

Paper for Carnegie project on “Globalization, National self-determination, and Terrorism”

KASHMIR

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REVISED
December 2003

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The Kashmir dispute has led to 3 wars between India and Pakistan, a dangerous standoff between nuclear armed adversaries in 2002, and the spread of terrorism in both Kashmir and India. It is as old as the creation of the two successor states of India and Pakistan after the end of the British Raj in the subcontinent. To understand the seemingly intractable nature of the dispute and how it now might be solved, with the extension of US power to Afghanistan and much of Central Asia after 9/11 and the launch of the 'war on terror', it is important to see its historical origins in the botched partition of British India, the twists and turns over the succeeding half a century in the Indo-Pak relationship, as well as the missed opportunities of a settlement in the aftermath of the Bangladesh war in 1971. This is done in Section 1. The next section shows how a combination of Saudi financed fundamentalism and the ham fisted attempt to control the domestic politics of Kashmir by Indira Gandhi and her son Rajiv in the 1980's led to a 'nationalist' insurrection, aided and abetted by both local Islamists and fundamentalist terrorists infiltrated into Kashmir and India by Pakistan. The final section discusses how with the changed geo-political situation in Central Asia and Afghanistan a solution might finally be found to this dispute.

I

With the opening of the British archives for the period covered by the transfer of power to the newly created dominions of India and Pakistan in 1947, a clear picture has emerged of the events which led to the Kashmir dispute.² In discussing these, certain aspects of the strategic importance of Kashmir and its unique culture need to be borne in mind.

The state of Jammu and Kashmir was one of the 556 princely states indirectly ruled by the British Raj. It consists of three distinct areas. A large Muslim majority area in the west, at the centre of which the valley of Kashmir is the most important. The Hindu dominated area of Jammu in the south, and the predominantly Buddhist area to the west of Ladakh. Situated as it is on the borders of Afghanistan, China and Tibet, and the vast plains of Central Asia to the north, Kashmir has always been of strategic interest to any power which maintained an empire on the Indo-Gangetic plain. The Kashmir valley itself is protected by high mountain ranges, and the passes through them are easily guarded. Also given the severity of winter at these high altitudes the snows have often saved the valley from various intruders through its history. This relatively impregnable geography has allowed a distinctive cultural form called Kashmiriyat to develop. The Kashmir valley, which had been predominantly Hindu, was converted to Sufi Islam in

the 14th century. The syncretic Hindu-Muslim culture which resulted, forming the basis of Kashmiriyat was a mixture of mystical Hindu Vedantism and Islamic Sufism. Kashmiriyat stresses the commonality between the Hindus and Muslims of the valley, as “there was enough in common between Vedantism and Sufism- the unity of the Divine, equality, rejection of both the ego and materialism, as well as idolatory- to make this possible” (Akbar (2002),p.6). Kashmiriyat is thus a culture of synthesis, understanding and humanism. Thus whenever fundamentalists of either religion, supported by one of Kashmir’s changing rulers, have sought to enforce their habits of the heart on the people, the Kashmiris have rebelled. Also, tellingly, Kashmir was the only part of India with a mixed Hindu-Muslim population which did not see communal rioting during the 1947 partition of the sub continent.

Kashmir was incorporated into the Moghul empire by the Emperor Akbar in 1586. With the disintegration of the Moghul empire, it was briefly independent but was conquered in 1819 by the Sikh maharaja Ranjit Singh, who had established his kingdom in the Punjab. By the early 19th century the British had conquered much of northern India. In 1846 they divested Kashmir from the Sikh kingdom with the help of a Kashmiri Hindu called Gulab Singh. They then sold Kashmir to Gulab Singh for 7.5 million rupees. This created the Dogra state of Kashmir, ruled indirectly by the British, which was to last till the granting of Indian independence in 1947.

The rise of the freedom movement in India, during the early part of the 20th century, also spread to Kashmir. Its chief spokesman and icon was Sheikh Abdullah. His grandfather was a Hindu, a Brahmin Kashmiri Pandit. The family had only converted to Islam in 1776 under the influence of a Sufi saint. Abdullah was thus the embodiment of Kashmiriyat. He converted the sectarian Muslim Conference, which sought democratization of the rule of the Hindu Dogra dynasty, into a more broad based National Conference. This nationalist party, unlike its predecessor allowed anyone to join, “irrespective of their caste, creed or religion”.

The National Conference joined the Indian nationalist struggle spearheaded by the Congress party in India. Abdullah did not support the ‘two nation’ theory propounded by the Muslim League led by Jinnah. He had formed a personal link with the Kashmiri Pandit, Jawaharlal Nehru, being attracted by his aim of creating a secular, socialist, independent India. Abdullah was to play a major role in the various twists and turns in the subsequent Kashmir dispute.

The dispute arose as soon as the British announced in early 1947 that they would depart on 15th August 1947, and be succeeded by the two successor states of India and Pakistan. As they would no longer be able to support the various Indian princes who owed allegiance to the Crown, they advised them to accede to whichever of the successor states they wished- it being recognized that territorial contiguity and the wishes of their subjects should be determining factors. They also instructed a British judge Sir Cyril Radcliffe to draw up the boundary between the two successor states in six weeks (between 8 July and 16 August 1947). Both decisions were to be the source of the Kashmir dispute.

Most of the princely states acceded to one or the other state because of their territorial contiguity and the religious propinquity of both the population and the rulers to one or the other of the successor states. There were three exceptions. Junagadh, in Gujarat, which was one of the patchwork princely states surrounded by neighbours who had acceded to India, and which like Hyderabad in central India had a predominantly Hindu population but a Muslim ruler, and

Kashmir which was also contiguous with both India and Pakistan and which had a Hindu ruler and a predominantly Muslim population. On 15 August 1947 the Nawab of Junagadh announced that he had decided to accede to Pakistan. The Indians proposed that, as the population was primarily non-Muslim, the people's views should be ascertained in regard to the accession. There was no response from Pakistan, which waited till 13 Sept. to inform India that it had accepted Junagadh's accession. This led to mass protest movements in Junagadh and the neighbouring princely states, whose rulers had acceded to India. They demanded armed action from India. Rather foolishly the Nawab of Junagadh then occupied two areas in adjoining princely states which had acceded to India, but over which the Nawab claimed suzerainty. This led to the Indian government sending a small force to restore Indian civil administration in these two areas. Meanwhile the agitation in Junagadh became uncontrollable and the Nawab fled to Karachi, and his Dewan (Prime Minister) asked India to also take over the administration of Junagadh. Thus Junagadh was incorporated into the Indian Union. Pakistan has always seen this as an illegitimate action, particularly as when in Kashmir, a Hindu's rulers accession despite a majority Muslim population, was not similarly allowed to be overturned.

The Hindu Maharaja of Kashmir, Hari Singh, had played a waiting game and had not acceded to either of the two successor states at the date of partition. He hoped to create an independent kingdom. He had imprisoned Sheikh Abdullah on the eve of the transfer of power by the Raj, because of the agitation he had launched for democratic rights in Kashmir. By Sept. 1947 the Maharaja had realised the impracticability of an independent Kashmir, and decided to offer accession to India on the condition that, he not be asked to immediately institute the democratic reforms demanded by Abdullah and his National Conference. Under pressure from India he did release Abdullah from prison but dragged his feet on granting democratic rights and thus handing power to Abdullah. The impasse over accession continued till the end of October.

On 21 October Pakistan suspecting that the Maharaja was likely to accede to India decided to take Kashmir by force. But, there was a problem. As part of the partition of the subcontinent, the armed forces were divided amongst the two successor states, which included British officers on both sides. One of the primary purposes of Lord Mountbatten, who with the ending of his Viceroyalty became the Governor General of India, was to prevent open war between the two successor states, as that would have put the British officers in the armies of both countries in the invidious position of fighting each other. Not being able to openly use his armed forces, Jinnah personally authorised a plan to launch "a clandestine invasion by a force composed of Pathan (Afghan) tribesmen, ex-servicemen and soldier's 'on leave'" (Dasgupta, p.9)³. With the raiders at the gates of Srinagar, the Maharaja, Hari Singh, appealed to the Indian government for military help. But, he was told this could not be provided till he had acceded to India. This was duly done on Oct. 26th with the Maharaja agreeing to Sheikh Abdullah forming an interim government. The Indian government also agreed that once law and order had been restored, the will of the people would be ascertained about the accession. The Indians then airlifted a battalion to Srinagar, and the first Indo-Pak war began. It ended with the cease-fire, whereby Pakistani forces had obtained a substantial chunk of the western part of the state contiguous to its borders. This cease-fire line has been the de facto border in Kashmir between India and Pakistan ever since.

Against, this historically validated account, Pakistan has maintained that there was a spontaneous uprising in Kashmir because of the Hindu maharaja's policies of 'ethnic cleansing'

This, and Kashmir's accession to India, inflamed Pathan tribesmen who came to the assistance of their co-religionists. It has also claimed that the accession to India was illegal, and due to a plot by India which was aided and abetted by Lord Mountbatten to tie Kashmir to India and prevent its accession to Pakistan. The evidence for this is claimed to be provided by the award of three small areas in the Gurdaspur district of Punjab by the Radcliffe Boundary Commission to India, despite the fact that Gurdaspur had a small Muslim majority and the interim boundary in the Punjab had placed it in Pakistan. The granting of this area to India allowed a land link to Kashmir which made its accession to India possible. Though whether Mountbatten influenced Sir Cyril Radcliffe to grant Gurdaspur to India under prodding from Nehru still remains disputed, as Radcliffe left no notes or ever spoke about the matter. But, from a note left by his secretary Christopher Beuamont and published in 1992, there is some circumstantial evidence that Mountbatten might have influenced Sir Cyril's decision.

But, the Pakistani claim that there was a British plot to give Kashmir to India as part of its strategic interests, in preventing the southward expansion of the Soviet Union through Central Asia, turns out to be the exact opposite of the truth. This has now been revealed by British official documents. The protection of the northern borders of Kashmir had been a part of the geo-strategic objectives of the Raj since the 19th century Great Game. It sought to deny an expansionist Russian empire access to a warm water port in the Arabian sea. But, the rise of air power changed the geo-strategic picture. Whereas, previously, the threat from the North from Russia was a few month's march away, with the rise of air power it was only a matter of a few hours by air. With their decision to leave India, Palmerston's Forward Policy, to protect the Indian empire from the threats from the north and the west, lost much of its relevance for Britain. But it still had important strategic interests in the Indian ocean and in the Gulf and Iran-particularly because of the new fuel on which Western prosperity increasingly depended-oil. Thus from 1946, when the Defense Council prepared a note for Atlee on Britain's strategic interests in the sub-continent, and which was used to brief Mountbatten when he was sent out as India's last Viceroy, it is clear that, "Britain's strategic interests in 'the Indian ocean and neighbouring area' would be served..if the treaty (with the successor government) allowed the British 'to move formations and units, particularly air units into India at short notice'" (Jha, ps 85-6). With the recognition that India could not be kept united after the failure of the Cabinet mission, the British felt that this strategic objective might not be met, particularly as they felt that Congress which was to inherit India would be hostile to this aim.

In 1945 Lord Wavell produced a 'breakdown plan' which proposed that "if an interim government could not be formed, the British should abandon the Congress- dominated provinces and move British government and personnel to the Muslim dominated ones in the north east and north west of the country." (Jha , ibid). A variant of this Wavell plan ,which required close military links with Pakistan, was the only one available after a unitary India proved impossible to maintain. "With the empire gone., Britain's interests in the neighborhood centered around the protection of its sphere of influence from Egypt to Iran. That coincided with the incipient American desire to create a cordon sanitaire around the Soviet Union, which flowered into the pacts of encirclement signed by the USA in the early fifties. But the achievement of both these goals required bolstering Pakistan and absorbing Kashmir into the dominion. Kashmir was to have been the eastern end of a crescent that stretched from NATO to the roof of the Himalayas" (Jha, p.87).

By contrast, once India was partitioned, the shield provided by the Himalayas for the earlier Indian empires became irrelevant. This shield had already been breached with the creation of Pakistan. The enemy now was well within the gates. It was the Indo-Pak border which became the first and last line of strategic defense. This explains why India, and in particular the powerful Indian home minister Sardar Patel, was at best lukewarm about the accession of Kashmir to India. It was no longer strategically important for India. Nor was India itself seen as being of strategic importance by the West, particularly when it veered towards a deepening military and economic relationship with the Soviets.

Pakistan, by contrast, was seen as an essential strategic ally by the West in providing the bases for the exertion of air power in the region to contain the Soviet Union, as well as to protect the vital oil supplies of the Middle East. This explains why with Pakistan's signing of the Baghdad Pact, allowing the Peshawar airbase for U2 espionage flights, as well as a base to dislodge the Soviet Union from Afghanistan in exchange for military and economic aid, Pakistan has been of much greater strategic importance to the West than India. A factor reinforced both by Nehru's admiration for the forced industrialization of the Soviet Union and its subsequent close relationship with the enemy of its enemy.

In this tangled story, the big mistake made by the Nehru was to take Mountbatten's advise, and that of Noel-Baker- the British Secretary of the Commonwealth Relations Office- to take the issue of the Pakistani invasion to the United Nations in January 1948. After the military stalemate on the ground in Kashmir in the winter of 1947, India wanted to take the war directly to the Pakistani heartland by crossing the international border in Punjab, where with its military superiority it could easily have defeated the aggressor. Given Mountbatten's overwhelming desire to prevent an inter- dominion conflict, in which British officers commanding the rival armies would have been involved, he suggested and Nehru accepted that, instead the Indians should take their case to the United Nations. Here partly because of the incompetence of the Indian representative Sir Gopalaswami Iyengar, and the brilliance of his Pakistani counterpart Sir Zafarullah Khan, aided and abetted by Noel-Baker, the UN glossed over the issue of the Pakistani aggression, put the two countries on a par, and resolved that once the Pakistani raiders had vacated the one-third of Kashmir they had occupied, a plebiscite should be held to ascertain the people's will about accession. Because the occupied territory was never vacated, India has argued that there can be no plebiscite. But this mistake in taking the issue to the UN has meant that, subsequently, India has bristled at, and objected to any attempt to internationalise the dispute.

The most important long term outcome of the first Indo Pak war was that the cease-fire line established on January 1st 1949 has subsequently held for over 50 years as the de facto border in Kashmir, through subsequent periods of war and peace. This de facto extension of its borders has been of strategic importance for Pakistan. If the whole of Kashmir had gone to India, the essential rail and road link between its two major cities of Lahore and Rawalpindi would have been under threat. Also, with undivided Kashmir having a border contiguous with Afghanistan to the north, India could have intervened to prevent Pakistan from pacifying the tribes in the always unruly North West Frontier Province. But, Pakistan has not been satisfied with these strategic gains. Its domestic politics have ensured that it has continued in its attempts to secure the Kashmir valley. With the West's strategic interest in propping up Pakistan, India has been unable to settle the dispute by force of arms- a route further blocked once the two

countries became nuclear powers in the 1990's. Nor has the West, till recently, been willing to put pressure on Pakistan to settle the dispute, by recognising the 1949 cease-fire line as both the defacto as well as de jure border between the two countries. This may now be changing. Whilst, given its past experience with the United Nations, India has continued to resist any international mediation in the dispute.

There was however a moment in the last 50 years when India could have in effect converted this defacto into a de jure border, thus putting an end to the dispute. This was after the Bangladesh war fought by India and Pakistan in 1971. At the conclusion of the war, and the Indian detachment from Pakistan of its eastern province into the new state of Bangladesh, India had captured a large number of Pakistani soldiers and also territory across the international border. Zulfikar Bhutto, who had become President of Pakistan, met Indira Gandhi in Simla to conclude an agreement and to settle the issue of Pakistani prisoners of war, as well as the territory India had acquired in the now truncated Pakistan. In exchange for the POWs and Pakistani territory India could have insisted on the cease-fire line becoming the international border. But Indira Gandhi left Bhutto off the hook, and the Simla Agreement which she concluded with Bhutto merely converted the cease-fire line into what it is called today the line of control (LOC). India returned the Pakistani POWs and Pakistani territory, and both countries agreed to deal with Kashmir on a bilateral basis.

This agreement has puzzled many. But we now know what transpired, from a two part article published in "The Times of India" in April 1995 by Mrs. Gandhi's economic advisor, and subsequently the head of the Prime Minister's Office, Prof. P. N. Dhar, who was present at the Simla meeting.. The full account is now set out in his memoirs (Dhar (2000)). The Indians sought and got Bhutto to agree, after a near breakdown to the talks, that "the Indian proposal [to settle the Kashmir dispute] was the only feasible one" (Dhar, p.193). "The transformation of the cease-fire line into the line of control was the core of the Indian solution to the Kashmir problem. The de facto line of control was meant to be graduated to the level of a de jure border." (Dhar, p.192). But, Bhutto was adamant that he could not agree to incorporate this into the written Simla Agreement because of the imperatives of domestic Pakistani politics. Dhar writes: "Bhutto was personally inclined to accept the status quo as a permanent solution of the Kashmir problem. However he had several constraints in this regard which he spelt out as follows: (a) His political enemies at home, especially the army bosses, would denounce him for surrendering what many in Pakistan considered their vital national interest. This would endanger the democratic set up which had emerged after fourteen years of army rule. In this context, Bhutto repeatedly talked about his fear of what he called the Lahore lobby, though he never clearly explained what it was. (b) He was anxious to obtain the support of all political elements in Pakistan in favour of any agreement that might emerge at Simla" (Dhar, p. 190)

The Indian side, in particular the then head of the PMO, P.N.Haksar, was sympathetic to Bhutto's claim that a formal acceptance of the status quo would nurture a revanchist ideology in Pakistan, and as with the Versailles Treaty would be looked upon as the imposition of harsh terms by the victors which could lead to another war. "Mrs.Gandhi herself was worried that a formal withdrawal of the Indian claim on Pak-occupied Kashmir could create political trouble for her. She agreed that the solution should not be recorded in the agreement for the reasons advanced by Bhutto, but it should be implemented gradually, as he had suggested" (Dhar, p.194).

That this account of the secret verbal agreement is true is shown by a report filed by the New

York Times correspondent James P. Sterba, within hours of the signing of the Simla Agreement. Sterba, who was close to the Pakistani delegation and was briefed by them, wrote: "President Bhutto, Pakistan's first civilian leader in fourteen years, came to Simla ready to compromise. According to sources close to him, he was willing to forsake the Indian held two-thirds of Kashmir that contains four-fifths of the population and the prized valley called the 'Vale', and agree that a ceasefire line to be negotiated would gradually become the border between the two countries. The key word is 'gradually'..President Bhutto wants a softening of the ceasefire line with trade and travel across it and a secret agreement with Mrs. Gandhi that a formally recognized border would emerge after a few years, during which he would condition his people to it without riots and an overthrow of his government" (Sterba (1972)).

When Dhar revealed the secret verbal agreement in 1995, there was a furious Pakistani response . "About the only person in authority who did not respond was Pakistan's prime minister, Benazir Bhutto". For she was there with her father in Simla and must have known about the agreement.

But this secret agreement depended upon both the protagonists remaining in power. Bhutto was deposed by his army chief Zia -ul Haq who subsequently hanged him . While Mrs Gandhi lost the election which ended the Emergency in 1977. Thus the foolish Indian gamble on settling the dispute with the unwritten part of the Simla Agreement failed. But, it still offers the only long term solution to the long standing and continuing Kashmir dispute.

II

Domestic politics in both Kashmir and Pakistan were to complicate the picture even further in the 1980's, laying the ground for the bloody insurrection aided and abetted by army backed infiltrators from Pakistan (as in 1947). It began in Kashmir in 1989, and still engulfs the state, whilst threatening a nuclear war between India and Pakistan. Central to this is the story of Sheikh Abdullah, as well as one of the consequences of the OPEC coup in raising oil prices in 1973.

In his accession agreement Maharaja Hari Singh had inserted a clause which in effect gave Kashmir considerable autonomy. It was to be governed by the Jammu and Kashmir Act of 1939, with Delhi's jurisdiction extending only to external affairs, defense and communications. Sheikh Abdullah too agreed that Kashmir should continue to be ruled by its own laws, but these should be devised by a new Kashmiri Constituent Assembly. The special status of Kashmir, granting it considerable autonomy within the Indian Union was confirmed y Article 370 of the Constitution of India. This special status for Kashmir has been a bone of contention with the Hindu nationalist party the Jan Sangh, and its descendant the current Bhartiya Janta Party (BJP).

By 1949, after meeting various Western ambassadors, Abdullah had formed the impression that the West would support an independent Kashmir. He then began a tussle with New Delhi, wanting it to stick by the strict terms of the letter of accession, against the Indian desire to integrate Kashmir further into its secular democracy.. In July 1953 he made a speech advocating independence for Kashmir. This was too much for Nehru who put his old friend in jail. In January 1957 Kashmir had approved its own Constitution, which among other things ratified the accession of Kashmir to India, and as far as India was concerned ended all discussions about the plebiscite that India had offered in the past. But, Abdullah since his arrest in 1953 viewed the Kashmiri Constituent assembly as no longer representing the will of the

people. He claimed that the demand for a plebiscite was even more justified. Freed in 1964, he began to toy with the idea of a confederation between India, Pakistan and an independent Kashmir. Nehru seemed to be attracted by the proposal, but Pakistan would have nothing to do with it. After Nehru's death Abdullah was reported to have met Chou-en-li to further his plan for Kashmiri independence. The outcry this hobnobbing with India's enemy-China- which had inflicted a humiliating defeat in 1962, led Nehru's successor Shastri to arrest Abdullah once again in 1965. He was to remain in jail till the end of the Bangladesh war. The Indian victory convinced Abdullah that he could no longer get much joy from Pakistan. He gave up his demand for a plebiscite and accepted the ratification of the accession by the Kashmir Constituent Assembly. In the subsequent elections in 1977, notable for being free and fair, he won handsomely against the Congress and the extremist Hindu and Muslim parties. But by 1982 he was dead.

The politics of Kashmir in the 1980's is one of rigged elections, with the Congress party attempting to gain control over the State, splits within the National Conference, corruption and misgovernment.. But there was a darker cloud which had been gathering on the horizon since the OPEC oil price coup of 1973. The massive rise in oil prices brought untold wealth to Saudi Arabia- the home of the virulent Islam of the Wahabbis. They began spending part of their new found wealth on promoting their version of Islam. A fundamentalist Islamic group "the Jamat-I-Islami was able to set up about 600 madrasas (religious schools) in Kashmir with the help of Saudi and Gulf money. These new institutions were staffed with trained cadres of the Jamat from UP and Bihar, whose goal was to produce a new generation of Kashmir Muslims who would forsake the more tolerant version of their forefathers' religion and minimize attachment to a Kashmir identity. Sure of the success of his efforts, the Amir of the Jamat-I-Islami of Kashmir told an Indian journalist in 1973: 'we will produce a generation of New Muslims in Kashmir in fifteen years'" (Dhar, p. 220-1). And they did.

The strength of the growing Islamic militants, who demanded the separation of an 'Islamic' Kashmir from a 'Hindu' India, was shown in May 1989, when their call for a boycott was widely obeyed. The inroads they had made into Kashmir was further shown by the massive implicit endorsement of the militants in the elections of November 1989, which they asked the electorate to boycott. Only 5 % voted. After having capitulated to the demands of the militants who had kidnaped the daughter of the Indian home minister, Mufti Mohammed Sayeed, the most powerful Kashmiri Muslim in independent India's history, the Indian government decided that it was time to get tough with the militants. On the night of January 18th 1990, Indian para military forces began the most intense house-to house search seen in Srinagar. Till then support for the separatists demanding independence was implicit not explicit. The heavy handed searches ordered by the new Governor of Kashmir, Jagmohan, changed that. "First, frightened, and then discovering the courage of desperation, the people began pouring out into the streets that day. The most startling presence was that of women, old , middle-aged, young. The administration got completely unnerved and gave orders to fire. The number is disputed, but there is no doubt that paramilitary bullets left more than fifty dead...19 January became the catalyst which propelled [the demand for independence] into a mass upsurge. Young men from hundreds of homes crossed over into Pak-occupied Kashmir to receive training in insurrection. Bennazir Bhutto, her support base wiped out by malfeasance and misrule, desperate to save herself, whipped out the Kashmir card...Pakistan came out in open support of secession, and for the first time did not need

to involve its regular troops in the confrontation. In Srinagar, each mosque became a citadel of fervour; the khutba became a sermon in secession” (Akbar, p.218-19).

A long period of protest, violence, repression and curfew followed, with the nationalist fire being fuelled by cross border Islamist terrorists, for whom Kashmir had become as much an Islamic cause as Bosnia, Chechnya, and Afghanistan. The terrorism, much of it masterminded and funded by the Pakistani intelligence services, the ISI, spilled over into India, with the most audacious of the terrorist attacks being the failed attempt to wipe out virtually the entire Indian political class in the attack on the Indian parliament in December 1991. This led to the tense confrontation between the two countries with full mobilization of their forces on the borders, which only came to an end after some nuclear sabre-rattling in June 2002.

The subsequent state elections in Kashmir held in 2003 were the fairest and cleanest after 1975. The large turnout despite the militants demands for a boycott, show that, perhaps the militant tide has turned. The elections returned the same Mufti Mohammed Sayed as Chief Minister, whose daughter’s kidnapping in had led to the series of events which caused the 1989 insurrection. He won on a platform of reconciliation. Together, with the announcement of talks between India’s Hindu hardline BJP Home Minister, L.K. Advani with the various moderate secessionist groups in the valley gathered in the umbrella party the Hurriyat, there is some hope that the Indian government will be able to find a political solution to pacify the valley.

Furthermore, the ceasefire recently announced along the LOC by the two countries, following Prime Minister Vajpayee’s reopening of the peace process with Pakistan, suggests that there might also be some hope of a settlement of the long standing Kashmir dispute.

III

What form is a solution likely to take? Some alternatives can be ruled out. Both India and Pakistan have ruled out independence for Kashmir, if for no other reason that this would strengthen the demands from other secessionist movements in their multi-ethnic countries. Nor is it conceivable that either side would agree to the territory occupied by the other to be ceded to the other. Domestic politics in both countries would not countenance such an outcome, given the enduring passions that the dispute has engendered from the time both countries gained their independence. With both sides armed with nuclear weapons, an armed conflict to settle the dispute is also ruled out. As the last confrontation in 2002 showed, the balance of terror provided by nuclear weapons has held. It being notable that since 1971 the two countries which had fought 3 previous wars have not since converted their continuing cold war into a hot one. The only remaining alternatives are a formal recognition of the LOC as the international border, or a continuing stalemate, with an armed truce, broken ever so often, along what has been the de facto border since 1949- the LOC !

There are some straws in the wind which suggest that the stalemate along the LOC might be converted into a final agreement making its status de jure. The crucial changes are the demise of the Soviet Union, and geo-strategic developments since 9/11. As we have seen, the strategic importance of Pakistan to the West was in providing bases against the ‘evil empire’. This ended with the collapse of the Soviet Union. A relative decline of Western interest in Pakistan followed, which had the unfortunate effect of allowing it to deteriorate both economically and politically, and becoming a virtual failed state. With the ‘war on terror’

launched after 9/11, the US can now project its power in Central Asia and the Middle East from bases in Afghanistan and Central Asia. But, with Gen. Musharaff's joining the 'war on terror' in the US Afghan campaign against Osama bin Laden, for the time being the US and its allies need whatever help the General can give. But can they put pressure on him to call off the Pakistani sponsored terrorists who have entered Kashmir and India since the 1990's, and get him to settle the Kashmir dispute as Bhutto recognised at Simla in 1972 can only feasibly be settled by converting the LOC into the de jure border?

Selig Harrison (2003) recently reported that both the US and China had put pressure on Gen. Musharaff to stop Pakistani sponsored insurgent groups based in Kashmir and Afghanistan from providing training and help to the regrouping Taliban in Afghanistan and the Uighur separatists fighting Chinese rule in Sinkiang. This was why he declared a unilateral ceasefire along the LOC in response to the Indian government's peace proposals in October. Similarly Russia too is threatened by Islamist terrorists, many of whom trained in the Wahabi madrassas in Pakistan. With this pressure from the major powers in the region, there is some hope that beginning with the ease-fire, a final settlement between the two countries will be possible to convert the LOC into the de jure border.

But, this would mean that Pakistan would finally have to abandon its claim to the Kashmir valley. This poses a danger to the General given the spread of Islamists in Pakistan, since President Zia after the loss of Bangladesh exploded the 'two nation' theory on which Pakistani identity was based, sought to find an alternative identity as an Islamic country. The Islamists look upon the liberation of Kashmir as part of their jihad. The general could only contemplate an agreement to recognise the LOC as the de jure border if he turned his back on domestic jihadis. That this is now required for Pakistan in any case to move back from the precipice of becoming a failed state should be obvious. Whether the general has the will and means to do so remains an open question.

The Financial Times recently reported "Gen. Musharaff has given increasingly clear signs that he understands the connection between the jihadi groups that operate in Kashmir, and which are still allegedly sponsored by the Pakistan army, and his growing domestic problem with Islamist violence- not least the attempts on his life..Yet US officials believe Gen Musharaff still shows some reluctance to tackle the Islamist groups head- on in spite of the most recent crackdown, launched in November. Likewise US officials continue to praise Pakistan's co-operation with the US in the war on terror in the border areas with Afghanistan. But many privately doubt whether it is whole-hearted or even in good faith.' Gen. Musharaff is riding two horses at once and shows no inclination to dismount either' says one former ambassador to Islamabad. 'But the US cannot contemplate a breach with Gen. Musharaff - that would leave everybody in a miserable situation, including us'"⁴. This does not augur well for the future.

But against this as Selig Harrison noted the US does still have substantial leverage with Musharaff with the General being offered \$3bn more in economic and military aid in June, in addition to earlier US loans and grants totaling \$1.5bn and the \$4bn in debt rescheduling by the US led aid consortium. Half of the new assistance is to be military aid, which is a powerful lever. As Harrison concludes President Bush should not hesitate to use this leverage if needed. "It would be the ultimate folly to pour new military hardware into Pakistan if it continues to support the Kashmir insurgency, risking another war with India that could all too easily go nuclear"

Settling the Kashmir dispute will also meet resistance from the Pakistani army as it removes one of the prime justifications the military has used for its enormous budgets. But, against this when placed between a rock and a hard place when after 9/11 the US sought his aid in toppling the Taliban, the General wisely chose the US against the jihadis, perhaps if US (and Chinese) pressure continues he and his military maybe willing to swallow the bitter pill, move decisively against his jihadis and accept the LOC as the final settlement of the Kashmir dispute.

Meanwhile, India has to complete the process it has begun of talking to the moderate insurgent groups in the umbrella Hurriyat in Kashmir, by offering them greater autonomy and the prospect of prosperity in the large and growing common market of the Indian Union. That it is willing to accept the LOC as the final border is shown by the Indian's building a 304 mile fence to block infiltration along a crucial part of the LOC where it is difficult to patrol the mountain passes. It has proceeded slowly in the face of the Pakistani artillery barrage across the LOC. The recent ceasefire along the LOC should allow this \$2.4 bn project to proceed more swiftly, while the ending of the cover that the artillery shelling by the Pakistani gave to the infiltrators should also make their entry into Kashmir more difficult.

In conclusion, an important by-product of the 'war on terror' might thus be that the long standing Indo-Pak dispute over Kashmir is resolved with a compromise on all three sides, by accepting the LOC as the international border between India and Pakistan. This would mean Pakistan giving up its claim on the whole of Kashmir, of which it has always believed it was cheated by the machinations of Nehru and Mountbatten at the time of partition; India giving up its claim on the part of Pak-occupied Kashmir which it believes was wrongfully detached from what after Hari Singh's accession was legally a part of India by a Pakistani invasion, and the Kashmiris of their long standing dream of being an independent nation - a dream which has rarely been fulfilled in their turbulent history. The only other alternative if such a compromise is not reached, is a continuing stalemate which could, particularly if there is an Islamist takeover in Pakistan, lead to a nuclear holocaust on the sub-continent.

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NOTES

1. There is a large, impassioned and mainly partisan literature on this subject. Apart from the works mentioned in the text, the ones I have found most useful are, Lamb (1991) (1994) which sets out the Pakistani case most ably, Ganguly (1997), Cohen (2001), Thomas ed (1992).

2. The best accounts of this is provided by Dasgupta (2002) and Jha (1995)

3. Col. Akbar Khan, the director of Weapons and Equipment in the Pakistani army was put in charge of the operation, and has left a valuable account (Khan (1970)) of the role played by senior military officers supervised by Pakistani politicians of this 'invasion'.

4. "Nuclear neighbours take the initiative to tackle problems as region drops down US agenda", *Financial Times*, 17 Dec. 2003, p.10.