

**Kashmir Between India and Pakistan:
An Intractable Conflict, 1947 to Present**

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Since the partition of British India into India and Pakistan in 1947, the Kashmir dispute between them has become an intractable one. They fought three wars over it in 1947, 1965, and 1999, but have not resolved it the Indians and Pakistanis like Israelis and Palestinians make claims to the same territory. This article is designed to help explain the situation in the region and to offer possible courses of action. To accomplish this goal we will first discuss the genesis of the conflict and its frequent lapses into crises to explain why it has become so intractable. Second, we will look at some of the attempts made by India and Pakistan to settle the conflict and why they have failed. Third, we present alternative solutions to the conflict and concentrate on one particular option that may work. Finally, we will examine and offer reasons why the January 2004 agreement may not work.

The Genesis of the Conflict (1947-49)

In 1947, when British India was partitioned into India and Pakistan, Hari Singh, the autocratic and unpopular Maharaja of Kashmir and Jammu, a predominantly Muslim state, resisted the pressure to join either Pakistan or India hoping to get independence or autonomy from both countries. To buy time and to accomplish this goal, he signed a standstill agreement with Pakistan on August 16, and tried to sign a similar agreement with India. However, following the declaration of independence, communal rioting erupted in Punjab between the Hindus, Sikhs and Muslims when the state was being divided between India and Pakistan. In September, the rioting spilled into Kashmir against the Muslims. The Muslims in the Western part of Kashmir rebelled against the Maharaja and established their own independent (Azad) Kashmir government. Seeing this as an opportunity to force the rump state to accede Pakistan, on October 22, 1947, the

Pathan-armed tribes of the Northwest Frontier Province (NWFP) invaded Kashmir and got to fifteen miles from the state's capital city, Srinagar. Alarmed by this invasion, Hari Singh sought India's military assistance, but India refused to help unless the Maharajah signed the instrument of accession, a standard procedure under which other princely states had acceded to India or Pakistan. India agreed to the accession after receiving the consent of Sheikh Abdullah, the secular and popular leader of the National Conference (NC) in the state.

Singh signed the accord on October 27 and on the same day Indian armed forces entered Kashmir to repel the raiders. The local Muslims, mostly members of the NC provided the logistical support for the Indian troops. This intervention by India infuriated Pakistani Governor-General Mohammed Ali Jinnah. On the evening of October 27th, he ordered Lt. General Sir Douglas Gracey, chief of the Pakistan army, to dispatch Pakistan regular troops into Kashmir, but Field Marshall Auchinleck, the Supreme Commander of the transition period persuaded him to withdraw his orders. In November, Jinnah approved the transfer of military supplies to the raiders and in early 1948 sent Pakistan regular troops to join their effort as "volunteers" and did not admit to Pakistan's direct involvement until much later in July 1948. On January 1, 1948, India's Prime Minister Jawaharlal Nehru following the advice of British Governor General Lord Mountbatten and contrary to the wishes of his Deputy Prime Minister Sardar Patel, lodged a complaint with the UN Security Council invoking Articles 34 and 35 of the UN Charter that called for a peaceful settlement of disputes between India and Pakistan, suspecting that it was behind the invasion. In the complaint, as it had already been pledged by Mountbatten in his letter to Hari Singh on October 26, India reiterated its pledge of its conditional

commitment to a “plebiscite or referendum under international auspices,” once the aggressor was evicted -- a pledge which India later regretted and which continues to haunt her until today.

On January 20, 1948, the Security Council established a three-member UN commission on India and Pakistan (UNCIP) to send them to Kashmir to investigate the situation and exercise mediation. On April 21, the Council expanded the commission to five and authorized it to restore peace and arrange for a plebiscite after the withdrawal of tribal troops.

Following Minister Sir Mohammed Zafrullah Khan’s admission on July 7, 1948, that his country’s regular troops were in Kashmir, the UNCIP on August 13, passed a resolution calling both on India and Pakistan to conduct a plebiscite after they agreed to a cease-fire and after Pakistan’s regular troops and tribesmen were completely withdrawn. The cease-fire went into effect on January 1, 1949, while Pakistan was still in control of one-third of the state. Based on its resolution of August 13, 1948, the UNCIP sent a Monitoring Group for India and Pakistan (UNMGIP) to the region on January 24, to monitor the cease-fire line (CFL). This line was renamed in 1972 as the line of control or line of actual control (LAC). The presence of the UNMIP was approved by India and Pakistan following by their agreement in Karachi on July 27, 1949. Fleet Admiral Chester Nimitz an American was appointed as the plebiscite administrator by the UN Secretary General, but he could not assume his functions as India and Pakistan objected to its implementation based on their varying interpretations of the UNCIP resolutions on the issue of demilitarization. In December 1949, the Security Council entrusted its President General A. G. L. McNaughton of Canada to negotiate a demilitarization plan in

consultation with India and Pakistan. Pakistan agreed to simultaneous demilitarization but India chose to ignore it by raising moral and legal issues about the plan. Without India's support the initiative failed. On March 14, 1950, the Security Council passed another resolution to follow up on McNaughton's proposals and appointed the noted Australian judge, Sir Owen Dixon, as UN representative to replace the UNCIP. In September 1950, Dixon suggested a proposal limiting the plebiscite only to the Kashmir Valley of the predominantly Muslim population, which both countries rejected. In April 1951, the Council appointed Dr. Frank Graham, former US Senator, as UN representative. Between December 1951 and February 1953, Graham frantically tried to convince both India and Pakistan to accept his Secretary Council-supported demilitarization proposals that required the reduction of the military presence of both countries in Kashmir and Azad Kashmir preceding the conduct of a plebiscite but to no avail.

Against the backdrop of this stalemate, Nehru and Pakistan's Prime Minister, Mohammed Ali Bogra, met in June 1953 at the commonwealth conference in London. Following that meeting on August 20, 1953, both India and Pakistan temporarily agreed to take the issue out of UN's hands and resolve it directly. Subsequently in 1953, to the pleasant surprise of Pakistan, Nehru who had already informed Kashmir's new Prime Minister, Bakshi Mohammed Ghulam Mohammed of his intentions, told Bogra when he visited New Delhi that he would conduct a plebiscite in Kashmir. Bogra returned to Pakistan triumphantly. But Nehru's offer failed to materialize due to Bogra's procrastination reportedly brought about by the conspiratorial politics of General Ayub

Khan who was plotting to seize political power and who needed the hostility with India in order to achieve his goal.

But following Pakistan's joining of the US-led Baghdad Pact in April 1954, and the South East Asian Treaty Organization (SEATO) in September 1956, Nehru reversed his position on plebiscite as he considered this decision by Pakistan as inimical to India's interest as a nonaligned state. He argued that Pakistan's alliance with the US, rendered all plebiscite agreements in Kashmir obsolete. Subsequently, following the February 1954 States' Constituent Assembly's declaration that Kashmir's accession to India was final; India took the position that the Assembly's action was equivalent to a plebiscite. Based on that position it informed the Security Council that the issue of Kashmir was "finally settled" notwithstanding that Pakistan and the Council rejected that assertion. The Security Council met in January 1957 and reaffirmed its earlier resolutions that required a plebiscite. In February of that year, the council authorized its president Gunnar Jarring to mediate between India and Pakistan on the proposals of demilitarization and plebiscite. But like his predecessors, Jarring, did not have any success during his visit to the region and proposed to the Council in April that the issue be referred to arbitration, which Pakistan accepted, but India rejected. In September following Pakistan Prime Minister Sir Feroz Khan Noon's declaration that his country was willing to withdraw its troops from Kashmir to meet India's preconditions, the Security Council once again sent Frank Graham to the area. He tried to secure an agreement between India and Pakistan but to no avail as India again rejected it. In March 1958, Graham submitted a report to the Security Council (CSC) recommending that it arbitrate the dispute but as usual India rejected the proposal. From the mid-1950s

onward, the Soviet Union rescued India by its frequent vetoes in the UN. Since then, the issue practically died in the Security Council until it was again raised in 1963 and 1965. Surprisingly, the Indo-Pak borders remained mostly quiet during the period 1949-65, despite the non-resolution of the conflict. In 1965, however, India and Pakistan fought another war.

The Second Kashmir War (September 1965)

Pakistan became frustrated with India's increasing attempts to integrate Kashmir into its fold. Emboldened by a presumed victory against India in the Rann of Kutch in April 1965, Pakistan made plans for "Operation Gibraltar" to recover Kashmir. As it did in 1947, it first sent Pakistani guerrillas into the Valley in August 1965 hoping that the Kashmiri Muslims would rise in rebellion against India. Instead, the guerrillas were apprehended and handed over to the Indian authorities. The situation worsened rapidly. On September 1, when Indian troops crossed the international border, Pakistan launched an attack on Jammu. In response, India launched a series of attacks through the state of Punjab toward Lahore, Pakistan, and battled the Pakistani army. As the clashes continued, the UN Security Council, supported by the United States, Britain, and the USSR, called for an immediate cease-fire, which India and Pakistan accepted on September 6. Although the war was brief, it was a bitter one. Neither country was a winner. In January of 1966, at the invitation of Soviet Premier Alexsei Kosygin, both Shastri and Khan met in the city of Tashkent (Republic of Uzbekistan) and signed the agreement known as the Tashkent Declaration. On January 10, the agreement was formalized and the hostilities ended followed by the withdrawal of the Indo-Pakistani forces to the previous cease-fire lines.² Shastri died of a heart attack in Tashkent right

after he signed the declaration and Mrs. Indira Gandhi succeeded him. In 1971 India and Pakistan fought a third war over Bangladesh's Independence in which the Kashmir dispute was only a peripheral issue.

On July 2, 1972, Mrs. Gandhi signed the Simla agreement with Mr. Zulfikar Ali Bhutto, the first President and later Prime Minister of Pakistan who had succeeded the military dictator General Yahya Khan in 1971. Under this agreement, India and Pakistan, among others, committed themselves to "settling their differences through bilateral negotiations or by any other peaceful means mutually agreed upon between them," and that the "basic issues and causes which bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means." They also agreed that in "Jammu and Kashmir, the Line of Control (LOC) resulting from the cease-fire of December 17, 1971, shall be respected by both sides without prejudice to the recognized position of either side." The agreement became the basis for the renewal of official relations between the two countries both at political and economic levels, thus ending any role for either the UN or outside powers including the US. On July 24, 1973, they both signed another agreement in New Delhi agreeing to repatriate all POW's except for 195 who were held to be tried but were later released without trial.

While it demanded a plebiscite in the Indian-part of Kashmir, Pakistan unilaterally detached Gilgit Agency and Baltistan from Azad Kashmir in 1974, and integrated them into Pakistan. This move ignored the UN Security Council's longstanding resolutions in the same fashion that India did when it had integrated Kashmir into her union in 1956. Pakistan and India also renewed diplomatic recognitions in 1976.

An Illusory Peace in Kashmir: The Two Abdullah Regimes, 1975-89

In 1968, following the end of the third Indo-Pakistani war, India released Sheikh Abdullah and his colleague, Mirza Afzal Beg, from jail unconditionally. Abdullah became reconciled to accepting Kashmir's accession to India as final. For example, on March 10, 1972, in an interview with *The Times* (London), he said, "our dispute with the government of India is not accession but it is the quantum of autonomy" for Kashmir. In June of the same year, the state government headed by Side Mir Passim lifted the ban on Abdullah's entry into Kashmir as he dropped the demand for a plebiscite. Beginning in 1974, he and Beg joined India in a series of negotiations. The negotiations between Mrs. Gandhi's special representative G. Parthasarathi and Beg resulted in a six-point accord called the Kashmir Accord signed by Abdullah on February 12, 1975. Abdullah agreed to Kashmir's status as a part of India while being allowed to enjoy special provisions for the state under Article 370.⁴ On February 25, 1975, Abdullah became the Chief Minister of the state replacing Qasim of the Congress Party. In July 1975, his party, the National Conference finally came into existence again. He governed the state until he died on September 21, 1982. His son, Dr. Farooq Abdullah, succeeded him. But Farooq joined by the influential Cleric Maulvi Farooq of the Awami Action Committee demanded autonomy, the kind that had been promised in the 1952 Delhi Agreement to his father. During the 1983 legislative elections despite Mrs. Gandhi's anger and her manipulation of the elections, he stressed this theme and won the election. Upset by his demand for autonomy, Mrs. Gandhi intervened in the domestic politics of the state and dismissed Abdullah's government in 1984, by engineering defections from his party led by his brother-in-law, G. M. Shah. She brought the state under central control (Presidential

rule) temporarily and then installed Shah as its Chief Minister. But as communal violence increased under his leadership, in the Valley and Jammu, between Muslims and Hindus allegedly encouraged by him, he was dismissed in 1986. In the same year, in a surprisingly *volte face*, perhaps, as a matter of expediency, Abdullah signed a deal with Mr. Rajiv Gandhi, the new Prime Minister, who had succeeded his mother following her assassination in June 1984. In June 1986, a coalition of National Conference and Congress was formed. This coalition won a landslide victory in the March 1987 elections but it did not help Abdullah to keep power for long.ⁱⁱ The election of 1990 resulted in Abdullah downfall following the outbreak of a Muslim uprising in 1989.

The Separatist Muslim Insurgency 1989-Present

The opposition party, the Muslim United Front (MUF) a party of disparate groups that had expected to do well, won only five seats. It branded the election victory as blatantly fraudulent and rigged. This perception alienated a large number of Kashmiris. They became unhappy with the national government of Mr. Rajiv Gandhi for its apparent disregard for the democratic procedures and for the principles of federalism. Besides, the Abdullah government's failure to promote economic development in the state further aggravated a sense of despair that existed among the college-educated Kashmiris whose anger and frustration turned against what they perceived to be a corrupt and insensitive government. Pakistan, on the sidelines, was ready to fish in troubled waters by supporting the secessionist groups with funds, weapons, and training, as it continued to make claims over Kashmir.

Three principal umbrella groups were involved in the uprising. One group, composed of Muslim fundamentalists, was pro-Pakistan and had links with the

fundamentalist Pakistan party, Jammait-I-Islam. The second umbrella group was tied to the Jammu and Kashmir Liberation Front (JKLF) established in 1965, and demanded an independent Kashmir. The third group was the Jammu and Kashmir Peoples' League that had a pro-Pakistan orientation. These groups demanded that a plebiscite as pledged by India and guaranteed by the UN Resolutions of 1948-49 be conducted so that the Kashmiris could exercise their right of self-determination. Their demands were supported by Pakistan.⁶ India, however, rejected their demands based on the argument that in 1956 the Kashmir constituent assembly acceded to India. It further contended that the plebiscite was outdated and that based on the July 1972 Simla agreement, Pakistan was obligated to resolve the Kashmir dispute bilaterally with her and not under the aegis of any international organization. Furthermore, India pointed out that Kashmir had been under a democratic Muslim leadership with an opportunity to rule itself, while Pakistan had been under a military dictatorship for more than twenty-five years since its independence in 1947. Therefore, India argued that for Pakistan to call for self-determination in Kashmir was disingenuous and hypocritical. Besides, India had to consider that 110 million Indians were Muslim, the second largest Muslim population in the world, and that Kashmir being a predominantly Muslim state (65% out of nearly 7 million population) stood out as a test case of India's commitment to secularism. In addition, India was also concerned with the Hindus and Buddhists who live in Jammu and Ladakh respectively, represent 35% of the population and want to be part of the Indian Union. Hence, India rejected the demands of the secessionists. But the militants determined to realize their goal engaged the Indian security forces in armed struggle and terrorism. By intensifying their struggle they made the state ungovernable. As noted in

the introduction, the Indian government sent increasing numbers of military and paramilitary forces numbering more than 300,000 to help put down the militancy. It dismissed Abdullah's government in August 1990 and brought the state under central control. Under the July 1990 Jammu and Kashmir Disturbed Areas Act and Armed Forces Special Powers Act (AFSPA), repealed in May 1995, the security forces allegedly committed a series of human right abuses.

The abuses included the following:

- Staged mock "encounters" with suspects to cover-up the deaths of victims who died in police custody,
- Inhuman treatment of prisoners and suspects with beatings, burnings with cigarettes, suspension by the feet and electric shocks,
- Arbitrary arrest and detention of the suspects for more than 12 months, albeit granting them right of habeas corpus,
- Searching and arresting suspects without a warrant, and conducting the surveillance of their communications, and
- Using excessive force against mass demonstrations and militants.

The encounter between the security forces and the militants resulted in more than 50,000 casualties. This number included many hundreds of innocent, civilian bystanders, as the militants used them as shields in their battles with the security forces. Militants have also been accused of committing many human rights violations. For example, they allegedly engaged in killing the moderate Muslim leadership, raping women (especially in Kashmir) and bombing and booby-trapping railway bridges, passenger buses, and public buildings.⁷

By early 1996, the central government adopted a multi pronged approach to deal with the insurgency. It lifted direct rule over the state and restored state

government under Abdullah who had won a landslide victory in the September elections, although the 30-disparate party coalition, known as the All-Party Hurriyat (Freedom) Conference (APHC), had denounced and boycotted the elections. It also created several Muslim counterinsurgency groups to fight the insurgents along with its security forces. In February 1996, the central government released from jail the four Pro-Pakistani separatist leaders, Imran Rahi of the Hiz-UI-Mujahideen, Bilal Lodhi of the Al-Barq, Babbar Badr of the Muslim Janbaz Force (MJF), and Ghulam Mohiuddin of the Muslim Mujahideen, and initiated talks with them. They agreed to talks with the government with no preconditions and without Pakistan's involvement. On February 10, another pro-Pakistani Master Ahsan Dar, the founder of the Hiz-UI-Mujahideen, who was in jail, joined them by endorsing their stand. The Indian government welcomed their offer and accused the Hurriyat Conference of "failing the people of Kashmir and breaching their faith." The conference responded by denouncing them for excluding Pakistan and that its actions were "anti-movement," and asked that they be expelled from their organizations. The moderate separatist leader of the Peoples League, Shabir Ahmad Shah, also joined the conference by saying that the problem could not be solved without the inclusion of Pakistan in the talks. Meanwhile, inter-group clashes began to increase, thus undermining their cause. For example, in 1995 alone, 167 clashes took place and 107 militants were killed. Even the leaders have been targeted for murder. This included Mohammed Yasin Malik, leader of the splinter group of the Jammu and Kashmir Liberation Front (JKLF) which espouses independence; Syed Ali Shah Geelani of the Jumat-I-Islami; and Abdul Ghani Lone of the Peoples Conference who are pro-Pakistani. In addition, many Kashmiris have not only grown tired of the long lasting violence and

bloodshed, but also disenchanted with the ostentatious lifestyle of leaders such as Geelani and Abdul Ghani Bhat is of the Muslim Conference party. The leaders came under increasing public criticism that questioned their commitment to the cause as they began to enrich themselves with foreign money. Consequently, it is not surprising that Ghulam Nabi Azad, leader of the Jammu and Kashmir Ikwan, accused the Hurriyat leadership as one who has “lost its relevance and has betrayed the people of Kashmir.”⁸

For quite some time, it seemed that the central government had put down the Muslim militancy in Kashmir. But given the Abdullah Government’s inept attempts to address the socio-economic problems of the Kashmir Muslims, and given Pakistan’s active role in fostering and promoting its home-based and mercenary outfits to fight in Kashmir, peace has become illusive and since 1997, the insurgency has intensified. Hoping to incite a sectarian violence, the militants began to indiscriminately kill scores of innocent Hindus and Sikhs since 1998. For example, the day that President Clinton arrived in New Delhi on March 20, 2000 for a visit, they killed 35 Sikhs in the Kashmir Valley. In July 2000, when the leader of the Kashmir-based Hiz-UI-Mujahideen, Syed Salahuddin declared a unilateral cease-fire from Pakistan and called on India to engage Pakistan and Kashmir Muslims in trilateral talks, the Pakistan-based militant groups such as the Harkat-UI-Ansar and Lashkar-E-Toiba, denounced his call and killed 100 people in one day to show their displeasure. Subsequently, Salahuddin withdrew his call as Pakistan also opposed it and India refused to talk to Pakistan until it had desisted supporting terrorism in the state.⁹ The persistent insurgency intensified conflict between India and Pakistan and increased the possibility of a nuclear encounter.

The Kashmiri Insurgency Intensifies – Indo-Pak Conflict

In the midst of the Kashmir Muslim insurgency, tensions between India and Pakistan became so intense that in May 1990, the Pakistani military headed by General Mirza Aslam Beg was willing to use nuclear weapons to “take out New Delhi.” It was President Bush’s National Security Advisor Robert Gates and Assistant Secretary for Middle Eastern and South Asian Affairs who reportedly helped arrest a deadly encounter between them by visiting India and Pakistan.¹⁰ The two countries, however, increased their exchange of cross-border firing along the LOC. Prime Minister Benazio Bhutto, who was dismissed in the summer of 1990 by Pakistan’s President Ghulam Ishaq Khan at the prompting of the military, took a hostile stance toward India to appease the Khan (which she admitted in June 1999) after she was reelected in October 1993. She called India an “imperialistic power and aggressor” in Kashmir. Despite these hostile relations, India and Pakistan held several rounds of talks at foreign secretary levels between 1990 and January 1994, but without any results as they took irreconcilable positions on Kashmir. For example, Pakistan insisted that India stop its counter-insurgency operations, while India insisted that that the talks should focus on Pakistan’s cross border aid to the Muslim militants.¹¹ Following Bhutto second dismissal by President Farooq Leghari, at the orders of the military, Nawaz Sharif took office as Prime Minister in February 1997. Indo-Pak relations temporarily thawed. In March of that year, for example, a dialogue at foreign secretary level was resumed. In April, Pakistani Foreign Minister Gohar Ayub Khan met India’s Prime Minister, I.K. Gujral, at the Non-Aligned Movement (NAM) meeting in New Delhi, and in May, the two Prime Ministers met at the South Asian Association of Regional Cooperation (SAARC) summit held at Male,

capital of the Maldives Republic. At that meeting they agreed not only to resume talks at the foreign secretary level but also to form eight joint “working groups” that would look at, for the first time since 1972, the Kashmir issue. Subsequently, by September, foreign secretaries held three meetings despite of artillery exchanges at a number of points along the LOC. In September, the Prime Ministers met again in New York when they attended the UN General Assembly session.¹² This situation, however, changed after the March 1998 parliamentary elections when the BJP-dominated United Front won the election and formed a coalition government that took a hard stand against Pakistan. The Home Minister, L. K. Advani, of the new government threatened to go after the terrorists even into the Pakistan-occupied Kashmir. Indo-Pakistani tensions increased following the nuclear testing in May 1998. This also caused concerns in the international community that the Kashmir conflict would become a catalyst for war that would include the use of nuclear weapons by both countries. Both countries were severely condemned by the international community and the U.S., Japan, and some European countries imposed sanctions. Following mutual testing, the tempers of both countries were so high that on July 29, when Vajpayee and Sharif met at the tenth summit of the SAARC held in Colombo, Sri Lanka, the encounter failed to break new ground. Sharif insisted that no progress was possible between the two countries unless the “core issue” of Kashmir was resolved. He characterized the meeting as “zero” and warned that India’s “intransigence” was pushing the region to the brink of war. India’s foreign secretary, K. Raghunath, responded by terming Pakistan’s obsessive focus on the single issue of Kashmir as “neurotic” and that serious dialogue should not be used to “pursue a limited agenda or promote a propagandist exercise.” Intense hostility along the LOC at that same time left

thirty villagers dead and led to a large scale evacuation of people from border areas.¹³ In contrast, when they met on September 23, for the second time at the UN General Assembly session, in New York, there was a dramatic change in the tenor of their encounter. It was friendly and they agreed to try to resolve the Kashmir issue “peacefully” and to focus on trade and people to people contact. For example, India agreed to buy sugar and powder from Pakistan. After a decade of absence, Pakistan’s cricket team visited India in November 1998. In February 1999, Pakistan allowed India to run buses from New Delhi to Lahore and following an invitation by Sharif, Vajpayee visited Lahore. His visit is commonly known as bus diplomacy and at the end of their summit they issued the Lahore Declaration that was backed up by a clearly spelled out Memorandum of Understanding (MOU). In the MOU the leaders agreed to engage in consultations on security matters, to include nuclear doctrines, to initiate confidence-building measures in both nuclear and conventional areas, and to establish appropriate communications mechanisms to help diminish the possibility of nuclear war by accident or misinterpretation. They also agreed to continue their respective moratoriums on further nuclear tests unless their “supreme national interest” was in jeopardy.¹⁵ This declaration, however, was not well received by some elements of the Pakistani military branch including General Musharraf. The Pakistani military provoked a mini war called the Kargil war within the India-occupied Kashmir, during May to July 1999 that undermined the Indo-Pak relations.

The Kargil War and its Impact on Indo-Pak Relations

The euphoria that followed the February Lahore Declarations by India and Pakistan abruptly dissipated when nearly 1500 Pakistan-backed Muslim militants known

as the Islamic Mujahideen (Islamic Freedom Fighters) crossed the LOC and infiltrated six miles into the India-held Kargil region of North Kashmir. The militants who were mostly Afghanis together with Pakistani regulars, occupied more than 30 well-fortified positions located atop the most inhospitable frigidly cold ridges, at 16,000 and 18,000 feet above sea level, in the Great Himalayan range facing Dras, Kargil, Batalik, and the Mushko Valley sectors stretching covering over 30 miles. Indian army patrols, between May 8 and 15 detected and came in contact with the militants and on May 26, India launched air attacks known as Operation Vijay (victory) against the bunkers from which the intruders had been firing upon the Indian troops below the ridges. On May 27, two MIG aircrafts were shot down. One pilot was taken prisoner of war (POW) and the other killed. On May 28, a MI-17 helicopter was shot down and the four-man crew killed. As the battle raged on between May 31 and June 11, Indian troops were able to clear up some pockets of resistance and to cut off the supply lines to the intruders by outflanking them. They also launched a major offensive in the Kargil Drass sector accompanied by air strikes on June 6, in order to protect the only highway linking Srinagar to Leh in Ladakh region from Pakistani threat. On June 10, Pakistan returned seven severely mutilated bodies of soldiers to New Delhi outraging India. In the face of India's fury, on June 12, Pakistan's foreign Minister Sartaj Aziz visited New Delhi to talk to Jaswant Singh. But the talks failed. India identified Pakistan as an aggressor that had violated the LOC, while Aziz surprisingly questioned the validity of the line, which was based on the 1972 Simla Agreement signed by both countries. He also called for a joint working group to help settle India's claim of the Kargil, which Singh angrily rejected. Before he visited New Delhi, Aziz had visited China, a Pakistan ally, China, seeking its support, but was

rebuffed. His visit also did not diminish any of publicity mileage that Singh's up-and-coming visit to China was designed to garner. This was especially important to India, since it was the first time Singh visited China after the Pokhran II nuclear tests.

As the battle turned bloodier and more intense, the Clinton administration intervened to help defuse the crisis. In the second week of June, Bruce Reidel, Special Assistant to President Clinton, in a briefing at the Foreign Press Center, asserted the inviolability of the LOC by stating the following: "we think the Line of Control has demarcated the area over the years. The two parties have not previously had significant differences about where the LOC is," and the "forces which have crossed the line should withdraw to where they came from." He noted that the President in his recent letters to both Prime Ministers had stressed that point. On June 15, in separate telephonic conversations, Mr. Clinton told Sharif to withdraw the infiltrators from across the LOC, and Vajpayee that he appreciated his display of restraint in the conflict. To Pakistan's further sense of isolation, the G-8 members, at their annual meeting in Cologne, Germany, June 19-20, came out strongly in support of India's contention that the Kargil crisis was precipitated by mercenaries backed by Pakistani troops. Mr. Brajesh Mishra, the Principal Secretary to Vajpayee, who had taken Vajpayee's letter to Mr. Clinton at the G-8 in Cologne, also took the opportunity to explain the situation to the rest of the G-8 leaders. Following that meeting, a communiqué was issued on June 20 by the G-8, which condemned in unequivocal terms the violation of the LOC and dubbed Pakistan's military action as "irresponsible" in its attempt to change the status quo at the LOC, and called on it to end the intrusion. The communiqué also urged the two countries to resolve the Kashmir dispute with "dialogue". This position was also supported by China.

The G-8 statement was later followed by the visit to Islamabad by a delegation led by Gen. Anthony Zinni, Commander-in-Chief of the US Central command. The delegation also included Gibson Lampher, the Deputy Assistant Secretary of State for South Asia, and Karl F. Inderfurth. On behalf of the President Zinni asked Sharif to withdraw the troops from across the LOC and Lampher traveled to New Delhi to brief Brajesh Mishra on the details of their visit to Pakistan. On June 28, a day after Zinni's visit, Sharif rushed to Beijing to seek Chinese diplomatic support of the conflict. The Chinese, however, told him that he could not count on their support, and he cut short his six-day visit and returned home disappointed. Meanwhile, on June 20, Indian troops, after a fierce battle and the loss of 50 lives, recaptured Tololing Rill in the Drass sector, and on July 4, recaptured Tiger Hill, which is considered to be the most strategic point in Drass sector as it overlooks the Srinagar-Leh highway.

As the Indian troops steadily recaptured one hill or ridge after another, and Pakistan's isolation in the world community increased (only Saudi Arabia and the United Emirates supported Pakistan), it desperately sought a face-saving formula to extricate itself from its miscalculated adventure. For instance on June 27, former Foreign Secretary Niaz Naik, a person known to be close to Sharif as well as to the Americans, secretly went to New Delhi, met with Vajpayee and his Principal Secretary Mishra, and slipped back to Pakistan. Although Pakistan's foreign office insisted that it was "Naik's private visit and had nothing to do with Pakistan's foreign policy," it was speculated that he presented a set of "face-saving" proposals to Sharif that would allow Pakistan to escape from the Kargil imbroglio as gracefully as possible. On July 3, Sharif requested a meeting with Clinton on "an urgent basis" and met with him on July 4, in Washington.

After a three-hour meeting, both leaders issued a joint statement in which Sharif agreed to withdraw the intruders. The statement indicated that the forces needed to be returned to the Pakistani side. This was followed by the White House statement which stated that the President shared with Sharif the view that the current fighting “contains the seeds of wider conflict” and that “it was vital for the peace of South Asia that the LOC in Kashmir be respected by both parties in accordance with their 1972 Simla accord,” and that “bilateral dialogue begun in Lahore in February provides the best approach for resolving all issues dividing India and Pakistan, including Kashmir,” and that the President would take a “personal interest in encouraging an expeditious resumption and intensification of those bilateral efforts once the sanctity of the LOC has been fully restored.” Mr. Clinton also indicated that he would visit South Asia soon. As the meeting with Sharif progressed, Mr. Clinton frequently called Mr. Vajpayee in order to “keep him fully apprised of the discussion,” as the latter had declined the invitation to go to Washington. On July 12, the Congress also turned up the heat on Islamabad when it passed House Resolution 227 “expressing the sense of the Congress in opposition to the Government of Pakistan's support for armed incursion into Jammu and Kashmir, India.” Further declaring that Pakistan was culpable in sending armed insurgents into the Indian territory, while stressing that India and Pakistan “resolve all of their differences within the framework of the Simla agreement in order to preserve peace and security in South Asia.” It also suggested that the administration block loans to Pakistan from international financial institutions.

Following this agreement, beginning on July 11, the infiltrators began retreating from Kargil as India set July 16 as the deadline for the total withdrawal. On July 12, in

an address to the nation, the beleaguered Sharif defended his July 4 agreement with Mr. Clinton as well as his request to the intruders to withdraw from Indian Territory. He also defended his Kargil policy as something designed to draw the attention of the international community to Kashmir issue. In the war, more than 400 Indian soldiers, 679 intruders, and 30 Pakistani regulars were killed excluding those who were wounded.¹⁶ Sharif's agreement to withdraw intruders upset the military so much that on October 12, he was ousted from power in a bloodless coup. When Musharraf, who is rumored to have been the architect of the Kargil war and who is called Mr. Kargil in India, heard on his return from Sri Lanka that he was being replaced by Sharif's confidant, Lt. General Khawaja Ziauddin, he had his generals remove Sharif on charges of hijacking and treason. Musharraf declared himself the Chief Executive, the Chief of Army, and later as President. Sharif, who was convicted and given a life sentence by a military court, was subsequently exiled to Saudi Arabia in December 1999.

The coup upset India and got Pakistan suspended from the Commonwealth Conference. Tensions between them escalated. Artillery fires across the LOC intensified and on December 24, a New Delhi-bound plane, carrying 178 passengers from Katmandu, Nepal, was hijacked to Kandahar, Afghanistan by the Pakistan-based Harakat ul-Mujahideen terrorists. They demanded a release from jails of 35 Kashmiri militants including the Pakistani cleric, Maulana Masood Azhar, in exchange with the passengers. When India's government refused to concede their demands, they killed a newlywed husband who was on his honeymoon with his wife. Pressured by the passengers' relatives, on December 31, India exchanged the passengers with three hardcore militants including Azhar. This was humiliating to India. India implicated Pakistan in this

episode, and lobbied the Clinton administration to declare it a “terrorist state” but to no avail. Unlike his predecessors, Musharraf came out openly in support of terrorists by declaring that “Islam does not recognize political boundaries, and Jihad is a concept of God.”¹⁷

Emboldened by the successful results of their hijacking, the militants escalated their assaults and suicide bombings against innocent bystanders and the security forces. Realizing that negotiations with militants and the APHC leaders were essential to resolve this conflict, in November 2000, on the eve of the beginning of Ramadan (month of Muslim fasting) the Vajpayee government declared a unilateral cease-fire and invited them for talks. It also agreed to talk to Pakistan if the latter ceased supporting cross-border terrorism. The APHC leaders including its chairman Abdul Ghani Bhat at that time welcomed the initiative. They sought visas from the government to visit Pakistan to talk to the militant leaders living there. But they were denied visas because they wanted the Pro-Pakistani leader Syed Ali Shah Geelani of the Jamaat-I-Islami included in the team. The Musharraf government refused to cease supporting cross-border terrorism but agreed to abide by the cease-fire declaration along the LOC. However, some of the Pakistani-based militant groups such as the Lashkar-e-Toiba, Hizbul-Mujahideen, Jash-e-Mohammed, founded later by cleric Azhas, and Al-Umar-Mujhideen rejected the cease-fire declaration as a sham and vowed to liberate Kashmir with a Jihad directed against pagan India. They escalated terrorism not only in Kashmir, but also in other locations like New Delhi. Their belief being that they will go to Paradise if they die as martyrs fighting pagan India.¹⁸ Hoping to persuade the APHC leaders to talk to his government, Vajpayee appointed a noted politician and former Congress cabinet minister K. C. Pant as

his interlocutor on April 5, 2001. Pant extended an invitation not only to the APHC leaders, but also to other politicians from Kashmir who were committed to a peaceful resolution of the conflict. The APHC leaders rejected the invitation on the grounds that Pakistan was not included. However, on April 30th, one of its leaders, Shabir Ahmad Shah, the chairman of the Democratic Freedom Party (DFP), agreed to talk to Pant, even though he had earlier insisted on Pakistan's inclusion in the talks.¹⁹ When it became clear that India's unilateral declaration had only helped the militants to escalate their terrorism, and that the APHC leaders rejected negotiations the Vajpayee government ended the six month cease-fire on May 25, 2001, and invited Musharraf for talks without any pre-established conditions – which he accepted. The talks were held on July 14 – 16, 2001 in Agra, near New Delhi, but they failed because General Musharraf insisted that the Kashmir dispute be the core issue of the talks, which Vajpayee rejected. Although both leaders had agreed to meet again during the November UN General Assembly meetings, it did not take place as India was angered by the suicide bomb attack of the Jammu and Kashmir State Assembly building on October 1, in which forty innocent civilians and the three terrorists who had caused the blast were killed. The Pakistani Cleric Maulana Masood Azher, leader of the Jaish-e-Mohammed, which is linked to Osama Bin Laden's Al Qaeda, took credit for the bombing. Vajpayee took a tough stance indicating that he would not talk to Musharraf unless he ceased supporting cross border terrorism. Moreover, India's foreign minister, Jaswant Singh, cancelled his scheduled trip to Pakistan to talk to his counterpart. Relations between the two countries again turned tense and resulted in an intense exchange of fire along the LOC. The Bush administration called on India to show restraint as it did not want to jeopardize its

relations with Musharraf who in October had joined the US fight against the Taliban and Al Qaeda that Pakistan had supported in the past. In January and June 2002 the tensions between India and Pakistan increased along with the threat of another war.

The Threat of War and the Bush Administration's Role in Ending It

On December 13, 2001 the Indian parliament building was attacked by the Pakistan-based terrorist groups and thirteen people were killed, including four terrorists. Tensions between India and Pakistan heated up. Both sides began moving troops to positions along the LOC and frequent exchange of artillery fires occurred. In January, India was ready to attack the terrorist camps in Azad Kashmir. To defuse these rising tensions, the Bush administration persuaded Gen. Musharraf to act. On January 12, 2002, in an address to his nation he pledged not to use his country as a base for cross-border terrorism in Kashmir and committed his political and diplomatic support for Kashmir saying that the issue "runs in our blood." He banned the two most militant groups, the Lashkar-I-Tayyaba and Jaishe-Mohammed, and arrested 2000 militants. India welcomed these measures and the situation was defused. But to the dismay of India, he released 500 militants and contrary to his pledge did not stop the cross-border infiltration. This failure resulted in another incident in which 34 people (mostly women and children of army personnel) in Kaluchak Jammu were killed. In response on May 14, the Indian government lost its patience and threatened to strike at the terrorist camps. It also took a series of measures to send a message to Musharraf. It expelled the Pakistan Ambassador to India; withdrew its diplomatic personnel from Islamabad; banned Pakistani commercial air flights from Indian airspace; and moved 100,000 troops close to the LOC. In addition, when Prime Minister Vajpayee was visiting troops in the frontlines

in the District of Kupawara, Kashmir on May 22, he called for a “decisive battle”. Musharraf responded by moving a half million of his troops to the borders and on May 27, he warned India by saying, “if war is thrust upon us, we will respond with full might.” These escalating tensions brought the two countries close to the brink of war and included the threat of the use of nuclear weapons by Pakistan if it was loosing in a conventional war. It was this threat that prompted British Foreign Secretary, Jack Straw; U.S. Deputy of Secretary of State, Richard Armitage; and Defense Secretary, Donald Rumsfeld, to visit both Pakistan and India in May and June 2002 and they succeeded in defusing tensions. They also extracted a pledge from General Musharraf that he would stop cross-border infiltration into Kashmir.²⁰ As India began to see a slowdown in border crossing, as a goodwill gesture, India reestablished diplomatic ties by sending its ambassador to Islamabad, recalled its naval ships to their Bombay base, and opened its airspace to Pakistani commercial air travel.

Musharraf, however, reneged on his pledge to stop cross-border terrorism upsetting the Bush administration.²¹ As a result the cross-border terrorism continued on.²² Nevertheless, with a hope to undercut support for terrorism in the state, the Vajpayee government restored a democratically elected government in the state in November 2002, but failed to stop terrorism.

The Installation of a Legitimate Government in Kashmir Failed to End Terrorism

According to foreign and domestic observers, the 2002 September – October state elections held in Jammu-Kashmir were open and fair. Despite the fact that the APHC boycotted the elections in response to coercion by Pakistan and denounced them as sham, and the killing of more than 100 people in an effort to disrupt the elections, forty-five

percent of the Kashmiris defied the threats, and voted. Abdullah's party, the NC, the Congress, the BJP, and six other separatist groups took part in the elections. The people rejected the ruling NC reducing its strength to 28 out of total of 87 seats and voted mostly for the Congress and the People's Democratic Party (PDP). These two main parties formed a coalition government led by the PDP's leader Mufti Mohammad Sayeed as chief minister. He adopted a conciliatory policy of releasing all the militants who had been imprisoned in an effort to bring them back into the mainstream of society as part of "healing touch".²³

As expected, however, cross-border terrorism continued since the elections were opposed both by Pakistan and the military units. Realizing that peace was not achievable without talking to Pakistan Vajpayee offered on April 18, 2003, in address to a gathering of 20,000 in Srinagar, "the hand of friendship" to Pakistan if cross-border terrorism was stopped and terrorists' camps were dismantled. He made this offer despite the massacre of 24 Hindus on March 23, in Nadimarg, Kashmir. He indicated that, "India will sit down at the negotiations table to sort out all bilateral problems, including Kashmir."²⁴ To underscore his government's commitment to resolve the issue his speech was preceded by the appointment of N. N. Vohra, a seasoned bureaucrat, as a new mediator for the Kashmir problem. Even after this olive branch offer, terrorism continued.²⁵ In the face of increasing international criticism for not checking cross-border terrorism by the Jihadis, on August 12, General Musharraf proposed a cease-fire along the LOC, if India reciprocated by reducing its forces in the Valley and ending its "atrocities." India dismissed this initiative as nothing new. On October 22nd, as a Divali (festival of lights) offer, the Vajpayee government announced another major peace initiative that included

resumption of cricket games, railways and airlines, and bus service links between Srinagar and Muzaffarabad (Pakistan – administered Kashmir); a ferry service between Bombay and Karachi, and a railway link between Munaba in Rajasthan (India) and Kokropar in Sind Province. It also offered to talk to the Hurriyat’s moderate faction led by Moulvi Abbas Ansari, which was readily welcomed by Ansari. The hardliners who opposed the talks were led by Syed Ali Shah of Gamaat-e-Islami, a Pro-Pakistani group that split with the ALAC in September 2003 and formed its own faction consisting of thirteen other parties.²⁶ Although Pakistan’s Foreign Secretary, Riaz Khokhar, rankled India by suggesting that bus service between Srinagar and Muzaffarabad required UN documents, and offered to provide free treatment for widows and rape victims of Indian security forces negotiations continued. Prime Minister Mir Zafarullah Khan Jamali on November 23, welcomed India’s proposals suggesting additional roads between Lahore and Amritsar (India). Subsequently, these links were restored. As an Eid Ul Fitr (the festival at the end of Ramadan) offer, he declared an unilateral cease-fire along the LOC by saying “with strong political commitment Pakistan and India could change the atmosphere of confrontation”.²⁷ On November 24th, India welcomed Jamali’s cease-fire declaration and on the following day, on the midnight of Eid, guns fell silent on the Indo-Pak border.²⁸ Meanwhile, to the pleasant surprise of India, on December 18, Musharraf also took a conciliatory stance and in an interview with Reuters, stated that he was willing to set aside the persistent Pakistani demand that Kashmir be resolved on the basis of UN resolutions that call for a plebiscite and that “both sides need to talk with each other with flexibility meeting halfway somewhere”.²⁹ These conciliatory moves by both countries led to a joint declaration about peace talks signed on January 6, 2004 at the

conclusion of the meetings of the seven-nation South Asian Association for Regional Cooperation (SAARC).

A Joint Declaration to Begin a “Composite Dialogue”, January 6, 2004

During the SAARC summit meeting, held January 4-6, Vajpayee met General Musharraf on January 5, 18 months after the failure of their Aghra summit talks held in July 2001. They discussed an agreement that had been painstakingly put together during eight months of work by Indian and Pakistani officials. Their efforts finally came to fruition when the leaders gave it their stamp of approval. On January 6, a historic joint declaration was read to the media in Islamabad by India’s External Minister, Yashwant Sinha, and Pakistan’s Foreign Minister, Kurshid Mahamud Kasuri. Later that evening at a press conference a visibly happy Musharraf declared that history had been made. The thrust of the agreement was a pledge by Pakistan that it would not allow any territory under its control to be used to support terrorism, and that India would discuss all issues including Kashmir as part of a composite dialogue. They agreed to begin talks at the beginning of February.³⁰ Accordingly, foreign secretary level Indian and Pakistani officials met in Islamabad on February 16-17, and agreed on a road-map of the peace process. They are scheduled to meet again in April. The question is: what could have brought these rivals to reach this historic agreement? In the case of India, it realizes that it could not resolve the conflict without engaging Pakistan seriously in unconditional talks. India’s refusal to talk unless cross-border terrorism was ended did not work, since militants have been bleeding India since 1990. The presence of more than 300,000 security forces in the state failed to quell terrorism because Pakistan continued to support it. Close to fifty thousand have died in this conflict and India tarnished her image as

democracy by repeated violation of human rights. Vajpayee at 79 would like to have peace with Pakistan as his legacy. Musharraf who has been obsessed with Kashmir perhaps realizes today, that he could not expel India from Kashmir or force it to negotiate peace by using terrorism. Therefore, as he said in December 2004, he wanted to attain a compromise on the conflict by using negotiations. The fact that Musharraf narrowly escaped two assassination attempts in December 2004, motivated India to move since it prefers to deal with him rather than an unknown quantity who may be much more difficult to deal with. Moreover the December 14 and December 25, 2004 assassination attempts and the reality that those who attempted to kill Musharraf are suspected to be linked to Al Qaeda and Kashmir outfits such as Al Jihad and the JEM may have had an impact on him. Maybe, he realized that he had to deal with this problem, that he had helped to foster, in his own interest as well as the larger interest of his nation by reducing the resources expended on the militants. The recent revelations that Pakistan was involved in selling nuclear technology to Iran, Libya and North Korea may have also prompted him to sign this agreement, to gain international good will toward him. Finally, the Bush administration has also played a behind the scene role in persuading both parties to reach an agreement.³¹ In addition, the members of moderate faction of Hurriyat welcomed the agreement and held formal talks with Indian officials including Vajpayee on January 22, and agreed to meet in again in March/April. They also agreed that violence in the state should end.³² The question is: what possible solution to the situation will be agreeable to both parties?

The following are some of the alternative solutions suggested for the parties to consider:

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 subcontinental 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.³³

Most of these solutions, however, are either impractical or unacceptable to India, Pakistan, and/or the militants. Of these solutions the one that Pakistan and the militants would opt for is a plebiscite as required by the UNSC. India, however, considers this option as irrelevant, outdated, and *rebus sic stantibus*. Basically, it views the pledge that was made in 1948 as "void" due to the fundamental change of circumstances since the agreement.³⁴ Even some militant groups oppose the plebiscite because the UNSC resolutions do not give them the option of independence. Consequently, the only

plausible solution to this problem seems to be the first choice that was mentioned above. That is, maintaining the territorial status quo along the LOC with some border adjustments favorable to Pakistan, while granting autonomy to both parts of divided Kashmir. Notwithstanding, India's rhetoric claiming the Azad Kashmir, and Pakistan's insistence of self-determination for the Kashmiris, this option may be acceptable to a majority of Indians, Pakistanis, and the militants if they agree to a compromise.³⁵ There may be some precedence to this course of action. At the Simla summit in 1972, D. P. Dhar quoted Bhutto as telling Mrs. Gandhi that "the Line of Control will become the border, that over the years he would be able to convince his people what is India's is India's, and what is ours is ours".³⁶ In 1997, a report prepared by the Kashmir Study Group Team consisting of experts, indicated that with the exception of the extreme right, most of the establishment elites both in India and Pakistan have endorsed the Line of Control to be the permanent international border.³⁷ In his interviews with a wide variety of opinion makers in India and Pakistan, Robert Wirsing found that many of them supported the LOC. In fact, in Pakistan, he found little interest for Kashmir among the people in the provinces of Sindh, Baluchistan, Northwest Frontier Province, and in the southern part of Punjab. He determined that the main interest for Kashmir was located primarily in the urban Punjab especially in the City of Lahore, which is settled by ethnic Kashmiris and dominated by fundamentalist groups. This area is also the center of the legal profession, civil service, and the military. Furthermore, he found the Pakistani military along with its ISI as being more than a *Primus Inter Pares* -- that its consent is imperative if any agreement with India over Kashmir is to be reached. Even if the country is under civilian this fact remain true.³⁸ Little wonder that on May 25, 1999, in a

speech given at the Woodrow Wilson International Center for Scholars, former Prime Minister Ms. Bhutto regretted that she had adopted a hawkish policy on Kashmir and eschewed a dialogue with India only to pander to the huge Punjab constituency in Pakistan and the hawkish elements within the military who are against any let-up on Kashmir.³⁹ As noted earlier, Sharif's dismissal from power by the military was largely due to the fact that he had agreed with Clinton to pull out the Pakistani regulars from the Kargil border an action that the military did not agree with. Given the nature of the Pakistani military and especially the ISI, that has become a state within a state, the question remains if Pakistan will be able to give up its confrontation with India over Kashmir and reconcile itself to reach a rapprochement with India along the LOC in order to reach a permanent peace and stability in the Indian subcontinent. This may be fairly difficult since this conflict has given the military a predominant role in Pakistani politics as well as political legitimacy. Only time will tell if Pakistani military and the ISI will accept the LOC as the international border. If they do not, then there is a high potential of persistent conflict for decades to come between the two countries with devastating consequences for both of them. The fact that both possess nuclear weapons and the fact that there is no stable civilian government controlling them in Pakistan makes the situation even more problematic. The answer to the question: will the countries use the recent agreement as a mechanism to reach a permanent peace so that they could harness all their scarce resources to develop their economies and thus alleviate the conditions of those who live in object poverty remains unanswered. Clearly the Pakistani military continues to be the principal and final arbiter of Pakistani politics. Will it be willing to give up the advantages, power and perks (it takes 25-40 percent of the annual budget), as

well as its ability to rally the people behind her that result from its involvement in Kashmir and the conflict with India. Hopefully the Pakistani military will be wise enough to stop its hostility toward India and genuinely seek peace so that both countries can prosper for the good of their citizens.

Conclusion

First, we have looked at the genesis and the continuing Indo–Pakistani conflict over Kashmir. Second, we have examined the efforts made by India and Pakistan in trying to resolve the conflict and why these efforts have failed. Third, we have looked at the recent joint statement and the factors leading to its declaration. Fourth, we have suggested alternative solutions to the conflict and given reasons why one particular option may be more acceptable to all parties. Finally, we have discussed the possibilities of success of the last agreement and with a degree of skepticism looked at why the Pakistani military and the ISI may not want to accept the proposed alternative.

Endnotes

1. For a comprehensive discussion of the First Kashmir war, UN role, Kashmiri domestic politics and Indo-Pakistani relations during 1947 to 1964, see Sisir Gupta, Kashmir (New York: Asian Publishing House, 1966), pp. 1-439; Rajesh Kadain, The Kashmir Tangle (Westview Press, Boulder, 1993), pp. 62-128; Alstair Lamb Kashmir (Hertingfordbury, UK: Roxford Books, 1991), pp. 83-260.
2. For a discussion of the 1965 war, see *Ibid.*, pp. 247-271 and Babani Sen Gupta, The Fulcrum of Asia (New York: Pegasus, 1970), 178-240.
3. For text of the treaty, see Kadian, The Kashmir Tangle, pp. 192-193.
4. MJ Akbar, Kashmir (New Delhi: Penguin Books, 1991), p. 187.
5. For more discussion of Kashmir's internal politics during 1975-87, see P. S. Verma, "Jammu and Kashmir Politics: Religion, Region and Personality Symbiosis," Vol. 48: No. 4 (October – December 1987), pp. 569-574.
6. For more discussion of the Kashmiri Muslim uprising, see Summit Ganguly, "Avoiding War in Kashmir," Foreign Affairs, Vol. 69, No. 5 (Winter 1990-91), pp. 57-73; Edward Desmond, "Himalayan Ulster," The New York Review of Books, March 4, 1991, pp. 24-27; Anthony Spaeth, "No Peace in the Valley," Harper's Magazine, April 1993, pp. 81-87, and India Abroad, March 12, 1993, pp. 15-22.
7. For a detailed description of human rights abuses both by Indian security forces and the militants, see U. S. State Department, Country, Reports on Human Rights Practices for 1981-2001 (Washington, D.C.: U. S. Government Printing Press); and Robert Wirsing, India, Pakistan and the Kashmir Dispute (New York: St. Martin's Press, 1994), pp. 128-162; Amnesty International "Arms and Abuses in Indian Punjab and Kashmir," (September 1994), pp. 1-59, and Kanhya Kaul and M. K. Teng, "Human Rights Violations of Hindus," in Raju Thomas (ed) Perspectives of Kashmir (Boulder: Westview Press, 1992), pp. 175-187.
8. India Abroad, February 16, 1996, p. 12; February 23, 1996, p. 6; March 1, 1996, p. 10; and India Today International, December 31, 1996, pp. 54-57.

9. Ibid., August 7, 2000, pp. 18-19; September 18, 2000, p. 24
10. Seymour Hersh, "On the Nuclear Edge," The New Yorker, (March 29, 1993,) pp. 56-73.
11. Rathnam Indurthy, "Pakistan: Can Democracy Survive," USA Today (November 1995,) p. 54, and Robert Wirsing, "India-Pakistan Relations and the Problem of Kashmir," Indian Journal of Politics, Vol. 32 Nos. 3-4 (July-December 1998,) pp. 117-18.
12. Ibid., pp. 118-21.
13. India Abroad, December 11, 1998, p. 14.
14. Ibid., pp. 18-20.
15. Ibid., February 26, 1999, p. 4
16. For a detailed discussion of the war and the Clinton administration's mediatory role in ending it. See Sumit Ganguly, Conflict Unending (New York. Columbia University Press, 2001) pp. 114-133.
17. India Today International, March 13, 2000, p. 23.
18. Ibid., February 26, 2001, pp. 26-31.
19. India Abroad, May 4, 2001, p. 15; and May 11, 2001, p. 15.
20. For more discussion on the tensions and the British-American role in defusing them, see: India Abroad, May 31, 2002 (pp. 1, 3-8, 21), June 7, 2002 (pp. 3-4, 19-20, 28-30, 36-37), June 21, 2002 (pp. 3, 14-17); India Today International, June 3, 2002 (pp. 11-19, 25-29), June 10, 2002 (pp. 22-27).
21. India Abroad, July 5, 2002, pp. 1 and 30, and India Today International
22. For example, on the night of July 13, 2002, three terrorists dressed as Sadhus (monks) killed 28 slum dwellers including 6 women and 4 children as they were watching a cricket match between India and England on a community TV in the village of Qasimnagar Jammu on August 12, 2002. Ibid., July 24, 2002, pp. 10-11.

23. For more discussion of the elections and the chief minister's conciliatory policy toward the militants, see *Ibid.*, September 21, 2002, pp. 10-13; October 21, 2002, pp. 12-18; November 18, 2002, pp. 24-29.
24. *Ibid.*, May 12, 2003, pp. 20-21, and *India Abroad*, May 2, 2003 PA26.
25. For example, in the last week of June, a suicide squad swarmed the Sunjwan army camp in Jammu and killed 12 soldiers, and on July 22, 2003, a terrorist threw two grenades and killed 6 army officers at Tanda, Jammu, *India Today International*, August 4, 2003, p. 10.
26. *India Abroad*, October 31, 2003, p. A16.
27. *India Today International*, December 8, 2003, pp. 17-18.
28. *India Abroad*, December 5, 2003, PA17.
29. *Christian Science Monitor*, December 19, 2003, p. 24.
30. For more discussion on how India and Pakistan reached the agreement, see *New York Times*, January 7, 2004, pp. 1A and A9, and January 8, 2004, pp. A1 and A6.
31. For discussion of the Bush administration's role, see *India Abroad*, January 16, 2004, pp. A1 and A15.
32. *Christian Science Monitor*, January 23, 2004, p. 24
33. Thomas, "Reflections on the Kashmir Problem," in Thomas, *Perspectives on Kashmir*, pp. 30-34; Ganguly, *The Crisis in Kashmir: Portents of War and Hopes of Peace* (Woodrow Wilson Center: Washington DC: 1997), pp. 133-50.
34. Gerhard von Glahn, *Law Among Nations* (New York: Macmillan Co, 1992), p. 588.
35. Ganguly, *The Crisis in Kashmir*, pp. 146-49, and Asghar Ali Engineer, "Kashmir: Autonomy only Solution," *Economic and Political Weekly* (September 2, 1995), pp. 2167-68.
36. Quoted in Victoria Sihofield, *Kashmir in the Crossfire*, (New York: L.B. Tauris Publishers), p. 214.

37. Kashmir Study Group, 1947-1997, The Kashmir Dispute at Fifty, 1997.
38. Wirsing, "India-Pakistan Relations and the Problems of Kashmir," Indian Journal of Politics, Vol. 32, Nos. 3-4 (December 1998), pp. 117-52.
39. India Abroad, June 4, 1999, p. 20.

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