

# The Impasse Over Kashmir

The impasse over Kashmir over time has proved to be painful, stubborn, and mythical. Kashmir watchers often wonder why a simple situation grew up to be so intractable.

The problem of Kashmir is the problem of a community changing its mind about its belonging to a nation it had been part of for several decades and the nation not being in a position to grant the community the independence it wants.

Beginning at the very beginning of the India Kashmir nexus, we go to the momentous event of the division of the Indian subcontinent into the two nations, India and Pakistan, in 1947. The division, among other things, involved some 552 princely states, the rulers of which had the option of either going to India or to Pakistan or in a special case remaining independent. (The people of the states had no choice in the matter). The king of Kashmir, Maharaja Hari Singh, asked the two nations to give him time to make his choice, what was called the Standstill Agreement. Pakistan granted it while India did not respond to it. While Hari Singh was still making up his mind, Pakistan broke the Standstill Agreement, and invaded Kashmir on Oct. 21, 1947. On Oct. 26th Hari Singh sent an emergency request to Louis Mountbatten, then the Governor General of India and Pakistan, to help him. Along with the request for the help he signed the Instrument Of Accession, without which he knew India could not help him. Instrument Of Accession was a legal framework for the accession of the princely states to India and Pakistan. It was accepted by Mountbatten on Oct. 27th and he requested the newly formed Indian government to help Kashmir. The Indian troops were dispatched to Kashmir on the same day. Jawaharlal Nehru, India's Prime Minister, further stipulated that when the peace and order was restored in Kashmir, its people approve their state's accession to India, even though it was not required by the Instrument Of Accession. In 1952 and again in 1957 the Jammu and Kashmir Constitution Assembly ratified it. Furthermore, this willful choice was made under the leadership of the greatest Muslim leader in the modern Kashmiri history, Sheikh Mohammad Abdullah.

Nehru approached U.N. in Dec 1947, when the Indian troops had repulsed the Pakistani army only partially, to seek its intervention to get Pakistan out of Kashmir. This is considered to have been a monumental blunder by him, as he could have pushed the invaders all the way from Kashmir and then gone to U.N., if at all that was necessary. His idealism was so strong and his practical grasp of the situation so poor that he further jeopardized India's interests by asking the U.N. to hold a plebiscite in Kashmir to ascertain its people's wishes on which nation they wanted to join. Pakistan did not fulfill the U.N's. conditions to hold the plebiscite because it thought it would lose it.

So, Kashmir's accession to India has been without duress and absolutely legal.

Then why did Kashmiri Muslims change their mind in 1989 when they helped Pakistan in launching a massive revolt in Kashmir? The answer to that question lies in the unrelenting drive Pakistan has desperately managed to keep to acquire Kashmir, to divert the attention of its people from its monumental failures in solving their problems of economy and maintaining a democratic and stable government. Political leaders of Pakistan have reached an understanding a long time back that keeping the Kashmir Problem alive was vitally significant for their nation's survival. Through lies and mythologizing Kashmir has become a dream for Pakistanis, whose fulfillment would erase all their previous failures and make them pure once again and earn them a cathartic victory. Pakistan has invested hugely in keeping Kashmir destabilized over the decades, so that its arch enemy India's hands are not free to interfere in their nation. Also, the worldwide upsurge of Islamic fundamentalism has seduced Kashmiri Muslims into breaking their lot with India. Even though they prospered as never before in their history after they took over Kashmir in 1947, still their intrinsic religious insecurity made them double-minded about their relationship with India. They liked India's money and its pampering of them but their heart was with the Islamic center of gravity. In the earlier phase of their cooling of relationship with India, in early 60's, they wanted to join Pakistan; but in the last few years, seeing Pakistan's hopelessness as a nation, they have pinned their hopes on becoming an independent nation.

Pakistan's claim on Kashmir is based on the fact that the majority of Kashmiris are Muslims. Well, that is so only in Kashmir province. The state has three distinct provinces in it based on the demographics, history, and geography: Kashmir, Jammu, and Ladakh. Disregarding the areas lost to Pakistan and China, Kashmir has only 46% of the land area of the state and about 54% of the population. Jammu has 66% of its population as Hindus, Ladakh 50% Buddhists and 44% Muslims. Only in Kashmir Muslims have a majority of 95%. Both Jammu and Ladakh do not want to break away from India. (Ladakhi Muslims are different from the Sunni Muslims of Kashmir) So, no one is thinking of making the entire state of Jammu and Kashmir as an independent nation, even though in the entire state Muslims have a majority of 67%; only Kashmir province can be considered for that. The famous Kashmir Valley, where the majority of the Muslims live, has only 7.5% of the area of the state.

Whatever the reason for Kashmiri Muslims' change of mind, it is not easy for a nation to let a part of it sever from it. There are only a few examples of nations letting parts of it cede into new nations. Generally, nations consist of many parts which are intrinsically interconnected by history, culture, economy, and geography. Letting a part break away is difficult due to the emotional and practical reasons. Giving up Kashmir will entail huge difficulties to India. Foremost is the example it will set for some other restive parts of India, like Punjab and Assam, even though their active struggles to be independent of India are behind them but the old ambitions may be still be simmering in their peoples' hearts and minds. Also, Kashmir's breakup from India will send wrong signals to its 170 million Muslims. Then there is a massive concern for the security. With Kashmir detached from India, the northern international border of India will be some 300 miles closer to New Delhi.

Let us think for a moment that Kashmir is given independence. In less than 6 months from the onset of that Pakistan will doubtless invade it and claim it on the basis that they have cited for over the last six decades in its attempts to acquire it – that the Kashmiri Muslims want to join them. Nothing in the world at that point

can reverse their usurpation. And the thought of that nightmare shakes Indians to even consider the independence of Kashmir. There is not a single member in Indian Parliament, which has the ultimate authority to let Kashmir cede from India, who is for it. Autonomy is the closest thing to independence that can be granted to Kashmir which is feasible. But Kashmir already has an autonomy provided by the Article 370 of the India constitution, which barring foreign affairs, defense, finance, and communications, lets it administer itself more freely than any other state in India can do it. Kashmir has even its own constitution and flag. All that is viable is to increase this autonomy.

So, unfortunately there are not many choices there are to cater to the wishes of Kashmiri Muslims. They are like married to India in a system of marriage where a divorce is not permissible. Will a time come in the future course of the humankind when a state within a nation can get a divorce from it as a matter of right? While the humankind is getting more and more sensitive to freedom, both individual and group, even a 100 years from now, I do not think that kind of divorce will be easy. Kashmiri Muslims, unfortunately, will have to shed a lot of blood for it. But we can ask the most germane question of the subject of the impasse over Kashmir: what is the need for Kashmiri Muslims to divorce India? They have more freedom than any state has in India; they are economically better off than most of the states; they have an absolute freedom to practice their religion. Just because the notion of Islamic exclusiveness crept in their minds sometime after 1947, must they burn up all their bridges with India, which in all likelihood will never grant them independence? In all likelihood, a few years from now, one of the pro-Hindu parties in power in New Delhi will remove the artificial oxygen protection of Article 370 to Kashmiri Muslims and let them live naturally like the rest of the nation. Their son-in-law treatment will evaporate and they will then rue why they had to rock their good life. The present Muslim leaders in Kashmir are leading their followers astray in a dangerous direction, after having already lost a lot of them in their confrontation with India, in which their trustworthiness by Indians will haunt them for decades to come.

Suffern, New York, 12.9.10