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THE JAMMU AND KASHMIR CONFLICT

Overview

Often described as "the unfinished business of partition" (Kumar 2002:12), the state of Jammu and Kashmir has been the focus of a dispute among India, Pakistan, and Kashmiris themselves since 1947. The root of the conflict is the question of sovereignty and the possibility of self-determination by Kashmiris of whether to remain in India, join Pakistan, or form an independent state. The conflict thus represents the confluence of religious (Muslim) nationalism, secular nationalism (as represented by India), and ethnic nationalism (embodied in *Kashmiriyat*, a vague term for the confluence of Islamic, Hindu, and uniquely Kashmiri cultural strains in region). Kashmir is a Muslim-majority state contiguous to Pakistan, yet its Hindu head of state chose to join India instead. India's control of Kashmir has since sparked legal challenges in the United Nations and two wars between India and Pakistan. Still, ethnic nationalism remained relatively low-key in Kashmir until the 1980s, when factors including Islamic revival, the availability of arms and *mujahideen* from Afghanistan and Pakistan, and centralizing policies of the Indian national government combined to promote and facilitate ethnoreligious sentiments and insurgency.

Since 1989, Jammu and Kashmir, especially the northern valley of Kashmir, has been locked in a militancy-repression cycle, with pro-Pakistani and pro-secession Muslim militants combating Indian security forces. For the two countries, the conflict over Kashmir is less a contest over strategic ground or resources as over competing visions of nationalism and state-building. For India, Kashmir is symbolic of secular nationalism. For Pakistan, Kashmir represents instead the failure of secular nationalism and the imperative of a Muslim homeland in the subcontinent, as well as the "incompleteness" of Pakistan. Sumit Ganguly sums up the crux of the Kashmir conflict, explaining that the insurgency "demonstrates the dangers states face when political mobilization occurs against a backdrop of institutional decay. The failure of governments to accommodate rising political demands within an institutional context can culminate in political violence," perpetrated by militants as well as state forces, especially in multiethnic societies with limited channels for minorities to express discontent, and especially as literacy, education, and media exposure increase with economic modernization (Ganguly 1996:77). This conflict has always been international in aspect, too, given India and Pakistan's competing territorial claims; repeated appeals to the UN, the US, and other third parties; and the nuclear threat posed by the tensions between two nuclear powers.

Orientation

The state of Jammu and Kashmir is the largest in India at 84,471 square miles, but is sparsely populated, with about 8 million people. It is bordered by Tibet to the northeast, the Sinkiang province of China to the north, Turkistan to the northwest, Pakistan to the west, and the Indian states of Himachal Pradesh and Punjab to the south. The Himalayas divide Jammu and Kashmir

into three regions: Ladakh, the Kashmir Valley, and Jammu. In 1941, the population was around 77 percent Muslim and 20 percent Hindu (Panagariya 2000:1-2). Now, around two-thirds of the population is Muslim, but the proportion varies by region. Per the 1981 census, over 95 percent of the Kashmir valley's population of 3 million were Muslim and 4 percent were Hindu, while Jammu's 2.7 million residents were 66 percent Hindu and nearly 30 percent Muslim. In Ladakh, over half the 134,000 people were Buddhist, 46 percent Shia Muslim, and fewer than 3 percent Hindu. The Pakistan-administered Northern Areas contain just over half a million people, predominantly Shia Muslim, while the former hill states (Pakistan-controlled Azad Kashmir) contain 2 million, predominantly Sunni Muslim (Schofield 2000:xv).

The British sold the valley of Kashmir to the Hindu Dogra ruler, Gulab Singh, in 1846 with the Treaty of Amristar (in thanks for his assistance with the British Afghan expedition and in protecting British interests in the Punjab), adding to his prior possessions of Jammu, Ladakh, Baltistan, and numerous hill states. His great-grandson, Maharaja Hari Singh, could not decide whether to join India or Pakistan upon independence in 1947, so the state remained "independent" for over two months. Under attack, the maharaja elected to join India in exchange for military aid. Kashmir's accession to India was contested by Pakistan. This accession was to be provisional, contingent upon popular approval. However, no plebiscite was conducted.

Pakistan soon went to war with India over Kashmir. The war was halted in 1949 with a UN-supervised ceasefire and the establishment of a 500-mile ceasefire line patrolled by the UN Military Observer Group in India and Pakistan (UNMOGIP), although small-scale attacks continued. Hostilities recurred in 1965, but the ceasefire line remained. It was renamed the "line of control" (LOC) with the 1972 Simla agreement between India and Pakistan. Currently, 45 percent of the former princely state of Jammu and Kashmir is administered by India (Ladakh, Jammu, and the Kashmir valley) and 35 percent by Pakistan (Azad [Free] Jammu, which Pakistan rules indirectly, and the Northern Areas, which acceded to Pakistan in October 1947). China also lays claim to a section of land (20 percent of the original territory) in the northeast of the state, Aksai Chin, which it annexed in 1962 and through which it has built a road linking Tibet to Xinjiang. The "line of actual control" (LOAC) between India and China has never been clearly demarcated. Generally speaking, Ladakh is drifting toward Tibet, Jammu wants to merge with India, and the Kashmir Valley wants to join Pakistan (Rahman 1996:5-6; Schofield 2000:xiii-xiv). At least 10,000 and perhaps as many as 40,000 have died as a result of political violence in Kashmir in recent years. More than 300 paramilitary companies and several army divisions are deployed in the state, and at least 100,000 Hindus have migrated from the Muslim-dominated Kashmir valley, mainly moving south to Hindu-dominated Jammu (Kohli 1997:338-9)

History of the Kashmir Conflict

562 princely states were tied to the British Empire with treaties and agreements set to lapse 15 August 1947. Under the colonial regime, these states were autonomous in all but defense, foreign affairs, and communications, so long as they recognized the "paramountcy" of the British Crown. In 1947, each state was to join India or Pakistan, per its geography and predominant religion. Independence was not an option for the princely states. The fate of three of these states – Junagadh, Hyderabad, Jammu and Kashmir (the largest of all the princely states) – created complex territorial problems at independence. India's occupation of the first two states was

broadly accepted, but sovereignty over the third is still disputed among India, Pakistan, and Kashmiris. In 1950, Sir Owen Dixon, the UN representative for India and Pakistan, noted that the Kashmir conflict was so intransigent because Kashmir was "not really a unit geographically, demographically or economically" so much as "an agglomeration of territories brought under the political power of One Maharaja" (quoted in Schofield 2000:xv). The conflict remains intractable both because India and Pakistan are equally unyielding in their claims, and because Kashmiris themselves are so divided in their aims and loyalties. The Kashmir conflict represents a self-determination (and more recently, secessionist) movement for Kashmiris; an irredentist movement for Pakistan and Pakistan-controlled Kashmir; and a civil insurgency for India.

Although the majority of Kashmiris were Muslim, the state had had a Hindu ruler since the British gave Maharaja Gulab Singh domain over Kashmir in 1846. Over time, Kashmir Brahmins ("pandits") and Dogras came to control most of the best agricultural lands, while Muslims, lacking wealth or influence, worked the land. Muslims began agitating against the maharaja in the early 1930s because of his insensitivity and heavy taxes. Opposition to the maharaja (then Hari Singh) coalesced under the charismatic young Kashmiri Muslim, Sheikh Mohammed Abdullah. In 1932, Abdullah formed the All Jammu and Kashmir Muslim Conference. Under the influence of Jawarhalal Nehru, a Kashmiri pandit, the party changed its name in 1939 to the All Jammu and Kashmir National Conference and sought to collaborate with Kashmiri Hindus.

Hari Singh "harbored visions of independence" (Ganguly 1997:8) and hesitated to choose between India and Pakistan as independence approached. A Muslim revolt began in mid-1947, as disguised Pakistani troops and Muslim troops from the Jammu and Kashmir State Forces joined a tribal rebellion. By late October, the overthrow of the maharaja seemed imminent. He sought military assistance from India, for which India required that he sign an instrument of accession – albeit with the caveat that the people of Kashmir would have to ratify the agreement once normalcy had been restored. The maharaja never did seek popular ratification for accession to India, leaving the legality of the union in doubt. Although technically he had the right to join either state, the rules of partition suggested that Kashmir would have joined Pakistan, given its location and demographics. Pakistan aggressively challenged Kashmir's accession to India and full-scale fighting broke out between the two countries in November 1947 (Rahman 1996:1-3; Ganguly 1997:6-13)

On 1 January 1948, India lodged a complaint with the UN Security Council demanding that Pakistan stop its aggression, withdraw its troops, and deny access through Pakistan to tribal "invaders" fighting against Kashmir. The Security Council asked India and Pakistan to refrain from aggravating the situation, then passed resolutions in August 1948 and January 1949 to enforce a cease-fire, requiring the contestants to withdraw their forces and ordering a plebiscite. Both the UN and Pakistan have consistently demanded a plebiscite since 1949 (and Nehru agreed in 1947 to hold one), but India has refused for fear of losing the vote among the predominantly-Muslim population, using Pakistan's reluctance to withdraw its forces and the US decision to supply arms to Pakistan in 1954 as an excuse for reneging. Proposals to resolve the crisis included partitioning the state on communal or regional lines (based on the "two nation" theory behind the division of Pakistan from India) or giving parts of the Jhelum Valley to Pakistan, but India refused both options. War recurred in 1965 and 1971, although the people of Azad

Kashmir and Kashmir were not active participants in the initial conflicts (Rahman 1996:4; Schofield 2000:xiv-xv; Ganguly 1997:3-4, 43-57).

Initially, Kashmir was granted "special status" within the Indian constitution and considerable autonomy within the federal system, as well as substantial financial subsidies to facilitate economic development. These arrangements allowed a relatively smooth working relationship between federal and state leaders until the 1980s (Kohli 1997:339). However, beginning in 1962-65, the state's special status was curtailed as India sought to integrate it into the larger polity. Special provisions for the state were removed, so for instance, Kashmir's Prime Minister came to be called the Chief Minister and President's Rule was allowed to be extended to the state (Ganguly 1997:43-57). For its part, Pakistan treated Azad Kashmir as formally separate and temporarily under its protection. The population gradually integrated with Pakistan's, though, through the labor market, and because its politicians were based in Islamabad, candidates for office had to swear an oath of allegiance to Pakistan, separatist politicians were jailed, and no real freedom of speech or civil society were allowed. The Northern Areas were treated more openly as protectorates, ruled from the center and with no elected government or administration (Kumar 2002:13). Across the state, Kashmiriyat has weakened since independence. Inequities in who benefited from land reforms (particularly in 1952) and issues such as the fact that some Hindus are denied legal title to the land they cultivate because it still officially belongs to Muslim families who left for Azad Kashmir during partition have created strains across communities (Rahman 1996:148-9).

In October 1962, India suffered a humiliating defeat in the Sino-Indian border war. Pakistan refrained from opening a second front in that war. In appreciation for Pakistan's restraint, the US and Britain (both of which then had considerable leverage over India, given the latter's need for military assistance in coping with the Chinese threat) pressured Nehru to resolve the Kashmir issue on terms acceptable to Pakistan. Nehru agreed to talks with Pakistan beginning that December. The outcome was an agreement to pursue a realistic political settlement, but no concrete solution was reached.

In 1965, convinced of widespread dissatisfaction in Kashmir, Pakistani leaders sought to foment rebellion in the state, but failed to incite a popular uprising. At the time, the death of Nehru and a theft from Srinigar's Hazratbal mosque that raised popular ire, as well as Pakistan's confidence in the martial prowess of its army and belief that India's rearmament post-1962 would soon remove a window of opportunity led Pakistan to assume there was a high potential for the disintegration of India. Pakistan attacked an Indian military post in Gujarat on 9 April 1965, launching series of border skirmishes on both sides. India chose not to escalate the conflict, which Pakistan took as a sigh of weakness. In June, a ceasefire was declared with British mediation and Pakistan and India agreed to refer the dispute to the International Court of Justice. With a short, sharp attack in August 1965 ("Operation Gibraltar"), Pakistan tried to instigate a mass uprising to take control of the Kashmir valley. However, the local population refused to cooperate with the infiltrators. Then, on 1 September 1965, Pakistan started the 1965 war with a major attack in the Bhimbar-Chhamb area ("Operation Grand Slam"), but still failed to spark a mass insurgency (Ganguly 1997:43-57).

In 1971, India and Pakistan went to war over East Pakistan (Bangladesh). The war was significant to the Kashmir dispute since India emerged as the dominant power on the

subcontinent, the loss of Bangladesh undermined Pakistan's irredentist claim on Kashmir as part of a coherent Muslim state, and struck a symbolic, psychological, and material blow to Pakistan. Although, the war sparked military action on the rest of the Indo-Pakistan border, Pakistan had no real opportunity to exploit the situation in Kashmir during the war, especially since the local population cooperated with Indian forces. India just wanted to hold the Cease-Fire Line (CFL), seize what territorial advantages it could, and inflict as much damage as possible on Pakistan's military assets. A ceasefire was declared on 17 December. The 1972 Simla Agreement declared that the two states would settle their differences by bilateral negotiations or other peaceful means, rather than resorting to UN mediation; India used the agreement as cause to stave off UN offers for help in 1999, 2000, and 2001. India was unable to get Pakistan to acquiesce to changing the CFL to a permanent, legal international border, but it was renamed the Line of Control (LOC), which India saw as a step toward making it an international border (Ganguly 1997:58-73; Kumar 2002:14).

After 1971, Indira Gandhi's insecurity led her to centralize power and preclude opposition to Congress, weakening India's political institutions in the process. Under the leadership of Sheikh Abdullah, Kashmir had been pressing for a return to its pre-1952 status, under which India controlled only defense, foreign affairs, and communications in the state. The Beg-Parasarathi Accord represented Kashmiris' attempt to regain that status. Instead, per the accord, the Instrument of Accession no longer subject to challenge (quashing demands for a plebiscite), but all Kashmir gained in return was the retention of Article 370 of Indian Constitution, which prevented non-Kashmiris from buying immovable property in state (hence keeping the state's demographics intact) and the review of a number of legislative acts concerning Kashmir. Abdullah then acceded to the chief ministership of Kashmir in July 1975, folding his All Jammu and Kashmir Plebiscitary Front into the National Conference. He made efforts to improve administration in the state, but continuing conflicts with Congress(I) caused problems. President's Rule was imposed in Kashmir in March 1977. New elections – the most free and fair election in the state's history – were held in June. The National Conference won.

However, the lack of democracy of Abdullah's government and its enactment of stringent security ordinances stifled civil liberties in state and further cut off legal means for airing political grievances among increasingly well-educated, politicized, and articulate Kashmiris. Several factors increased popular discontent, particularly as reflected in the rise of Islamic radicalism in the valley. Young Kashmiris found their employment opportunities in new sectors limited. The spread of both madrassas and popular video parlors worked to shift social mores and values. An influx of Muslim clergy and other migrants came from Assam, fleeing ethnic violence. The National Conference's organization structure did not allow it to serve as an outlet for growing discontent. Finally, President Zia-ul-Haq had embarked upon an Islamicization program in Pakistan that extended to supporting both Afghan mujahideen and young, disaffected Kashmiris (Ganguly 1997:58-73).

By the 1980s, Indian politics were more turbulent, Congress was in decline, and a new, postnationalist generation demanded greater political and economic resources. Moreover, Indira Gandhi espoused pro-Hindu themes in the early 1980s to create a new national electoral coalition, boding ill for states like Kashmir with large non-Hindu populations (Kohli 1997:339). In Kashmir, Abdullah also riled up ethnic tensions in March 1980 by introducting the Resettlement Bill, which was to facilitate the return of Kashmiri residents who had fled in 1947,

but antagonized Hindus and Sikhs residing on property (especially in Jammu) that previously belonged to Muslims (Ganguly 1997:78-79).

Kashmir's "founding father," Sheikh Abdullah, died in September 1982 after having designated his son, political neophyte Farooq Abdullah, as his successor as head of the National Conference (Kashmir's main non-Congress party) and the state government. Farooq antagonized Indira Gandhi, who was trying to entrench Congress(I) in the state, by snubbing her, associating with other opposition parties at the national level, and strengthening his political and organizational positions in the state. Despite an aggressive Congress campaign, Farooq's National Conference won easily in the June 1983 elections with an anti-Delhi, pro-Kashmiri autonomy (not secession) platform. Upset at the loss and striving to centralize control throughout India, Indira Gandhi replaced Kashmir's respected governor with one more tractable (her personal aide, Jagmohan), then had him dismiss Farooq's regime in July 1984, ostensibly for having encouraged secessionist forces, let Sikh terrorists train in Kashmir, and lost majority support in the legislature. The regime that followed under G.M. Shah was unpopular and "convinced the vast majority of Kashmiris in the valley that the national government had a reckless disregard for constitutional procedures" (Ganguly 1997:88). The alienation of Muslim Kashmiris, especially urban youths, increased when the politically pressed, opportunistic Farooq formed a coalition with Congress for the 1987 state elections. This alliance – which won the elections amid charges of fraud – "had the profound impact of eliminating any major democratic outlet for Kashmiri Muslims who sought greater autonomy from Delhi" (Kohli 1997:340). A number of Muslim organizations joined in the Pakistan-linked Muslim United Front (MUF), organizing among urban youths, but excluded from contesting by a ban on religious parties. Violent confrontations between these youths and security forces during and after the elections increased popular alienation (Kohli 1997:338-40; Ganguly 1997:80-91; Kumar 2002:14-15).

Ganguly explains that, "the asymmetry between mobilization and accommodation caused disaffected Kashmiris to take an ethnic and violent turn" (Ganguly 1997:xiv). Especially under Indira Gandhi, the central government's characterization of "every demand for local autonomy as potentially secessionist and virtually every indigenous leader as treasonous" encouraged radicalization. Moreover, the regime's weakening of norms and institutional procedures (such as Indira Gandhi's dismissal of Farooq Abdullah's elected government) made increasingly corrupt methods of government more acceptable, corroding legitimacy and popular faith in the efficacy of non-violent avenues (Ganguly 1997:84-5; Kohli 1997:341-2).

The state's economic and security situations worsened. Poor economic conditions led to high unemployment among semi-educated youths. The ranks of the unemployed provided a recruiting ground for secessionist organizations which pressed with increasing success for Islamicization (closure of bars and liquor stores, banning anti-Islamic books, etc.), as well as for other, legitimate opposition parties that launched strikes, demonstrations, and other protests against the central government. A number of youths went to Pakistan, returning with arms and training as militants. Rajiv Gandhi, newly in control, did little to press the Shah regime to improve its effectiveness, instead just expanding draconian anti-terrorist laws to curb secessionist and pro-Pakistani organizations. While these measures may have limited militant activities somewhat, the government's high-handedness and disregard for local people's sentiments increased popular discontent and resentment (Ganguly 1997:80-91).

The Kashmir conflict since 1989 - Overview

Kashmiris have been campaigning avidly since 1988 to break with India and join Pakistan or become independent. Alienation with India is "total and strong," with India's efforts to control uprisings by force (killings, torture, human rights abuses, the BJP's "Pick up arms and save Kashmir" campaign against Kashmiri Muslims) aggravating the situation. The defeat of the Soviets in Afghanistan, recent independence of six Muslim Central Asian republics, and the rise of ethnonational movements in Europe, Africa, and elsewhere in Asia have encouraged Kashmiris to continue their protest (Rahman 1996:6). Violence has been frequent and severe, including several "war scares."

Ganguly (1997) classes the insurgency in Kashmir since 1989 as part of a second wave of ethnolinguistic assertion in India, the first wave of which was concerned with the creation of linguistically-based states under the States Reorganization Act of 1956. He suggests that mobilization was along ethnoreligious lines in Kashmir because the state is divided into districts that coincide with religious divisions (Muslim Kashmir, Hindu Jammu, and Buddhist Leh and Muslim Kargil [which together formed Ladakh until 1979]); the geographical isolation of the valley separated Kashmiri Islam from larger currents of Muslim politics in India; secular politics failed to offer adequate channels for expression of discontent; and Pakistan funded, trained, and organized a loose protest movement into coherent, structured insurgency because it saw an opportunity to loosen India's hold on Kashmir, especially given the Soviet withdrawal from Afghanistan (which left experienced, armed mujahideen available to help) and the example of the success of the Palestinian intifada (Ganguly 1997:39-42). Ganguly goes on to identify four sets of factors that led this ethnoreligious sentiment to turn violent in 1989: Pakistan's sponsorship of terrorism in Kashmir (including recruiting, training, and arming Kashmiri youths) amid a broader resurgence of "fundamentalist" Islam, which Pakistan also helped promote in the Kashmir valley starting in the late 1970s; India's repression of opposition and denial of self-determination for Kashmiris; the emergence of ethnonational fervor and breakdown of Kashmiriyat as the central government promoted and sustained unpopular regimes, alienating the Muslim population and weakening the traditional bonds linking Hindus and Muslims; and circumstantial factors such as personalities and historical events (Ganguly 1997:14-20).

Ganguly concludes, however, "that the insurgency in Kashmir is the result of a fundamental paradox of Indian democracy; Kashmir represents both the mobilizational success and, simultaneously, the institutional failure of Indian democracy. … And it is this dichotomy – the increase in political mobilization against a background of institutional decay – that best explains the origins of the secessionist insurgency in Kashmir" (Ganguly 1997:20-21). India's unusual success with political mobilization and democratic institution-building may be attributed to the structure of the nationalist movement and the efforts of particular postcolonial political leaders. However, deinstitutionalization began in the middle of the 1960s, partly due to personalistic factors but also due to structural factors like the shrinking base of the Congress Party; the rise of new social groups in Indian politics; fragmentation of the electorate along ethnoreligious, regional, and class lines; and the entry into the political arena of communist and ultranationalist parties that undermined democratic norms and procedures. Political mobilization was slower to develop in Kashmir than elsewhere in India since Sheikh Abdullah's National Conference was so undemocratic in organization and decision-making, but did much to improve socioeconomic conditions in the state. However, with rising education and literacy rates, exposure to mass

media, and increased social and physical mobility, Kashmiris became more aware of the exercise of free franchise elsewhere in India (as opposed to the unclean, unfair elections in Kashmir) and to become more politically critical and assertive (Ganguly 1997:21-37). Democratic institutions began to decay in Kashmir before the rest of India, and "The singular political tragedy of Kashmir's politics was the failure of the local and the national political leaderships to permit the development of an honest political opposition" (Ganguly 1997:38-39).

Tremblay offers the compatible explanation that it was the failure of the state to reconcile popular or informal nationalism (a mix of Kashmiriyat and socialist ideology, as propounded by Sheikh Abdullah) with state-sponsored, formal nationalism led to the popular unrest. What kept things quiet for so long was a combination of patronage politics and repression of legitimate democratic opposition. Ultimately, almost the entire population of the valley came to support either Pakistan or independence, especially given the lack of an indigenous capitalist class tied to India or the entry of the larger Indian capitalist class into the state (since non-Kashmir residents cannot own property there); the geographical isolation of the valley throughout the winter because of poor transportation; the exposure of Kashmiri Muslims to the competing mass communications systems of India and Pakistan; the global Islamic resurgence; and the postindustrial ideology of autonomy. Lacking other outlets, both power holders and disenchanted masses in this "overpoliticized" state resorted to political violence (Tremblay 1996:476-79, 497).

The Kashmir conflict since 1989 – Sequence of Events

The "patently rigged" 1987 elections – which "conveyed a message that the Kashmiris of the valley simply would not be allowed or trusted to freely exercise their franchise," especially coming as they did after Farooq's dismissal in 1984, which had demonstrated the central government's contempt for constitutional norms (Ganguly 1997:92) – proved incendiary. A Kashmiri movement for democracy began in the valley, including mass demonstrations against rigged elections and affirmations of Kashmiriyat as the cohesive force holding together a multi-ethnic Kashmiri nation desirous of self-determination. 1987 saw sporadic bursts of violence, riots, and strikes, but "a fundamentally qualitative change in the scope and extent of violence occurred during 1988. … Violence and instability in the valley became endemic in 1988," with the violence orchestrated and deliberate, the targets carefully chosen, and the aims of militants extending beyond unseating Farooq's regime (which was voted out of office in December 1989) (Ganguly 1997:102). Bombings, strikes, and demonstrations had become endemic by 1989. However, Kashmiri activists were far from unanimous in their aims. Some wanted a plebiscite so they could join Pakistan, some wanted plebsicite with a "third option" of independence of the entire state as it existed in 1947, some (Hindus and Sikhs of the Jammu region) considered themselves part of the Indian Union, and some (Buddhist Ladakhs and Shia Muslims of the Kargil area) did not support the protest movement (Ganguly 1997:102-12; Schofield 2000:xv).

A government crackdown, including a new bill to curb the press in August 1989, left the valley in a "state of siege." However, the central state showed its weakness by caving into JKLF demands for the release of several jailed militants in exchange for the release of Rubaiya Sayeed, daughter of the new minister for home affairs, kidnapped in December 1989. This period was also one of growing communal tension within India and a spate of communal violence that began with the police's firing on a protest among local Muslims at the reopening of the Babri Mosque in Ayodhya in February 1986. With Hindu-Muslim violence throughout the state, the army and

paramilitary forces were increasingly called upon to maintain law and order, but the governor hinted that Hindus' safety could not be guaranteed. By early 1990, tens of thousands of Hindus had fled to Jammu. The government passed the draconian Jammu and Kashmir Disturbed Areas Act in July 1990, giving security forces impunity even to kill, yet the violence continued (Ganguly 1997:93-112).

A combination of Farooq's ineffectual governance and Congress's preoccupation with larger problems (corruption scandals, its shrinking electoral base, the chance of war with Pakistan in 1987, etc.) increased the influence of the MUF (Ganguly 1997:93-100). Then, with the success of the Afghan resistance and Soviet withdrawal from Afghanistan in 1989, plus Pakistan's readiness to divert arms to Kashmir, thousands of recruits started to cross into Azad Kashmir and Pakistan's North-West Frontier province starting in late 1989 for training. Among the earliest recruits were candidates who had been kept out of the 1987 elections, especially from the MUF. The bulk of the recruits, however, were young, unemployed college graduates. Muslim students blamed Indian rule for their limited prospects, despite the role of corrupt state regimes in siphoning off much of the development aid provided by the Indian government (Kumar 2002:14-15). In 1989, militant groups boycotted the state elections, and "The more the democratic political process lost its meaning, the more a full-scale insurgency came to be unleashed" (Kohli 1997:341).

By the mid-1990s, the Kashmir valley was largely in control of militant groups. In its first six years, the insurgency killed over 15,000 insurgents, security personnel, hostages, and bystanders, and around 200,000 (mostly Hindu Kashmiris) fled their homes and businesses in valley for Jammu and elsewhere in India (Ganguly 1997:1-2).[1] Property damage has been extensive, as well. Despite imposition of official or unofficial curfews after dusk, human rights violations, kidnappings, and extortion by militants, the abuses, indiscriminate harassment, rapes, and arson of Muslim property by paramilitary forces worked to swing popular opinion toward militant groups and the cause of *azadi* (sovereignty). Faced with the Gulf War and its economic effects, as well as divisions within the government, the regime of Narasimha Rao (who came to power in June 1991 after the assassination of Rajiv Gandhi) could devote limited attention to Kashmir (Tremblay 1996:473; Ganguly 1997:112-7).

Nearly 400,000 Indian Army and paramilitary troops (from the Indian Army, Border Security Forces, Central Reserve Police Force, Indo-Tibetan Border Police, and Rashtriya Rifles) have been deployed in the state, in India's most substantial counterinsurgency operation to date. Security-related activities have taken up nearly 60 percent of the annual administrative expenses of the state (Ganguly 1997:1-2). Counterinsurgency measures have all along included torture of militants and suspected militants to extract information, coerce confessions, or mete punishment. In addition to severe, widespread torture by the military (which has extensive powers and virtual impunity under the Jammu and Kashmir Public Safety Act of 1978, the Terrorist and Disruptive Activities [Prevention] Act 1987, and other laws), Amnesty International and other human rights groups have reported killings, torture, and hostage-taking by militants. In response, and amid

[1] Tremblay reports that civilian casualties (caused by militants or security forces) were estimated at 7,600 for 1990-93, although Kashmiri groups claimed over 20,000 civilians were killed over a four-year period (Tremblay 1996:473).

mounting diplomatic pressure, the Indian government permitted a team of international jurists to visit Kashmir in 1993, set up a National Human Rights Commission (though granting it only limited investigative powers), and increased human rights education and efforts to improve the army's image. Even so, military officers are seldom investigated; any young Muslim man has been likely to be taken as a suspect and arrested, tortured, killed, or disappeared; children frequently cannot attend schools and the standard of education has declined; general lawlessness prevails; militancy has become a way of life for many Kashmiri youths; medical facilities are insufficient; and substantial injuries and deaths have occurred among civilians caught in crossfire. Militant tactics such as attacks on women not wearing burqa in the early days of the insurgency or the kidnapping of civilians (including foreign tourists) also alienated many civilians, even though key militant groups condemned certain such atrocities (Schofield 2000: 163-5, 169-74, 182-8).

Security forces have battled "at least a dozen major insurgent groups of varying size and ideological orientation, as well as dozens more minor operations" (Ganguly 1996:76). The most prominent groups are the nominally secular (despite its Muslim leadership and attacks on Hindusin 1989 and 1990), pro-independence Jammu and Kashmir Liberation Front (JKLF), which seeks unification of and sovereignty for the Pakistan- and India-controlled portions of the state; and the radical Islamic, pro-Pakistan Hizb-ul-Mujahideen (HUM) and the similarly-inclined Hizbollah, Harkat-ul-Ansar (with members of Pakistani, Afghani, Lebanese, Egyptian, Algerian, Saudi, Syrian, and Sudanese origin), and Ikhwanul Muslimeen.[2] These "fundamentalist" Islamic, irredentist groups demand and Islamic state associated with Pakistan, though they have failed to impose strict customs such as requiring veiling for women. Thirty or so of these militant groups joined in the Kul-Jammat-e-Hurriyat-e-Kashmir (All Kashmir Freedom Front, Hurriyat), seeking a plebiscite on self-determination, an Islamic Kashmiri society, and unification with Pakistan while dissociating themselves from militancy. By 1993, the JKLF seemed to have lost military ascendancy to HUM (which got more arms and support from Pakistan), although it still claimed to have 85 percent of the people's political support, with most Kashmiris preferring sovereignty to joining Pakistan. The JKLF and other groups were torn between working toward a nonviolent political solution or pursuing militant action, as well as rift by personal disagreements and rivalries. Moreover, Indian Muslims outside Kashmir have been reluctant to lend support to the Kashmiri Muslim cause since the state's withdrawal would encourage anti-Muslim sentiments in India and give the Bharatiya Janata Party (BJP) a political advantage (Tremblay 1996-97:472; Schofield 2000:174-5, 201-4; Kohli 1997:341).

The insurgency has sharpened communal differences among Hindus in Jammu, Buddhists in Ladakh, and Muslims in valley, trumping other shared values of Kashmiri nationalism. The Praja Parishad Party has campaigned for devolution of the state into three autonomous regions (Jammu, Ladakh, and Kashmir) and the integration of Jammu with India. The party feels the Hindu region has been discriminated against by the Muslim-dominated state because of cultural and linguistic differences and fears a plebiscite, if held, would favor Pakistan. Ladakh has also campaigned for autonomy through the Ladakh Buddhist Association, founded in 1989. The Indian government had given eight communities in Ladakh scheduled tribe status by 1989, but the region remained restive (Rahman 1996:147-8).

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[2] Transliterations of these names are inconsistent in the literature.

While Pakistan has denied playing the role India claims it has in furthering militancy in Kashmir, it has played a critical part. It is estimated that Pakistan has provided training to several thousand Kashmiri militants, as well as serving as a staging ground, sanctuary, and source of arms and resources for them. In 1993, Pakistani aid to militants (particularly protégés of Pakistan's Jamaat-I-Islami party rather than secular militias) was estimated at over $3 million per month. That aid was suspended temporarily due to pressure from the US, but then resumed on a smaller scale in 1994. Also, large numbers of both Pakistani and Afghan fighters have joined Kashmiri militant groups, bringing increasingly more sophisticated arms and communications. In particular, emigration of Afghan mujahideen to Kashmir picked up after the collapse of the Najibullah regime in Afghanistan in 1992, with an estimated 1,000 having arrived by 1995. Some joined with HUM and others with pro-Pakistani groups. These fighters tended to be especially vicious in their tactics and strategies, and to show little regard for the local population (Kumar 2002:16; Kohli 1997:340-41; Ganguly 1997:125).

India and Pakistan opened bilateral talks in January 1994 after over a year's hiatus, but these quickly foundered. Pakistan sought to internationalize the Kashmir issue anew by getting a resolution condemning India's human rights abuses in Kashmir passed at the March 1994 UN Human Rights Commission meeting in Geneva. India foiled that attempt, condemning Pakistan, in turn, for training and arming militants (Ganguly 1997:119-27; Schofield 2000:165).

Presidential rule had been extended in February 1992, with no obligation to revert to an elected government. However, Narasimha Rao announced on 15 August 1994 that a political process would be initiated for normalization of affairs in the valley. The government released some top political activists and other detainees and announced plans for a state election. However, prominent Kashmiri leaders, including Hurriyat members (who felt the polls were a façade for the benefit of international critics and lacked confidence that India would really return the rights they had eroded over the years) and Farooq Abdullah (who demanded a return to autonomy qua pre-1953 and a substantial economic package for the state), said they would boycott the polls. Then in October, militants stole and burned the Srinagar electoral rolls. Moreover, institutional roadblocks complicated plans. No census had been conducted in the state in 1991, so electoral constituencies had not been delimited since 1971, plus the civil administrative machinery had virtually collapsed and state-level government employees were too demoralized to be counted on to serve in polling duties. Still, promising to return Kashmir to its status as of 1975, the government made preparations for elections in December 1995, though Hurriyat still refused to participate. A violent standoff between insurgents and the Indian army at the Charar-e-Sharief shrine near Srinigar in May 1995 set off another round of protests and ended the plans for an election (Ganguly 1997:119-27; Schofield 2000:165).

1996 brought renewed efforts at normalization, as the government both attempted to suppress or negotiate with militants (not least to create an alternate political base to Hurriyat) and to win the public over with elections. The May 1996 general election (in which Rao was defeated) extended to Kashmir – the first elections held in the state since 1989. Only the BJP, Congress, and independents participated, and the polling took place amid heavy security. The National Conference grudgingly agreed to participate in the state elections, held in September 1996. Farooq Abdullah was reelected as chief minister and the state returned to civilian rule. Turnout was limited, and both Hurriyat and Pakistan dismissed the results. The government also created several counterinsurgency movements ahead of the elections, assembling over 1,000 fighters to

try to "liberate" part of the valley from militants. However, political violence continued. The following year marked the fiftieth anniversary of Indian independence. Kashmiri activists used celebrations as chance to demonstrate their defiance against Indian rule, raising Pakistani flags, holding protest rallies, and reiterating demands for a UN-sponsored referendum (Ganguly 1997:151-6; Schofield 2000:166-8, 175-6,192-9).

A BJP-led coalition government under Atal Behari Vajpayee came to power for the first time in March 1998. The regime declared that all of the former Jammu and Kashmir, including the parts now held by Pakistan, belonged to India. The government also raised public awareness of India's nuclear program with a series of tests in May 1998, unleashing an immediate, outraged response from the international community. Pakistan announced later that month that it, too, had conducted tests, also prompting international disapproval and sanctions. Once both countries agreed to a moratorium on nuclear testing and committed to signing the Comprehensive Test Ban Treaty by September 1999, sanctions were relaxed. The two governments agreed to resume formal talks to ease tensions. These began in late 1998 and included visits and memoranda of understanding. India and Pakistan agreed in the Lahore Declaration of February 1999 to intensify efforts to resolve all issues, including Kashmir, to ease visa restrictions, and not to interfere in each other's internal affairs, plus to abide by the moratorium on nuclear tests unless extraordinary events warranted their resumption (Schofield 2000:205-8; Kumar 2002:17-19).

However, within a few months, India and Pakistan were again close to war, with severe attacks along the LOC, especially in Kargil district. Pakistani-linked militants took over Indian-occupied defensive positions and India retaliated with aerial bombardments in Kargil in May 1999. Pakistan then shot down several Indian aircraft. These clashes were supplemented by a crackdown on political dissent in the Kashmir valley and curbs on the media both in India and Pakistan (which could not halt a "cyber-war" of propaganda from both sides), and were particularly worrisome given the nuclear threat. Pakistani Prime Minster Nawaz Sharif requested an urgent meeting with US President Clinton in July, then issued the Washington Declaration, saying his government would take "concrete steps" to restore the LOC and requesting the militants to withdraw. Nawaz Sharif was criticized for this diplomatic surrender; he was ousted by Musharraf in a bloodless, domestically-supported coup in October. The Kargil clashes and outcome brought both domestic political criticism and human and financial losses on both sides, also entailing a huge loss to Pakistan's international credibility. Then, India shot down a Pakistani naval aircraft in August 1999. The violence in Kashmir increased to an average of an estimated seven deaths per day between fall 1999 and summer 2000. India stepped up security, but both sides sought a de-escalation of the conflict. Both the BJP (which ultimately won) and Congress pledged in campaigning for the September 1999 elections that they would reopen talks with Pakistan if elected. Pakistan launched a series of initiatives in 2000-01 to attempt to curtain arms trading and possession, and both sides attempted (without success) to negotiate ceasefires in 2000. Both Pakistan and India still sought international favor for their positions, as at the September 1999 UN General Assembly session or with Pakistan's endorsing a call for Clinton to mediate in bilateral talks (Kumar 2002:17-19; Schofield 2000: xvi, 208-24).

Musharraf and Vajpayee held a failed summit at Agra in July 2001. The talks included unofficial discussion of an autonomy package for both India- and Pakistan-controlled areas, returning the state to its pre-1952 status. Pakistan wanted Kashmir formally recognized as the central issue of conflict between the two countries, which India was finally ready to grant. However, India

demanded that Pakistan eschew support for violence in return, which Pakistan would not do. India declared both Jammu and the Kashmir valley "disturbed areas" and gave security forces free rein (Kumar 2002:19-22).

With the events of 11 September 2001, Pakistan became a key US ally in the war on terrorism. Pakistan broke its links with the Taliban and tried to curb Islamic extremists. However, an attack by Islamic extremists on India's parliament on 13 December 2001 (killing fourteen) led India to cancel transport links with Pakistan, recall its ambassador, and send 500,000 troops to the border. In January 2002, under US pressure, Musharraf announced to the Pakistani people that the country would no longer allow its soil to be used for terrorism, then soon arrested almost 2,000 Islamic militants and closed over 300 of their offices. Colin Powell urged India to reciprocate, but fearing that the mujahideen would just relocate to Azad Kashmir, India said its troops would remain through the spring. In response to India's non-cooperation, in March, Pakistan released most of the militants it had detained. State elections have been scheduled for September 2002 and the government is trying to get talks going with Kashmiri groups to ensure wide participation – but doing so will require making concessions to give citizens hope of more than just a change of leadership (Kumar 2002:21-2).

Those who want an independent Kashmir may be as much opposed to Pakistan's "occupation" of Azad Kashmir as with India's position in valley, even though Pakistan is officially committed to accept the right of self-determination. Azad Kashmiris are now waiting for their own constitutional position to be finalized and the Northern Areas have never been integrated into Pakistan, either. The JKLF in particular has attempted to foster an independence movement in the latter. The Pakistani government has instituted reforms to satisfy demands for constitutional representation, but has not formally integrated the Northern Areas because doing so would jeopardize Pakistan's demand for the whole issue to be resolved under the terms of UN resolutions (Schofield 2000:179-81).

The international context

International actors have played a role in validating India and Pakistan's claims to pursuing a "just cause," mediating between the two states, and censuring abuses by either state, but also in intensifying the conflict. Both India and Pakistan have sought international assistance throughout the conflict, initially from the UN and subsequently also from potential mediators such as the US. However, India has distanced itself from attempts at international mediation since the 1948-49 UN resolutions. The 1972 Simla agreement with Pakistan allowed India to claim the issue to be just bilateral rather than international. When Pakistan subsequently called for third party mediation to break the deadlock, India refused (Schofield 2000:xvi).

International attention and censure has helped to keep human rights abuses and the nuclear threat somewhat in check. American, British, and European legislators and human rights activists have investigated and lodged complaints, particularly with intensifying international focus on human rights abuses in the 1980s, on the two states' nuclear capabilities in the 1990s, and on combating (Islamic-oriented) terrorism more recently (since that campaign implicates most of the countries with a stake in Kashmir and since Kashmiri insurgents had close ties with Taliban-ruled Afghanistan). However, these critics could do little else, especially with both India and Pakistan implicated, the chance of destabilizing the subcontinent further if a plebiscite were held, and as

western business interests gained more of a foothold in the region, making western governments less willing to antagonize India. Western inability to pressure India effectively has been popularly interpreted as a lack of resolve and has added to anti-western feeling, since it seems to demonstrate a double standard with regard to democracy and human rights. Moreover, most Kashmiris probably are dissatisfied with their current image as being part of a transnational, terrorist war of religious zealots. The greater attention given Kashmir by the US amidst the latter's attacks on Afghanistan may help force a solution. Also, Pakistani support for the insurgency has become more tenuous given Pakistan's unstable position and renunciation of support for the Taliban, as well as the pressure on Pakistan to crush local militant organizations and cease backing militant groups in Kashmir (Schofield 2000:189-92; Wirsing 2002).

While India's charges of a "foreign hand" that has "hijacked" the cause in Kashmir are probably overstated, it is not just Pakistani support that has exacerbated the conflict. The Indian government claims that militants have come not only from Pakistan and Azad Kashmir, but from Afghanistan and (in smaller numbers) Sudan, Egypt, and Lebanon. Pakistan claims its support is only moral and diplomatic as opposed to material and financial as India alleges. A February 1993 report by the US House of Representatives' "Task Force on Terrorism and Unconventional Warfare" stated that Pakistan sponsored and promoted separatism and terrorism especially in Kashmir as a long-term strategy. The 500-mile LOC has remained open, despite efforts to seal it, and international jurists concluded in the 1990s that there were links between groups in Azad Kashmir and operations in Indian-held Kashmir although per the Simla agreement, Pakistan was obliged to discontinue any military assistance. A November 1995 BBC documentary also revealed the training of fighters in Pakistan for Kashmir (Schofield 2000:176-9; Wirsing 2002).

Possible solutions

Over ten years of conflict have weakened all aspects of Kashmiri government and civil society. Moreover, enough weapons remain to ensure continued low-level conflict and criminal networks and the patronage-linked black market have grown, making normalcy harder to restore. It is also difficult to negotiate with insurgent groups since they are so fragmented and are outnumbered by deeply divided political parties. Both regional and ethnic tensions within the state are high, so any settlement will need to consider both autonomy for the state and devolution within the state (Kumar 2002:20-21). Any solution must acknowledge the "deep sense of loss, bitterness, and a virtually complete lack of trust in government" both in the valley and in migrant camps, as "Kashmiri Muslims feel mutilated and defiled by the security forces while the Hindu migrants feel uprooted and betrayed" by both the government and insurgent groups (Varshney 1991:1017-18).

Any solution must address the underlying grievances of Kashmiris and take a two-pronged approach: between India and Pakistan to end Pakistan's support for the insurgency and irredentist claim on Kashmir, and among insurgent groups to bring about the internal reforms and negotiations necessary for restoring peace and normalcy (Ganguly 1997:5). Ganguly identifies a range of possible solutions:

- Altering the demographics of the state through "ethnic flooding" to increase the number of Hindus in the (now almost entirely Muslim) Kashmir valley, facilitated by legal changes and

incentives. Doing so would be extremely expensive and the safety of Hindu migrants would be difficult to ensure.

- Pursue a "mailed fist" strategy of increasing military pressure to crush insurgents as in Punjab. however, the populace is already alienated from the Indian state, Pakistan and other international actors would protest any human rights violations, it would be difficult to seal Kashmir's borders, and such tactics would erode the ethos and morale of the Indian army.

- Continue with the current strategy of wearing-down insurgents through force and human rights abuses over an extended period of time. However, international attention to human rights limits flexibility, Kashmiris have had continued access to weapons, the insurgents are too fragmented for the government to be able to pinpoint good negotiating partners, and the strategy could result in escalation.

- Concede the valley to Pakistan, but keep Jammu, Kargil, and Leh. This approach is infeasible politically, plus would not satisfy those insurgents seeking autonomy or Pakistan if it maintains its claim on the entire territory in question.

- Negotiate shared sovereignty between India and Pakistan. This approach carries political and administrative obstacles and is likely unacceptable to Pakistan.

- Hold a plebsiscite, though the terms of it (how many options, what guarantees for religious minorities, etc.) would be contested.

- Grant independence to the entire state. However, India, Pakistan, and China (as well as Pakistani-linked insurgent groups) oppose this option, not wanting to lose any territory and fearing demonstration effects (for instance, in Tibet)

- Turn the valley into an Indian protectorate with autonomy except for defense, but guaranteeing minority rights, the secular status of the region, maintenance of democratic institutions, the safe return of Kashmiri Hindus to the valley and of their property, and the demobilization of militant group. This approach raises questions of economic viability, the legal rights of Kashmiris in India, and Pakistan's response.

- Get the US to pressure Pakistan to stop supporting insurgents, in exchange for which India would undertake steps to restore law and order in Kashmir, including through a ceasefire arrangement and negotiations with insurgents, and offer concessions to both Pakistan and Kashmiris (Ganguly 1997:131-50).

Ultimately, India will most likely not concede Kashmir because "virtually all Indians consider Kashmir to be a part of India;" for fear that doing so could lead to the disintegration via demonstration effects; out of concern for the effect on Muslims in the rest of India; and because most Kashmiri insurgents would not extend self-determination to other communities (Ganguly 1997:128-30). For its part, the government of Pakistan insists, "Simply stated, Pakistan's case has been that the people of Jammu and Kashmir should have the right of self-determination, and that the pledges given to them in this behalf should be fulfilled." All the same, this report goes on to say the fact that the state "belongs with Pakistan ... is so self-evident that nothing else can override it – save, or course, the wishes of the people themselves" (Government of Pakistan

1968:3). Indeed, "it is clear that Pakistan has never accepted a definition of 'self-determination' to be anything other than a choice between India and Pakistan" (Schofield 2000:xvi).

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