

## Pakistan's Changing Policy on Kashmir Issue

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The Indian Independence Act of 1947 contained a provision that the 562 princely states scattered throughout the subcontinent and partially autonomous under British rule, had the option to join either India or Pakistan. With the strenuous efforts of Sardar Vallabhai Patel, almost all states within India joined the Indian union while Jinnah succeeded in gaining the accession by the Muslim princes while Pakistan's territorial domain.<sup>1</sup>

New Delhi legitimised these accessions through subsequent popular referenda.<sup>2</sup> Only Jammu and Kashmir emerged as the most contentious, given its geographical proximity to Pakistan and a majority Muslim population even as a substantial Hindu population inhabited the Jammu area and Buddhist population lived in the Ladakh region. Situated in the north-east of the Indian subcontinent, the state of Jammu and Kashmir occupied a territory of 222,800 sq. km.<sup>3</sup>

The Hindu ruler of Kashmir, Maharaja Hari Singh, first chose to remain independent from both India and Pakistan, but in reaction to an invasion in October 1947 by tribal forces from Pakistan's Northwest Frontier Province (which were aided by Pakistani regular troops), he sought India's help. Following his signing an agreement to accede to India and the approval of Kashmir's undisputed leader of the time, Sheikh Mohammad Abdullah, the Indian forces intervened and managed to partially evict the intruders. Jinnah's decision to send in Pakistani troops escalated the conflict to a war between the two states, which lasted until the end of 1948. The continuation of the conflict and tension between the two countries led them to begin arms race leading to consolidate the influence of their national security institutions. Lord Mountbatten held a meeting with Jinnah at Lahore in November 1947 to solve the controversy over Kashmir, but failed. Again, on 8<sup>th</sup> December a meeting of the Joint Defence Council was held at Lahore in which Nehru and Mountbatten participated. But it could not solve the issue of Kashmir and Lord Mountbatten was convinced that a negotiated settlement of the Kashmir issue was practically impossible. Nehru and Mountbatten decided to refer the Kashmir issue to the U.N., but Sardar Patel did not like the idea. He tried his best to stop Nehru from referring the Kashmir issue to the U.N. but could not do so.<sup>4</sup>

The India-Pakistan conflict is, simultaneously over territory, national identity and power position in the region. The political status of Kashmir, from Pakistan's perspective, is the unfinished business of the partition of the subcontinent on a religious basis in 1947. Successive Pakistani leaders have viewed the gaining of the entire Jammu and Kashmir state from India control as their core national mission for identity and strategic reasons.<sup>5</sup> To the Pakistani's, the India-controlled Muslim-majority state of Kashmir, if given full freedom to choose in a plebiscite, would join Pakistan. However, this

state-centred, legalistic interpretation of the "right to self-determination" is significantly different from the highly populist version articulated by proponents of an independent Kashmir.<sup>6</sup>

From India's standpoint, besides being an integral part of India legally by virtue of the instrument of accession signed by Maharaja, Kashmir is very much a part of the nation's secular identity. To New Delhi, partition was completed in 1947 and no further territorial concessions to Pakistan are feasible. Further, India argues that the several democratic elections that it has held have legitimised the accession. The presence of more than 138 million (approx. 14.2 per cent of the total) strong Muslim population in India attests to the Indian belief that partition on the basis of religion was an unfortunate historical *fait accompli* and that ceding Jammu and Kashmir, or even portions of the Kashmir valley or the value of Kashmir, where the Muslims constitute a majority, to Pakistan would result in a second partition, negating India's secular credentials, India's fear is that letting Kashmir go could open the floodgates of separatist movements in other parts of India and that it would be followed by inter-communal violence reminiscent of the partition days. There exists no serious constituency in India from the left to the right that believes that Kashmir should be ceded to Pakistan.<sup>7</sup>

As mentioned earlier, the last sixty years have seen many ups and downs in the efforts of India and Pakistan to resolve the Kashmir issue. The relations between the two nations have been, at best, cool and at worst, hostile. It has been a two-dimensional relationship which has operated at two levels conflict and attempts at reconciliation. Their relationship has always been characterized by mutual suspicion and need for trust building. As political rivals, they thrive on unresolved issues that need settlement at the same time their history is cheered with deep mistrust and suspicion. Initiatives to settle the issues have ranged from a direct military war to bilateral dialogues and discussions at various levels through different channels. However, most of these attempts have been foiled due to the conventional positions held by both the countries vis-à-vis the Kashmir issue and thus standing as a major stumbling block in changing the mind set and constraining the prospects for peace and prosperity in the region. But from the mid-1990s a number of developments have coerced Islamabad to show flexibility, seek a path of cooperation and engage in a peace process with India in an attempt to resolve all the issues bedeviling relations between the two states.<sup>8</sup>

A major development in this direction was President Gen. Pervez Musharraf's historic statement that the Government of Pakistan was ready to leave behind its sixty-year long stand that the Kashmir issue should be resolved under the United Nations Security Council resolutions adopted from time to time. Rather, the former president gave a four-point formula, which included identification of the regions; phased withdrawal

of the troops; self-governance within each region; and a joint supervision or mechanism involving India, Pakistan and representatives from Kashmir with a soft border connecting the identified regions. He reiterated this proposal in his autobiography. In the Line of Fire as Well.

The foremost step in the four-point formula given by Gen. Pervez Musharraf envisages that the divided state of Jammu and Kashmir consist of five regions, two on the Pakistan side viz., 'Azad Jammu and Kashmir' and Northern Areas and three on the Indian side, viz. Kashmir, Jammu and Ladakh. What the formula emphasizes is first to identify the regions, then seek demilitarization of the identified regions and finally change their status. These regions could be based on ethno-regional factors, by and large being influenced by the language religion.

The second step is demilitarization of the identified regions. The people of the region have suffered enough over the last sixty years, more particularly during last twenty years of militancy. Therefore, military should be garrisoned in a few places, if not completely moved out. This is not going to be easy process, but Gen. Musharraf asserted that the demilitarization of the area would be a great confidence building measure and will provide relief to Kashmir and will be an important move to discourage militancy.

Once the process of demilitarization is complete, the people of the regions should be given maximum autonomy to decide their internal matters themselves, or in other words, there should be self-governance but short of complete independence as it is not acceptable to either India or Pakistan.<sup>9</sup> Gen. Musharraf disapproved the Indian claim that this is providing a form of autonomy in Kashmir which is under its control. In an interview to CNN-IBN news channel he said, 'I did not agree with India's claim that there is already self-governance in the held Kashmir' and claimed that most of the people there do not accept the Indian government. 'If India believed that there was self-governance, we keep sticking to this position, we will never move forward because we do not agree. Therefore if you want to move forward, we have to leave the stated position.'<sup>10</sup>

The fourth and final step of Musharraf's proposal is the joint management or mechanism. Though, sovereignty would be shared through a mechanism of self-governance, yet there would be residual elements left under the joint management mechanism. It will retain the powers over them to run these affairs jointly. The two states will retain sovereignty over the respective parts of Kashmir.

General Musharraf was very positive about the four-point formula. While speaking in a conference organized by the Washington-based think-tank, Pugwash, in March 2006, President Pervez Musharraf said that 'his country's proposal for demilitarization and self-governance offered a practical solution to the Kashmir dispute. An ultimate solution to the problem on these lines would make the Line of Control (LoC) irrelevant and at the same time there won't be need for any drastic change in the current status quo. And such a solution would not require the redrawing of borders.

Gen. Pervez Musharraf is the first leader, civilian or military, in the history of Pakistan who has stated a desire to move away from the demand for the implementation of the United Nations Security Council resolutions as a means to resolving the Kashmir dispute. In fact, earlier also, Pervez Musharraf, on several occasions signalled a shift in Pakistan's conventional approach toward the resolution of the Kashmir issue. Immediately after the suspension of the civilian government in October 1999 Musharraf announced unilateral de-escalation along the border and expressed a willingness to work with India to take South Asia out of economic deprivation. During the Agra summit in July 2001 he suggested a four-step resolution process whose first and most important step was rejection of any solution that either country found unacceptable; the other three steps were the initiation of dialogue, acceptance of Kashmir as the core issue and exploring the remaining options.<sup>11</sup>

As already hinted one cannot realistically overlook the changes in geopolitics that the world has witnesses since the last decade of the twentieth century. In this regard the first major and significant Change is the end of the Cold War and bipolarity at the world level. As a result, a new order has evolved and new geopolitical equations have been developed in which United States of America (USA) has emerged a new sole super power. In the new equation the USA has dramatically shifted its foreign policy priorities in South Asia from seeking Pakistan's cooperation to non-proliferation and repairing the damage caused to its relations with India due to its Pakistan Afghanistan politics during the Cold War phase. The USA is no longer willing to support Pakistani's economic development and the modernization of its military instruction. This has been starkly manifested through a chain of restrictions the US enacted against Pakistan after the conclusion of the Cold War. In October 1990, US President George Bush (senior) refused to certify that Pakistan did not possess a nuclear explosive device, thereby triggering the imposition of suspension of aid to Pakistan under the Pressler Amendment (1985) in the Foreign Assistance Act. This disrupted the second assistance package offered in 1987 and discontinued economic assistance and military sales to Pakistan under the package. In addition to this, various military sales and training programme were disrupted and some of the Pakistani military officers under training in the USA were asked to return home. Further, the policy of supporting allies whether they were right or wrong, could no longer work as it could considerably erode the US's legitimacy to intervene in world affairs to promote its interests and ideas. United States could not afford to alienate countries that were likely to become important powers in future. In this context, India's potential both in terms of geopolitics and in terms of its market could not be ignored.<sup>12</sup>

Similarly, other major powers' including China's perception on Kashmir issue has been changing. This was witnessed during the Kargil war, when China, Pakistan's close ally, preferred to remain neutral instead of extending its diplomatic support as it did on several occasions in the past. 'China has changed its stance on Kashmir, it no longer says that there should be plebiscite in Kashmir; rather, it is of the

opinion that Kashmir is a matter that needs to be resolved through bilateral negotiations between India and Pakistan.<sup>13</sup>

In the past, Beijing supported Islamabad's positions on the Kashmir issue to demonstrate solidarity with an 'all weather' ally during periods of Sino-Indian estrangement and hostility. But now normalization of relations with New Delhi has necessitated the adoption of a policy of neutrality to avoid unnecessarily alienating India and running the risk of entrapment.<sup>14</sup> In 1993, the two countries, India and China had signed a peace and tranquillity agreement as well as another pact to lessen tensions along the disputed Sino-India border. Similarly in 2003-4 the trade between India and China touched US \$7 billion mark and by the end of 2005 the bilateral trade went up to US 18.7 billion several times larger than the figure a decade ago.<sup>15</sup> China has also changed its position on Kashmir and begun to hint that Pakistan should consider LoC as an international border. China, however, continues to maintain its traditional ties with Pakistan, which is seen less as a counter to India and more as an important factor in Beijing's fight against ethnic separatist problem in Xinjiang and also as a gateway to the Muslim world.

The dawn of globalization with its easy and rapid worldwide trans-border movements the information technology revolution and the rapid flow of ideas as well as goods<sup>16</sup> has significantly melded the prism through which Pakistan looked at its neighbouring countries. It started creating imperatives for greater cooperation and strategic partnership at global and regional levels to maximize political, economic and military gains. The concept of soft border, free flow of trade and information and economic interdependence are the terms being used in international relations. This has prompted both the countries to engage in an intense process of negotiations and dialogue to promote a stable environment of peace and security rather than the continuation of acrimony and animosity towards each other. This has also brought a realization among the saner elements and some government functionaries within the two countries that the continuation of the problem could be disastrous for the region. The Lahore declaration, signed between Prime Minister Atal Behari Vajpayee and his Pakistan counterpart Prime Minister Nawaz Sharif in February 1999 was in recognition of this fact. The nuclear capabilities acquired by both India and Pakistan had added to their responsibility of avoiding a conflict between the two countries.

In May 1998, both India as well as Pakistan conducted a series of nuclear tests. The explosion of nuclear devices revived international interest in South Asia. The hostile and uncongenial atmosphere between the two newly nuclearized powers, India and Pakistan was witnessed by the international community with serious concern. Kashmir was seen as a flashpoint of a nuclear conflagration between these two South Asian nuclear powers. The effect was most noticeable in the reaction of the international community during the Kargil war in 1999, after there was a joint incursion by Pakistan troops and Kashmiri militants, who crossed the LoC and occupied strategic mountain peaks in Mushkoh Valley, Dras, Kargil, and Batalik sectors of Ladakh. The main intention of the military operation in the sector was to 'block the Dras-Kargil highway,

cut off Leh from Srinagar, trap the Indian forces on the Siachin Glacier, raise the militant's banner of revolt in the Kashmir Valley and take the issue of Kashmir back to the forefront of the international agenda.<sup>17</sup>

However Pakistan failed to comprehend that the international community would not support its action and consequently did not anticipate or plan for the unanimous international opprobrium and isolation. The act rather isolated Pakistan completely at the international level and there came a strong diplomatic pressure on it to in the mountains. The G-8 countries held Pakistan responsible for the military confrontation in Kashmir and describe the Pakistani action to change the status quo through military means as an 'irresponsible and aggressive act'.<sup>18</sup> They called upon Islamabad to withdraw its forces north of the LoC. Similarly the European Union, (EU) publicly called for 'immediate withdrawal of the infiltrators'.<sup>19</sup> The United States also depicted Pakistan as the instigator<sup>20</sup> and insisted that the status quo be unconditionally and unambiguously restored. Under mounting international pressure for the withdrawal of its covert support to the Kargil operation, Pakistan's Prime Minister Nawaz Sharif made a visit to Washington on 04 July 1999 and signed a joint statement with President Clinton, which called for the restoration of 'sanctity' of the LoC in accordance with the Simla Agreement. Pronouncements were made that the international community now viewed military conflict between nuclear armed India and Pakistan as unacceptable and would move against the initiator of the irresponsible military action.<sup>21</sup> During his five-day historic visit to India, followed by a five-hour trip to Pakistan, in March 2000, President Bill Clinton reiterated his earlier call that there could be no military solution to the (Kashmir) dispute. He rather emphasized for a peaceful process of dialogue and negotiations between the two nations. Thus, the option of military adventure or cross-border violence has completely vanished Pakistan vis-à-vis its Kashmir policy.

The Kargil was also uncovered the inherent limitations of Pakistan's strategy to engage in a sub-conventional war against India in the nuclear environment. This also constrained Pakistan to initiate the process of dialogue and reconciliation with India to resolve the Kashmir problem. This was associated with a certain degree of recognition from Pakistan that war scars were neither good for its image as a nuclear power state nor for its economic development and progress in the current international environment.<sup>22</sup>

Musharraf was forced to abandon support for the Taliban regime in Afghanistan. The use of militancy as an instrument of policy was no longer acceptable under any pretext. Musharraf banned several militant groups and tried to curb cross-border infiltration following a military stand-off with India in 2002. He also restructured the ISI which has been responsible for the covert war in Kashmir.<sup>23</sup>

Pakistan ranks 144 out of 170 nations in the physical quality of life index below even nations like Bangladesh. Between 1997 and 2001, Pakistan's GDP dropped from US \$75.3 to 71.5 billion and by 2001 government debt was 82 per cent of its GDP. The huge defence budget of the nation has

taken on heavy toll on the nation's economy. The Human Development Centre, Islamabad, in its 'Human Development Report' of 1997 said that Pakistan spent 7 per cent of its GDP on defence, or nearly 27 per cent of the total central government expenditure. This is higher than any other South Asian Countries.<sup>24</sup>

According to United Nations Human Development Report 2002 on South Asia, Pakistan is continuously spending 6.5 per cent of its GDP on defence compared to mere 2.3 per cent and 0.7 per cent of GDP allocated for the education and health sectors respectively, which is far less than the Millennium Development Goals (MDGs). In the meantime the law and order situation in many parts of the country, especially in the North West Frontier Province (NWFP) and Baluchistan, has become a major stumbling block in the path of many development works in the country. India, on the other hand, is emerging as a global power in terms of its economic and outsourcing potential; its democratic features are being recognized and appreciated worldwide. It has emerged as a major player in the information technology sector and an important source of skilled labour in the international market. The business reached to \$4.5 billion in 1988 and climbed to around \$27 billion in 2005.<sup>25</sup>

Bush's decision to differentiate between the Indian and Pakistan nuclear programmes was rooted in an appreciation of India's importance and its future role in the world that was so different from the traditional views of India in Washington. For decades the US security establishment had seen India through the somewhat limiting purism of South Asia... Bush sought to alter this by emphasizing the potential global role of India as a rising power....<sup>26</sup>

It is assumed that the nuclear deal would provide India an opportunity to sign similar nuclear arrangements and conventional arms deals with other countries. These will tilt military balance in its favour and would allow it to sue to indigenous uranium supplies to expand its nuclear weapons arsenal. India's potential to play a security role in Indian Ocean and Southeast Asia will be another important factor that will enable it to emerge as a major power in international affairs. In fact some of the US commentators have forecasted that India would sooner or later attain that status. Therefore, US should take note of it while designing its global strategy.<sup>27</sup> As the Undersecretary of State Nicholas Burns predicted, 'within a generation many Americans may view

India as one of our most two or three important strategic partners.<sup>28</sup>

Since its introduction in the United Nations, a number of resolutions have been adopted under Chapter VI of the United Nations charter problem. However, because of the non-binding nature of these resolutions both India Pakistan have refused to abide by them and after more than 60 years the idea of plebiscite has become obsolete. Even the former United Nations Secretary General Kofi Annan, during his visit to India in March 2001, remarked that Kashmir should be resolved mutually by India and Pakistan as it is a bilateral issue in which the UN resolutions had become redundant. In this regard some of the Pakistani analysis observed that General Pervez Musharraf's suggestion of setting aside the UN Security Council resolutions on Kashmir is a pragmatic and realistic approach. Some of the analyses in Pakistan are of the view that there is no reason for Pakistan to stick to the UN resolutions when the UN itself has abdicated the same. The resolutions of the UN Security Council on Kashmir could remain valid until they are either implemented or the Security Council at the Joint request of India and Pakistan repeals or replaces them.<sup>29</sup>

Lastly, there is a feeling in Islamabad that a lot can be expected from India by entering into a cooperative relationship in the economic sphere. IndraNathMukherji observes that due to the existence of an 'information gap' and low priority attached by the businessman of both the countries, even pragmatic business organizations find it hard to expand their bilateral trade and investment relations. Both countries have intra – industry trade in several products at a bilateral level.<sup>30</sup>

All these factors in association with several other issues and events Pakistan is grappling with, like growing extremist forces, assassinations of its political leaders, its current global image as a rogue state and exporter of global terrorism, decline in the support for Pakistan, in the Indian part of Kashmir<sup>31</sup> and the large participation of Kashmiri population in the various elections held in the recent past have diminished Pakistan's hope of changing or redrawing the boundaries in the region through coercion. Similarly, it is palpably clear now that international players don't have any direct stake in the Kashmir issue, rather their policies should be seen in their larger South Asia policy, which in turn is molded by their global strategic interests.

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