

KASHMIR:
THE VIEW FROM NEW DELHI

4 December 2003



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KASHMIR: THE VIEW FROM NEW DELHI

EXECUTIVE SUMMARY

For half a century Kashmir has been the major issue of contention between India and Pakistan. In India's view, the conflict in the state of Jammu and Kashmir constitutes a major internal security threat and is driven by Pakistani interference. No solution is possible, according to the Indian leadership, until Pakistan ceases its support for militants there.

The ceasefire at the Line of Control (LOC) established by India's acceptance on 24 November of Pakistan's announcement the previous day of a unilateral measure and confidence building measures (CBMs) proposed by India in October 2003 have raised hopes of an improved environment for negotiations. Nevertheless, the potential for yet another Kashmir crisis that could result in armed conflict looms large, since mutual distrust and hostility remain high, and both countries' substantive positions are rigid. Meanwhile the Kashmiri people are caught in the crossfire between the militants and Indian security forces.

This paper lays out the public and private positions of the government in New Delhi on Kashmir and relations with Pakistan. It also examines the way the issue is tackled by Indian politicians of all parties and the media. ICG is releasing simultaneously reports that look at how the conflict is seen in Islamabad and at the history of the crisis and past efforts to resolve it. An earlier report examined views from within the Kashmir Valley. Taken together, the series analyses the positions and looks at the constraints in terms of ending the conflict as they are perceived on all sides.¹ A subsequent final report in this series will offer

extensive recommendations on how to move forward with a process of reconciliation between India and Pakistan and within Kashmir.

The ruling Bharatiya Janata Party (BJP) has traditionally pursued an uncompromising attitude on Kashmir, favouring a military solution over a political resolution of the conflict. Although it has moderated its views in government, the pressures of electoral politics and, to a lesser degree, its ideological preferences, will continue to constrain its decisions.

Internal constraints in resolving the Kashmir conflict extend beyond the conservative political parties to encompass an array of rightist forces. Within Kashmir, despite divisions between hardliners and moderates, the All Parties Hurriyat Conference still represents Kashmiri separatism. Kashmiri and non-Kashmiri militants pose formidable hurdles to conflict resolution.

Any movement forward on Kashmir is made even more difficult by the lack of a national consensus on how the conflict within Kashmir and with Pakistan should be addressed. In general, public opinion is not set against an agreement and is supportive of peace initiatives since Kashmir, for most Indians, is not the most pressing of the country's major problems. However, popular sentiment hardens during crises, influenced by official and media rhetoric. There is then a tendency to move away from support for a negotiated settlement to preference for a military solution in dealing with Pakistan and the militants.

India's bottom line on Kashmir has remained unchanged over the decades: the state of Jammu and Kashmir is an integral part of the Indian Union, and any settlement of the crisis there must be effected within the confines of the Indian constitution. However, differences abound within Indian policy

¹ ICG Asia Report N°35, *Kashmir: Confrontation and Miscalculation*, 11 July 2002; ICG Asia Report N°41, *Kashmir: The View from Srinagar*, 21 November 2002; ICG Asia Report N°68, *Kashmir: The View from Islamabad*, 4 December 2003; ICG Asia Report N°70, *Kashmir: Learning from the Past*, 4 December 2003.

circles on the future shape of a possible solution, from support for incorporating into India all of Jammu and Kashmir, including territories presently under Pakistani and Chinese control, to the territorial status quo, to the increasingly apparent shift in official policy for recognition of the Line of Control (LOC) as the international border.

Indian perspectives are moving in the following direction: that a holistic solution must include recognition that it is impractical at this late date to conduct a plebiscite; that New Delhi cannot avoid providing maximum autonomy to Srinagar; and that

converting the LOC into an international border is necessary on pragmatic grounds. The Indian government remains publicly opposed to any international involvement in the dispute although it has urged the United States to press Pakistan to end support for militants. Statements by Indian officials on all these matters are split. Most accept in private that a solution is possible along the basic lines just described. However, few have yet acknowledged this in public.

New Delhi/Brussels, 4 December 2003

KASHMIR: THE VIEW FROM NEW DELHI

I. INTRODUCTION

The Government of India (GOI) concedes that there is an “issue” in Kashmir; it does not accept there is a “problem” and, much less, that it amounts to a territorial “dispute”. It is not a dispute because, in India’s perception, the Princely State of Kashmir legally acceded to India in 1947. However, for the GOI, the Kashmir conflict is important in its relations with Pakistan and must be addressed in any bilateral dialogue, since it encapsulates Pakistan’s “unrelenting hostility” towards India.²

Most Indians agree that there are formidable difficulties in resolving the Kashmir situation, which is grounded in a complex mix of historical, communal, ethnic, geopolitical and strategic factors. Kashmir is central to India’s perception of its internal and external security for at least three reasons.

First, Kashmir has either been the cause or a theatre of operations in previous India-Pakistan military engagements, including their wars of 1947-1948, 1965, and 1971, and the Kargil conflict (1999). Kashmir was also central to several other major conflicts and crises, including the post-1989 insurgency in the state and the near war situations with Pakistan in 1990 and 2002. A future India-Pakistan crisis/conflict is either likely to arise or be principally fought in Kashmir.

Secondly, apart from the territorial aspect, differences over the sharing of river waters emanating from Kashmir, such as the Wullar Barrage/Tulbul Navigation Project, and the military confrontation in the Siachen glacier region bedevil the relationship with Pakistan.

Thirdly, in India’s view, Pakistan’s proxy war across the Line of Control (LOC) has adversely affected Kashmir’s, and hence India’s internal security since 1989. According to the Indian Ministry of Home Affairs’s 2002 Annual Report, 60 to 70 per cent of the militants in Kashmir come from outside the state and are “under the direct control of Pakistan’s ISI (Inter Services Intelligence Directorate, also ISID)”, with local persons “playing the role of porters and guides”. An “incremental use of suicide bombers” has also been noticed, although their numbers fell from 28 in 2001 to ten in 2002.³

Indian governments have also regularly cited two additional, more philosophical, reasons for Kashmir’s importance: that Kashmir is central to India’s conception of itself as a secular state for Muslims as well as Hindus; and that if Kashmir were to leave the Indian Union, secessionist demands might proliferate in other states such as Punjab and Tamil Nadu, and in the northeast, which could lead to the break up of the country.

For India, these internal and external aspects of the Kashmir issue highlight its complexity. Maintaining the present status quo might be a solution, in the sense of the adage that not taking a decision is also a decision. But this would ignore the human costs of a conflict that, according to the Indian Government, produced some 30,000 deaths between 1989 and early 2002, but that Kashmiri separatists place at around 80,000. A private think-tank, South Asia Terrorism Portal, estimates casualties between 1988 and 2002 at 33,747, which includes 16,960 insurgents, 12,216 civilians and 4,571 security personnel.⁴ An analysis of these figures reveals that insurgency in Kashmir has waxed and waned over the years, reflecting the changes in strategies

² Many in India believe, nevertheless, that even if the Kashmir conflict were miraculously to be resolved, relations with Pakistan would remain difficult.

³ “Threat of internal security: report”, *The Hindu*, 29 April 2003.

⁴ At http://www.satp.org/satporgtp/countries/india/jandk/data_sheets/annual_casualties dt. May 8, 2003.

adopted by both Kashmiri militants and Indian security forces.

These statistical analyses, however, mask the real dimensions of the conflict for Kashmiris, including the enforced or involuntary disappearances (EID) of an estimated 6,000 persons, a phenomenon that is officially acknowledged by its Chief Minister. "3,744 are missing between 2000 and 2002, 1,533 persons got (sic) disappeared in 2000. 1,586 went missing in 2001 and 605 in 2002".⁵ Human rights abuses occur with regularity. Security forces and militants are both responsible for atrocities, including torture, rape and extra-judicial executions. India's use of state-sponsored irregular forces to assist its counter-insurgency and counter-terrorist operations in Kashmir is undeniable. They often become a law unto themselves, and their human rights abuses are numerous, although they do not always come to light.

In official Indian estimates, the proportion of foreign militants (estimated between 1,000 and 2,500 in recent years) to indigenous Kashmiris is 2:3.⁶ Arguably foreign militants survive longer due to better training, but equally Kashmiri militants might be surviving longer due to the sympathy of the local communities. The GOI insists that no substantial dialogue with Pakistan is possible until cross-border terrorism ceases, and Pakistan dismantles the infrastructure that sustains this activity, implying that only external factors are responsible for the conflict within Kashmir.

The holding of largely free and fair elections in Jammu and Kashmir in September-October 2002 is undoubtedly an encouraging development. Chief Minister Mufti Mohammad Sayeed's People's Democratic Party (PDP)-Congress coalition government has demonstrated considerable political maturity. However, the PDP-Congress government has to work with its political opposition, the Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA). Considerable political skills and acumen are therefore required in both

Srinagar and New Delhi to move towards a resolution of the Kashmir conflict.

During his visit to Srinagar on 18 April 2003, Prime Minister Vajpayee launched a peace initiative with Pakistan, again an encouraging sign, though the explanation of his offer in the parliament showed that it is qualified.⁷ In October and November 2003, the Indian government took its offers of peace further, proposing what it described as an unconditional dialogue, for the first time, to the All Parties Hurriyat Conference (APHC), currently headed by Maulana Abbas Ansari, a moderate who supports bilateral negotiations with India. Although the pro-Pakistan breakaway APHC faction headed by Syed Ali Shah Geelani has dismissed New Delhi's offer, insisting on Pakistani participation, Islamabad itself has responded favourably to the overtures, as has the international community, which is eager to see the two nuclear-armed adversaries talk rather than fight. Indeed, external, mainly U.S. pressure, might have led to the initiation of Vajpayee's peace initiative and Pakistan's positive response.

Steps taken thus far toward the normalisation of relations include the appointment of High Commissioners and limited implementation of an agreement on restoring communication links. The course of this process will inevitably impact both on India's policies towards Kashmir and its relations with Pakistan but it is unclear whether and how far it will proceed. Normalisation could easily stumble again if there is an escalation of violence in Kashmir once the winter snows melt.

Nevertheless, India's initiative, that includes designating Deputy Prime Minister Lal Krishna Advani in October 2003 to launch negotiations with Kashmiri groups and proposing a new bus service across the Line of Control, signals some softening of positions, though New Delhi has yet to accept Pakistan's call for the resumption of direct talks.

India also responded positively on 24 November 2003 to Pakistan's announcement of a unilateral ceasefire along the LOC, expressing its willingness to extend the ceasefire to the Siachen glacier, where

⁵ The statement was made in the State Legislative Assembly on 25 February 2003. Cited in A. Showkat, Hilal Ahmad Motta, "Declare 'em dead: Families of disappeared men appeal [to] PM", *Srinagar Times*, 18 April 2003.

⁶ Another calculation reverses this ratio to 3:2. Brian Cloughley, "Risk-Reduction Measures in Kashmir", in Michael Krepon and Chris Gagne, eds., *Nuclear Risk Reduction in South Asia* (New Delhi, 2003), p. 182.

⁷ Vajpayee stated, "We have extended our hand of friendship. Let us see how Pakistan responds to this. Stopping cross-border infiltration and destruction of terrorism infrastructure can open the doors for talks. Talks can take place on all issues, including that of Jammu and Kashmir". At [http://www.meadev/PM's speeches/J & K](http://www.meadev/PM's%20speeches/J%20&%20K).

the two states are still engaged in armed conflict. It also warned, however, that any ceasefire would fail unless Pakistan ended its support for cross-border insurgency.⁸

II. HISTORY OF THE KASHMIR CONFLICT: AN INDIAN PERSPECTIVE

The Treaty of Amritsar, signed in 1846 between the British Government and Maharaja Gulab Singh of Kashmir to delimit the extent of his kingdom, marked the beginning of the modern history of Jammu and Kashmir. It delimited the extent of his kingdom. In 1932, reacting to the misrule of subsequent Dogra rulers, Sheikh Abdullah, founder of the All Jammu and Kashmir Muslim Conference (later renamed the National Conference, NC), launched an organised resistance. When the National Conference initiated a “Quit Kashmir” movement, the Indian National Congress supported it. Jawaharlal Nehru, the founder of modern India, was himself arrested when he took part. At this time (1941), a section of the NC led by Ghulam Abbas and Mirwaiz Yusuf Shah revived the Muslim Conference, which was closer to the All India Muslim League, Pakistan’s founding party.

A. CRUCIAL MONTHS: INDIA VERSUS PAKISTAN

According to the Indian Independence Act of 1947, the colonial empire’s princely states were enjoined to accede either to India or Pakistan by signing an instrument of accession when British rule lapsed. The Maharaja of Kashmir believed that he could be independent and requested a Standstill Agreement on 12 August 1947 from both new countries, whereby “existing arrangements should continue pending settlement of details”.⁹ While Pakistan agreed, India sought a meeting with the Kashmir government to negotiate.

In India’s view, Pakistan was responsible for the conflict that ensued by first imposing an economic blockade and then sending both Pashtun tribesmen and its own troops to capture Kashmir.¹⁰ Reacting to this incursion into Kashmir and to appeals from

⁸ “India ‘welcomes’ ceasefire offer”, BBC News, 24 November 2003 at http://news.bbc.co.uk/1/world/south_asia/3232468.stm.

⁹ “Standstill Agreement with India and Pakistan”, in Verinder Grover, ed., *The Story of Kashmir: Yesterday and Today*, Vol. III (New Delhi, 1995) p.106.

¹⁰ M.C. Mahajan, *Looking Back: The Autobiography of Mehr Chand Mahajan* (Bombay, 1983). See also Lars Blikenberg, *India-Pakistan: The History of Unsolved Conflict*, Volume I (Odense, 1998), p. 76.

Maharaja Hari Singh for help, India's Defence Committee, meeting on 25 October 1947 under the chairmanship of Lord Mountbatten, the former Viceroy, decided that Indian troops would be sent but only after the Maharaja acceded to India. Earlier, Nehru, in his correspondence with Jammu and Kashmir Prime Minister M.C. Mahajan, had said, "in view of all the circumstances, I feel it will probably be undesirable to make any declaration of adherence to the Indian Union at this stage. This should come later, when a popular interim government is functioning".¹¹

On 25 October, Maharaja Hari Singh signed the Instrument of Accession. Lord Mountbatten accepted it on 27 October, though asking that it be ratified by the people once order had been restored. Thereafter, Indian paratroopers were airlifted to Srinagar.¹²

In November 1947, full scale fighting broke out between Indian and Pakistani troops. By the end of 1947 India had cleared the Kashmir Valley¹³ of Pakistani and Pakistani-backed forces. India referred the matter to the UN Security Council on 20 December 1947 and lodged a complaint on 1 January 1948. It had two reasons. First, Mountbatten insisted that India should refer the matter to the United Nations, in the expectation that the Security Council would direct Pakistan to withdraw its forces. Secondly, Prime Minister Nehru wanted to exhaust

all peaceful means before launching a military attack on Pakistan.¹⁴

The Security Council's resolution of 13 August 1948 called for a ceasefire between India and Pakistan and the withdrawal of Pakistani troops from the disputed area to be followed by withdrawal of Indian troops, except for a minimum force needed to maintain law and order. The resolution also maintained that the future of Kashmir should be decided "in accordance with the will of the people".¹⁵ Both governments accepted these terms, and a ceasefire came into being on 31 December 1948.

In India's view, the UN should have recognised that Pakistan was the aggressor in 1947-1948 since it had sent its irregulars and troops into Kashmir. In a radio broadcast on 2 November 1947, Nehru said that "the fate of the people is ultimately to be decided by the people...We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations".¹⁶ However, India considered that unless Pakistani troops withdrew from Kashmir, the question of a plebiscite to determine the people's will did not arise, and it believes that the option of a plebiscite is now obsolete.

According to India's Foreign Minister, Yashwant Sinha, the UN resolution on Kashmir is "irrelevant and incapable of implementation, as Pakistan has failed to fulfil the conditions attached to it". He adds that "self-determination" in a pluralistic society like India could only mean "internal self-governance within the overall constitutional framework".¹⁷

B. NEW DELHI VERSUS SRINAGAR

Taking over as Prime Minister of Kashmir, Sheikh Abdullah supported its accession to India, and in 1951 his party, the National Conference, won every seat in elections for a Constituent Assembly to legislate a constitution for the state. The following

¹¹ Jawaharlal Nehru's letter to M.C. Mahajan, 21 October 1947. *Selected Works of Jawaharlal Nehru*, Second Series, Vol. 4 (New Delhi), p. 274.

¹² In his reply to Hari Singh's letter, Mountbatten said, "In the special circumstances mentioned by Your Highness, my Government have decided to accept the accession of Kashmir State to the Dominion of India. Consistently with its policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that, as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people. Meanwhile, in response to your Highness's appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir to help your own forces to defend your territory and to protect the lives, property and honour of your people". See Grover, op.cit., p. 108.

¹³ Jammu and Kashmir consists of Jammu to the south, Ladakh to the northeast and its most densely populated section, the 80-mile long and 35-mile wide Valley of Kashmir.

¹⁴ C. Dasgupta, *War and Diplomacy in Kashmir 1947-48* (New Delhi, 2002), p. 100.

¹⁵ UN Security Council Resolution, August 13, 1948 in P.R.Chari and Suba Chandran, eds., *Kashmir: The Road Ahead*, IPCS Topical Series 2, (New Delhi, 2001), pp. 113-115.

¹⁶ *Jawaharlal Nehru's Speeches*, Volume 1, 2nd edition (Government of India, New Delhi, 1958), pp. 160-161.

¹⁷ "Pak wrecked plebiscite prospects: Sinha", *The Times of India*, 16 March 2003.

year, Abdullah and Nehru signed the Delhi Agreement according to which residents of Kashmir would be citizens of India; Kashmir would have its own flag; the Indian Supreme Court's jurisdiction would be extended to the state; and emergency provisions of the Indian constitution would only be applied with the concurrence of the state government. Soon after, however, angered by developments in the state, Abdullah revived the idea of an independent Kashmir, resulting in his dismissal, arrest, and replacement by Bakshi Ghulam Mohammad.

During Bakshi's tenure, which lasted until 1963, measures were taken to integrate the state into India. The Constituent Assembly of Kashmir adopted a new constitution in November 1956, reconfirming that the state was an integral part of the Union of India. In 1957, most of the provisions of the Indian constitution were extended to Kashmir. Two elections were held, in 1957 and 1962, which the NC won, though Sheikh Abdullah and his supporters remained in jail.

C. OPERATION GIBRALTAR AND KASHMIR'S INTERNAL DYNAMICS

In India's view, political unrest within Kashmir, the death of Jawaharlal Nehru (1964), and the belief that Lal Bahadur Shastri, the new prime minister, was a weak leader emboldened Pakistan to undertake "Operation Gibraltar", the infiltration of regular and irregular forces across the Ceasefire Line, in the hope that, with local support, it could annex Kashmir. The crisis developed into an open India-Pakistan war that ended in a virtual territorial stalemate on 22 September 1965. In January 1966, India and Pakistan signed the Tashkent Agreement, affirming their desire to "settle their disputes through peaceful means".¹⁸

Kashmiris did not revolt against Indian rule during Operation Gibraltar, though a close observer commented that India failed to understand that their reaction to the Pakistani intruders "was not necessarily due to strong loyalty to India or to a determination to resist a Pakistani attack...It was probably due primarily to the fact that relatively

sterile political issues were insufficient to rouse the people".¹⁹

In the aftermath of the 1965 war, India continued to depend more on coercion than negotiation in resolving its differences with the Kashmiri leadership, and elections were again held that had dubious legitimacy.²⁰

D. WAR, BILATERALISM AND KASHMIR

In 1971, India fought its third war with Pakistan and won decisively. After combat ceased on 17 December 1971, it pursued two objectives at the negotiating table in Simla: "First, that the ceasefire line established by the Karachi Agreement of 1949 was no longer valid after its disarrangement by the Indo-Pak war of 1971...Second, the residual problems left after the Indo-Pak conflict would have to be negotiated and resolved through bilateral negotiations".²¹ These objectives achieved, India turned its attention to the internal dynamics of the Kashmir conflict, focusing more on control than reconciliation.

In 1972, state elections were held but with little legitimacy since most opposition leaders were prohibited from contesting, and Sheikh Abdullah was not allowed to enter Kashmir. Thereafter, despite Sheikh Abdullah's willingness to accept the finality of the Instrument of Accession, governments in Srinagar came and went at the centre's behest, and the discord between New Delhi and Srinagar remained unresolved. This confrontation acquired a new dimension after Jammu and Kashmir Governor Jagmohan dismissed Chief Minister Farooq Abdullah, the Sheikh's political heir, and appointed G.M. Shah as his replacement in 1984.

¹⁸ Text of Tashkent Agreement of 10 January 1966 at <http://jammukashmir.nic.in/profile/welcome.html>.

¹⁹ Russell Brines, *The Indo-Pakistan Conflict* (London, 1968), p. 308.

²⁰ The 1967 elections were held at a time when most Kashmiri opposition leaders, including Abdullah and the Mirwaiz of Kashmir, were in jail. Released in January 1968, Abdullah organised State Peoples' Conferences in October 1968 and in June 1970 in bids to restore peace. Before the March 1971 general elections, however, the Union Government banned his Plebiscite Front and expelled Abdullah from Kashmir.

²¹ P.R. Chari, "The Simla Agreement: An Indian Appraisal", in P.R. Chari and Pervaiz Iqbal Cheema, *The Simla Agreement 1972: Its Wasted Promise* (New Delhi, 2001) pp. 26-27.

E. BIRTH AND GROWTH OF VIOLENCE

Farooq Abdullah's dismissal lit the spark for the birth of insurgency as Kashmiris reacted violently to what they considered the centre's unjust exercise of power and G.M. Shah's oppressive regime. Misgovernance was the rule rather than the exception in Kashmir and deteriorating socio-economic conditions exacerbated unrest. While this was brewing, Farooq Abdullah returned to power in 1987, but only to be perceived as a puppet of the Union government because of his alliance with Prime Minister Rajiv Gandhi's Congress Party, which had enabled his electoral victory. The 1987 elections were seriously flawed. The National Conference–Congress alliance won 60 of the total 75 seats, but the results were rejected by most Kashmiris and fuelled rising militancy in the state.

In India's views, Pakistan actively sought to exploit Kashmiri unrest and reinvigorated the militancy after the situation within the state began to improve in the second half of the 1990s. In the aftermath of the India-Pakistan Kargil conflict in 1999, violence further increased inside Jammu and Kashmir, particularly after the reorganisation of militant groups inside Pakistan. This included the creation of the Jaish-e-Mohammad, led by Masood Azhar, who had been released from an Indian jail in return for the freeing of hostages on a hijacked Indian Airlines plane. In India's view, the Jaish-e-Mohammad and another Pakistani Sunni extremist group, the Lashkar-e-Tayaba, are primarily responsible for terrorist attacks in Kashmir with active Pakistani support.

III. DOMESTIC ACTORS AND KASHMIR

The definition of "Kashmiriyat"²² and the effort to identify its legitimate representatives underlie the Kashmiri demand for distinct statehood or greater autonomy and an equitable share in the fruits of development. And it is this identity vacuum that has permitted many actors to hijack the Kashmiri agenda to their advantage. The policies and practices of Indian political parties, non-political organisations and other domestic actors concerned with the Kashmir crisis must be analysed against this backdrop.

A. THE STATE APPARATUS AND THE ROLE OF THE MEDIA

The military and the bureaucracy are the state organs that have the greatest impact on the handling of the Kashmir situation. Steeped in an anti-Pakistan mindset, India's military-bureaucratic establishment has reduced the Kashmir issue to a zero-sum game between India and Pakistan. Inflammatory and hawkish statements have become a regular modality of this powerful constituency, which, democracy though India is, is very influential in the formulation and implementation of Kashmir policy. To cite but a few examples, India's former defence secretary, Yogendra Narain, referring to Pakistan's support of Kashmiri militants, was of the opinion that "India has a moral and legal right to attack Pakistan and surgical strikes are a realistic option".²³ When asked about the possibility of a nuclear showdown he

²² Kashmiriyat, as it emerged in the early fourteenth century and has continued ever since, is identified as a "shared communality in social practices, dietary habits and clothing, and the centrality of the Kashmiri language, without any explicit reference to religious difference". See Vernon Hewitt, "Political Evolution of Ethnic Identities in J&K" in Rajat Ganguly and Ian Macduff, eds., *Ethnic Conflict and Secessionism in South and Southeast Asia* (New Delhi, 2003), p. 73. A noted Kashmiri scholar, Prof. Amitabh Mattoo, refers to Kashmiriyat as "a common cultural ethos that binds together the people of the Valley". Amitabh Mattoo, "Kashmiriyat is not dead", *Indian Express*, 10 December 2001.

²³ Brian Cloughley, "Analysis: Kashmir War Scenario" at http://news.bbc.co.uk/1/hi/world/south_asia/2029557.stm.

stated, “we will retaliate and must be prepared for mutual destruction on both sides”.²⁴

The mindset of the military is similar. A former Army Chief, General Shankar Roychowdhury, labelled Pakistan as an “intransigent adversary that has been trying to disrupt societal and communal stability with a long-term objective of eroding national cohesion and threatening the country with gradual dismemberment”.²⁵ In a relatively milder but equally firm comment, another former Army chief, General V.P. Malik stated, “Active (if not proactive) management of the Line of Control and the border must continue to be a priority”.²⁶ These statements highlight the suspicious attitude of the civil and military bureaucracies towards Pakistan. If a change in the tenor of Kashmir policy is to come, it would need to be accepted here, and that will be very difficult.

Among the non-political players, at times of peace, the media is unbiased and objective in its coverage of internal developments in Jammu and Kashmir. However, because the conflict there is considered a sensitive issue of strategic and national importance, in times of war and crises the media usually follows the official line conceived by the civil bureaucracy and implemented by the military. As a result, official policy rather than objective media reporting shapes public opinion, particularly during crises. Moreover, the military, the bureaucracy and the media have collectively played an important part in shaping the Kashmir policy of successive Indian governments. Given the centrality of their role in shaping official opinion and public discourse, the media, along with the civil and military bureaucracies, must bear much responsibility for the rigidity and lack of innovation in India’s Kashmir policy.

B. ROLE OF SECTARIAN AND CIVIL SOCIETY ORGANISATIONS

There are very few civil society initiatives to promote freedom of expression and liberty of action

within Jammu and Kashmir. The intrusion of the state machinery and the use of force by militants and security agencies alike frustrate attempts at creating a vibrant and effective civil society. Under the banner of civil society bodies, many community-based organisations and NGOs espouse the cause of human rights but fail to contribute, in a substantive manner, to easing the Kashmir crisis. In fact, some of these organisations function as pressure groups, aiming only at extracting concessions, often for a narrow agenda, from the authorities.

Sectarian organisations like the Rashtriya Swayamsevak Sangh (RSS) have, in fact, reduced the Kashmir crisis to a Hindu-Muslim question, widening the communal gap in the state.²⁷ While pleading the cause of people belonging to their own faith, they are insensitive to the plight of other communities. Islamic extremist organisations like the Hizbul Mujahidin play an equally negative role by promoting communal hatred.

The record of human rights NGOs working in and for Kashmir is mixed. The integrity of some is dubious because they serve partisan agendas and only voice the views of their sponsors or parent/affiliate organisations, but there are others whose work has been appreciated by the international community. These include NGOs promoting Track two diplomacy and people-to-people contacts. The most important role of NGOs in Kashmir is to monitor and thus check the excesses of the state and central governments and their security forces, and also to publicise the excesses committed by the militants. However, many have failed to play this role effectively.

C. NATIONAL POLITICAL PARTIES AND THE KASHMIR CRISIS

The conflict in Kashmir presents a two-fold dilemma for India’s major national political parties. First, the crisis embraces elements of internal security and foreign policy at the same time. The line demarcating the two is blurred. That a mistake in either policy direction could imperil both is a fact that political parties, especially those in power, have to take into

²⁴ T. Jayaraman, “Nuclear crisis in South Asia”, *Frontline*, Vol. 19, N°12, 8-21 June 2002.

²⁵ “Retired generals support Pokharan tests”, <http://www.Rediff.com/news/1998/nov/10gen.htm>.

²⁶ V.P. Malik, “The way ahead in Jammu and Kashmir: Focusing on long-term and short-term measures”, *The Tribune*, 25 December 2002.

²⁷ Anil Nauriya, in an article entitled “Not a Muslim versus the Rest issue”, argues the fallacy of seeing the Kashmir crisis as a Hindu versus Muslim issue. Text available at http://rspas.anu.edu.au/pah/human_rights/papersdocs/Nauriya_article.rtf.

account. Secondly, in Indian perceptions, there is also a practical difficulty in dealing with an internal law and order situation that also involves hostile external forces. The co-mingling of the internal and external dimensions results in a disjuncture in the policies of political parties towards the Kashmir issue when they are in power and in opposition.

This dichotomy also derives from the absence of a monolithic Kashmiri identity, and the limitations imposed on the Indian government when it is engaged in a zero-sum game with its traditional adversary, Pakistan. Consequently, the perceptions of major national parties regarding the Kashmir crisis have almost uniformly been shaped by their response to Pakistan's policies towards and actions in Kashmir.

While ideological predilections guide their Kashmir policy, political parties are also accustomed to see national security from the perspective of their electoral requirements. It is this combination of factors, domestic and external, that shapes the positions of political parties on Kashmir.

Almost all national parties neglect issues of human security in their policy toward Kashmir. None has built an organisation across the state or sought to understand Kashmir's complexities.²⁸ On the contrary, the Kashmir problem has become more complicated over the years because of the petty games most politicians have played. As a senior analyst points out, "every leader plays to the gallery, changing postures, tactics and strategies. And in the pursuit of their power games, the people suffer".²⁹

Efforts to better the situation have only been undertaken by prominent national and state parties in their respective areas of influence in Jammu and Kashmir, leading to a feeling of alienation in other parts of the state. In other words, each party is only concerned about its own constituency and electoral chances. For example, the Congress, traditionally allied with the National Conference, had found it convenient to focus its attention on the Kashmir Valley, which formed its largest vote-bank. But since the Congress fought the 2002 elections in opposition

to the National Conference, it sought to lure voters from the Jammu region, pledging that, if voted into power, it would install a Chief Minister from Jammu. Likewise, the BJP, whose area of influence is limited to the Hindu-majority Jammu region, focuses its attention on the plight of Kashmiri Pandits.

All this is evidence of the pervasive influence of vote-bank politics, a prime cause for the failure of the political parties to take a holistic view of the situation.

1. Indian National Congress

The Congress emerged as India's single largest post-independence political party and continued to be so for two decades; hence its influence has been paramount in shaping New Delhi's Kashmir policy. The Congress has traditionally promoted Indian nationalism based on secularism and democracy. Kashmir was and remains the acid test for its secular credentials. In Congress' perception, the retention of Kashmir is linked to the future of India and is imperative, at all costs.

Prime Minister Jawaharlal Nehru did attempt to resolve the Kashmir conflict. His complete control over the party, combined with his concern and understanding of Kashmir, stemming from his origins in the state, placed him in a unique position. Nehru hoped to work out a solution with Pakistan based on the Ceasefire Line (CFL) and in consultation with the Kashmiri people. According to a senior Indian diplomat:

Nehru made more than one effort so as not to leave a festering legacy for his successors in office. His commitment to consult the wishes of the Kashmiri people was sincere and was only withdrawn when Pakistan entered into a military relationship with the United States in 1954.³⁰

Nehru's post-1954 position on ascertaining the will of the Kashmiri people underwent a drastic change for two reasons. In Indian perceptions, Nehru's faith in a free and fair plebiscite was undermined because of the infiltration of Pakistan-based militants. Externally, the two countries' cold war positions drew them further apart, as India demonstrated frequent sympathy for the Soviet Union and Pakistan

²⁸ Anjali Mody, "Kashmir- Missed Chances", *The Hindu*, 30 March 2003.

²⁹ Hari Jaisingh, "Autonomy for what, for whom? J&K caught between the gun and crafty politicians", *The Tribune*, 22 June 2002.

³⁰ Chinmaya R. Gharekhan, "Kashmir needs to be resolved", *The Hindu*, 21 January 2002.

joined U.S. treaty alliances such as CENTO (Central Treaty Organisation) and SEATO (Southeast Asian Treaty Organisation). Pakistan's entry into that treaty relationship strengthened Indian perceptions that it would attempt to wrest Kashmir away by force.

The post-Nehru period witnessed a further waning of Congress commitment to resolve the Kashmir dispute. Indira Gandhi and Rajiv Gandhi manipulated the Kashmir issue for their own ends by rigging elections, setting up puppet regimes, imposing president's rule, interfering in state matters, and using army and paramilitary forces to suppress agitation. These policies made the crisis within Jammu and Kashmir more intense and intractable. The Congress party must, therefore, share a large part of the blame for the state of affairs in Kashmir. Some Indian analysts even question Nehru's role. Internally through mis-governance and externally by hastily placing the Kashmir issue before the United Nations, great damage was done, says one such analyst, who adds that the Congress record in Kashmir has not been worthy of a national party.³¹

2. Leftist Parties

Indian leftist parties believe in nationalism based on plurality. For them, India is a confederation of many nations, each having a right to self-determination. As a corollary, all leftist parties favour autonomy for Jammu and Kashmir. The degree of autonomy varies from party to party. For instance, the parent leftist party, the Communist Party of India (CPI), favours a two-tiered dialogue, one at the level of the Indian and Pakistani leaderships and the other between New Delhi and Kashmiri leaders. But the CPI also insists that both dialogues must address the Kashmir conflict within the parameters of the Indian constitution.

The Communist Party (Marxist) also supports greater autonomy for Jammu and Kashmir as well as negotiations with Pakistan. The radical Communist Party (Marxist-Leninist) is not averse to an independent Kashmir although it is sceptical about its viability.³² However, since the leftist parties have never exercised power at the centre or in Jammu and Kashmir, it is uncertain if their views would remain unchanged if they had to translate their policies into practice.

³¹ L.C. Jain, "Kashmir and the Congress", *The Hindu*, 8 November 2002.

³² Policy Resolution of the CPI (ML) on Kashmir at <http://www.cpiml.org/pgs/policyresolution/policy.htm>.

3. Bharatiya Janata Party

Advocating "national unity, national integrity, national identity and national strength through individual character and national character",³³ the Bharatiya Janata Party belongs to the wider family called the Sangh Parivar,³⁴ headed by the RSS. The BJP emerged out of the Bharatiya Jana Sangh, established by Shyama Prasad Mookherjee in 1951 with a commitment to "Integral Humanism" and "Cultural Nationalism" or *Hindutva*. This remains the BJP's basic philosophy.

According to Prime Minister Atal Bihari Vajpayee, *Hindutva* is "not linked to any religion...but encompasses all sections of society irrespective of caste or creed; it is timeless". It reminds people that India is basically a Hindu nation.³⁵ A BJP ideologue points out that since religious minorities in India are converts from Hinduism, it is natural for them to revert to their "core culture".³⁶ According to the BJP, *Hindutva* bestows equality under its protective umbrella on the minorities; hence there is no need for their special protection, justified on the grounds of secularism.

During the 1980s, despite RSS opposition, the BJP adopted a moderate Hindu nationalist ideology and tried to forge unity among non-Congress forces. When the Congress, however, used the Hindu

³³ K.R. Malkani, "BJP History: It's Birth, Growth & Onward March", at the BJP's website: <http://www.bjp.org/history.htm>.

³⁴ *Sangh* refers to RSS and *Parivar* means family. Aside from the BJP, the other members of the family include the Vishwa Hindu Parishad (VHP). Established in 1964, the VHP's objectives are to (1) consolidate and strengthen Hindu society; (2) protect and spread Hindu values; (3) establish and strengthen the links among Hindus living in different countries; and (4) "welcome back all those who had gone out of the Hindu fold". Created in 1984, the VHP's militant wing, the Bajrang Dal was initially set up to "liberate" the disputed site at Ayodhya, but later expanded to take up issues like cow protection and "countering subversive activities of intelligence agencies of neighbours". The student wing of the Sang Parivar, the Akhil Bharatiya Vidhyarti Parishad, came into being in 1948 to "bring together university students and to arrest the growing influence of communism among them". Prakash Louis, *The Emerging Hindutva Force: The Ascent of Hindu Nationalism* (New Delhi, 2000), p. 30.

³⁵ Vajpayee's musings from Goa. *The Hindu*, 12 February 2003.

³⁶ RSS ideologue, M.S. Golwalkar believes that Muslims and Christians, who continue to remain converts, are "internal threats" to the nation. See M.S. Golwalkar, *Bunch of Thoughts* (Bangalore, 1966), Chapter 12.

communal card for electoral advantage,³⁷ successive defeats motivated the BJP to revive a stronger Hindu nationalist agenda.

Under L.K. Advani's presidency, the BJP launched a mass mobilisation campaign, based on religion. Among the BJP's stated goals were building a Hindu temple on a disputed site in Ayodhya (already the location of a mosque), establishing a common civil code, scrapping the Minorities Commission, and abrogating the special status accorded to Jammu and Kashmir under the Indian Constitution.³⁸ The BJP portrayed "infiltration" from Pakistan and Bangladesh as a threat to national security and stability. This strategy boosted its electoral strength, but the BJP was unable to form a stable government until 1999, when Vajpayee headed the eighteen-party National Democratic Alliance coalition as prime minister.³⁹

The compulsions of coalition politics have resulted in the BJP watering down its Hindu nationalism. But this is a tactical move and commitment to *Hindutva* would likely be reinvigorated if and when the BJP were to form a government on its own.

Coming to power on the plank of Hindu nationalism, the BJP perceives the Kashmir issue in terms of a cultural challenge to India's identity. It views the Islamic component of Kashmiri identity as a threat to its goal of assimilating all religious identities under the broad rubric of *Hindutva*. The BJP's *Hindutva* agenda has been furthered by domestic and international recognition of the role of Islamic extremism in perpetuating the Kashmir conflict.

Deeply inimical to Pakistan, the BJP also links India's military strength and its nuclear status to the Kashmir conflict. For instance, immediately after the Pokhran tests in May 1998 conducted by a BJP-led government, L.K. Advani declared that India's "decisive step to become a nuclear weapon state has brought about a qualitative new state in India-

Pakistan relations, particularly in finding a lasting solution to the Kashmir problem".⁴⁰

In power, Prime Minister Vajpayee has shown considerable restraint in his policies towards Kashmir, demonstrating differences from positions enunciated by the party. Moreover, as the single largest party in a coalition government, the BJP has unavoidably had to modify its position on issues of particular domestic sensitivity to accommodate its secular coalition partners. These include the Samata Party, the Trinamool Congress, and the Telugu Desam Party.

While the BJP party promotes the communalisation and militarisation of Jammu and Kashmir, the BJP government has been relatively more conciliatory.⁴¹ Despite the Kargil conflict, for instance, Prime Minister Vajpayee opted to meet President Musharraf at Agra. And despite that failed summit, Vajpayee again offered, in April 2003, albeit conditionally, to enter into a process for normalisation of relations with Pakistan.

In the domestic context, the BJP government has dropped its opposition to Article 370, and publicly endorses Chief Minister Sayeed's "healing touch" policy, despite its hard line approach towards the Kashmiri insurgency and Sayeed's alliance with the Congress, the BJP's rival in New Delhi. Hoping to strengthen the position of the newly elected and moderate APHC Chairperson, Maulana Abbas Ansari, and given the opportunity of using APHC's internal divisions to its advantage, the BJP government has also offered to hold what have been described as unconditional talks with the umbrella organisation of Kashmiri separatists.⁴² But the BJP,

³⁷ Thomas Blom Hansen, *The Saffron Wave: Democracy and Hindu Nationalism in Modern India* (New Delhi, 1999), p. 158.

³⁸ Interestingly, Article 370 of the Indian Constitution falls under "Temporary, Transitional and Special Provisions" (Part XXI).

³⁹ A BJP-headed coalition government, formed in March 1998, lasted barely a year.

⁴⁰ Amit Baruah, "The South Asian nuclear mess", *Frontline*, Vol. 16, N°10, 8-21 May 1999, p. 119.

⁴¹ The BJP and its hardline rightist associates like the RSS, Jana Sangh, Shiv Sena, and Bajrang Dal advocate a military solution, oppose any compromise, and demand the abrogation of Article 370. They also support the trifurcation of the state on communal lines: the Kashmir Valley for Muslims, Jammu for Hindus and Ladakh for Buddhists.

⁴² On 15 September, Jamaat-i-Islami leader, Syed Ali Shah Geelani took over as chairperson of a rebel faction of the APHC, supported by a majority of the group's general council. Pakistan has accepted Geelani as the APHC's sole chairperson. "The Hurriyat Meltdown", *The Hindu*, 17 September 2003. In making the offer of what it termed unconditional talks with the APHC, Home Minister Advani said, however, that there "will be no compromise on the country's unity and sovereignty". Iftikhar Gilani, "Advani hits at Kashmir 'decentralisation'", *J&K News*, 24 October 2003.

too, is not monolithic. Unlike Prime Minister Vajpayee, Deputy Prime Minister L.K. Advani, Vajpayee's possible successor, is far more of a *Hindutva* ideologue domestically, and far more inflexible on relations with Pakistan. Although Advani has been tasked with initiating the dialogue with the APHC, it remains to be seen if the BJP's policies towards Kashmir and Pakistan will remain unchanged if it wins the 2004 elections under a more hard-line leadership.

D. BJP KASHMIR POLICY

The BJP believes that it has a "consistent and coherent" policy towards Jammu and Kashmir. A gist of its perspective and "comprehensive plan" is given below:

Issue	Perception/Policy
Cause of problem	"Original sin" of Nehru-Mountbatten Plan
Status of J & K	"Integral part" of Indian Union
Demand for autonomy	Abolition of Article 370
Pandits in Valley	"Children of genocide"
Trifurcation proposal (division of Jammu and Kashmir state into Ladakh, Jammu and the Kashmir Valley)	"Yes", "No", "Maybe"
Present situation	Product of cross-border terrorism
Solution	Should be based on unity, not secession

1. Root Causes

According to the BJP, the root of the Kashmir problem lies in Nehru and Mountbatten's "original sin" of "internationalising the issue" by placing it before the United Nations.⁴³ "It was under the Congress Government", says the BJP, that India also "lost territorial control of about 37 per cent of

Kashmir to Pakistan and about 17 per cent to China. Our national aspiration today is to take every inch of Jammu & Kashmir". While "Indira Gandhi gave up all advantages in the Simla Pact without a resolution of the problem", it is "only under the NDA Government headed by Vajpayee that the world has today relegated Kashmir to a bilateral issue and India has succeeded in internationalising the issue of cross-border terrorism".⁴⁴

BJP's founder, Shyama Prasad Mookherji launched a movement for the total integration of Jammu and Kashmir into India, with the support of the Praja Parishad Party. He died ("paid with his life" believes the BJP) in a Kashmir jail in June 1953. From December 1991 to January 1992, BJP President, Murali Manohar Joshi launched a *Ekta Yatra* (procession of unity) from Kanyakumari to Srinagar, covering fourteen states, to revive this idea.

2. Autonomy

The BJP's stand on autonomy for Jammu and Kashmir is clear: as an inalienable part of India, Kashmir should be treated like other states and should not enjoy any special status; Article 370 should be abrogated since it militates against the concept "of India from Kashmir to Kanyakumari that has existed for thousands of years in the minds and hearts of its people".⁴⁵ The BJP's Jammu and Kashmir unit rejected the Kashmir legislature's 1996 report and resolution that advocated a return to the autonomy enjoyed by the state until 1953.⁴⁶ The party believes that restoring Kashmir's pre-1953 constitutional status would weaken centre-state relations and encourage separatism, besides conveying a wrong signal to the world.

3. Displacement and Refugees

There are some 350,000 Kashmiri Hindus (Pandits) who have been internally displaced by violence since 1989. A number of Kashmiri Pandits also

⁴³ Saradindu Mukherji, "Nationalism Is Cornerstone of BJP's Foreign Policy", <http://www.bjp.org/pomi.htm>.

⁴⁴ "Victims of Terror in Kashmir Require 'healing touch'", Statement of Arun Jaitley, General Secretary of BJP, *BJP Today*, Vol. 12, N°3, 1-15 February 2003, p. 25.

⁴⁵ Jagmohan, *My Frozen Turbulence in Kashmir*, 6th ed., (New Delhi, 2002), p. 252.

⁴⁶ By a voice vote, the eight-member State Autonomy Committee, constituted in November 1996 by the National Conference Government and headed by Ghulam Mohiuddin Shah, recommended a return to the pre-1953 constitutional status of Jammu and Kashmir.

became refugees after the communal riots that accompanied India and Pakistan's partition in 1947. According to the BJP, the Kashmiri Pandits have become "refugees in their own country" as a result of "genocide".⁴⁷ The Hindu Kashmiri community does face serious problems of rehabilitation, poverty, unemployment and a crisis of identity after living in exile for over thirteen years. The party emphasises that the "Government of India should look into these violations of Human Rights of Kashmir and Doda Hindus and save them from further humiliation".⁴⁸ They should be given representation in both state and central legislatures and made part of any peace initiative to solve the Kashmir conflict.

The party manifesto, issued before the September 2002 Kashmir Assembly elections, states that "refugees from Pakistan, settled in the state" will be given all fundamental rights, including the right to vote in the Assembly poll,⁴⁹ although no steps have yet been proposed for policy implementation.

4. Present Situation

The BJP has welcomed Vajpayee's April 2003 peace offer to Pakistan. At the same time, echoing their prime minister's position, BJP leaders also stress that any dialogue would be meaningless unless Pakistan "dismantles terrorist training camps, stops aiding and abetting terrorism, stops training ISI [backed] fundamentalist groups".⁵⁰

According to the BJP, "ideologically-oriented" Pakistan-backed cross-border terrorism, which is characterised by the "ethnic cleansing" of Hindus and Sikhs within Jammu and Kashmir, is primarily responsible for the current crisis in Kashmir. It is yet another attempt by Pakistan and Muslim secessionists "to force a second partition on India".⁵¹ If Pakistan were to stop this "proxy war", peace would prevail in Jammu and Kashmir. Hence the solution lies in driving out the "jihadis" or handling them sternly.

"Hot pursuit", "proactive engagement", "making proxy war costly" and "retaking Pakistan-Occupied Kashmir" are some of the BJP leadership's proposed solutions.⁵²

While there is some haziness about the BJP's official line on "hot pursuit" against "terrorist bases" in Pakistan, the party's leaders have urged the international community to brand Pakistan a terrorist state and take punitive measures against it. This policy completely ignores the local roots and support for militancy in Kashmir.

According to BJP rhetoric, Kashmir's problems can be resolved peacefully on the basis of three lofty principles: *Insaniyat* (humanism), *Jamhooriyat* (democracy) and *Kashmiriyat* (Kashmir's traditional culture of Hindu-Muslim amity).⁵³ The BJP also stresses that Mufti Sayeed's "healing touch" policy must concern itself only with the victims of terror and not its perpetrators. The security forces "who have been sacrificing a great deal, have been made the focus of misguided criticism which is threatening to demoralise them". The government must "review its decision to disband the Special Operations Group, which reduced terrorism in the State".⁵⁴

5. The BJP Solution

The BJP has always opposed Pakistan's demand for a plebiscite, reiterating that it was "a Nehruvian blunder which led to acceptance of Pakistan's views in a now redundant resolution of the United Nations".⁵⁵ Some constituents of the Sangh Parivar believe that trifurcation into Hindu-dominated Jammu, Buddhist-dominated Ladakh and the Muslim-dominated Kashmir Valley is "the best means to resolve a host of issues related to the vexed Kashmir problem".⁵⁶ Although officially opposed to trifurcation, the BJP as a whole sees merit in the demand since Jammu and Ladakh have received "step-motherly" treatment from successive state governments. In fact, the BJP central command had initially supported the creation of a "Jammu

⁴⁷ The BJP supports its contention by citing the National Human Rights Commission's 11 June 1999 observation that the "Commission is constrained to observe that acts akin to genocide have occurred in respect of Kashmiri Pandits". See Chaman Lal Gadoo, "Terrorism and Human Rights Violations in Jammu and Kashmir", *BJP Today*, Vol. 12, N°4, 16-28 February 2003, p. 23.

⁴⁸ *Ibid.*

⁴⁹ *The Tribune*, 19 September 2003.

⁵⁰ "Ball in Pak. court, says Venkaiah Naidu", *The Hindu*, 5 May 2003.

⁵¹ Gadoo, *op. cit.*

⁵² Praveen Swami, "The BJP's Own Goal", *Frontline*, Vol. 15, N°13, 20 June-3 July 1998.

⁵³ These principles are reiterated in Prime Minister Vajpayee's pronouncements on the conflict.

⁵⁴ "Presidential speech at National Executive", *BJP Today*, Vol. 12, N°8, 16-30 April 2003, pp. 6-9.

⁵⁵ Statement by Arun Jaitley, *op. cit.*

⁵⁶ Statement by RSS spokesperson, M.S. Vaidya, quoted in *Rediff.com*, 11 July 2002.

Regional Development Council” on the lines of the Ladakh Autonomous Hill Development Council.⁵⁷

In apparently sharp contrast to the recently changed stance of the BJP government, the party has regularly insisted that any talks with Kashmiri dissidents could only be held explicitly within the framework of the Indian constitution. At the same time, the party is averse to any compromise with Kashmiri separatists. For instance, the BJP rejected the Kashmir Committee’s recommendation that a viable solution would require flexibility toward the All Party Hurriyat Conference (APHC), an umbrella group of Kashmiri separatists, many of whom are pro-Pakistan and anti-India.⁵⁸ The BJP’s stance towards the APHC is understandable since the APHC has no support base in Jammu or Ladakh.

In February 2003, the government appointed N.N. Vohra as its new interlocutor with the task of undertaking the spadework for internal reconciliation and bringing disgruntled Kashmiri groups to the negotiating table. Vohra is the third negotiator to hold this responsibility since 2002, succeeding K.C. Pant and Arun Jaitly. As noted above, in October 2003, the government announced its readiness to hold purportedly unconditional talks with the APHC, to be initiated by Home Minister Advani and continued by Vohra. The success of this endeavour will depend importantly on the ability of the BJP government to offer a mutually acceptable compromise on Kashmir’s future to the moderates in the APHC, represented by Chairperson Ansari. If the past is a guide, however, it is likely that the party will find it difficult to reconcile its ideological predilections and the pragmatic realities of governance.

E. POLITICAL PARTIES AND THE ROLE OF EXTERNAL ACTORS

The two major national parties, the BJP and Congress broadly agree on the framework of a

dialogue with Pakistan. Both insist that Pakistan should end “cross-border terrorism” and dismantle the terrorist infrastructure on its soil to create an atmosphere that is conducive to dialogue. Both parties also favour talks with indigenous Kashmiri militants, while taking a hard-line military approach towards foreign militants.

There is also a considerable degree of consensus on the U.S. role in defusing the Kashmir crisis. All major political parties are apprehensive about U.S. intervention in any form, but are also mindful of its “influence over the political and security establishments in Pakistan”.⁵⁹ In short, the major political parties support the Indian government’s policy of convincing Washington that the Kashmir conflict is the end product of Pakistani-sponsored terrorism. Hence the global war against terrorism must address Pakistan-aided terrorism in Kashmir. It is this expectation that shapes India’s attitude towards U.S. involvement in the Kashmir conflict.

Civil society actors, with the exception of communally inclined groups, are far more flexible about a dialogue with Pakistan or with militant groups to reach a solution to the Kashmir conflict. The NGO community generally supports the role that any external actor, including the U.S., could play to help the disputants arrive at a viable solution.⁶⁰

F. NEW IMPULSES

In Indian perceptions, the Kashmir insurgency, which started in 1989, had begun to decline by the beginning of 1996. Some militant leaders had even offered to join an unconditional dialogue with the Union government. When the conflict developed into a proxy war, including cross-border terrorism, due to Pakistan’s involvement, creative thinking appeared to be blocked for several years. Since the 2002 state elections in Jammu and Kashmir, however, there have been signs of new flexibility.

When the government announced its decision to organise elections for the State Legislative Assembly

⁵⁷ Praveen Swami, “The Long Haul”, *Frontline*, Vol. 19, Issue 16, 3-16 August 2002, p. 6.

⁵⁸ Headed by former Union Minister Ram Jethmalani, the eight-member Kashmir Committee was a non-official group formed in August 2002 to bring various actors in Kashmir to the negotiating table. It wound up in February 2003, to give the centre’s new interlocutor N.N. Vohra “a free hand. “Kashmir Committee suspends J-K peace talks”, *Express India*, 24 February 2003.

⁵⁹ C. Raja Mohan, “The U.S. and Kargil”, *The Hindu*, 10 June 1999.

⁶⁰ Kashmiris are suspicious of the motives underlying U.S. mediation. They feel that self-interest propels U.S. policies and the Kashmir issue is no exception. See the post-poll survey on J&K Assembly Elections 2002, conducted by the Institute for Comparative Democracy, Centre for the Study of Developing Societies, New Delhi.

in 2002, there was a widespread demand for free, fair and credible elections unlike the rigged elections in the past, since this election represented “a huge opportunity for the Government of India to demonstrate to the Kashmiri people its commitment to democracy, justice and fair-play and to revive the confidence of the Kashmiri people in democratic institutions”.⁶¹

Within the Valley, however, there was scepticism among a section of the Kashmiri leadership about a meaningful election in the absence of any credible dialogue.⁶² Others felt that elections only “promote more separatism in Kashmir [rather] than resolving anything”.⁶³ Many in the Valley believed that the government should invite international observers to observe the elections and ensure their credibility.⁶⁴ An informal survey conducted by the Institute of Peace and Conflict Studies found people apathetic towards the elections and forecast that less than 20 percent in the Valley would participate in the elections.⁶⁵ This prediction proved true for the Valley.

Although the Union government managed to conduct largely free and fair elections in September-October 2002, overall voter turnout was 44 per cent, far less than the 53.9 per cent who voted in 1996. It was particularly low in the Valley. Still, the elections were considered a success in the prevailing circumstances.

The “healing touch” policy that Jammu and Kashmir’s new Chief Minister, Mufti Sayeed, who heads a People’s Democratic Party-Congress alliance, proceeded to launch has the express intention of mitigating Kashmiri alienation. People inside Kashmir want their new government to end violence, rein in the Special Operations Group

(SOG), investigate cases of missing persons and release all political prisoners.⁶⁶

Thus far, Sayeed’s coalition has begun to take action against some police personnel who have violated human rights and is trying to improve the state’s economy.⁶⁷ It is too early to expect tangible results but if the progress of reform is perceived to be too slow, disillusionment could soon seep in. Half-hearted measures would also be insufficient to win hearts and minds. For instance, while the SOG has been disbanded, its personnel are to be integrated into other security agencies.⁶⁸ Moreover, the state government can only go so far on its own. Tangible reform will depend, as in the past, on New Delhi’s policies and preferences.

Sayeed also has championed the view that a dialogue between New Delhi, Srinagar and different groups in Jammu and Kashmir, including Kashmiri separatists, can play a major role in resolving the conflict.⁶⁹ As noted above, in an apparently radical departure from past policy, the BJP government now has a proposal on the table for what it calls an unconditional dialogue with the APHC to be pursued by Home Minister Advani and its designated primary interlocutor, N.N. Vohra.

Prime Minister Vajpayee announced in the Rajya Sabha that, “A new chapter has been opened [in Jammu and Kashmir]. I can assure you that whatever mistakes were committed in the past will not be repeated”.⁷⁰ Visiting Srinagar in April 2003, Vajpayee also announced that his government would “work in tandem with the State government for the betterment of the state”.⁷¹

The success of the initiative depends on the BJP leadership’s commitment to a structured dialogue and its negotiators’ ability to gain the confidence of various sections of Kashmiri opinion. If the dialogue is not sustained, a failure would strengthen the hands of APHC hardliners who have already rejected the

⁶¹ IPCS interview with Prof. Amitabh Mattoo, Jawaharlal Nehru University, 17 July 2002. Mattoo is now the vice chancellor of Jammu University. For the full text of the interview see <http://www.ipcs.org/ipcs/issueIndex2.jsp?action=showView&kValue=117&issue=1012&status=article&mod=b>.

⁶² IPCS interviews with Safiuddin Soz, Yusuf Tarigami, Shabir Shah, and Javid Mir, August 2002.

⁶³ Interview with Saifuddin Soz in August 2002. For the full text of the interview see <http://www.ipcs.org/ipcs/issueIndex2.jsp?action=showView&kValue=105&issue=1012&status=article&mod=b>.

⁶⁴ IPCS interview in Jammu and Kashmir, August 2002.

⁶⁵ Suba Chandran, “Analysis of an informal survey”, <http://www.ipcs.org/ipcs/issueIndex2.jsp?action=showView&kValue=1016&issue=1012&status=article&mod=b>.

⁶⁶ Muzamil Jaleel, “The burden of hope”, *The Indian Express*, 8 November 2002; Editorial, “Release them all”, *Greater Kashmir*, 12 November 2002.

⁶⁷ In March 2003, 25 policemen were dismissed for violating human rights.

⁶⁸ “Mufti disbands SOG”, *The Hindu*, 12 March 2003.

⁶⁹ “Mufti wants dialogue with all J&K groups”, *The Hindu*, 6 November 2002.

⁷⁰ *The Times of India*, 4 March 2003.

⁷¹ “PM initiates plan to tackle unemployment in J&K”, *Hindustan Times*, 19 April 2003.

Indian proposal as inadequate, and add to the frustrations of moderate Kashmiri leaders.

IV. CONFLICT RESOLUTION AND INTERNAL CONSTRAINTS

In Indian perceptions, the major constraints to resolving the Kashmir conflict are Pakistani interference; the obstructionist role of Indian rightist forces, the All Parties Hurriyat Conference and militants; and the lack of a national consensus. This section will focus on domestic constraints.

A. RIGHTIST FORCES IN INDIA

The rightist forces in India, led by the Vishwa Hindu Parishad, Shiv Sena, and RSS have obstructed a solution in different ways.

The VHP opposes any dialogue with Pakistan and is equally opposed to negotiating with Kashmiri separatists and militants. The party advocates scrapping Article 370 of the Indian Constitution; abolishing restrictions on the sale and purchase of property in Kashmir; and creating a Union Territory for Kashmiri Pandits in the Kashmir Valley.⁷² Criticising Vapayee's 2000 ceasefire in Kashmir, VHP President Vishnu Hari Dalmia said:

The government has to conduct its talks with Pakistan from a position of strength and not vice-versa. National prestige cannot be bartered away for short-term political gains. Any settlement reached on Kashmir with Pakistan has to be honourable. Kashmiri Pandits, who have been hounded out of J&K by the terrorists, have to be re-settled.⁷³

On another occasion he emphasised, "The Army should be allowed to take whatever steps that need to be taken without any political interference. They should be given the freedom to decide and act. This does not mean that the political leadership should withdraw from the decision-making process, but the final decision ought to be of the Army".⁷⁴

⁷² See "VHP for division of Kashmir", *The Hindu*, 24 June 2002. See also the Hindu Agenda of the VHP at http://www.vhp.org/englishsite/f.Hindu_Agenda/HinduAgenda_E.htm.

⁷³ Quoted in *Redciff News* at <http://www.rediff.com/news/2000/dec/29inter.htm>.

⁷⁴ "Leave it to the Army: VHP", *The Hindu*, 17 May 2002.

Shiv Sena is equally averse to negotiations or compromise within Kashmir. It also opposes normalisation of relations with Pakistan at any level. When the Pakistan cricket team toured India in 1999, Shiv Sena activists dug up the pitch at the Test venue and ransacked the Indian cricket board's headquarters in Mumbai. According to Shiv Sena leader, Bal Thackeray, "Staunch Hindus should boycott the Pakistan team". He added, "How can they be allowed to play here when thousands of innocent Hindus are being massacred in Jammu and Kashmir?"⁷⁵ Shiv Sena even threatened to sever its alliance with the BJP on this issue, but pragmatic considerations prevailed.

Prime Minister Vajpayee's and Deputy Prime Minister Advani's parent organisation, the RSS, believes that "historically, legally and constitutionally, the whole of Jammu and Kashmir, including areas in illegal Pakistani occupation, is an integral part of India...Pakistan has no role to play with regard to Kashmir. Just because the Valley has a Muslim majority, Pakistan cannot claim any role in its set up".⁷⁶ The BJP government and party rely on the support of these rightist forces for their political survival and cannot openly antagonise them. And these rightist forces are opposed to any resolution of the Kashmir conflict with either Kashmiri separatists or with Pakistan.

B. ALL PARTIES HURRIYAT CONFERENCE

In Indian perceptions, the APHC, an umbrella group of Kashmiri separatist parties and an amalgam of more than twenty parties in Kashmir, is another constraint. Also known as the *Hartal* (strike) Conference for organising frequent protests that bring the Valley to a halt, the APHC was perceived from its creation by the Indian government and segments of the policy community as a body that failed to initiate any constructive or concrete move to resolve the conflict.

Aside from its boycott of the electoral process, the APHC has disrupted past peace initiatives by refusing to participate and by pressuring others who are willing to participate in the political process.

Indian observers, for instance, attribute the failure of the June 2002 dialogue between the APHC and GOI to the APHC's insistence on Pakistani participation. This failure is also attributed to the APHC's refusal to conduct talks within the framework of the Indian constitution. In India's view, these pre-conditions were meant to ensure that the dialogue would stall and the GOI would be blamed. The APHC is also held responsible for the failure of the dialogue between New Delhi and the Hizbul Mujahidin in June 2000.

But while the APHC claims the status of "sole spokesman" of the Kashmiris, the umbrella group is itself divided into moderates who are willing to negotiate unconditionally with India and those who insist on Pakistani participation in any future dialogue with New Delhi. The APHC also includes parties with widely divergent goals, some of which demand independence for Jammu and Kashmir while others insist on a plebiscite that would give Kashmiris only two choices, merger with India or Pakistan, and clearly support the second choice.⁷⁷

The APHC's internal divisions have been brought into the open by the formation of a breakaway hardline faction that rejects the willingness of moderates to negotiate with New Delhi. That decision of the moderate leadership, which includes Chairperson Ansari and the Mirwaiz, to try for a negotiated peace is motivated in large part by concern about the waning of support for the organisation that had begun to be apparent. The APHC's self-proclaimed role as the representative of the Kashmiris has never been tested through the electoral process and is disputed by the National Conference, Kashmiri Shias and moderate leaders in the Valley. There is, in fact, increasing hostility towards the APHC. Many Kashmiris believe that it receives money in their name which never reaches them and resent that so many of their children whom it takes away in the cause of *azadi* (independence/freedom) never return.⁷⁸

While many Indians, inside and outside government, view the APHC as merely a Pakistani puppet, this view may change since its internal divisions have

⁷⁵ Bal Thackeray, quoted in Praveen Swami, "On a sticky wicket", *Frontline*, 5-18 December 1998.

⁷⁶ Resolution adopted in a RSS national executive meeting on 30 June 2001. See "Kashmir is ours", *The Hindu*, 1 June 2001.

⁷⁷ Internal dissension on negotiations with India has divided the APHC, which now has two chairpersons, Maulana Abbas Ansari representing the moderates, and Syed Ali Geelani the pro-Pakistan hardliners. Abbasi had been elected APHC chief on 13 July 2003. APHC's rebel faction elected Geelani as the umbrella group's chief on 15 September.

⁷⁸ IPCS interviews in Kashmir Valley in August 2002.

given New Delhi a new opportunity to negotiate with more moderate elements and isolate the hardliners.

C. THE MILITANTS

In India's view, militants inside and outside Kashmir pose the greatest obstacle to the restoration of peace and resolution of the Kashmir conflict. Militants are responsible for attacking political activists, leaders, media personalities who disagree with them, and the minority community. Most of these attacks are aimed at derailing peace processes.

During the 2002 state elections, for instance, militant attacks were stepped up. These included the assassination of Mushtaq Ahmed Lone, law minister in the National Conference government. Independent candidates and political activists were attacked, and some were killed. Even the APHC was not spared. Abdul Ghani Lone, who led a moderate APHC component, the People's Conference, and was willing to negotiate with the GOI on participation in the polls, was assassinated.

The media in Kashmir is pressured by the militants to adopt an anti-Indian and pro-militant stance.⁷⁹ During the 2002 elections and even now, journalists are openly threatened. Those who protest or write against the militants have been physically attacked. *The Srinagar Times*, *Daily Aftab* and *Alsafa* have closed down on many occasions due to militant threats. The militants also target the minority Hindu community in Kashmir to ensure that any peace process fails. Moreover, military targets are carefully chosen to escalate the conflict not just in the Valley but also in Jammu.

In India's view, the major difficulty in dealing with the militants – and neutralising the threats they pose to conflict resolution within Kashmir – lies in Pakistan's continued assistance, despite its repeated promises to curb their activities and close down their camps.

D. NATIONAL CONSENSUS AND STRUCTURED DIALOGUE

The absence of a national consensus on a solution to the Kashmir crisis also acts as a major constraint. Successive governments, whether Congress or BJP, have not debated the Kashmir issue in earnest in parliament and have thus failed to evolve such a consensus. Whenever a crisis or major attack occurs, the debate in parliament proceeds predictably along party lines and degenerates into accusations against the government. A national strategy to restore peace in Kashmir and a blueprint for its implementation are never discussed.

This absence of a national consensus is important because one needs to be conveyed clearly to the Kashmiris, instead of confused and contradictory proposals. Statements of intent by Indian prime ministers on a mutually acceptable solution with Kashmiris are not followed by concrete action. The assertion of an earlier prime minister, P.V. Narasimha Rao, that the "sky is the limit" in negotiating a settlement and Vajpayee's plea for "*Insaniyat*" (humanism) as the basis for an understanding with the Kashmiris were confined to rhetoric.

Because the crisis in Kashmir is not seriously thought through or debated, government initiatives have been largely ad hoc in nature. At various times, K.C. Pant, Arun Jaitly and Ram Jethmalani were chosen by to evolve a compromise but given no official guidance. Consequently, their mediation efforts were unstructured and lacked direction. This approach is itself a constraint to a viable solution. Moreover, such initiatives raise expectations but ultimately disappoint everyone.

Any Indian innovative approach to resolving the conflict in Kashmir is also constrained by the framework contained in the parliamentary resolution of 22 February 1994, which declares that the "State of Jammu and Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means". The next operative part of the resolution that "Pakistan must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression" would certainly derail any attempts at resolving the conflict with Islamabad.⁸⁰

⁷⁹ IPCS interview with a journalist in Srinagar in August 2002.

⁸⁰ At <http://www.kashmir-information.com/LegalDocs/ParliamentRes.html>.

V. POPULAR PERCEPTIONS OF THE KASHMIR CONFLICT

The foreign policy choices of a parliamentary democracy are obviously linked to its domestic politics. The Indian ruling elite regards Kashmir as essentially a domestic issue since the state is considered an integral part of India. But the Kashmir conflict also involves Pakistan. This makes it a central issue in India's foreign and security policies and partly shapes popular responses. There are three distinct aspects of public opinion on the Kashmir issue:

- First, popular perceptions are not uniform but change with time and circumstances. In general, people are less concerned with security issues, including the Kashmir problem, than about other pressing problems such as inflation, law and order, and employment opportunities. During crises, however, public opinion favours a hard-line approach and military solutions.
- Secondly, since except in crises most Indians do not consider Kashmir the country's most important problem, they do not internalise government propaganda on it during times of peace. However, the general population is also unaware of the political complexities within the state.
- Thirdly, Indian public opinion generally supports peace initiatives taken by governments to resolve the Kashmir dispute. This was evident when the GOI undertook the Lahore summit in 1999, the unilateral ceasefire of 2000, and the Agra summit of 2001. This undercurrent of public optimism about a peaceful resolution of the conflict is a positive force.

A. POPULAR PERCEPTIONS DURING CRISES

An *India Today* survey in late 2002 entitled "The Mood of the Nation poll" reveals that 43.53 per cent of a total of 17,776 respondents favoured a dialogue with Pakistan, but not before the Indian military moved across the Line of Control and destroyed terrorist camps.⁸¹ This response was shaped by

incidents such as the December 2001 terrorist attack on the Indian Parliament. While 28.48 per cent of respondents advocated the transformation of the LOC into the international border with Pakistan, only 11 per cent favoured a plebiscite in the Kashmir Valley to ascertain if the population wanted to stay with India or opt for Pakistan. Interestingly, dissatisfaction with India's policy toward Kashmir was most pronounced among younger respondents (up to 35), who preferred that military action precede any dialogue with Pakistan.⁸²

On a regional basis, the survey showed that the plurality of respondents from Eastern and Western India (28 per cent and 19.3 per cent respectively) preferred that any dialogue with Pakistan should follow the destruction of terrorist camps across the LOC. The majority of respondents from Northern and Southern India strongly supported a diplomatic initiative for the recognition of the LOC as the international border. Although the survey provides an insight into middle-class India's thinking, this was not a scientific opinion poll.

Indeed, popular perceptions in India toward the Kashmir conflict are shaped by the state of relations with Pakistan. During a crisis, such as a major terrorist attack in Jammu and Kashmir, general views are based on three assumptions as revealed by the *India Today* survey: that the Pakistan military is not interested in solving the Kashmir issue; Pakistan's antagonistic approach towards India will not change; and even giving Kashmir to Pakistan would not solve the problem. An observer noted that, "during Kargil", public opinion in India "was like a lynch mob, cross the LOC, carpet-bomb something, sort this problem out once and forever".⁸³

Both internal and external factors influence domestic opinion towards the Kashmir crisis. These include, for instance, Pakistan President Pervez Musharraf's invitation to the APHC before his Agra visit in 2001 and the APHC's refusal to participate in the 2002 Jammu and Kashmir assembly elections. Domestic opinion is also shaped by the advocacy campaigns of Kashmiri Pandit organisations like the Panun Kashmir about atrocities against Kashmiri Hindus and "the softness of the Indian Government towards the

⁸¹ 14 per cent believed that declaring a ceasefire and withdrawing troop in the Siachen Glacier region would make

a good beginning. Sudeep Chakraborty, "First Strike: Destroy Terror, Get Talking", *India Today*, 4 November 2002, pp. 6-7.

⁸² Ibid.

⁸³ Shekhar Gupta, "Courage Under Fire", *Indian Express*, 15 September 2001.

militants and the mercenaries engaged in terrorism”.⁸⁴ But if the cumulative effect of these factors is the Indian public’s preference for a military as opposed to a political solution during crises, improved relations with Pakistan and a constructive dialogue with Kashmiri dissidents could as easily sway public opinion in favour of a peaceful settlement.

B. POPULAR PERCEPTIONS AND PEACE

Indeed, during times of relative peace with Pakistan and within Kashmir, most Indian citizens are more concerned with everyday problems and favour a peaceful resolution of the Kashmir conflict. This is evident in a survey held after the 1996 general elections, well before the Kargil conflict or the GOI’s post-11 September emphasis on Pakistani-sponsored cross-border terrorism in Kashmir. The survey revealed that the plurality of respondents (33.5 per cent) favoured a negotiated settlement of the Kashmir conflict, rather than resort to force. An almost equal number (31.9 per cent) had no particular preference, showing that, in the absence of crises, issues of national security, even those linked to Kashmir, are not of paramount importance for many Indian citizens.⁸⁵ An independent survey conducted from November 1998 to January 1999 among the educated youth in four metropolitan cities (Kolkata, Hyderabad, Mumbai and New Delhi) supports this analysis. In this survey, conducted before the Kargil conflict, 78 per cent of respondents supported an Indian-initiated dialogue with Pakistan on Kashmir.⁸⁶

While Indian public opinion is clearly shaped by the state of relations with Pakistan, the diversity of views during crises and non-crisis situations is not reflected in elite Indian opinion. Even during periods of relative peace, the majority of the elite (57 per cent) tend to support official policy and preferences on issues of national security such as nuclearisation and Kashmir.⁸⁷ The statement made by Amitabh

Mattoo, an academic and member of India’s National Security Advisory Board, during the 2002 near-war crisis illustrates this phenomenon. The “Indian public and the strategic community”, he stressed, “are agreed that Pakistan has to be made to pay for such roguish behaviour”.⁸⁸ The Indian media also generally supports official policy on security related matters, and together the media and the educated elite shape public opinion.

On the issue of third party intervention in Kashmir, Indian popular opinion supports the official position that Kashmir is a bilateral issue between India and Pakistan, with no need for third party mediation. The survey conducted among educated youth revealed that most respondents (80 per cent) opposed third party mediation.⁸⁹ In the *India Today* survey, only 3.6 per cent supported international mediation in the Kashmir conflict.⁹⁰

C. FACTORS AFFECTING POPULAR PERCEPTIONS

Attempts by the government of the day and mainstream political parties to politicise and communalise the Kashmir issue for short-term political gain further complicate the matter. Earlier the Congress and now the BJP use Kashmir as a major electoral plank. The BJP, for instance, used the Kargil conflict as its main plank in the 1999 general elections by displaying portraits of the Service Chiefs and depicting scenes of the Kargil battles at election rallies.⁹¹

Following formation of the PDP-Congress government in Srinagar, the BJP’s national leadership described Chief Minister Mufti Sayeed’s “healing touch” policy as a national security threat that would only serve to boost the morale of terrorists and separatists.⁹² However, the Valley unit of the BJP supports Mufti Sayeed’s policy. As the BJP’s regional and national leaders manipulate public opinion for narrow electoral gains, the resultant distortion of public sentiments hampers the

⁸⁴ “Kashmir: The New Approach”, Editorial, *Assam Tribune*, 26 May 2001.

⁸⁵ *Lok Sabha Elections: 1996, Findings of a Post-Poll Survey*, Lokniti: Institute for Comparative Democracies, (New Delhi, 1996), p. 33.

⁸⁶ A. Subramanya Raju, “Kashmir: Indian Youth Perceptions” in Chari and Chandran, op. cit, pp. 15-16.

⁸⁷ Samina Ahmed, David Cortright and Amitabh Mattoo, “Public Opinion and Nuclear Options for South Asia”, <http://www.fourthfreedom.org/php/t-sa-index.php?hinc=opinion.hinc>.

⁸⁸ Nirmala George, “India-Pakistan Tensions Rise; Envoy Expelled”, *The Washington Times*, 19 May 2002.

⁸⁹ Raju, op. cit.

⁹⁰ Chakraborty, op. cit.

⁹¹ Harwant Singh, “Military in Political Crossfire”, *The Tribune*, 10 September 1999.

⁹² “BJP says Mufti’s policy dangerous, State Unit begs to differ”, *Indian Express*, 16 April 2003.

government's policy choices, even when a policy shift would serve India's national interests.

The BJP and its affiliated organisations continue with their attempts to portray the conflict within Kashmir as an Islamic jihad against a Hindu India. During the 2002 Jammu and Kashmir Assembly elections, for instance, the BJP tried, unsuccessfully, to advance its proposal for trifurcation of the state on the premise of religion, i.e. Kashmir for Muslims, Jammu for Hindus, and Ladakh for Buddhists.

Attacks on Sikhs by terrorists in Kashmir have also brought that community into the communal vortex. Several Sikh organisations now demand that "representatives of the Sikhs living in Jammu and Kashmir should also be invited to the talks".⁹³ As communalism permeates popular thinking, it promotes cynicism about the Kashmir conflict within the population at large, and could thus enhance Kashmiri alienation from India.

VI. OPTIONS AND STRATEGIES

There is a definitional problem that needs to be addressed in any attempt to evolve a solution for the Kashmir situation. Should that solution be applied only to the Kashmir Valley? Or to the entire state of Jammu and Kashmir? Or to the princely state of Kashmir, including some 2000 square miles of territory ceded to China by Pakistan in 1963? Segmenting the solution to different geographical divisions of Kashmir suggests different approaches. In the perceptions of most Indians, however, the problem is confined to the Kashmir Valley.

A. PAST EFFORTS

Since 1947, India has considered several strategies and options but Kashmir's mix of religious and ethnic identities, and a distinct Kashmiri identity, Kashmiriyat, complicates matters.

Indian strategies and options range from maintaining the status quo in Jammu and Kashmir; abrogating Kashmir's special constitutional status; trifurcating the State; relocating segments of the population to and from other parts of India; or softening the Line of Control. However, none of these is acceptable to all the parties involved. A perfect solution, agreeable to all concerned, is impossible.

1. Rejected Solutions

India rejects the following solutions suggested by officials and non-officials within track two dialogues:

Exercise of joint sovereignty (condominium) over Kashmir by India and Pakistan. This option is dismissed out of hand. Although a formula that has occasionally been used elsewhere, in Indian perceptions, it would be unrealistic to expect the kind of cooperation from Pakistan that could make it work.

A plebiscite, giving Kashmiris a choice of accession to India or Pakistan. India rejects this option on the grounds that Jammu and Kashmir's accession to the Indian Union is final. In fact, the Indian parliament's 1994 resolution advocates the repossession of Pakistan-controlled Kashmir.

⁹³ "Demand to Include Sikhs in Talks", *The Tribune*, 8 April 2001.

The GOI argues that the relevant UN resolution of 13 August 1948 had called upon Pakistan to “use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting”. In India’s view, Pakistan has not respected this precondition for the plebiscite. Indeed, a considerable migration from other parts of Pakistan has occurred into its portion of Kashmir. India therefore believes that the holding of a plebiscite is not required by the resolution and would be impracticable. At the same time, it strongly opposes Kashmiri demands for independence.

2. Debated Solutions

Variations on the following solutions receive more attention within Indian official and unofficial circles:

Maximum Autonomy. Some Indian and Kashmiri politicians and analysts support the devolution of maximum administrative, financial and legislative powers to Srinagar by New Delhi. While the Sangh Parivar supports the abrogation of the State’s special Constitutional position under Article 370, a maximalist position advocated by some Kashmiri leaders in the past would have New Delhi’s authority restricted to defence, foreign relations and communications, with all other powers and responsibilities vested in Srinagar. New Delhi has traditionally resisted conferring greater autonomy on states on the questionable grounds that this would strengthen centrifugal forces and risk pulling apart the Indian Union.

Conversion of the LOC into the International Border. This is by no means a novel idea and was seriously explored on at least three previous occasions. In 1954, Prime Minister Jawaharlal Nehru rejected it when it was advanced by Pakistan’s Governor General, Ghulam Mohammad.⁹⁴ In a reversal of roles, India suggested formalising the ceasefire line during talk between Foreign Minister Swaran Singh and his Pakistani counterpart, Zulfikar Ali Bhutto, in 1963. Pakistan rejected the suggestion.⁹⁵

During the India-Pakistan negotiations at Simla in July 1972, Prime Minister Indira Gandhi revived the proposal. According to Indian sources, Zulfikar Ali Bhutto, then prime minister, agreed to convert the LOC into an international border but did not agree to include this in the Simla accord. Instead, Bhutto pledged to “work towards its implementation in practice and over time”. P.N. Dhar believes that domestic compulsions prevented Bhutto from delivering on his pledge.⁹⁶ However, Indira Gandhi, who was soon involved in a series of domestic disputes, including separatist pressures in Punjab and allegations of electoral improprieties, was also not inclined to pursue the agreement.

Article 6 of the Simla Agreement envisaged that the two heads of government “will meet again at a mutually convenient time in the future” to discuss, among other matters “a final settlement of Jammu and Kashmir”. Article 4 further envisaged that the LOC “shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations”. Both sides further undertook “to refrain from the threat or use of force in violation of this Line”. A substantial commitment to making the status quo permanent, in India’s view, had thus been made by both sides, which was respected until 1989.⁹⁷

B. LESSONS LEARNED

India’s strategies and options toward Kashmir have been influenced by three recent events, the post-1989 militancy in Kashmir, the Kargil conflict of 1999, and the 2002 near-war crisis.

1. Militancy in Kashmir

Militancy in Kashmir has its origins in New Delhi’s intervention in Kashmiri politics and Srinagar’s failure to provide good governance. However, the GOI places all the blame for the militancy in Kashmir on Pakistan-supported “cross-border terrorism”, and refuses to acknowledge that it has any internal roots. So long as these internal factors are not addressed, militancy in Kashmir will continue to enjoy some

⁹⁴ Kanti P. Bajpai, P.R.Chari, Pervaiz Iqbal Cheema, Stephen P. Cohen and Sumit Ganguly, *Brasstacks and Beyond: Perception and Management of Crisis in South Asia* (New Delhi, 1995), p. 117.

⁹⁵ Y.D. Gundevia, *Outside the Archives* (Hyderabad, 1995), pp. 277-281.

⁹⁶ P.N.Dhar, “Kashmir: The Simla Solution”, *Times of India*, 4 April 1995.

⁹⁷ These arguments are made in P.R.Chari and Pervaiz Iqbal Cheema, *The Simla Agreement: Its Wasted Promise* (New Delhi, 2001), pp. 54-56.

degree of local support. However, the post-11 September environment has given India an opportunity to exploit international, in particular U.S., concerns by linking Kashmiri militancy with the global war against terrorism. India's current strategy towards Kashmir focuses, to a considerable extent, on convincing the U.S. to pressure Pakistan to cease its policy of supporting militancy across the LOC.

2. Kargil

In India's view, Kargil was a deliberate Pakistani attempt to derail Prime Minister Vajpayee's peace initiative in Lahore. The manner in which the conflict ended has had a significant impact on India's strategies and options towards Kashmir. President Clinton and Prime Minister Sharif's statement of 5 July 1999 has particular meaning for India because of its references to the LOC. According to the statement, the Line of Control will "be respected by both parties", and "steps will be taken for the restoration of the Line of Control". The statement adds, "once the sanctity of the Line of Control has been fully restored", the bilateral dialogue between India and Pakistan would resume. In Indian perceptions, the statement adds further weight to the sanctity of the LOC and the Simla agreement, which brought it into existence. India has focused its attention on gaining international, in particular U.S., support for this position that suggests the transformation of the LOC into the international border.

3. 2002 Crisis

For India, the inviolability of the LOC is further sanctified by the outcome of the latest major border confrontation. The crisis occurred after India mobilised its military in offensive positions along the international border and the LOC, following the 13 December 2001 terrorist attack on the Indian Parliament. Accusing Pakistan of infiltrating the terrorists and hence complicity in the attack, India's military pressure was meant to ensure an end to Pakistani support for "cross-border terrorism". Indian demands included the handing over of some twenty individuals wanted for criminal activities in India and allegedly provided asylum by Pakistan.

The Indian government withdrew its troops in October 2002, largely due to American pressure, without achieving the two objectives. If there was a lesson to be drawn from this episode, it was that neither India nor Pakistan could hope to achieve any

territorial gains in Kashmir by military means. For Indian nuclear optimists, the military standoff of 2002 also demonstrated the reality of nuclear deterrence in South Asia.

C. INTERNATIONAL ACTION

In India's view, the LOC has been sanctified as the divide in Kashmir between it and Pakistan. Any future resolution of the Kashmir issue must, therefore, be realistically founded on converting the LOC into an international border, and not on rhetorical incantations of "liberating" the portion of the former princely state in the other's possession.

India's position on third party intervention officially remains unchanged. Aversion to international mediation dates back to its decision to refer the matter to the United Nations during the first Kashmir war. India had then sought international mediation in the belief that the UN would censure Pakistan as the aggressor, thereby validating the legality of India's territorial claims. Instead, the Security Council, albeit through non-binding resolutions, recommended a plebiscite to ascertain Kashmiri assent for merger with either India or Pakistan (an idea initially supported by Nehru) but did not censure Pakistan. Thereafter, since India had retained control over two-thirds of the former princely state's territory during the Kashmir war, including Srinagar and the Valley, its policy shifted from multilateralism to bilateralism, rejecting international mediation or facilitation in the dispute.

Refusal to accept an international, including UN role and insistence on a bilateral approach have become cornerstones of India's Kashmir policy for a number of reasons. First, Pakistan's defeat in the 1971 war and the shift in the military balance of power in India's favour underpinned the belief that Pakistan could not change the territorial status quo in Kashmir to its advantage. While the bilateral approach has paid dividends, with the Simla Agreement, for instance, sanctifying the present Line of Control, India's territorial claim over Jammu and Kashmir could conceivably weaken if the dispute were to be raised at international forums.

Secondly, aversion to external mediation on Kashmir has other historical roots. While India's colonial history still colours its perceptions of the West, Pakistan's alignment with the U.S. during the Cold War and subsequently its close relations with China contributed to Indian concerns about the partisan role

of external actors in South Asia. Although India effectively used close ties with the Soviet Union to neutralise Pakistani efforts to internationalise the Kashmir dispute, its decision-makers remain suspicious of the South Asia intentions in the post-Cold war era of influential external actors, including the U.S.

Finally, domestic factors play a vital role in determining the Indian posture on external involvement in the dispute. The Indian political elite and public opinion alike have internalised the long-standing position that Kashmir is an indivisible part of the Indian Union and an essential element of its secular identity. India's current policy directions focus, therefore, on consolidating control and examining issues of reorganisation and conciliation within the framework of the Indian constitution. Kashmiri political and armed militancy as well as Pakistan's support for the armed insurrection, for instance, are depicted and indeed perceived as threats to India's internal security. Ruling parties and the opposition alike are well aware that international mediation or facilitation would reopen issues of particular domestic sensitivity, including Jammu and Kashmir's territorial and constitutional status.

A certain pragmatism guides India's foreign policy, however. The Vajpayee administration is working with the U.S. to resolve its differences with Pakistan. Contradicting its policy of rejecting international involvement, the BJP government has itself internationalised the Kashmir dispute through its calls for external, in particular U.S. pressure on Pakistan to end cross-border "terrorism" in Kashmir. The principle of bilateralism in India-Pakistan relations, insisted upon in 1972 and enshrined in the Simla Agreement, has significantly eroded because of India's acceptance of an active U.S. role in defusing crises with Pakistan, including the Kargil conflict and the near war of 2002.

In off-the-record conversations, it is no longer uncommon to hear even very senior officials express support for a much greater degree of international involvement in the effort to find lasting solutions to India's problems with Pakistan. However, encouragement in private of what is denied in public can work only to a point. Until India publicly accepts the need for international mediation, the U.S., the European Union and other influential actors will likely remain unwilling to go beyond their current attempts to contain rather than resolve crises in South Asia.

VII. CONCLUSION

When the Indian Prime Minister announced his peace initiative of 18 April 2003, there was ground, in Indian perceptions, for cautious optimism that a dialogue with Pakistan would resume and a *modus vivendi* emerge over time on Kashmir. This optimism was based on three considerations.

First, Vajpayee's extension of a "hand of friendship" to Pakistan complemented Mufti Mohammed Sayeed's "healing touch" policy. Under this policy, unlike that articulated by the Farooq Abdullah government, militancy in Jammu and Kashmir was not made the excuse for inaction to address misgovernance. The Mufti government had also urged the BJP government to initiate an unconditional dialogue with all representative groups in the state, including disaffected Kashmiris.⁹⁸ This indicated a better appreciation, more so in Srinagar but also in New Delhi, of the importance of resolving the Kashmir issue through dialogue and a political process rather than military means. It also reflected the desire of Kashmiris for peace, development and economic well being. Significantly, Vajpayee's "hand of friendship" speech was delivered in Srinagar, not Delhi.

Secondly, the September-October 2002 state elections in Jammu and Kashmir were followed by India ending its border confrontation with Pakistan. Domestic critics accused the Indian government of ending the military confrontation without achieving its objectives of ending Pakistani cross-border terrorism and the dismantling of the terrorist infrastructure. However, this course of events highlighted India's acceptance of a dialogue, partly as a response to U.S. pressure, as a necessary precursor to seeking a *modus vivendi* with Pakistan on Kashmir.

⁹⁸ The PDP-Congress party's common minimum program envisions "to heal the physical, psychological and emotional wounds inflicted by fourteen years of militancy, to restore the role of law in Jammu and Kashmir state, to complete the revival of the political process which was begun by the recently concluded elections and to request the government of India to initiate and hold sincerely and seriously, wide ranging consultations and dialogue, without conditions, with the members of the legislature and other segments of public opinion in all three regions of the state to evolve a broad-based consensus on restoration of peace with honour in the state". At <http://jammukashmir.nic.in/govt/cmp.htm>.

Thirdly, the Kargil confrontation and the 2002 near-war crisis were evidence that neither country could resolve the Kashmir dispute by military means.

Although this optimism remained restrained as militant attacks continued unabated in Jammu and Kashmir, and casualties mounted, moderates hopes for a peaceful resolution of the conflict again began to rise when on 22 October 2003, Foreign Minister Yashwant Sinha offered a number of CBMs to Pakistan, including the resumption of sports, air and shipping links, the opening of a new border crossing between India's Rajasthan state and Pakistan's Sindh; and, most significantly, a bus service between the capitals of Indian and Pakistani-administered Kashmir. At the same time India reversed policy and offered talks in Kashmir to the APHC.

Pakistan agreed in principle to some of these proposals but attached conditions to others that it knows are unacceptable to India. Urging India to enter into a dialogue on Kashmir, for instance, Foreign Secretary Riaz Khokhar accepted the offer to reopen the Srinagar-Muzaffarabad road but insisted that UN personnel man the border crossing and that Kashmiris who use the route carry UN documents. Pakistan also offered scholarships for Kashmiri students, treatment for disabled Kashmiris, and assistance for widows and rape victims.⁹⁹

Subsequently, Prime Minister Jamali, clearly at President Musharraf's directive, expressed Pakistan's willingness to discuss a number of Indian-initiated CBMs, including the reopening of the Sindh-Rajasthan border crossing. And then on 23 November 2003, Jamali announced a ceasefire along the Line of Control¹⁰⁰ to which India responded positively the next day, extending the measure also to take in the disputed Siachen glacier area north of the LOC, though adding, in continuation of the war of words, that any ceasefire "could only become durable if Pakistan stopped allowing extremists into the area".¹⁰¹

On balance these steps are encouraging – but the fate of these CBMs, like the dozens proposed by both states in the past, will depend on the political will to

implement them. Just using the media for propaganda purposes would be counter-productive. While such public diplomacy wins international plaudits, the two states have yet to demonstrate the will to put their pledges into practise. A regular official dialogue is still very much needed to deal with some basic issues between the countries just to take their relations back to where they were before 1999. Prime Minister Vajpayee and his cabinet have repeatedly stated that the normalisation process can only fully resume following an end to Pakistani support for "cross-border terrorism".

International pressure will continue to be crucial in maintaining any momentum for peace. The initiatives announced in April and October 2003 owe much to an active U.S. role, which includes pressure on India to resume talks with Pakistan and on Pakistan to end all incursions across the LOC. U.S. mediation via shuttle diplomacy has brought the two states along thus far. Continued U.S. involvement and mediation, as well as help from other friendly actors such as the European Union, is essential, not only to prevent yet another armed confrontation but also to help the two countries move incrementally towards a resolution of the Kashmir conflict.

As India approaches national elections in 2004, the BJP's domestic constraints and sensitivities will also influence the directions and sustainability of the normalisation process. A major terrorist attack in Jammu and Kashmir could derail the present dialogue, bringing both states back to square one.

Any viable solution to the Kashmir conflict will need to address not only the interests of India and Pakistan but also those of the Kashmiris themselves. In the context of Jammu and Kashmir, much depends, as in the past, on New Delhi and Srinagar's political will and ability to redress Kashmiri political, economic and social grievances; respect human rights; and conduct a dialogue in earnest with all political forces in the state

New Delhi/Brussels, 4 December 2003

⁹⁹ "List of Pakistan's proposed CBMs with India", *Daily Times*, 30 October 2003.

¹⁰⁰ Rifaqat Ali, "Pakistan declares ceasefire along LOC unilaterally: Willing to reopen Khokhrapar route, start Srinagar bus service and revive air links: PM's address to nation", *Dawn*, 24 November 2003.

¹⁰¹ BBC News, 25 November 2003.

APPENDIX A
 MAP OF KASHMIR



APPENDIX B

GLOSSARY OF NAMES, ACRONYMS AND USEFUL TERMS

ACRONYMS

ABVP	Akhil Bharatiya Vidhyarti Parishad
APHC	All Party Hurriyat Conference
BD	Bajrang Dal
BJP	Bharatiya Janata Party
BJS	Bharatiya Jana Sangh
CSDS	Centre for the Study of Developing Societies
CPI	Communist Party of India
CPI (M)	Communist Party of India (Marxist)
CPI (ML)	Communist Party of India (Marxist-Leninist)
GOI	Government of India
ISID	Inter-Services Intelligence Directorate (also ISI)
IPCS	Institute of Peace and Conflict Studies
LOC	Line of Control
MC	Muslim Conference
NC	National Conference
NDA	National Democratic Alliance
NHRC	National Human Rights Commission
RSS	Rashtriya Swayamsevak Sangh
SAC	State Autonomy Committee
SOG	Special Operations Group
UNCIP	United Nations Commission for India and Pakistan
VHP	Vishwa Hindu Parishad

USEFUL TERMS

Azadi	Freedom, Independence
Healing Touch Policy	A policy adopted by the current Chief Minister of Jammu and Kashmir, Mufti Mohammed Sayeed to mitigate Kashmiri alienation
Hartal	Strike
Insaniyat	Humanism

Jamhooriyat	Democracy
Kashmiriyat	Kashmiri Identity, Kashmir's Traditional Culture of Hindu-Muslim Amity
<u>NAMES</u>	
Abdul Ghani Bhatt	Former Chairman, All Party Hurriyat Conference
Atal Bihari Vajpayee	Present Prime Minister of India heading the National Democratic Alliance government.
Farooq Abdullah	Son of Sheikh Abdullah and former Chief Minister of Jammu and Kashmir.
Indira Gandhi	The daughter of Jawaharlal Nehru and third Prime Minister of India (1967-1977, 1980-1984).
Jawaharlal Nehru	First Prime Minister of independent India (1947-1964).
Lal Bahadur Shastri	Prime Minister when India fought its second war against Pakistan, in 1965. He signed the Tashkent Agreement with General Ayub Khan of Pakistan.
Lal Krishna Advani	Deputy Prime Minister and in charge of Home Affairs in the present Indian government.
Lord Mountbatten	Last British viceroy of India. He proposed the plan for partition of India and Pakistan popularly known as Mountbatten Plan.
Maharaja Hari Singh	Ruler of Kashmir at the time of India's independence.
Masood Azhar	A leader of the terrorist organisation Jaish-e-Mohammad. He was released by the Indian government in return for the hostage passengers after the hijacking of an Indian Airlines plane.
Mufti Mohammad Sayeed	Leader of the People's Democratic Party and current Chief Minister of Jammu and Kashmir, heading a coalition government with the Congress Party.
N. N. Vohra	The Indian government's interlocutor for the proposed internal dialogue on Kashmir.
Rajiv Gandhi	Son of Indira Gandhi and youngest Prime Minister (1984-1989) of India. He was blamed for rigging the polls in Jammu & Kashmir in 1987.
Sheikh Abdullah	Founder of the All Jammu and Kashmir Muslim Conference, renamed the National Conference in 1932. After the 1951 elections, he became the first Prime Minister of Jammu and Kashmir.
Shyama Prasad Mookherji	A founder of the Jan Sangh (the BJP's predecessor), he launched a movement for the total integration of Jammu and Kashmir into India. He died in a Kashmir jail in June 1953.
Syed Ali Geelani	Former All Parties Hurriyat Conference Chairman and leader of the fundamentalist Jamaat-i-Islami, he was arrested under the Prevention of Terrorism Act (POTA) in Kashmir. Geelani is known for his close relations with Syed Salahuddin, the Supreme Commander of the Hizbul Mujahiddin and Chairman of the United Jihad Council (Muttahida Jihad Council). He is currently chairperson of a splinter group of the APHC.
Yaseen Malik	Chief of the Jammu and Kashmir Liberation Front (JKLF). Detained under the Prevention of Terrorism Act (POTA), he was recently released on parole under the healing touch policy.
Yashwant Sinha	Foreign minister of India.