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**KASHMIR, THE LAST TWENTY YEARS : MOVING**

**TOWARDS THE FUTURE**

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**Kashmir, The Last Twenty Years : Moving Towards the Future**

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**Master Degree Thesis**

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## I. DECLARATION

I declare that this thesis is my own work and has not been submitted in any form for another degree or diploma at any university or other institution of tertiary education. Information derived from the published or unpublished work of others has been given due reference.

  
Hrishabh Sandilya

Prague

31 May 2007

## II. ACKNOWLEDGMENTS & FOREWORD

Kashmir has always fascinated me; I vividly remember scanning the pages of the newspapers in Bombay, whose content was dedicated to the topic of my thesis. It is perhaps a sad state of affairs, that for half a century, there has been endless, war, suffering and now a little debate and a little hope that one day we will see a solution where Kashmir will be restored to the glorious pinnacle it was once upon. Over the years, Kashmir has grown to intrigue me, at every level and it felt appropriate to write about something that probably intrigues, young Indians of my generation to see if I could delve deeper, and in some way acquire insights, about what the future holds for this tragic land.

I would like to mention the two people without whom my thesis would not have been possible – firstly H.E. PS Raghavan – the Indian Ambassador to the Czech Republic, someone who has shared with me his deepest thoughts and guided me with exemplary vision gained from his first-hand experience as a diplomat and an active participant in the peace process. He helped me lend perspective and prevented what could have been an exercise in re-telling facts. I am honoured to have interacted with him over this period, and have definitely emerged wiser from our interaction. Secondly Dr.Borivoj Hnizdo, my thesis advisor, whose knowledge about the intricate details of the geopolitics of the region, was essential to my developing thoughts along geopolitical lines – something that helped me analyse the basics of the conflict between India and Pakistan and which forms an important part of my thesis.

I would also like to thank all my friends and family, especially my mother, Asha Sandilya for her painstaking editing and every one else who supported and encouraged me, at times when writing this seemed an insurmountable task.



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#### IV. ABSTRACT

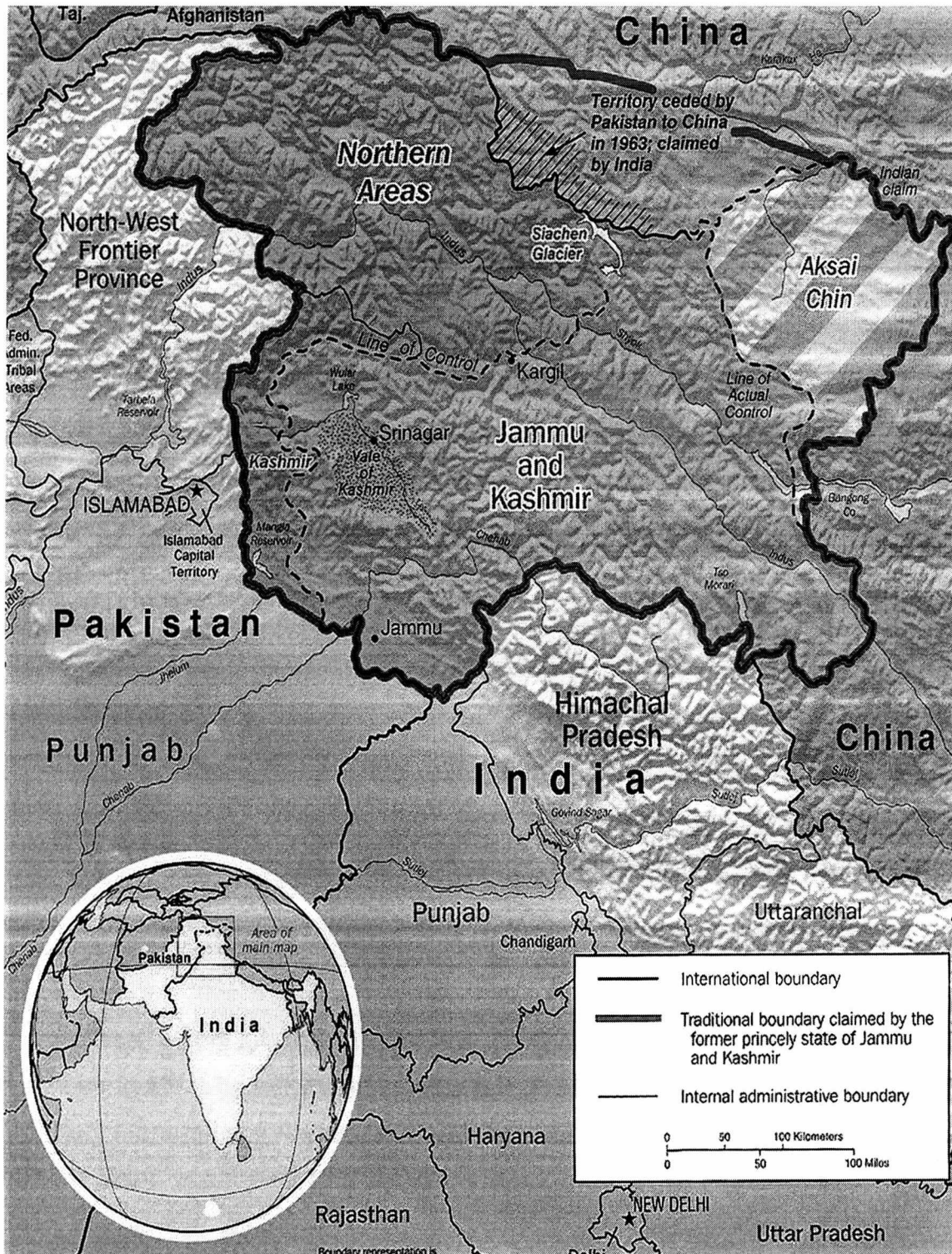
The last twenty years have characterized the difficult relationship India and Pakistan have shared since Independence. It is almost impossible to separate Kashmir from this relationship. This period from 1987 to the present has influenced and affected impacted the region then every before, insurgency, violence, terrorism, human rights abuses, economic stagnation, war and global events like the collapse of the Soviet Union and 9/11 have all had an effect in South Asia. While briefly covering history, geo-politics and past rhetoric till 1987, this thesis focuses on the major events that have occurred in Kashmir in the last twenty years and the underlying Indian and Pakistani strategies, which have influenced these events. Consequently the thesis analyses the implications of these events today, and what they portend as we move towards the future. It also pays due attention to changes in the world order, that have affected Kashmir: the significance of the NATO led *War on terror*, in the light of the rise of Islamic fundamentalism cannot be overstated, and the constant changes in the dynamics of the US – India- Pakistan relationship.

The last few years may have seen a reduction in the insurgency, along with overtures made by both countries - CBM's and official peace talks, however a solution has remained elusive. Looking forward, this thesis explains why and how events in the last twenty years, will lead to a solution in the future. It also debates the possibility and time line of a conceivable solution, rooted in a settlement along the LOC (something that India seems to want albeit not yet officially and what Pakistan may agree to). It also analyses the paths towards the future, both countries will have to take to end the violence. Conclusions are drawn from the analyses in order to understand the implications the past will have on the future.

## V. LIST OF ABBREVIATIONS

AC	Action Committee
APHC	All Parties Hurriyat Conference
BJP	Bharatiya Janata Party
CBM	Confidence Building Measure
EU	European Union
GOI	Government of India
IAF	Indian Air Force
IJK	Indian Jammu & Kashmir
ISI	Inter Service Intelligence Agency (Pakistan)
JKLF	Jammu and Kashmir Liberation Front
LOC	Line of Control
MUF	Muslim United Front
NC	National Conference
NWFP	North West Frontier Provinces (Pakistan)
POK	Pakistan Occupied Kashmir
RSS	Rashtriya Swayamsevak Sangh (India)
SAARC	South Asian Association for Regional Cooperation
TADA	Terrorism and Disruptive Activities Prevention Act (India)
UK	United Kingdom
UN	United Nations
UNSC	United Nations Security Council
US	United States
VHP	Vishwa Hindu Parishad (India)

VI. KASHMIR TODAY<sup>1</sup>



<sup>1</sup> Not to Scale Map outlining the present positions in Kashmir, courtesy the CIA and the Library of Congress

## 1. A TROUBLED LAND

### 1.1 Introduction

اگر فردوس بر رُو-ائے زمین است

ہمیں است-او ہمیں است-او ہمیں است۔

*Agar firdaus bar roo-e zameen ast,*

*Hameen ast-o hameen ast-o hameen ast*

*If there is a paradise on earth*

*this is it, this is it, this is it<sup>2</sup>*

The dispute over Kashmir has characterized the relationship or rather bitter rivalry and mutual distrust that India & Pakistan have shared, from the time they were parted in 1947. Kashmir goes a long way beyond a simple dispute over a piece of land. Strategically, it is the ancient barrier, the beginning of the Karakorum Himalayas that separated the rest of the subcontinent from central Asia. Ideologically, it gains more importance, Kashmir, with its Muslim population, is a representation of the founding pillar of Pakistan – Islam as a religion and a precursor for statehood. Kashmir has different manifestations in India, religion being one of them, albeit in a different way, the only state with a Muslim majority in a behemoth secular nation. Today as India aspires for global prominence as a future superpower and Pakistan struggles for existence, Kashmir, is slowly acquiring other dimensions for both nations.

Close to six decades, after the partition of the subcontinent, Kashmir continues to stir a hornet's nest in India and Pakistan. In the words of former UN Secretary General Kofi Annan "*In South Asia the world has recently come closer than for many years past to a direct conflict between two countries with nuclear*

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<sup>2</sup> Persian Poet Amir Khusrau's on what Mughal Emperor Jehangir, once said when was in Kashmir. Exact text can be found at the Amir Khustrau Foudation, (<http://www.alif-india.com/index.html>) Website accessed on March 23, 2007



*capability*<sup>3</sup> he noted than ever before. Kashmir's roots predate the current conflict, if one delves deeper, it is obvious that the within a pre-partition India, Kashmir did not have the global prominence it rather notoriously enjoys today,. It is in the British of policy of decolonization and nation building in which the roots of the current conflict lie. Hindustan was to be split into two states, it was necessary for the British to keep one under their influence for a vast number of reasons. On one hand, India was too large and disagreeable; on the other hand Pakistan with it's over dependence on British administration, troops and supplies, was looked at as an independent territory that would be beholden to the Crown for years to come. So the decision was made and the British chose to make Pakistan<sup>4</sup> happy over the initial part of the Kashmir dispute. The world was in turmoil at the half-way mark through the 20<sup>th</sup> century, and it would be unfair to lay the blame entirely on the politics of Churchill, Atlee and Noel-Baker.

## 1.2 An Outline of Events

The obvious was stated and the obvious happened, the UN was brought in. The US was involved much against their will, Kashmir and the Israel-Palestine conflict, were perhaps the biggest problems brought to the UN, in the 1940's in a world still fraught with disbelief at the destruction World War II had caused, and a world not deeply divided by a Cold War. Perhaps, had the international community acted then and forced a solution when both countries' foreign policies were still taking shape, it would have stayed binding. The Security Council Commission for Kashmir, offered hope of a solution, but its recommendations weren't implemented. It is hard to blame India and Pakistan for that, there was too much mutual distrust floating in the air. This centred on a withdrawal of troops, a plebiscite and a solution perhaps more theoretical than practical.

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<sup>3</sup> Kofi Annan's address to the UN General Assembly on 12 September 2002, full text available at (<http://www.un.org/News/Press/docs/2002/SGSM8378.doc.htm>) Website accessed on March 13, 2007

<sup>4</sup> C Dasgupta, War and Diplomacy in Kashmir 1947-1948 (New Delhi : Sage, 2002) Page 15

Then the inevitable happened, there was war followed by a long period of uneasy peace and then stalemate, sixteen years, and no solution in sight. Pakistani troops, were now officially guarding the then called Cease Fire Line or CFL. The world was well entrenched in the throes of another war, this time a Cold War. Pakistan out to win the favour of the West joined the Baghdad Pact and signed up its allegiance to the US, a defence pact with the UK had preceded this move. India, in its wish to remain Non Aligned, was one of the founders of the Non Aligned Movement, with plenty of back seat support thrown in by the Soviets, whose vetoes to keep India a happy had kept Kashmir firmly out of the Security Council's purview<sup>5</sup>. Tired of the inaction, Pakistan emboldened by its motional land gains in small border skirmishes in the Rann of Kutch, decided to up the ante, militarily in Kashmir. A winner less war was fought, and the countries were back at square one, aided by the Tashkent declaration, which was signed in a spirit of peace and understanding.

Fast forward to the 70's and the 80's the dispute for Bangladesh or East Pakistan eventually had little bearing on Kashmir, with India emerging as a clear winner. The Shimla Accord that followed had the laid down the groundwork for a solution, the LOC had been declared as the *de facto* border, and seventeen years on, there was no solution in sight. Importantly the Shimla Accord distanced both India and Pakistan from the UN demand for a plebiscite, something that Pakistan was soon going to go back on its word about. India and Pakistan had both been through different stages of political turmoil with the Emergency in India and a long spell of military rule in Pakistan. Kashmir itself was under a fairly misleading long-last lull in activity – Sheikh Abdullah had been released from jail, and the National Conference NC, had grown accustomed to the fact that Kashmir was an integral part of India. A few years on, his son Farooq came into power, riding the fame of this father's legacy that he would soon fail to live up to<sup>6</sup>.

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<sup>5</sup> Josef Korbel, The Kashmir Dispute Continues (Far Eastern Survey : Volume 3, Number 26, March 1957)

<sup>6</sup> Tapan Bose, Kashmir, A Willing Suspension of Reason, Himal Southasian Magazine (Kathmandu : May 1999)



It was in the early and mid-eighties the seeds for the insurgency were sown amongst Kashmiris in the valley. Long neglected by their politicians and disgusted with the Center for its meddling, the valley became a hotbed for communal activity and there were frequent clashes between Muslims and Kashmiri Pundits. The 1987 elections in the state were alleged to have been rigged by Farooq Abdullah and by the Prime Minister Rajiv Gandhi<sup>7</sup> which led to a surprise victory for the NC, since an alliance of opposition parties called the Muslim United Front had been predicted to win. The period between 1987-1989, turned out to be the last straw in the patience of the average Kashmiri who had tended to support India in the past. The disappointment set in and a large number of Pakistani supported secessionist outfits took undue advantage of this.. They used Kashmiri hospitality as a base to launch an insurgency campaign that has terrorised the state since. Enjoying tacit Pakistani support, these secessionists were represented politically by a number of often clashing outfits, and militarily by *mujahedeen*, (often ISI backed) mercenaries.

The Kargil War in 1999 brought Kashmir back into the limelight, especially after both countries had gone nuclear, the previous year. The world was weary; this was the first full war that two nuclear neighbours had ever fought. In the end, it took skilful diplomacy on part of the US, to help influence the decision. The Kargil War, so far had been the most senseless of skirmishes, the Pakistani Army, aimed to resuscitate the dying secessionist movements, and aided armed intruders in their ambition to capture close to 400 square kilometres<sup>8</sup> of vital Indian territory, apart from eliciting a rapid and aggressive Indian response, the war served no purpose, other than drawing the world's attention to a blatant Pakistani attempt to cross the border. The Kargil war also served as a watershed in the domestic policies of Pakistan, with General Musharraf, staging a coup and

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<sup>7</sup> Rajat Ganguly, India, Pakistan and the Kashmir Dispute (Asian Studies Institute & Centre for Strategic Studies : July 1999)

<sup>8</sup> Shaukhat Qadir, An Analysis of the Kargil Conflict (Royal United Services Institute for Defence and Security Studies Journal : April 2002)

claiming power from a weakened and shamed Nawaz Sharif. This move, too, would have its repercussions on the India - Pakistan relationship.

Towards the end of the Clinton regime in the United States, and up to the middle of 2001, India's international strategy seemed stronger. It had, on its side, world opinion against a military dictator and his support of terrorism<sup>9</sup>. In May 2001, US Deputy Secretary of State Richard Armitage hinted Pakistan was a *rogue state*<sup>10</sup> and that Pakistan had little to offer. This period seemed to have showcased India's future potential in the eyes of the US, and the support the US was willing to lend to find a solution. However the 11<sup>th</sup> of September 2001, changed all of that. The World Trade Centre bombings, ensured that Pakistan became a necessary ally in the *War on terror*, it also changed its value in the eyes of the US. This thesis analyses the changes that occurred post 2001, and the impact they have had in Kashmir.

The last few of years of relative inaction and the realisation within the All Party Hurriyat Conference APHC, that dialogue is the way forward, has given renewed hope to the peace process. Whilst the grim repercussions of the past, continue to overshadow today's Kashmir, the current situation is not without hope. The 2004 Agra Summit, laid the grounds for a number of *Confidence Building Measures* and Track Two Diplomacy, The May 2006, US – India Nuclear deal was the final stamp on the shift of emphasis in US policy towards India along with its continued condemnation of Pakistan's support for cross border activities. The thesis reviews the implications the past two decades have had, on the prospects of a future solution. While the idea of presenting a solution, would seem appropriate, it is perhaps better to focus attention on the groundwork needed and the pathway to the future, for a host of reasons.

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<sup>9</sup> Yishane Lee, A Coup in Pakistan, (Asiaweek : October 13, 1999)

<sup>10</sup> Amin Saika - Pakistan Ruler Has Little to Offer India (International Herald Tribune : June 21, 2001)

### 1.3 Proposed Analysis

The main question this thesis asks is suggested within the title itself. Kashmir as a topic has been largely written about, with a number of scholars, lending perspective to an issue, that has captured the imagination of more than a billion people for over half a century. It is my belief that, by looking at the events in the last two decades, and analysing them in the right perspective, it is possible to use the path these events have taken, and help predict a future. This thesis does exactly that; it outlines the issues that led to the build-up of the events in the last twenty years, analyses these events against the backdrop of the strategic policies of both India and Pakistan. The thesis then tries to shed light on the way forward, using the past as a precursor to the future.

### 1.4 International Mediation

One school of thought has constantly advocated, international mediation, then again international mediation hasn't always worked, especially in Asia, where ideological beliefs have outshone the need to make peace and listen to reason. It is suitable here to draw comparison to the LTTE, and the struggle for a Tamil heartland within Sri Lanka, as I am writing this, there is genuine concern of Sri Lanka, being in the throes of Civil War<sup>11</sup>, after successive attempts at peace, brokered by the Norwegians largely and the EU. However given the stakes involved, and Pakistan's public abhorrence to a 'No First Strike Policy' ensure that the international community will have a role to play. The US has used diplomatic pressure, and intervened successfully since the 90's often at times when the countries have been on the brink of war. While India has rejected the possibility of International intervention, a lot of its policy towards Kashmir, has been reliant on the pressure the international community has been willing to exercise on Pakistan especially in relation to cross border terrorism. What this thesis will explore further

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<sup>11</sup> Matthew Rosenberg, Sri Lanka Seen Heading Back to Civil War (Associated Press : May 5 2007) International Herald Tribune Website accessed on March 21 2007 (<http://www.iht.com/articles/ap/2007/05/06/asia/AS-FEA-GEN-Sri-Lanka-At-War-Again.php>)

is how the US which seems to have a definite role in the past two decades and the international community, can help influence the formation of a solution.

### 1.5 A Solution Perhaps

It is obvious that any permanent solution will require both India and Pakistan *"to take the long view"*<sup>12</sup>, sometimes complex problems have simple solutions. However it is not always a simple issue of moving beyond past rhetoric, for too long, both India and Pakistan have let past events dictate the present course of strategy they have employed in Kashmir, however there seems to be hope, in the last few years. Politicians on both sides, have acknowledged this, and have agreed to move on. In a speech to the nation, President Musharraf himself said *"As the president of Pakistan, I want to convey a message .... If we want to normalize relations between Pakistan and India and bring harmony to the region, the Kashmir dispute will have to be resolved peacefully through a dialogue on the basis of the aspirations of the Kashmiri people."*<sup>13</sup> The current Indian PM Manmohan Singh, seems to have gotten things correct in this regard – with endorsement from Pakistani politicians<sup>14</sup> and Kashmiris, who believe that he seems to have the right intentions. One can question why after sixty years we may find a solution, when it has proved so elusive before, the answer lies in Kashmir itself, the people need it to survive.

It is obvious any framework of peace, however possible, will have to keep all the stakeholders happy and work to satisfy the most reasonable demands that each has. There will be no victor in the dispute over Kashmir, no one country can claim it. This thesis sheds light on the outline of one possible solution and more

<sup>12</sup> International Crisis Group Report - Kashmir, Learning from The Past (New York : ICG, April 2001)

<sup>13</sup> President Musharraf's address to the Nation – 11 January 2002, full text available with the Government of Pakistan, excerpt taken from the Peoples Daily Website ([http://english.people.com.cn/200201/13/eng20020113\\_88547.shtml](http://english.people.com.cn/200201/13/eng20020113_88547.shtml))

<sup>14</sup> Interview with the former Prime Minister of Azad Kashmir, Sardar Qayum – Zee News, April 28 2007 (<http://www.zeenews.com/znnew/articles.asp?aid=368333&sid=SAS>)

importantly the steps that will need to be taken to arrive at that solution. Sharing Kashmir on the basis of maps is impossible. The people and the *powers to be* have to be willing to endorse first, the changes that will allow a solution. Mindsets will have to be changed, ideologies re-interpreted in order to free Kashmir from its status as a hostage of the contending nationalisms of India and Pakistan so that we can arrive at a long lasting peace.

### 1.6 The People of Kashmir and Self – Determination a Possibility?

One must spare a thought too, for the people of Kashmir, for too long they have suffered, their paradise on earth, now echoing the wail of a valley. They crave an end to the mindless violence, the military occupation, the removal of the mercenaries, and the return to normalcy. Resisting choosing between the frying pan and the fire, many Kashmiris, thought they had a valid argument for an independent state. It is therefore safe to assume that any solution to the current crisis will have to factor in the Kashmiris need for their own identity and the right to govern themselves, at least in some part. Many different solutions have incorporated this, each with a varying amount of autonomy for the region<sup>15</sup>. However it is a general perception amongst most scholars and thinkers that the complete independence as an option, is one that will not pass muster. It is obvious that given the landlocked nature of any future Kashmir state, its economy and lifelines will be heavily dependent on its neighbours. Similarly given the precarious nature of the region, the physical security of Kashmir will have to be guaranteed by its stakeholders – a chance perhaps to be influenced by a variety of imperialisms. This is also a view increasingly concurred by politicians within the region who recognise the fallibility of the situation<sup>16</sup>

<sup>15</sup> For a simple understanding of different solutions that have been proposed and their respective viabilities see the BBC News Special Report on the Kashmir Flashpoint. Website Accessed April 30, 2007 ([http://news.bbc.co.uk/2/hi/in\\_depth/south\\_asia/2002/kashmir\\_flashpoint/default.stm](http://news.bbc.co.uk/2/hi/in_depth/south_asia/2002/kashmir_flashpoint/default.stm))

<sup>16</sup> Kashmir Leader Rejects Independence, World Peace Herald, 1 May 2007. Website accessed on 12 May 2007 (<http://wpherald.com/articles/4571/1/Kashmir-leader-rejects-independence/A-need-to-be-realistic.html>)

However the degree of autonomy that Kashmir will receive within a solution, will have to be shaped by various considerations: the wishes of the people being the first – therefore it is necessary that every type and voice of opinion be heard, and used to shape the contours of the autonomy that it will receive and therefore it should take “*secularism and Kashmiriyat as a “basic structure”, with no side excluded ... Since democracy is the proposed answer, such an answer must necessarily be democratically arrived at.* “<sup>17</sup>

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<sup>17</sup> Badri Raina, Is Independence a Viable Option for Jammu & Kashmir? (Znet Mag : January 2007 <http://www.zmag.org/content/showarticle.cfm?ItemID=11953>) Website accessed April 23, 2007

## 2. A BRIEF HISTORY OF THE PERIOD UP TO 1987

### 2.1 History, Geography and Society

The contemporary history of Kashmir can be traced back to the 1846 Anglo-Sikh War, which effectively ended the dominance of the Sikhs, and after which the British sold the former Sikh enclave of Jammu & Kashmir to a Rajput Dogra Clan lead by Gulab Singh for the princely sum of 750,000<sup>18</sup> pounds and the acknowledgment of British supremacy over Kashmir. The region we know as Jammu & Kashmir was thus established as a princely state bordering China to the north and the east, bordering what is now Himachal Pradesh and Punjab in India, and the current North West Frontier Provinces in Pakistan. Further more the Gilgit region shares a part of its border with Afghanistan. The princely state was centred on the populated and beautiful valley region, with Srinagar as its capital. The other populated regions of the state, included the Jammu region in the south with Jammu city as its capital, lying in the foothills of the Himalayas, peppered with temperate forests and plains, and the, high altitude Ladakh region to the north and the east, with Kargil and Leh as its major towns.

Geographically, Kashmir is diverse, a vast region in the temperate and frigid zones. Kashmir is made up of plains, hills and forests in the south and towards the north, the mighty Karakorum Himalayas (K2, the second highest mountain in the world), arid flatlands, stunning landscapes and valleys, and above all, lakes and rivers. It is here where a part of the dispute arises from. Kashmir holds the source to all five of the Indus River's tributaries; Jhelum, Beas, Ravi, Sutlej and Chenab the deltas of these rivers and the Indus valley basin, are the fertile heartlands of Pakistan's agriculture. While the source of the Indus, lies in Tibet – the Mansarovar lake, Jinnah understood his geography when he called Kashmir, Pakistan's jugular vein. Moving eastwards, we find the arid dry lands of the Ladakh region, which borders the now Chinese Aksai Chin region and the

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<sup>18</sup> Alastair Lamb, Kashmir, A Disputed Legacy 1846 – 1990 (Hertfordshire : Roxford, 1991) Page 8



Pakistani part of the Northern Territories, where lie the Siachen glacier and the high passes of Bilafond and Sia to Gasherbrun at the top of the snow-peaked Salto Mountains. This region has always proved a natural barrier to any invading force, and the Indian army has ensured that this strategic area remains guarded. In fact the Kargil War, was fought on the Srinagar – Leh Highway, the only supply route to Ladakh. Geographically Kashmir is a barrier itself as it has the endless mountains which are the massive natural fortress that protects the rest of India. It is entirely for this geographic reason that the value of Kashmir, can never be underestimated for any of its stakeholders.

Socially, Kashmir has been a melting pot, a rather mini version of India. It is a vast mix of religions, cultures and ethnicities. Its people are differentiated from each other, vastly due to the contrasting geography and the influences that filtered in from different parts. The residents of the Kashmir valley who number close to 5 million are predominantly Muslim, the people in Jammu the other half of the state are two-thirds Hindu and a third Muslim. Towards Ladakh and the east, the sprinkling of population is Buddhist, with pockets of Muslim areas<sup>19</sup>. Language wise the people in the valley speak Kashmiri; in Jammu, Pahadi and Punjabi are spoken in a majority of the regions. In Ladakh's Buddhist areas, the language tends to resemble Tibetan. The map below provides for a better understanding of the religious breakup of the population of the entire state which is two-thirds Muslim and one-third Hindu, Buddhist and Sikh.

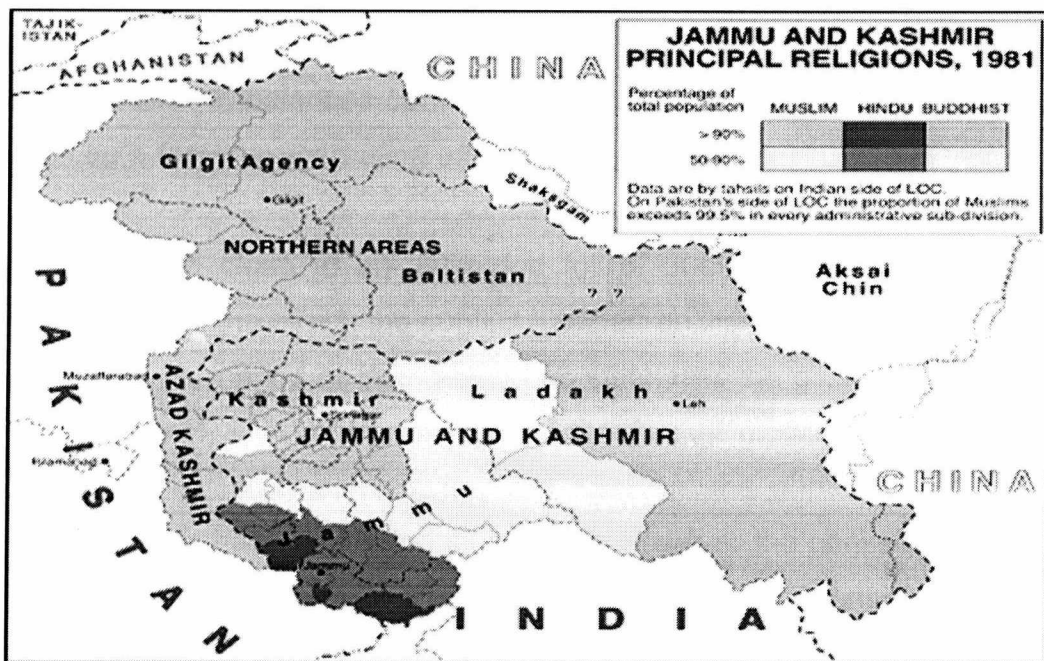
The population of the princely state of Kashmir was hardly any different from that of today. The 1901 census showed that even then Muslims constituted a majority of the population. Analyzing population statistics in *Annexe V*, in 1941, out of a population of 7 million in Kashmir, Muslims constituted 77 per cent, Hindus 20 per cent and Sikhs and Buddhists the remaining 3 per cent. Region wise, Muslims constituted 93 per cent of population of the valley, 61 per cent of

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<sup>19</sup> All demographical data, has been obtained from Govt. of India Census and the Kashmir Study Group (<http://thekashmirstudygroup.net>) see *Annex V*



Jammu and over 90 percent of the population in the Poonch and Gilgit areas. Partition brought about large changes in Jammu, which acquired a Hindu majority after movement across the borders<sup>20</sup>. The 1981 census reflects a change, with Muslims being 64 per cent and Hindus 32 per cent of the population. However the insurgency in the 90's would see over 200,000 Hindu Kashmiri Pundits fleeing the valley region, changing forever the population dynamics of the region. The population demographics of Kashmir, tell the tale of the complex social and religious structures of the people. In fact the structure of Kashmiri society could be best described as that of a 'matryoshka doll'<sup>21</sup>.



Economically the state had always been largely agrarian, with the feudal system controlling land ownership. Additionally, it seemed it was the rich Rajputs and Hindus from Jammu, who enjoyed a majority of the land and the wealth. The Muslims though in the majority had little. They were poor and hardly helped by an indifferent ruler. Even within the valley, Kashmiri Pundits enjoyed a majority of the

<sup>20</sup> Rajat Ganguly - India, Pakistan and the Kashmir Insurgency: Causes, Dynamics and Prospects for Resolution. Asian Studies Review, Sep2001, Vol. 25 Issue 3

<sup>21</sup> Sumantra Bose, Kashmir, Roots of Conflict, Paths to Peace (London : Harvard, 2003)

\* Religion based map courtesy the Kashmir Study Group (<http://www.thekashmirstudygroup.net>)

clout, especially as officials within the government of Hari Singh, disproportionate to their representation in the population. Muslims on the other hand were largely uneducated, they were simply not given opportunities they deserved. In contrast to the Kashmiri pundits, Muslims were not allowed to even become officers in the state army, These positions were reserved exclusively for the Hindu upper castes. Independence and accession to India, did little to change things, although now the Muslims had a voice and some semblance of control of their own lives, they were still not afforded opportunities. Outside the valley, the situations were worse, forty years of being part of India till 1987, did little for the Kashmiris economically, perhaps an adequate setting for rebellion against economic inefficiency *"A general premise is accepted in ethnic conflict literature that poverty, combined with ancient hatreds or power imbalances between different ethnic and religious groups, may very well be a factor exacerbating ethno-religious violence."*<sup>22</sup>

Today with close to an estimated toll of 30000 to 50000 deaths<sup>23</sup>, it is difficult to imagine the effect, the conflict has had on life in Kashmir. Economically this eighteen year period of insurgency has stagnated the growth of this state to one of the lowest, in what is now one of the fastest growing economies in the world<sup>24</sup>. A similar story echoes, in Azad Kashmir, the population of the entire region of Kashmir has quadrupled since 1948, however the consequent growth in GDP, has been less than half<sup>25</sup>. This is not surprising, considering that the economy was largely agrarian or dependent on the cottage industry and handicraft sectors which were hit badly by loss of life and the problems of militancy. Kashmiris, are obviously tired of the violence, and the prospects of a bleak economic future, if it continues.

<sup>22</sup> James, Carolyn C. and Özdamar, Özgür, 'Religion as a Factor in Ethnic Conflict: Kashmir and Indian Foreign Policy', (Terrorism and Political Violence : 17:3, 447 - 467)

<sup>23</sup> The Indian government officially estimates 30,000 deaths since 1989. Kashmiris, including the All Parties Hurriyat Conference (APHC), estimate between 80,000 to 100,000 deaths, primarily civilian. Most observers estimate the total to be more than 60,000 deaths, again mostly civilian. See Learning from the Past : International Study Group Asia Report, 2003

<sup>24</sup> India's economy grew at 9% for the year 2006, second only to China amongst major nations, data available from the Ministry of Finance, GOI

<sup>25</sup> Shahid Jawed Burki, Kashmir - A Problem in Search of a Solution (United States Institute of Peace : Washington DC, 2007)

## 2.2 Conflict and its Reasons

In order to understand why the conflict developed, it is necessary to understand the geo-political changes and pressures that surrounded the formation of Kashmir in the light of the partition of India, and the role of British strategic Interests in the area. Kashmir was the largest of the 562 princely states that made up half the the British Empire in India. In 1947, the British announced their decision to withdraw from India, however they also wished to leave India in two halves. The rulers of the princely states, were left free to choose between India and Pakistan. Technically though, they could choose to stay independent, as the Doctrine of Paramountcy<sup>26</sup>, would lapse. By the time Independence occurred, Kashmir was one of the major states, which had not decided to accede to either dominion, much against Viceroy Mountbatten's wishes. The problem was simple, Kashmir was contiguous to both India and Pakistan, the regent Hari Singh, had no illusions of living without power, and chose to stay independent. Pakistan and India both claimed Kashmir, the Muslim Conference in Kashmir leaders preferred aligning with Jinnah and Pakistan. The National Conference, the dominant voice of the valley and Sheikh Abdullah its leader, preferred a secular, democratic yet independent Kashmir, with close ties to India.

The choices were simple but the British simply did not want to make a decision<sup>27</sup>. To deny a Muslim majority state in Kashmir to Pakistan, would simply go against the ideology behind the formation of Pakistan – a separate state for Muslims, and create an angry Jinnah, which Britain did not want. Similarly India, lay claims to being a secular state, how could it be , without even one state with a Muslim majority. This became a necessity in the eyes of Nehru and Gandhi, who had a mammoth struggle in front of them. For hundreds of years, Kashmir had been an integral part of the country, now its future lay in the hands of a regent,

<sup>26</sup> Alistair Lamb, *The Genesis of the Kashmir Dispute 1947-1948* (Hertfordshire : Roxford, 1997) Pages 93-100

<sup>27</sup> Alistair Lamb, *The Genesis of the Kashmir Dispute 1947-1948* (Hertfordshire : Roxford, 1997) Pages 35-41

who had no aspirations, beyond his own.

Hari Singh's rule had its enemies, and in a need to find respite from his autocratic and repressive regime was the seed for the first Kashmiri War planted.. Hari Singh, connivingly signed a standstill agreement with Pakistan<sup>28</sup>, just before Independence in order to buy time. However the effects of communal violence and sectarian actions across the subcontinent, were soon felt, in Kashmir itself. Disgruntled youth, from the valley regions near Pakistan, using this as an opportunity, colluded with some Pathan tribes from the NWFP, and invaded Kashmir, from the north west, in October 1947, in what they saw as a battle of liberation from the Hindu rulers rule. Alarmed by the pace at which the invaders had made massive inroads in the state, and his own armed forces inadequacies, Hari Singh looked towards India for protection.

Jawaharlal Nehru, was happy to oblige. A previously belligerent *Maharajah* was begging for support, however Nehru and later Mountbatten insisted that Kashmir accede to India, before Indian armed forces could step in for her defence, in order to provide legality for the move. Hari Singh, had no choice, and with the blessings of Sheikh Abdullah who was soon to be established as Prime Minister of Kashmir, the Instrument of Accession was signed on the 27<sup>th</sup> of October 1947, Indian troops were airlifted to Srinagar and by early November had offset most of the gains the invaders had made. Nehru, and other members of the Cabinet, were also keen on a full fledged offensive through the winter that would have made precise incisions into Pakistani territory. It was a move that later, Lord Mountbatten would scuttle as Chairman of Defence Council of India and Pakistan<sup>29</sup>.

What was apparent was that the invaders would not have made it to within

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<sup>28</sup> Kashmir-Pak Standstill Agreement. Telegram from Prime Minister, Kashmir State, to Sardar Abdur Rob Nishtar, States Relations Department, Karachi 12th August, 1947

<sup>29</sup> General Eric Vaz, Truly an Extraordinary Fellow (Rediff : May 27, 2004) Website accessed on 20 March 2007 (<http://www.rediff.com/news/2004/may/27spec1.htm>)

15 miles of Srinagar, had it not been for Pakistani support. In fact infuriated by the Indian intervention in October, Jinnah as Governor-General of Pakistan, had ordered Field Marshall Auchinleck, to dispatch Pakistani troops into Kashmir, a move that he later rescinded, because Auchinleck convinced Jinnah, that Pakistan's limited forces, were hardly an even match for India's. Later on, in early January 1948, Jinnah sent in troops in the guise of tribesmen, as support for the invaders perched dangerously across the border. It was at this stage, that the story took its all too well-known twist towards the UN.

Convinced by Lord Mountbatten, that India's respite in the matter lay in the hands of the UN, (Mountbatten sincerely believed that a solution could be found at the UN) However this would serve another British purpose, to be able to manipulate the Security Council<sup>30</sup>. Nehru, officially placed the matter in front of the Security Council on January 1, claiming that Pakistan had invaded India, invoking Article 34 & 35 of the UN Charter. Along with its official complaint, India also reiterated its pledge for a legal plebiscite / referendum once the invading forces had been purged. It is here at the UN, that a complete understanding of the global strategic forces, surrounding India, Pakistan and Kashmir and the impact they had on the further UN Resolution is possible.

*"In 1947, when Pakistani tribesmen invaded Kashmir, Britain decided to adopt a pro-Pakistan tilt — not because of any merit in the case but strictly in pursuit of British global interests in the belief that this was essential for her Middle Eastern policy. Unfortunately for India, the British minister in charge of executing this policy, Philip J Noel Baker, had few scruples in exceeding his instructions."*<sup>31</sup>

It is essential to understand why British foreign policy at that stage had its pro-Pakistan tilt. The reasons were there for all to see. Quoting a telegram from the British Foreign Office addressed to the Prime Minister in 1948 *"The Foreign Secretary has expressed anxiety lest we should appear to be siding with India in*

<sup>30</sup> Prem Nath Bazaz, Kashmir in Crucible (New Delhi : Pamposh Publications, 1967)

<sup>31</sup> C Dasgupta, War and Diplomacy in Kashmir 1947-1948 (New Delhi : Sage, 2002) Pages 25 - 30



*the dispute... over Kashmir... With the situation as critical as it is in Palestine, (Foreign Secretary) Mr. Bevin feels that we must be very careful to guard against the danger of aligning the whole of Islam against us, which might be the case were Pakistan to obtain a false impression of our attitude in the Security Council."*

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It was obvious to the British, that its interests in the Middle East were dependent on its policy on the newly formed Islamic Republic of Pakistan. Under severe criticism for its role in the formation of the Israel – Palestine conflict, Egypt and Iraq, Britain was under fire. It saw Pakistan as its saviour in that sense, a chance to mend its ties with a lot of the Islamic world, given its need and reliance on oil, and its recovery from a decade filled with war. It also saw Pakistan as an important part of its defence ring. Previously, India had always been an important stop on the map as it commanded the Indian and Pacific oceans. Now with the attention shifting westwards towards the Gulf States and oil interests, Pakistan was its obvious interest given its proximity to that region.

Additionally in the period after Independence, the defence forces of both India and Pakistan were dependent on British officers, who were to oversee a two-three year period of transition. However this dependence was less for India as it had the bigger army, far more defence weaponry and a large number of Indian officers. All this meant that India would not be completely dependent on British forces in the event of war. This was vital as the British Cabinet, had passed an order for all British officers to stand down, in the event of any possible fighting between India and Pakistan. On the other hand, Pakistan was largely dependent on British officers, for strategy and as leaders in any possible skirmish. It was obvious to Britain, that she could exercise far greater influence on Pakistan, through her army, than over India. From this point, it is obvious that by forcing India to take the matter to the UN, Britain was serving her own interest, and it restrained India, by locking it into a UN process, that Britain could control, rather

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<sup>32</sup> C Dasgupta, War and Diplomacy in Kashmir 1947-1948 (New Delhi : Sage, 2002) Pages 25 - 30

than letting India solve the situation militarily, in its own favour.

The Security Council worked towards a resolution, dominated by the British representative,. The Americans it seems understood the legal validity of the Indian claim, but chose to go along with the British, as they did not seem to have much of a policy towards Kashmir<sup>33</sup>. In August, after the members of the United Nations Commission on India and Pakistan (UNCIP) returned, the Security Council resolution was passed. Significantly, it called for a complete withdrawal of Pakistani and Indian troops and tribesmen, an immediate Cease-fire and the need for a plebiscite under UN administered conditions. The implications of the UN Resolution were felt far more in the years following this , than at the time itself. A cease-fire went into effect on the 1<sup>st</sup> of January 1949. More than a third of the state remained under effective Pakistani control now called Azad Kashmir, and a Line of Actual Control (LOAC) was drawn up demarcating the actual positions of both sets of troops.

An analysis of the events of 1949, tell us that they continued to influence rhetoric on both sides of the border for years to come. The UN resolution failed, India refused to go along with the proposed demilitarization in 1950, and a stalemate was reached. The UN passed a further resolution and in 1953, a plebiscite seemed imminent with Nehru promising one, however procrastination in Pakistan and the army influence, ensure that the stalemate continued<sup>34</sup>. It is at this stage, when Pakistan and India began to find themselves at the opposite end of the Cold War divide, and Western influence began to seep in. In 1954, Pakistan became part of the pro-US Baghdad and two years later it followed this move by joining the South East Asian Treaty Organisation (SEATO), it is here at this stage, the military balances began to shift. As a recipient of US bilateral aid, Pakistan began to buy American military equipment, enabling it at this stage to close the gap between its forces and India's. Nehru saw these moves as inimical to India's

<sup>33</sup> Dr Subash Kapila, United States' Obsession With the Kashmir Issue: An Analysis (SAAG : No 403, January 2002)

<sup>34</sup> Vernon Hewitt, Towards the Future (Cambridge : Portland Books, 2001) Pages 59 - 60

interests, and decided that a plebiscite in Kashmir would no longer be valid. Meanwhile, after the death of Stalin in 1953, Soviet policy had begun to change as it delved into the Cold War<sup>35</sup>, The Soviet Union saw India as a rising Asian nation, one that had stood up to Imperialism, it also saw it as a counter to the US and China's presence in the region. It is here that the Soviet veto was acquired by India, and its multiple uses in the Security Council when Kashmir would be brought up in the future.

### 2.3 Kashmir – The Middle Years

Internally Kashmir state politics were a mess, in the period from 1947 to 1953 when Sheikh Abdullah was in power. He ran the government of Kashmir as his personal fiefdom till 1953. He chose members of the inaugural constituent assembly, and made little room for anyone opposed to his National Conference (NC). Abdullah was Nehru's man, he had his deal with Nehru, in return for his support for India he was given a free reign. It was in this period that the Indian Constitution came into being and along with it the ominous Article 370, with its reference to the special status that the state of Jammu and Kashmir was accorded. Apart from uniting the people in 1947, against the autocratic Maharaja and the seminal Land Reform Act, that followed, which eliminated the feudal system of land ownership, Abdullah soon returned to autocratic and dictatorial ways of the previous king.

An analyst wrote *"Time has now come to pass judgement on Abdullah's Government. Internally, it was hardly democratic. Opposition was suppressed, and civil liberties existed in name and for those who shared his views. His economic views were radical but he combined them with the working of the like-minded totalitarian Governments elsewhere. He enjoyed tremendous popularity,*

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<sup>35</sup> Robert Donaldson, *Soviet Policy Towards India : Ideology and Strategy* (Cambridge, Mass : Harvard University Press, 1974)



yet resorted to questionable means to gain an electoral majority"<sup>36</sup> By 1953, after the Delhi Agreement, and successfully managing to keep the centre at bay, with its intentions of bringing Kashmir under the purview of the Supreme Court, Abdullah became confrontational with his attitude towards Delhi and issue of autonomy for Kashmir. A little coup within the NC, ensured that he was deposed with help from Delhi, and the speaker of his handpicked constituent assembly replaced him. Abdullah then spent the next 22 years in jail, enjoying brief periods of freedom in between.

It is in between this period from 1953 onwards that the seeds for the crisis, that has plagued the last twenty years, were sown. Sheikh Abdullah's successor as Prime Minister of Kashmir was GM Sadiq, a puppet in the hands of New Delhi. Sadiq kept Nehru and his successors happy, in return for his position he towed India's line, and dropped the demand for self-determination. However the Kashmiris were unhappy with the rampant corruption and lack of development. The anger against Delhi's meddling transferred itself into action, in the 1963 riots over the Hazratbal Shrine, sacred to the Sunni Muslims, as a relic of Prophet Mohammed himself. The fragmented National Conference was a shadow of its former self, the witch-hunt it created against any sort of opposition, fully aided by the centre *did not even fulfil the procedural minima of democratic governance*<sup>37</sup>. A functioning opposition is essential for any democracy, the blatant criminalization of the political opposition from Mirza Beg's pro- Abdullah Plebiscite Front to the right wing Hindu nationalist parties the Praja Socialist Party and Jan Sangh, no legal opposition was given a voice or any chance to provide legitimacy to the government, just with its presence. The Kashmiri's were unhappy, and although there was no sense of unrest, disappointment was in the air.

It was at this stage when Pakistan decided to formulate 'Operation Gibraltar', led by the incumbent military dictator General Yahya Khan, it decided to

<sup>36</sup> Jyoti Bhushan Das Gupta, Jammu and Kashmir (The Hague: Martinus Nijhoff, 1968) Page 209

<sup>37</sup> Sumantra Bose, Kashmir, Roots of Conflict, Paths to Peace (London : Harvard, 2003)

take advantage, of a few things seemingly in Pakistan's favour<sup>38</sup>, as Pakistan grew extremely weary of India's attempts to postpone settlement. The 1962, Sino – Indian War, was a decisive victory for Chinese forces, and this emboldened the Pakistanis to believe that for once, militarily they could force a solution, especially after they had tasted success in a few skirmishes in the Rann of Kutch. Of the firm opinion, that the Kashmiri peoples disappointment, would flare up, Pakistan sent in guerrilla fighters across the border, aided and covered by Pakistani troops. When this proved to be a failure, and after the Indian army crossed the LOC in Jammu, a quick full fledged war was fought in the state of Punjab in Pakistan. UN and International calls for a cease-fire were quickly responded to , as both sides seemed to have realised the futility of conflict.

## 2.4 The Road to Perdition

The period that followed the 1965 War, is largely acknowledged as the period that laid the grounds for the insurgency. If the middle years, had fomented the discontent, this period, was responsible for the failure of all the institutions in place to assuage discontent. The first five years till the 1971 Bangladesh Liberation War, were largely quiet. The war was fought with Kashmir on the periphery, what followed was a resounding victory for the Indians, and a general trend of thought, within some of Kashmir's educated Muslims and political commentators, that maybe Pakistan itself was not the answer, especially if it could not keep itself together, if religion was the basis of its formation. *“Indian Political commentators questioned Pakistan's claim on the Muslims of Kashmir when it could not keep its two wings together on the basis of religious faith”*<sup>39</sup>. On the whole the Kashmiris had seemingly remained faithful to the Indian cause.

While the common man, seemed unaffected by the Shimla Declaration

<sup>38</sup> Brigadier Shaukhat Qadir, Operation Gibraltar (Rediff : Sep 8 2005) Website accessed on 18 March 2007 (<http://www.rediff.com/news/2005/sep/08war1.htm>)

<sup>39</sup> Sumit Ganguly, Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay (International Security, Vol. 21, No. 2. (Autumn, 1996), pp. 76-107)

signed after the war in 1972, it was at this point, when internal manipulations of Kashmiri politics gave way to two phenomena – one was the larger pan-India phenomenon of political decay – more specifically the destabilisation of political institutions which protected democracy in order to ensure survival<sup>40</sup>, and the empowerment of the common man on various fronts. Elaborating on these various fronts, politically, Kashmiris who had been now living with democracy over the years, had begun to appreciate in some sense its virtues, but had also in this process had realised their rights. Socially, Kashmiris felt the need to have their own society, represented by themselves, not controlled by Delhi, let's not forget here that the concept of Kashmiri statehood or an identity, is not age-old, but a rather recent ideology that rose from 1846, before that Kashmir was a part of various sub continental kingdoms, with different identities. An identity was being formed, an identity that wanted to be recognised, for itself.

There were various reasons for the empowerment of the Kashmiris. Though the state was poor, education was provided for all, and by the 70's a lot more Kashmiris had education, a trend that was to continue for the next few decades. With education and literacy – came awareness and the ability to want something more from their surroundings. Additionally, the media had spread its wings. Radio and television, the democratic make-up of the state, also allowed for the spread of contrasting opinions and a unique Kashmiri identity, which had not been possible before, with an uneducated populace. While some Indian institutions seemed to be functioning effectively, the accompanying political institutions and check-points in place, were failing miserably<sup>41</sup>. This led to a spread of the discontent, a situation that India had largely brought on herself, while she thought she was doing her best to protect her interests. In 1975, Sheikh Abdullah was released from house arrest, after sustained pressure and campaigning by the Plebiscite Front led by his deputy Mirza Beg. It represented in some sense, a triumph for democracy and acknowledgement of the wishes of the

<sup>40</sup> Particular reference is being made to the period through the 70's when Indira Gandhi, subverted Parliament, on many occasions and eventually declared an Emergency.

<sup>41</sup> Meredith Weiss, The Jammu and Kashmir Conflict (Yale : 25 June 2002)

Kashmiri people, but it was soon to be another bit of political fallacy. Abdullah contested the elections in 1977 on a campaign for change in Delhi's attitude, he won comfortably and was made Chief Minister, and would stay in that chair till he died in 1982.

His son Farooq took over the mantle, and in his zeal to prove himself an effective leader, he spurned Indira Gandhi's hand, and the even though the NC won the elections in 1983 comfortably, a year later she dismissed him, on the flimsiest of grounds, and replaced him with his brother in law GM Shah, a move that would have many repercussions in the state for years to come. It was a move that marked the beginning of the end of any belief Kashmir had in Indian political institutions. While Farooq Abdullah was certainly a novice, Shah was seen as a puppet in the hands of Delhi, much like GM Sadiq, decades before, his reign was pockmarked by political unrest and demonstrations. Keeping with the trend, the new Prime Minister Rajiv Gandhi, dismissed him as well, claiming he was corrupt,. The circus continued, Farooq Abdullah was reinstated on the chair, after he had reached an agreement with Gandhi – a move that lost him the entire legacy he had earned as Sheikh Abdullah's son. If not a stooge in the hands of Delhi, he was seen as a 'sell-out' - *"The accord reduced him to the stature of a mere stalking horse for the Congress Party in Kashmir"*.<sup>42</sup>

If 1984's political chicanery had been the turning point, 1987 was the final nail in the coffin, for political institutions. The 1987 elections in Kashmir, symbolised the rot and decay in the Indian political system. The Congress and the NC, fought the elections together – what this meant, was that Farooq Abdullah used his powers in Srinagar and Rajiv Gandhi his in Delhi, to ensure perhaps the most rigged election in the history of India. Perhaps in 1987, had elections been fair, the insurgency would not have had the effect it did. Protest against these elections were the stepping stone to fame for key insurgency leaders like Shabir

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<sup>42</sup> Sumit Ganguly, Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay (International Security, Vol. 21, No. 2. (Autumn, 1996), pp. 76-107)

Shah, Yasin Malik and Jawed Mir, all representatives of the Muslim United Front (MUF) that should have won a majority instead of the five seats that it did,, that would later go on to form various other insurgency groups. While it is not possible to attribute the entire insurgency to the failed 1987 elections, it certainly did provide the first spark for the fire. A majority of Kashmiri youth had given a secular and fair democracy a chance, conniving politicians refused to – the end result was violence, something that we see even today.

*“In transforming the socio-economic landscape of Kashmir and producing a generation of politically aware Kashmiris, while also leaving the growth of political institutions in Kashmir stunted and corroded, the national and state-level governments left open few institutional channels for the expression of political discontent and dissent. Moreover, the national government construed demands for political autonomy as incipient secessionist moves. This set of policies inevitably drove the emergent generations of Kashmiris toward more extreme forms of political expression. As secular and institutional pathways of expressing political dissent were curbed, political mobilization and activism increasingly proceeded along an ethno-religious dimension.”<sup>43</sup>*

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<sup>43</sup> Sumit Ganguly, Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay (International Security, Vol. 21, No. 2. (Autumn, 1996), pp. 76-107)

### 3. THE LAST DECADE OF THE 20TH CENTURY

#### 3.1 The Global Makeup of Kashmir at the End of the 80's

Four decades of cold war were coming to an end, for Mikhail Gorbachev with his pet policies of Perestroika and Glasnost, the role the Soviet Union would play in the world, and consequently Asia, was to be redefined. In 1989, the Soviet Union moved out of Afghanistan, after years of global criticism of its role in the land. It left behind a trail of destruction, and a puppet government led by the communist Najibullah. With a weakened government and no mandate, in the south and the east, of Afghanistan, anarchy was strife within the regions. Thousands of armed *Mujahedeen*, crowded the border areas with Pakistan, with little to do as, they had already served the purpose of their American and Pakistani masters, ensuring that the Soviet Union did not extend into South Asia. The US, would have little more use for these warriors. As far as it was concerned, it had done its job, in the region. In establishment of a *quasi* democratic government in Afghanistan, and its emergence as the single superpower in the world, it had proved its mettle in Asia

Pakistan on the other hand, had achieved its purpose too. By keeping Soviet forces out, it had managed to circumvent a possible Indo -Afghan- Soviet allegiance<sup>44</sup>, which could have tilted the balance of power within the subcontinent. Additionally it could continue commanding influence in the war-torn land: a necessity ,given the strong rebel movements in its border areas with Afghanistan especially in the Federally Administered Tribal Areas (FATA) where a number of Pashtun tribes, had on different occasions, declared their inclination to be reunited with the Pashtuns in Afghanistan. Thus *“the Afghan war allowed the Pakistan military to re-assert itself as the dominant force in Pakistan’s politics, economy, and society. Any influence it had lost after the 1965 and 1971 wars was*

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<sup>44</sup> Brigadier Feroz Hassan Khan, Rough Neighbours: Afghanistan and Pakistan (Strategic Insights, Volume II, Issue 1 January 2003)

regained. Consequently, during this period the military consolidated its control over Pakistan's foreign policy and many of its bureaucracies."<sup>45</sup> It was also at this stage that the powers to be within Pakistan, arrived at the realisation that the time to settle on Kashmir would arrive soon, and that after 17 years of being on the *disadvantaged* side of the Shimla Accord, it believed that if it could support the cause of Kashmiri self-determination on its territory and rally the international community against India, it would be in a position to obtain a favourable settlement, as India with its aspirations for global prominence and the need to move into the 21st century would no longer be in a commanding position to dictate a settlement.

Kashmir itself, at this point was becoming increasingly vulnerable to the Islamic influences in the region, all over. The seeds had been sown in Iran with the Islamic revolution, and only exacerbated with the rise of Gulbuddin Hemkatyar and his fundamental Sunni group, that was working on usurping power in Afghanistan. All in all Kashmir, was in the middle of a rising *arc of Islamic fundamentalism*<sup>46</sup> which would soon rise to envelope the region, forever changing the struggle from one of self-determination to one of fundamental and religious beliefs for the general populace of Kashmir. It was a combination of these factors that would form a supporting environment for the struggle in the next decade. It was at this stage that the ISI, with its experiences in Afghanistan and as the sole guarantor of National security within Pakistan, used the ripe situation in Kashmir, to put into action the well thought out plans the Army wished to embark upon.

In contrast India at the end of the Eighties was moving forward slowly. Forty years after Independence, it was shedding flab and about to embark on a restructuring of its economy and its perception of itself, as looking towards the 21<sup>st</sup> century, it aspired to be a global power, the credentials of which would be

<sup>45</sup> Captain Matthew Taylor, Pakistan's Kashmir Policy And Strategy Since 1947 (Monterrey : Naval Postgraduate School, March 2004)

<sup>46</sup> Here reference is being made to the rise of the Taliban and other theocratic Islamic organisations and the rapid increase in fundamentalism that would characterise Islam at the end of the 90's to the present.

questioned, if it could not deal with events in its own backyard. The end of the Cold War, also brought about fundamental shifts in India's foreign policy<sup>47</sup>. Russia, the successor to the Soviet Union could continue arming India but no longer guarantee India's security any longer, especially against a colluding China and Pakistan. It also opened India's eyes to the reality of American hegemony, and the role the US could have in influencing a decision in Kashmir, given its past relationship with Pakistan. Relations between India and the US had thawed over the years, and the end of the Cold Wars simply accelerated, what would be a mutually beneficial relationship, between the two largest democracies in the world. While externally, India was bordering new horizons, internally and especially in Kashmir, the situation was not ideal. It continued to mutely watch the political decay the state was experiencing, and seemed resigned to the fact that the future lay in the hands of violence, as the secessionist movements gathered steam and the insurgency gained a Pakistani seal of approval.

### 3.2 Secessionism

While the roots of the insurgency were sown in the period up till 1987, the insurgency itself hit full steam in 1989. It would be unfair to deem the entire period of the last twenty years as one of insurgency, a more appropriate moniker would perhaps be the 'Rise of Kashmiri Secessionism'<sup>48</sup>. A new younger modern Kashmiri had heralded this rise, and politically it would be fair to divide the secessionists on the basis of their ideology and perspectives, which would later influence their role in the armed struggle and insurgency that would follow. The Kashmiri secessionists, in the early 90's could be divided into to main branches, those who favoured self-determination and a stronger (sometimes secular) Kashmir, created by merging Jammu and Kashmir with Azad Kashmir and those who favoured, making all of Kashmir a part of Pakistan or at least an Islamic state

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<sup>47</sup> Chiriyankandath J, Realigning India: Indian foreign policy after the Cold War (The Round Table, Volume 93, Number 374, April 2004)

<sup>48</sup> Rajat Ganguly, India, Pakistan and the Kashmir Dispute (Asian Studies Institute & Centre for Strategic Studies : 2003)



with close ties to Pakistan.

The first group of secessionists, comprised largely of the empowered Kashmiri youth, who for the first time, could express their voice. They were represented in a majority by the JKLF<sup>49</sup>, a secessionist party founded in Azad Kashmir, which espoused the formation of a secular state encompassing both Kashmir and Azad Kashmir for all Kashmiris, irrespective of religion. The JKLF had charismatic leadership, Yasin Malik was an inspiration to the majority of the youth in the early 90's along with his peers Shabir Shah and Jawed Mir, who formed the face of the JKLF. The JKLF, in its ideology was largely peaceful, when it started out. Intent on self-determination, they believed that politically they could change the direction the wind was blowing, and acquire what a majority of Kashmiri youth at that time wanted, an independent Kashmir.

However the JKLF was not the only political outfit that was competing for the attention of the Kashmiris, more radical Islamist parties and ones with close ties to Pakistan like the *Jaimit I Islam* and the Jammu and Kashmir People's League, all commanded fair followings especially within the valley regions. Both segments, the pro-independence and the pro-Pakistan groups, called for a plebiscite as a first step, an argument that the Indian government would not sway to. As far as Delhi was concerned, the plebiscite was ruled out as an option when the Kashmir assembly acceded to India in 1952, and believed its point was furthered by the Shimla Accord. All this however did not go down well with the different outfits that were now forming in Kashmir.

As the secessionist movement gradually disintegrated into a violent insurgency and a proxy war, the more moderate secessionist parties, were becoming increasingly less relevant. The JKLF was fighting a losing battle against the numerous, hardliner factions that were springing up and by the end of

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<sup>49</sup> South Asian Terrorism Portal , JKLF Website accessed on 17 April 2007 ([http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist\\_outfits/jammu\\_&\\_kashmir\\_liberation\\_front.htm](http://www.satp.org/satporgtp/countries/india/states/jandk/terrorist_outfits/jammu_&_kashmir_liberation_front.htm))

1993, it no longer could represent a pan-Kashmiri voice. Amidst the rising of violence a new group emerged, the All Party Hurriyat Conference (APHC an alliance formed in 1993, a majority of whose parties supported independence or accession to Pakistan. While the APHC might have things in common with the JKLF, it refused to eschew violence as an option, and some of the hardliner members of the APHC,

### 3.3 The Insurgency and Proxy War

An analysis of the insurgency over the 13 year (1989 – 2002) phase that it was most active, would best be made by dividing the insurgency into three phases, in order to understand the causative agents and the effects they had, better. The first, took seed from the secessionist movement. It was a political uprising, unhappiness with the powers that were there , characterised by civil disturbances, public gatherings and much discontent. The second phase was the channelling of the unhappiness and discontent, into a more aggressive and sometimes violent outlet. This was the JKLF at its best, Kashmiri youth, who believed they had a cause (maybe rightly so) and set out to do the best they could about it, there was an uprising, violent as it was; it was not terrorism or a complete proxy war. As this second phase began to wane, because of the different outfits that emerged, all claiming to speak for the Kashmiri youth, and the strife within them, it is when the proxy-war began, uprising turned to terrorism, and infiltrators were sent in from across the border.

The JKLF was initially being trained and funded by the ISI as early as 1988<sup>50</sup>, the Pakistani army provided it military support and cover as JKLF roamed both sides of the LOC, however, the JKLF's strong pro-Independence inclinations, soon had the ISI reconsidering its aid. The emergence of strong pro-Pakistani insurgency groups like the *Hizbul Mujahedeen* and the *Harqat ul Mujahedeen* (now the *Harkat ul Ansar*) many of whose members were formerly a part of the

<sup>50</sup> Sanjoy Hazarika, *Strangers in the Mist* (Australia : Penguin, 2003) Page 93

JKLF, gave the ISI alternatives, and it was at this period, when the JKLF realised that it could no longer fight a military battle, it was also when the number of *jihadis* or non- Kashmiri insurgents, increased, and what was a fight for self-determination, soon became a Pakistani backed proxy-war.

The question one tends to ask is why did an ethno-religious uprising break out 40 years, after the conflict in Kashmir had begun. A single simple answer is difficult to arrive at but the simple truth about the impact the insurgency had, can be seen from the facts, it was a disastrous loss of life and the complete destruction of normalcy in the state. The estimated toll since 1990, is over 40,000<sup>51</sup> people have been killed in Kashmir, about half of them are civilians; According to official handouts, 2477 civilians had been killed by Indian security forces, 6673 civilians and 1593 security personnel had been killed by the militants amounting to a total of 19,866 killings (counting 8000+ militants) as of 1998, including 982 Hindus and Sikhs killed as of 1999. An estimated 36,000 Hindu families and 20,000<sup>52</sup> Muslim families as of 1993 had fled the Valley and many were languishing in the refugee camps in Jammu.

While critics debate whether India's strong tactics in Kashmir worked, the strategy behind which has been analysed later in the thesis. The period from 2002 onwards, has been relatively less violent in comparison with the past. Army figures maintain that there has been a significant drop in the number of terrorists killed and attacks since that period, largely due to pressure on Pakistan, to stop support of the proxy-war and attempts at brokering peace that Delhi has made<sup>53</sup>. However the insurgency is by no means over, there continue to exist over 50<sup>54</sup> different militant groups in Kashmir, and there is regular gunfire between security forces and insurgents.

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<sup>51</sup> India's Kashmir Policy, Institute of Peace and Conflict Studies, (New Delhi : 2006)

<sup>52</sup> India's Kashmir Policy, Institute of Peace and Conflict Studies, (New Delhi : 2006)

<sup>53</sup> BBC News - PM Vajpayee's Ramzan Cease Fire. Website accessed on 14 April 2007 ([http://news.bbc.co.uk/2/hi/south\\_asia/1043144.stm](http://news.bbc.co.uk/2/hi/south_asia/1043144.stm))

<sup>54</sup> International Crisis Group Report - Kashmir, Learning from The Past (New York : ICG, April 2001)

### 3.4 Pakistan's Strategic Policy and the Proxy War

The internal rebellion that occurred within Kashmir was a blessing in disguise for Pakistani strategy at that period. At first treated with apprehension, as previous Pakistani attempts to foment uprising against India had failed, particularly the much criticised '*Operation Gibraltar*'. Once it became clear that the disappointment with Delhi was tangible, and it could translate into bigger things, there was a perceptible shift in the *status quo* policy that Pakistan had followed in the past few years. Throughout the 80's, Pakistan had been content with keeping its possessions and embarking upon a nuclear weapon programme, with the idea that once, the countries came to a military stalemate, where the losses from a prospective war over Kashmir, outweighed any possible gains, the countries would be forced to talk peace.

Once the rebellion in Kashmir began, Pakistan saw its biggest opportunity to highlight its viewpoints in the international community, while it actively supported the insurgency on its soil, and provided weapons, training and assistance. The various objectives Pakistan's strategy served, can be summarised as; firstly it would prove to everyone how undeniable Pakistan's claim to Kashmir was, secondly and most importantly, keeping with its main thought on the issue – it could force India back on to the negotiating table, and thirdly in case the issue took a military turn, Pakistan would be slightly better placed, if the Indian Army was consistently preoccupied with dealing with a relentless internal strife<sup>55</sup>. It is however impossible to correctly measure the actual involvement of Pakistan in the Insurgency, given the different levels of support Pakistan itself has admitted to.

Pakistan's tacit support for its proxy war continued deep into the 90's and to a point its strategy was successful, when compared to what it had set out to do. The proxy war would have an increasing financial burden on the Indian economy due to the vast number of forces that India pushed into Kashmir as well as result

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<sup>55</sup> Vernon Hewitt, *Towards the Future* (Cambridge : Portland Books, 2001) Pages 164-171

in a large loss of life. From a Pakistani point of view ,the insurgency in Kashmir was its opportunity to stride forward with its plans to force a solution with India<sup>56</sup>. Internationally it presented the outbreak as a sign of the Kashmiri people's need for independence from India and reiterated past calls for international intervention and a UN Plebiscite. On the international relations front, Pakistan had India on the back foot, it highlighted the growing human rights abuses, as the violence continued, it rallied Islamic nations around its cause, and for the first few years succeeded in embarrassing India internationally. The UK and US recognising this and calling for India to review the presence of its security forces in Kashmir, at one point in the early 90's, hurting India diplomatically. Additionally, Pakistan's strategy during this period would have a number of lasting repercussions on present Pakistani foreign policy which would follow the onset of the proxy war. They are underlined as follows:

As with the success in the Afghan Wars through the 80's the second proxy war Pakistan fought in Kashmir would continue to consolidate power within the hands of the military and the ISI. It also furthered the dependency political decision makers had on the ISI, which therefore enabled the Army and the ISI a free hand in plotting and running the country's defence systems. Another consequence of the proxy war as mentioned before was the deeply fundamentalist undertone, which Pakistan's policy would echo for the entire next decade. In supporting the *jehadis* Pakistan had now made itself part of the holy war against, except instead of fighting for a Kashmiri cause, it would fight for its own

### 3.5 India's Strategy

Strategically India, suffered in the initial period of the insurgency, while its tactics might have been exemplary, its overall strategy in Kashmir at the beginning

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<sup>56</sup> Sumantra Bose, Kashmir, Roots of Conflict, Paths to Peace (London : Harvard, 2003) Pages 102 - 110

seemed rather intransigent. By 1994, India had close to 500,000<sup>57</sup> forces stationed in Kashmir, the paramilitary Border Security Force (BSF) and the army, being the largest contributors. It was in from this period (1990-95) when the most human rights abuses took place, and the forces present were accused of high-handed behaviour. However in response to the diplomatic onslaught brought about Pakistan, the Indian approach to Kashmir got a lot smarter. The Terrorism and Disruptive Activities (TADA) Act under which close to 76000 arrests had been made was repealed and India realised that it would not win the battle militarily. Delhi then further tried to counter the militancy and regain Kashmiri trust, by a shift of from military to political means, with national and state elections in 1996, which by this time had limited effect. The APHC members refused to stand for election. While the elections seemed to be reasonably fair, there were widespread allegations of people being forced to vote,. Eventually when Farooq Abdullah and the NC won again, it was not a surprise. However the election had been robbed of its validity in Kashmiri eyes with no APHC or any other dissident candidates, there had been little choice. Whatever little hope there was for this NC government rested in the belief that the moderate government, might be able to broker some sort of a peace but this was soon forgotten.

India can be accused of pursuing a 'hard-line' policy in Kashmir throughout the period of the insurgency, with little or no concern for local thought and sentiment, amongst the other options available – the simple rationale being that India was a secular state, and any questions thrown at it questioning the basis of this secularity had to be answered decisively, it meant meeting force with force. Once the insurgency acquired a foreign 'flavour' India could not be seen as being soft on it. Critics have questioned this to quite a length<sup>58</sup>. It was Delhi's inability to create stable political institutions that would meet the expectations of Kashmiris, and Delhi's manipulative policies towards the state, which had led to the alienation of the state in the first place. *"A nuanced approach, privileging a 'hearts and*

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<sup>57</sup> International Crisis Group Report - Kashmir, Learning from The Past (New York : ICG, April 2001)

<sup>58</sup> See Sumit Ganguly, Explaining the Kashmir Insurgency: Political Mobilization and Institutional Decay (International Security, Vol. 21, No. 2. (Autumn, 1996), pp. 76-107)

*minds' campaign, as against a bean count approach, could have furnished the grounds to revert to a functional political process.*<sup>59</sup>

Why India chose this 'hard-line' option can be understood in some contexts, but eventually this would lead to disaster within the state. An aggressive stance against terrorism, entailed a simple reduction of terrorism to India, it meant killing the terrorists. The military and the paramilitary forces in Kashmir at the height of the insurgency were not counter-terrorist operatives, they were an army, trained for defence of a nation and not to understand the motives and psyche behind an insurgency. The prevailing environment that was created by India's policy and the need to eliminate terrorists, led to a huge number of human rights abuses, innocent civilians being targeted and errors on the part of the paramilitary forces. This was not the intended aim of the campaign. *"A defensive attitude and instrumental use of the human rights issue in the larger propaganda war lead to squandering an opportunity to regain the confidence of the people through appropriate punitive action against errant security force elements."*<sup>60</sup>

India squandered an opportunity to take a nuanced approach and reduce the intensity of the insurgency, at different occasions during the insurgency. While a use of force may have been justified, Delhi and the Srinagar failed to take a people-centric approach and the fundamental fallacy being their inability to solve this problem politically.

### 3.6 Going Nuclear

Seven years into the insurgency, and faint hopes for progress on Kashmir were raised after the elections. Farooq Abdullah's return to power had raised expectations for the possibility of a moderate led settlement. Secretary level talks

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<sup>59</sup> India's Kashmir Policy, Institute of Peace and Conflict Studies (New Delhi : 2006)

<sup>60</sup> India's Kashmir Policy, Institute of Peace and Conflict Studies, (New Delhi : 2006)

were restarted in 1997, leading to a fair level of optimism.<sup>61</sup> However the insurgency raged on within Kashmir, and politically India was in a period of instability. After the collapse of a two-year centrist coalition government, the Bharatiya Janata Party (BJP), emerged the winner in fresh elections and the advent of a right wing nationalistic party at the helm of power in Delhi was bound to have repercussions, that would echo in India's policy national security policies and the way it looked at Pakistan. The changes were imminent, and within a few months of coming into power a BJP led India, tested a several nuclear weapons in Rajasthan, breaking a twenty four year voluntary moratorium on testing that India had set upon itself.

The tests were bound to have an impact, and fears of a nuclear arm race, were ignited across the world. Indian politicians even added to the rhetoric, by stating that now there was a change in strategic power within South Asia, and that Pakistan should pay heed to this. All in all, with this and intense pressure from the military, Nawaz Sharif gave in, and ordered Pakistan's nuclear tests, fully aware of implications this would have for the region. Surprisingly the nuclear tests, did not really serve to escalate tensions that Kargil later would, in November 98, a few months after the tests, the countries played cricket, and hope was afresh with 'cricket diplomacy'. When PM Vajpayee travelled across the Wagah border, to Lahore in January '99, and signed the infamous Lahore accord, many thought that India and Pakistan were on the path to becoming responsible nuclear powers, when both decided to revert back to original positions, and voluntary moratoriums on nuclear testing. All this however did not go down well with the Army, which was pursuing its own agenda in Kargil and indulged in the public support that Pakistanis had shown for the nuclear test. While the nuclear tests, certainly did draw away some attention from Kashmir the link between the two can not be overstated. The nuclear tests had served to remind the world that there still existed instability in the subcontinent and at the forefront the problem with Kashmir that

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<sup>61</sup> Rajat Ganguly, India, Pakistan and the Kashmir Dispute Asian Studies Institute & Centre for Strategic Studies, 2003



could not be forgotten.

### 3.7 Kargil

By the end of the 90's Kashmiri tacit support for Pakistan's proxy war in the valley, had begun to recede, even to the point where Kashmiris in some places had begun to turn openly hostile to the presence of non-Kashmiri militants and mercenaries. At this stage, the support for the insurgency was declining, and the burgeoning number of Indian security forces, had begin to assume charge of this proxy war, much to the chagrin of Pakistan's military generals, who had secretly made plans to revitalise this campaign, while in the forecourt, Prime Minister Nawaz Sharif, was talking peace and diplomacy in the Lahore Agreement<sup>62</sup> he signed in January 1999, after PM Vajpayee's bus diplomacy overtures.

Indian forces had discovered in May 1999, that a number of armed infiltrators had made it across the LOC in Kargil and had taken strategic positions on the Srinagar – Leh National Highway 1A, a major arterial road in west Kashmir, and the only supply route to the Siachen Glacier, the world's highest battlefield and a strategic strongpoint controlled by India, that had been subject to continuous low intensity battle for the past decade and a half. The infiltrators were in a position to threaten India's communication with its troops on the glacier. It has been estimated that that at the height of the infiltration, the intruders had taken close to a 100 square kilometres of land across the LOC in Kargil<sup>63</sup>. The outcome of this was an immediate build-up of Indian troops, and attempts to recover lost terrain in a brief, but precise war fought between May – July 1999. The Indian forces recovered the hills that surrounded the highway, and then turned their attention to driving the infiltrators back across the LOC.

This campaign, was marked by the use of precision laser bombing by the

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<sup>62</sup> The Lahore Agreement was signed on 21 February 1999, by Nawaz Sharif and AB Vajpayee in Lahore, full text can be found in the Annex VI

<sup>63</sup> Global Security - The 1999 Kargil Conflict, Global Security (<http://www.globalsecurity.org/military/world/war/kargil99.htm>)

IAF, combined with the Bofors Howitzer guns of the Indian Army, leading to a quick annihilation of the intruders capabilities and it would set the tone for India's future reaction to the Pakistan sponsored voyeuristic missions across the LOC. The Kargil conflict was an example of the confused rhetoric that Pakistan's strategy towards Kashmir was eschewing, after the proxy war had begun to ebb in the late 90's<sup>64</sup>. Kargil, was a simple extension of its previous policy, military backed infiltrators creating havoc, however this was the first time such a large scale attempt had been made to acquire this magnitude of terrain, without officially involving the Pakistani army.

The Kargil conflict ended in relatively heavy losses for the Pakistani Army, India, with its aggressive yet measured response to the infiltrators and by not crossing the LOC, had acquired the sympathies of the International community by large, and had succeeded in pressurising the Pakistani PM to make a speech in Washington DC, announcing the Pakistani Army's withdrawal and end to the conflict. In some ways this was a highly embarrassing end to a conflict that Pakistan, had hoped to gain from tactically. The embarrassing end to Kargil, would lead to a military coup, in the following months, with General Musharraf, making full use of public disenchantment with Nawaz Sharif's regime, and stage a *coup d'état*

Kargil today, remains the only war two nuclear neighbours have ever fought. An analysis of the events in 1999, would lead us to the following conclusions, it was at this stage that Pakistan realised that it could not continue antagonising the international community, with threats to war especially the US, as it would entail crippling political and economical consequences, that Pakistan could ill afford and secondly, India's aggressive response to the situation had shown her willingness to escalate the conflict into a full scale war, if needed, not paying heed to the nuclear deterrence factor. It was a key point which showed Pakistan that it could not indulge in games like these, and India's ability to retaliate

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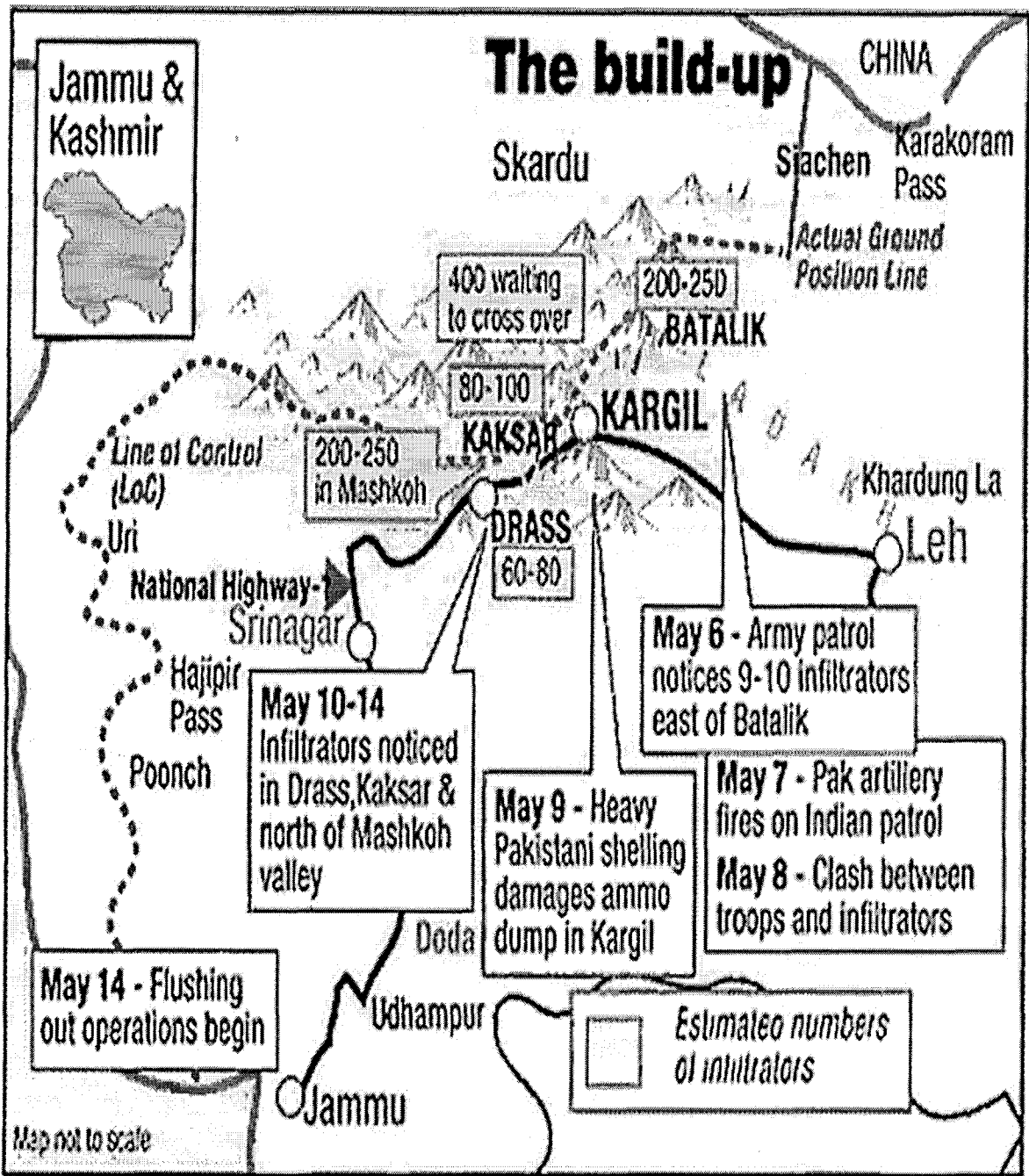
<sup>64</sup> Dr Shireen Mazari, Re-examining Kargil (Defence Journal : June 2000)

with equal measure also created a certain amount of apprehension in the world order, over the happenings on the subcontinent.

Another landmark in the Kargil crisis was the role the US played in bringing about peace. President Clinton's skilful diplomacy at the height of the crisis brought him a lot of respect in India, especially when the year before his regime had been perpetrators of crippling sanctions in the wake of the nuclear tests. His visit to the subcontinent in the twilight of his presidential career, was the final stamp on the new dynamics the India – US – Pakistan relationship would acquire. In the words of his Special Advisor on South Asia affairs, Bruce Reidel *"the clarity of the American position on Kargil and its refusal to give Pakistan any reward for its aggression had an immediate and dynamic impact on the relationship. Doors opened in New Delhi to Americans that had been shut for year"*<sup>65</sup>

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<sup>65</sup> Bruce Reidel, American Diplomacy and the 1999 Kargil Summit at Blair House (CASI, University of Pennsylvania : 2002)



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<sup>66</sup> Not to Scale Map depicting events in Kargil in May 1999, Global Security (<http://www.globalsecurity.org/military/world/war/images//krg3.gif>) Website accessed on March 12 2007

## 4. 9/11 ONWARDS AND THE US ROLE

### 4.1 The Scenario Post 9/11

The terrorist attacks on 9/11 served to alter further the unstable geopolitical environment in South Asia. Towards the end of the Clinton regime and at the beginning of the millennium, diplomatically India had been largely successful, with its strategy to isolate Pakistan within the international community, a move hastened by President Musharraf's coup and the general distrust of Pakistan<sup>67</sup> post Kargil. Another important advantage it had gained was the implicit international recognition the sanctity of the LOC had received, --, that the UN resolutions were no longer valid and any steps forward from here would have to begin at the LOC. However 9/11, changed a lot of things, it brought Pakistan into the centre of the action, much like the Afghan campaign did, soon making it indispensable, in the eyes of many again.

These changes, which certainly impacted India, had a telling effect on Pakistani strategy and later in Kashmir. The three main consequences, on Pakistan's policy within the region can be summarised as follows; President Bush's declaration that it would make no differentiation between regimes that harboured terrorists and terrorists themselves, India could then use this to up the ante, and ask Pakistan to halt support to the terrorists on Pakistani soil, secondly the risk derived from continuing support for cross-border terrorism, would jeopardise greater US national and international security interests. Pakistan could not afford to antagonise the Americans, and finally, the financial and economic benefits would aid the restructuring of a collapsing Pakistani economy, in exchange for exercising restraint in its policy with Kashmir<sup>68</sup>

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<sup>67</sup> Engagement, not containment, (The Hindu Online : Jan 26 2000) Website accessed on 21 April 2007 (<http://www.hinduonnet.com/thehindu/2000/01/26/stories/05262523.htm>)

<sup>68</sup> Captain Matthew Taylor, Pakistan's Kashmir Policy And Strategy Since 1947 (Monterrey : Naval Postgraduate School, March 2004)

Expanding further on Bush's decision to hold regimes that harboured terrorism accountable, along with the terrorists; it put a spoke in the wheel of Pakistan's proxy war strategy in Kashmir. When the Taliban failed to hand over Osama Bin Laden, after President Musharraf, requested twice, Musharraf knew his support for the Taliban had to end. His speech in September, indicating that Pakistan would have to support the US, in their war on terror, in order not to be branded a terrorist state. Yet Musharraf thought that he could support the war on terror and yet continue with the proxy war strategy in Kashmir<sup>69</sup>. In the same speech he talked about Kashmir being a part of Pakistan's core strategy and that Pakistan would support the freedom struggle there, a move necessary given the obvious Indian attempt to pinpoint Kashmir as a global terrorism problem, which the US would have to acknowledge. As a result, while certain 'cosmetic' measures were taken to end cross-border terrorism, in reality radical organisations continued to exist within Pakistan and in Kashmir.

In a perfect example of this terrorists attacked the State Assembly in Srinagar, killing dozens of innocents, clear proof that Musharraf was indulging in doublespeak. A few months later December 2001, was another flashpoint, formed out of the Kashmir situation. A few months after the war on terror had begun, militants attacked the Indian Parliament in Delhi. This daring strike at the heart of India, led to the largest mobilization of troops along the border with Pakistan by India. Accusing Pakistan of indulging in cross-border terrorism, India likened the attack to the World Trade Centre bombings, and was willing to use the same American premise to attack training camps on Pakistani military soil. Pakistan responded with a troop build up as well. Tensions continued to be raised, within this period, with both sides, refusing to budge, the Indian Deputy PM Advani, even flew to Washington in attempt to convey to the US, that India would no longer put up with this. The US realised this, with CIA director George Tenet calling the closes the subcontinent, had come to war since 1971, and that the threat of

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<sup>69</sup> No decline in Kashmir terror: Police, The Times of India (Srinagar : 26 Dec 2001)

nuclear conflict was very real<sup>70</sup>, and prevailed upon both countries to proceed cautiously and make attempts to defuse the crisis.

After the attack on Parliament and the May 2002 crisis when militants attacked an Army camp in Jammu killing innocent families of security forces, India and Pakistan resumed talks, and the discussions produced some tangible results, a cease-fire, along the LOC that both parties have adhered to, the restoration of diplomatic ties and unrestricted movement for members of the APHC, to travel between the two regions. Additionally Pakistan banned also a number of Islamic extremist organisations, including the Lashkar-e-Tayyaba and the Jaish-e-Mohammad, the biggest Pakistan-backed groups operating in Kashmir. However, as with other banned organisations, they re-emerged under different names and remained active across the LOC. In November 2003, Islamabad once again banned many of the renamed organisations, including the Jaish, but the activities of these organisations have continued.

## 4.2 The Recent Past

In the last five years, events in and around Kashmir have reflected some change in the Pakistani viewpoint. Once the much derailed peace process was brought back on track in early 2004, President Musharraf, surprised many with his acceptance of the possibility of parallel solutions, moving beyond the age-old Pakistani insistence for a plebiscite, mandated by the UN resolution in 1948<sup>71</sup>. Musharraf in his interview to Reuters<sup>72</sup> talked about demilitarization of Kashmir, the division of Kashmir into control based on geographical regions and even Indo-Pak joint control. The most important conclusion was his implicit assurance to end the Pakistani army support of militant outfits in Kashmir and stop all forms of

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<sup>70</sup> Sridhar Krishnaswami, 2002, Chances of India-Pak War High: CIA Chief, The Hindu - Online edition 21 March 2002. Website accessed on 15 March 2007

(<http://www.hinduonnet.com/thehindu/2002/03/21/stories/2002032103871100.htm>)

<sup>71</sup> Peter Lavoy - Pakistan's Kashmir Policy after the Bush Visit to South Asia (Strategic Insight Volume V, Issue 4, April 2006)

<sup>72</sup> Gen. Musharraf's interview to Reuters on December 18 2003

cross-border terrorism.

However the ground reality has not changed much, an analysis of the last three years would show a significant drop in the number of deaths in Kashmir as well as an Indian acknowledgment of reduction but definitely not the end of cross-border terrorism. Infiltration rates have dropped significantly, but at no point has this been the end of the insurgency. There still exist massive amounts of security forces in the region, close to 400,000<sup>73</sup> as per current estimates, all this in spite of democratically elected government, which came to power in 2002, in what was one of the fairest elections Kashmir has seen. However quiet the current scenario is in comparison to the early 90's at the peak of the insurgency, it can not be described as tranquil. Infrequent demonstrations against Indian rule, bomb blasts and regular gunfire between security forces and insurgents continue. Furthermore, there is a significant amount of the Muslim population in the valley, which continues to feel alienated from India, but instead of preferring Pakistan, if given a choice, a majority would chose self-governance in some form or the other.

While Musharraf, made promises in the past he has still failed to deliver on them completely. Under immense pressure from religious hardliners and theocrats and their allies in parliament, he has had to show some progress in Kashmir, therefore Pakistani hidden support to the insurgents continues, India too can be accused of taking its own time, though in the last few months, PM Manmohan Singh, has come up with his own solution for Pakistan, and said he is willing to talk to the APHC, about autonomy and self-governance. While India has dragged its feet on political measures, it will not with military measures,. Government and public patience with Kashmir has run out. Bombs in Delhi in 2005 and the shocking train blasts in Mumbai, in July 2006, have ensured that India will not tolerate this anymore.

In 2006, when the process looked like it was stagnating, Musharraf and PM

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<sup>73</sup> Sumit Ganguly, Will Kashmir Stop India's Rise (Foreign Affairs : Vol. 85, Issue 4, August 2006)



Singh met in Havana, Cuba at the Non-Aligned Movement Summit they reiterated their commitment to peace, since then the foreign ministers have met, and secretary-level talks continue. While the pace of steps taken remains slow, the two sides have embarked on a number of CBM's, as the name suggests to build trust amongst each other and each other's institutions. Also within Kashmir, there seems to be political movement,. The APHC, has recognised that PM Singh is sincere in his attempt at defusing the situation, and even the *Hizbul Mujahedeen* is willing to return to the table for talks and has agreed that violence and the loss of lives have not lead to any gains.

### 4.3 The US Role

Looking at the US Role in a post September 11, security environment, US relations have considerably strengthened between with India, and have also moved improved with Islamabad a far cry, from the testing times in May 2001, when Armitage, stopped short of calling Pakistan a rogue state. While this brought India and the US together on the same side of the war against terrorism, all the focus was back on Pakistan, the frontline of the campaign. India was at first disconcerted by the fact that the US was giving Pakistan undue attention, but realised that it too, had stakes in the war on terror.

However to the credit of the US, the two relationships have remained delinked from each other. While it designated Pakistan a 'major non-NATO ally' it continued to engage New Delhi on the other issues. An analysis of the US – India relationship would tell you that the current India – US relationship, is built on a boarder platform which engages both countries in co-operation on a variety of levels<sup>74</sup>. This highlights the shifts in foreign policy of both countries which had their origins in the end of the cold war. The landmark civilian nuclear co-operation deal that was signed in 2006, was a telling testament to how policy had changed,

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<sup>74</sup> Francine Kiefer, A crucial US role in India-Pakistan feud (Christian Science Monitor; 12/31/2001, Vol. 94 Issue 26, p1, 0p, 1c)

the US no longer thought India was a nuclear pariah, by awarding *de facto* nuclear status, it had recognised India as a partner. If the US swayed international support towards Pakistan in the 1971 war, during Kargil, it made up for that<sup>75</sup>. In the past few years levels of co-operation have increased, joint military exercises, naval cooperation and vast increases in trade have helped sweeten things between the two countries.

The role the US will play in Kashmir is closely linked to the emerging strategic partnership that India and the US are currently enjoying. A partnership based on the fundamental premise of democracy, of shared values and institutions, a belief in market forces as drivers of economic growth and the convergence of regional security interests. Another factor defining its role is the need the US has for Pakistan in its continuing war on terror. Yet developing a common policy for Pakistan remains the biggest obstacle in the prospect of the India – US strategic partnership<sup>76</sup>.

While the India – US – Pakistan relationship remains largely delinked, US policy with Pakistan, still affects the way India views things. Pakistan is an unstable nuclear state, and it is of utmost concern to both India and the US, that these weapons and technology do not fall into the wrong hands. The proliferation episode with AQ Khan the Pakistan's nuclear mastermind, alarmed both countries. In addition, the American relationship with Islamabad today seems to be more of a business partnership, than one with that will enjoy genuine close ties in the future. The focus with Islamabad has remained to be the war in Afghanistan, countering nuclear proliferation and building support for the US' general strategy in the Middle East. Additionally the US and India have seen Pakistan, as a source of major Islamic radicalisation as well.

Yet today Pakistan is the US's closest ally in the war on terror. Its

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<sup>75</sup> Parag Khanna, C Raja Mohan, Getting India Right (Policy Review. Washington: Feb/Mar 2006)

<sup>76</sup> Devin Haggerty, US Policy and the Kashmir Dispute: Prospects for Resolution (India Review; Jul2003, Vol. 2 Issue 3, p89-116, 28p)

emergence on the frontline after 2001, galvanised the Musharraf regime. Faced with an American ultimatum, Musharraf abandoned his former partners in crime the *Taliban*, overnight. He was duly rewarded, from being an autocratic dictator, who had compromised democracy, the US recognised him and Pakistan as a major non-NATO ally, in 2004. American bilateral aid resuscitated Pakistan's failing economy,. There is no doubt today that had the war on terror not begun, economically Pakistan would be heading to failure. However "*Peace in Kashmir will require a new U.S. policy toward Pakistan*"<sup>77</sup>. The US can no longer continue supporting autocratic military dictators as it has done in the past. Communism and the Soviet occupation of Afghanistan, may have been valid reasons, in a bipolar world, but today with its responsibility as the hegemonic power, it must persuade Pakistan to shift its policy in Kashmir, and to shift it away from proxy-war. The strategy behind which is simple, the US needs to convince Pakistan that its future is an interest for US national security<sup>78</sup> and with the financial package and commitment that the US is showing Pakistan, Pakistan must assume the responsibilities that accompany this, by cracking down on the radical militancy, in both national and international interests. All this is echoed by the American think tank which claimed that if the US did not take an activist role in conflict resolution, strife in South Asia would pose a major threat to American national security<sup>79</sup>.

In summary, the US role is an essential part of any solution to Kashmir. Its continued presence militarily in the Middle East and Afghanistan, impact the role and the importance that Pakistan receives and it also creates a common enemy for the US in radical Islam, that forms an arc that extends from the Middle East to Pakistan and Kashmir. The impact the US has on Pakistan, can be used positively if America can position world opinion to pressure Pakistan into stopping cross-border terrorism and use its own economic and defence ties with Islamabad to urge for a solution. Any response from the radical Islamic elements that exist in

<sup>77</sup> Sumit Ganguly, Will Kashmir Stop India's Rise (Foreign Affairs : Vol. 85, Issue 4, August 2006)

<sup>78</sup> Captain Matthew Taylor, Pakistan's Kashmir Policy And Strategy Since 1947 (Monterrey : Naval Postgraduate School, March 2004)

<sup>79</sup> Council on Foreign Relations – Independent Task Force on India and South Asia November 2003, Conclusions

this arc, against the US, will find support in Kashmir, radical Islam views the US and India with the same eye, a common enemy, therefore violence against a US led presence, will always have a spill over effect in Kashmir<sup>80</sup>. Also both countries realise that if Pakistan fails as a state, this arc of fundamentalism, would soon erupt into an arc of violence, a grave threat that must be accounted for. As mentioned before, the US' strategic ties with India, too can influence a solution. In order to explore the full potential of strategic cooperation with India, the US must change its Kashmir policy; it can no longer continue ignore the genuineness of the Indian claim and the deft Pakistani challenges that continue. The time to act for the US is now but *"the U.S. must be careful about assuming that it can succeed in satisfying both India and Pakistan simultaneously by way of what it views as incremental and mutually exclusive bilateral armament."*<sup>81</sup>

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<sup>80</sup> Jaswant Singh the former Indian External Affairs Minister in a speech given 19 May 2007

<sup>81</sup> Parag Khanna, C Raja Mohan, Getting India Right (Policy Review. Washington: Feb/Mar 2006)

## 5. MOVING TOWARDS THE FUTURE

### 5.1 What Does the Future Hold for Kashmir?

After sixty years of meaningless posturing on Kashmir, it would seem that India and Pakistan are no further in their quest for a solution to the problem that seems to be the centre of their existence. It appears that every time, India and Pakistan took a step forward in the past, it seemed to be followed by two backwards, with Kashmir and Kashmiri people, losing out eventually. Given all that has occurred, a certain amount of pessimism would be expected, yet today there is a glimmer of hope, an almost imperceptible whisper, filling the corridors in Delhi and Islamabad, about the possibility of a solution. While a solution may not be imminent, there certainly is agreement across the spectrum, that for the first time in a while, the current impetus, being given to this umpteenth peace initiative, seems to be one that could carry it through<sup>82</sup>. There have been various indications to the above, which are outlined below;

- The current initiative is now almost two years old and for the first time, it is one that has encompassed all levels of government from top to bottom in both countries, from both leaders who met in Cuba to the secretary level talks focussing on CBM's and all echoing one thought, the steps to a solution.
- Both sides, have realised the need for flexibility, while recognising each other's seeming intractable positions in trying to accommodate different perspectives<sup>83</sup>. Whether this will work needs to be seen.
- Kashmiris themselves are tired of the violence. While they have never

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<sup>82</sup> Kashmir Solution on Cards – Mufti, Rashid Ahmad in the Hindustan Times, Srinagar 14 May 2007

<sup>83</sup> Peace process between Pak-India to continue: Saifullah (Islamabad : Associated Press of Pakistan, Feb 21 2007)

shown affection for Indian forces in the region, they have finally come to peace with them, as well as the violence and death have taken effect on their spirit, yet it seems that normalcy is returning to the valley for the first time in 15 years<sup>84</sup>.

- Politicians in both Azad Kashmir and Kashmir are looking less confrontational, especially in Kashmir with state elections scheduled for later this year, talks continue with the moderate factions of the APHC, to ensure representation in the elections<sup>85</sup>.
- A framework of peace is being worked out, Musharraf's 4 point plan and Manmohan Singh's idea for a *Naya Kashmir* seems to have passed muster within their countries. A future solution will probably incorporate some aspects of both.
- Finally, terror is not going to derail the peace process<sup>86</sup>, shocking blasts in Mumbai in July 2006 and the more recent blasts on the Samjhauta Express train, which runs from Amritsar to Lahore, may have caused hiccups and while India accused and paused the peace process, it did not rescind its decision like it has in the past.

In concluding that a lasting peace is imminent and guaranteed, would be foolhardy but is certainly is plausible. In order to understand better why the above indicators mean so much, it is necessary to have a clearer understanding of the geo-strategic positions of India and Pakistan, which is outlined more clearly in the next section.

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<sup>84</sup> Normalcy Returns to the Valley in a Statement by Indian Union Minister of State, S Jaiswal, Greater Kashmir Online Edition. Website Accessed on 28 May 2007. ([http://www.greaterkashmir.com/Latest\\_story.asp?Date=28\\_5\\_2007&ItemID=5&cat=0](http://www.greaterkashmir.com/Latest_story.asp?Date=28_5_2007&ItemID=5&cat=0))

<sup>85</sup> Time ripe to resolve Kashmir issue, says PDF, Times of India Online, Srinagar ([http://timesofindia.indiatimes.com/India/Time\\_ripe\\_to\\_resolve\\_Kashmir\\_issue\\_says\\_PDF\\_/articleshow/2095355.cms](http://timesofindia.indiatimes.com/India/Time_ripe_to_resolve_Kashmir_issue_says_PDF_/articleshow/2095355.cms)) Website Accessed on 28 May 2007

<sup>86</sup> India, Pakistan Undeterred by Train Blasts, Christian Science Monitor, 8827729, 2/20/2007, Vol. 99, Issue 58

## 5.2 The Strategic Reasons for a Settlement

After sixty years of ambivalence on the issue, most people question the commitment of the powers that be in India and Pakistan, to the settlement of the Kashmir dispute. In reality as much as the theory of constructivism, recognises the role of social cognitive factors, in the resolution of any conflict, the powers that be are representatives of all the social factors<sup>87</sup> at the highest level of authority, and without them, and the required intent there will be no solution. As mentioned before, Indian PM Manmohan Singh, a man whose integrity has never been questioned, seems bent on providing a solution or the steps to the solution, while he has a chance in power. As a country India will not get the global recognition, it desires and deserves until the issue of Kashmir is solved – something that has been linked to its inability to procure a permanent seat on the UN Security Council amongst other global ambitions.<sup>88</sup>

People have different opinions of President Musharraf. He is a man most of India mistrusted, after he orchestrated Kargil, six months after an agreement to move forward, but in President Musharraf, India may have found a Pakistani leader who is in a position to ensure a settlement. There is no denying the role the Pakistani army plays in the running of the country. In the past while democratic leadership has tried moving forward, it has failed without the backing of the Pakistani military - whose influence and power is derived from, the dependence of the nation on the army, and as a protector of its ideology in Kashmir. Though President Musharraf, in the past agreed to step down as the Army Chief, it is a position he will never give up. Without controlling the army, he could never control Pakistan. It is for this exact reason, if there is a leader who can survive the bargaining over ideologies and enforce the outcomes that any settlement would entail, President Musharraf is the man.

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<sup>87</sup> A detailed explanation of how the theory of constructivism can be used in Kashmir is provided, later in the thesis, see page 61

<sup>88</sup> J Sri Raman, Promising a Seat for India? (Global Policy, Sep 2004) Website Accessed on 20 May 2007 (<http://www.globalpolicy.org/security/reform/cluster1/2004/0923promising.htm>)

Internationally Pakistan has been riding a wave that is slowly beginning to ebb. As a key ally in the NATO lead war on terror, much of the situation post 9/11, worked in Pakistan's favour, and led to international recognition of President Musharraf at a time, when it seemed the world opinion was beginning to shift to India's side. The war on terror saved Pakistan from economic and internal collapse and kept Musharraf's regime in place. Today the goodwill or bargaining power Musharraf and Pakistan have acquired over the past few years in spite of Pakistan's various misdemeanours<sup>89</sup> will not last forever. Additionally, Musharraf is beginning to feel the heat from within Pakistan itself - radical Islamists, whom the ISI and the Army cultivated in the past, making their presence felt with bombings and violence, giving Musharraf a taste of his own medicine. Civil society too is expressing discontent - Musharraf's decision to interfere with the judiciary, led to mass riots and killings as recently as the week before this was written<sup>90</sup>. It is therefore imperative for Musharraf to preclude a settlement or at least the steps to a settlement, something that will be seen as a recognition and legitimisation of his regime and himself.

Other facts that preclude settlement are more or less apparent today. Economically, militarily and politically there is huge disparity between India and Pakistan. As mentioned before, today India is the second fastest growing economy in the world, and stands in excess of a trillion dollars<sup>91</sup>. The size of the burgeoning middle class, growing affluence and improvement in quality of life, show that India, will become more vital to the financial world order. Though Pakistan, too is finally out of its period of stagnation, led by American aid packages and has shown growth of 5-6%, there is simply no comparisons in the

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<sup>89</sup> Reference here is being made to the AQ Khan Nuclear Proliferation Scandal as well as the continued presence of terror groups on Pakistani soil in some form or the other, as well as past Pakistani support for elements of the Taliban and other extremist organisations.

<sup>90</sup> Juliette Terzief, Musharraf Faces Greatest Challenge Yet (World Politics Review : 18 May 2007) (<http://www.worldpoliticsreview.com/article.aspx?id=784>) Website accessed on 20 May 2007

<sup>91</sup> India in trillion dollar economy club, CNN-IBN News (<http://www.ibnlive.com/news/india-is-trilliondollar-economy/41800-7.html>) Website accessed on 31 May 2007



scales of economy of both countries. This simple economic disparity, manifests itself in the vast gap in defence capabilities, while Pakistan spends more of its vital funds on defence<sup>92</sup>, instead on its collapsing infrastructure, and tries to modernize, India spends far less as percentage of its GDP on defence and has continue to widen the bridge between the two countries. Additionally it is this growing prosperity that will enable India to bear the costs sustained military presence in the region more easily. Further as Kashmiris them selves see the fruits of this prosperity within the state and their disappointment with India and the security presence in the area (due its newer and fare more effective counter-insurgency tactics and improved human rights record), it will become easier for India to win back Kashmiri support, all reasons that point to the essentiality of settlement.

However it is in the political sphere, that the difference between the two countries makes its biggest impact, despite being a flawed democracy, India's political institutions have withstood the test of time, and can only get better in the coming years. The political future of Pakistan remains shrouded, short spells of democratically elected governments, between military dictatorships, have never made for sound political governance, and beyond Kashmir, the existence of Pakistan, has always been questioned by this. The last reason why a settlement seems imminent, while not completely strategic, is Kashmir and its people them selves. For too long they have suffered, first at the hands of Indian apathy and abuse, and now fare more with their lives and the livelihoods at stake, with the continued war in their homeland. The people and their representatives have realized that there simply is no alternative to peace, and everything must be done to arrive at a resolution of the conflict.

It is for these very reasons that the stage seems to be set for consensus on Kashmir. India is the status quo power in question, it occupies two-thirds of Kashmir, if it is determined to look for a solution, given the current position

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<sup>92</sup> Pakistan Hikes Defence Spending by 15.5 Percent, (Islamabad : Agence France Presse, 6 June 2005)

Pakistan is in, and the reasons above that circumstance is in India's favour and Pakistan will so have to match India's determination to settle the issue.

### 5.3 A Pathway to Peace

The first step in creating a pathway for peace is establishing a timeline for this. While conflict resolution is not an overnight process, the seriousness of intent, can only be judged by a definite timeline. This will stop the current effort from being a simple restatement of past events. The current movement forward has recognized this and they are in the process of establishing an outline of how things can proceed in Kashmir. Intent needs to be built upon with results and actions. A lot of groundwork needs to be completed initially, something that both parties have to be willing to provide for. The intent for a peace process in Ireland<sup>93</sup> was established years before any watershed agreements; the time in between was filled with the necessary groundwork. Additionally in order to understand completely the steps that need to be taken, first changes need to be made in mindsets in both countries, some of which are underlined below.

*Kashmir is special and must be dealt with as such*

Pakistan seems to have recognized this, more in their need to claim the entirety of Kashmir, than in the actual concern for the differences between Kashmir and its people and the rest of Pakistan. Azad Kashmir in theory enjoys a certain amount of autonomy in its functioning. However, it is here that India has faulted in the past with its constant meddling with Article 370 and the revoking of Kashmir's special status. It is therefore necessary that India restore and preserve this special status, something that PM Singh himself has acknowledged<sup>94</sup>. This accordance of a special status will help reduce the alienation a majority of Kashmiris feel towards India, This is essential for them to accept this if they want peace. Kashmir is

<sup>93</sup> Sumantra Bose, Exploring Peace in Kashmir (London : LSE, Fathom) Website accessed on 21May 2007 (<http://www.fathom.com/course/10701013/session4.html>)

<sup>94</sup> India mulls over 'special status' for held Kashmir, The News, Pakistan, Website accessed on 31 May 2007, ([http://www.thenews.com.pk/top\\_story\\_detail.asp?Id=1022](http://www.thenews.com.pk/top_story_detail.asp?Id=1022))

special, its position as a Muslim majority state in a Hindu majority nation can not be overstated.

*Kashmir needs autonomy of some sort*

*“Any autonomy package, to be consistent with the basic principles and spirit of the nation’s obligation under the Instrument of Accession, must therefore recognize at the minimum the inviolability of Article 370, which sets Jammu and Kashmir apart from the other states in certain respects and areas.”*<sup>95</sup> Autonomy is not necessarily a bad word in this context. Along with the recognition of Kashmir’s special status, autonomy too has to go hand-in-hand. Yet autonomy does not have to mean independence. An acceptance of the fact that Kashmiris’ have the right to a degree of self-determination, will set the stage for discussion with Pakistan and Kashmiri political outfits about the degree and level of this autonomy. This too has been a fundamental claim of every Kashmiri stakeholder. While Pakistan has called its support for the insurgency, support for a freedom movement, given the lack of freedoms currently enjoyed in Azad Kashmir<sup>96</sup>, there is no guarantee Pakistan actually backs autonomy in Kashmir. It is therefore necessary that Pakistan’s recognition of this be tangible too.

*An acceptance that mistakes have occurred and an apology for this*

The Indian government has made huge mistakes with Kashmir in the past—mismanagement, interference in democratically elected set-up and human rights violations. Yet there is time to make up for this. An unconditional apology to all Kashmiris would give India a chance to win over their hearts, something that may now be possible, if it is combined with the pent up Kashmiri frustration over violence and their chance for economic survival with India. PM Vajpayee acknowledged that mistakes had been made in the past and that India would have take steps to right the wrongs that have occurred.<sup>97</sup> While Pakistan claims that

<sup>95</sup> India’s Kashmir Policy, Institute of Peace and Conflict Studies, (New Delhi : 2006)

<sup>96</sup> Baroness Emma Nicholson, Kashmir (EU Foreign Affairs Committee Report, May 2007)

<sup>97</sup> ‘No repetition of J&K mistakes’, PM promises assistance to state, The Tribune Online Edition (<http://www.tribuneindia.com/2003/20030305/main4.htm>) Website accessed on 25 May 2007

people in Azad Kashmir are content, it too has a lot to apologise for, if the latest EU Report by Baroness Nicholson on Kashmir is anything to go by, also the Pakistani role in the perpetration of violence can not be forgotten either.

#### *Self-confidence within the nations*

As mentioned before, the peace process itself, will have opposition for/of parties who have vested interests in the Kashmir conflict as of now. There is no denying the political mileage, right-wing Hindu nationalist parties and organisations in India like the Vishwa Hindu Parishad (VHP) the Rashtriya Swayamsevak Sangh (RSS) and even mainline political parties like the BJP have got from their rigid stances on Kashmir and opposition to Pakistan and hence any solution. Within Pakistan itself the role of some elements of the Army and the ISI, has to be mentioned again, given the lifeline Kashmir and the consequent India-baiting, provides these organizations. Therefore it is vital, that national confidence be built into any measures that will be taken. The strength of the opposition to a solution cannot be measured. However with the increased confidence levels surrounding a solution, steps in greater national interests for both countries, should be able to withstand any potential backlash.

#### *Changing mindsets within the people of India and Pakistan*

Constructivism argues that the internationalism today is formed by certain cognitive structures that socially construct events that exist in the material world. Social actors are represented by states, and the social factors – ideas, culture, religion, economics from – past, present and future, form the basis on which actors construe international reality<sup>98</sup>. It is my belief, that constructivism, with its rise, as a theory in the last decades, has a major role to play in the understanding, and perhaps the possible solution to the problem in Kashmir today. Changing pre-conceived views and perceptions, is a long process, and will not happen overnight. The only people, who can do this, are the ones who've created these

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<sup>98</sup> J Ruggie, 'What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge (International Organization, 52, 4, Autumn 1998)

images, the media, It has over the last few years, in both countries become fairly less biased, and portrays truer images. Meanwhile, political and religious leadership, has preyed shamelessly and exploited the common man's ignorance, to their benefit. It is essential that today, that leadership in both countries, move beyond petty self-interest, and help educate their populace.

The idea here is to build contacts and re-establish old relationships, as in the past. If the people can come together to create a more conducive environment with the aid of social intercourse, they can build a better official relationship. This can be achieved in various ways, e.g.; easier and more flexible visa regimes, scientific and cultural thought shares, festivals and greater religious tolerance. Often the importance of people-to-people contact is underestimated and undervalued. The current peace process which has been in effect from 2003 has had its fair share of ups and downs, but support from the public has been consistent. It started with the easing of visa regulations for fans during the cricket tours, followed by co-ordinated relief work and the building of a bridge, after the devastating Kashmir earthquake of 2005, and a regular exchange of artisans and cultural ideology. However, there is a need to cement this, so it stays in place, independent of the governments. Institutionalising it is one way, to ensure that it continues – intellectuals and prominent members of society have to ensure this happens.

### *Imbibing a Kashmiri Spirit*

Who or what make a Kashmiri spirit? *Kashmiriyat* is another vital cog in this process. All the steps mentioned above, deal with India and Pakistan on the whole, this is one that Kashmiris need to take. The only way Kashmir can recover from the past, is by believing in itself and the strength of the Kashmiri people. A Kashmiri identity that transcends religious, political and caste barriers in a Kashmir that is home to Muslims, Hindus, Buddhists and Sikhs and that binds them together to ensure a bright future. Divisive politics and politicians need to change tactics and must ensure that the wide gaps between these different groups are bridged and that the fabric of Kashmiri society is rebuilt. This involves, the return

of the displaced Kashmiri pundit population to the valley, harmonization of relations between the different communities and an effort from each to ensure that a environment for peace and development is returned to Kashmir.

#### 5.4 What Kind of Solution Will We See?

Once the steps above have been taken and the groundwork laid down for a solution, the next question that arises is the nature and type of solution or settlement that India and Pakistan will arrive at, in accordance with the wishes of the Kashmiris. A multitude of options<sup>99</sup> have been presented in the past, scholars have for years researched this topic, and failed to come up with consensus on what model would suit Kashmir the best. However it is safe to assume that most of the solutions available, would fail to pass muster with either India or Pakistan. There seems to be an implicit recognition between both countries, that there can be no further movement of borders, and that any solution has to be arrived at taking this point into consideration. This is a subtle echo of the very heart of the Shimla Agreement, the recognition of the LOC as the *de facto* border, and the need to move on ahead from there.

With PM Singh and President Musharraf reiterating that redrawing borders is not an option<sup>100</sup>, it is obvious that any solution now will have to work around the LOC. This seems to be India's preferred option (albeit not yet officially) and one that Pakistan can be made to agree to, it is quite simply the status quo solution. However the question of the border is just one in many in terms of a solution, more important questions that need to be asked include, what happens to the Kashmir and Azad Kashmir, the level of autonomy that these states will enjoy and the extent of the involvement of Kashmiri's in the drafting of a solution as well as the framework of for self-rule that will be established for them. The image below

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<sup>99</sup> A number of options have been provided in Annex VII, Rathnam Indurthy, *Kashmir Between India and Pakistan*, 2003

<sup>100</sup> Third Jammu and Kashmir Round-Table — The way forward, G Parthasarthy (Hindu Business Line, May 3 2007.

depicts the most likely scenario, and the way a status quo solution would be structured on the map. <sup>101</sup>



The status quo solution incorporates parts of Musharraf's plan for Kashmir as well as PM Singh's. With this solution, Azad Kashmir and Kashmir both acquire a certain level of autonomy that India and Pakistan remain comfortable with, Kashmiris get the framework of self-rule that they are satisfied with, while India and Pakistan arrive at a consensus on other things like defence and soft borders. This illustration of a status quo solution, remains very basic and indicative in nature, as it seems to be the most likely outcome. Arriving at a solution is a complicated procedure and the actual dialogue would involve far more detail.

<sup>101</sup> The Map above BBC News Special Report on the Kashmir Flashpoint. Website Accessed April 30, 2007 ([http://news.bbc.co.uk/2/hi/in\\_depth/south\\_asia/2002/kashmir\\_flashpoint/default.stm](http://news.bbc.co.uk/2/hi/in_depth/south_asia/2002/kashmir_flashpoint/default.stm))

## 6. CONCLUSIONS

This thesis so far has addressed the numerous issues that pertain to the situation in Kashmir today. It has looked at, analysed and placed past events and their consequences within the complicated geopolitical global structures that exist today, in order to understand what the future holds for Kashmir. A fair amount of optimism has been shown in projecting what the future bodes, optimism that is necessary and looks at a future solution as the most possible outcome at this stage of the *detente*. In order to order to draw more accurate conclusions, they have been presented in a point format, using the analysis from the thesis

- Kashmir encompasses the Indian state of Jammu and Kashmir and the autonomous state of Azad Kashmir within Pakistan, is a complex geopolitical issue that has dogged both India and Pakistan over a period of the last sixty years. Disputes over the varied geographical terrain and the complicated structure of contemporary Kashmiri society are some of the factors that have made resolution difficult in the past. Any solution to this conflict, would have to recognise the needs and demands of all the stakeholders involved, namely India, Pakistan, the Kashmiri people and to an extent China which also claims to a part of Kashmir.
- The conflict over Kashmir arose at the time of partition between India and Pakistan in 1947, due to a number of reasons. Hari Singh the unpopular regent at that time did not accede to either dominion. After a Pakistani backed tribal invasion, Kashmir acceded to India, and the army was sent in. The legality of this accession has always been challenged by Pakistan and other critics of Indian policy at that time. A temporary truce was signed along a line known then as the CFL and today as the LOC, depicting the positions of both parties in the Kashmir dispute.
- The issue was presented before the UN in 1948, after extensive debate and



attempts by the Security Council, to obtain a resolution, with Britain trying to swing the balance in Pakistan's favour in keeping with its strategic policy of the times. A resolution was passed, calling for a plebiscite within the region. However till today, none of the requirements of the UNSC resolution have ever been fulfilled. Further, India does not recognise this resolution as valid given the context of time that has elapsed.

- From the period from 1947 – 1987 efforts were made to solve the dispute politically, the UN was involved unsuccessfully and further diplomatic forays were attempted. Yet India and Pakistan fought three wars in this period, two directly over Kashmir. The seminal Shimla Accord was signed in 1971, at the end of the third war, which recognised the sanctity of the LOC, and the need to conduct all further negotiations using this recognition as a base. Kashmir internally remained in an illusory peace through most of this period, with external strife rarely translating into internal unrest.
- It was also within this period from 1947 – 1987 that the roots of the secessionist movement and insurgency that followed in the decades after were laid. For forty years, New Delhi in attempts to integrate Kashmir into the Indian fold, constantly meddled with Kashmiri state politics. From appointing and removing chief minister's to manipulating the assembly to pass a resolution changing the state's special status under the Indian constitution, everything was tried in the attempt to subdue the claim for self-determination, that most Kashmiris were clamouring for.
- While Delhi meddled politically and was responsible for the institutional decay and the death of democracy in this period, Kashmiri society developed socio-economically. This took place under the tutelage of Sheikh Abdullah, the larger than life, leader of the NC, who had been in and out of prison for more than twenty years, over his demand for self-determination for Kashmir. This socio-economic growth was responsible for

a far more educated and politically alert Kashmiri populace, which by the end of the 70's and early 80's had become aware of its fundamental rights and less afraid of making its demands.

- This awareness led to an obvious political mobilisation. By the time the 1982 elections were held in the state, there was a tangible opposition to New Delhi as well as the ruling NC. This had not been possible for decades, due to Delhi's repressive politics and the *hand in glove* approach many past NC governments had taken to ensure that political opposition was not allowed to exist. This political mobilisation led to an ethno-religious divide, amongst the Muslim community in Kashmir, due to the coercive mechanisms used by the Indian state in order to prevent further political mobilisation. This mobilisation was the beginning of a mass secessionist movement that would characterise political life in Kashmir in the years to come.
- Further interference from Delhi and the NC's collusion with the Congress to rig the 1987 elections, in their favour when they were widely expected to lose to an agglomeration of Muslim parties called the MUF, further increased the disappointment with Delhi and led to further alienation of Kashmiris. It was no surprise that many leaders of the secessionist outfits who took to violence later, were all MUF candidates, thus showing the direct link between the suppression of democratic institutions and violence.
- Strife within Kashmir in this period was mirrored by the complex geopolitical changes that were being effected in South Asia at the end of the 80's. The establishment of the US as the hegemonic superpower and the unrest and radical Islamic movements that would engulf Afghanistan, would slowly have their effects felt in Kashmir as well
- By 1989, political mobilisation and secessionist movements had

metamorphosed into civil unrest, public disturbances and finally a full blown insurgency movement that would engulf the state of Kashmir, dividing it on an ethno-religious basis, forever altering the heterogeneous aspect of Kashmiri society and creating a communal divide within the people.

- The scale of the insurgency took both India and Pakistan by surprise. Pakistan in the name of Kashmiri freedom, supported the insurgent groups on its soil, and then slowly transformed the nature of the movement. By introducing thousands of armed *mujahedeen* fighters from Afghanistan, Pakistan converted it into a full scale proxy war, with deeply religious undertones, sometimes overshadowing the very purpose the insurgency had started for – independence.
- India responded to the insurgency poorly, by moving in thousands of troops to deal with a civil unrest. The end result being thousands of human rights abuses and further discontent with India and mistrust of her intentions, something that continues to affect how Kashmiris look at the rest of India today.
- In 1998, ten years after the insurgency, both countries tested nuclear weapons, further intensifying the conflict and turning the situation into a zero sum game. World attention returned to South Asia as tempers ran high.
- In 1999 months after a landmark peace agreement was signed, Pakistan infiltrated the LOC and the Kargil War was fought. Quick and decisive it illustrated India's new aggressive policy and once again showed the world how volatile the subcontinent was. The Kargil War also marked the entry of the US into the conflict as an indirect negotiator - the US put pressure on Pakistan and changed the dynamics of the India - US – Pakistan relationship permanently.

- The military coup in Pakistan and its continued support for cross-border terrorism had turned the tide of world opinion against it in the period leading up to the 9/11 bombings. Just as it seemed that Pakistan would be forced into a settlement over Kashmir, the period after 9/11 would favour Pakistan as it became the forefront for the US led war on terror.
- The war on terror, also led to a restructuring of the Pakistani economy, through US aid and legitimised General Musharraf's position in the eyes of the west. After radical terrorist attacks on Indian soil, Musharraf was forced to curtail terrorist activity on Pakistani soil, and slowly set the stage for negotiations with India over Kashmir.
- Post 9/11 the essentiality of the US role in Kashmir became clearer, with its influence over Pakistan and its growing closeness with India, which it sees as a natural democratic ally in a stronger Asia.
- Insurgent activity in Kashmir has reduced significantly with international pressure and newer less invasive Indian counter-terrorism strategies. The 2002 elections in Kashmir, were the fairest in decades, as the peace process between the two countries has taken its first few tentative steps.
- The current peace initiative and the repositioning of the global world order, and its repercussions in South Asia, lead us to believe that the stage has been set for resolution of the Kashmir issue between India and Pakistan. Some of the indicators include, General Musharraf's role in Pakistan his control over the army and the ability he has to convey the benefits of a solution to a doubting nation. India too needs to see a solution in keeping with its global aspirations and its growing economy. Politically, militarily and financially the signs seem to point towards consensus over the Kashmir issue in the next few years.

- However before any actual settlement does take place, a number of steps need to be taken in order to make up for past mistakes that both sides have created, which have been outlined. Also no change is going to take place without changing mindsets in India, Pakistan and most importantly Kashmir.
- The actual outline of a settlement is difficult to ascertain at this stage, given the variety of options and the complicated negotiation procedure involved, with all the stakeholders involved. It is however prudent to imagine a settlement that based on the LOC, recognising it as a permanent border, autonomy to a certain degree for both parts of Kashmir, demilitarisation of the region and large scale Kashmiri involvement in all aspects of government.
- In order to ensure a lasting peace, the settlement must be accepted in all parts by a majority of Kashmiris and an adequate self-rule framework needs to be established in both halves of Kashmir, in order to ensure this acceptance.

While the chance for an outcome in Pakistan is hinged on the abilities of one man largely, in India however finalising an outcome is not that simple. The virtues of democracy mean that, a variety of interest groups will need to be satisfied, before India accepts any solution, no matter any amount of posturing Manmohan Singh can do. These interest groups range from disaffected Kashmiri Muslims, affected non-Muslims from within Kashmir (i.e. the pundits, the Buddhists and the Sikh minorities, who see themselves as an integral part of India) and right wing Hindu-Nationalist parties within India, who will see any inch of space to Pakistan, as a sell out and a loss of prestige for India. Yet however much any opposition a settlement would face in India, the scale of opposition and adverse reactions in Pakistan would be far larger, given the interest groups that Musharraf would have to deal with. Apart from the army, denigration by religious hardliners

and calls for autonomy from other separatist groups namely the Pashtuns and the Baluchis, would be an obvious outcome of any settlement over Kashmir.

Also there is consensus within India, that a solution to the Kashmir dispute can only be good for the country, both internationally and within Kashmir and other parts of India that have been prone to secessionist violence especially in parts of the North-East. A peaceful settlement in Kashmir, might misconstrue that India would willing to accept the secessionist claims of different regions, however this is unlikely, instead any settlement in Kashmir would show India takes its unity very seriously, and that will not internal struggles slow down its march ahead in the world , it would consolidate a stronger Indian Union and show the North-East, India's willingness to negotiate to certain demands, yet not bargain over its very premise for existence. *"Today, India is justifiably self-confident. Although some challenges left over from the 1960s still haunt the country, such as Maoist guerrillas in eastern and central India, religious extremism, and rural poverty, India has achieved impressive economic growth rates since the 1980s, has abandoned its antiquated policies of nonalignment and Third World solidarity, and has dramatically improved relations with the United States ... Consequently, there is little reason to believe that India cannot continue to pursue its new foreign policy, maintain its domestic stability, and promote economic growth,"*<sup>102</sup>

Kashmir is probably the probably the most multifarious issue that envelopes South Asia today, it holds the key to a multitude of solutions and answers to the problems and questions that the subcontinent faces today. It is my honest belief that within Kashmir lies a solution to a greater subcontinent. By a greater subcontinent I mean, a stronger more united Pakistan, India, Sri Lanka and Bangladesh, one that could have lasting repercussions in a number of ways. The Tamil battle in Sri Lanka does not have the same ideological basis, however a solution in Kashmir could see the LTTE, wanting to settle for peace, perhaps a mammoth step forward.

<sup>102</sup> Sumit Ganguly, Will Kashmir Stop India's Rise (Foreign Affairs : Vol. 85, Issue 4, August 2006)

There is also talk of a common South Asian currency and stronger ties between all SAARC members, an organisation that aimed to do a lot, but stagnated due to the standoff between its two biggest members. The behemoth Indian economy has been growing at close to 10% today, this is growth that a lot of the other SAARC members can ride *piggy-back* on. There is no underestimating the link between economic development, improvement of lives and a broader sense of peace. If the Kashmir dispute is resolved, and India and Pakistan can use this economic bond, it would bring a huge amount prosperity and development into the most populated region in the world, and provide a panacea for the poverty that has engulfed it.

While the signs so far seem to point towards a settlement, there is always a lurking danger of derailment of this current peace process, which is slowly gathering momentum after its tentative initial steps. One can only hope that events that have been analysed in this thesis, have had enough of an impact in the past to ensure that this move towards the future is concrete and that one day, we may see

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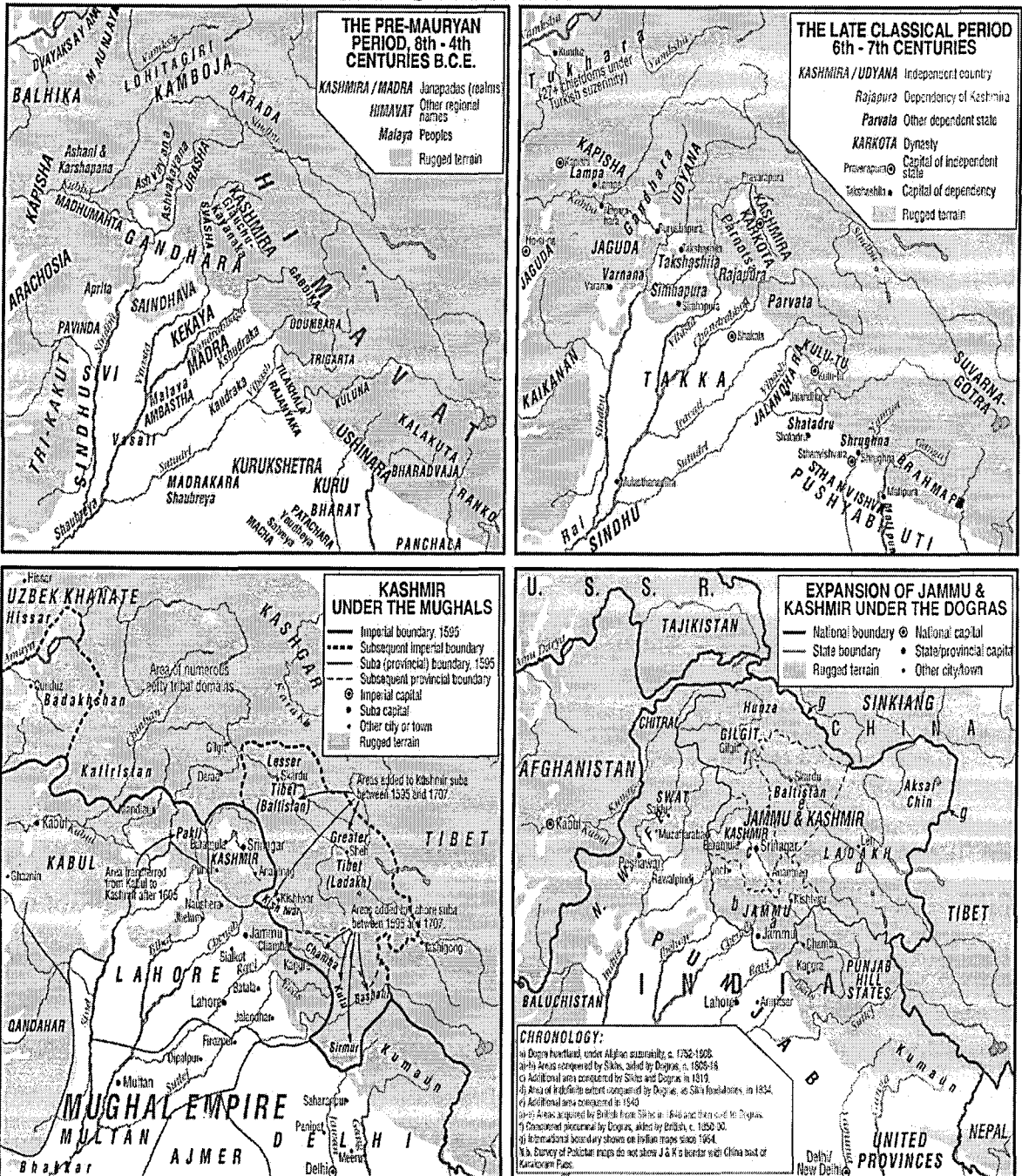
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VIII. ANNEXES

i. Historical Map of Kashmir Through the Ages

Figure 2

**KASHMIR: A HISTORICAL OVERVIEW**



## ii. Jammu and Kashmir: Population Distribution 1981 to 2001 and Map

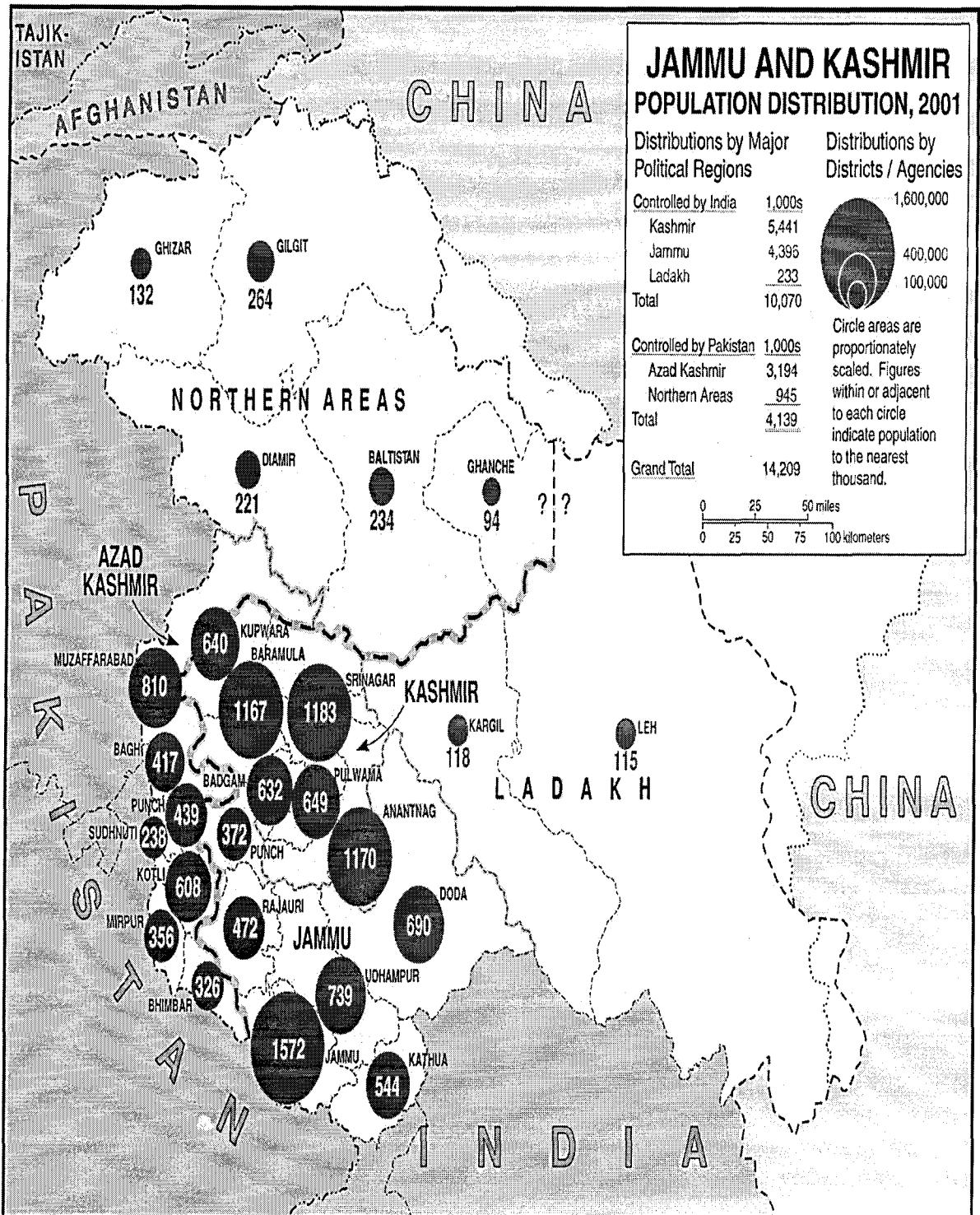
The distribution of population in the area of the erstwhile princely state of Jammu and Kashmir is, to a very large degree, contingent on the factors of physical geography discussed in respect to the foregoing general reference map. Figure 3 provides a map of that distribution, by districts, as of 2001, the date of the most recent Indian census. Pakistan's most recent census was taken in 1998 and we extrapolated district-level data for Azad Kashmir and the Northern Areas for that year, using the annual growth rates provided by the census, to derive the figures presented on the map and in the table below. Despite substantial growth over the period 1981-2001, the regional pattern of relatively high, medium, and low densities has altered little. In general, Indian-held Kashmir proper, Jammu, and Pakistani-held Azad Kashmir are areas in which densities range from medium to very high, while Ladakh and the Northern Areas are sparsely settled. Regional areas and their 1981 and 2001 population totals, as well as rates of population increase and 2001 population densities are indicated in the table below. At the district level, 2001 densities ranged from highs of 531 persons per square km. in Srinagar and 508 in Jammu to a low of only 2.6 in Leh.

Over the period from the first post-partition census in 1951 to the 1981 enumeration the rate of population growth on the Pakistani side of the Line of Control was significantly higher than on the Indian side. However, if the figures provided in the table above are to be taken at face value, the reverse seems to be true for the period 1981-2001. The reasons for this are unclear. They may reflect any or all of the following: an increase in the rate of net emigration from Azad Kashmir and the Northern Areas; a net increase in the rate of immigration into those two regions (especially likely in regard to the Northern Areas since the completion of the Karakoram Highway); or the omission from the enumerated population in the Northern Areas of persons not native to the region (a hypothesis suggested by the remarkably low proportion of that population reported as speakers of non-local languages in the fragmentary languages available to us). In



any event, the enumerated Northern Areas population in 1998 was substantially less than what we had formerly forecast based on demographic data provided in 1987 by the Aga Khan Rural Support Programme.

Region	Area (sq. km.)*	Population 1981 (1,000)	Population (x 2001 1,000)	% Increase (x (1981- 2001)	Density 2001 (per sq. km.)
<b>Indian-held areas</b>					
Kashmir	15,948	3,135	5,441	73.6	341
Jammu	26,289	2,718	4,396	61.7	167
Ladakh	59,146	134	233	73.4	4
<b>Total</b>	<b>101,383</b>	<b>5,987</b>	<b>10,070</b>	<b>68.2</b>	<b>10</b>
<b>Pakistani-held areas</b>					
Azad Kashmir	13,297	1,983	3,194	61.1	240
Northern Areas	64,817				
<b>Total</b>	<b>78,114</b>	<b>2,558</b>	<b>4,139</b>	<b>61.8</b>	<b>53</b>
<b>Chinese-held areas</b>					
Aksai Chin	37,555	virtually no-permanent location			
Shaksgam	5,180	ditto			
<b>Total</b>	<b>42,735</b>	ditto			
<b>Grand Total</b>	<b>222,236</b>	<b>8,545</b>	<b>14,209</b>	<b>66.3</b>	<b>64</b>



All demographical data courtesy the Kashmir Study Group

**iii. UN Security Council Resolution 47 on Kashmir**

**KASHMIR RESOLUTION**

**RESOLUTION 47 (1948) ON THE INDIA-PAKISTAN QUESTION SUBMITTED JOINTLY BY THE REPRESENTATIVES OF BELGIUM, CANADA, CHINA, COLUMBIA, THE UNITED KINGDOM AND UNITED STATES OF AMERICA AND ADOPTED BY THE SECURITY COUNCIL AT ITS 286TH MEETING HELD ON 21 APRIL 1948. (DOCUMENT NO. S/726 DATED 21 APRIL 1948).**

**THE SECURITY COUNCIL**

Having considered the complaint of the Government of India concerning the dispute over the State of Jammu and Kashmir, having heard the representative of India in support of that complaint and the reply and counter complaints of the representative of Pakistan,

Being strongly of opinion that the early restoration of peace and order in Jammu and Kashmir is essential and that India and Pakistan should do their utmost to bring about cessation of all fighting,

Noting with satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite,

Considering that the continuation of the dispute is likely to endanger international peace and security,

Reaffirms its resolution 38 (1948) of 17 January 1948;

Resolves that the membership of the Commission established by its resolution 39 (1948) of 20 January 1948, shall be increased to five and shall include, in addition to the membership mentioned in that Resolution, representatives of ...and..., and that if the membership of the Commission has not been completed within ten days from the date of the adoption of this resolution the President of the Council may designate such other Member or Members of the United Nations as are required to complete the membership of five;

Instructs the Commission to proceed at once to the India sub-continent and there place its good offices and mediation at the disposal of the Governments of India and Pakistan with a view to facilitating the taking of the necessary measures, both with respect to the restoration of peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission, and further instructs the Commission to keep the Council informed of the action taken under the resolution; and, to this end,

Recommends to the Governments of India and Pakistan the following measures as those which in the opinion of the Council and appropriate to bring about a cessation of the fighting and to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan.

#### A - RESTORATION OF PEACE AND ORDER

1. The Government of Pakistan should undertake to use its best endeavours:

(a) To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purposes of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State;

(b) To make known to all concerned that the measures indicated in this and the following paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or party, to express their views and to vote on the question of the accession of the State, and that therefore they should cooperate in the maintenance of peace and order.

2. The Government of India should:

(a) When it is established to the satisfaction of the Commission set up in accordance with the Council's Resolution 39 (1948) that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective, put into operation in consultation with the Commission a plan for withdrawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order;

(b) Make known that the withdrawal is taking place in stages and announce the completion of each stage;

(c) When the Indian forces shall have been reduced to the minimum strength mentioned in (a) above, arrange in consultation with the Commission for the stationing of the remaining forces to be carried out in accordance with the following principles:

(i) That the presence of troops should not afford any intimidation or appearance of intimidation to the inhabitants of the State;

(ii) That as small a number as possible should be retained in forward areas;

(iii) That any reserve of troops which may be included in the total strength should be located within their present base area.

3. The Government of India should agree that until such time as the plebiscite administration referred to below finds it necessary to exercise the powers of direction and supervision over the State forces and policy provided for in paragraph 8, they will be held in areas to be agreed upon with the Plebiscite Administrator.

4. After the plan referred to in paragraph 2(a) above has been put into operation, personnel recruited locally in each district should so far as possible be utilized for the re-establishment and maintenance of law and order with due regard to protection of minorities, subject such additional requirements as may be specified by the Plebiscite Administration referred to in paragraph 7.

5. If these local forces should be found to be inadequate, the Commission, subject to the agreement of both the Government of India and the Government of Pakistan, should arrange for the use of such forces of either Dominion as it deems effective for the purpose of pacification.

#### B - PLEBISCITE

6. The Government of India should undertake to ensure that the Government of the State invite the major political groups to designate responsible representatives to share equitably and fully in the conduct of the administration at the ministerial level, while the plebiscite is being prepared and carried out.

7. The Government of India should undertake that there will be established in Jammu and Kashmir a Plebiscite Administration to hold a Plebiscite as soon as possible on the question of the accession of the State to India or Pakistan.

8. The Government of India should undertake that there will be delegated by the State to the Plebiscite Administration such powers as the latter considers

necessary for holding a fair and impartial plebiscite including, for that purpose only, the direction and supervision of the State forces and police.

9. The Government of India should at the request of the Plebiscite Administration, make available from the Indian forces such assistance as the Plebiscite Administration may require for the performance of its functions.

10. (a) The Government of India should agree that a nominee of the Secretary-General of the United Nations will be appointed to be the Plebiscite Administrator.

(b) The Plebiscite Administrator, acting as an officer of the State of Jammu and Kashmir, should have authority to nominate the assistants and other subordinates and to draft regulations governing the Plebiscite. Such nominees should be formally appointed and such draft regulations should be formally promulgated by the State of Jammu and Kashmir.

(c) The Government of India should undertake that the Government of Jammu and Kashmir will appoint fully qualified persons nominated by the Plebiscite Administrator to act as special magistrates within the State judicial system to hear cases which in the opinion of the Plebiscite Administrator have a serious bearing on the preparation and the conduct of a free and impartial plebiscite.

(d) The terms of service of the Administrator should form the subject of a separate negotiation between the Secretary-General of the United Nations and the Government of India. The Administrator should fix the terms of service for his assistants and subordinates.

(e) The Administrator should have the right to communicate directly, with the Government of the State and with the Commission of the Security Council and, through the Commission, with the Security Council, with the Governments of India and Pakistan and with their representatives with the Commission. It would be his

duty to bring to the notice of any or all of the foregoing (as he in his discretion may decide) any circumstances arising which may tend, in his opinion, to interfere with the freedom of the Plebiscite.

11. The Government of India should undertake to prevent and to give full support to the Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and the Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

12. The Government of India should themselves and through the Government of the State declare and make known that all subjects of the State of Jammu and Kashmir, regardless of creed, caste or party, will be safe and free in expressing their views and in voting on the question of the accession of the State and that there will be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit.

13. The Government of India should use and should ensure that the Government of the State also use their best endeavour to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15th August 1947 have entered it for a lawful purpose.

14. The Government of India should ensure that the Government of the State releases all political prisoners and take all possible steps so that:

(a) all citizens of the State who have left it on account of disturbances are invited and are free to return to their homes and to exercise their rights as such citizens;

(b) there is no victimization;



(c) minorities in all parts of the State are accorded adequate protection.

15. The Commission of the Security Council should at the end of the plebiscite certify to the Council whether the plebiscite has or has not been really free and impartial.

#### C - GENERAL PROVISIONS

16. The Governments of India and Pakistan should each be invited to nominate a representative to be attached to the Commission for such assistance as it may require in the performance of its task.

17. The Commission should establish in Jammu and Kashmir such observers as it may require of any of the proceedings in pursuance of the measures indicated in the foregoing paragraphs.

18. The Security Council Commission should carry out the tasks assigned to it herein.

\*The Security Council voted on this Resolution on 20-1-1948 with the following result:-

In favour: \*\*Argentina, \*\*Canada, China, France, \*\*Syria, U.K. and U.S.A.

Against: None

Abstaining: \*\*Belgium, \*\*Columbia, \*\*Ukranian S.S.R., and U.S.S.R.

*UN Security Council, the United Nations, 1948*

*Text available on the UN Web Site (<http://www.un.org>)*

#### iv. Article 370 of the Indian Constitution

Temporary provisions with respect to the State of Jammu and Kashmir.—(1)  
Notwithstanding anything in this Constitution,—

(a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;

(b) the power of Parliament to make laws for the said State shall be limited to—

(i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the

Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation. — For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948;

(c) the provisions of article 1 and of this article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:

Provided further that no such order which relates to matters other than those

referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

## **v. The Lahore Declaration**

The Prime Ministers of the Republic of India and the Islamic Republic of Pakistan:

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

Convinced that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future;

Recognising that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co- existence;

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Committed to the objective of universal nuclear disarmament and non-proliferation;

Convinced of the importance of mutually agreed confidence building measures for improving the security environment;

Recalling their agreement of 23rd September, 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Have agreed that their respective Governments:

1. shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.
2. shall refrain from intervention and interference in each other's internal affairs.
3. shall intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.
4. shall take immediate steps for reducing the risk of accidental or unauthorised use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.
5. reaffirm their commitment to the goals and objectives of SAARC and to concert their efforts towards the realisation of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of South Asia and to improve their quality of life through accelerated economic growth, social progress and cultural development.
6. reaffirm their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace.
7. shall promote and protect all human rights and fundamental freedoms.

Signed at Lahore on the 21st day of February 1999.

Atal Behari Vajpayee

Prime Minister of the Republic of India

&

Muhammad Nawaz Sharif

Prime Minister of the Islamic Republic of Pakistan

vi. The Instrument of Accession

INSTRUMENT OF ACCESSION OF... *J.A.M.C. & C.O. KASHMIR* STATE

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof;

NOW THEREFORE

*Shriman Nidar Bahandar Nagruparwar Bahadur Maharaj of Srinagar*  
 Ruler of... *J.A.M.C. & C.O. KASHMIR, S.T.C.E.* *Srinagar Kashmir*  
 in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of... *J.A.M.C. & C.O. KASHMIR* (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

*Tibbat and Dethulapalli*

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedules hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

## **vii. Alternative Solutions to the Kashmir Conflict**

1. Maintain the territorial state quo in Kashmir along the LOC.
2. Secure Kashmir's accession to Pakistan.
3. Create an independent Kashmir.
4. Secure a "Trieste" solution (like the disputed city of Trieste which was partitioned between Italy and Yugoslavia) through the Territorial transfer of the Vale of Kashmir to Pakistan.
5. Implement a "Tibetan" solution by Transforming the Demographics in Kashmir (that is, follow the China model that allegedly reduced the Tibetans into a minority by settling Tibet with its Han Chinese. India could do with Hindus and Sikhs).
6. Generate an exodus of Kashmiri Muslims into Pakistan through repressive or persuasive measures.
7. Achieve joint Indo-Pakistani control over Kashmir.
8. Foster a subcontinent of several independent states.
9. Promote a decentralized sub continental confederation of several autonomous states.
10. As required by the UN Security Council, hold a plebiscite to ascertain the wishes of Kashmiris.
11. Grant a protectorate status to Kashmir

*Courtesy Rathnam Indurthy, Kashmir Between India and Pakistan, 2003*