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India, Pakistan and the Kashmir Dispute

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Abstract

The root cause of instability and hostility in South Asia stems from the unresolved nature of the Kashmir dispute between India and Pakistan. It has led to two major wars and several near misses in the past. Since the early 1990s, a 'proxy war' has developed between India and Pakistan over Kashmir. The onset of the proxy war has brought bilateral relations between the two states to its nadir and contributed directly to the overt nuclearisation of South Asia in 1998. It has further undermined the prospects for regional integration and raised fears of a deadly Indo-Pakistan nuclear exchange in the future. Resolving the Kashmir dispute has thus never acquired more urgency than it has today. This paper analyses the origins of the Kashmir dispute, its influence on Indo-Pakistan relations, and the prospects for its resolution.

Introduction

The root cause of instability and hostility in South Asia stems from the unresolved nature of the Kashmir dispute between India and Pakistan. In the past fifty years, the two sides have fought three conventional wars (two directly over Kashmir) and came close to war on several occasions. For the past ten years, they have been locked in a 'proxy war' in Kashmir which shows little signs of abatement. It has already claimed over 10,000 lives and perhaps irreparably ruined the 'Paradise on Earth'. The simmering insurgency in Kashmir, actively encouraged by Pakistan and ruthlessly fought by India, has also brought bilateral relations between the two states to its nadir and contributed to a destructive and potentially deadly race for weapons of mass destruction (WMD) in the sub-continent. It has further undermined the prospects for regional economic integration and cooperation in one of the world's poorest regions. For fostering regional peace and prosperity, therefore, resolving the Kashmir dispute is an immediate priority. This paper analyses the origins of the Kashmir dispute, its influence on Indo-Pakistan relations and the prospects for its resolution.

The Genesis of the Kashmir Dispute

The State of Jammu and Kashmir was the largest and the fourth most populous of the 565 princely states in British India. It consisted of five distinct regions: the Valley of Kashmir, Jammu Province, the district of Poonch, Ladakh and Baltistan, and the Gilgit region. The incorporation of these different regions under a single administration took place in the mid-nineteenth century. In terms of religion, out of a total population of a little over 4 million in 1941, approximately 77% were Muslim, 20% Hindu, 1.5% Sikh, and 1% Buddhist. Historically in Kashmir, Hindus, Muslims, Buddhists and other communities have lived in relative harmony. Over time, the existence of communal harmony generated a spirit of humanism and tolerance in the region known as Kashmiriat, which gave the Kashmiri identity a unique quality.

With the decline of Mughal power in India, Kashmir was conquered by an Afghan ruler, Ahmed Shah Abdali, whose rule was brutal and oppressive. Therefore, when the Sikhs ousted the Afghans from Kashmir in 1819, the Kashmiris welcomed them with open arms. The Sikhs soon turned out to be even greater oppressors; they were also religious zealots who sought revenge upon the Kashmiri Muslims who formed a majority of the

population. In their various military expeditions to Kashmir, the Sikhs were helped by Raja Gulab Singh, a member of the Hindu Dogra family which ruled one principality in the southeast area of Jammu. As a reward for Gulab Singh's assistance, the Sikhs gave him control of the whole Jammu Province. In 1839, Gulab Singh extended his control over Ladakh and Baltistan by seizing these areas from Tibet. Thereafter, in 1844, when the British waged war against the Sikhs, Gulab Singh aided the British. As a reward for his loyalty, by the Treaty of Amritsar (1846), the British relieved the Sikhs of their hold over Kashmir and transferred the territory to Gulab Singh as his "independent" possession for a sum of Rs. 7.5 million. Maharaja Gulab Singh's purchase of Kashmir thus placed a Muslim majority state under the political control of a Hindu dynasty. When the Dogras failed to exercise actual control over Gilgit, the British, being suspicious of Russian motives towards the Pamirs, created the Gilgit Agency in 1889 and placed it under the direct rule of a British political agent.

When the British government announced that India's independence was to be granted in August 1947 and that power would be handed over not to one political entity but two – India and Pakistan – it profoundly affected the politics of the princely states.⁴ Since the doctrine of paramountcy, which had guided relations between the princely states and the British Crown, was to lapse with British colonial disengagement from India, in a technical sense this meant that the rulers of the princely states had the right to decide if they wished to accede to either India or Pakistan, or preferred to remain independent. However, Lord Mountbatten, the last British Viceroy to India, acting under pressure from the Indian National Congress, made it clear to the rulers of the princely states that they must join either India or Pakistan not only as a practical matter but also to ensure a peaceful transfer of power. The two principal factors in this choice were to be the communal allegiance of the people and geographical contiguity.⁵

All the princely states, except Hyderabad, Junagadh and Kashmir, joined either India or Pakistan before 15 August 1947. In a technical sense, therefore, on 15 August 1947, Hyderabad, Junagadh and Kashmir became independent. Hyderabad and Junagadh, however, were forced to join India. But Kashmir posed a unique problem since the state was contiguous to both India and Pakistan and, hence, claimed by both sides for ideological and geo-strategic reasons. The Pakistani claim was strengthened by the presence in Kashmir of a movement led by Ghulam Abbas and his All Jammu and Kashmir Muslim Conference which wanted Kashmir to accede to Pakistan. The Muslim Conference's view was challenged by the All Jammu and Kashmir National Conference led by Sheikh Mohammed Abdullah. The National Conference espoused a secular ideology and wished to create a secular, democratic but independent Kashmir with close ties to India. But the Dogra ruler of Kashmir, Maharaja Hari Singh, had calculated that by not joining either India or Pakistan during the period of the transfer of power, he would emerge as the ruler of an independent Kashmir state.

The First Indo-Pakistan War

The Maharaja's grand designs were soon thwarted by a young Kashmiri, Mohammed Ibrahim Khan, who established contact with Pathan tribes in Pakistan and laid the foundation for an armed liberation movement against Hari Singh's oppressive rule by late August 1947. In September and early October, the Pathan tribal invasion pushed rapidly into the Valley and by 25 October 1947 was within a few miles of Srinagar, the capital of Kashmir. Sensing military defeat, Maharaja Hari Singh appealed to the Indian government for help. Prime Minister Nehru agreed to provide the Maharaja with military assistance in return for his acceptance of Kashmir's legal accession to India. Maharaja Hari Singh had no choice but to comply. Sheikh Abdullah also gave his blessings to the accession of Kashmir to India. Once the Instrument of Accession was signed, Indian troops were airlifted into the Valley. By early November the Indian troops forced the Pathan tribal force to retreat by capturing Baramullah on 8 November 1947. Thus emboldened, the Indian Army prepared for an all-out offensive in Kashmir at the beginning of 1948.

In the spring of 1948 the Pakistan army was ordered into Kashmir. In the fighting that ensued in the next few months, the Pakistani Army was able to regain some lost ground in the west of Kashmir. But Pakistan's main gains came in the largely barren region of

the northern dependencies of Kashmir which stretches up to the Karakoram mountains. By late 1948, the main battle between the Indian and Pakistani forces was fought over Poonch, which the Pakistani Army was ultimately unable to hold. The grave danger in this war was that Pakistan, in order to counter the Indian gains in Kashmir, would allow the war to spill over into the Indo-Pakistan frontier in the Punjab. If that happened, then war along the whole Indo-Pakistan frontier could break out with disastrous consequences for both states.

To prevent such a calamity the United Nations (UN), to which India had referred the Kashmir dispute in January 1948, prevailed upon both sides to accept a UN-sponsored cease-fire agreement in December 1948 based on the existing dispositions of their troops. Under this cease-fire agreement, which came into effect on 1 January 1949, India and Pakistan agreed to halt hostilities and also committed themselves to accepting the presence of UN military observers in Kashmir until the dispute was resolved. The first batch of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) arrived in Kashmir in January 1949 but failed to resolve the political deadlock between the two sides.

The Integration of Kashmir into Pakistan and India

With political negotiations at an impasse, both India and Pakistan sought to absorb their respective portions of Kashmir. In 1950, Pakistan Occupied Kashmir (POK), which was about one-third of the original territory, was split into two areas: the area that bordered China and the Soviet Union was grouped into the Northern Areas, and the remaining territory continued to be called Azad (Free) Kashmir. Subsequently, both these areas were provisionally integrated into the Pakistani state.

Kashmir was also incorporated in the Indian constitution under Article 370 which gave it a "special status". In keeping with the conditions of Kashmir's accession to India, local elections were held in 1951, which provided an overwhelming mandate to Sheikh Abdullah's National Conference. Within a short time, the Abdullah government's populist policies alienated the powerful Hindu Pandit community in Kashmir which started questioning the legality of Kashmir's "special status" under the Indian constitution and demanded the full and irrevocable integration of Kashmir with India. The rise of Hindu nationalism in Kashmir became a major source of friction between the Indian government and the Abdullah administration.

Sheikh Abdullah was finally arrested by the Indian government in 1953 and sent to prison. With Abdullah's ouster, Bakshi Ghulam Mohammed took control of the National Conference and advocated a closer union with India. When Pakistan entered into a defence agreement with the United States in 1954, India interpreted the move as a hostile act and announced that Kashmir's accession to India was final. The 1949 Cease-fire Line (CFL) thus became the *de facto* border between the two states thereby bifurcating Kashmir. The Indian portion consisted of three main regions: the Valley, Jammu and Ladakh. In 1956, the Jammu and Kashmir Constituent Assembly approved the merger of the state with India.

The Second Indo-Pakistan War

After the takeover of power by the military in 1958, the Chief Martial Law Administrator and President General Mohammed Ayub Khan decided to reassess Pakistan's military policy towards Kashmir for various reasons. With the Soviet Union backing India, Pakistan could hardly expect the UN Security Council to resolve the Kashmir dispute. India also appeared vulnerable militarily after the Sino-Indian war of 1962. It is also possible that Ayub was miffed by Nehru's cold response to his proposal to create a joint Indo-Pak defense agreement once a solution to the Kashmir dispute had been found. Ayub and his foreign minister Zulfikar Ali Bhutto were also perhaps convinced that the 'window of opportunity' to settle the Kashmir dispute in Pakistan's favor was rapidly closing.

Before engaging India in a wider military confrontation in Kashmir, Pakistan tested India's military resolve in border skirmishes in the Rann of Kutch in western Gujarat in January 1965. India sought a quick cease-fire and referred the issue to the International Court of Justice since it wanted to avoid a major war. India's response was construed by the Ayub regime as a sign of weakness. Immediately after the Rann of Kutch episode, Pakistan instigated religious riots in Kashmir, ostensibly over the theft of a sacred Muslim relic, the Hazratbal, or a hair of the Prophet Mohammed. As public order broke down, Pakistan construed it as a sign of popular discontent in Kashmir against India.

Based on the assumptions that India was militarily vulnerable and that widespread popular discontent existed in Kashmir against India, Pakistan launched Operation Gibraltar, a two-phased plan to seize Kashmir by military force. The first phase of the plan was that regular Pakistani troops, disguised as local tribesmen, would cross the CFL and foment an insurgency in the border areas of Kashmir. This would set the stage for the second phase where Pakistan would invade and seize the Indian part of Kashmir in a short war, then declare a cease-fire and appeal to the UN to determine Kashmir's future through a plebiscite.

The plan went awry from the very beginning. When the infiltration started, contrary to Pakistan's expectations, the local people proved to be uncooperative and turned over the infiltrators to the Indian security forces. Despite this initial setback, Pakistan went ahead with its attack on Kashmir in early September 1965. The Indian military, after repulsing the initial attack, went on the offensive and crossed the CFL in Kashmir and the recognised India-Pakistan international boundary to the south.

The United Nations and the superpowers viewed the development with alarm and made every effort to work out a quick cease-fire between the warring sides. The superpowers also imposed an arms embargo on India and Pakistan. The Soviet prime minister Alexei Kosygin finally persuaded Pakistani President Ayub Khan and Indian Prime Minister Lal Bahadur Shastri to meet at Tashkent in order to work out a peace agreement, which was finally signed in January 1966. By this agreement, both India and Pakistan agreed to withdraw their forces to the 1948-49 CFL in Kashmir and back to the international boundaries in the Punjab.

The Third Indo-Pakistan War

In 1971, another conflict erupted between India and Pakistan. This war did not start over Kashmir. Instead, the Pakistani military's crackdown on the Bengali secessionists in East Pakistan precipitated this war by creating a huge refugee burden for India. As the Pakistani military's offensive continued in East Pakistan, the Indira Gandhi regime in India calculated that it was cheaper to go to war against Pakistan on behalf of the Bengali secessionists than to absorb the refugees who had taken shelter in India. East Pakistan, which was separated from the western wing of Pakistan by 1200 miles of Indian territory, was militarily indefensible for the Pakistani armed forces. Therefore, when the Indian army moved into East Pakistan, the Yahya Khan regime in Pakistan countered by attacking Kashmir. The war in the Kashmir sector proved to be of short duration since India occupied East Pakistan and recognised the independent state of Bangladesh within two weeks of launching the military attack. The status quo in Kashmir remained the same in spite of the brief skirmishes.

India won a diplomatic victory against Pakistan on the Kashmir issue in the post-war peace agreement that was signed between prime ministers Gandhi and Bhutto in 1972 at Shimla. The second paragraph of the Shimla Agreement stated that India and Pakistan "are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them". In the years following the Shimla Agreement, India has insisted on a strict interpretation of paragraph two – that both states have agreed to settle the Kashmir dispute *bilaterally* without outside intervention – in order to prevent the internationalisation of the Kashmir dispute. On its part, Pakistan has contended that a strict reading of paragraph two is tantamount to a violation of its national sovereignty and, therefore, has continued its efforts to internationalise the Kashmir dispute.

The Rise of Kashmiri Secessionism in India

While the post-1947 political history of Kashmir was at times turbulent and a separate ethno-national consciousness among the Kashmiri Muslims remained consistently strong, it was only in the late 1980s that widespread frustration among the Kashmiri Muslims against some of their own leaders and the policies pursued by New Delhi erupted into a full-blown secessionist movement against India.

The rise of secessionism in Kashmir is attributable to certain fundamental changes that took place in the state in the 1980s. As a result of demographic changes and the spread of modernisation and communications, a younger, more educated and more politically conscious generation emerged in Kashmir in the 1980s. Economic development and employment opportunities did not expand commensurately, however, leading to a rise in unemployment among the educated poor. Moreover, starting from the early 1980s, the Congress government at the centre indulged in vote fraud and subversion of the electoral process in Kashmir in order to further the interests of the Congress Party in the state. This first led to the dismissal of the legitimately elected National Conference government of Farooq Abdullah, the son of Sheikh Abdullah, in the state in 1984. Subsequently, the Congress Party led by Rajiv Gandhi and Farooq Abdullah's National Conference entered into an electoral alliance and blatantly rigged the state elections of 1987. This blatant electoral abuse encouraged by the Congress and Farooq's 'betrayal' led to widespread resentment among the Kashmiri Muslims against the Indian government and the National Conference.

In the early 1990s, the secessionist movement in Kashmir split into two main branches. In the first branch were those who advocated the creation of an 'independent' state of Kashmir to be achieved by the secession of Kashmir from India and the POK from Pakistan followed by the merger of these areas. The main secessionist organization espousing this view is the Jammu and Kashmir Liberation Front (JKLF) which wants a sovereign, secular and democratic Kashmir that would include all Kashmiris irrespective of their religious affiliation. The JKLF position is unacceptable to the Hindu and Buddhist minorities in Kashmir since both these communities fear that in an independent Kashmir, the Muslims would dominate due to their substantial numerical majority. The Hindus of Jammu and the Buddhists of Ladakh have, therefore, called upon the Indian government to protect their status in Kashmir. These communities have made it clear that if Kashmir secedes from India, then only the Valley should secede since it is predominantly Muslim. But this view is unacceptable to the JKLF which claims to represent the whole of Kashmir.

The second current of Kashmiri secessionism was represented by the Muslim fundamentalist groups and religious elites in the Valley who wanted to make Kashmir either a part of Pakistan or, at the very least, an independent Islamic state with close ties with Pakistan. The principal insurgent groups that advocate this kind of religious nationalism and pro-Pakistan sentiments are the Harqat ul-Ansar and the Hibz ul-Mujahideen. Pro-Pakistani sentiments are also demonstrated by the All-Party Hurriyat Conference, an umbrella organisation of various political parties in Kashmir. These fundamentalist organisations regard Kashmir as a region which legitimately should be under the control of Muslims. Hence, they look upon the Hindu and Buddhist minorities as 'outsiders' and resort to violence against them.

In the initial years of the secessionist movement, nearly all Hindu families were driven out by the insurgents from the Valley. Politically motivated violence against Hindus in the Jammu region (mainly with the aim to alter the demographic balance of the Jammu province) was also carried out. Further, Buddhists in Ladakh were targeted for violence and intimidation leading to a Buddhist counter-mobilisation.

In this climate of spiraling political violence and 'ethnic cleansing', the pro-India leaders among the Kashmiri Muslims became sidelined or were eliminated by the insurgents for being 'soft' on India. Violence also broke out within the ranks of the insurgents over ideology and strategy. The insurgents did not even spare the members of their own community from intimidation and violence in order to maintain a strong hold over them.

The Onset of the Indo-Pakistan 'Proxy War' Over Kashmir
With the outbreak of insurgency in Kashmir, a 'proxy war' erupted between India and Pakistan which is still ongoing. This proxy war is being fought on three different planes.

International Diplomacy

Since 1989, India and Pakistan have carried out an international diplomatic tug-of-war over Kashmir. Since the outbreak of the insurgency, Pakistan has tried to 'internationalise' the Kashmir dispute by highlighting in international forums the human rights abuses carried out by the Indian military in Kashmir and asking for international mediation in the dispute and the holding of UN-sponsored plebiscite to ascertain the wishes of the Kashmiri people regarding the state's future political status.

The strategy worked initially. Under intense Pakistani lobbying, the Organisation of Islamic Countries (OIC) voted for sanctions against India for human rights violations in Kashmir in May 1993. In Britain, the Labour Party raised the Kashmir issue in the Parliament and called on the British government to put pressure on India to honour the Kashmiris' right to self-determination under UN supervision. In the United States, the Clinton Administration also criticised India for human rights violations in Kashmir leading to strains in India-US ties.

However, as the conflict dragged on, Pakistan's diplomatic initiatives failed to bring about international pressure on India to hold a plebiscite in Kashmir for a number of reasons. First, reacting to the international outcry over human rights abuses, the Indian military reformed its operating methods in Kashmir. Emboldened by this development, the Indian government started encouraging foreign dignitaries to visit Kashmir to see firsthand the destruction and massacres caused by the Kashmiri insurgents and foreign 'volunteers' who were armed and trained by Pakistan. Indian diplomats also presented this 'evidence' in international forums and foreign capitals. The Indian government further argued that the 'real problem' in Kashmir is one of 'cross-border terrorism' directed at India by Pakistan, and called upon the western states to brand Pakistan as a sponsor of terrorism in Kashmir. India also categorically ruled out any international mediation in Kashmir by moving a unanimous resolution in a joint sitting of the two houses of Parliament which stated that Kashmir is an inalienable part of the Republic of India.

Secondly, the US placed more stress on curbing the conventional and nuclear weapons proliferation in the subcontinent and undertaking confidence building measures (CBMs) between India and Pakistan than pressing for a plebiscite in Kashmir. The end of the Afghan war and the collapse of the Soviet Union also downgraded Pakistan's importance to US national security interests. Further, the rise of Islamic fundamentalist forces in West Asia and Pakistan's strong links with fundamentalist groups in Afghanistan and Kashmir did not go down well with the Clinton administration. Additionally, the US concern over Pakistan's clandestine nuclear weapons programme resulted in the suspension of US military aid under the Pressler Amendment.

Thirdly, in spite of the presence of several 'irritants', Indo-US relations witnessed an upswing in the 1990s, attributable mainly to the convergence of politico-economic and security interests between the two states and the reduction in India's apprehensions about a possible US hegemonic role in world politics after the Gulf War. Indicating the growing cooperation between the US and India, a number of high-ranking American officials visited India in the 1990s to discuss trade and security issues. The two countries held several joint military exercises. India's market-oriented economic reforms have also found favor in Washington. The evolving friendship between India and the US further eroded Pakistan's appeal to the West on behalf of the Kashmiri secessionists.

Fourthly, Pakistan's diplomatic effort to garner support from the Islamic world for its position on Kashmir also received setbacks. To be sure, the Islamic countries voiced their concern about the plight of the Kashmiri Muslims and the highhanded measures undertaken by the Indian army; yet they stopped short of endorsing Kashmir's independence or accession to Pakistan due to India's patient diplomacy in the Islamic world. India established a working relationship with the Rabbani Government in Afghanistan and secured a promise of Afghan neutrality on the Kashmir dispute. Prime Minister Rao visited Uzbekistan and Kazakhstan in May 1993 where he secured support

for India's position that the Kashmir dispute must be settled bilaterally within the framework of the Shimla Agreement. India was also able to procure the backing of Iran for its position on Kashmir. Under pressure from Iran (and China), Pakistan had to withdraw a resolution it had tabled in the International Conference of the Human Rights Commission at Geneva in March 1994 denouncing India for violating human rights in Kashmir.

Finally, Pakistan's position on Kashmir evoked considerable opposition from China. Beijing is particularly concerned about the 'demonstration effects' of Kashmir's independence on the Xinjiang autonomous region. In 1993, Chinese troops had to quell an armed uprising in Xinjiang and the continued army presence may well engender further resentment and separatist sentiments among the region's 10 million Muslims. Signs of orthodox Sunni practice are steadily increasing in Xinjiang, and developments in Kashmir and Central Asia are being watched closely, feeding hopes for a successful independence movement. Secessionists in Xinjiang could also influence other separatists among China's Tibetan and Mongol populations and threaten China's hold on the Tarim Basin, an oil producing area essential for the PRC's economy. Acting on these fears, China indicated to Pakistan that while it would like to see a negotiated solution to the Kashmir dispute, it would not accept any form of independence for Kashmir. Thus, in spite of the international concern about the plight of the Kashmiris, Pakistan's diplomatic efforts to win international support for a UN-sponsored plebiscite in Kashmir proved to be unsuccessful. This was a major setback for Pakistan's Kashmir policy.

Insurgency and Counter-Insurgency

The outbreak of secessionist sentiments in Kashmir in 1989 provided Pakistan with a golden opportunity to loosen India's hold over the region by providing military and financial help to the various insurgent groups that sprang up. In implementing this policy, Pakistan benefited immensely from the Afghan war. During the height of the Afghan war, the United States trained and equipped the Afghan mujahideen (freedom fighters) and 'volunteers' from neighbouring Muslim countries for guerrilla operations against the occupying Soviet forces and government troops. These operations were run by the Pakistani military's Inter Services Intelligence (ISI) directorate under the supervision of the US Central Intelligence Agency (CIA) officials from bases in the border regions of the North-West Frontier Province in Pakistan. As a result, the ISI developed an expertise in unconventional warfare and established close ties with the Afghan *mujahideen*.

Once the 'proxy war' between the US and USSR ended in Afghanistan in 1989, the ISI turned its attention towards Kashmir. Initially, the ISI provided covert military support and training to the pro-independent JKLF. Most of the ISI-run training centers for Kashmiri insurgents were located in Azad Kashmir and along the Pakistan-Afghanistan border. Further, large quantities of sophisticated weapons, including Stinger anti-aircraft missiles and automatic rifles, which the US had brought into Pakistan to be used by the Afghan *mujahideen*, were diverted to the Kashmiri insurgents. By 1992-93, with the emergence of strong pro-Pakistan secessionist groups such as the Hizb-ul-Mujahideen and Harqat ul-Ansar, the ISI stopped supporting and funding the JKLF. The Pakistan government also cracked down on JKLF's leaders and sympathisers in Azad Kashmir. Along with the training and support that it provided to the Kashmiri insurgents, the ISI also encouraged veteran guerrillas of the Afghan war, who were left aimless after the Soviets withdrew from Afghanistan, to infiltrate into Kashmir to carry out a *jihād* (Holy War) against India.

New Delhi responded to the insurgency by dismissing the local government and declaring president's rule (direct rule by the central government) in Kashmir. India also responded to the insurgents through a massive show of force. As the secessionist movement grew in strength in the early 1990s, India's military presence in Kashmir escalated simultaneously. Numerous reports of the Indian army's highhanded and repressive behaviour towards the Kashmiri Muslims started to filter out and the army operation in Kashmir drew heavy fire from human rights groups and activists in India and abroad. It also led to the widespread alienation of the Kashmiri Muslims from the Indian state.

As the stalemate in Kashmir continued in the 1990s, India's approach towards taming the insurgency centred on doing several things. The main requirement was to win back the confidence of the Kashmiri civilians by clamping down hard on the insurgents who were regularly infiltrating the LoC from the POK. One way the Indian military attempted to do this was to raise, train and arm small anti-insurgency forces composed of former Kashmiri insurgents who were captured by the Indian security forces and were 'persuaded' to give up the secessionist struggle. Another policy which was strictly implemented was to exercise tighter control over the behaviour of the regular security forces in order to reduce the instances of human rights abuses by the security personnel. It was felt that when the security environment of Kashmir improves, regular military personnel could be gradually withdrawn leaving charge to the paramilitary forces.

The Indian government was also keen to re-start the political process in Kashmir as and when the security environment improved. For this purpose, the government kept open the lines of communication with several Kashmiri Muslim groups, including the All Party Hurriyat Conference and the Jammu and Kashmir Democratic Liberation Front (JKDLF). Improving the security environment and the re-starting of the political process in Kashmir were the stepping stones for holding state elections, which was viewed by New Delhi as the only way to erase secessionist sentiments from the minds of the Kashmiri Muslims.

Throughout 1995 and early 1996 the Indian government prepared the ground for elections in Kashmir. In May 1996, elections for the Indian national parliament were held and the people of Kashmir voted for the first time after 1989. In spite of the call for poll boycott by the insurgent groups, voter turnout in Kashmir during the national parliamentary election was around 35-45%, although many voters claimed that they were forced to vote by the Indian troops stationed in Kashmir. The national election of May 1996 was followed by state elections in Kashmir in September 1996. This election was widely publicised by India as a "rejection of the insurgency" by the Kashmiri people. Voter turnout was around 53%, not much less than the 56.7% for India as a whole in the general election in May. With many pro-independence and pro-Pakistan groups boycotting this poll, the National Conference led by Farooq Abdullah won easily and formed the government.

In the aftermath of the 1996 state elections, there was quiet optimism in New Delhi that a new beginning has been made in Kashmir. While there was no denying that the reconstruction of Kashmir was an enormous task, the return of Farooq Abdullah to Kashmiri politics after a gap of seven years was seen by many experts as an opportunity for moderate Kashmiris, who were sidelined during the armed insurgency, to re-enter Kashmiri politics. Critics further felt that Farooq Abdullah's re-entry into Kashmir politics offered India a chance to win back the loyalty of the Kashmiris; however, it would all depend upon how quickly the National Conference government could bring 'genuine' democracy to Kashmir and jump-start Kashmir's devastated economy. Political freedom and economic opportunity were thus seen as the key to solving the insurgency in Kashmir.

Low-Intensity Border Skirmish

Since the late 1980s, as tensions between India and Pakistan flared up, the two sides appeared to be on the brink of war on at least three different occasions; incredibly, they moved back from the brink all three times. The lack of war, however, did not imply that the LoC was quiet. On the contrary, throughout the 1990s, Pakistani troops stationed along the LoC and on the Siachen Glacier, the world's highest battlefield, have periodically resorted to firing and shelling of Indian 'forward positions' and border villages. It is generally believed in India that these unprovoked firings serve two purposes for the Pakistani military: one, to infiltrate armed insurgents into Kashmir under cover of gunfire from across the LoC and, secondly, to scuttle any initiatives for the resumption of bilateral dialogue between the two states. On almost every occasion, the Indians returned the fire.

There are compelling financial, political and strategic reasons for the existence of simmering 'low-intensity' tension across the LoC and the Siachen, rather than open warfare. First, a conventional war (let alone a nuclear one) between India and Pakistan

today will be economically and financially ruinous for both states given the astronomical rise in the cost of warfare and the state of their respective domestic economies. A short conventional war between India and Pakistan would cost some US\$2.5 billion, twelve times more than the cost of the last India-Pakistan war in 1971. Some Pakistani estimates put Pakistan's cost of fighting a conventional war with India today at US\$350 million per day. Similar studies done for India place the figure at US\$400 million per day. Given the state of the Indian and Pakistani economies today, such exorbitant expenses would be difficult to meet.

Secondly, the 'political cost' that India and Pakistan would have to pay domestically as well as internationally for initiating a war today would be astronomical given that both states possess nuclear weapons.

Finally, Pakistan's conventional military capabilities, in spite of the substantial modernisation it has undergone in the last decade, still remains weak compared to India. Its armed forces have also been badly hit by the stoppage in American military aid since 1990. On the other hand, the modernisation of the Indian armed forces and the maintenance of a steady supply of ammunition, equipment and spares for its Soviet-made inventory have been badly hit by the demise of the Soviet Union. The prolonged use of the military in domestic political problems and foreign misadventures has also generated battle fatigue and affected morale within the armed forces. As a result, neither side today would be capable of inflicting an overwhelming defeat on the other side in a conventional war.

This is precisely the sort of scenario in which, if a conventional war is waged, both India and Pakistan might be inclined to carry out a nuclear 'first strike' against the other to break the military (and political) deadlock once and for all. To prevent even an inadvertent escalation of a conventional war to a nuclear showdown with catastrophic consequences, both sides need to ensure that a conventional war between them does not erupt in the first place and that the "logic of deterrence" works.

The Indo-Pakistani Nuclear Tests and the Kashmir Quagmire

After the return of civilian rule in Kashmir in 1996, it seemed for a while that both the Indian and Pakistani governments were getting serious about finding an acceptable solution to the Kashmir dispute through bilateral dialogue. In March 1997, New Delhi took the initiative to re-start secretary-level talks with Pakistan. It was hoped that a series of official bilateral contacts, brought about mainly as a result of the 'Gujral Doctrine', would ultimately lead India and Pakistan to normalise relations by resolving their dispute over Kashmir.

By the end of 1997, however, the Indo-Pakistan normalisation process faced severe obstacles. In both states, hard-liners were opposed to any move by their governments to offer concessions to the other side. In India, Prime Minister Gujral was portrayed in some circles as being a 'soft' and 'naïve' politician. The Gujral government was also constrained by the fact that it was a minority coalition government lacking the parliamentary strength to take tough political decisions. In Pakistan, although the Nawaz Sharif government enjoyed a substantial majority in parliament, it had to defer to the wishes of the armed forces when it came to national security issues. Thus both governments were limited as far as what they could offer as 'concessions' to the other side. To overcome this difficulty, Gujral suggested that other aspects of Indo-Pakistan relations except Kashmir could be discussed; Sharif, however, insisted that the Kashmir issue must be solved first before progress could be made in other areas. The talks, therefore, failed to achieve any breakthrough. They also coincided with a rise in insurgency activity and anti-Hindu violence in Kashmir.

In early 1998, the minority government headed by Prime Minister Gujral finally collapsed and India went to the polls again to elect a new government. In the February 1998 general elections, the Bharatiya Janata Party (BJP) emerged as the numerically largest party in parliament. After intense bargaining, a coalition government led by the BJP took office in March. Since coming to power, the BJP-led coalition government has tried to chart a different path in Indian foreign and security policy. In a major policy shift, the

government decided to resume nuclear weapons testing. On May 11 and 13, India tested five nuclear devices of different types and payloads thereby breaking its self-imposed moratorium of twenty-four years. To the alarm of the Pakistani government and the international community, in the immediate aftermath of the nuclear weapons tests senior ministers in the BJP-led coalition government started making provocative statements directed at Pakistan. The Home (Interior) Minister L. K. Advani even suggested that India would henceforth follow a "pro active" policy in Kashmir and warned Islamabad to be mindful of the "new strategic equation" in South Asia before embarking on any "adventurist" course of action in Kashmir.

Although Advani did not spell out what he meant by a pro active policy, the Nawaz Sharif government in Pakistan was convinced that India was getting ready to launch a preemptive war to capture the POK. As public pressure on the government mounted, Prime Minister Sharif had no option but to ignore the threat of sanctions from the international community and authorise Pakistan's first nuclear weapons test, a move that initially brought him substantial domestic popularity. As Pakistan carried out its own nuclear weapons tests in late May in the Chagai Hills deep inside the Baluchistan desert, a new round of tension gripped South Asia.

In the aftermath of the Indian and Pakistani nuclear weapons tests, a legitimate concern of the international community was the prospect of a nuclear exchange (no matter how limited) between India and Pakistan. To many South Asia watchers in the West, a nuclear exchange between India and Pakistan over Kashmir was a real concern given the long history of animosity between the two states, their 'all or nothing' mentality regarding Kashmir, and the hardening of positions and emotions on both sides of the LoC since the outbreak of the Kashmir insurgency. Acting upon these fears, the Western states led by the United States imposed economic and military sanctions on India and Pakistan with an aim to pressure them to adhere to the international non-proliferation regimes by unconditionally signing the Comprehensive Test Ban Treaty (CTBT) and the Non-Proliferation Treaty (NPT).

The Clinton administration has also impressed upon India and Pakistan that the need of the hour was to scale down the aggressive "jingoistic rhetoric" and "war talk" that was heard in both New Delhi and Islamabad in the immediate aftermath of the nuclear tests, to put in place credible command and control systems to handle nuclear warheads, to prevent the 'meshing' of warheads with delivery vehicles, to initiate confidence- and security-building measures (CSBMs), and to resume the stalled bilateral dialogue between the two states. In a major policy statement, the US Ambassador to India, Richard Celeste, further made it clear that the United States viewed the entire pre-1947 State of Jammu and Kashmir as a "disputed territory" and believed that an ultimate resolution of the Kashmir dispute must be achieved through negotiations between India and Pakistan, taking into account the interests and desires of the Kashmiri people. It was, however, understood by the Americans that achieving all these objectives would require time, patient diplomacy and constructive US engagement in South Asian affairs.

India and Pakistan reacted to the nonproliferation proposals with caution. The Indian Prime Minister, Atal Bihari Vajpayee, designated Jaswant Singh, a BJP stalwart and a member of the Indian Planning Commission, as India's chief negotiator in discussions with the United States on the nuclear weapons and security issues. In the summer and fall of 1998, Jaswant Singh and the Indian Foreign Secretary K. Raghunath had several rounds of discussion with the US Deputy Secretary of State Strobe Talbot, Assistant Secretary of State for South Asia Karl Inderfurth, and prominent members of the US Congress. Similarly, the Pakistani Foreign Secretary Shamshad Ahmed, Foreign Minister Sartaj Aziz, and Prime Minister Nawaz Sharif had several rounds of discussions with the US officials. While no official agreements have yet been signed, the latest indicators suggest that India and Pakistan may not be opposed to signing the CTBT (perhaps with qualifications) in exchange for the lifting of sanctions (which have begun to bite in both states) and promise of substantial US assistance in the future. However, both the states have categorically refused to sign the NPT.

In the other areas, too, certain positive developments have taken place. Most importantly, the signs of euphoria and jingoism, seen in both India and Pakistan in the immediate aftermath of the tests, are largely absent today. Both states are also working

on the modalities of putting in place command and control mechanisms to handle their respective strategic weapons systems. Finally, in September 1998, India and Pakistan agreed to the resumption of their stalled bilateral dialogue. These developments have helped to improve the atmosphere in South Asia, even though sporadic firing and shelling across the LoC and the infiltration of insurgents into Kashmir from Pakistan continues.

Conclusion: The Resolution Dilemma in Kashmir

On 15 October 1998, foreign-secretary-level talks between India and Pakistan resumed after almost a year-long stand-off. To make the talks possible, India in a major departure from past policy accepted the 'two plus six formula' that was proposed by Pakistan at the meeting of the foreign secretaries of the two states during the annual session of the UN General Assembly in New York in September 1998. As agreed to in the 'two plus six formula', the issues of 'peace and security' and 'Kashmir', identified as part of a cluster of eight contentious issues between India and Pakistan, are being discussed in separate meetings during the foreign secretary level talks in October. The remaining six issues of Siachen, Tulbul Navigation Project, Sir Creek, terrorism and drug trafficking, economic and commercial cooperation, and promotion of friendly exchanges are being taken up when the foreign secretaries meet again in the first half of November.

The September 1998 agreement between India and Pakistan augurs well for the future. To Pakistan, the issues of peace and security and Kashmir had always been the core issues that needed to be resolved first before progress could be made on the other issue areas. India on the other hand had favoured the simultaneous discussion of all eight issues, a position that was reflected in the Dhaka Proposals that it presented to Pakistan in January 1998 and which was rejected by Pakistan in June 1998. The Indo-Pakistan bilateral dialogue had therefore remained stuck in modalities. But by accepting the 'two plus six formula' in September 1998, India accommodated Pakistan on its demand for a separate and substantive dialogue on the all-crucial issue of Kashmir and the bilateral dialogue has therefore moved from the realm of modalities to the realm of substance.

While the discussion of substance is a positive development, it is too early to talk about a mutually acceptable solution to the Kashmir dispute. In this context, it is important to keep in mind that there are several disputes involving different actors in Kashmir which make dispute resolution a complicated matter. For instance, in Kashmir there is: a) a dispute between India and Pakistan regarding which state should rightfully possess Kashmir; b) a dispute between India and the people of Kashmir regarding Kashmir's future association with India; c) a dispute between Pakistan and the people of Kashmir regarding Kashmir's future association with Pakistan; d) a dispute between Kashmiri Muslims, Hindus and Buddhists regarding Kashmir's political future; and e) a dispute between Kashmiri insurgent groups regarding ideology, strategy and Kashmir's political future.

Finding a settlement framework that would adequately address all these disputes and satisfy the different actors involved would be a time-consuming and difficult task. At the very least, three things have to happen before a mutually acceptable solution can even be contemplated:

- 1) India and Pakistan have to formally give up their zero-sum territorial claims over Kashmir and stop all military and para-military activities in Kashmir;
- 2) Kashmiri Muslims have to give up their claims for independence for Kashmir or for Kashmir's accession to Pakistan and stop all insurgency and terrorist activities; and
- 3) Hindus and Buddhists have to accept overall Muslim dominance and control in Kashmir in exchange for 'safeguards' of their group rights.

Whether these developments eventually materialise or not depends upon the political resolve in New Delhi and Islamabad to settle the Kashmir dispute through compromise, and the ability of the Vajpayee and Sharif administrations to keep the hardliners in their respective countries in check; the degree of disillusionment among the Kashmiri Muslim population regarding the insurgency and the 'flexibility' of their leaders; and an overall improvement in the security environment in Kashmir that would allow Hindu and Buddhist refugees to be repatriated and resettled.

Already, certain recent developments have taken the gloss off the forthcoming foreign secretary level talks. It has been reported in the Indian and Western media after the US military strike in Afghanistan that Islamic volunteers funded by alleged terrorist Osama Bin Laden have begun to infiltrate into Indian Kashmir with the help of the ISI and the Pakistani military to boost the strength of the secessionist forces. The close links that exist between Pakistan and the Taliban regime in Afghanistan, which offers sanctuary to Bin Laden and his forces as part of a plethora of insurgent and terrorist groups, has further become a cause for concern in India. The smooth passage of the 15th Constitutional Amendment Bill (the so-called Islamisation in the Constitution Bill), that would make the Shariat the highest law in Pakistan and give the prime minister extraordinary powers in the Pakistan National Assembly has also been viewed with alarm by New Delhi.

These developments together with the continued shelling of the LoC in Kashmir by the Pakistani military and recent massacres of Hindus in the Jammu region at the hands of the Kashmiri insurgents have provoked India into contemplating the holding of a massive military exercise along the Indo-Pakistan border in November 1998. While details of the military manoeuvres are still secret, it is estimated that over 100,000 troops from all three services would hold simulated war games for at least two weeks. The last time that India held military manoeuvres on such a scale was in 1987 (Operation Brasstacks), when they brought India and Pakistan to the brink of all-out war.

For tensions to de-escalate, therefore, a lot depends on how bilateral talks proceed in the near future. It has taken India and Pakistan fifty years, three wars and the real threat of a fourth 'nuclear' war to move from 'modalities to substance' in their discussions on Kashmir. Naturally, therefore, one should not expect immediate headway. However, for the sake of peace and security in the South Asian region, one hopes that both India and Pakistan approach the talks with the utmost sincerity and ensure that their substantive dialogue on Kashmir, which is bound to be contentious, does not lead to the entire dialogue process being terminally ruptured.

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Endnotes

1 During the British rule of India, two categories of states existed. In the first category were the areas of British India which were ruled directly from Whitehall. The second category of states known as the 'princely states' were ruled indirectly by the British under the Doctrine of Paramountcy. Under this doctrine, the princely states were nominally independent; however, the rulers of the princely states recognised the British Crown as the paramount power in India and agreed to be "guided" by the British government.

2 M. J. Akbar (1991) *Kashmir: Behind the Vale*, New Delhi: Viking Penguin India, p. 7.

3 For details of the history of Kashmir, see Michael Brecher (1953) *The Struggle for Kashmir*, New York: Oxford University Press, pp. 5-8; Joseph Korb (1966) *Danger in Kashmir* (Revised Edition), Princeton, NJ: Princeton University Press, pp. 9-16; Sisir Gupta (1966) *Kashmir: A Study in India-Pakistan Relations*, New Delhi: Asia Publishing House, pp. 18-23; and Alastair Lamb (1966) *The Kashmir Problem: A Historical Survey*, New York: Frederick A. Praeger, pp. 22-30.