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Brief on Kashmir

President Bill Clinton once described the Himalayan region of Kashmir as the most dangerous place on earth. A week before his election, candidate Barack Obama said that solving the dispute over Kashmir's struggle for self-determination was vital for Afghanistan's stabilization and wider regional peace.

He never repeated these remarks after Delhi reacted with consternation to them – even though he came to the right conclusion.

The stakes are high in South Asia where Kashmir presents the most proximate cause for conflict and its possible escalation into nuclear war. A hearing on Kashmir will help to bring a festering issue into focus – before rather than after another crisis, waiting to happen if serious diplomatic efforts are not directed to solving this problem. The US is in a unique position to help. It has strong relationships with both Delhi and Islamabad. And it has much to gain from a durable peace in South Asia. It has an opportunity to play peacemaker rather than act as a fire brigade, as it has often done, to defuse periodic crises.

Resolution of the Kashmir dispute will also help Pakistan to focus more decisively on fighting militancy and remove an issue that Islamic radicals have used to pursue a violent agenda and stoke anti-West sentiment.

The dispute over Kashmir has in fact been the principal source of confrontation between India and Pakistan for the past 64 years and the cause of two of the three wars they have fought as well as four near wars. It is the core issue that has soured bilateral relations and impeded prospects for peace for the two billion people who inhabit the sub-continent.

The origin of the Kashmir dispute lies in the partition of British India in 1947. The state had a majority Muslim population but a Hindu maharaja or ruler at the time the British were departing. Instead of following the principle applied to the rest of British India of giving the state a chance of joining India or Pakistan, taking into account their contiguity to either country and the wishes of the people, the Hindu ruler acceded, under military pressure from Delhi, to India. By sending its forces into the state India occupied a large part of Jammu and Kashmir. The rest, a third of the territory, has since been controlled by Pakistan.

Despite the solemn pledges by Indian leaders that the people of the state would decide the final status of Kashmir, this never happened. Kashmir in fact became the oldest unresolved issue on the UN agenda. In 1948 India took the matter to the Security Council. The Security Council through resolutions 47 (1948), 80 (1950) and the United Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1959, declared that accession of Jammu and Kashmir should be decided through the democratic method of a free and impartial plebiscite.

These resolutions were never implemented in the face of Indian opposition. Instead India portrayed a series of rigged elections in the state as a substitute for a plebiscite. The deep resentment and alienation caused by a fraudulent election sparked popular protests in the late 1980s. Inspired at the time by similar movements for freedom in other parts of the world, the Kashmiri people rose against Indian occupation. The use of force against unarmed demonstrators in 1989, killing a hundred innocent civilians, marked the beginning of an uprising and subsequent insurgency that lasts to this day. Unprovoked state violence drove many Kashmiri to take to arms.

Since 1989 the uprising has left over 90,000 people dead. There are over 700,000 Indian troops in Kashmir. Human rights violations have been amply recorded in countless reports of international organizations including Amnesty international and the State Department's own

India justified heavy-handed actions against the Kashmiri nationalists by accusing Pakistan of waging a "proxy war". Pakistan supported guerrilla forces, but Delhi's failure to politically engage the Kashmiris and reliance on military might to subdue the Kashmiri freedom movement only escalated the cycle of violence and aggravated India-Pakistan tensions.

Intermittent diplomatic engagement between the two countries to find a negotiated solution failed to bear fruit even though President Pervez Musharraf and Prime Minister Manmohan Singh came closest to an interim accommodation in 2007. This was never translated into an accord. In the next three years, a wave youth-led mass protests spread across Kashmir. The three summers of protests again dramatized the need for a political solution between the nuclear neighbors.
