

Kashmir: What prospects for a lasting settlement?

by Dr Robert W. Bradnock

The resumption of talks between India and Pakistan in the wake of last April's announcement by Indian Prime Minister Vajpayee, followed much more recently by the Indian decision to meet the leadership of that part of the All Parties Hurriyat Conference (APHC) which was willing to talk to it, has prompted a new optimism as to the likelihood of a resolution to the long running Kashmir dispute.

How well grounded is that optimism? How far are the recent steps likely to lead towards a permanent rapprochement between India and Pakistan? And how far will the Kashmir dispute itself prove susceptible to the new approach? Grounds for pessimism are legion. It can be argued that few in India have any understanding or sympathy with Pakistan's historical case over Kashmir:

- (i) that the Maharajah's accession flew in the face of the logic of Partition, which India was so keen to assert in the case of Junagadh or Hyderabad;
- (ii) that the geography of the Princely State ensured that its only land access to the rest of India was via Rawalpindi; and
- (iii) that Pandit Nehru had accepted the accession explicitly on the terms that the Maharajah's wish to accede would be subjected to a plebiscite to ascertain the wishes of the people, a commitment subsequently enshrined in the UN Resolutions of 1948-49.

Equally, it can be contended that there is very little understanding in Pakistan for India's position over Kashmir:

- (i) that it was at the insistence of Jinnah that Princes were given the right to accede to whichever of the two post-Independence States they wished to choose;
- (ii) that the Maharajah's wish to accede to India in October 1947 was evident and internationally legal;
- (iii) that Pakistan, no less than India, failed to comply with the preconditions set out in the UN resolutions for a plebiscite, namely a withdrawal of troops from all of Kashmir so that the UN could hold a plebiscite; and
- (iv) that in signing the Simla accord in 1972, Pakistan committed itself to accepting a bilateral resolution of the dispute without international intervention.

At the same time, at no point has there been any evidence that either India or Pakistan was willing to take seriously any Kashmiri view other than that wholly compatible with its own political agenda. For India, this has meant integration into the Indian Union; for Pakistan, a plebiscite with only two alternatives: to join Pakistan or to remain with India.

The lack of any mutual understanding has only been deepened by the fifty-year history of bitter distrust punctuated by violent conflict. Since 1988, this distrust has been the backdrop to campaigns of terrorist violence, the rise of a secessionist

Independence movement, the pogroms against minority communities, a war over the Siachen Glacier, more than 7000 metres above sea level, and a border struggle which in the eyes of many in the international community threatened nuclear conflict as recently as two years ago.

Not surprisingly, each period of intense conflict over Kashmir has spawned a spate of studies and proposed solutions. Especially since the 1988 crisis, teams of domestic and international scholars have argued a range of explanations and potential scenarios. To date none of the possible options has met with the slightest sign of political broad acceptance.

Full independence for the whole of the original Princely State of Jammu and Kashmir is ruled out both by India and Pakistan. Yet, without the support of both, such independence would be politically unsustainable. Conflict between the various communities of the old Princely State offers up the possibility of splintering along a wide range of fault lines in Kashmiri society. Shias and Sunnis in Gilgit deeply divide the communities over their view of a possible integration into any putative Kashmiri State. Guarantees for the security and freedom of the Kashmiri Pandits in the Vale would be a precondition for their acceptance of an independent state; a freedom conditional on the emergence of a state with a liberal and secular constitution. At the same time, both for Buddhist majority Ladakh and Hindu majority Jammu the prospect of an Islamist led Sunni state whose control lay in the Vale would be anathema.

No amount of re-defining borders seems likely of itself to provide the territorial basis for political security. The deep divisions within Kashmir's APHC only highlight the chasm that separates Kashmiri political parties and militant organisation over the nature of a putative Kashmiri state and of the path to such an outcome.

To these already apparently intractable problems can be added the depth of distrust which has coloured India-Pakistan relations over the last five years. The escalation of terrorist attacks on Indian soil, including the attack on the Indian Parliament in 2001, simply deepened the seemingly unbridgeable credibility gap which President Musharraf left behind him in the wake of the Agra summit. Prime Minister Vajpayee's earlier peace initiative, the Lahore agreement with Prime Minister Nawaz Sharif had been left in tatters by Pakistan's campaign in Kargil, and it would seem to take a shift of seismic proportions in Indian political opinion to persuade any Indian government or the Indian press to place the slightest trust in a Musharraf-led government.

The scenario could scarcely be bleaker. Yet, to establish whether the current steps offer prospects of a real and long lasting solution, it is necessary to go beyond the immediate history or the divergent cultural identities of the Kashmir region to analyse the geopolitical context within which the conflict is set.

Throughout its history, the Kashmir dispute has been rooted not just in the diversity and internal conflicts within Kashmir but in the geopolitical relationship of India and Pakistan and their wider region. The changes in that geopolitical context over the last decade which, despite appearances to the contrary, could be argued to give the current

India-Pakistan détente a better chance of success than at any time since Independence in 1947. ■

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