

Balloting Would Stop Bullets An election in Kashmir could end long conflict

Iftekhhar Hai Thursday, August 5, 1999

A PERSISTENT THREAT of war continues to flare up between two nuclear powers, India and Pakistan. The problem is control of Kashmir, and it could be eased simply by letting the people of that disputed territory make a trip to the ballot box.

The majority of the American people do not understand why India and Pakistan are at war in Kashmir. The problem dates back to the end of the British empire.

The Indian Independence Act passed by the British Parliament on July 18, 1947 partitioned India into two sovereign nations -- India and Pakistan. The act entitled the rulers of some 562 smaller states -- called Princely States -- within the borders of the two new countries to choose accession to either, but was mute on how that choice might be made.

The overwhelming majority opted for India without provoking dispute. But Kashmir, a border region with a Hindu ruler and an overwhelmingly Muslim population, proved different. Kashmir's ruler, a Hindu presiding over a state with 90 percent Muslim majority, unilaterally opted for India on Oct. 26, 1947, in circumstances reeking with intrigue. Pakistan remonstrated, and there emerged a consensus for a plebiscite either to ratify or reverse the ruler.

The British and Indian leaders on the issue at that time, Jawaharlal Nehru and Lord Mountbatten, agreed on an Indian radio broadcast that "the fate of Kashmir is ultimately to be decided by its people." They also promised to uphold that pledge. India presented the Kashmir dispute to the United Nations Security Council on Dec. 31, 1947, in a complaint that reiterated India's plebiscite conditions and promise. On April 21, 1948, the Security Council danced to India's tune. In a key resolution on Kashmir, Security Council Resolution 47, the UN recommended that Pakistan secure the withdrawal of all tribesmen and Pakistani nationals who had entered Kashmir to participate in the fighting there and to seal its border to prevent reoccurrence. India was urged to maintain a skeletal military force to maintain law and order and to arrange for a plebiscite in a fair and unthreatening environment under the supervision of an administrator nominated by the Secretary-General of the United Nations.

Several Security Council resolutions reaffirmed and amplified on this decision. But India has consistently refused to honor its promise, claiming that Kashmir is an integral part of India. It is said that a Kashmir plebiscite would set a precedent for other Indian territories to secede, such as the Sikhs in the Punjab. But Kashmir is unique, because Indian leaders conceded its disputed territorial status at the time of accession. No other territory within India's borders reflects that history. India's "domino theory" fretting also seems unpersuasive when one looks abroad. Eritrea seceded from Ethiopia, without further fragmenting its sovereignty. Scotland almost seceded from Great Britain without impinging upon its sovereignty. And we know where the wisdom lies in Northern Ireland --let the people be free.

A plebiscite to determine Kashmir's national destiny would be no insult to India's dignity and global stature. Quebec has held several plebiscites regarding continued association with Canada, Puerto Rico has held plebiscites on independence from the United States. Self-determination, which is an urge to freedom, a basic human right, has been a time-honored concept since the days of President Woodrow Wilson's Fourteen Points. Security Council Resolution 47, of course, is

not etched in stone. It might be modified to include independence, guarantees for religious minorities, local autonomy or a transitional period of United Nations trusteeship. India and Pakistan should be encouraged to come to a reasonable solution in the interest of the people of Kashmir. They must renounce the use of force.

Pakistan has felt the isolation in the world community when trouble arises in Kashmir. The United States, European countries and even China have advised for Pakistan to halt the intrusion of Pakistani freedom fighters into the Indian side of Kashmir's "line of control."

Good sense prevailed in the most recent fighting, and Nawaz Sharif, Prime Minister of Pakistan, took President Clinton's advice and gave orders for the freedom fighters to withdraw. The immediate tension has subsided. But the ill feelings and lack of fairness and justice, however, are very much on the minds of Pakistanis' minds. The Kashmir problem deserves the urgent attention of the United States and the U.N. Security Council.

The United States should use its influence on both India and Pakistan to help resolve this quagmire. Many innocent deaths and long chapters of human rights violations in Kashmir are enough. There is death, misery and destruction caused by the Indian occupation of Kashmir. India must honor the word of Jawaharlal Nehru and Lord Mountbatten. We are prepared, when peace, law and order have been established, to have a referendum held under international auspices like the United Nations. We can imagine no more fair or just offer.

INVISIBLE BORDER

When they abandoned their Indian colony in 1947, the British drew an international border, creating the new states of India and Pakistan. But the border ended in Kashmir and the region's Line of Control remains unmarked, with both sides fearing that demarcation would compromise their conflicting territorial claims.

HISTORY OF BORDER DISPUTE

Aug. 1947: Pakistan and India gain independence from Britain.

1948: First India-Pakistan war over Kashmir.

1965: Second India-Pakistan war over Kashmir. Cease-fire leaves India in control of two-thirds and Pakistan one-third.

1971: Countries go to war again.

1972: Line of Control formalized after talks in Simla, India.

1989: Rebellion erupts in India-held Kashmir, and small arms sniping between Indian soldiers and rebels becomes common.

May 1999: The line erupts in the worst fighting since the 1971 war.

Iftekhar Hai is a naturalized American citizen of Pakistan/Indian origin and is director of Interfaith Relations for the United Muslims of America. He can be reached at umah82@hotmail.com.