

Historical Developments of the Kashmir Problem and Pakistan's Policy After September 11 (2001)

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Introduction

The Kashmir dispute between India and Pakistan remains a complex, volatile and intractable issue which has plagued both countries since independence in 1947 and it is still a matter of international interest. In many ways, Kashmir is an ethnic, religious and territorial issue with the potential for strategic and economic gains to India and Pakistan. Both nations have strong legal and moral claims to Kashmir, which has virtually reconciled itself to accepting the status quo and has even practically abandoned its insistence on the right of the Kashmiris to self-determination. Since 1989, a major uprising against Indian rule by the Kashmiri Muslims has changed the face of Kashmir and a gun culture has converted the paradise into a martyrs' graveyard. However, the September 11 (2001) incident has changed the shape of world politics and in the new scenario, Pakistan launched a new political initiative on Kashmir to reaffirm its long-standing policy of supporting the right of self-determination for the people of Kashmir. India accused Pakistan of involvement in terrorism, extremism and militancy, but General Pervez Musharraf's proactive policy put India's hawks on the back foot and projected the Kashmir cause as a popular struggle. Moreover, Kashmir is a major flashpoint in South Asia and it is widely believed that the nuclear dimension in the region has already created a dooms day scenario and that tension needs to be defused through the active role of external forces. Nevertheless, both countries have an opportunity to extricate themselves from the dispute by means of an acceptable solution without any further human and material loss.

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On September 11 (2001), the United States was subjected to a complex, coordinated and devastating, terrorist attack. In less than 2 hours, New York's World Trade Centre and a portion of the Pentagon were destroyed, and four commercial airlines were lost with all passengers and crew. Assessing the attack's physical consequences in terms of damage and casualties will take years. On the international front, the United States has declared war on terrorism and President

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George W. Bush has clearly defined the national strategic objective as eliminating terrorist groups "with global reach" and many countries, including Pakistan have supported the US-led military action in Afghanistan.

In fact, the new age of terrorism began when the Soviet Union was defeated in Afghanistan and the country became a centre for terrorist and extremist activities. They introduced violent anarchy and an aggressive version of Islam, producing Islamic volunteers who exported terrorism from Kashmir to Chechnya and from Xinjiang to New York. The extremists used Afghanistan's land, people and resources to bleed the United States, but their actions have fundamentally changed the international environment and a global coalition has begun a struggle to end terrorism and to make the world more secure. The truth of the present situation is that the extremists were successful in internationalising the Palestine issue but, on the other hand, they have demoralised many other separatist movements and provided an opportunity to some governments to eliminate Muslim struggle movements in different parts of the world. In this regard, there have been repercussions for the Kashmir issue, which is the most volatile and complex problem between India and Pakistan. Both are again on the brink of war and there is a real possibility of a nuclear holocaust.

Geopolitics of Kashmir

Kashmir, where the world ends and paradise begins, is no longer a magical place. The cease-fire line, which was drawn up by the United Nations in 1949 and snakes erratically for about 500 miles through some of the roughest terrain on earth, has been breached far more often than honoured. Since ancient times, the beautiful and fertile Kashmir Valley had been the resting place for caravans travelling between the plains of India and the highlands of Central Asia. It is a temperate, land-locked area between the Himalayas, Karakorams and Hindukush. It is wedged between two arch rivals (India with its Hindu majority and Muslim Pakistan) and has been caught in the cross fire for half a century. Both India and Pakistan considered Kashmir absolutely vital to their strategic, economic and defence requirements. It was one of the autocratic but unique princely states. It was a Muslim-majority state ruled by a Hindu; geographically contiguous to both India and Pakistan; and its strategic location was highly prized, convincing both countries that it was vital to their national interest.

Strategically, Kashmir has a unique position as the guardian of South Asian and Central Asian regions. It was the gateway of the ancient invasion routes into British India at a time when the Great Game (the struggle for supremacy in Central Asia between the jostling Russian and British empires) was in full momentum.

Presently, it is wedged between Pakistan, India, China and Afghanistan. As India's northernmost territory, the state of Jammu and Kashmir provides a valuable point of contact with the Central Asian region. With an area of 84,471 square miles, it is more than three times the size of Albania, Austria, Bangladesh, Belgium, Denmark, Netherlands and Luxembourg, and bigger than 90 member countries of the United Nations. It has an estimated population of 11.5 million, including 7 million in Indian held Kashmir, 2.5 million in Azad (free) Kashmir, which is under indirect Pakistani control and the northern region of Gilgit and Baltistan, which is directly administered by Pakistan, and 1.5 million refugees in Pakistan and 0.5 million in Europe and the United States, making it larger than 114 nations of the world. Pakistan depends on rivers flowing out of Kashmir (the Jhelum, Chenab and Indus) to irrigate its fields and generate electricity.

Historically, Kashmir was free and its kings ruled over large parts of India and Afghanistan. It was ruled mostly under Hindus, Zoroastrians, Buddhists, Jains, Tartars, Hamim, Muslims Shahmiri sultans and the Moghul emperors. The Mughal rule was succeeded by that of Afghans (1757-1819) and then in 1819, Kashmir became a part of the Sikh kingdom, under the one-eyed Maharajah, Ranjit Singh, who turned Kashmir into a tributary. His illiterate twenty-seven year old successor, Gulab Singh, was the real ruler of Kashmir. By 1840, Gulab Singh had brought most of the surrounding principalities and kingdoms under his Crown. In December 1845, Gulab Singh fought a war with the British. A Sikh army crossed the Sutlej river but eventually (after four battles in fifty-four days) were defeated by the British. However, the British empire allowed Gulab Singh to adopt the title of Maharaja, and to purchase the Muslim populated Vale of Kashmir for a knockdown price, on condition that he "and the male heirs of his body" acknowledge "the supremacy of the British government." These arrangements were laid down on 9 March 1846 in the First Treaty of Lahore.¹ On 16 March 1846, Henry Montgomery Lawrence, the British representative, signed the Second Treaty of Amritsar (Sale Deed of Amritsar) whereby Gulab Singh's annual rent to the Governor-General, Sir Henry Hardinge, was to be a horse, twelve perfect goats and three pairs of cashmere shawls. Under the treaty, the whole of Kashmir and Hazara became part of the Sikh empire and in return the Sikh kingdom paid Rs.7.5 million to the British Empire.²

¹ Under the Treaty of Lahore (1846) the British recognised the Sikh government and accepted its suzerainty in the area between Beas and Sutlej and Beas and Indus. See text of the Treaty of Lahore (Delhi: Government Printing Office, 1846 and 1950).

² Article 1: The British government transfers and makes over for ever, in independent possession, to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the river Indus, and westward of the river Ravi, including Chanab and excluding Lahul, being part of the territories ceded to the British government by the Lahore state, according to the provisions of Article 4 of the Treaty of Lahore, dated 9 March 1846. Article 3: In consideration of the transfer made to him and his heirs by the provisions of the foregoing articles, Maharaja Gulab Singh will pay to the British government the sum of 75 lacs (7.5 million) of Rs. (Nanak Shahi) 50 lacs (5 million) to be paid on the ratification of this treaty and 25 lacs (2.5 million) on or before the first of October of the current year A.D 1846.(1). See text of the Treaty of Lahore (Delhi: Government Printing office, 1950).

After Gulab's death in 1857, his son Maharajah Ranbir Singh extended the Jammu and Kashmir border northward into Gilgit. In 1925 Ranbir's son, Pratab Singh was succeeded by his nephew, Hari Singh, whose time in England had not been that unremarkable. By 1931, Muslim agitation started against the Maharaja Hari Singh because his policies and reforms directly pinched Muslims. Gulab Singh and his successors ruled Kashmir for a whole century (1846-1947) and this period is remembered as the most despotic and oppressive in the subcontinent's history. The Dogras of Jammu and the Hindu minority became the privileged classes of the state. They deprived Muslims of their fertile lands and became feudal lords, while the Muslim Kashmiris were treated as slaves. The Dogras' policies³ were based on social, cultural and economic discrimination against the majority population. Kashmiri's experienced severe brutalisation, persecution and were deprived of social and religious freedom.

This territory claimed by India was part of the princely state of Jammu and Kashmir before 1947. After the war of 1948, Pakistan held the Northern Areas and Azad Kashmir. UN peace-keepers drew a cease-fire line between the rivals in 1949, leaving 50,513 square miles (60%) under Indian administration and the remaining 40% under Pakistan and the semi-autonomous government of Azad Kashmir. China won Aksai Chin and Demchok in Ladakh during the 1962 war with India, carving off another piece of the state of Jammu and Kashmir but magnifying India's resolve to hold the adjacent territory, where a Buddhist majority has strong ties with Tibet. Demographically, Muslims were predominating in the valley of Kashmir, the most populous and relatively more prosperous part of the state, as well as in Poonch district, Baltistan and the Gilgit region. Muslims constituted 61 per cent of the total population of Jammu, whereas Hindus were in majority in the Eastern districts of the province, while Buddhists had a majority in Ladakh. Despite successive demographic changes and political divisions, Kashmir remained an overwhelmingly Muslim majority area, and the population ratio in the Indian controlled part of Kashmir is still in favour of Muslims.

Indo-Pakistan Stand on Kashmir

The leaders of India and Pakistan were desperate to acquire Kashmir to strengthen their respective visions of nationhood. India's Jawaharlal Nehru, the secularist, wanted to demonstrate that a Muslim population could coexist with the Hindu majority; Mohammad Ali Jinnah, the Muslim nationalist, insisted that

³ The Sikh regime banned the adhan (the Islamic call for prayer) and the gathering on Friday. It was also a law that if a Sikh killed a native he had only to pay a paltry ransom of Rs. 16.00. Of this, one-fourth would go to the family of the deceased if the deceased was a Hindu and one-eighth if he was a Muslim, and the remaining amount would go to the state exchequer. See more details in G. M. D. Sufi, *Islamic Culture in Kashmir* (New Delhi: Light and Life Publishers, 1979), pp. 284-294.

Pakistan would be incomplete without the Muslim enclave. Thus, the real problem is that Kashmir is not merely a territorial dispute but is deeply intertwined in the domestic politics and ideologies of India and Pakistan. With the passage of time, public opinion in India and Pakistan has grown to look upon Kashmir as a part of their countries and no leader can contemplate a compromise without risking his or her political career. However, the claim over Kashmir goes to the heart of the identities of India and Pakistan. India demanded Kashmir on the ground that its ruler had been a Hindu and that it is a part of India's territorial entity. For India, Kashmir is symbolic of secular nationalism and state-building. If Kashmir was allowed to secede to Pakistan because of its Muslim-majority population, Indian leaders doubted whether the idea and practice of secularism could survive. Indian's Prime Minister Jawaharlal Nehru asserted:

India without Kashmir would cease to occupy a pivotal position on the political map of Central Asia. Its northern frontiers...are connected with important three countries, Afghanistan, the USSR and China. Thus, strategically, Kashmir is vital to the security of India; it has been so since the dawn of history.⁴

Nehru accepted that Kashmir was a "disputed territory" and until peace was restored in the state, a plebiscite would not be possible. However, after Nehru's death, India insisted that Kashmir was an integral part of India and therefore not negotiable. Krishna Menon, the Indian Defence Minister, explained why India refused to carry out a plebiscite: "Because we would lose it. The Muslims of Kashmir will never cast a vote in favour of India and it will affect the unity of India; and no Indian government responsible for agreeing to the plebiscite would survive."⁵ Similar sentiments were expressed by Sardar Patel, the Deputy Prime Minister of India: "Appeasement of Muslims promoted the assassination of Gandhi...what will happen if we weaken over Kashmir or if a plebiscite is decided against us and one million Hindus are driven out? Not only the assassination of Nehru, but also reprisal against Muslims in India."⁶ Many Indians view a concession on Kashmir as a compromise to India's concept of the secularism which might have repercussions for separatist forces and Muslims in other parts of the country. Thus, India changed Nehru's concept of Indian identity and in 1966 Indira Gandhi (the daughter of Nehru) explained India's policy, saying that:

"Initially India agreed and indeed suggested a plebiscite at the time, but on condition that the State was first cleared of the invader [Pakistan] and peace restored...Since this basic condition was never fulfilled by Pakistan, there could be

⁴ Jawaharlal Nehru, *Independence and After* (New Delhi: Government of India Publication Division, 1949), p. 95.

⁵ A. B. Tourtellot, "Kashmir: Dilemma of a People Adrift," *Saturday Review*, 6 March 1965.

⁶ C. Michael Brecher, *The Struggle for Kashmir* (London: Oxford University Press, 1952), p. 54.

no question of a plebiscite...Any plebiscite today would by definition amount to questioning the integrity of India. It would raise the question of secession...We cannot and will not tolerate a second partition of India on religious grounds. It would destroy the very basis of the Indian State."⁷

According to Somini Sengupta, Kashmir has been essential to the Indian national project from the beginning: "to lose Kashmir to Pakistan would be to lose its mantle as a secular, multi-ethnic democracy."⁸ Indian right wing scholar, Abemanu Singh Ranawat, explained that "many Indians think something would be diminished in our lives if Kashmir does not stay with India."⁹ India, which has had to battle many separatist movements, has never stopped worrying about its "territorial integrity" if the only Muslim-majority state was allowed to secede. Bharatiya Janata Party (BJP) leader Atal Behari Vajpayee (former Prime Minister of India) warned Pakistan that "if Pakistan is asking for four million Kashmiri Muslims, it should be ready to receive 120 million Indian Muslims in case Kashmir secedes from India."¹⁰ Thus, from the Indian perspective, ever since partition, India has been in the grip of violent separatist movements such as the Muslims of Kashmir demanding liberation, and the Sikhs of Punjab fighting for an independent "Khalistan." Similarly, the Hindu Assamese, Christian Nagas, Mizos and Garo tribes of the north-east of India are virtually demanding separation from New Delhi's rule. Moreover, Indian elites are sensitive that the problems of nation-building and national integration remain complex and it is difficult to defend India's territorial integrity. They believe that militant insurgent movements within India have destroyed the nation's unity, challenged the government's legitimacy and damaged the process of 'Indianisation.'¹¹ Indians perceive that Pakistan is not reconciled to the Indian union and its demand for self-determination for Kashmir is intended to damage the foundation of Indian polity. For India, Kashmir is a core issue because no Indian government is willing to allow any part of its territory and its people to be alienated from the Indian Republic on the basis of religion and language.¹² This development would reduce the territorial size of India and would also make it a geographically fragmented political entity. Thus, Kashmir is the key to holding Indian integration because once Kashmiris are allowed to secede, then

⁷ Alexander Rose, "Paradise Lost: The Ordeal of Kashmir," *The National Interest* (Winter 1999/2000), p. 94.

⁸ Somini Sengupta, "Struggle for Kashmir is Fueled by Clashing National Narratives," *The New York Times* (13 January 2002).

⁹ Interview with Indian scholar, Abemanu Singh Ranawat, during his academic visit to the University of Hull (UK) on 22 August 2001.

¹⁰ BJP continues to reject the Nehruite "salad bowl" philosophy where all creeds assimilate into a newly invented Indian identity that glories in, and legally protects, their diversity. BJP demands that these discriminatory legal and political protections (such as Kashmir's exemptions provided for in Section 370 of the constitution, as well as the promise of a plebiscite) be dismantled for the sake of the Hinduist "melting pot." See Alexander Rose, "Paradise Lost: The Ordeal of Kashmir," p. 95; and *The Hindu*, 18 July 1990.

¹¹ Barry Buzan and Gowher Rizvi (ed.), *South Asian Insecurity and the Great Powers* (London: Macmillan, 1986), p.40; see also Louis Dumont, *Religion, Politics and History in India* (The Hague: Mouton, 1970), p. 32; "The Emergence of Modern 'Hinduism' as a Concept and as an Institution: A Reappraisal with Special Reference to South India", In Gunther D. Sontheimer and Hermann Kulke, *Hinduism Reconsidered* (New Delhi: Manohar, 1989), pp. 29-49.

¹² J. N. Dixit, *Across Borders: Fifty Years of India's Foreign Policy* (New Delhi: Picus Books, 1998), p. 247.

India's "Balkanisation" will be uncontrollable. Moreover, Indians also perceive that abandonment of Kashmir would mean reducing the external line of defence close to New Delhi and exposing it to direct enemy strikes within minutes.

Pakistan also has powerful arguments to support its claims on Kashmir because it is vital to its economy and to the maintenance of its national identity. For Pakistan, its neighbour's claim over what is India's only Muslim majority state is the object of moral outrage. Pakistan's reason for being was to create a homeland where the subcontinent's Muslims could live free and prosper, not under the thumb of Hindu-dominated India. As Liaquat Ali Khan, the Pakistani Prime Minister, claimed:

"Kashmir is very important, it is vital to Pakistan's security. Kashmir, as you will see from the map, is like a cap on the head of Pakistan. If I allow India to have this cap on our head, then I am always at the mercy of India...The very position, the strategic position of Kashmir, is such that without it Pakistan cannot defend herself against an unscrupulous government that might come in India".¹³

The state of Jammu and Kashmir is more adjacent to Pakistan than to India. Kashmir not only has an overwhelming Muslim majority area, but is also territorially contiguous to Pakistan, with its river and natural lines of communication linking with Pakistan; historically, culturally, religiously and economically it is closer to Pakistan than India. Strategic considerations, too, link Kashmir with Pakistan. Moreover, Kashmir is symbolic of Pakistan's Islamic nationalism and it feels a moral obligation to keep the issue before the international community and support the oppressed Muslims in Kashmir. This is the core of the conflict and all else is peripheral. For many Pakistanis, Kashmir has challenged the self-image and identity of Pakistan and it is the main source of conflict between India and Pakistan. President Ayub Khan explained the matter, saying: "Kashmir is keeping the two countries apart and unless this is settled we shall remain apart. So long as we remain apart, the solution of other problems stands in danger of being nullified."¹⁴ For many Pakistanis, to reconcile themselves to Indian occupation of strategically contiguous Kashmir would appear to deny the validity of the two-nation theory and might even set a precedent for the regionalists within Pakistan.

Kashmir had always been part of the Pakistan concept - the letter "K" in Pakistan, stood for Kashmir.¹⁵ As Pakistan's Minister for Kashmir Affairs remarked in 1951: "Kashmir is an article of faith with Pakistan and not merely a piece of land

¹³ M. Gopal, "Considerations of Defense," *Caravan* (New Delhi: February 1967), p. 67; and see David E. Lilienthal, "Another Korea in the Making?" *Collier's* (New York: 4 August 1951), p. 57.

¹⁴ Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations* (Bombay: Asia Publishers, 1966), p. 439.

¹⁵ The name of "PAKISTAN" was created by Cambridge student Chudhuary Rahmat Ali in 1936. It was coined as an acronym, representing the component states: P (Punjab) A (Afghan-North West Frontier Region) K (Kashmir) S (Sindh) TAN (Baluchistan).

or source of rivers."¹⁶ Zulfikar Ali Bhutto, the former Prime Minister of Pakistan, also declared in 1964, "Kashmir must be liberated if Pakistan is to have its full meaning."¹⁷ Moreover, geographically and economically, the state is surrounded on all sides by Pakistan. Its only access to the outside world by an all-weather road lay through the Jhelum Valley road which runs through Pakistan via Rawalpindi. The only rail line connecting Jammu with the outside world lay through Sialkot. Its postal and telegraphic services operated through areas that were certain to fall in the Dominion of Pakistan. Moreover, Kashmir was dependent for all its imported supplies like salt, sugar, petrol and other essential commodities of life on their safe and continued transit through areas that would form part of Pakistan. Further, the tourist transit traffic revenue was easily accessible through Rawalpindi. According to P. N. Dhar, "The timber of Kashmir floats down the Jhelum and the Kishenganga right up to the Jhelum depot in Pakistan where it is disposed of."¹⁸ At the same time, as Dhar explained, "Pakistan's economy depends on Kashmir's forests for its railway and civilian requirements on account of the inadequacy of its own forest resources."¹⁹ Similarly, Sir William Barton has pointed out: "Pakistan has no coal or major infrastructure of industries; it has to develop military and economic projects and for this purpose it must build up industries on a large scale. Thus, in the absence of an adequate coal supply, the only course is to develop power from hydro-electric installations; for these it must depend largely on the rivers of Kashmir."²⁰ Moreover, Kashmir's rivers are important to Pakistan because the agricultural prosperity of Pakistan is entirely dependent upon the canal system which serves an area of about 19 million acres. This system is based upon the Indus, Jhelum and Chenab Rivers which enter Pakistan from Kashmir.

Thus, Pakistan's ambition is also territorial, and is reinforced by a deeply held sense of injustice. Mountbatten and his judicial minions conspired to give India access to Jammu and Kashmir. India's military presence in Kashmir stretches Pakistan's dangerously large defence parameters, and cuts it off from the source of its lifeline of rivers. India annexed Kashmir by force in 1947 and the UN Security Council called for a cease-fire and plebiscite. Pakistan's stand had been that Maharaja Hari Singh was required to accede to India or Pakistan before 15 August 1947, under the Independence Act of 1947. Since he did not accede to India or

¹⁶ Kuldip Nayar, "Kashmir: Re-Reading Its Past in order to Profer a Practicable Solution," *The Round Table* (1992), p. 305.

¹⁷ Somini Sengupta, "Struggle for Kashmir is Fueled by Clashing National Narratives," *The New York Times* (13 January 2002).

¹⁸ Timber is Kashmir's most important export commodity and in 1946-47 as much as 7,490,000 cft. of it was exported via the Chanab and Jhelum Rivers, bringing to the State exchequer a revenue of Rs. 87, 47,000. See P. N. Dhar, "The Kashmir Problem: Political and Economic Background," *India Quarterly*, New Delhi (April-June 1951), p. 160.

¹⁹ *Ibid.*

²⁰ William Barton, "Kashmir and its Economic and Political Value for Pakistan," *India Quarterly* (April-June 1951), p. 156.

Pakistan before that date, it was not only the paramountcy of the British Crown that ended the notorious Amritsar Treaty (1846) also lapsed and became null and void. In the circumstances, the Maharaja lost all rights over the people of Jammu and Kashmir and they became free to decide whether to join Pakistan or India. According to Gowher Rizvi, India's claim to Kashmir is dubious, hollow, fallacious and confused. It made little sense for India to claim Kashmir because India had not only accepted the principle of partition in 1947 but also pressed for a logical extension of that principle by dividing the Punjab and Bengal. India's claim, a year later in 1948, that its ideology of secularism was at stake in case it relinquished the possession of the predominantly Muslim territory, is difficult to comprehend. Furthermore, its claim to Kashmir's accession by a treaty stands invalid.²¹ It is also a fact, that Mountbatten had blundered in accepting the request for accession when he himself had presided over the rejection of a similar request by the State of Junagadh; and even if such accession was valid, it was conditional upon a plebiscite which never took place. In a very real sense, Pakistan's security and integrity is linked to Kashmir. India's claim that Kashmir is an integral part of it is challenged by Pakistan, which claims that Kashmir was neither part of India nor even under British rule. Thus, it should not be surprising that Kashmir continues to represent the unfinished agenda of partition and after the debacle of East Pakistan, getting Kashmir back cannot but restore Pakistani respect and pride.

Kashmir at the time of the British

The British withdrew from India after World War II, and partitioned the subcontinent, on the basis of Hindu majority and Muslim majority, between India and Pakistan, leaving the bitter legacy of Kashmir, which is just one of the major bones of contention that continue to poison relations between India and Pakistan. At the time of partition, there were 565 princely states in the subcontinent including the state of Jammu and Kashmir. The Viceroy of India, Lord Mountbatten, on 3 June presented a plan conceding the right to the creation of independent states of India and Pakistan; "on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims."²² The Cabinet Mission Plan of 16 May 1946 had merely stated: "Paramountcy can neither be retained by the British Crown nor transferred to the new Government."²³ The Indian Independence Act of 1947, in theory, left the states legally independent when the sovereignty of His Majesty over the Indian States lapsed. But, in practice, such

²¹ Gowher Rizvi, "The Rivalry Between India and Pakistan," in Barry Buzan and Gowher Rizvi (ed.), *South Asian Insecurity and the Great Powers*, p. 102.

²² V. D. Chopra, *Genesis of Indo-Pakistan Conflict on Kashmir* (New Delhi: Patriot Publishers, 1990), pp. 10-12.

²³ S. M. Burke, *Pakistan's Foreign Policy: An Historical Analysis* (Karachi: Oxford University Press, 1973), p. 16.

independence was ruled out when the Secretary of State for India, Lord Listowell, declared: "We do not, of course, propose to recognise any states as separate international entities."²⁴ Thus, discretion was left to the respective rulers of the states to seek accession to either of the two Dominions in accordance with the broad principles of the partition itself; Muslim majority states located in territories contiguous to Pakistan would accede to Pakistan and the rest would go to India.

The British left no choice to the so-called princely states after their departure, except accession to India or Pakistan. Lord Mountbatten, as representative of the British Crown, advised the leaders of princely states that they were free "to accede to one or the other of the two new Dominions as the effective successive powers to the British Raj, at their discretion, with due consideration to be given to geographical contiguity and communal composition."²⁵ This means that if neither choice was acceptable, they could form independent states. Most accessions to either India or Pakistan proceeded smoothly but there were several problematic cases. On 22 September 1947, Mountbatten, the Governor-General, tried to persuade the ruler that "such an accession has given rise to serious concern and apprehensions to the local population" and advised that "normally geographical situation and communal interest and so forth will be the factors to be considered."²⁶ The Maharaja of Jodhpur was admonished by Mountbatten because, the subjects of his state being predominantly Hindu, accession to Pakistan would surely be in conflict with the basic principle of partition of India, which was based on Muslim and non-Muslim majority areas.

Kashmir became a vital object of competition, coveted with equal fervour by both India and Pakistan. It was the largest princely state and had a 75 percent Muslim population under a Hindu ruler, Maharaja Hari Singh. The state was adjacent to Pakistan and, despite the desire of the ruler the state would be integrated with Pakistan. Maharaja Hari Singh offered to enter into a "standstill agreement" with both India and Pakistan in order to buy time and ensure Kashmir a measure of autonomy. Pakistan accepted the agreement, but India hesitated, with the plea that it was not the right time for this type of arrangement. The Maharaja intended to exploit the Kashmir issue and was not willing for the state to accede unconditionally to either India or Pakistan. The situation deteriorated in October 1947 when in Jammu, (where Hindus and Sikhs were living in large numbers) Hindu and Sikh militants slaughtered thousands of Muslims. Almost the entire

²⁴ Barry Buzan and Gowher Rizvi, *South Asian Insecurity and the Great Powers*, p. 98.

²⁵ Alan Campbell Johnson, *Mission with Mountbatten* (London: Robert Hale, 1952), pp. 357-358.

²⁶ Barry Buzan and Gowher Rizvi, *South Asian Insecurity and the Great Powers*, p. 98; and see also *Speeches of Rear Admiral The Earl Mountbatten of Burma* (London: Pall-Mall, 1949), p. 42.

Muslim population of 500,000 was eliminated: some 200,000 were killed and the rest fled to Pakistan.²⁷

In the circumstances, the Muslims of the valley began revolts against the Dogra government, which spread to several parts of the state. At a popular level, there was much sympathy and support in Pakistan for the Kashmiris. Thus, thousands of volunteers from tribal areas (Pathan Afridi tribesmen from the North West Frontier Province) of Pakistan came to help the Kashmiri Muslims to wage a holy war (jihad) against State forces. The Indian government claimed that Khan Abdul Qayyum Khan (a Kashmiri and native of Poonch), the governor of NWFP encouraged the Pathans and provided petrol, transport, ammunition and food for the liberation of Kashmir.²⁸ The tribesmen advanced rapidly and captured many towns (Domel, Grahi and Chinari) including Muzzafarabad on 23 October 1947. They formed their own government in the area liberated from the Maharaja, which they named Azad (free) Kashmir. According to Bazaz, there were sound reasons to believe that if the Congress leaders had not made repeated and vigorous attempts to influence the Maharaja to function in a partisan spirit and take the fatal step of making preparations for joining India, there would have been no incursion of tribesmen into Kashmir.²⁹

In the face of tribal pressure, Maharaja Hari Singh, in desperation, appealed to New Delhi for military aid. Mountbatten and Nehru seized on the opportunity presented by the Maharaja's panic and decided on 25 October to send a detachment of airborne troops (by Gurdaspur) to Kashmir to secure formal accession to India. The hard-pressed Maharaja signed the Instrument of Accession to India on 26 October 1947 under the pressure of Nehru, V.P. Menon and Sardar Patel. On 27 October, the airborne troops landed at Srinagar airfield and proceeded to beat back the marauders. Mountbatten, as Governor General of India, formally accepted the Maharaja's decision and Kashmir officially became part of India. However, the historical facts contradict the Indian view, because the date of the Instrument of Accession was 26 October 1947 and Indian troops were on their way to Kashmir even before the Instrument had been signed. Actually due to unforeseen circumstances, the Maharaja was travelling that day in a motorcade from Srinagar to Jammu. Alistair Lamb claims that the signatures could not have been made on that date and therefore, the dispatch of Indian troops was unlawful and illegitimate.³⁰ Moreover, India used the Pathan tribes' invasion as a good reason to send troops to

²⁷ Ian Stephens, *Pakistan* (London: Ernest Benn, 1963), p. 200.

²⁸ *The Times of India* (22 October 1948).

²⁹ Prem Nath Bazaz, *The History of Struggle for Freedom in Kashmir* (Delhi: Kashmir Publishing Co, 1954), p. 338.

³⁰ Alistair Lamb, "The Indian claim to Jammu & Kashmir: Conditional Accession, Plebiscites and the Reference to the United Nation," *Contemporary South Asia* (1994), Vol. 3, No. 1, pp. 67-72; and see Alistair Lamb, *Kashmir: A Disputed Legacy 1846-1990* (Karachi: Oxford University Press, 1992), pp. 42-128.

Kashmir and claimed to be saving the state from Pakistani aggression, though it is clear that the tribes' invasion was not the cause and it was India's intention to keep Kashmir in Indian territory. In fact, India has never, for instance, been able to produce the original copy of the Instrument of Accession.

Mountbatten, in accepting the accession, made a fundamental error of judgement and left behind a bitter legacy in South Asia. He actually violated his own rules when he said "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."³¹ Further, Mountbatten's letter accepting the "Instrument of Accession," brought the inflammatory principle of self-determination into conflict with the Indian desire for territorial integrity. In his letter, Mountbatten stated that, "It is my Government's wish that, as soon as law and order have been restored in Kashmir and its soil cleared of the invaders, the question of the State's accession should be settled by a reference to the people."³² Similarly, Nehru also argued that the fate of Kashmir should be decided by the wishes of the people and promised;

...We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given and the Maharaja supported it, not only to the people of Kashmir but to the world. We will not and cannot back out of it. We are prepared and law and order have been established, to have a referendum held under international auspices like the United Nations. We want it to be a fair and just reference to the people, and we shall accept that verdict. I can imagine no fairer and juster offer.³³⁻³⁴

On 1 January 1948, India referred the Kashmir dispute to the United Nations. India claimed that Kashmir had "legally" and "constitutionally" acceded to India, and it was Pakistan that was supporting the tribesmen and committing "an act of aggression against India."³⁵ On the other hand, the Indian Prime Minister assured his Pakistani counterpart in a telegram on 31 October 1947 that "Kashmir's accession to India was accepted on condition that as soon as the "invader" has been driven from Kashmir soil and law and order restored the people of Kashmir would decide the question of accession. It was open to them to accede to either Dominion then."³⁶ In response, Pakistan accused India of genocide and on 15 January 1948, charged that the accession of Kashmir to India had been obtained through "fraud

³¹ S. M. Burke, *Pakistan's Foreign Policy*, p. 25.

³² P. L. Lakhanpal, *Essential Documents and Notes on the Kashmir Dispute* (New Delhi: Council on World Affairs, 1965), p. 57.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *India Today*, 16-31 May 1981, p. 89.

³⁶ P. L. Lakhanpal, *Essential Documents and Notes on the Kashmir Dispute* (New Delhi: Council on World Affairs, 1965), p. 70.

and violence." Pakistan also demanded the complete withdrawal of the Indian forces, followed by a plebiscite.³⁷ However, the Security Council called on both countries to refrain from doing anything "which might aggravate the situation." It also established a UN Commission for India and Pakistan (UNCIP) which failed to implement all the elements of the resolution but was successful in reaching a cease-fire which went into effect on 1 January 1949. The cease-fire went down in history as a turning point in South Asian politics, because it failed to neutralise India and Pakistan and merely provided a breathing spell.

Indian Political Actions and Muslim Nationalism in Kashmir

After the partition of 1947, the Indian government took several measures to assimilate the state of Jammu and Kashmir into the Indian Union. In 1951, India staged elections for a Constituent Assembly in the Indian part of Kashmir. This so-called election was interpreted as a vote for India and at the same time, India recognised Kashmir's special status (article 370 of Indian constitution) within the Indian Union.³⁸ In February 1954, under the advice of New Delhi, the Constituent Assembly of Kashmir accepted the recommendation of the Basic Principles Committee to remain acceded to India. Moreover, in November 1956, the Assembly ratified the Maharaja's Hari Singh's instrument of accession of 1947 and the state became an integral part of India. In October 1963, India began moves to do away with Article 370 of the Indian constitution and sought to amalgamate Kashmir more fully into the Indian Union, and thereby remove an anomaly which was so much resented by the other states. According to Central government plans, the *Sadar-i-Riyasat* and the Prime Minister of Kashmir would be downgraded to Governor and Chief Minister of a State, and the integration would be completed by allowing Kashmir to send six members to the Lok Sabha to New Delhi. After 1964, India increased its administrative integration with Kashmir and a central government order enabled India's President to govern Kashmir directly if he thought the constitutional machinery of the state had failed. Furthermore, in 1965, the Indian National Congress established a state organisation in Kashmir.

Thus, the present uprising in the Kashmir Valley can be traced back to the 1960s and later in 1987, when Indian officials rigged local elections, and Nehru's grandson, then Indian Prime Minister Rajiv Gandhi, installed Sheikh Abdullah's son, Frooq Abdullah, as chief minister, creating widespread resentment. By 1989, a

³⁷ S. M. Burke, *Pakistan's Foreign Policy*, p. 227.

³⁸ According to the article of 370 defence, communications and foreign affairs are the responsibility of the centre. Among other things, the State constitution would ensure that the powers that New Delhi enjoyed under Article 356 to dismiss the State Government and place the state under President's rule would not apply to Jammu and Kashmir.

Kashmiri guerrilla movement was hatched and a large number of young Kashmiris, educated and full of idealistic fervour, mounted a bloody insurgency against Indian rule. The freedom fighters (which India called infiltrators or separatists) won support among many Kashmiris, their cause aided by the might of the Indian security forces. Analysts describe the uprising also as the product of continuous deprivation and neglect, because the state of Jammu and Kashmir is one of the poorest in South Asia. The state has no economic development and education has been the lowest priority of the central government. The Muslims of the Valley were the poorest community, while Hindus and Buddhists operated businesses and became wealthy landowners. The main sources of employment for educated Kashmiris, government service and the public sector, have been dominated by Hindus and non-Kashmiris. According to Saifuddin Soz, Hindus accounted for 83.66 percent of senior and junior positions in the central and provincial jobs, while Muslims held only 13 percent. The Muslim share in gazetted services was less than six percent and only low caste jobs were available for Muslims. Moreover, in the Banking and other commercial sectors, Muslim representation was as low as 1.5 percent.³⁹

During 1986-1987, the number of educated unemployed was 100,000 and had increased to 300,000 by the end of 1989. In terms of economic development and national investment, Jammu and Kashmir's share was only 0.03 percent.⁴⁰ Moreover, the increased political mobilisation of Kashmiri Muslims and the decline of institutional structures in Jammu and Kashmir provided fuel to the present insurgency in Indian controlled Kashmir. Jammu and Kashmir was one of the most backward and economically neglected areas in India. In the 1980s, the spread of education and political development motivated young Kashmiri Muslims, who developed high expectations for jobs and political participation, but the central government and state government failed to provide the avenues for participation. Interestingly, Kashmir was accorded a "special status" within the Indian constitution, and a promise was made to provide considerable autonomy within India's federal system; India's central government also promised to provide a substantial financial subsidy to facilitate the "economic development" of Kashmir but in practice, the situation was miserable and the state government was always at the mercy of the federal government. In the early 1980s, Indira Gandhi increasingly flirted with pro-Hindu themes to recreate a new national electoral coalition. This shift in strategy boded ill for states with considerable non-Hindu populations, such as the Sikhs in Punjab and Muslims in Kashmir. Moreover, the centralisation of political authority, subversion of Indian federalism and

³⁹ Saifuddin Soz, *Secular Crown on Fire: The Kashmir Problem* (Delhi: Ajanta Publications, 1991), pp. 39-40.

⁴⁰ Ishtiaq Ahmad, *State, Nation and Ethnicity in Contemporary South Asia* (London: Pinter, 1996), p. 154.

undermining of India's institutional infrastructure, and the decay of the Indian state, deeply influenced political development inside Kashmir.

In the circumstances, the Kashmiri insurgency has been radically transformed in the last decade with the introduction of better-armed and better trained jihadis (holy warriors) based in Pakistan and fuelled by Islamist movements in Afghanistan and beyond. Thus, the Kashmir Valley has been gripped by freedom fighters or insurgents and with time, the conflict has grown in size and seriousness. A number of Muslim groups hurriedly came together in an umbrella organisation, the Muslim United Front. They, in turn, mobilised the urban youth and grew in popularity. These mobilised and angry youth are the main insurgents of the conflict, as they do not want Kashmir to be part of India. Moreover, in the past fifteen years the period of the Kashmiri Muslim militancy - they have been estimated at 30,000 to 40,000, but Kashmiri Muslims say that closer to 90,000 civilians and militants have been killed, and far more have been critically injured by fire, rifles and mines.⁴¹ The story of the uprising was given international publicity by American artist and journalist Martin Sugarman in the Washington Post, who said, after visiting Indian-held Kashmir, "I can imagine that Indians are using their forces to continue to hold on to Kashmir but many officials admitted to me that it is difficult to win Kashmir and the Kashmiris."⁴² Moreover, at least 120,000 Hindus have migrated from the Muslim-dominated Kashmir valley, mainly to Jammu, the southern, Hindu-dominated part of the state.⁴³ Analysis suggests that Pakistan has a diplomatic advantage in the peace process because the majority of Kashmiris have turned against India and the Indian government is bound to be responsive and flexible to Kashmiri demands for autonomy in order to create a favourable atmosphere for a stable environment. However, if the peace process collapses, the region could be plunged back into violence at any time.

Operation Gibraltar: Pakistan's Move to Liberate Kashmir

India and Pakistan became locked in a Cold War and their involvement in international affairs was determined by their overriding search for security vis-à-vis each other. In fact, their quest for friends and allies was based on the fear of each other and ultimately, the conflict between the two nations erupted into open warfare. In August 1965, Pakistan's General Ayub Khan organised "operation Gibraltar" to liberate Kashmir from India. Z. A. Bhutto (then foreign minister of

⁴¹ Time (7 June 1999), p. 39; Lewis M. Simons, "Kashmir: Trapped in Conflict," National Geographic, Vol. 196, No. 3 (September 1999), p. 12; The Times (London), 8 August 2000 and The Guardian (14 July 2000); and The Nation (Lahore), 12 June 2004.

⁴² Martin Sugarman, "Kashmir: The Tragic Valley," Washington Post (13 July 1995).

⁴³ The Times of India (4 September 2000).

Pakistan) and Aziz Ahmad (foreign secretary) convinced Ayub Khan that fighting in Kashmir over the disputed cease-fire line (CFL) would remain localised and that India would not dare to antagonise world opinion by attacking on the Indo-Pakistan international boundary. According to the plan, Pakistan would send its commandos and encourage Kashmiri freedom-fighters across the CFL to raise a revolt. Pakistan's military would then appear to help the local people in the face of Indian brutalities. The Kashmir dispute would be back on the table and India would be forced to accept arbitration for settlement of the dispute.

The plan failed because it was prepared without the participation of pro-Pakistan elements in Indian-held Kashmir and eventually there was no rebellion by the common Kashmiri Muslims. In this situation, the National Conference fully cooperated with the Indian military and they apprehended the freedom-fighters when they crossed into Kashmir. Moreover, on 6 September 1965, India opened a new front and invaded West Pakistan in a massive attack to prevent the advancement of Pakistani forces. The two armies were locked in large-scale combat over a wide area. The United States put an embargo on arms; neither side had the resources to fight a war without the help of external actors and both forces were unable to break through each other's defence system. Thus, after seventeen days, the battle lines became relatively stationary; with both sides having fought each other to a virtual standstill and eventually, both sides accepted the Soviet resolution in the UN for a cease-fire on 17 September 1965. Former Soviet Premier Aleksei Kosygin invited India and Pakistan in 1966 for negotiations in Tashkent, to settle their differences. Both sides went to Tashkent with different agendas, seeking different outcomes. Pakistan expected the conference to deal with the Kashmir conflict but India's rigid attitude constrained the discussions and ultimately, an agreement was drafted to deal with the "stabilisation of the cease-fire line, resumption of diplomatic relations, restoration of communications, exchange of prisoners and cessation of hostile propaganda."⁴⁴ The Kashmir dispute remained unresolved; both parties agreed to set forth their "respective positions" and Tashkent merely signified a pause in a protracted conflict. The decisive encounter was to come half a decade later, when the flames of war erupted once again with a terrible ferocity.

Kashmir after the 1971 War

In 1971 India successfully, exploited Pakistan's internal weaknesses which were clearly against the interest of West Pakistan's elite. On the other hand, the military junta in Pakistan considered that the demand for rights from the eastern

⁴⁴ Tahir Amin, *The Tashkent Declaration Paper-8* (Islamabad: The Institute of Strategic Studies, March 1980), p. 45.

wing was a challenge to the country's solidarity. Thus, they mishandled the autonomy question in such a way so as to make secession inevitable and the political situation led to the outbreak of civil war. In fact, General Yahya Khan held a free and fair election in 1970 and the Awami League won an absolute parliamentary majority but Yahya Khan hesitated to hand over power to the majority party, Awami League's leader, Sheikh Mujab-ur-Rehman. Yahya Khan attempted to negate the popular verdict by launching a military operation in East Pakistan. As a result of Pakistan army's operation, millions of Bengalis fled to India, where India provided bases and arms to the Bengalis to fight for their independence. India successfully mobilised world opinion against Pakistan's atrocities and thereby isolated Pakistan diplomatically.

Yahya Khan ignored Nikolai Podgorny's warning and was hopeful of receiving US help to manage the political crisis of East Pakistan, because he had facilitated a secret trip made by Henry Kissinger, to Beijing in July 1971. Ultimately, this dramatic shift raised serious doubts in New Delhi and Moscow about the spectre of a Sino-US and Pakistani alignment. India and the Soviet also thought that an emerging alliance between the US and China would be directly against the Soviet Union and India. This situation persuaded Brezhnev to form a special relationship with India and both the countries on 9th August 1971, signed a 20 years Treaty of Peace, Friendship and Co-operation.⁴⁵ According to T. N. Kaul, "it was one of the few closely guarded secret negotiations that India has ever conducted. On one side, hardly half a dozen people were aware of it, including the prime minister and the foreign minister. The media got no scent of it."⁴⁶ The significance of this treaty cannot be over-estimated. The Soviet Union guaranteed to meet the security needs of India in the event of aggression or threat of aggression. The Soviet military forces massed on China's northern border served as a clear warning to Beijing not to render more than verbal assistance to Pakistan.

On 3rd December 1971 India and Pakistan went to war for the third time, but this war was not over Kashmir. India emerged as a supporter of the East Pakistani people who demanded autonomy, and the Pakistan army began a brutal crack-down. Ultimately, this war played the role of midwife at the birth of Bangladesh. The war also played an essential role in India's victory over Pakistan, which was no longer able to mount a credible challenge to India. The Soviet Union stood firmly with India and thus emerged unchallenged as the top ranking external

⁴⁵ See full text of Indo-Soviet Treaty of 1971 in S. Mansingh, *India's Search for Power* (New Delhi: Longfellow, 1984), pp. 213-225.

⁴⁶ T. N. Kaul, *Reminiscences Discreet and Indiscreet* (New Delhi: Lancers, 1982), p. 255.

power in South Asia. A Soviet diplomat at the United Nations exulted: "This is the first time in history that the United States and China have been defeated together."⁴⁷ The US strategy also changed the regional scenario, upsetting the 'balance of power' and leaving India "unchecked" to impose its will upon the other countries of the region.⁴⁸ The US showed its bias towards Pakistan, which was simply to avoid war in the region; although it accepted the inevitability of Bangladesh, only to save West Pakistan from the anticipated disintegration.⁴⁹ The result of the war was decisive, because Pakistan had failed to wrest Kashmir, it had lost its eastern wing, and more than half of its population. The defeat of Pakistan disappointed both the Kashmiris who sought unity with Pakistan and the Indian Muslims who were looking towards Pakistan to provide a shield for their protection.

After the war of 1971, India appeared to wish for a comprehensive settlement with Pakistan, including the Kashmir dispute. India realised that the long awaited opportunity had come to settle the dispute once and for all. India used its will to impose a treaty on Pakistan, (like the treaty of Versailles, which was imposed after the First World War by allied forces on Germany) to grasp the Kashmir nettle through a bilateral arrangement and without the interference of any third party. In Simla, Zulfikar, Ali Bhutto's position was weak; he knew that all the trumps were in his opponent's hands. There were 93,000 prisoners of war, many of whom were liable to be tried for war crimes, large areas of Pakistan were under Indian occupation and the domestic environment was hostile. India showed its willingness to release prisoners and vacate the occupied area, and on the other side, Bhutto accepted Indira Gandhi's suggestion that the cease-fire line (CFL) be converted into a Line of Control (LOC). Bhutto advocated a soft border along the CFL to allow the Kashmiris freedom of movement throughout Kashmir. He actually wanted a "softening of the cease-fire line," so as to allow trade and easy travel between the people of Kashmir. According to a New York Times reporter, "Bhutto perceived that a united Kashmir which would be autonomous, and on friendly terms with both India and Pakistan, would emerge in a few years."⁵⁰ After tense and deep discussion, both leaders signed an accord on 2 April 1972 and decided to establish a friendly and harmonious relationship in South Asia. India gained 499 square miles of Kashmir and also gained control of several strategic heights, including Tithwal and Kargil, which improved its ability to protect Indian lines of communication to Ladakh on the Sino-Indian border. According to one report, Bhutto signed no formal agreement to terminate the Kashmir dispute but he

⁴⁷ S. Nihal Singh, *The Yogi and the Bear* (London: Mansell, 1986), pp. 89-96; and Robert C. Horn, *Soviet-Indian Relations: Issues and Influence* (New York: Praeger, 1982), p. 73.

⁴⁸ Barry Buzan and Gowher Rizvi, *South Asian Insecurity and the Great Powers*, p. 118.

⁴⁹ See Henry Kissinger, *The White House Years* (Boston: Little Brown, 1979), pp. 842-918; and see Richard Nixon, *The Memoirs of Richard Nixon* (New York: Warner Books, 1978), pp. 650-659.

⁵⁰ New York Times (3 July 1972).

implicitly accepted the partition of Kashmir as a *fait accompli*. For this purpose, in 1974, Bhutto took steps to integrate Azad Kashmir into Pakistan by giving the Gilgit agency representation in Pakistan's National Assembly, thereby throwing overboard Pakistan's stand on self-determination for the Kashmiris.⁵¹ However, Bhutto himself warned on many occasions that any Pakistani leader who appeared to have weakened Pakistan's position on Kashmir would be denounced by the people of Pakistan.⁵²

The Kargil Misadventure (1999)

In May 1999, a year after India and Pakistan conducted nuclear explosions, both the nuclear powers engaged in a limited war on the disputed Kashmir territory near the Line of Control (LOC) situated at the town of Kargil. After seven weeks of bloodbath in the barren Kargil mountains, at an altitude of 17,000 feet, a possible nuclear exchange was only averted by the involvement of the US. The LOC remains where it had been before the fighting began and Kashmir stays partitioned, but the incident promoted fears that Kashmir could become a nuclear battleground in future.

In fact, during the Afghanistan crisis, the United States provided significant military assistance to Pakistan in order to expand the scope of its policy of containment of communism. The US military and economic aid strengthened Pakistan's defence capability and bargaining position over India. General Zia ul-Haq's military regime, with better equipped Pakistan armed forces and in some areas of armour may even have gained superiority over India.⁵³ During the Afghan crisis, Zia made a clandestine plan to use Muslim militants to liberate Kashmir. For this purpose, a close nexus was formed between Pakistani religious parties, particularly the *Jammat-i-Islamai*, *Jamiat-ul-Islam* (Fazal-ur-Rehman group), *Jamia-i-Islamia* and the Afghan mujahideen and thousands of volunteers from Muslim countries to boost jihad in Afghanistan and Kashmir.⁵⁴ Zia wanted to bleed the Soviet Union and India, which in 1971, had dismembered Pakistan by force, and he saw in the Afghan crisis a window of opportunity to take revenge and liberate Kashmir. He also realised that guerrilla warfare offered the best chance of bleeding India by used well trained manpower, who had initially fought against the Soviet Union, and were now fighting for Kashmir.

⁵¹ Barry Buzan and Gowher Rizvi, *South Asian Insecurity and the Great Powers*, p. 118.

⁵² Z. A. Bhutto, *Bilateralism: New Direction* (Washington: Pakistan Embassy, 30 October 1976), pp. 5-13.

⁵³ Robert G. Wirsing, "The Arms Race in South Asia: Implication for the United States," *Asian Survey*, Vol. 25, No. 3 (March 1985), pp. 265-290; and K. Subrahmanyam, "Pakistan's Proactive Policy after the Afghan War," *The Times of India* (13 August 1998).

⁵⁴ Zahid Hussain, "Muslim Militants for Jihad," *Newsline* (August 1996), p. 9.

On the other hand, internal developments in Indian-controlled Kashmir and resentment against India were indeed propitious for Pakistan. This situation was different from that in 1965, when Pakistan initiated "operation Gibraltar" and the plan failed due to the lack of cooperation of the local people. Now, the situation was quite favourable, because the majority in Kashmir was against Indian rule, and Pakistan had established better relations with Kashmiri organisations, as compared to the past. It was in these circumstances, that the offensive "Kargil operation" was meticulously planned by the Pakistani military establishment to recover Kashmir.⁵⁵ It has been suggested that the fighters could not have crossed the LOC (the de facto border) in such large numbers without the help of the Pakistan army. They had sophisticated equipment, including military radios, automatic weapons, mortars, radar, snowmobile scooters and helipads. The architects of the plan assumed that fighting in Kashmir over the disputed LOC would remain localised and before India had time to react, the fighters would capture Kargil, Drass and the Mashkoh Valley, which were strategically vital for Pakistan.⁵⁶ It was also perceived that enormous popular mass support in Kashmir would further demoralise the Indian forces and encourage freedom fighters. Moreover, the primary objective of "operation Kargil" was to internationalise the Kashmir issue, cut off the strategic Leh-Srinagar highway, and increase diplomatic pressure on India to come back to the table and accept arbitration or a plebiscite to resolve the Kashmir dispute.⁵⁷

In early May 1999, hundreds of Islamist guerrillas crossed the line of control at about 30 separate points along a 140 kilometre stretch in Kargil, an area in the sparsely populated high-altitude region of Ladakh. The fighters proceeded to capture the strategically important heights on the Indian side of the line of control, from which they could easily target Indian forces based at lower elevations.⁵⁸ India responded on 26 May with air strikes against the lost positions near Kargil, along with heavy artillery barrages and a massive build-up of Indian ground forces in the zone of confrontation. In the first three days, Pakistan with their superior weapons shot down two Indian MiG aircrafts inside the Pakistani side of the line of control, while an armed Indian helicopter was downed on the Indian side by a Stinger missile. According to military observers, India's intelligence failed to detect Pakistan's plans and its patrols were inadequate to counter the fighters. Pakistan also successfully jammed Indian electronic satellites and surveillance radars.⁵⁹ There is no doubt that Pakistan's advance in Kargil was hard and fast and it showed superior firepower to counter India's military strength.⁶⁰ However, in the second

⁵⁵ The Independent (27 May 1999), p. 13.

⁵⁶ India Today (21 June 1999), pp. 11-16.

⁵⁷ Manoj Joshi and Harinder Baweja, "Blasting Peace," India Today International (7 June 1999), p. 14.

⁵⁸ Sumantra Bose, "Kashmir: sources of Conflict, Dimensions of Peace," Survival, Vol. 41, No. 3 (Autumn 1999), p. 150.

⁵⁹ "Kargil: How Intelligence Failed to Detect Pakistan Plans," India Today International (14 June 1999), p. 12.

⁶⁰ New York Times (8 June 1999), p. A13.

week of July 1999, India launched a massive attack, with infantry troops supported by heavy artillery and air power, to pull back fighters from Indian territory. Tension increased rapidly along the regular international boundary between India and Pakistan and armed forces in both the countries were mobilised in large numbers close to the border areas and placed in a state of high alert. Diplomatic relations between India and Pakistan touched their lowest point and for the first time since the Afghan crisis, the United States showed serious irritation towards Pakistan and compelled it to back down and return to the May 1999 border.

On 4 th July, Prime Minister Nawaz Sharif and President Bill Clinton met in Camp David and issued a joint declaration that "concrete steps will be taken for the restoration of the line of control in accordance with the [India and Pakistan] Simla Accord [of 1972] and Lahore declaration."⁶¹ President Clinton also promised to play a personal role to resolve the Kashmir problem, but he urged upon both the sides to respect the sanctity of the line of control. Once Nawaz and Clinton had completed their dialogue, the United Jihad Council, the Pakistan-based umbrella organisation and various guerrilla groups active in Indian-controlled Kashmir, strongly denounced the Washington declaration and condemned Nawaz's "stab in the back."⁶² Thus, Kargil became a hot issue in domestic politics of Pakistan. People burned Nawaz Sharif's effigy and accused the US of betraying Pakistan and bailing out India. Sharif's government was overthrown in a bloodless coup by the Pakistani army chief General Pervaz Mushrraf and India and Pakistan once again became involved in an endless cold war, but after world pressure, both the countries are taking steps to restore the sanctity of the line of control. They pressurise Pakistan to stop pouring fuel on the fire by arming and training Kashmiris and force India that it has to realise that Kashmir is the core dispute between the two countries and without the solution of Kashmir problem, neither country can enjoy the fruits of prosperity and development.

September 11 and its impact on Pakistan's Kashmir Policy

The terrorist attacks on the World Trade Centre and the Pentagon on September 11 (2001) have changed the international environment. The United States and the Western world see themselves as extremely vulnerable to the terrorist attacks and no longer feel secure, because terrorist organisations such as Al-Quada have developed unanticipated capabilities and it has a well organised network in as many as sixty countries.⁶³ Thus, Al-Quada has emerged as the

⁶¹ The Times (6 July 1999), p. 9.

⁶² BBC World News Online Service (South Asia), 7 July 1999.

⁶³ Barry R. Posen, "The Struggle Against Terrorism: Grand Strategy, Strategy and Tactics," *International Security* Vol. 26, No. 3 (Winter 2001/2002), p. 39.

principal terrorist organisation that has attempted to engage in mass destruction and large-scale attacks on the United States and its vital interests around the world. As a result, President George W. Bush and his administration have built a broad coalition to pursue a major effort to eliminate Bin Laden's terrorist network and training camps and bases in Afghanistan and around the world.

Osama bin Laden, a wealthy Saudi who took part in the Afghan resistance movement against the Soviet occupation (1979-1989), supported the mujahideen and matched US donations, dollar for dollar, as a sort of "privatisation" of the war. The later developed a personal network and used Afghanistan and the Taliban to challenge the democratic countries, potentially subject to control by an authoritarian or dictator's internal security apparatus. Bin Laden and his associates, including the Taliban, share a fundamentalist interpretation of Islam, which they have opportunistically twisted into a political ideology of violent struggle. Moreover, Osama bin Laden enjoys popular support in the Islamic world and wants the United States, indeed the West more generally, out of the Persian Gulf and particularly from the Middle East. In Bin Laden's view, the United States intends to keep Muslim people in poverty and impose upon them a Western culture deeply offensive to traditional Islam. He also complains that the US is responsible for the continued suffering of the people of Iraq and for the Israeli occupation of the West Bank and the Gaza Strip. Bin Laden argues that Israel is a foreign element in the heart of the Middle East and should be destroyed. The US military presence in Saudi Arabia is a desecration of the Islamic holy places and must end immediately.⁶⁴ Political observers claim that "once the US exits the region, al-Qaida hopes to overthrow the governments of Saudi Arabia, Egypt and Pakistan and wants to expand Talibanisation (fundamentalist ideology) in the Muslim world."⁶⁵

It is an undeniable fact that before the incident of twin towers, the United States did not treat al-Qaida and the Taliban's religious extremism as a threat to the West. Nor did they object to Muslim liberation movements in the world, including Kashmir, and showed no serious concern towards their activities, training, techniques and tactics. Although the CIA had reported to the US administration that some extremist organisations seemed to benefit from the tacit support of some Muslim governments,⁶⁶ but the US administration never took serious action, rather

⁶⁴ Kenneth Katzman, *Terrorism: Near Eastern Groups and State Sponsors 2001*, Congressional Research Service, Report for Congress (10 September 2001), pp. 2-9; and see Barry R. Posen, "The Struggle Against Terrorism: Grand Strategy, Strategy and Tactics," *International Security* Vol. 26, No. 3 (Winter 2001/2002), p. 40.

⁶⁵ The New York Times (13 October 2001). Internet news. www.nytimes.com/2001...international/REFU.html

⁶⁶ The CIA persistent reports suggest that wealthy individuals and several Gulf states particularly Saudi Arabia, Iran, Kuwait, Libya, Iraq and United Arab Emirates (UAE) often provided financial assistance through Pakistan to the different organisations. See "Saudi Arabia: The Double-Act Wears Thin," *The Economist* (29 September 2001), pp. 22-23.

it confined itself to diplomatic means to handle the Taliban authorities. The US administration exerted diplomatic pressure on Pakistan to use its influence on the Taliban authorities to prevent poppy cultivation and drugs trafficking to the Western countries. The situation changed when Bin Laden targeted the US embassies in Kenya and Tanzania in 1998 and, later, the September 11 attack proved the ambitious objectives of the Bin Laden and the al-Qaida network.

Thus, the September 11 incident put Pakistan and the rest of the Muslim world in a defensive position and their voice seemed to be less effective. This incident damaged Muslim prestige and the religion of Islam, and Muslims in various parts of the world, were held responsible for the trials the world was facing. Moreover, Muslim freedom fighters in various parts of the world have lost their external support because of US pressure to contain terrorist movements in the world. Islamic resurgence became synonymous in the Western world with political extremism, terrorism, hostage crises and suicide bombings. Where as Muslims perceive the West as aggressive and insensitive. In the circumstance, Pakistan had no choice but to join the American-led coalition to fight against international terrorism as a "front-line" country. Pakistan had actually become the centre for groups claiming to embrace jihad. Many of these groups sprang up on the back of US military support to rebels who fought the Soviets in the 1980s and, later, Pakistan's Inter-Service Intelligence (ISI) sponsored violence by providing refuge, training and money to the terrorists.⁶⁷ According to Western sources, the US, which was initially not concerned about the activities of fundamentalist groups, now appears determined to go after these groups in the hope of eventually eliminating one of the biggest sources of terror in recent times.

In these circumstances, Pakistan has changed its policy and launched a campaign to rid society of extremism, violence and terrorism. President Pervez Musharraf's government has banned five major extremist parties (Lashkar-e-Jhangvi, Spah-e-Muhammad, Sipah-e-Sahaba, Tehrik-e-Jafria, Lashkar-e-Taiba and Jaish-e-Muhammad) and imposed restrictions on religious schools (madrassas) that have for years imbued students with a radical brand of Islam and hatred of the West. Musharraf has declared that "no organisation will be allowed to indulge in terrorism in the name of Kashmir."⁶⁸ Western observers claim that many extremist groups based in Pakistan and Afghanistan have direct links to al-Qaida and are aimed not just against the West, but against all non-Muslims. According to John Burns, some extremist groups are known for ambushes, bombings and assassinations, that have concentrated on the Indian army and police but also

⁶⁷ The Economist (19 January 2002), p. 22.

⁶⁸ Asia Times (18 January 2002); and see Dawn (13 January 2002).

killed large numbers of civilians.⁶⁹ The Indian government claims that the bloody suicide attack on the Indian parliament on 13 December 2001, in which 14 people died, including all 5 attackers, was carried out by Pakistan-based Kashmiri separatist groups (Lashkar-e-Taiba and Jaish-e-Muhammad).⁷⁰ This outrage followed on the heels of an October 2001 suicide bombing of the Kashmir legislative assembly which took 38 lives. In both instances, India has blamed militant groups based in Pakistan, and accused Islamabad of clandestinely encouraging the attacks.

However, the Pakistani government condemned the attacks and denied any involvement in the attack on the Indian Parliament. The Lashkar-e-Taiba also denied the Indian charges and Pakistan, implying Indian mischief, has demanded that India produce its evidence. Senior officials in Pakistan argue that India seized on the incident, in the climate of President Bush's war on terrorism, to gain a decisive victory over Pakistan in the 50 year-old conflict over Kashmir.⁷¹ On the other hand, pressure increased in India for a forceful response-which could include air strikes or even action by ground forces-against militant training camps in the Pakistani controlled area of Kashmir.⁷² India demanded that Pakistan should shut down the terrorist groups. The crisis escalated and the two countries expelled each others diplomats. Air, train and road services between the two countries were stopped. Both armed forces were put on heightened alert and took up positions along the 1,800-mile border with Pakistan. The US administration denounced the attack on Parliament as a "brutal assault on Indian democracy" and has put the two key militant groups on its foreign terrorist list-a step India has long urged. The US administration has forcefully pressurised President Musharraf, America's ally against terror in neighbouring Afghanistan, to combat what India sees as Pakistan's own home-grown terrorists, and take appropriate action against the responsible militant groups. Thus, Pakistan cracked down on the two Kashmiri militant groups (Lashkar-e-Taiba and Jaish-e-Muhammad, (meaning the Army of the Pure and the Army of Muhammad) who were accused by India of mounting an attack on India's parliament, and arrested their leading members. These groups, espousing the "holy war" vision shared with Osama bin Laden's Al-Quada, had increasingly dominated the armed struggle conducted by Pakistan-backed groups in Indian held Kashmir.⁷³

⁶⁹ John F. Burns, "Kashmir's Islamic Guerrillas See Little to Fear From US," *The New York Times* (24 December 2001).

⁷⁰ Many Pakistani believed that the 13 December 2001 attack on Indian parliament building was staged by Indian government or RAW itself because the United States had turned to Pakistan and India was feeling neglected or dejected following the September 11 (2001) terrorist attacks in New York and Washington. See Dawn (7 February 2002), and see also Professor Stanley Wolpert address to Los Angeles World Affairs Council and Council of Paksitan American Affairs (COPAA), Dawn (7 February 2002). www.dawn.com/2002/02/07/top4.htm.

⁷¹ John F. Burns, "Pakistan Moves Against Groups Named by India," *The New York Times* (29 December 2001), p. 4.

⁷² *The Times of India* (15 December 2001); and *The Hindu* (17 December 2001).

⁷³ John F. Burns, "Pakistan Moves Against Groups Named by India," p. 4.

President Bush also "urged President Pervez Musharraf and Indian former Prime Minister Atal Behari Vajpayee to calm the tension and prevent another war,"⁷⁴ which would be a disaster and could lead to nuclear confrontation. The US policy makers also perceived that such a war could affect the US efforts to eliminate terrorism in the region, and would prevent Pakistan helping the United States, with whom it has been cooperating, to eliminate Osama bin Laden and the al-Qaida network. It is interesting to note that Pakistan has already provided landing rights, access to military bases, and offering intelligence assistance and logistical support which is essential to fight terrorism. In this situation, the US cannot afford war between India and Pakistan because it will damage the American declaration of war on terrorism. On the other hand, if war takes place, then Osama bin Laden's strategy will succeed, because his strategy is to use terror to create a general state of war between Islam and the major powers, by undermining the West and radicalising Muslims. He also wants to take revenge on Pakistan and General Musharraf for withdrawing support to the Taliban regime. For the US, both India and Pakistan are important members of the coalition against al-Qaida and, in case of war between India and Pakistan, it would be very difficult to hold them together in that coalition. In the circumstances, the US has tried to defuse the tension to avoid nuclear war and to convince the Indian leadership that in the present situation, the majority of Muslims in the world might regard an Indian attack on Pakistan as an attack on Islam. Furthermore, a war on Kashmir would distract attention from the war against terrorism and it is the utmost desire of Bin Laden to arouse the anger of India and the resentment of Pakistan.

Analysts are comparing how much India and Pakistan have gained from the war on terrorism, and what have been the costs of the tension. Political observers claim that the September 11 events gave a golden opportunity to India to use the United States to put pressure on Pakistan to end cross-border terrorism, and it has given time to India to manage its affairs in the disputed state of Kashmir. India was also successful in linking the Kashmiri separatist movement with the Taliban regime in Afghanistan and lost no opportunity to use its forces to crush separatist elements in Kashmir. Indian diplomacy gained a victory when the groups were declared terrorist organisations by the United States and the Bush administration was persuaded to press General Musharraf to disband them, which gave India a strategic advantage. Thus, the war on terrorism was greeted by India as a rare opportunity to accomplish what perhaps half a million Indian troops and police had been unable to achieve æ to suppress, at their source in Pakistan, the groups that have kept India's rule in Kashmir violent, costly and fragile. On the other hand,

⁷⁴ The New York Times (29 December 2001).

there is a growing realisation that war phobia was created by the hawkish Indian leaders, who push India inexorably towards an incremental militarism vis-à-vis Pakistan in order to divert attention from the domestic crisis.⁷⁵ The Indian leaders adopted coercive diplomacy by maintaining the concentration of their armed forces on Pakistan's border just to delay the de-escalation process, and used the anti-Pakistan card to win the sympathies of the common masses. The other rationalisation for the continuation of the stand-off was that India wanted to keep Pakistan's economy under pressure on account of the heavy costs of the war. However, economists reject this claim, and argue that the costs exist for India as well. The growth rate in both the countries is expected to fall during 2002-2003 owing to these costs, and the adverse effects will have a negative impact on the economy of the region.⁷⁶

For Pakistan, the incident of September 11 was a watershed in its domestic and external affairs. The Musharraf government turned the tables on New Delhi by banning five of the most notorious religious organisations, which were accused by India of attacking its parliament. However, General Musharraf's diplomacy also put India in a defensive position when the United States and the international community supported Pakistan's stand and urged India to resume dialogue to resolve all disputes, including Kashmir.⁷⁷ The world community also conveyed the message to Indian leaders that they cannot forever pretend that everything is simply the work of terrorists, motivated by Pakistan's territorial ambitions or by perverted Islam or both.⁷⁸ Thus, Pakistan successfully internationalised the Kashmir issue, isolated Indian diplomatic efforts and sought a resolution ideally through multilateral means, preferably by American involvement in the region. Pakistan also sought to protect its nuclear assets from any escalation of the conflict that might lead the US to use special forces to eliminate Islamabad's nuclear arsenal, perhaps in a joint action with India, to avoid the risk of a nuclear war.⁷⁹ On the other hand, Musharraf has firmly declared that "Kashmir runs in our blood and no Pakistani can afford to sever links with Kashmir." He said that "Pakistan will continue its moral, political and diplomatic support to the Kashmiris."⁸⁰ In fact, in Pakistan, the struggle for Kashmir is an epic that no Pakistani leader could abandon without risk of being immediately ousted, by fellow politicians or the army. Moreover, India's coercive tactics of keeping the bulk of its forces concentrated on

⁷⁵ The New York Times (8 March 2002).

⁷⁶ The Times of India (23 February 2002).

⁷⁷ The Economist (19 January 2002), p. 23.

⁷⁸ See Editorial, "The Shadow of War Must not Distract India from the Causes of Terrorism," The Independent (31 December 2001).

⁷⁹ Ayesha Siddaqa Agha, "A Moment to Seize in Kashmir," The New York Times (16 January 2002).

⁸⁰ Dawn (13 January 2002).

Pakistan's borders and the Line of Control in Kashmir, have not demoralised Pakistan. Islamabad has also moved its forces into defensive positions, so that over a million armed men confront each other in an eyeball to eyeball confrontation. Domestically, mosques have been told that they will be monitored and closed down if they allow students to be used for promoting terror, and religious schools are to be brought into the modern education system. Musharraf has aligned the country with the international mainstream, rejecting terrorism and theocracy, excoriating those who have perverted Islam for their own ends and calling a halt to the Talibanisation of Pakistan.

Conclusion

Since independence, Kashmiri discontent has focused on political representation and territorial control. Neither India nor Pakistan can afford to "lose" Kashmir and it is central to both nations' identities. Neither country wants to cede an inch of this strategically sensitive land to the other. Pakistan feels that it could not be secure in a Hindu-dominated India, that two communities defined by religion, cannot share one stretch of land. Its support to the freedom fighters is based on the view that Kashmir is integral to Pakistan's vision of itself as a nation. In India, Hindu nationalists of the Bharatiya Janata Party (BJP) have never been lovers of Nehruvian secularism. Their ideological forerunners saw partition as a betrayal and insisted that Kashmir is fundamental to their federation. On other hand, Congress (secularists) pursues its pro-status quo stance and claims that the entire Jammu and Kashmir area is an integral part of India. However, Pakistan does not agree with Indian's ingenuous assertions that Kashmir is its integral part, and demands flexibility on the Kashmir issue because the current Indian stand would not be helpful in the improvement of Pakistan-India relations and regional peace and stability. Moreover, for decades, Kashmiris have lived divided lives, separated by a Line of Control that divides land controlled by India and Pakistan. Patrolled by the United Nations - under the watchful eyes of local military troops, who habitually restrict access on the Indian side - the Line of Control is like an impermeable international border, but without the right of local residents to traverse it.

Kashmir will continue to affect Indian and Pakistani international relations. It is better for both countries that they should respect world opinion and negotiate with each other for the settlement of the Kashmir problem. They should not conclude that only guns can get results and must realise that dialogue is the ultimate solution. Thus, peace has a better chance because, for the first time in decades,

Pakistan is ruled by a genuine and brave moderniser. India can make peace with Pakistan more freely than anyone else. United States diplomacy in the region has been balanced, engaged and highly effective. Moreover, there will be no lasting peace as Pakistan will not compromise on Kashmir because the demand for Kashmir has been a core issue for Pakistan. For many Pakistanis, it is part of the country's self-definition (two nation theory) and they will not support a retreat on Kashmir. For India also, Kashmir is not a territorial matter but an existential one. India was founded as a secular state and its leaders will not allow a Muslim majority state to secede. They fear that the separation of Kashmir could threaten the unity of a country having dozens of linguistic, ethnic and religious minorities.

Thus, the most workable solution for Kashmir is to formalise the status quo. Each side gets the part of Kashmir that it already has and India would agree with Pakistan to develop a new and prosperous relationship. India should also avoid misruling Kashmir and prevent the army suppressing the people. The Indian army and the Border Security Force (BSF) have been accused - by Indian media and human rights groups - of substantial abuses of authority in their rule of Kashmir. India's record on this issue is a stain on its stature as the world's largest democracy. India must realise that as soon as it moves towards real autonomy and democracy in Kashmir, it will have a better image in the world. Nevertheless, compromise would be the right thing for both countries, and they must seriously address the Kashmir question and move towards a genuine rapprochement which is inevitable for peace. This is the only way to reduce the present state of deep distrust and things would be clearer on the ground than they are from a distance.