

'Shimla solution' to the Kashmir imbroglio is back on the table

by Ramtanu Maitra and Susan Maitra

With a banner headline, the *Times of India* on April 4 claimed that in 1972, during the talks between the then heads of state of the two countries, India and Pakistan had agreed to accept the Line of Control that divides the disputed state of Kashmir as the international border and had decided to work toward achieving this goal. The newspaper's claim is based on a first-hand report from one of Indian Prime Minister Indira Gandhi's aides who was very much in the thick of things.

The *Times*'s report was followed by a detailed commentary by P.N. Dhar, a Kashmiri and a top adviser to Gandhi, who spelled out clearly how the final resolution of the 1972 talks, commonly known as the Shimla Agreement, had come about. At that time, the Line of Control separating the India- and Pakistan-held parts of Kashmir, was known as the cease-fire line. The Indians wanted the name changed, but the Pakistanis, for bureaucratic reasons, refused. However, as Dhar points out, the late President Zulfikar Ali Bhutto, father of Prime Minister Benazir Bhutto, agreed not only to change the cease-fire line to a line of control, for which he had earlier proposed the term "line of peace," but also agreed that the line would be gradually endowed with the "characteristics of an international border," in Bhutto's words, Dhar reports.

The transition was to take place as follows: After the resumption of traffic between India and Pakistan across the international border had gained momentum, movement of traffic would be allowed at specified points across the line of control. At these points of entry, immigration control and customs clearance offices would be established. Furthermore, Pakistan-occupied Kashmir would be incorporated into Pakistan. To begin with, Bhutto's party would set up its branches there, and later the area would be taken over by the administration. India would make *pro forma*, low-key protests. (This is what actually happened in 1974 when Bhutto constitutionally made Pakistan-occupied Kashmir a province of Pakistan without much protest from India, Dhar notes.)

The concept

It was thought that with the gradual use of the Line of Control as a de facto frontier, public opinion on both sides would be reconciled to its permanence, Dhar states. In the meantime, opening up trade and commerce and cooperation

between India and Pakistan would result in easing tensions between the two countries. When, after recounting their points of agreement, Gandhi finally asked Bhutto, "Is this the understanding on which we will proceed?" Bhutto replied, "Absolutely, Aap Mujh par bharosa keejiye" (have faith in me).

Dhar claims that this was the understanding between the two leaders and that this was the "Shimla solution" to the Kashmir problem. Shortly after the 1972 Shimla talks, a similar story appeared in the *New York Times*, fed to one of its correspondents by an aide to Bhutto. The agreement that was signed at Shimla on July 3, 1972, was the launching pad for the implementation of the Shimla solution. Some Pakistanis maintain that recent events in Kashmir have overtaken the agreement, while Indians insist that the dispute should be resolved through bilateral negotiations as stipulated under it, Dhar says. Dhar points out that the debate misses the crucial point that the Shimla Agreement provided not only a mechanism for the solution of the Kashmir problem, but it also envisaged the solution itself.

Because another close associate of Gandhi, P.N. Haksar, who was a participant during the talks in 1972, is still around, there is little doubt of the accuracy of Dhar's report. Most intriguing, however, is that it has been penned at a crucial time to have the maximum impact.

The crisis

This version of what happened in 1972 at Shimla rejuvenates the otherwise moribund Shimla Agreement, whose "ineffectiveness" has been a common refrain among western analysts. There are a number of reasons why both India and Pakistan may want to seize on the rejuvenated Shimla accord at this time. It is becoming increasingly evident to the Pakistani side that the Indian part of Kashmir cannot be gotten through either "popular uprisings" or through "jihad" from outside. For the Indians, it is clear that the Pakistanis can continue to drain India's resources for a long time to come by instigating secessionist forces in Kashmir with the help of western forces. Islamabad, under pressure from the United States and the West in general, at the same time has also realized that further growth of the Afghansi operation is no longer possible, and it is getting increasingly difficult even to

protect the assets created during the so-called Afghan jihad.

Moreover, there is little indication that the Clinton administration is committed to resolving the Kashmir issue quickly. On the contrary, there are cues suggesting that the Kashmir issue could be used by Washington to pressure both India and Pakistan to toe the U.S. administration's line on nuclear and human rights issues.

Phony games

A recent article in the *Times of India* by Indian analyst S.D. Muni cited a number of signals that the U.S. State Department is believed to have funded and encouraged American scholars exploring the contours of a possible "Kashmir autonomous region" that would exclude the northern territories under Pakistani occupation, Jammu, and Ladakh—the latter two belonging to India as of now. According to Muni, this amounts to the United States playing with the "independence option" without really pursuing it, not because the latter is not considered desirable, but because it is not feasible. The United States knows that all of Kashmir's powerful neighbors—India, Pakistan, and China—would stoutly resist the emergence of an independent Kashmir state. It may also cause tremendous destabilization in India and Pakistan, which is not in either the short- or long-term strategic interests of the United States.

While the United States may continue to pay lip service to the Kashmiris in order to cut a good image with restless Muslims around the world, it is the domestic situation in Pakistan, fast reaching the boiling point, which could provide the impetus for resolving the Kashmir dispute. Neither Benazir Bhutto nor any other politician in Pakistan, nor the all-powerful Pakistani Army, has any answer to the developments in Karachi and elsewhere. Washington is also at a loss how to prevent the disintegration of their old ally. At the same time, Washington is eager to see that the Bhutto government acts sternly against the drug-barons and Islamic extremists who are actively involved in seizing power through violence in many friendly Islamic nations. Bhutto has responded to Washington's request as much as she could, and perhaps at a grave political cost.

On the Indian side, there is a realization that Kashmir will continue to be a major drain on India's weak economy and a sore point which can be exploited by outsiders at will. It is also likely that India will now experience center coalition governments for years to come, and it is safe to assume that such weak governments will not be able to take any new initiative to resolve an old and politically complex issue as Kashmir. Moreover, it seems that the coming governments in New Delhi will be more engrossed with India's economic health and will put territorial disputes on "hold."

Also to be taken into account is the growing realization in Islamabad, particularly within the Army, that Washington's good office is necessary to keep the country in one piece. The Pressler Amendment, which ties Pakistan's nuclear weapon



In 1972, Pakistani Prime Minister Zulfikar Ali Bhutto (left) and Indian Prime Minister Indira Gandhi (right) agreed on a plan to resolve the Kashmir crisis. The plan is being given prominent coverage in the Indian press.

development to U.S. military sales and economic aid to Pakistan, is a thorn in the side of U.S.-Pakistan relations. One of the objectives of Bhutto's April 5-14 trip to the United States was reportedly the lifting of that amendment. If the whispers in the corridors of power are based on truth, one would believe that U.S. First Lady Hillary Clinton, during her recent trip, conveyed to Bhutto that Washington has little to offer on this. There are other reports which suggest that some in Washington, linked to the International Monetary Fund and World Bank, are thinking of dethroning Bhutto and putting a coalition government in place.

All this is mere talk as of now. However, the fact remains that Bhutto cannot come back empty-handed after her three-week sojourn in the United States. Hollow promises of "billions of dollars of private investment" in Pakistan will not suffice, many Pakistani commentators have warned.

What can Bhutto offer to satisfy Washington and get the Pressler Amendment lifted and make the Army happy? She will, of course, promise more captures and extradition of drug barons, and disarming and extradition of Islamic militants whom we hire on from other countries. But that will only help Pakistan for a short while. Greater issues need to be urgently resolved for the security of Pakistan. The rediscovered fullness of the "Shimla solution"—as opposed to the tired and partial Shimla "process"—could be a way out for Bhutto. The question is: Is Washington or Islamabad interested and ready?