not principles, are the norm in today's world.

Even the Islamic countries pay no more than lip service to the Kashmiri cause and that too only reluctantly in OIC forums. Otherwise, they are as indifferent as practically the rest of the world. The Arab countries, in particular, are too preoccupied with their own political and economic survival to identify themselves with the problems of the Ummah.

The US position on Kashmir has always been ambivalent and evasive of any role against India's wishes. It recognizes the dis-

in the UN Security Council till the late fifties. The Indian complaint was filed under Chapter VI of the UN Charter and not under Chapter VII, which requires mandatory enforcement of the UN Security Council's decisions. The UN Security Council adopted several resolutions calling for the question of the accession of the State of Jammu and Kashmir to India or Pakistan to be decided by its people through a free and impartial plebiscite under the auspices of the United Nations.

In time, this dispute and the UN's involvement in its solution got embroiled in the cold war politics and the Russian vetoes killed any further prospects of useful consideration by the UN Security Council. Even in the post-cold war era, Russia's unstinted loyalty to India and the international community's total apathy, especially the indifference of the major powers, the P5s, have prevented us from taking the issue back to the UN.

During my years as Pakistan's permanent representative to the UN (2000-2002), I knocked at the door of the Security Council every month in my meetings with its rotating presidents to test the world's "conscience", but the power politics within the Council blocked any formal discussion on the Kashmir issue or on the Security Council's unimplemented resolutions on this issue.

Our people need to understand that none of the UN Security Council resolutions on Kashmir was adopted under Chapter VII of the UN Charter. There is no mandatory enforceability of those decisions, now reduced merely to be part of UN's voluminous archives. Their moral weight is almost inconsequential. In any case, in today's world, the UN is left with no authority or credibility.

There is no prospect of India agreeing to give up

Kashmir through any UN-sponsored process or even under any bilateral arrangement. It should also be more than evident now that there is no military solution to the Kashmir dispute. Wars and violent means have only aggravated the situation.

Over the years, we have also tried the bilateral track in pursuit of a negotiated settlement. Our efforts, however, could not move beyond rhetoric. In the early sixties, unfruitful bilateral negotiations took place at the level of foreign ministers. After the 1965 war and in the post-1971 period, internal problems in Pakistan kept us focused domestically.

The Simla Agreement, which closed a tragic chapter of Pakistan's history, generated its own dynamics which India continues to assert as an instrument of its own version of bilateralism in its relations with Pakistan.

In order to put an end to their "conflict and confrontation" and to establish durable peace in the subcontinent, the two countries, at their post-1971 debacle summit meeting in Shimla in 1972, agreed "to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means

Moral dilemmas aside, time has come for us to weigh the infinite cost of our traditional Kashmir policy not only for Pakistan but also for the Kashmiri people who continue to suffer most as a result of their uncertain future and the spate of violence. While the Kashmir dispute has been at the centre of all our diplomatic exertions, the world at large has developed a fatigue and a lack of patience on this issue. Sympathy may be in evidence on the human rights front but nobody is willing to even suggest to India to show reason and deliver on its commitments.

pute and declares that it should be settled in accordance with the wishes of the Kashmiri people, without any reference to the partition formula of 1947 or the UN resolutions. This would appear to strengthen the view that Washington perceives the people of Kashmir to be in favour of independence. The Kashmiri diaspora, particularly the vocal Kashmiri lobbies in the US and the UK, tacitly endorse the "third option" which calls for an independent Kashmir. Alternatively, within the US, Kashmir is seen as a very complex problem with legitimization of the status quo as the only viable solution. This is also the Indian preference.

Our friends, such as China, have been advising us to focus more on our country's economic development and regional stability and to put Kashmir on the back-burner until better times.

If anything, our nuclear capability limits our options on Kashmir. We must refrain from any new adventure in Kashmir. It would be a mistake to again cross the threshold of Indian tolerance which has lowered since Kargil and as a result of western support and sympathy for India.

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India is suffering too, but the time is on its side. Despite the losses and setbacks caused to its economy by its hegemonic policies and continued hostility to Pakistan, it has managed a place for itself in the world's Big League. The Indian economy is on a steep growth path with a projected yearly increase of over eight per cent. Political stability and the strong democratic dispensation add to India's size, weight and influence on the world political scene.

We, unfortunately, remain beset with too many problems, on both the domestic and external fronts. Our difficulties have been exacerbated by decades of political instability, economic stagnation and social malaise.

For us, Kashmir has been a national cause which we have faithfully espoused since our independence. Moral dilemmas aside, time has come for us to weigh the infinite cost of our traditional Kashmir policy not only for Pakistan but also for the Kashmiri people who continue to suffer the most as a result of their uncertain future and the spate of violence and repression to which they have been subjected all these years.

While the Kashmir dispute has been at the centre of all our diplomatic exertions, the world at large has developed a fatigue and a lack of patience on this issue. Sympathy may be in evidence on the human rights front but nobody is willing to even suggest to India to show reason and deliver on its commitments on the right of self-determination of the Kashmiri people.

This apathy found a resounding, albeit shocking, expression at the UN in November 2003 when a traditional resolution on the universal principle of the right of self-determination which we had been presenting in the UN General Assembly for more than a decade and which had always been adopted through consensus without a vote, was subjected to a humiliating vote called by India.

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Afghanistan and militancy in Kashmir have given us the ominous "Jihadi culture" making Pakistan the hot-bed of "extremism and obscurantism." The so-called Jihadi organizations, launched in the name of Islam and "liberation of Kashmir" have not only misrepresented Islam and its values but has also discredited Pakistan and the Kashmir cause.

Over the years, the Kashmiris' attitude has also evolved in a particular manner. Existence under the yoke of Indian subjugation and a half century's repressive and violent environment and a life of deprivation, mayhem and misery has bred bitterness and cynicism. Many of them feel and openly say that both Pakistan and India have used the Kashmir issue to advance their own strategic and political interests.

Our Kashmir policy since the beginning of the dispute has gone through various phases. One constant, however, never changed: our total commitment to the cardinal principle of self-determination enshrined in the UN Charter. No government, elected or non-elected, ever deviated from this fundamental policy which was rooted in the UN Security Council resolutions adopted on the question of Kashmir.

The Kashmir issue was taken to the UN by India in January, 1948 and remained active

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In order to put an end to their "conflict and confrontation" and to establish durable peace in the subcontinent, the two countries, at their post-1971 debacle summit meeting in Shimla in 1972, agreed "to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them." They also agreed that pending a final settlement of any of the problems between the two countries, neither side was to "unilaterally alter the situation" and both were to "prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peace and harmonious relations."

In its essence, therefore, the Shimla Agreement, if followed faithfully, binds India and Pakistan to reach a final settlement of the Kashmir dispute through peaceful means. Any reference to this agreement in conjunction with the "principles and purposes of the Charter of the United Nations" would also underscore the commitment of the two countries to settle the Kashmir dispute in accordance with the wishes of the Kashmiri people as upheld by the relevant UN Security Council resolutions.

Kashmir remained on the back-burner during the eighties on account of our preoccupation with the Afghan war. President Ziaul Haq gave a fair chance to the Indian approach of "bilateralism and normalization first." His visits to Delhi and cricket diplomacy, and subsequently Rajiv Gandhi's visit to Islamabad failed to produce any tangible results.

**To be concluded**

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