



■ J.N. Dixit

# Line of Control

## Problem or a Solution?

**T**he dispute on Jammu and Kashmir between India and Pakistan has become a renewed focus of attention since 1998, not just as a territorial dispute but as an issue which can trigger a nuclear holocaust in the sub-continent. Apprehensions regarding such a nuclear confrontation were palpable during the 1999 Kargil conflict, nearly a year after India and Pakistan conducted nuclear weapons tests.

A spate of suggestions have been put forward by various non-governmental groups as well as through back channel consultations to resolve the political and territorial dimensions of the issues related to Jammu and Kashmir. These include, for instance, a suggestion from the Kashmir Affairs Group based in the United States for joining up the Indian part of Jammu and Kashmir with areas held by Pakistan and giving the area an autonomous status with India and Pakistan sharing authority for dealing with foreign affairs, defence, etc, a sort of "joint sovereignty".

There have been suggestions from various ethnic groups belonging to the citizenry of Jammu and Kashmir for the trifurcation of the area between Ladakh, the valley of Kashmir and Jammu, with proposals to link the Valley (since it is Muslim-dominated) with Pakistan. There have been governmental and semi-governmental claims from India that Zulfikar Ali Bhutto had agreed in Simla in 1972, first to convert the Cease-fire Line into a Line of Control and subsequently to transform this Line of Control into a formal international border between India

and Pakistan. There have been absolutist claims from both sides, with India claiming that the whole territory of the old princely State of Jammu and Kashmir is an integral and inalienable part of India and Pakistan countering the claims with the assertion that integration of Jammu and Kashmir with Pakistan is 'the unfinished part of the Partition'. Then there is the Chenab Formula, which apparently was negotiated through back channels between former foreign secretary of Pakistan Niaz Naik and the Chairman of the Observer Foundation of India, R.K. Mishra.

The most recent public political pronouncements on the subject were made by Maulana Fazlur Rehman, secretary general of Muttahida Majlis-e-Amal, during his visit to Delhi. He made two points: One, President Musharraf has mentioned about 12 options available for the solution of the Kashmir issue, adding that perhaps one of them could be acceptable to the Indian side. Two, the solution to the Kashmir issue can and should be negotiated, and should be one that would be acceptable to India, Pakistan and the people of Jammu and Kashmir.

Vajpayee's peace initiative which commenced in the last week of March is making slow progress. Perhaps, formal official discussions may commence by the end of this year. Kashmir will form one of the first subjects of discussion. So the question arises as to what should be the possible frame-work for a realistic negotiation leading to a practical solution.

Both sides lay claims to the whole terri-

tory of Jammu and Kashmir with the Indian Parliament passing a resolution on the subject as late as in 1996. The ground reality is that while one-third of Jammu and Kashmir is under Pakistan's jurisdiction, two-third is under Indian jurisdiction. There has been a fair amount of alienation among the people of the Valley against the state government as well as the Central government in India due to poor governance and political mismanagement. Pakistan has taken full advantage of the situation. It has followed a systematic policy of cross-border terrorism and subversion to not only de-stabilise the government of the state but also to encourage secession of Jammu and Kashmir to Pakistan. These Pakistani attempts received a major setback with the establishment of an elected government in the autumn of 2002.

Externally-sponsored terrorism nevertheless continues. Now, however, there is increasing international pressure both on Pakistan and India to undertake a purposeful dialogue to resolve the Kashmir problem. One could speculate on what the options are. It would be totally out of court to imagine that India or Pakistan will voluntarily cede territories under their control in Jammu and Kashmir to the other. The other approach for fulfilling this objective of acquiring the whole territory of the princely state of Jammu and Kashmir would require a massive military operation (by India or Pakistan) which clearly is not feasible, particularly in the context of nuclear weaponisation of both countries.

Can one resort to a plebiscite as was

**A practical approach would be to stabilise the Line of Control and maintain peace and tranquility on it till mutually acceptable solutions are found which may take time. Meanwhile, Pakistan should encourage and bring into being a democratic process in Pakistan-held Kashmir as India has done. Perhaps, the collective wisdom of people on both sides of the LoC could result in some inspired and acceptable solution**

## Prime Minister Vajpayee's peace initiative which commenced in the last week of March is making slow progress. Perhaps, formal official discussions may commence by the end of this year. Kashmir will form one of the first subjects of discussion

originally envisaged when the Kashmir war took place and India went to the United Nations? This also is not feasible. No amount of external observation or monitoring will ensure a free and peaceful plebiscite. Holding of plebiscite will only generate violence, political instability and have similar ramifications both in India and Pakistan.

The ideological and emotional dimensions of the issue are of profound significance. For Pakistan the acquisition of Jammu and Kashmir would be re-affirma-

tion of the two-nation theory which was shattered by the separation of Bangladesh from Pakistan. To India, Jammu and Kashmir acceding to Pakistan would be a denial of the secular national identity of the Indian polity and Indian society.

remain autonomous or become a part of India. However, the trouble with this solution is that the fragmentation of the territory would create tremendous political instability, demographic movements, mass migrations and economic chaos. Moreover, expensive and futile military presences of India and Pakistan would have to be maintained in the area to manage the crisis in its new incarnation. Not to speak of the tensions it would generate in the northern states of India neighbouring Jammu and Kashmir and the provinces of

view that people living on the Pakistan side across the Kishanganga river, though demographically Muslim, were linguistically, culturally and ethnically different from the people of Jammu and Kashmir. The areas lying on the Indian side of the Line of Control have traditionally been linked with religious, cultural and linguistic undercurrents of the Indian society. On the other hand, the areas of the PoK have greater linkages with the North West Frontier Province and Northern Punjab. But this is neither here nor there because Pakistan does not accept the Line of Control solution. Pakistan's arguments are:

- The Line of Control was drawn as an imposition when Pakistan stood militarily defeated.
- The Line of Control is not clearly demarcated in many areas (an argument used during the Kargil invasion by Pakistan).
- There is no proof that Bhutto agreed to this line being converted into an international border.
- Last, but most importantly, Musharraf has said that the Line of Control cannot be a solution as it is the problem.

This is also in line with the policy pronouncements of Musharraf's predecessors Nawaz Sharif and Benazir Bhutto. That Zulfikar Ali Bhutto agreed to the line as the basis of a solution was mentioned to them in bilateral talks when I was India's High Commissioner in Pakistan. Their response was that there is no record of any such assurances, and, that times have changed. So in the foreseeable future expecting a solution on the basis of the Line of Control does not seem to be realistic.

The complex factors detailed above have to be taken into account when discussions on Jammu and Kashmir enter detailed state of exploration for solutions. A practical approach would be to stabilise the Line of Control and maintain peace and tranquility on it till mutually acceptable solutions are found which may take time.

In the meanwhile, Pakistan should encourage and bring into being a democratic process in Pakistan-held Kashmir as India has done. Perhaps, the collective wisdom of people on both sides of the Line of Control through a democratic process could result in some inspired and acceptable solution to issues which seem intractable at present. ●

*J.N. Dixit is former foreign secretary of India*



tion of the two-nation theory which was shattered by the separation of Bangladesh from Pakistan. To India, Jammu and Kashmir acceding to Pakistan would be a denial of the secular national identity of the Indian polity and Indian society.

So the solutions on which one could speculate are: the territorial division of Jammu and Kashmir into four to five areas based on ethnic, linguistic and religious considerations, given the historical context that the state of Jammu and Kashmir was essentially a creation of the Dogra dynasty backed by the Imperial British Government. While the Muslim areas can either remain independent or become a part of Pakistan, the non-Muslim areas can

Pakistan adjacent to the areas of Kashmir under its control.

The second solution is what in recent weeks has been described as the Chenab Formula. Originally suggested by the Australian Jurist Sir Owen Dixon nearly five decades ago, it essentially involves the division of the districts of Jammu and Ladakh, geographically, historically, economically and culturally, purely on religious lines. However, most people in the state are opposed to the territorial fragmentation inherent in the Chenab Formula.

The third solution is converting the Line of Control into an international border. It is relevant to note that Sheikh Mohammed Abdullah was clearly of the