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Kashmir: the Deepening Scars

Ayesha Jalal

In 1990 I had concluded an article on Kashmir with the hope that a season must eventually come when the pure white of Kashmir is not stained with the blood of another young generation. That essay, written during the first year of the continuing popularly backed insurgency, had articulated a proposal for a just peace based on the idea of a sovereignty association and the dialectic of power and principle. It had been offered as an evocation of opportunity for a grand historic compromise on the subcontinent's most divisive issue. I had recognised then that it would not immediately melt the frozen postures in New Delhi's and Islamabad's corridors of power. Nine bitter winters have since past. Kashmiris have perished in their tens of thousands, and many more rendered homeless. The presence of over 700,000 Indian security troops in the state, one of the largest such concentration of forces in proportion to population in the world today, is intended to serve as a reality check for anyone nurturing dreams of Kashmiri self determination outside the purview of New Delhi. Pakistan has always rejected the Indian claim to Kashmir. Since the nuclear tests conducted by India and Pakistan in May 1998, the Kashmir dispute between has become more intractable than ever. Vague attempts at burying the hatchet and opening up their borders for trade and cultural exchange, notwithstanding, the two arch-rivals have been locked in a bitter war of words which exploded into a deadly standoff in the Kargil heights of Kashmir during the summer of 1999. The military takeover in Pakistan has provided India with the pretext suspending all government to government dialogue which, given the torrid history of relations between the two countries, amounts to a virtual break in diplomatic relations. With the sinews of a devastating war hovering over the subcontinent, it is now more urgent than ever for the subcontinent's civil societies and scholarly communities to come together in the quest for a just peace. The intransigent official attitude of the existing juridical states threatens to ensure that, even if all out war is avoided by India and Pakistan, when the snow melts this season only blood, mostly innocent blood, will flow. If we want peace, and not simply the peace of the graveyard, the obsessive dimension in state sponsored nationalisms, whether of the Indian or the Pakistani variety, must be exorcised. The focus has to be on human beings, not territory. In the specific context of Kashmir one has to concede to its people the elementary right to choose whether to form a union at all, and if so with whom. It will not do to pretend that this right has been exercised in accordance with any known principle of self-determination. India's and Pakistan's clashing sovereign claims on Kashmir cannot detract from the aspirations of its people or the deepening alienation that has fueled their response in the face of massive deployment of military force.

Any idea of sovereignty which gives short shrift to the will of the people is a sheer travesty. If it is to be a living principle rather than a precious artifact stored away in the museum of post-war international relations, sovereignty will have to reconceptualized and reformulated to take account of shifting popular perspectives at the social base. These have been at fundamental variance with state sponsored views of monolithic and indivisible sovereignty, not only in Kashmir but in many other parts of the world. Stoic resistance to popular conceptions of

sovereignty may continue to win endorsement in international fora, but cannot be projected as a legitimate mode of internal social and political control. It is a measure of the intellectual bankruptcy of the academic and political debate on Kashmir that an abstract notion of sovereignty is being allowed to obstruct discussion and concerted action against concrete evidence of gross human rights violations. To acknowledge the problem in its human dimension does not mean becoming *parti pris*, much less a traitor to one's country. It is time that the community of international scholars and students reevaluate their attachment to a notion of sovereignty which enables nation-states to perpetrate violence with impunity. The current situation in Kashmir and the tortured history of the problem calls for a bold and dispassionate vision, one that tests our common humanity more than our distinctive nationality.

It is tragic that a region with a long history of working out creative political arrangements based on layers of sovereignty, a region which gave rise to the humanistic and peaceful message of a Mohandas Gandhi, a region whose recent history furnishes ample evidence of the very grave consequences of a collapse of political will, should today have declared sovereignty a non-negotiable issue to be enforced and sustained through a reign of violence and counter-violence. If that is indeed the consensus, then no useful purpose will be served in carrying out discussions on Kashmir. Let the nation-states of India and Pakistan score debating points against each other, let their bullets fell the lives of men, women and children, let us all take leave of our conscience and go home to silently observe the enactment of yet another human horror in the making. If this is the price for loyalty to our respective countries of origin, we may as well abandon any pretense of intellectual honesty or a common humanity. In invoking my fundamental right to free expression on the Kashmir problem I am not unaware of the possibility of ruffling official and not so official feathers on both sides of the historic divide of 1947. But a close study of the Kashmir problem leaves me with no option except to rearticulate the line that the principle of self-determination far from being dead is a live issue and can no longer be seen as precluding independence and reunion between the two Kashmirs. Rejected as the 'third option' by both India and Pakistan, the idea is not nearly as off the wall as might appear at first sight.

The independence option for Kashmir was first raised as early as 1948. This was when India quite as much as Pakistan paid lip service to the principle of self-determination for Kashmiris. We all know that the promise of a plebiscite, first made by Jawaharlal Nehru himself, was later retracted by India on grounds of Pakistan's occupation of Azad Kashmir. It was clear to some of the more astute members of the international diplomatic community that so long as India and Pakistan had a stake in the results of the plebiscite, the issue of demilitarization and the nature of the plebiscite administration would remain irresolvable. So it was suggested that the plebiscite should not be confined to a choice between accession to India or Pakistan. Instead the people of Kashmir ought to be given the option of independence. Far from being the weak underbelly of subcontinental defence, the security of an independent Kashmir would be guaranteed by the two major regional states and provide a much needed common bond for the development of Indo-Pakistan relations in other spheres. Some went so far as to propose an Asian counterpart of Benelux countries in the form of a KEBIPAK consisting of four independent sovereign component states, Kashmir, East Bengal, India and Pakistan, to be forged by an agreement on joint defence and economic union. About the same time there were hints that Sardar Vallabhbhai Patel, a 'supreme realist', might be contemplating a deal with Pakistan over East Bengal and Kashmir, minus Jammu, not so much as a straight exchange but by way of 'a grant of guaranteed independence, which would allow these areas to come within the sphere of

influence' of India and Pakistan respectively. These ideas stemmed from a growing recognition of the enormous waste of scarce economic resources of the two states on defence.

It is worth mentioning that in 1948 Nehru was not at all averse to an independent Kashmir. Despite Mohammad Ali Jinnah's initial support for an independent Kashmir, Pakistani officialdom scoffed at the idea since it would almost certainly be under the control of Sheikh Abdullah. But the more important reason why the idea was shelved were British and American fears at the height of the cold war era that an independent Kashmir would be fertile ground for Soviet infiltration into the subcontinent. When the idea was partially revived in 1953-54 it was the Soviet Union's turn to see it as an Anglo-American conspiracy to acquire bases in this strategically important part of the subcontinent.

With the end of the cold war scholars and decision-makers the world over are in the process of either discarding or upgrading their analytical equipment. The predominant mood in a rapidly changing international system has singularly failed to affect hardened policy-makers in New Delhi and Islamabad. India which has won so much for so little is understandably opposed to the idea of Kashmiri self-determination, much less independence. Having achieved so little for so much, Pakistan is myopically unprepared to forgo its claims to the whole of Kashmir. And so the chilling stalemate continues, extracting an unacceptably heavy toll of human lives in Kashmir. How many more seasons have to come and go, how many more rivers of blood have to flow, before two exasperatingly unimaginative states shake their congenital rivalry and emerge from the blissful slumber of eternal adolescence? The time has long past when the decolonization of the concept of monolithic sovereignty and the corresponding idioms of a singular and inclusionary nationalism which has stunted creative thinking and been such a dead-weight on subcontinental minds could safely await India and Pakistan's coming of age.