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Kashmir Scars: A Terrible Beauty is Torn

Ayesha Jalal

A glistening prize, a tantalizing dream, a festering sore - Kashmir is the fairy tale that tortures the South Asian psyche. 'Like some supremely beautiful woman, whose beauty is almost impersonal and above human desire...Kashmir in all its feminine beauty...seemed...dreamlike and unreal, like the hopes and desires that fill us and so seldom find fulfillment', wrote Pandit Jawaharlal Nehru in 1940, after a twenty three year absence from his ancestral land. Nehru likened Kashmir to the 'face of the beloved that one sees in a dream and that fades away on awakening'. Instead of fading, however, the object of unrequited love was to become his obsession.

Another enchanted suitor – Pakistan - tried to lure Kashmir with better religious credentials for an arranged marriage. Tribal and biraderi (patrilineal kinship group) ties appeared to strengthen the religious bond and for a fleeting moment Pakistan nearly succeeded in snatching the prize from the grasp of the besotted Brahman. But religious and familial emotions were no match for the persevering Pandit, especially once he abandoned poetics for military theatrics. In 1949, after a war, about a third of the territory became Azad Kashmir, or Pakistan-occupied Kashmir. The rest remained Jammu and Kashmir, or India-occupied Kashmir.

Seeing the beloved in the infidel's embrace sparked off a psychic conflagration in Pakistan. Without the “k,” meant to stand for Kashmir when the name was coined, PAISTAN (pronounced Pious tan - the land of the holy) was not quite Pakistan (the land of the pure). Undoing the unholy union became a matter of life and death. But it entailed more death than life, since the infidel's iron grip was much stronger than all the sophisticated armory the forlorn suitor could buy. And so the loss of Kashmir continued to rankle, erupting into two more short bloody wars, in 1965 and 1971, until observers of the spectacle separated the antagonists.

Whatever psychological, physical and political scars India and Pakistan have suffered over Kashmir, it is Kashmir that has invariably suffered more. Since January there has been a full-scale and popularly backed insurgency in the Valley. New Delhi's charges of Pakistani complicity notwithstanding, Kashmiris in masses are openly demanding secession from the Indian union. The current nightmare stems from the long-standing denial of self-determination, of the elementary right to choose whether to form a union at all, and if so with whom. The demand is being articulated variously by more than thirty groups – ranging from the Jammu and Kashmir Liberation Front's call for a secular and sovereign Kashmir to the fundamentalist' cry for an Islamic state closely aligned with Pakistan.

For this reason, the obsessive dimension in Indian and Pakistani attitudes towards Kashmir must be exorcised. The focus must be on Kashmir and its people. The challenge, and it is a formidable one, is to reconcile the principle of self-determination with the realities of

regional power. If this challenge is not addressed urgently, the subcontinent and the world may well be plunged into a nuclear crisis.

Neither India nor Pakistan explicitly denies the principle of self-determination for Kashmiris. The conflict springs from different interpretations of the principle. Under the terms of the British transfer of power in 1947, Kashmir had to choose, like the other 500-odd princely states, between the two dominions. Independence was not an option. In the wake of Muslim tribal incursions from the northwest frontier (which was surreptitiously abetted by Pakistan), Kashmir's Hindu maharajah, Hari Singh, decided to cast his lot with the predominantly Hindu Indian union. United Nations resolutions in 1948 and 1957 called for a plebiscite in Kashmir on the basis of the same principle. So both India and Pakistan have argued that there was never a third formal alternative of a sovereign and independent Kashmir. There have been unofficial hints that Pakistan now may be willing to consider an independent Kashmir, but they have been contradicted by Prime Minister Benazir Bhutto. India remains emphatically opposed to the idea, on both legal and pragmatic grounds.

In fact, India has stolidly refused to countenance any arguments questioning the legality of Kashmir's accession. Yet its legality has never been accepted by Pakistan. More to the point, it was seen as provisional by the Lion of Kashmir, Sheikh Abdullah, who was the most influential of Kashmiri leaders from pre-independence days until his death in 1982. (The Sheikh oscillated during his long career between demanding Kashmiri independence and accepting an autonomous status for Kashmir within the Indian union.) Pakistan's claim on Kashmir on grounds of a common religious bond may be rejected for being *parti pris*. In any case, there has never been a neat equation between Kashmiri nationalism and the Islamic aspirations of the 3.3 million Muslims residing in the Valley; a sense of Kashmiri identity based on language, culture and the environment has been as strong, if not stronger, than the ties of religious affiliation. The fact that it was Nehru himself who first proposed the idea of a plebiscite in November 1947, enabling Kashmiris to exercise their right to self-determination, lends credence to the notion that accession was provisional.

India's retort is well known. Pakistan's subsequent occupation of Azad Kashmir altered everything, leaving Nehru with no choice but to retract from his position on a plebiscite. But this retort overlooks a small detail: Nehru's promise to the Kashmiris was not contingent on Pakistan displaying good neighborly behavior.

Three different arguments have been aired against satisfying Kashmiri demands for self-determination. First and most extreme, there is the view that by acceding to India, Kashmiris have become a sub-national group, and so their claims of self-determination cannot be given the same weight as those of subject populations under colonial rule. In other words, the principle of self-determination does not have universal applicability; to invoke it unreservedly is to pave the way for outright international anarchy. Gorbachev would endorse such a formulation wholeheartedly. Unfortunately for New Delhi and Moscow, neither the Kashmiris nor the Lithuanians agree that colonialism is at an end.

Then there is the argument that Kashmiris have exercised their right to 'self-determination' by voting in four general elections. But these elections were to elect members of

the state legislature within the framework of the Indian union, and even these elections, especially those of 1987, have never been free or fair.

The more moderate view is that it is too late to question the legality of Kashmir's accession to India. The only realistic solution is to give Kashmir greater autonomy based on an overall revision of federal and state relations in India. But the Hindu fundamentalist Bharatiya Janata Party has been calling for the revocation of Article 370 - the symbol of Kashmir's special constitutional status in the Indian union – which restricts the settlement and the acquisition of property in the state by non-Kashmiris. With this party holding the balance in India's hung Parliament, adjustments in federal-state powers are unlikely to satisfy the aspirations of Kashmiri militants.

And even if New Delhi manages to dampen Kashmiri sentiments and reaches an agreement on the basis of greater autonomy, especially financial, within a significantly adjusted federal-state framework, the possibility of renewed troubles will remain so long as a section of Kashmir remains under Pakistani military occupation. This is the more probable now that Pakistan's monopoly over the instruments of coercion has been seriously dented by a sprawling arms and drugs economy : the flow of weapons in this region no longer requires state patronage. Moreover, with resurgent Islam spilling over international frontiers, Pakistan is no longer the sole potential patron of Kashmiri militants.

Given the rapidly changing regional and international environment, it would be myopic to believe that the existing configurations of power can determine what is a 'realistic' solution of the Kashmir problem. Just as there can be no solution based on the principle of self-determination alone, none can be made to stick unless both India and Pakistan show flexibility in accommodating the new and emerging realities.

The current agitations, coming at a time when Bhutto's government was gearing for a detente with New Delhi, has embarrassed Islamabad. Once officialdom in Islamabad recovered from the initial shock, the ruling troika - Bhutto, President Ghulam Ishaq Khan, and the army chief of staff, General Aslam Beg - reiterated the old Pakistani line of self-determination for Kashmiris, but carefully obfuscated the distinction between Kashmiri nationalism and Muslim aspirations. New Delhi's virulent reactions to these Pakistani statements are understandable but misplaced. Pakistan cannot subscribe to India's version of the history of the Kashmir dispute. To interpret this as proof of Pakistan's involvement in Kashmir may be convincing propaganda for domestic consumption, but it does not address the source of the troubles in the Valley.

It is by no means clear that the Kashmiri militants - whether of the fundamentalist or the secular ilk - are angling for a confederation with Pakistan. Pro-Pakistani fervor may simply be the most potent symbol available to Kashmiris, one that dramatizes Kashmiri rejection of a union with India. India's bludgeoning the Valley into submission, far from eliminating pro-Pakistani sentiments, will create them, raising expectations in Azad Kashmir – and in Pakistan Punjab – of seeing all Kashmiris free of Indian control. Tribal and *biraderi* ties have resisted the disruptive effects of an arbitrarily imposed international frontier cutting across them. But expressions of concern and moral support for kinsmen across the border should not be taken as evidence of a subversive foreign hand. In Islamabad there seems to be a sense of the limits of power;

circumspect state officials are not prepared to risk the future of Pakistan for a military adventure to regain a lost letter.

The voice of sanity seems to be drowning in the rhetoric of war, but there is still a trace of hope that moderation can prevail. What could be the contours of a political framework within which Kashmiri aspirations for self-determination will be satisfied while at the same time assuaging the fears and accommodating the interests of the two powerful states in the region? For a start, the principle of self-determination should no longer be seen as precluding independence and reunion between the two Kashmirs. Indeed, it may well be the only long-term solution, now that the Vale of Kashmir is awash with anti-Indian feelings. Indian hopes of pacifying Kashmiris with offers of larger development grants and greater autonomy may still seem to be the more sensible option, but it is only a stop-gap measure.

Pragmatists assert that an independent Kashmir will be economically unviable. They may be right, but depressing facts and figures have rarely put the spanner through nationalist sentiment. The campaign for an independent Bangladesh (which many pragmatists supported enthusiastically) did not hold out the promise of a glorious economic future. And the woeful tale of economic development in the Valley and Azad Kashmir belies any notion of a prosperous future for the two parts of Kashmir within the Indian or Pakistani fold.

According to defence strategists, an independent Kashmir will be the vulnerable extremity of the subcontinent, an easy prey for China and any other expansionist power. But surely keeping Kashmir subservient and divided between them may cost India and Pakistan a great deal more in blood and iron, entailing more instability for the subcontinent, than a reunified and independent Kashmir.

It has also been argued that an independent Kashmir much less a reunified one, is simply impracticable without domestic political stability in India and Pakistan and a relaxation of regional and international tensions. Kashmiri unification and independence would create an unhealthy precedent for other sub-national groups harboring separatist illusions. But unless these groups are being held under threat of coercion, there is no reason why an independent Kashmir should precipitate the balkanization of the South Asian subcontinent.

Pragmatists add that an independent Kashmir will strengthen the hands of communal and fundamentalist ideologues in both countries. But surely it is more likely that unsatisfied Kashmiri aspirations would provide greater impetus to resurgent communalism and fundamentalism in India and Pakistan than an independent Kashmir based on the secularist principles now being enunciated by some of the more important militant groups in the Valley. These groups, particularly the Jammu and Kashmir Liberation Front, have been espousing non-communal creeds and assuring non-Muslims full rights as equal citizens in a free Kashmir.

Given a measure of flexibility, the fears and the interests of the two main regional powers can be accommodated within a political framework for a reunified and independent Kashmir. The arrangement would be based on "sovereignty-association" with both India and Pakistan. This notion of sovereignty-association differs in essentials from the idea of an Indo-Pakistan condominium over Kashmir, which negates the right of Kashmiri self-determination. It is also at complete variance with the concept of a loose confederation between India, Pakistan and

Kashmir, which overlooks the great variations in the composition and character of these three political entities.

Sovereignty-association implies, first, the recognition of the national rather than simply the minority status of a distinctive community; and second, the negotiations of an association of this nation with a larger multinational state. Underlying this concept is a broad and imaginative interpretation of sovereignty. It is only an emphasis on power to the exclusion of principle, on the reality of existing states to the detriment of aspirations of people, which can sustain absolutist notions of sovereignty in today's world. A more realistic perspective may lead to the notion of layers of sovereignty, and enable the much needed reconciliation of power with principle, of authority with freedom.

For sovereignty-association to work in Kashmir, India and Pakistan will have to agree to extend the right of self-determination to all Kashmiris – Muslim, Hindu, and Buddhist. The features that have made the U.N. resolutions on a plebiscite unworkable for more than four decades must be altered. A plebiscite or referendum will be held first in Jammu and Kashmir, including Ladakh, to determine whether to remain with the Indian union or to opt for independence and possible union with Azad Kashmir. Leaving Azad Kashmir out of the first round of voting and replacing the option of joining Pakistan with the option for independence, takes account of Indian fears; and if a free and fair vote is cast in favor retaining the union with India, the Kashmiri right of self-determination would have been exercised.

India and Pakistan could then negotiate a treaty settling the boundary dispute once and for all. If a majority votes for independence, however, the union with India will stand annulled. In the event that Hindu-majority Jammu and Buddhist-majority Ladakh vote overwhelmingly against independence, despite an overall majority for independence, an allowance should be given for these regions to remain with India.

Azad Kashmir could then vote to decide whether to unite with the rest of Kashmir on the basis of a sovereignty-association with Pakistan. If both parts of Kashmir decide on independence, a constituent assembly of Kashmir as a whole will ratify the terms of association with the two regional powers. New Delhi and Islamabad can accommodate the new association within their constitutions. Indian and Pakistani troops will be withdrawn, and Kashmir declared a demilitarized zone with its territorial integrity guaranteed by both countries. (The terms of the sovereignty-association may allow India and Pakistan to maintain a limited military presence in Ladakh and the Afghan border respectively, to meet the strategic concerns of each country about potential threats emanating from outside the South Asian region.)

Admittedly, obsessive passions, fears and suspicions are not easy to exorcise. Kashmir in all its natural splendor has elicited more possessive greed and murderous conflict than detached love. Kashmir today is a valley of despair in need of compassion from those who have been so enchanted by its spell. This proposal based on a dialectic of power and principle is an evocation of opportunity for a grand historic compromise on the subcontinent's most divisive issue. It will in all probability not immediately melt the frozen postures in New Delhi's and Islamabad's corridors of power. But it is being articulated boldly because a season must eventually come when the pure white of Kashmir is not stained with the blood of another young generation.