

## Chapter 12: Options

It has already been pointed out that there is diversity of views on the political status of Jammu & Kashmir. The elected representatives on both sides of the Line of Control want to belong to their respective country. There are others who want independence or accede to the 'other' side.

The UN resolutions call for Pakistan to vacate the Jammu & Kashmir territory. In the modern context, it must not only involve withdrawal of military forces but also dismantling of terrorist infrastructure. The second part of the UN resolutions calls for a plebiscite to determine accession to India or Pakistan. Mere demilitarisation without vacating non-state groups is leaving the field open for unprecedented violence.

Accession of the entire state as it existed in August 1947 to either India or Pakistan is unviable. It is true that a significant section of the Kashmiri society has violently resorted to protest against the current political structure on the Indian side of the Line of Control. It is also true that there is significant discontent on the Pakistani side of the Line of Control including Gilgit-Baltistan. If there is accession to India, at least a section of the population will want to migrate to Pakistan. If there is a accession to India, Shi'as of Gilgit-Baltistan, some of the Muslims in the Kashmir Valley, Gujjars, Ladakhis and Pandits will want to move to India. Such a massive migration, on the basis of arithmetic of plebiscite, is invitation to human tragedy, which will have severe repercussions in the South Asian region. Thus, the plebiscite proposal of 1949 is completely inhuman and unrealistic in the context of the realities of 2005 or 2009.

The option of advocating complete independence is confusing. At the superficial level, this appears to project a desire for freedom. However, a closer look suggests that all the votaries of independence actually want political independence but full economic integration with Pakistan, and specially India. They want free movement of factors of production, as well as goods and commodities. This is like Poland or Hungary wanting to join the European Union for economic benefits, without their accepting the political objectives and commitment to democracy and plurality. Pakistan and India are both opposed to this option. Moreover, an independent and land-locked Jammu and Kashmir will only mean continuation of India-Pakistan rivalry to control it by other means. It will merely transform of the conflict, not eliminate it.

Some scholars propose conversion of the Line of Control into an international border. Most Kashmiri leaders oppose such a division of state. Pakistan's rulers describe this as an Indian strategy to freeze the status quo, while the Indian government is bound by a parliamentary claim to Kashmir on the other side of the Line of Control. People of India are bound to oppose it when they learn about the plight of people of Gilgit-Baltistan and their desire to join India.

As accession, independence and conversion of Line of Control into the international border are not viable, search for unconventional options has seized the minds of scholars and practitioners. Some of them aim at empowerment and enrichment of the Kashmiri identity by restoring its shattered self to its original glory. Some aim at decimating the Kashmiri identity into narrow cleavages in the fashion of post-Yugoslavia formation of the Balkans. The latest of the proposals for Kashmir resolution has come from General Pervez Musharraf.

### **Option 1: Converting Line of Control into several Lines of Conflict**

This option, originally proposed by Sir Owen Dixon in 1950, is based on division, sub division, and sub-sub division of the state. General Musharraf proposed the formula again in 2004 that could result in consolidating the existing cleavages.

General Musharraf's proposal provides for division of Kashmir into seven parts on the basis of religion, and the formation of a separate political system for each division thus created. The divisions suggested hereby are:

On the Pakistani side:

1. Azad Jammu and Kashmir, with predominant Sunni population
2. Shi'ite and Ismailis dominated Gilgit-Baltistan

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On the Indian side:

3. Shi'ite dominated Kargil
4. Sunni dominated Kashmir Valley
5. Sunni dominated Rajouri, Poonch and Doda districts
6. Hindu dominated Jammu
7. Buddhist dominated Ladakh.

This proposal is on the lines of the break up of Yugoslavia into Bosnia-Herzegovina, Croatia, Macedonia, Serbia and Montenegro, and Slovenia. It is also bound to result in the same fate that the fragmented Yugoslavia has met infinite violence and military takeover by some institutions such as Nato.

Moreover, there is likelihood that an overall minority community in a divided region may have predominance in some of the tehsils of the same region. Will this mean that such divided region will be further divided as per the tehsil-wise religion predominance? General Musharraf's proposal fails to identify and address this issue. In any case, this proposal aims to accentuate cleavages in the state. This is against the spirit of Kashmiriyat, which is a culture of plurality and harmonious co-existence. Also, the formula of consolidation of cleavages is based on power-sharing at descending lower denominator levels.

### **Option 2: Converting the Line of Control into the Line of Cooperation**

This proposal is based on gradual unity of the people of Jammu and Kashmir and gradual amity between the people of India and Pakistan. It reflects some aspects of Northern Ireland and South Tyrol formulae, though designed in tune with the local realities. It has already been discussed earlier in the Chapter on Autonomy. It can be summarised as follows:

1. Creating autonomy for Kashmir on both sides of the Line of Control this includes Jammu and Kashmir, Azad Kashmir and Gilgit-Baltistan. The extent and degree of the autonomy should be negotiated between a provincial negotiating team and a central negotiating team.

On the Indian side, the provincial negotiating team could consist of the state government, the main opposition party in the assembly, All Party Hurriyat Conference, as well as the representatives from the Pandit, Gujjar and Ladakhi communities. The Indian national negotiating team could consist of the Central government leading the team along with the nominees recommended by the Parliament, to include opposition parties.

On Pakistani side, the national team could consist of the federal government and the Kashmir Committee of Parliament, whereas the provincial team could consist of Muslim Conference, All Parties National Alliance, Gilgit-Baltistan National Alliance and various groups like Balawaristan National Front from Gilgit-Baltistan.

2. Creation of following institutions:
  - a. A permanent body with the task of monitoring the effective functioning of the autonomy. The negotiating teams, which negotiate the autonomy issue, could form this body.
  - b. Committees appointed by the assemblies of both sides of Kashmir should meet biannually to discuss economic, social and cultural issues.
  - c. The governments of India and Pakistan should also hold official meetings on a regular basis, specifically on Kashmir.
3. Establishment of a Joint Economic Development Council of Jammu & Kashmir to promote trade, investment and joint ventures. The Council should also undertake the task of joint development of the Indus Water Basin.
1. Institution of a fast track visa process for all Kashmiris, who have bona fide business or family interest. Visa windows can be established in Srinagar and Muzaffarabad for this purpose. This fast track visa process can slowly move towards the free flow of people once

- a. Terrorism subsidies; as borders cannot be opened up if the violence persists.
  - b. A similar arrangement for the free flow of all the citizens of India and Pakistan is reached; as it will not be possible to open up the borders for the Kashmiri people and then restrict them from entering other parts of either India or Pakistan.
5. Provision of joint patrolling of the Line of Control by Indian and Pakistani troops to stop flow of criminals, drug dealers and terrorists who will be tempted to take advantage of the privileges offered under fast track and the Joint Economic Development Council.