

Unfreezing the Kashmir Issue

(Mahbub ul Haq)

Recently, I presented a concrete proposal to unfreeze the Kashmir issue and a realistic strategy for making step by step progress on this long-standing dispute. There was a great deal of agitated discussion throughout the country on this proposal. Since the issue is a vital one, I consider it necessary to explain my proposal in some detail in the hope that it would stimulate a constructive debate.

Let me make it clear that I fully endorse Pakistan's principled stand on Kashmir :

First, I do endorse that the Kashmir issue should eventually be settled through ascertaining the wishes of the Kashmiri people through a fair and impartial plebiscite held under the auspices of the United Nations.

Second, I am personally confident that whenever Kashmiris get a chance to cast their ballots in such a plebiscite, they will choose accession with Pakistan since many historical, cultural and ideological ties bind them with us and we have consistently supported them in their struggle.

Third, I have strongly condemned India's violations of human rights in Kashmir and will continue to do so.

The real issue is not a difference on basic policies but on concrete strategy and tactics. We need to adopt a specific strategy to take the Kashmir issue out of the international cold storage in which it has been confined now for a fairly long time.

There were four elements in my concrete proposal :

First, both India and Pakistan should withdraw their forces out of Kashmir towards a defined border belt as an initial step towards complete demilitarisation of Kashmir.

Second, border should be completely opened between the two parts of Kashmir to end the artificial Line of Control and to enable Kashmiris to live together in peace.

Third, the administrative machinery should be transferred to the full control of the Kashmiris through a programme of self-governance in a step-by-step process. For a temporary period (say, next ten years), Kashmir should be put under the trusteeship of the United Nations.

Fourth, after this temporary period of trusteeship, a plebiscite should be held under the supervision of the United Nations to determine whether Kashmiris want to have an accession with Pakistan, or with India or to remain independent.

My proposal is several steps ahead of the UN resolutions, not behind them. It adapts UN resolutions to current realities. The Security Council had approved in April 1948 a resolution (no.S/726) to lay down a procedure for holding the plebiscite. The procedure, which was accepted by both India and Pakistan, was as follows :

First, the United Nations will appoint a Plebiscite Administrator to conduct free and fair elections in the Jammu and Kashmir State to ascertain the wishes of the people whether they want accession to Pakistan or India.

Second, both countries will withdraw their military forces from Kashmir but India will be allowed to keep a minimum level of forces in the whole of Kashmir consistent with the requirements of law and order.

Third, the administrative machinery will be transferred to the hands of the Indian government in the entire state before the plebiscite is conducted.

This procedure was laid down and agreed at a time when Azad Kashmir did not exist nor did the current Kashmiri movement for the liberation of Kashmir. It is absolutely essential to modify this resolution in the light of current realities. How can we accept that all Pakistani forces should withdraw from Kashmir and Indian forces and administrative machinery allowed to take over the whole of Kashmir (including Azad Kashmir and Northern Areas), even for a temporary period, before plebiscite is held? If trusteeship is needed to hold a plebiscite, the UN trusteeship should be far more acceptable than Indian "trusteeship". And the UN trusteeship should not mean that Kashmir is being handed over to the UN control : instead, it should be handed over to Kashmiris for self-governance.

Let us now turn to the basic issue : why should we accept such a step by step process? Why not force, or persuade, India to accept a plebiscite immediately in strict accordance with the UN resolution?

My own observation is that such long-standing disputes do not get settled in one big jump. Recent history offers several examples. For example, Yasir Arafat has been fully committed to the freedom struggle for Palestine and has certainly made enormous sacrifices for it. In 1979, President Jimmy Carter offered him a compromise deal at Camp David for a limited autonomy for Palestine in the West Bank territories, without Jerusalem, which Yasir Arafat rejected as too inadequate. Let us not forget that at that time most of the Jewish settlements had not yet been built. After another 15 years, after tremendous loss of life, and after Jewish settlements had come up all over the West Bank, Yasir Arafat had to finally accept the dictates of Realpolitik and start a step by step process with minimum of self-governance in only Ghaza and Jericho. Already, we can see

the dim outlines of an independent Palestinian State in the whole of the West Bank - and the day is not far off now when the issue of Jerusalem will have to be settled as well. Take another example. If China wanted to take over Hong Kong, it could have managed to do so in one fell swoop (unlike Pakistan's position vis-a-vis India in Kashmir). But, in 1982, China agreed to settle on a pragmatic, step by step transfer of Hong Kong in 1997, over a period of 15 years, during which it was left under the "trusteeship" of Britain. Yet another recent example : in 1979, Panama's nationalists agitated for the immediate transfer of Panama Canal to Panamanian jurisdiction from American jurisdiction. Otherwise, they threatened to blow it up. It was finally agreed that Panama Canal will be transferred back to Panama's control but only in 1999, after a "trusteeship" under the U.S. for another 20 years. Normally, a step by step process appears to be long and unacceptable but, with the passage of time, many complicated issues near a solution. For settling such issues, a dispassionate strategy is needed, not passionate speeches. For 50 years now, the Kashmir issue lies in an international cold storage. It is essential to unfreeze it through a step by step practical strategy.

Another question, of course, is why India should accept such a strategy. No one can answer this question with confidence at this stage. But it is the heart of any successful strategy that the opponent be given an honourable and face-saving way out of a dilemma. India is caught at present in a political, economic and moral swamp in Kashmir. India has not been able to defeat or dent the spirit of freedom in Kashmir. India is suffering a very costly erosion of its international image and a major blow to its secular pretensions at home. It will be convenient for India to hide behind the strategy of a step by step process to transfer greater autonomy to the Kashmiris. Time settles most issues, so long a process is started first. In any case, an overwhelming international environment and consensus can be gradually built up in favour of self-governance for Kashmiris which may make it easier for India to concede such a demand.

Now, let us come to the "third option". Since there is a great deal of agitated discussion in the country on the issue of the "third option", let me make my own point of view abundantly clear. In my view, Kashmiri people have already rejected the "second option"- accession to India. Even if such an option is offered several times on the ballot paper in a free and fair plebiscite, most Kashmiri voters will reject it except Hindus living in Kashmir or some Buddhists in Ladakh. So far as the "first option" - accession to Pakistan - is concerned, Azad Kashmir voters (who constitute 30 - 35% of the total vote) can hardly think of any other option. Similarly, Kashmir refugees living in Pakistan (constituting 5 - 7% of the total vote) are likely to prefer the first option. So far as the terrorised Muslims of occupied Kashmir are concerned, it is a fair assumption that at least a majority of them will cast their lot with Pakistan. That is why I am personally convinced that, unless we in Pakistan commit some major blunder, the clear verdict in a plebiscite will be in favour of Pakistan - irrespective of whether the ballot paper has two options, or three, or four or ten. That is why I strongly believe that we should not be frightened by any number of options. It is India that should worry about such options, not Pakistan.

Then, why add a "third option" to the ballot paper? The purpose is clear. We must present the Kashmir issue in an entirely different light in the international community and create a new consensus on self-determination and self-governance, which is the accepted norm these days. Unfortunately, after a passage of 50 years, the Kashmir issue is still viewed as a territorial dispute between India and Pakistan, rather than as a human problem where 10 million people are being denied the right to determine their own fate. We must put the spotlight back on the right of self-determination of the Kashmiris and we cannot do that unless we add the possibility of an independent Kashmir to the ballot paper. If we keep presenting the Kashmir issue as a bilateral dispute between India and Pakistan - with only two options for Kashmiris, either to join Pakistan or India - we will not be able to mobilise much international support in the world of today. Nor will the human issue in Kashmir attract the sympathy and support it richly deserves.

There are two more reasons for presenting the third option. One, this offers India a face-saving way out of their present mess. Two, it is consistent with the dictates of justice. What logic is there in suggesting that we want Kashmiris to decide their own fate in a fair and free plebiscite, but we shall break their necks if they do not choose either Pakistan or India? And what kind of justice is this that Kashmiris sacrifice their very lives to win their freedom but India and Pakistan insist that only they can determine the options Kashmiris can exercise, not Kashmiris themselves?

Before there is another excited debate on the third option throughout the country, let me quote some pertinent remarks made by the Quaid-e-Azam Muhammad Ali Jinnah on 17 June 1947. He said : "The (second) question that is engaging the attention of the Muslims of Kashmir is whether Kashmir is going to join the Constituent Assembly of Pakistan. I have already made it clear that the Indian States are free to join either the Pakistan Constituent Assembly or the Hindustan Constituent Assembly or remain independent (italics added). I have no doubt that the Maharaja and the Kashmir Government will give their closest attention and consideration to this matter and realize the interests not only of the Ruler but also of his people. We have made it clear that we are not going to coerce, intimidate or put any pressure on any State making its choice. But those States who wish to join the Pakistan Constituent Assembly will find us ready and willing to negotiate with them agreement for the mutual advantage of both. Those who wish to declare their complete independence may be beneficial for both and secure mutual and reciprocal interest". (source : Speeches and Statements as Governor General of Pakistan, 1947-48, published by the Government of Pakistan, p.24). Some sharp observers will point out that the Quaid-e-Azam made this statement before the 1948 UN resolutions, which arbitrated the conflict in Kashmir. They will argue that if we try to alter even one word in the UN resolutions, it will cut the very moorings from under the Pakistan's principled stand on Kashmir. I beg to disagree. UN resolutions have always been reinterpreted with the passage of time - whether on Palestine, Cyprus or South Africa. Nothing remains static. I just mentioned resolution no.S/726 passed by the Security Council in April 1948, which lays down a plebiscite procedure : surely, this procedure would be totally unacceptable to Pakistan today. What is important is to stick

to the real essence of the resolutions but readjust the strategy. The real essence lies in respecting the right of self-determination of the Kashmiris. The tactics can always change. The options can always be re-examined. This is not an act to weaken the resolutions but to implement them in a more acceptable and pragmatic fashion.

Finally, let us turn to the oft-expressed fear that if Kashmir opts to be an independent state, it will become a base for the "nefarious" designs of America. To be honest, I have never heard a more ridiculous argument in my life. If we somehow convince ourselves that America is dying to use Kashmir as its base, then its best option should be to seek Kashmir's accession with Pakistan. I keep reading in our national papers every day from our respected journalists that Pakistan has served American interests better than any other country. Today, both the government and the opposition seem to seek American blessings for their very stay in power or to get back in power. Is America really mad that it should leave "a true and trusted ally" and cast its lot with an untested ally in an independent Kashmir? And is not such a doubt about independent Kashmir a great insult to the integrity and honour of Kashmiris? How dare we say that while Kashmiris are under Indian subjugation, they are willing to fight and die for their freedom, but as soon as they are independent they will sell themselves to the Americans?

Let me just add at the end that, whenever a long-standing dispute has to be settled, the only viable strategy is a step by step process. We need to discuss a practical strategy to unfreeze the Kashmir issue and eventually to create a new environment of detente between Pakistan and India so that both of them can start investing in their people rather than in the acquisition of ever more modern weapons. We need to discuss such a practical strategy in a cool, dispassionate national debate, without rushing to assassinate the character of any one who dares offer a new proposal.

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