

KASHMIR:
THE VIEW FROM ISLAMABAD

4 December 2003



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KASHMIR: THE VIEW FROM ISLAMABAD

EXECUTIVE SUMMARY

More than five decades after independence, Pakistan is no closer to a resolution with India of the dispute over Kashmir. Pakistan and India have fought three wars, two of them over the status of Kashmir. They have been on the brink of war on several other occasions, including in Siachen in 1987 and in Kargil in 1999. From December 2001 to October 2002, the nuclear-armed protagonists came close to war once again when India mobilised along its international border with Pakistan following the terrorist attack on the parliament in New Delhi. Intense diplomatic and political pressure by the U.S., in coordination with other G-8 countries, averted what could have been a catastrophic clash.

The agreed ceasefire at the Line of Control (LOC) produced by Pakistan's unilateral announcement on 23 November 2003 and India's acceptance the following day, and confidence building measures (CBMs) proposed by India in October 2003, have raised hopes of an improved environment for negotiations. Nevertheless, the potential for yet another Kashmir crisis that could result in armed conflict looms large, since mutual distrust and hostility remain high, and both countries' substantive positions are rigid. Meanwhile the Kashmiri people are caught in the crossfire between the militants and Indian security forces.

This report lays out the public and private position of the government in Islamabad on Kashmir and relations with India. It also examines the way the issue is tackled by Pakistani politicians of all parties and the media. ICG is releasing simultaneously reports that look at how the conflict is seen in New Delhi and at the history of the crisis and past efforts to resolve it. An earlier report examined views from within the Kashmir Valley. Taken together, the series analyses the positions and looks at the constraints in

terms of ending the conflict as they are perceived on all sides.¹ A subsequent final report in this series will offer extensive recommendations on how to move forward with a process of reconciliation between India and Pakistan and within Kashmir.

Islamabad is under military and diplomatic pressure from India and the international community to stop the infiltration of militants across the LOC into Indian-controlled Kashmir. Stressing that his government has lived up to its pledges to prevent cross-border incursions, President Musharraf has asked India to reciprocate by engaging in a substantive dialogue on the Kashmir dispute, which, his government believes, India has thus far avoided. In the perceptions of influential international actors as well as India, however, Pakistan has yet to curb all cross-border infiltration across the LOC.

Pakistani governments have depicted the Kashmir conflict as a clash of the same competing national identities that lay behind the creation of two separate states, India and Pakistan, out of British India. Pakistan insists that India has no legal or moral right to Muslim majority Kashmir and rejects its attempts to gain international acceptance of the territorial status quo.

Pakistan's policy towards Kashmir is shaped by perceptions of an Indian threat and a history of war but also by the wider question of its relations with India. It is also influenced by domestic imperatives.

¹ ICG Asia Report N°35, *Kashmir: Confrontation and Miscalculation*, 11 July 2002; ICG Asia Report N°41, *Kashmir: The View from Srinagar*, 21 November 2002; ICG Asia Report N°69, *Kashmir: The View from New Delhi*, 4 December 2003; ICG Asia Report N°70, *Kashmir: Learning from the Past*, 4 December 2003.

The conflict is placed on the backburner when relations improve. Some governments have used the Kashmir conflict to reinforce Pakistani nationalism and others to strengthen pan-Islamism. Pakistani governments have also used the dispute to acquire domestic legitimacy or to ensure regime survival.

Pakistan governments would prefer the implementation of UN Security Council resolutions that envisaged the Kashmiri people determining in a plebiscite, under UN auspices, whether to accede to Pakistan or India. Conscious that a plebiscite is unacceptable to India, Pakistan is also exploring, albeit unofficially, other solutions, including the possibility of restructuring the current LOC in a way that would best promote Pakistan's strategic and political interests.

Any progress towards a negotiated settlement of the dispute with India, however, depends on a Pakistani reassessment of the internal and external costs of the confrontation, including the growth of sectarian violence, a by-product of Islamabad's support for religious extremists in Kashmir. Above all, the military would have to abandon the belief that the insurgency in Kashmir benefits Pakistan by undermining India, politically, economically and militarily.

While sympathy and support for the Kashmiri people is fairly widespread in Pakistan, the politically dominant military and the religious parties are the strongest proponents of claims to the state. Previous attempts by elected governments, headed by centre-left or centre-right parties, to normalise relations with India have been derailed by the military. Since the Pakistani military continues to dictate Kashmir policy, its retention of power and the increasing salience of the religious parties after the October 2002 national elections have further complicated relations with New Delhi. Conversely, a democratic transition in Pakistan would likely improve the prospects of a substantive and sustainable dialogue between Pakistan and India on all contentious issues, including Kashmir.

The international role could be crucial. The Security Council's aversion to mediating the Kashmir dispute notwithstanding, influential actors, particularly the U.S., have been pro-active in reducing tensions between Pakistan and India, given the risk of nuclear war. U.S. facilitation could help to create an enabling environment for negotiations on the Kashmir dispute. The ultimate responsibility for resolving the dispute will depend, however, on reciprocal willingness by the two parties to bridge the wide gap in their positions.

Islamabad/Brussels, 4 December 2003

KASHMIR: THE VIEW FROM ISLAMABAD

I. INTRODUCTION

Pakistan's official position on Kashmir is based on the following premises:

- ❑ The former princely state of Jammu and Kashmir is disputed territory. As parties to the dispute, Pakistan and India have equal status and the same rights and obligations in Kashmir.
- ❑ India is in unlawful occupation of Jammu and Kashmir since the accession of the state to India was illegal.
- ❑ In accordance with UN resolutions, Kashmiris have the right to determine their own future by acceding through a "free and impartial plebiscite" to either India or Pakistan.²

In Pakistan's official view, the Kashmir conflict is the root cause of tensions with India. All other bilateral problems, such as disputes over the Wuller Barrage, Sir Creek and trade issues, are relatively easy to resolve. According to President and Chief of Army Staff Pervez Musharraf, "There is no other dispute" between India and Pakistan expect Kashmir, all other issues "are irritants".³ If India were to agree to a mutually acceptable resolution of the Kashmir dispute, Pakistan would be more than willing to reciprocate by resolving all remaining political, economic, and military differences.

In reality, Pakistani policy towards Kashmir is far more complex and multi-dimensional, shaped by both internal and external factors. In the internal context, the Kashmir issue is used for diverse

purposes, ranging from nation building to regime legitimacy. Moreover, Pakistan's focus on the Kashmir conflict is not constant. The issue gains or loses prominence as a result of domestic and external factors.

When domestic political and socio-economic needs have taken precedence over foreign policy issues, as they have under civilian governments, political leaders have demonstrated flexibility in dealings with India. Military and military-dominated governments have been far more inclined to assume an uncompromising posture, partly because of the Pakistan military's hostility towards and suspicions of India but also due to the imperatives of regime survival. While the external threat is necessary to justify the military's control over political power and economic resources, the military's mistrust of India is also shaped by a history of war and an internalised belief that Kashmir rightfully belongs to Pakistan.

External factors also play an important role in shaping Pakistan's policy towards Kashmir. These include the state of Pakistan's relations with India and the internal dynamics of Indian-controlled Kashmir. Thus, Pakistani leaders have been able to exploit political openings with receptive Indian governments to normalise relations. During these brief periods of rapprochement, the Kashmir issue was not abandoned but rather was placed on the backburner. Even under military or military-dominated governments, Kashmir has not been central to India-Pakistan relations in periods when there was not significant indigenous dissent within Kashmir.

The current directions of Pakistan's policy towards Kashmir are thus guided by this combination of domestic and external factors: the military's control of Kashmir policy, the uneasy relations with India, and the post-1989 conflict within Indian-controlled Kashmir.

² Tahir Amin, *Mass Resistance in Kashmir: Origins, Evolution, Options* (Islamabad, 1995), p. 128.

³ "Kashmir only dispute between Pakistan and India", *The News*, 5 February 2002.

Indian-held Jammu and Kashmir consists of three distinct areas, Jammu, the Valley, and Ladakh but the focus of the Kashmiri uprising against India is primarily in the Valley, its adjoining highlands, and the district of Doda in Jammu. It is in these regions that most components of the All Parties Hurriyat Conference (APHC), an umbrella group of Kashmiri separatist parties, boycotted the October 2002 Jammu and Kashmir state elections. For the Pakistani military, the rejection of state elections by Kashmiri Muslims, particularly in the Valley, is evidence of sustained anti-Indian sentiment.

It is this unrest that has given Pakistan an opportunity (or a duty, as its leaders would say) to pursue a more proactive policy towards the Kashmir conflict. In Pakistani perceptions, support for Kashmiri militancy undermines India's control over the disputed territory. Policymakers also believe that the price extracted by conflict will eventually force India to negotiate a settlement on terms that are favourable to Pakistan.

A former Director-General of Inter-Services Intelligence (ISI) says:

impasse in Kashmir is undoubtedly more harmful to Pakistan: not only because the tension extracts a bigger price, both in terms of defence liability and economic activity, from the smaller country, but also because it has "less" of Kashmir. Pakistan, therefore, tries desperately to break the logjam. To keep the issue alive, it helps out the freedom movement in Kashmir in whatever form it can. And it insists on resumption of talks with India.⁴

But the price – political, economic, and military – attached to this Pakistani support has also engendered an internal debate on the directions of Kashmir policy.

Proponents of support for militancy in Kashmir continue to believe that it advances Pakistan's interests and the cause of the Kashmiri people. However, dissenting voices, albeit largely outside policymaking circles, believe that Pakistan's national security and stability is itself undermined by the current Kashmir policy.

This debate is influenced by U.S. pressure on Pakistan to end its support for Kashmiri militancy, fuelled in part by post-11 September concerns about Islamic extremism but more by the heightened risks of a war between two nuclear powers. However, Pakistan's decision to end or to sustain its support for Kashmiri militancy will ultimately depend on a number of factors including the military leadership's assessments of the pros and cons of their policy and India's success in ameliorating Kashmiri dissent.

⁴ Lt. General Asad Durrani, "Kashmir: Confrontation to Cooperation", paper presented to the 2nd Pugwash Workshop on South Asian Security, Geneva, 16-18 May 2003 at <http://pugwash.org/reports/rcSAS2003-durrani.htm>.

II. HISTORY OF THE KASHMIR CONFLICT – A PAKISTANI PERSPECTIVE

The Kashmir dispute dates back to 1947, when Britain granted independence to its Indian colony. Two states, Pakistan and India, were created on the basis of the Two Nations theory, the right of Muslims and Hindus in British India to self-determination since the two communities were divided by a “cleavage too deep and sentiments too bitter for any lasting unity”.⁵

Pakistan based its claim to Kashmir on Kashmir’s Muslim majority population and its geography, the same principles that were applied by the British in creating the two independent states. According to the British formula, territorially contiguous Muslim majority provinces were to be included in Pakistan. The rulers of colonial India’s 565 princely states were, however, granted the right to accede to either dominion.⁶ In Muslim majority Jammu and Kashmir, territorially contiguous to both Pakistan and India, the Hindu ruler initially wavered, hoping to retain independence. Facing an indigenous uprising, in which Pakistani tribesmen and the Pakistani military were soon actively involved, the Maharaja signed the Instrument of Accession with India.

The ensuing war (1947-48) between Pakistan and India left Jammu and Kashmir divided, with Pakistan controlling one-third. India took the conflict to the United Nations. In Pakistan’s view, New Delhi’s acceptance of two Security Council Resolutions which called for a plebiscite in Kashmir, 47 of 1948 and 80 of 1950,⁷ constituted

Indian recognition that its control of Jammu and Kashmir was a temporary arrangement. Pakistan believed then and still insists that the ultimate fate of Jammu and Kashmir should be decided through a free and impartial plebiscite, under UN auspices, to determine the wishes of its people for accession to either Pakistan or India.

Projecting the Kashmir conflict as the “unfinished agenda of partition” and “an obligation towards their co-religionists in Kashmir”,⁸ Pakistani policymakers call upon India to uphold its commitment to a plebiscite, instead of perpetuating its forcible control.

Official rhetoric is also shaped by the internal dynamics of the conflict and international imperatives. To gain international sympathy and legitimacy for its Kashmir policy, Pakistan stresses the human aspects of the dispute as much as the territorial. Conscious also of the changed international environment after 11 September, Pakistan seeks to justify support for Kashmiri militants by distinguishing between the Kashmiri struggle for self-determination and terrorism. Addressing a dinner held by the Lord Chancellor in London in June 2003, President Musharraf, for instance, declared that Pakistan’s “unstinted support against terrorism will continue”. But he also said that “terrorism has not created the tragedy of Kashmir – Kashmir is about self-determination, about the aspirations of the Kashmiri people – about justice, equality and human rights”.⁹

Although policymakers have persevered with efforts to gain international acceptance of a Kashmiri right to self-determination, they have not been willing to consider that this might include a third option of independence. Citing the UN resolutions, they emphasise that the choice should be limited to accession to either Pakistan or India but this limited interpretation means that Pakistan is in fact not prepared to give Kashmiris the right of free choice that it insists India provide.

Within Pakistan, however, even in policymaking circles, there is a debate on alternative strategies and options that could be pursued with regards to the Kashmir conflict.

⁵ Joseph Korbel, *Danger in Kashmir* (Oxford, 2002; first published by Princeton University Press, 1954), pp. 26-28, 42-43.

⁶ Alastair Lamb, *Kashmir, A Disputed Legacy 1846-1990* (Oxford, 1991), pp. 4-5.

⁷ The Security Council resolution of 21 April 1948 noted with “satisfaction that both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite”. The Security Council resolution of 14 March 1950 commended the governments of India and Pakistan for reaching agreement on the determination of Jammu and Kashmir’s “final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite”. Text of resolutions in Korbel, op.cit. Appendix I, pp. 307-312; Appendix IV, pp. 319-321.

⁸ Asad Durrani, op. cit.

⁹ Quoted in Associated Press of Pakistan, 19 June 2003 at http://www1.infopak.gov.pk/public/news/news2003/appnews2003/app19_june.htm.

III. PERCEPTIONS OF NATIONAL SECURITY

A. HISTORY OF WAR

Pakistan's perceptions of the Indian threat and the adversarial relationship precede independence and are grounded in the Congress Party's opposition to self-determination for the Muslims of British India. The communal bloodshed and violence and the resultant mass exoduses that followed partition left a legacy of bitterness and mistrust.¹⁰ This was reinforced by disputes over the division of economic and military assets and the territorial dispute over Kashmir.

Pakistan and India fought their first war in the very first year of their existence, following the controversial accession of Jammu and Kashmir. Even prior to that, Pakistan had become apprehensive over Indian designs on Kashmir, when the Radcliffe Boundary Commission, in demarcating the border, gave Gurdaspur, a Muslim-majority district that separated Indian Punjab from Jammu and Kashmir, to India.¹¹ Kashmir's subsequent accession to India appeared to Pakistan as an act arranged by a hegemonic India that was unwilling to accept Pakistan's independence.

In September 1965, Pakistan went to war with India over Kashmir for a second time. Several factors led to the short but bloody conflict. By the 1960s, Pakistani policymakers believed that the UN had lost interest in the Kashmir question. In Pakistan's view, there was also evidence that India planned eventually to integrate Jammu and Kashmir fully into the Indian Union as merely another state. New Delhi had eroded the autonomy provided for by Article 370 of the Indian Constitution, which specified a special status for Jammu and Kashmir.

Pakistan's concerns grew when Kashmir's Prime Minister, Bakshi Ghulam Mohammed, announced,

¹⁰ Over ten million Muslims took refuge in Pakistan and hundreds of thousands were killed in the riots that accompanied independence. Estimates of the number of deaths vary widely from perhaps a quarter million to 500,000 or even 1 million. See "Old Journeys Revisited", *The Economist*, 10 February 2000, and John F. Burns, "Pakistan at 50: Much to Be Proud of, Much to Regret", *The New York Times*, 15 August 1997.

¹¹ Lamb, op. cit., pp. 113-114.

in October 1963, that his government "would be brought more closely into line with the Governments of the other States within the Indian Union and a more direct system of elections for its representatives to the Indian Parliament... would be instituted".¹² Its suspicions appeared to be confirmed when Indian Prime Minister Jawaharlal Nehru withdrew the pledge of a plebiscite in Kashmir, indicating that India had staked a final claim over the disputed territory.

These developments took place at a time when the military balance of power was rapidly shifting in India's favour because of a massive flow of arms from the U.S. and the United Kingdom after India's defeat in the 1962 war with China.¹³ Convinced that Pakistan had to act before it was too late, the military government of President Ayub Khan decided to challenge Indian control over Jammu and Kashmir. Internal imperatives also shaped Pakistan's policy, as Ayub Khan attempted to use the Kashmir issue to divert and neutralise growing opposition to his rule.

The opportunity to intervene was presented by developments within Jammu and Kashmir, where the theft of a holy relic (believed to be a hair of the Prophet Mohammed) from a mosque in Srinagar in December 1963 had resulted in an anti-Indian movement.¹⁴ As armed resistance against Indian rule continued, and Nehru's death produced what Pakistan believed was a major political vacuum in India, it decided to support the revolt. In 1964, it infiltrated irregulars, backed by army troops, across the Ceasefire Line. "Operation Gibraltar", however, failed to persuade Kashmiris to launch all-out resistance to Indian control.¹⁵

¹² *Ibid.*, p. 247.

¹³ "The build-up of the Indian Armed Forces has been causing great concern to all thinking people in the Pakistan Armed Forces", wrote Air Marshal Asghar Khan, the Pakistan Air Chief. "Under the guise of preparations against China, they succeeded in securing substantial military aid from the United States... Pakistan was faced with a very dangerous situation. If we did not face up to it and prepare ourselves immediately . . . India would be in a position to achieve her political objectives without recourse to war". Air Marshal M. Asghar Khan, *The First Round: Indo-Pakistan War 1965* (Lahore, no date), pp. 13-14.

¹⁴ Lamb, op. cit., pp. 205-207.

¹⁵ In fact, Kashmiris opted to distance themselves from Pakistani military and irregular infiltrators.

The ensuing tensions, however, first resulted in skirmishes between Pakistani and Indian troops over the disputed territory of the Rann of Katch, adjacent to the western Indian state of Gujarat. In September 1965, the conflict erupted into a full-scale war after India attacked Pakistan across the international border. The fighting ended with the intervention of the Security Council, and the territorial status quo in Kashmir was restored through Soviet mediation at Tashkent.

Internal determinants were primarily responsible for Pakistan's third war with India in 1971. Ayub Khan's military successor, General Yahya Khan refused to accept the results of the 1970 national elections that would have transferred power to the Bengalis of what was then East Pakistan, opting instead for indiscriminate force to impose central control over that physically separate part of the country. When the resultant Bengali dissent assumed the shape of a civil war, India was presented with both an influx of refugees greater than its capacity to manage and an opportunity to undermine the Pakistani state.

The war ended in a crushing military defeat for Pakistan and the loss of its eastern wing, which became independent Bangladesh.¹⁶ India's military intervention in the Pakistani civil war and the humiliation suffered by Pakistani troops are still embedded in the minds of the military and continue to shape its perceptions of India.¹⁷

B. SIMLA AGREEMENT

Following the war, India and Pakistan signed the Simla Agreement in July 1972, transforming the Ceasefire Line into the Line of Control (LOC). In some Pakistani perceptions, the territorial adjustments in Kashmir included in the Simla Agreement have been disadvantageous since they ceded to India many forward positions in Siachen,

Kargil and the Sialkot sector that had been forcibly occupied during the 1971 fighting.¹⁸

Simla obliges Pakistan and India to resolve their differences bilaterally through dialogue, including their dispute over Kashmir. The agreement also prohibits the use of force to alter the LOC:

In Jammu and Kashmir, the line of control resulting from the cease-fire of 17 December 1971 shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line.

The agreement adds that both governments would meet "at a mutually convenient time in the future to discuss" ways of reaching a "final settlement of Jammu and Kashmir".¹⁹

Pakistan strongly differs with Indian interpretations of the Simla Agreement. In Islamabad's view, New Delhi has violated its letter and spirit from the beginning by lack of interest in substantive talks on Kashmir. Pakistani policymakers also believe that India is determined to transform the LOC, as it is presently drawn, into an international border.

C. KASHMIRI MILITANCY, PAKISTANI INTERVENTION AND NEAR WAR CRISES

During the Zulfikar Ali Bhutto government (1972-1977), Kashmir was placed on the backburner, since the prime minister believed that the reconstruction of a truncated Pakistan was better served by normalisation of relations with India. Domestic and external factors, however, once again changed the course of Kashmir policy.

After General Zia-ul-Haq ousted the civilian government in 1977, relations with India deteriorated. As the military government attempted to use the Indian threat to gain domestic legitimacy for its self-assumed role as the guardian of national

¹⁶ India captured 90,000 Pakistani military personnel in East Pakistan, releasing them only after the signing of the Simla Agreement in mid-1972.

¹⁷ "The dismemberment of the country in 1971 is a silent reminder that India will not hesitate to cut Pakistan to size again if another opportunity comes its way", warned retired Lt. General, Kamal Matinuddin. ICG interview, Rawalpindi, October 2002.

¹⁸ Amin, op. cit., p. 46.

¹⁹ Simla Agreement, 2 July 1972. Text at <http://www.stimson.org/southasia/?sn=sa20020114201>. See also Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unfinished War* (London: 2000), pp. 71-72, 179.

security, and India responded with equal hostility, the two countries came close to war in 1986-1987. Kashmir, however, remained peripheral. The Zia government's involvement in the Soviet-Afghan war diverted the military's attention. With memories of Operation Gibraltar still fresh, the military was unwilling to raise the stakes in Kashmir without favourable conditions on the ground.

This changed drastically after the 1989 uprising presented Pakistan with an opportunity to raise the political, economic, and military costs to India of controlling Jammu and Kashmir.

The Pakistani government maintains that the root causes of the Kashmiri insurgency are India's repression of the Kashmiri people and its manipulation of Kashmir's politics, as well as a decade and a half of neglect of the Kashmir dispute by the two involved parties, Pakistan and India.²⁰ Pakistan denies any more tangible support for militancy in Kashmir than the diplomatic and moral backing it gives Kashmiri dissidents. Certainly, however, Pakistan perceives benefits from the insurgency.

Pakistani policymakers believe that armed resistance to Indian rule in Jammu and Kashmir has re-established the dispute as a major regional concern in the eyes of the international community. As such, notwithstanding the terrorist label the international community attaches to it, the insurgency is considered on balance to advance Pakistan's bargaining position. A Foreign Ministry official implied that without the insurgency the Kashmir issue would have become obsolete.²¹

Despite Pakistani denials, the Bush administration, the British government and other members of the international community believe that there is evidence of substantial and continued Pakistani support for the armed militants in Kashmir. In a statement before the House of Commons in June 2002, British Foreign Secretary Jack Straw said:

In the last decade or so the character of the (Kashmir) conflict has changed with the incursion of armed militants across the Line of Control into India from the Pakistani

side...India has long charged that such terrorism has had the covert support of successive Pakistani Governments, and in particular the Inter-Services Intelligence Directorate [ISID], the main intelligence agency in Pakistan. Her Majesty's Government accepts that there is a clear link between ISID and these groups.

Testifying before the Senate Intelligence Committee in February 2003, CIA Director George Tenet said, "Pakistan continues to support groups that resist India's presence in Kashmir in an effort to bring India to the negotiating table".²²

Because of this backing for extremists based in both Pakistan and Kashmir, the nature of the conflict has transformed from a fairly secular, non-violent indigenous uprising to a more militant religiously oriented movement. The introduction of Islamic militants, Kashmiri and non-Kashmiri, has eroded international support for Kashmir's struggle and has also had an adverse effect on Pakistan's internal security. Concerned about the increased risk of war between Pakistan and India, the U.S. is pressuring Pakistan to end all support for armed militancy in Jammu and Kashmir. Yet Pakistani decision makers are hesitant to abandon this policy in the belief that it is still paying dividends and that an end to the militancy would remove any pressure on India to negotiate.

Articulating the military's perceptions of the utility of the armed militants, General Aslam Beg, who was Chief of Army Staff when the insurgency began and hence responsible for the policy of military support, emphasises that a "[f]ew hundred Kashmiri mujahidin humbled the military might of India, which any dispassionate historian of war would depict [as] a triumph of will".²³ Beg described the withdrawal of troops from Kargil in 1999 following military reverses during an

²⁰ ICG interview with Rashed Saleem Khan, Director-General, South Asia, Pakistan Ministry of Foreign Affairs, March 2003.

²¹ Ibid.

²² According U.S. Deputy Secretary of State, Richard Armitage, President Musharraf has tacitly admitted that Pakistan's support has extended far beyond the political and the moral. The Pakistan army chief asserted that "there were no (militant training) camps in Azad Kashmir", but also pledged, "if there were camps, they would be gone tomorrow". John Lancaster, "Progress seen on Kashmir border", *The Washington Post*, 9 May 2003. Statement of Foreign Secretary, Jack Straw, House of Commons, 10 June 2002; Afzal Khan, "US says Pak-India tension reduced", *The Nation*, 15 February 2003.

²³ Aslam Beg, "Kashmir's new dimensions", *The News*, 23 September 1999.

operation in which Pakistan infiltrated irregular and regular personnel alike across the LOC, as “a humiliation” that has deprived the mujahidin of “the fruits of struggle”.²⁴

The Kashmir conflict is also used by the military to justify high defence expenditures, including Pakistan’s acquisition of nuclear weapons. “To counter India’s belligerent and uncompromising position on Kashmir”, says Beg, “Pakistan is left with no choice but to maintain a strong conventional and nuclear capability”.²⁵ Indeed, Pakistan’s nuclear capability has added a new dimension to the dispute.

The Pakistani military believes that the benefits of its interventionist policy in Kashmir far outweigh potential costs in part because the “nuclear shield” now protects Pakistan from an Indian conventional attack.²⁶ According to Beg, “India cannot dare attack Pakistan because of the fear of a nuclear strike which will render a vast proportion of [its] conventional army ineffective”.²⁷

In Islamabad’s view, India cannot defeat Pakistan militarily despite a preponderance of conventional force. In short, Pakistan believes that its “nuclear capability acts as critical equalizer against India and a restraining influence on New Delhi’s hegemonic designs”.²⁸

According to President Musharraf: “The relationship between India and Pakistan can never be said to be satisfactory (but) there will be no war”. Pakistan “follows a strategy of minimum deterrence. Now we have quantified this strategy of minimum deterrence into forces. . . no country, no opponent, Indians cannot accept the damage that it can incur on them in any outcome of war”.²⁹

Pakistani perceptions that nuclear capability will prevent war, however, are seriously questionable. During the Kargil conflict (May-June 1999), it was

India’s threat of conventional war that led to the Pakistani withdrawal. This demonstrates that the military is well aware that conventional war cannot be ruled out in the future. Certainly, in the absence of a transparent nuclear doctrine, essential to a functioning nuclear deterrence, the risks of conflict escalation are high.³⁰

Pakistan also believes that international concern about the escalation of a conventional conflict to the nuclear level will act as a deterrent against Indian attack.³¹ This is a lesson from the Kargil conflict and the 2001-2002 near war crisis when the U.S. intervened diplomatically.

In the perceptions of Pakistani policymakers, India is adamant in holding to the territorial and political status quo in Kashmir. They also believe that New Delhi’s insistence that it is willing to have a bilateral dialogue with Pakistan on the Kashmir dispute (though not one with third-party involvement) is not in good faith since it is accompanied by moves to subvert such a dialogue, such as the assertion that the Kashmiri insurgency is solely a Pakistani-supported terrorist movement. In fact, there are suspicions that India’s periodic peace overtures are meant to lull Pakistan into letting down its guard on Kashmir and other issues of vital national interest. Warning against “Indian designs” that “do not seem favourable to Pakistan”, the Chairman of the Joint Chiefs of Staff Committee, General Mohammad Aziz, warns that “We must be very careful in dealing with India because any misunderstanding on our part will lead to disastrous results”.³²

To prevent India from subverting Pakistan’s stand and to gain international attention for the dispute, officials have called on influential international actors, including the U.S., to play a pro-active role in resolving a conflict that is a potential flashpoint for a nuclear exchange. Conscious also of the need particularly for U.S. support against a perceived

²⁴ Ibid.

²⁵ ICG interview, Rawalpindi, November 2002.

²⁶ Pervez Hoodbhoy, “Pakistan’s Military Future”, in Samina Ahmed and David Cortright, eds., *Pakistan and the Bomb: Public Opinion and Nuclear Choices* (Notre Dame, 1998), p. 71

²⁷ Beg, op. cit.

²⁸ ICG interview with a former Army Chief, Islamabad, October 2002.

²⁹ Excerpts of Pakistani President Pervez Musharraf’s remarks with editors and reporters of *The Washington Post*, 25 June 2003.

³⁰ Samina Ahmed, *Avoiding an India-Pakistan Nuclear Confrontation*, Report on Pugwash Meeting no. 280, Lahore, 11-12 March 2003.

³¹ The former Pakistan Air Chief, Air Marshal Asghar Khan, says that all of Pakistan’s military adventures have been launched “in the hope that world powers will come to our rescue, intervene, bring about a ceasefire and somehow help us achieve our political objectives”. Quoted in Husain Haqqani, “Indo-Pak talks: It is a question of minimum”, *Indian Express*, 23 April 2003.

³² “Pakistan should not soften its stand on Kashmir: Aziz”, *The News*, 24 June 2003.

Indian threat, policymakers have responded positively, at least in form, to shifts in Washington's policy. Under U.S. pressure after 11 September 2001, and especially after the December 2001 terrorist attack on the Indian parliament, Pakistan has made at least a rhetorical shift in its Kashmir policy by pledging to withhold support to the militants.

According to President Musharraf:

Pakistan has done all that it can do, all that a government can do....all the religious extremist groups who were of concern, who were creating apprehensions in the minds of India and the world have been banned....There are hundreds of offices out there, and I mean hundreds of offices around the country, including Kashmir, [that] have been sealed and closed. Their accounts have been frozen.... Then we have also, as far as Kashmir is concerned, we have, at the government level, we have ensured that nothing ought to be happening on the line of control and we are very sure that we've done that.³³

The Musharraf government has repeatedly called upon India to respond by engaging in substantive negotiations over Kashmir. India's refusal is then interpreted as evidence of New Delhi's hegemonic designs. At the same time, the international community is warned of the risks that the Pakistan government will confront if India refuses to reciprocate its efforts to curb cross-border infiltration. "You cannot keep a military on high alert for a long period and you would not like people to turn their guns against you and undermine your own government", stresses Musharraf, "because there is no reciprocity coming from the other side".³⁴

However, senior military officials also warn that India would remain a threat even if Pakistan were to accept India's terms for resolving the Kashmir conflict. "If we think, after solving the Kashmir dispute, India will live with us as a peaceful

neighbour, we are gravely mistaken", says a serving general.³⁵

D. COSTS OF CONFLICT

While this atmosphere of mistrust and insecurity shapes Pakistani policies toward India and helps perpetuate the Kashmir conflict, the country has incurred considerable economic costs from the dispute. Aside from spiralling military expenditures that have hurt economic and social development, there have been lost opportunities in bilateral trade and economic cooperation.

The primary economic consequence is a disparity in allocation of resources between defence and other sectors of the economy that is especially damaging to a poor country like Pakistan. From 1995 to 1997, for instance, public expenditure on education was 2.7 per cent of GDP, while defence expenditure averaged 5.1 per cent. In 1998, defence expenditure accounted for 4.8 per cent of GDP, public expenditure on health only 0.9 per cent. In 1998-1999, 35 per cent of households were living below the poverty line, a significant increase since 1990-1991 when the figure was 21 per cent.³⁶ Yet, defence expenditure keeps on increasing. For the fiscal year 2002-2003, the formal defence budget (which excludes a number of items that are included under other headings) almost exactly equalled estimated government revenues from direct taxes.³⁷

So long as defence remains its top priority, and continues to demand unaffordable levels of expenditure, Pakistan will continue to incur substantial foreign debt.³⁸ In 1999, debt servicing, took 43 per cent of GNP. By one estimate, Pakistan's external and internal debt combined is almost U.S.\$72 billion.³⁹ The belief that disproportionate defence expenditures undermine

³³ Excerpts of President Musharraf's remarks, *The Washington Post*, op. cit.

³⁴ "Musharraf to go extra mile for peace", *The News*, 19 June 2003.

³⁵ "Pakistan should not soften its stand on Kashmir: Aziz", *The News*, 24 June 2003.

³⁶ *Human Development in South Asia 2001: Globalisation and Human Development*, Mahbub ul Haq Development Centre (Oxford, 2002).

³⁷ "PPPP sees Rs. 70 b. irregularities in defence budget", *Daily News*, 13 June 2003.

³⁸ Major General Mahmud Ali Durrani, *India and Pakistan: The Cost of Conflict and The Benefits of Peace* (Oxford, 2001), p. 11.

³⁹ Intikhab Amir, "ANP seeks huge cut in defence budget", *Dawn*, 7 October 2003.

the national interest is even voiced by some military people. A retired major general describes defence spending as “economic suicide”.⁴⁰

The lost trade opportunities are also considerable. One study assessed total legal trade between India and Pakistan at only U.S.\$100 million, while illegal trade has been roughly estimated at U.S.\$1.5-2 billion.⁴¹ While it is difficult to predict how much of this would translate to official transactions if trade barriers were removed, it is clear that stronger economic ties would benefit both countries. Some analysts consider that bilateral trade could reach as high as \$U.S. five billion.⁴²

However, hardliners within the military establishment continue to oppose the expansion of economic ties with India. According to Hamid Gul, a former head of ISI, Kashmir should remain the sole focus of relations, and there should be no bilateral trade while the Kashmir jihad continues.⁴³ President Musharraf expresses a willingness to “talk (with India) about trade and economy and other issues” but warns that “no talks will succeed unless the core issue (of Kashmir) is addressed”.⁴⁴

The nuclear weapons program is an important element of the Kashmir dispute’s economic costs. While that program was originally a response to India’s, confrontation over Kashmir has had much to do with the pace at which it has been pursued. Very little information is available about Pakistan’s expenditure on nuclear weapons, which is not indicated in the annual defence budget and is therefore impossible to calculate accurately. One estimate places the costs of the program at U.S.\$4-6 billion over twenty years,⁴⁵ while another quotes the figure of U.S.\$5.821 billion between 1990 and 1996.⁴⁶ A rough estimate in 2000 predicted that

Pakistan’s nuclear weapons would cost 0.5 per cent of the country’s GDP per annum.⁴⁷

The program has also had an adverse impact on external economic relations. When Pakistan followed India’s nuclear tests in May 1998 with tests of its own, Washington imposed sanctions on both under the Nuclear Proliferation Prevention Act. With its weak economy and heavy dependence on IMF funding, Pakistan was especially vulnerable since U.S. sanctions included opposition to support from financial institutions to Pakistan and so blocked loans and funding for debt relief. The loss of those funds adversely affected poverty reduction schemes, almost wholly funded by external assistance. Furthermore, military cooperation programs and arms deliveries were stopped.⁴⁸

Although the international community reversed many of these sanctions after Pakistan assumed a vital role in the U.S.-led “war against terrorism”, tensions with India, including the near war crisis of 2002 have added to the defence burden, undermining the positive impact of new aid. Yet there is little evidence that Pakistan’s military rulers are inclined to revise their cost-benefit assessment of confrontation with India over Kashmir. From Pakistan’s perspective, the costs involved might arguably be worth paying if there was a reasonable prospect of success. But given the extent to which the policy objective – a willingness by India to relinquish control of Jammu and Kashmir – is unachievable, they are very hard to justify. Not only are the Pakistani people deprived of needed resources, but tensions with India significantly enhance the prospects of another war and possibly endanger even the survival of Pakistan itself should such a conflict escalate into a nuclear confrontation.

⁴⁰ Ibid., p. 13.

⁴¹ Ibid, pp. 44, 49.

⁴² Ibid., pp. 43, 48.

⁴³ Lt. General Hamid Gul, “Chenab formula: An Unviable option”, *The Nation*, 2 July 2001.

⁴⁴ Musharraf adds, “We don’t trust you (India) when you say that we should focus on trade. We see it as an attempt to sideline the main issue of Kashmir”. “Kashmir solution only way to avert another Kargil: Musharraf”, *The Daily Times*, 14 June 2003.

⁴⁵ Hoodbhoy, op.cit., p.75.

⁴⁶ Mahmud Durrani, op. cit., p. 31

⁴⁷ Ibid., p. 32.

⁴⁸ Ibid.

IV. DOMESTIC OPPORTUNITIES AND CONSTRAINTS

A. CIVIL AND MILITARY BUREAUCRACIES

The military high command and the military's intelligence agency, the Inter-Services Intelligence Directorate, dominate policy on Kashmir. The civil bureaucracy, represented by the Ministry of Foreign Affairs, is primarily responsible for implementing Kashmir policy at the diplomatic level, including at the UN and its agencies as well as in other international organisations and forums such as the Organisation of the Islamic Conference. It also tries to keep the issue alive for the major powers by highlighting, for instance, human rights abuses committed by Indian security forces in Kashmir.

In the event of any difference between the civil and military bureaucracies over the direction or execution of foreign policy, the military and ISI points of view are likely to prevail. For example, Pakistani diplomats were wary of the extent to which the country was embroiled in Afghanistan's internal affairs throughout the 1980s. However, Afghanistan policy was made by General Headquarters and implemented by ISI.⁴⁹ Even during periods of civilian rule, the military remains dominant in formulating foreign policy. "Major decisions on Kashmir are all taken by the military", says former Foreign Minister Sartaj Aziz.⁵⁰

The Afghan war of the 1980s and subsequent involvement with the Taliban militia in the 1990s strengthened the military and ISI roles in foreign policy formulation and implementation respectively. The insurgency since 1989 in Kashmir has added a new dimension with the provision of covert military assistance to the militants.

ISI is particularly important in the context of Kashmir. While the military high command decides the directions of Kashmir policy, the ISI creates and directs Pakistan's public relations campaign both domestically and internationally. It also undertakes any special assignments mandated by

government. It has a degree of operational autonomy, but acts, ISI officials stress, only within the broad guidelines set by government.⁵¹

Under military rule, the ISI has remained fully subordinated to government. For instance, during the Afghan-Soviet war of the 1980s, the ISI and its Afghan cell operated under General Zia-ul-Haq's direct supervision.⁵² Similar compliance and subordination is also evident under President Musharraf. When there reportedly were differences between Musharraf and the ISI chief, General Mahmood Ahmed, the latter was removed from his post with ease.⁵³

According to a former ISI Director General, Lt. General Javed Ashraf Qazi, the ISI is composed of serving military officers who are inducted into the agency from all over the armed forces for a fixed tenure and then returned to their units.⁵⁴ Since they are an integral part of the regular officer corps, and their promotions, indeed their professional survival, depends on their ability to obey orders, there is no incentive to flout the military chain of command.

It is, therefore, understandable that when the army differs with government policy on issues of importance to it, the ISI aligns itself with the military high command and acts accordingly. Attempts by elected governments to control the ISI have only strained civil-military relations as, for instance, when Prime Minister Benazir Bhutto dismissed Lt.-General Hamid Gul as head of ISI in May 1990 and replaced him with a retired officer, Lt.-General Shamsur Rehman Kallue, against the recommendation of her Chief of Army Staff. This perceived encroachment on the military's

⁴⁹ A number of Pakistani Consuls General in Afghanistan during the Taliban years, such as the Consul General in Kandahar, were ISI officials.

⁵⁰ ICG interview, Islamabad, November 2002.

⁵¹ "Military officers serving in ISI are bound by service discipline to fully comply with government policy and its instructions", said former ISI Director General (and General Musharraf's Minister for Railways) Lt. General Javed Ashraf in a Pakistan television interview in August 2002.

⁵² See Brigadier A.R. Siddiqi, "Meet Gen. Javed Nasir!" *The Nation*, 4 April 1992.

⁵³ Musharraf has since appointed Ahmed, who was a close associate in the coup against the civilian government in 1999, as the head of a military-run industrial enterprise, Fauji Fertilisers.

⁵⁴ "ISI doesn't have links to Jihadis: Qazi", *The News*, 28 February 2002.

autonomy and authority was one factor that led to her dismissal that year.⁵⁵

Because the military controls Kashmir policy, it shapes that policy in accordance with its institutional preferences and past experiences. Since 1989, Pakistani security agencies have attempted to replicate the successful jihad strategy they employed against the Soviet Union in Afghanistan. Successive governments have encouraged this strategy, without fully comprehending its domestic and external implications. Pakistani policymakers who perceive the Afghan jihad's success as validation of their Afghan policy and believe it can be equally successful in Kashmir do not adequately appreciate differences in the two situations. Above all, they seem not to have factored in the external actors, in particular the U.S., who critically supported the anti-Soviet campaign in Afghanistan but oppose Pakistan's backing for the militant groups in Kashmir.⁵⁶

The military's support for Islamic extremists in Kashmir has its own implications as its clients gain in power and autonomy. Although most militant groups would be averse to challenging the military's directives, there is always the possibility that some extremists might chaff at the controls imposed on their activities. And while the military's control over its jihadi partners in Kashmir remains largely intact, many extremist, particularly splinter groups have also redirected their energies internally and are involved in sectarian violence in Pakistan, attacking perceived religious rivals as well as Western targets.⁵⁷

No change in Kashmir policy is sustainable without the military hierarchy's consent. And the military's high command's views are shaped by a number of factors.

Geostrategic considerations are important to the military. It considers that the accession of Kashmir would give Pakistan additional strategic depth against India. Kashmir also borders China and is in close proximity to Central Asia. Pakistan's major rivers, the Indus, Jhelum and Chenab, originate in the Himalayan Mountains and flow through Kashmir.⁵⁸ Mangla Dam, an important hydroelectric and irrigation source, depends on the Kishenganga River subsystem in Kashmir.

While India's control of Kashmir is depicted by the military as evidence of hostility, the Indian threat is also used by the military to justify its foreign policy role and its domestic interventions. That external and internal guardianship role is used, in turn, to justify the high defence expenditures. Hence the Kashmir issue is closely linked to the military's corporate as well as political interests.

According to the army, the possibility of war with India makes defence the state's primary concern and requires constant updates of equipment and technology. Promoting this doctrine, Field Marshal Ayub Khan said: "...our Armed Forces must enhance their effectiveness and remain at a high level of readiness to secure our rights, to deter, and if necessary, to defeat aggression...till such as we find ourselves in a friendlier...environment".⁵⁹

The military's hostility towards India and perceptions of the Indian threat are perpetuated within the institution through an indoctrination process. Pakistanis soldiers and officers are repeatedly reminded about India's hegemonic designs and Pakistan's vulnerability to a militarily superior adversary. The army teaches its soldiers that their role is vital to the "preservation of Pakistan" against its Indian foe.⁶⁰ A training manual at the Army Command and Staff College suggests that Pakistan is the principal victim of "India's relentless drive towards big-power status and regional hegemony through careful orchestration of

⁵⁵ Brian Cloughley, *A History of the Pakistan Army* (Oxford, 1999), p. 301.

⁵⁶ A further difference, of course, is that since Moscow did not consider Afghanistan to be a part of the Soviet Union, it could withdraw without directly imperilling the Soviet government. India regards Jammu and Kashmir as an integral part of the Indian Union, and a government in New Delhi that considered withdrawal would immediately put itself in political peril.

⁵⁷ In March 2002, for instance, an attack on a Protestant church in Islamabad left five dead. In May, a car bomb in Karachi killed eleven French naval engineers and three Pakistanis. In June, another car bomb outside the U.S. consulate in Karachi killed twelve Pakistanis and wounded twenty others. In March 2003, two Islamic militants, linked to jihadi groups, attacked a police post outside the U.S. consulate, killing two policemen and wounding five.

⁵⁸ Iffat Malik, *Kashmir: Ethnic Conflict, International Dispute* (Oxford, 2002), p. 208.

⁵⁹ Quoted in Hasan Askari Rizvi, *Military and Politics in Pakistan*, 2nd ed. (Lahore, 1976), pp. 263-264.

⁶⁰ Brig. A.A.K. Chaudhry, *September '65* (Lahore, 1977).

political, economic, psychological and military means”.⁶¹ According to military teachings, the abandonment of Kashmir would not only be tantamount to giving in to the “enemy” and accepting India’s hegemony, but would endanger Pakistan’s very existence.

As a result of this self-indoctrination process, Pakistani military leaders have come to internalise their own propaganda. They stress that the armed forces would be willing, if need be, to make any sacrifice required to attain their goals in Kashmir.⁶² In his dual capacity as President and Chief of Army Staff, General Musharraf forcefully articulates the military’s commitment to the Kashmir cause:

Kashmir runs in our blood. No Pakistani can afford to sever links with Kashmir. We will continue to extend our moral, political and diplomatic support for Kashmiris.⁶³

For the Pakistan military, therefore, support for the Kashmir struggle is seen to serve a higher cause that reinforces the national identity.

The military’s indoctrination process goes far beyond evoking national strategic interests. The stakes in Kashmir are also depicted as part of a historical legacy that dates back to the Muslim conquest of the Indian subcontinent. According to a Pakistani officer, the army’s role in the 1947-1948 Kashmir war conjured a “highly evocative image” of “the rebirth of the mujahid and the *ghazi* legend of the past, glorified by the dreamer [and national poet] of Pakistan, Iqbal [in his poetry]”.⁶⁴ Describing the early stages of the conflict, Major General Akbar Khan, commander of Azad Kashmir Forces in the first Kashmir war, likened the Pakistani-backed infiltration to “a page out of old history...when our forefathers poured in through mountain passes of the Frontier”.⁶⁵

Similar comparisons are made about the other wars. In a lecture at the Institute of Strategic Studies in Islamabad, former Air Marshal Asghar Khan

compared the army’s struggle in the 1965 war to that of the mujahids of other historical “wars of Islam” in India, such as the battles of Debul, Somnath and Panipat. “Allah be praised for our unflinching courage and determination”, he said, “and for our soldiers” for “reviving the glorious traditions of our ancestors”.⁶⁶

This identification of the Kashmir cause is used to motivate young soldiers. They are asked to distinguish themselves not merely as defenders of a nation, but as participants in a global Islamic struggle, the culmination of which – the birth of Pakistan – remains incomplete without Kashmir.⁶⁷ The army’s struggle for Kashmir is, therefore, depicted as integral for Pakistan’s national identity.

Three wars, two major skirmishes and a volatile border have hardened the military’s position on Kashmir and toward India. It believes, however, that the costs, political, military and economic, resulting from a combination of militancy and political struggle, will ultimately force India to a negotiated settlement of the dispute. As a result, hardliners advocate a continuation of the current policy.⁶⁸

Because the Kashmir insurgency has forced India to station a large number of troops in Kashmir, the Pakistani military believes that the two armies have become evenly balanced elsewhere and that Pakistan could “take on any military challenge across the border”.⁶⁹ Important elements within the high command, therefore, want to bog India down indefinitely in the Kashmir quagmire rather than seek a compromise, oblivious of the adverse consequences for Pakistan’s economy and polity.⁷⁰ Given the perceived achievements of Kashmiri militancy, the military establishment will, therefore, resist changing the policy unless its costs come to be perceived as outweighing benefits for its parent institution.

⁶¹ Command and Staff College, Quetta, Staff Course. Cited in Stephen P. Cohen, *The Pakistan Army* (Berkeley, 1984), p. 78.

⁶² ICG interviews with former Service Chiefs, Islamabad, October 2002.

⁶³ President Musharraf’s address to the nation, 12 January 2002. *The Nation*, 13 January 2002.

⁶⁴ A *ghazi* is a triumphant holy warrior. Major General Akbar Khan, *Raiders in Kashmir*, (Lahore, 1970), p. 34.

⁶⁵ Ibid.

⁶⁶ Asghar Khan, op. cit., Appendix I.

⁶⁷ See Brigadier A.R.Siddiqi, *The Military in Pakistan: Image and Reality* (Lahore, 1996), p. 9.

⁶⁸ See, for instance, Air Marshal (rtd.) Ayaz Ahmed Khan, “Siachen: The Graveyard of Indian Army”, *Defence Journal*, Vol. 21, Nos. 5-6 (2001), p. 37.

⁶⁹ Ibid.

⁷⁰ “Militants keep large Indian forces locked up in Kashmir, thereby partially offsetting its numerical superiority over the Pakistan army”, says a Pakistani security analyst. ICG interview, Islamabad, October 2002.

It is this cost-benefit analysis that has resulted at least in formal pledges by Pakistan's current military leadership to change policy toward the infiltration of militants across the LOC in response to U.S. pressure. The military is a major beneficiary of the renewed strategic partnership with Washington. Besides diplomatic support, the U.S. has waived sanctions normally related to the overthrow of an elected government and imposition of military rule, supported grants and loans by the International Financial Institutions to Pakistan and pledged U.S.\$3 billion of its own in development and security assistance. Moreover, Pakistan's stance as a frontline state in the U.S.-led war against terrorism is also perceived by the Pakistani military as a restraining influence on potential Indian aggression.

To retain U.S. support and neutralise U.S. pressure, the military has taken some steps to curb infiltration across the LOC by militant groups operating from Pakistan. But given its assessment of the benefits of the policy, these measures have been, at best, partially implemented. "We are still sending mujahidin across the Line of Control into Indian-occupied Kashmir", says a leader of one of the major militant groups, adding "despite restrictions by the Pakistan government, we send the highest number of militants into Indian-occupied Kashmir in August (2003) of any time during the past two years".⁷¹

So long as Pakistan fails to meet fully its pledges to end cross-border incursions, the risk of war with India cannot be ruled out. Yet, earlier conflicts should have driven home many lessons. Each created an additional set of problems for Pakistan, straining its relations with traditional allies like the U.S., invoking U.S. sanctions and embargoes from other G-8 countries, and shattering the fragile economy. The Kargil conflict of 1999, for instance, was an attempt to draw India to the negotiating table but turned out to be a strategic blunder and an embarrassment for the army leadership that alienated international opinion. Pakistan lost moral ground while India gained from a new international validation of the territorial status quo.

⁷¹ "Kashmir Militants intensify Fight Against India", Reuters, 18 September 2003 at <http://www.reuters.com/topNews&storyID=3471320>.

The military, however, is averse to learning from its past mistakes. The high command does not acknowledge that the Kargil conflict, which was extensively criticised in Pakistan's independent print media and even within parliament, was ill-advised. In fact, it was partly responsible for the 1999 coup, when Prime Minister Sharif attempted to divert domestic dissent by pinning the blame for the botched operation on its architect, Chief of Army Staff Musharraf.⁷² Conscious that the Kargil controversy still mars his military reputation, President Musharraf depicts it as a success for Pakistan's Kashmir policy. "I am a firm believer", says Musharraf, "that before Kargil, whatever happened there, Kashmir I think was a dead issue". He adds that avoiding other Kargils hinges on Pakistan and India's ability to "resolve issues, and much depends on how we proceed on the peace track".⁷³

However, even some military officers believe that such conflicts have set Pakistan and the Kashmir cause back. They have weakened Pakistan's bargaining position with India and adversely affected domestic stability. Emotional attachment and institutional preference notwithstanding, there is a better understanding within the army elite of the limitations of the use of force as a policy instrument in general and more specifically with regards to Kashmir. That there are disagreements within the military establishment is perhaps most apparent in statements of retired senior officers. For example, a former director general of the ISI, Lt. General Asad Durrani, has called for an end to support for the Islamic militants in Kashmir and steps to prevent Pakistani volunteers from participating in the armed insurgency.⁷⁴

⁷² According to Sharif's former minister, Chaudhry Nisar Ali Khan, the Prime Minister had appealed for U.S. intervention because he could not bear to see the Pakistan army "face humiliation at the hands of India". Rauf Klasra, "Nawaz saved honour of military during Kargil crisis", *The News*, 19 June 2003.

⁷³ During the same interview with India's NDTV, Musharraf admitted that Pakistani troops were directly involved in the conflict. "Kargil", he said, "was a decision taken by the Mujahidin and we got involved because of the action taken by the Indian troops". "Musharraf says Kashmir must be solved to avoid war", *The Nation*, 14 June 2003. See also Jawed Naqvi, "Musharraf's remarks on Kargil: media questions slant", *Dawn*, 19 June 2003.

⁷⁴ Asad Durrani, "The Threats to Peace", *The News*, 21 February 2002.

Although the military might be aware of the drawbacks in supporting the militants, the realisation that it does not have the strength to win Kashmir conventionally is also responsible for its reluctance to end support for the insurgency. It considers that an end to support for the militants without reciprocal Indian concessions would mean a return to the pre-1989 status quo at best. Given the growing military disparity between India and Pakistan, it could even result in a permanent settlement that favours India, particularly if the international community came to support New Delhi's position.⁷⁵

The military's effort to persuade the U.S. or other influential international actors to facilitate or mediate a peace agreement on Kashmir has so far failed to bear fruit in the face of Indian opposition. During his visit in the U.S. in June 2003, for example, President Musharraf called for a U.S.-sponsored roadmap to resolve the Kashmir issue. India's prompt rejection of any "third party role in the bilateral dialogue" sealed the fate of the proposal.⁷⁶

In the absence of international support, the military would rather keep the option of supporting the Kashmiri insurgency open, partly because of the costs to India and partly because of the perception that it would bring India to the negotiating table.⁷⁷ That the military intends to retain its options is evident in President Musharraf's effort to differentiate between what he describes as a freedom struggle in Kashmir and the fight against terrorism. During meetings in London with British Prime Minister Tony Blair in June 2003, for instance, he denied Indian allegations of cross-border infiltration:

Nothing is happening on the Line of Control. Let's not be blackmailed by Indian propaganda. There is no proof of any such activity. Whatever is happening there is an indigenous struggle for the freedom of Kashmir.⁷⁸

Yet the military's institutional interests also demand that it respond positively to U.S. concerns, at least in a tactical sense. Hence, the pledge of steps to curb militancy and proposals for means of verifying that pledge, such as the stationing of UN or other neutral observers to monitor movement on both sides of the LOC. However, ideas such as international monitoring of the LOC are non-starters because of Indian opposition to the internationalisation of the dispute.

A former senior bureaucrat, a regular participant in track one and a half meetings, believes that the military leadership may abandon Pakistan's long standing insistence on a UN-sponsored plebiscite for Kashmiri accession to either India or Pakistan and agree on a compromise solution if India were to offer reciprocal concessions.⁷⁹

The military is not likely to accede to Indian or international pressure to accept transformation of the LOC, as presently constituted, into the international border. However, it could be willing to consider combinations ranging from the retention of the LOC as a temporary border until resolution of the dispute to territorial adjustments that work to mutual benefit.

The military's willingness to consider options other than a plebiscite is evident in an ongoing internal, albeit informal debate. For instance, writing in the National Defence College Journal, a serving officer suggested a combination of partition and plebiscite. Under such an arrangement, Azad Jammu and Kashmir and the Northern Areas, presently under Pakistani control, would become part of Pakistan. Some districts of Leh, Jammu, Udhampur, and Kathan, in Indian-administered Kashmir, would become part of India. The Valley, Kargil, Doda, Poonch, and Rajauri sectors would be placed under UN trusteeship for five years and would then be subject to plebiscite with the options of joining India, joining Pakistan, or independence.⁸⁰

The appeal of territorial adjustments of this sort to the military would lie in Pakistan retaining control over Azad Jammu and Kashmir and the Northern Areas while also making strategic gains on and

⁷⁵ ICG interview with a former military official, Islamabad, May 2003.

⁷⁶ "Kashmir roadmap call unacceptable", *The Nation*, 27 June 2003.

⁷⁷ ICG interview with former Chief of Army Staff General Aslam Beg, Rawalpindi, November 2002.

⁷⁸ Rana Qaiser, "Musharraf, Blair for 'wholesome' dialogue", *The Daily Times*, 18 June 2003.

⁷⁹ ICG interview with Niaz Naik, former Foreign Secretary and former High Commissioner to India, Islamabad, April 2003.

⁸⁰ Brigadier Shahbaz Azam, "Resolution of Kashmir Dispute: Post-Agra Scenario and Options for Pakistan", *National Defence College Journal*, 2002. pp. 129-144.

across the LOC. Such arrangements would have the added advantage of face-saving, to assure opinion within and outside the military that there was no sell-out on Kashmir.

In May 2003, the Prime Minister of Azad Jammu and Kashmir, Sardar Sikandar Hayat Khan, suggested that Pakistan and India agree to divide Jammu and Kashmir along the River Chenab, which flows into Pakistan from Indian-administered Kashmir. According to the “Chenab formula”, the LOC would be reconstituted along the riverbed, with Muslim-majority areas on the right side of the river being absorbed into Pakistan and Hindu and Buddhist-majority regions on the left bank into India.⁸¹ Hayat pointed out that Pakistan had failed to change the status of Kashmir over 56 years; that Kashmiri Muslims rejected Indian rule; and that an independent Kashmir was not viable. He argued that the Chenab formula provided for a natural partition of Kashmir into Muslim and non-Muslim population zones. Such a division, he argued, would be “an honourable and amicable solution to the longstanding dispute”, bringing about a “durable peace in the region”.⁸²

Some analysts believe that the “Chenab formula” was floated by the military, to prepare public opinion and to gauge its response to any deal which would entail abandonment of the plebiscite option for a territorial restructuring of the LOC.⁸³ Lending weight to the belief that the proposal was officially floated, President Musharraf said in a television interview that there were ten to twelve solutions of the Kashmir dispute, including the Chenab formula, which had its own merits. He cautioned, however, that the nation had to be prepared before any solution was proposed. Moreover, Pakistan and India had also to “restore (an) atmosphere of trust before talking of any solution”.⁸⁴ The Chenab formula or any other proposed solution is far from fruition, given the extent of mutual suspicion and hostility and the wide gaps in Kashmir policy.

⁸¹ Staff correspondent, “Sikandar defends ‘Chenab formula’”, *Dawn*, 24 May 2003.

⁸² *Ibid.* See also “Chenab formula”, *The Nation*, 20 May 2003. While the Chenab formula has not been spelled out in detail, it would presumably require substantial portions of Jammu and Kashmir to be transferred to Pakistan.

⁸³ ICG interviews, Islamabad, June 2003.

⁸⁴ “Compromises needed for peace: Musharraf”, *The News*, 17 June 2003.

B. REGIONAL DIFFERENCES

Most Pakistanis are sympathetic to the plight of the Kashmiri people, concerned about human rights abuses in Jammu and Kashmir, and supportive of the Kashmiri right to self-determination. According to a prominent human rights activist, the Kashmiri people are a legitimate party to the conflict because of the price they have paid in their struggle for self-determination. “Pakistan and India”, he says, “have no right to settle the dispute alone”.⁸⁵ Calling on the international community to give the “Kashmiris the right to determine their long-term future through a vote or a plebiscite after a period of self-rule”, another peace activist points out that “peace lobbies in Pakistan are generally more acceptable of the option of an independent Kashmir” than the government.⁸⁶

Popular opinion on most issues, including the Kashmir dispute, is firmly anchored in Pakistan’s domestic politics. The extent of popular sympathy and support for or against official policy towards Kashmir, therefore, varies from province to province and even within regions in multi-ethnic, multi-regional Pakistan.

Pakistan’s policy towards Kashmir is most strongly supported in central Punjab because of geographical proximity and historical, cultural and social bonds. The borders of the Punjab, Pakistan’s largest province (with 57 per cent of the population and a predominant share of political and military power), are contiguous with Indian-administered and Pakistani-administered Kashmir. Central Punjab, therefore, considers Kashmir its natural extension and is also most vulnerable to any threat from India. Family ties between many Punjabis and Kashmiris go back generations, binding them culturally and emotionally. Most Kashmiri refugees outside Azad Jammu and Kashmir settled in the Punjab after 1947, and some hold important positions in the military, bureaucracy, business and industry. While they act as a lobby for the Kashmir cause, they are geographically dispersed and politically divided. Hence their electoral clout does not translate into substantive pressure. More significantly, the Punjab has the largest share of military personnel.

⁸⁵ Waqar Gillani, “All Kashmir be discussed: Dr. Mubashar”, *The Daily Times*, 2 June 2003.

⁸⁶ ICG interview, Islamabad, June 2003.

But there are variations even within the Punjab. In the southern regions, geographically distant from Kashmir and under-represented in the military, there is little interest in the dispute. Support for the Kashmir cause is much stronger in the northern (Potowar) region, a major recruiting ground of the Pakistani military.⁸⁷

While the Punjabi elite adopts a relatively harder line on the Kashmir dispute than its counterparts in Baluchistan, the Northwest Frontier Province and Sindh, that support is still conditional on Punjabi perceptions of the national interest. There is also a clear divergence of views between the civil and the military in the Punjab. A Punjabi (and ethnic Kashmiri) prime minister, Nawaz Sharif, for instance, faced little opposition in the Punjab for his overtures (the Lahore Process) in 1999 because his constituents believed that the peace process was in Pakistan's political and their economic interests. Sharif's initiative was strongly opposed and subsequently derailed by the military high command.

In the smaller provinces, particularly Sindh and Baluchistan, geographic distance and the absence of either a common culture or history translate into a more moderate posture on the conflict. "Kashmir is more an emotional than a strategic issue though not for the country as a whole", says a Pashtun leader. "It is not an emotional issue for Sindh, Baluchistan and the Frontier province. But certainly it is an emotional issue for central Punjab".⁸⁸ Most Sindhis support normalisation of relations with India, regardless of Kashmir. Assessing Sindhi public opinion through commentaries and opinions in the Sindhi language press, a journalist notes that most analysts believe that "space should not be created for religio-fanatic forces and approaches"; that a "dialogue should be continued" with India; and that constituencies for peace in civil society should be "involved and encouraged to play a vital role in advancing regional peace".⁸⁹

Resentful of the centre's exploitation of their resources and under-represented in the politically dominant armed forces, the Sindhis, Baluch and

Pashtuns would prefer to have the Kashmir conflict peacefully resolved since they consider it a distraction from more pressing issues of human security. The smaller provinces also perceive the continuation of hostilities with India on Kashmir as a drain on their share of economic resources since a Punjabi-dominated establishment justifies defence expenditures by the Indian threat. "Billions of dollars have been spent on the military in the name of taking (over) Kashmir at the cost of the people of Pakistan who have been facing untold miseries and agonies since the establishment of the country", says one Pashtun leader.⁹⁰

Political leaders in the smaller provinces are equally critical of the military's use of the Indian threat and the Kashmir dispute to justify its internal guardianship. "The Kashmir issue is being kept alive", says the leader of the Awami National Party, a Pashtun party, "just so that the army can maintain a superior role in national affairs".⁹¹

Support for a resolution of the Kashmir dispute and normalisation of relations with India is strongest among secular, ethnic, and regional parties in Sindh, Baluchistan and the NWFP but popular awareness of the political and economic costs of continued conflict extends beyond regional and ethnic boundaries. A survey of elite opinion reveals, for instance, that domestic problems such as economic instability, underdevelopment, and ethnic tensions are perceived as more immediate and pressing than external threats. Overall, respondents placed the Kashmir conflict on par with concerns about ethnic conflict and economic security.⁹² While military or military-dominated governments do not necessarily have to respond to popular pressure for political and economic reconstruction, domestic considerations certainly shape the policies and the preferences of mainstream Pakistani political parties.

C. POLITICAL PARTIES

Critics of Pakistani political parties accuse them of cynically supporting the military's preferences and policies towards Kashmir because their own access to

⁸⁷ Retaining colonial patterns of military recruitment, the Pakistan army still draws most of its personnel from northern and central Punjab.

⁸⁸ ICG interview, Peshawar, June 2003.

⁸⁹ Jam Chandio's comment in "Kashmir: What Next?", Islamabad, Friedrich-Naumann-Stiftung, October 2001, pp. 67-68.

⁹⁰ Intikhab Amir, "ANP seeks huge cut in defence budget", *Dawn*, 7 October 2003.

⁹¹ "Leading activists blame army for national chaos", *The Daily Times*, 19 December 2002.

⁹² See Ahmed and Cortright, op. cit, pp. 24, 112.

power depends on military goodwill. Political leaders and parties are indeed hesitant to earn the military's ire. Ideological differences and differing internal and external preferences also divide mainstream political parties. However, regardless of ideological differences, most mainstream, secular political parties believe that a peaceful resolution of differences with India, including a negotiated settlement of the Kashmir dispute, would best serve Pakistan's interests. As a result, during Pakistan's brief democratic transitions and despite a tendency to exploit popular sentiments on a contentious issue, elected governments and their secular opponents have chosen to ease tensions with India.

1. Regional Parties

Strongly opposed to the military's internal and external directions, secular regional and ethnic parties in Baluchistan, Sindh, the Northwest Frontier and even in the Punjab reject the official directions of Kashmir policy and support peace with India. Criticising the military's reliance on force to settle differences with India, the Northwest Frontier-based Awami National Party leader, Asfandyar Wali Khan, states, "We want the two governments to sit across the table and settle the Kashmir issue in the spirit of the Simla Agreement. It is a political issue. There is no political issue in history that could be resolved through military means". Khan says that support for the armed insurgency in Kashmir since 1989 has "only damaged whatever prestige Pakistan's position had on the issue", and "there is a need to curtail the role of non-state actors and jihadi groups in Kashmir. It is very possible. The question is not if we can stop them, but if we want to stop them".⁹³

Explaining the position of secular, regional parties such as his Baluchistan-based Pakistan Pashtoon Khwa Milli Awami Party, Mahmood Khan Achakzai stresses that these parties "have always stood for a peaceful solution of the Kashmir issue through dialogue, through negotiations", but "unfortunately in South Asia, dialogue was never given a real and sustained chance".⁹⁴

2. Pakistan People's Party

The centre-left Pakistan People's Party (PPP)'s India policy in general and more specifically its stance on Kashmir is more pacifist than other mainstream, secular and nationally-based parties. Its preference for a peaceful resolution of differences with India reflects its ideological preferences as well as the regional and ethnic diversity of its support-base.⁹⁵ Far more critical of the military's interventionist policies in Kashmir while in opposition, the PPP has been more circumspect in government for fear of military retaliation. But whether in or out of power, it has advocated a peaceful settlement of the dispute.

According to PPP leader and former Prime Minister Benazir Bhutto, the PPP "believes that war is no option. We maintain that while the two sides can hold on to their positions on Kashmir, they still can make progress in other areas and less contentious issues".⁹⁶ Opposed to the presence of non-Kashmiri militants across the LOC, the PPP believes that "the continued intensity of violence" in Jammu and Kashmir "has its own impact on Indo-Pakistan relations".⁹⁷ While the PPP supports Kashmiri self-determination, there, too, it departs from official policy by advocating, in Bhutto's words, free movement between the Kashmiri people "through safe and open borders", without prejudice to UN Security Council resolutions for a plebiscite.⁹⁸

3. Muslim League

In its various incarnations, tracing its lineage from the Muslim League of Mohammad Ali Jinnah, Pakistan's founding father, the current Muslim League, a centre-right party, is more Kashmir-centric than the PPP. A predominantly Punjabi base and the desire to gain or retain military support

⁹³ ICG interview, Charsadda, NWFP, June 2003.

⁹⁴ ICG telephone interview, Quetta, May 2003.

⁹⁵ While support for the PPP has declined in central Punjab during the past decade, the party has retained its strength in the Sindhi heartland and made inroads into southern Punjab.

⁹⁶ Interview with Benazir Bhutto, *The Nation*, 4 June 2003. Bhutto emphasises that "normalisation" does not have to come "at the cost of Islamabad abandoning the Kashmir struggle. I see a solution in terms of conflict management where the countries have different perceptions and yet promote normalisation", giving the example of the India-China border dispute. Interview, *The Daily Times*, 8 June 2003.

⁹⁷ "Benazir suggests China model for Kashmir talks", *Dawn*, 27 November 2001.

⁹⁸ Ashraf Mumtaz: "PPP to unite Kashmiris across borders: Bhutto", *The News*, 9 December 2001.

influence its stance on Kashmir. Yet the Muslim League's approach to relations with India in general, and more specifically with regards to Kashmir, is largely conciliatory. "By not making peace, India and Pakistan are doing no service to the one billion people who are their citizens", says Pakistan Muslim League (Nawaz) President, Shahbaz Sharif. "What problems exist or have existed, beginning with Kashmir, should be resolved through dialogue and negotiation. Other countries with histories far more bitter and bloody have done that....Those are the examples we should emulate".⁹⁹

4. The Kashmir Conflict and Elected Governments

During Pakistan's brief periods of democracy, the mainstream, secular parties have attempted to translate their support for a peaceful resolution of the dispute into action.

After Pakistan's defeat in the 1971 war, Zulfikar Ali Bhutto's PPP government entered into the Simla Agreement with India. The Kashmir dispute was not abandoned but Prime Minister Bhutto abided by the terms of the agreement, accepting and respecting the sanctity of the LOC. During the democratic transition of the 1990s, both Benazir Bhutto's PPP and Nawaz Sharif's Muslim League governments took bold initiatives to engage constructively with India on peace and security issues, including Kashmir.

During her first government (1989-1990), Prime Minister Bhutto attempted to normalise relations with the Rajiv Gandhi government, ending Pakistan's support for Sikh militancy in India and entering into confidence building measures such as an agreement to exchange lists of nuclear installations and not to attack them. However, this step-by-step approach to relations with India in general and more specifically to the Kashmir conflict earned the military's ire.¹⁰⁰ Dubbing the government a "security risk" for its overtures to India, the military, under Army Chief General Aslam Beg, embarked on a parallel policy of backing the militants in Kashmir, even as it moved to destabilise Bhutto domestically.

Nawaz Sharif went further during his second term as prime minister, agreeing with his Indian counterpart, Atal Bihari Vajpayee, in the Lahore declaration of February 1999, to implement the Simla Agreement in "letter and spirit" and pledging to "refrain from intervention and interference in each other's internal affairs". Agreeing that "an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential to this purpose", the two prime ministers vowed to intensify "their efforts to resolve all issues, including the issue of Jammu and Kashmir".¹⁰¹

In both instances, the military derailed the dialogue process, opting not just for interventionist policies in Indian-administered Kashmir but to overthrow the elected governments responsible for the initiatives. Before the normalisation process could take hold, Bhutto's government was dismissed at the military's instigation in 1990. Sharif's dialogue with Vajpayee came to an abrupt end with the Kargil conflict (May-July 1999), followed by the October 1999 coup.

According to Sharif, General Musharraf's Kargil operation ended negotiations with Vajpayee on a potential Kashmir compromise. "Vajpayee and myself had almost reached a deadline for a peaceful resolution of the Kashmir dispute", he said. "Vajpayee's visit to Lahore was a link in the chain. Had it not been for Kargil, whereby all our plans were sabotaged, the issue of Kashmir would have reached a historical resolution".¹⁰² According to former Pakistan Foreign Secretary Niaz Naik, one proposed solution, discussed with the BJP government through backroom channels, was division of the former princely state of Jammu and Kashmir along the banks of the Chenab River.¹⁰³

⁹⁹ Interview with Shahbaz Sharif, *The Nation*, 26 May 2003.

¹⁰⁰ Interview with Benazir Bhutto, *The Nation*, 4 June 2003.

¹⁰¹ The Lahore Declaration, 21 February 1999. Text at http://www.usip.org/library/pa/ip/ip_lahore19990221.html.

¹⁰² Khalid Hasan, "I'll make no compromise with traitors..." *The Daily Times*, 25 June 2003.

¹⁰³ Naik said that the proposal had been discussed during Track Two meetings, and Prime Minister Vajpayee "had also evinced interest in it". "Sikandar defends Chenab formula", *Dawn*, 24 May 2003; Abdul Rashid Malik, "The Chenab Line formula", *The Nation*, 3 June 2003.

5. Religious Parties

Dependent on the military for its political space, the religious right is the staunchest proponent of an armed policy in Kashmir. Ideological concerns aside, religious parties such as the Jamaat-i-Islami and the Jamiat Ulema Islam have benefited from a longstanding partnership with the military, receiving political and economic rewards in return for supplying the jihadis the military needs for its regional proxy wars.¹⁰⁴ Because the insurgency in Kashmir has helped the religious right to consolidate its political power and improve its economic status, not surprisingly, it has developed a vested interest in continuing the conflict.

As a result of the military's opposition, mainstream moderate parties such as Bhutto's PPP and Sharif's Muslim League as well as regional secular parties have been relegated to the political sidelines since the October 1999 coup. Benefiting from military patronage during and after the October 2002 national elections, the Muttahida Majlis-i-Amal (MMA), a six-party alliance of religious parties, has obtained a considerable presence in the central legislature, runs its own government in the Northwest Frontier Province, and rules Baluchistan in coalition with the pro-Musharraf Pakistan Muslim League (Quaid-i-Azam). The views of the MMA component parties on Kashmir echo those of the military.

Like the military, the religious parties believe that the Simla Agreement and the Lahore Declaration are not a proper basis for a settlement on Kashmir, which still requires a plebiscite. "Any solution must follow the partition act and UN resolution, a plebiscite must be held in Kashmir", says a leader of the Jamaat-i-Islami.¹⁰⁵ The mullahs and the military also believe that militancy is an appropriate response to Indian inflexibility on Kashmir. "In Kashmir, the Indian military has let loose a reign of terror against innocent people", says the Jamaat-i-Islami's deputy chief, Prof. Ghafoor Ahmad, "So if there is terror against their kith and kin in occupied Kashmir, then people will go there. Jamaat activists have also gone and

embraced martyrdom there. To help our oppressed brethren is not a crime".¹⁰⁶

The commonality of interests has taken on a new dimension in the political standoff between the military-led government and its political opposition. President Musharraf can ward off external pressures for more substantive change in Kashmir policy, particularly in the context of cross-border infiltration, by projecting the military as the sole bastion against Islamic extremists. By taking only half-hearted measures to curb jihadi organisations, Musharraf has also sought to gain external support against his increasingly assertive secular civilian opponents, who refuse to accept the legitimacy of his military-run government.

Many influential countries, particularly the U.S., appear willing to support the political status quo in Pakistan in the belief that it would help to buttress a moderate military leadership and sustain the normalisation process between India and Pakistan. However, minus the military's pressure, the mainstream political parties would be more pragmatic and have, in fact, demonstrated considerable flexibility in their past dealings with India. The resumption of the democratic transition, therefore, would likely result in greater Pakistani objectivity over Kashmir, lower tensions with India, and a reduced risk of war. The moderate secular civilian leaders would need, however, to convince the international community to support the democratic transition, not least by helping to counter military pressure on the formulation and implementation of foreign policy.

D. MEDIA AND PUBLIC OPINION

Just as military policymakers resist civilian input on Kashmir policy, they also use the broadcast and print media to manipulate domestic opinion on that policy.

¹⁰⁴ See ICG Asia Report N°49, *The Mullahs and the Military in Pakistan*, 20 March 2003.

¹⁰⁵ ICG interview, Peshawar, June 2003.

¹⁰⁶ Shamim-ur-Rahman, "Musharraf is not indispensable", *Dawn*, 11 May 2003. Syed Salahuddin, the leader of the Hizb-i-Islami, the Kashmiri militant group that is regarded by some observers as the military arm of the Jamaat-i-Islami, says: "the 5.5 million Kashmiri population that has migrated to Pakistan" from Indian Kashmir "have every right to cross the ceasefire line and join the ongoing struggle to help their bleeding kith and kin. This cannot be labelled as cross border terrorism". Mohammad Shehzad, "We are not terrorists... We are freedom fighters", *The Friday Times*, 15 May 2003.

1. Broadcast Media

Understandably in a country with very low levels of literacy, official postures and perceptions are mainly propagated through the electronic media.¹⁰⁷ There is complete control of information and debate on the government-controlled broadcast media. Lacking editorial independence, Pakistan's state run media acts as a government mouthpiece on Kashmir policy, with a depiction of the conflict that borders on indoctrination, projecting official views on Kashmir as synonymous with patriotism and nationalism.

Special programs on national television and radio networks such as "Kashmir File" highlight human rights abuses by Indian security forces in Jammu and Kashmir and eulogise Kashmiri militants as mujahids, depicting those who are killed as *shaheed* (martyrs). In addition to the government-run Radio Pakistan, Radio Kashmir also relays its broadcasts out of Islamabad.

While recently established independent television channels devote relatively less space to Kashmir, they are cautious in their analysis of official Kashmir policy. Moreover, independent television channels also broadcast government-run national news programs, echoing, in short, government propaganda.

2. Print Media

The independent print media also reflects this caution. Dependent on government funding through advertisements, press barons are hesitant to critique Kashmir policy. There is close official control over the content and even the placement of news items in the print media by Inter-Services Public Relations, the military's public relations organisation, the federal government's Ministry of Information and Broadcasting, and civilian and military intelligence agencies.¹⁰⁸

Journalists in the Urdu and English language press alike base their coverage of Kashmir on information provided by officially run or controlled news agencies, such as the Associated Press of

Pakistan, and the Kashmir Media Service.¹⁰⁹ Discouraging a rigorous debate on the issue, official agencies also attempt to use the media to promote anti-Indian and pro-militant sentiments. Military and military-run governments then use this public opinion to justify to an international audience their inability to transform Pakistan's Kashmir policy radically.

Since the Urdu-language press has a relatively larger reach than its English counterpart, it is not surprising that there is even greater official interest in controlling coverage of issues related to Kashmir. Aware of these official sensitivities, proprietors exercise particularly close oversight over reporting and analysis in the Urdu language newspapers and news magazines.¹¹⁰ Independent voices are often either marginalised or actively discouraged through official pressure while many are co-opted.¹¹¹

There is a far more rigorous debate on the Kashmir conflict in English language newspapers, although a number of journalists who were too independent and thus a threat to a publication's financial viability have been dismissed. While editorials in English language dailies tend to reflect government policy on Kashmir and very few media analysts reject the Kashmiri right to self-determination, monthly news magazines such as *Newsline* and the *Herald* are openly critical of the directions of Kashmir policy. The debate in these and other major English-language publications ranges from the illegitimacy of the military's monopoly over domestic and external policy to the adverse effect of Pakistan-sponsored Islamic cross-border extremism on the country's domestic stability. Because this domestic lobby plays a major role in shaping elite opinion, its opposition to militancy and its advocacy of a peaceful resolution of the

¹⁰⁹ Officially generated news items are also sent directly to proprietors for publications. *Ibid*.

¹¹⁰ The proprietors of the two most widely circulated Urdu newspapers, *Jang* and *Nawai-Waqt*, are also the owners, respectively, of English language dailies, *The News* and *The Nation*.

¹¹¹ Every major Urdu or English language newspaper employs a number of journalists who are in the government's pay, popularly known as "envelope" journalists. Since some of these "envelope" journalists additionally work as stringers for the international media, they also shape, to some extent, international coverage emanating from Pakistan.

¹⁰⁷ Radio has a 65 per cent national audience reach in Pakistan while television's reach is restricted to 45 per cent of the urban-based population.

¹⁰⁸ ICG interview with an Islamabad-based journalist, May 2003.

Kashmir dispute is of consequence in shaping the internal debate.

3. Civil Society

The role of the independent print media in somewhat neutralising the barrage of official propaganda is buttressed by a small cross-section of civil society actors. These parliamentarians, intellectuals, and representatives of non-governmental organisations are critical of official Kashmir policy for distorting the distribution of scarce national resources from development to internal and external security and contributing to domestic and regional instability.

The head of the independent Human Rights Commission of Pakistan, Afrasayab Khattak, for instance, believes that Pakistan's "ruling elite" has used Kashmir as "an effective anti-Indian political platform". The military has made Kashmir "the basis for the promotion of militarism, authoritarianism, and dictatorship". In India, too, he says, the issue is used to promote "obscurantist, right wing causes". Both countries have used the issue "to create war hysteria. But look at the social costs of tensions between Pakistan and India. We are the world's poorest region. And both countries share this social burden of depravity".¹¹²

Pointing to the heavy defence burden, another peace advocate calls for "a political solution, an amicable solution" of the dispute that "requires friendly cooperation with, and from, India".¹¹³ Advocating an end to all cross border infiltration as a first step to peace, a parliamentarian stresses that "Pakistan should declare a war on the so-called jihadists, not because India or the U.S. or much of the world says so but to preserve our own sanity and save our misguided innocents".¹¹⁴ Echoing this view, an academic says, "Pakistan must realise that fifteen years of insurgency have mentally crippled the Kashmiris and devastated their lives. It should

assess how much it has lost among Kashmiris for its policy of supporting militancy".¹¹⁵

Although national NGOs have failed thus far to influence official policy, regional organisations have the potential to build bridges and defuse tensions between the two states. Advocating normalisation of relations, a regional umbrella group, South Asians for Human Rights (SAHR), calls upon Pakistan to abjure militancy and on India to address human rights abuses in Kashmir.¹¹⁶ The India-Pakistan People's Forum for Peace and Democracy has sponsored visits between parliamentarians and other segments of Pakistani and Indian civil society, including labour activists and legal experts, to advance a dialogue. Established in 2000, the South Asia Free Media Association (SAFMA) attempts to bridge the gap between the regional media. At its June 2003 meeting in Dhaka, Bangladesh, SAFMA decided to convene meetings of Pakistani and Indian parliamentarians and media representatives to identify confidence-building initiatives.

These civil society initiatives have helped to broaden constituencies for peace but normalisation of relations, let alone resolution of the Kashmir conflict, ultimately rests on official intentions and actions.

¹¹² ICG interview with Afrasayab Khattak, Chairperson, Human Rights Commission of Pakistan, Peshawar, June 2003.

¹¹³ The Pakistan military's "equipment cannot be adequately modernised", says Naqvi, "even if the economy goes totally bankrupt". M.B. Naqvi, "A tonga hitched to a star", *The News*, 2 July 2003.

¹¹⁴ M.P. Bhandara, "A Kashmir Roadmap", *Dawn*, 1 June 2003.

¹¹⁵ ICG interview, Islamabad, June 2003.

¹¹⁶ According to SAHR, "a time-bound process towards achieving a settlement of issues of discord must be accompanied by a fast track effort towards normalisation of relations between the two countries, which will facilitate resolution of seemingly intractable differences between them". "SAHR on India-Pakistan Peace", press release, 26-27 April 2003.

V. EXTERNAL INITIATIVES AND BILATERAL PEACE

A. THE INTERNATIONAL COMMUNITY

For more than 50 years, Pakistani governments have sought international involvement and support for their stand on Kashmir, tailoring their rhetoric to changes in the environment. During the Bosnian crisis, for example, Pakistan tried to persuade the UN to apply the same yardstick of intervention to Kashmir. At the General Assembly session of September 2000, it urged the UN Security Council to reaffirm the right of self-determination for Kashmir as it had for East Timor, stressing that the status of the conflicts was similar under international law.

To gain international attention and support, Pakistani governments have also highlighted the conventional and nuclear threats stemming from the dispute. According to Pakistani officials, the Security Council's unwillingness to address the issue and the lack of international will in implementing UN resolutions has perpetuated the conflict.¹¹⁷ International indifference, it is argued, has escalated tensions and increased the risk of yet another war between the nuclear-armed rivals.

Pakistan has received some support on Kashmir from bodies such as the Organisation of the Islamic Conference (OIC). It succeeded at the 1994 OIC summit in forming a contact group under the former Prime Minister of Bosnia. This has not, however, translated into any substantive movement since no OIC member country is willing or able to influence India.

Pakistan also knows full well that the U.S. and other permanent members of the Security Council will not risk alienating India by reviving dormant UN resolutions on a Kashmir plebiscite.¹¹⁸ It is equally unlikely that the Security Council will take up the issue of human rights violations in Jammu and

Kashmir. Pakistan's suggestions for an increased UN or any other international monitoring presence along the LOC have most likely been made with knowledge that they cannot gain UN support because India rejects them. Nevertheless, Pakistan has managed, post-1999, to internationalise the Kashmir dispute.

In the wake of the Kargil conflict in Kargil, but particularly after the 2001-2002 near war crisis, the U.S. and other major powers are deeply concerned about the outbreak of a war that could escalate to the nuclear level. For this reason, the U.S. interceded to restore the peace at the time of Kargil, a limited conventional war that resulted in more than 1,000 battle deaths. In 2001-2002, Washington again played a key role, in concert with the G-8, in diffusing the crisis that occurred after India responded to terrorist attacks on the Kashmir and national parliaments by mobilising on the international border and threatening punitive action.¹¹⁹

The Bush administration successfully pressured Pakistan and India to end their diplomatic and military standoff and initiate a process of normalisation, concerned that the absence of communications and continued cross-border militancy could degrade crisis stability due to miscalculation or misperception. With the U.S. overcoming India's traditional reluctance to accept third party involvement in its disputes with Pakistan and playing an unprecedented role of facilitator, the Musharraf government has achieved one of its objectives: internationalisation of the Kashmir conflict. However, this pro-active diplomacy also has a price, since the U.S. success in cajoling India to resume a dialogue is accompanied by U.S. pressure on Pakistan to end all cross border movement of militants in Kashmir.

Pakistani policymakers are also concerned that third countries such as the U.S. might prove far less inclined to go beyond conflict management, accepting India's insistence that the dispute should be addressed bilaterally with Pakistan. Stressing that a history of failed bilateral attempts at resolving the Kashmir conflict underscores the need for effective international intervention, the Pakistan military advocates an enhanced U.S. role in South Asia.¹²⁰ Thus, President Musharraf has

¹¹⁷ ICG interview with a Pakistan Foreign Ministry official, Islamabad, March 2003.

¹¹⁸ Echoing official views, former Foreign Minister Agha Shahi stresses that: "Despite our just stand on Kashmir, Pakistan cannot expect a fair deal from the United Nations, in the prevailing international climate". ICG interview, Islamabad, November 2002.

¹¹⁹ See ICG Asia Report N°35, *Kashmir: Confrontation and Miscalculation*, 11 July 2002.

¹²⁰ ICG interview with former Chief of Army Staff, General Jehangir Karamat, Islamabad, October 2002.

urged President Bush to “remain engaged in South Asia as American engagement will be very useful”. The U.S., he says, “should persist with its efforts in the (South Asian) region as it is doing in the Middle East”.¹²¹

Nevertheless, in the perception of some Pakistani military circles, a U.S. role as facilitator could prove damaging for Kashmir policy should the Bush administration limit its involvement to ending Pakistani-supported cross-border militancy. India could then edge Pakistan out of the equation, consolidate its control over the territory, and treat the conflict within Kashmir as a domestic issue. “Single handed pressure on Pakistan by the United States and the G-8 countries to give up its support for the freedom fighters without reciprocal pressure on India to stop violating human rights”, warns a retired Pakistani general, “is unlikely to resolve any of the issues at hand”.¹²²

Conscious, however, of the need for continued U.S. support and to ease international pressure, the Musharraf government has responded positively, in its public pronouncements, to the BJP government’s latest set of proposed confidence building measures (CBMs). But Pakistan’s distrust of India’s intentions is evident.

On 22 October 2003, Indian Foreign Minister Yashwant Sinha offered a number of CBMs to Pakistan, including the resumption of sports, air and shipping links, the opening of a new border crossing between India’s Rajasthan state and Pakistan’s Sindh; and, most significantly, a bus service between the capitals of Indian and Pakistani-administered Kashmir. While Pakistan agreed in principle to some of these proposals, it attached conditions to others that it knows are unacceptable to India. Urging India to enter into a dialogue on Kashmir, for instance, Foreign Secretary Riaz Khokhar accepted the offer to reopen the Srinagar-Muzaffarabad road but insisted that UN personnel man the border crossing and that Kashmiris who use the route carry UN documents. Pakistan also offered scholarships for Kashmiri

students, treatment for disabled Kashmiris, and assistance for widows and rape victims.¹²³

Subsequently, Prime Minister Jamali, clearly at President Musharraf’s directive, expressed Pakistan’s willingness to discuss a number of Indian-initiated CBMs, including the reopening of the Sindh-Rajasthan border crossing. On 23 November 2003, Jamali announced a unilateral ceasefire along the Line of Control.¹²⁴ India responded positively, extending the ceasefire also to take in the disputed Siachen glacier area north of the LOC, though adding, in continuation of the war of words, that any ceasefire “could only become durable if Pakistan stopped allowing extremists into the area”.¹²⁵

On balance these steps are encouraging, but the fate of these CBMs, like the dozens proposed by both states in the past, will depend on the political will to implement them. Just using the media for propaganda purposes would be counter-productive. While such public diplomacy wins international plaudits, the two states have yet to demonstrate the will to put their pledges into practice. A regular official dialogue is still very much needed to deal with some basic issues between the countries just to take their relations back to where they were before 1999.

B. THE CBM RECORD

Pakistan and India have on various earlier occasions entered into a number of military and non-military CBMs to de-escalate tensions, but the record is mixed at best. The few that have been implemented have either been overturned by subsequent actions or have been ineffective. The primary reason is a mutual distrust that has been aggravated over the years by misguided steps that have, in turn, reinforced mutual hostility.

In February 1999, for instance, Prime Ministers Sharif and Vajpayee agreed, in principle, to develop a number of conventional and nuclear confidence building measures at Lahore and to

¹²¹ “Musharraf for OIC role to solve Ummah issues”, *The Nation*, 30 June 2002.

¹²² Lt. General Kamal Matinuddin, “U.S. Involvement in the Indo-Pak Crisis”, *The News*, 6 August 2002.

¹²³ “List of Pakistan’s proposed CBMs with India”, *Daily Times*, 30 October 2003.

¹²⁴ Razaqat Ali, “Pakistan declares ceasefire along LOC unilaterally: Willing to reopen Khokhrapar route, start Srinagar bus service and revive air links: PM’s address to nation”, *Dawn*, 24 November 2003.

¹²⁵ BBC News, 25 November 2003.

review the implementation of existing CBMs.¹²⁶ The Lahore Declaration raised hopes for a sustained peace, only to be derailed by incursions in May by Pakistani-backed militants and regular forces across the LOC into the Kargil and Drass sectors of Kashmir, reversing agreed CBMs and eroding any faith the Indians had in their Pakistani counterparts.

During the 1990 crisis, both sides used the hotline between their Directors General of Military Operations (DGMOs) to convey misinformation.¹²⁷ After the Kargil crisis, the hotline was used but for all practical purposes it proved non-functional in an atmosphere of heightened mutual hostility and mistrust. In the 2001-2002 near-war crisis, the DGMOs failed to keep each other informed of offensive troop deployments. Furthermore, although both parties have honoured the agreement not to attack nuclear installations and to exchange lists of those installations in 2002 and 2003, the expansion of their nuclear capabilities has set off a destabilising arms race, contributing even further to mutual mistrust.

Adding to conventional and nuclear CBMs is unlikely to pay dividends in the current climate. In the first instance, at least, Pakistan and India should implement their existing CBMs in earnest to reduce tensions and thus enhance the prospects of a successful normalisation process. The greatest challenge lies in integrating CBMs into a broader framework for bilateral peace. Only then can they serve to prevent and contain conflict, develop durable confidence, and help transform a hostile relationship to one that is based at the very least on a minimum level of cooperation.

¹²⁶ See Memorandum of Understanding between Indian Foreign Secretary K. Raghunath and Pakistan Foreign Secretary Shamshad Ahmad, Lahore, 21 February 1999. Text at http://www.usip.library/pa/ip/ip_lahore_19990221.html.

¹²⁷ Mario E. Carranza, "Dangerous Optimism: Non-weaponized Deterrence and Regional Peace in South Asia", *International Politics*, No. 35, June 1998, p. 110.

VI. SEARCHING FOR SOLUTIONS

A wide range of proposals has been floated to resolve the Kashmir dispute. Those suggested by think tanks and policy analysts include conversion of the LOC into the international border, soft borders, plebiscites along regional or district lines, the partition of Kashmir on the basis of religious affinity or along geographic lines, independence for the whole of Kashmir, or only for the Valley.

Officially Pakistan supports only one option, a plebiscite, in accordance with UN resolutions, on Kashmir's accession to either India or Pakistan. In a speech before the UN Security Council in May 2003, Foreign Minister Khurshid Mahmood Kasuri reminded it of the "historical fact" that it had adopted a resolution on 21 April 1948 promising a "free and fair plebiscite under UN auspices to enable the people of Jammu and Kashmir whether they want to join India or Pakistan".¹²⁸

Averse to the territorial status quo, Pakistani policy-makers refuse to recognise the integration of Jammu and Kashmir into the Indian Union and reject India's interest in conversion of the existing LOC into an international border. While they are open to other options than a plebiscite, the right of Kashmiris to an independent and reunified Jammu and Kashmir is unlikely to gain much support among them. As discussed earlier, they have, however, debated a range of ideas.

A. INTEGRATION OF JAMMU AND KASHMIR INTO THE INDIAN UNION

In Pakistani perceptions, India means to integrate Kashmir into the Indian Union through brute force and administrative reforms, including state elections. Pakistan believes that India's portrayal of the Kashmiri insurrection as "cross-border" terrorism is meant to further that aim. According to this line of reasoning, India is manipulating international concerns about terrorism to neutralise Pakistan's standing in Kashmir and support for the Kashmiri insurgents. It is simultaneously using force to wear down Kashmiri militants and political groups so it can implement its policy of

¹²⁸ *Dawn*, 14 May 2003.

integration.¹²⁹ New Delhi would then obtain international legitimacy for its claim over Jammu and Kashmir once the existing LOC was transformed into an international boundary.

Pakistan also views India's insistence on bilateralism as an attempt to consolidate the territorial and political status quo in Kashmir. It believes India is interested in third party mediation or facilitation only to the extent that diplomatic pressure is applied on Pakistan to stop the cross border movement of militants. Its description of the Kashmiri insurgency as terrorism is meant to divert attention from the real problem and avoid substantive talks with Pakistan.

For Pakistani policy-makers, India's insistence that its claim over Kashmir, including its control over the Valley, is non-negotiable is meant to pressure Pakistan into accepting the integration of Kashmir into the Indian Union. According to President Musharraf, "instead of a peace process, India insists on the permanence of an unjust status quo in Kashmir" that "would be creating obstructions to a peace process, rather than facilitating it".¹³⁰

Pakistan believes that forcible integration is unlikely to succeed in Kashmir. It considers that India's use of force might have succeeded against Punjabi secessionists since the Indian Punjab, unlike Kashmir, is not a disputed territory. Continuing to justify Kashmir policy on the basis of the UN resolutions, however, Pakistani policy-makers insist that India accepted and must implement its obligation to allow the Kashmiris to choose between the two countries. Finally, Pakistani governments, including the Musharraf administration, insist that the dispute can only be solved through negotiations between Pakistan and India, and with the assent of the Kashmiri people.

In Islamabad's view, its policy is vindicated by Kashmiri opinion, including that of the All Parties Hurriyat Conference (APHC), which rejects New

Delhi's contention that the conflict in Jammu and Kashmir is an internal dispute that should be handled within the framework of the Indian constitution. Pakistan also contends that Indian efforts to pacify Kashmiri demands and to divide the Kashmiri opposition by offers of autonomy, such as reviving Article 370, have failed because the Kashmiris do not trust such offers.¹³¹

Pakistani officials insist that Kashmiris will not compromise their demand for self-determination by accepting autonomy within the Indian constitution. Finally, in Pakistani perceptions, even if the 2002 elections to the Kashmir state legislature might have been necessary to form a representative government to run the affairs of the state, they did not legitimise India's rule and cannot be a substitute for resolving the dispute.¹³²

B. INDEPENDENCE

Although Islamabad pays lip service to the right of Kashmiris to determine their own future, its official policy rejects a possible "third option" of independence. In Islamabad's view, an independent Kashmir is not acceptable because it would undermine Pakistan's interests.¹³³

Insisting that Pakistan is a party to the Kashmir dispute, policy-makers point out that independence is not one of the options included in the plebiscite recommended by the UN resolutions. Pakistan also justifies its opposition to independence for Kashmir on the grounds of impracticality, including India's refusal to hold a plebiscite. Security interests count heavily in Pakistan's calculus, including the fear of a Balkanisation of South Asia and the prospect that an independent Kashmir could become a magnet attracting interventions by South Asian rivals. In Pakistan's view, its regional ally, China, would

¹²⁹ According to a retired general, India has "applied intense political and military pressure" to "achieve its political and strategic objectives of trying to isolate and compel Pakistan to stop support for the Kashmiri freedom struggle". Lt. Gen. Talat Masood, "Strategy of Waging Peace", paper presented at the 2nd Pugwash Workshop on South Asian Security, Geneva, 16-18 May 2003, at <http://www.pugwash.org/reports/rc/SAS2003-masood.htm>.

¹³⁰ "Musharraf offers India historical peace process", *The Daily Times*, 27 June 2003.

¹³¹ The substance of Article 370 of the Indian constitution, which gave Jammu and Kashmir special status, limiting the Indian parliament's legislative powers over it to defence, foreign affairs and communications, has been diluted over time. In 1956, Jammu and Kashmir's Constituent Assembly approved Kashmir's merger with India. See ICG Asia Report N°41, *Kashmir: The View from Srinagar*, 21 November 2002.

¹³² "I am very sure of one thing", says President Musharraf, "Kashmiris do not want to be part of India. I am 100 per cent sure". He added, "Would anyone want to be with India when they are killing them?" "I do politics the army way: Musharraf", *The News*, 16 June 2003.

¹³³ Schofield, op. cit., p. 223.

have its own geopolitical and security apprehensions about an independent Kashmir.

Above all, Pakistan is unlikely to agree to the independence option for all of Kashmir because of strategic compulsions. "Pakistan has little depth", says former Army Chief, General Jehangir Karamat. "Granting independence to Azad Kashmir could have serious strategic implications for Pakistan". Losing the Pakistani part of Kashmir would undermine national security, he argues.¹³⁴ Nor could Pakistan afford to lose its control over the parts of Kashmir it administers directly, since its strategic road link to China, through the Karakoram highway to the Khunjerab pass, traverses those Northern Areas.¹³⁵

At the very most, Pakistan might accept an option of independence for only the Kashmir Valley and some Muslim-majority areas of Jammu through, for example, a regional referendum held under UN auspices. But, in Islamabad's view, independence for the Valley would require an agreement between Pakistan and India as well as the support of the international community, preconditions that are unlikely to materialise any time soon.

C. LINE OF CONTROL AS INTERNATIONAL BORDER

Pakistani policy-makers are equally averse to India's privately preferred option: the conversion of the existing LOC into an international border. Concerned that the U.S. and most European Union states would be willing to endorse the status quo in Kashmir as a way out of the current impasse, Pakistan stresses, in the words of its UN Permanent Representative, that the "status quo is the problem, it cannot be the solution".¹³⁶ Rejecting the territorial and political status quo, Islamabad stands by its position that Kashmir is disputed territory, whose status remains undecided under international law.

At Track Two meetings, some Pakistani analysts have supported a solution that would combine the conversion of the LOC into a soft international

border with maximum autonomy for both parts of Kashmir and free movement of Kashmiris across that border. This proposal is, however, unacceptable to the military. Justifying rejection of the existing LOC into a soft international border, President Musharraf states, "The Line of Control is why we have had three wars. That is the dispute. It can never be the solution".¹³⁷

According to Islamabad, open borders in Kashmir are not feasible so long as relations between Pakistan and India are tense, and there is no open flow of peoples and goods across the international border between the two countries. Hence an adaptation of Northern Ireland's peace agreement to Kashmir, based on the extension of autonomy and the creation of an open border after demobilisation by both sides, would likely prove unacceptable. In fact, Pakistani policy-makers perceive the option of a soft border along the existing LOC as the beginning of the slippery slope that could lead to international recognition of the present line as the international border and hence international legitimacy for the integration of Indian-administered Kashmir into the Indian Union.

D. REDRAWING THE LINE OF CONTROL

In Islamabad's view, India must accept the Kashmir question as a dispute with Pakistan, reduce its military presence in Kashmir, and end human right violations in the disputed territory in order to create a favourable environment for a peace process. In Track Two meetings, Pakistani analysts admit that it is also incumbent on their government to end any cross border infiltration by extremists to prevent derailing of the peace process. At the same time, they insist that New Delhi must also undertake not to abandon its commitment to negotiate a mutually acceptable solution once peace returns to Kashmir. "As the situation stands today", says a former Pakistani general, "India in all probability will try and drag its feet on Kashmir and would like to maintain the status quo".¹³⁸

Pakistani policy-makers acknowledge that it is unrealistic to expect a quick fix to a highly complex and emotional issue while tensions are running high. Many in South Asia and the wider international

¹³⁴ ICG interview, Islamabad, November 2002.

¹³⁵ The Northern Areas (Gilgit, Balistan/Skardu and Hunza) are the parts of Pakistan-controlled Kashmir that are directly administered by Islamabad.

¹³⁶ Statement by Pakistan's Permanent Representative, Munir Akram, to the United Nations, November 2002.

¹³⁷ "Musharraf offers India historical peace process", *The Daily Times*, 27 June 2003.

¹³⁸ Masood, op.cit.

community might prefer to see the Kashmir problem disappear quickly but this, in Islamabad's view, is just wishful thinking. A more realistic approach, according to President Musharraf, would involve a staggered process of negotiations between Pakistan and India. As a first step, the two countries should begin talks; subsequently they should recognise Kashmir as a dispute, followed by a process of elimination of what was unacceptable to one or more of the three concerned parties, Pakistan, India and the Kashmiris. For such a process to succeed, Musharraf has said, both sides must be flexible: "if there is rigidity, the solution will never come".¹³⁹

In Pakistani perceptions, since no solution could fully meet the two governments' divergent demands, it will be imperative for both to demonstrate a willingness to compromise and make concessions. "Obviously, no negotiations can succeed", says former Foreign Minister Sartaj Aziz, unless the parties "are prepared to climb down from their maximalist positions".¹⁴⁰ A former Secretary General of Foreign Affairs, Akram Zaki, argues that "being the larger and more powerful, and a stable democracy, India should have the confidence of taking the initiative and be more flexible in its attitude".¹⁴¹

As the dialogue progresses, in the Pakistani view, it should be accompanied by a thinning out of Indian military and paramilitary forces and acceptance of the presence of international human rights organisations in Kashmir. Islamabad and New Delhi could work out mechanisms, either bilaterally or with UN assistance, to place international observers on both sides of the LOC to monitor any cross-border movement of militants.¹⁴²

Islamabad considers that Kashmiris must be a party to such a dialogue. "Both India and Pakistan want the whole of Kashmir for themselves", says a former Director General of the ISI. "Logically, therefore, they cannot have any objection to the Kashmiris on both sides, their leadership in this case, to come together and talk about it".¹⁴³ The challenge would lie in the two states, Pakistan and

India, determining the representatives of the Kashmiris in such a dialogue.

Finally, in Pakistan's perspective, any peace settlement will have to take into account the fact that the Kashmiri population is not homogeneous and address the most sensitive aspect, the alienation of the Muslims of the Valley. According to a former military official, General K.M. Arif, the Kashmir Study Group's Livingston Proposal is a potential solution in which President Musharraf has expressed interest. According to this solution, Kashmir would be divided into one or more sovereign entities without an international personality (that is, not independent) but with authority over all subjects except defence and foreign affairs, which would be the joint responsibility of Pakistan and India.¹⁴⁴

As previously noted, Musharraf has also expressed interest in pursuing solutions such as the Chenab formula,¹⁴⁵ advocated by Azad Jammu and Kashmir Prime Minister Sikandar Hayat Khan, according to which the Muslim-majority areas of the former princely state north of the Chenab River, along with Azad Jammu and Kashmir and the Northern Areas, would be included in Pakistan, while the Hindu and Buddhist-majority south, including Ladakh, would remain in India.¹⁴⁶

¹³⁹ "LFO can't be undone: Musharraf. No timeframe for uniform", *Dawn*, 19 July 2003.

¹⁴⁰ ICG interview with former Foreign Minister Sartaj Aziz, Islamabad, October 2002.

¹⁴¹ ICG interview, Islamabad, November 2002.

¹⁴² *Ibid.*

¹⁴³ Asad Durrani, *op. cit.*

¹⁴⁴ See "Kashmir: The Way Forward", Kashmir Study Group (February 2000) at <http://www.kashmirstudygroup.org/bottom.html>. Established by Farooq Kathwari, an American businessman of Kashmiri origin in 1996, with members from political, diplomatic and academic backgrounds, the study group interacts extensively with parties to the Kashmir dispute. According to an earlier proposal for the division of Kashmir, the Dixon Plan of 1950, Ladakh would remain with India, and Azad Jammu and Kashmir and the Northern Areas with Pakistan. Jammu would be divided on the lines of religion, and a plebiscite would be held in the Valley. Syed Talat Hussain, "Desperately Seeking Solutions", *Newsline*, June 2003. See also A.G. Noorani, "The Dixon Plan", *Frontline*, Vol. 19, No. 21, 12-25 October 2002. Owen Dixon, a judge of the Australian High Court, served as UN mediator on Kashmir in 1950.

¹⁴⁵ "Compromises needed for peace: Musharraf", *The News*, 17 June 2003.

¹⁴⁶ According to former Foreign Secretary Niaz A. Naik, President Musharraf, then the Army chief, had agreed during Prime Minister Sharif's second government that proposals such as the Chenab plan, which would result in a mutually acceptable redrawing of the LOC, "could pave the way for the Kashmir solution". Talat Hussain, *op. cit.*

VII. CONCLUSION

Unfortunately, Pakistan, like India, has a propensity to look backward rather than forward when it comes to the Kashmir conflict, and the Kashmiri people are paying a heavy price for intransigence.

In Islamabad's view, the price paid by India includes strained relations, the risk of war with Pakistan, the tying down of a large part of its army, and the wasteful use of scarce economic resources on security. India, moreover, is not likely to gain the necessary support to fulfil its ambition of gaining a permanent seat on the UN Security Council until the Kashmir dispute is resolved. But Pakistan's decision-makers have yet to realize that their country is paying, at least proportionately, an even heavier political, economic, and military price.

Animosity with India translates into a heavy defence burden and the ever-present threat of war against a militarily superior force. Moreover, support for Kashmiri militants has rebounded by militarising and destabilising Pakistan's own society. Internal instability and the frequent threat of war with India, in turn, discourage domestic and international investment.

The belief that the insurgency in Kashmir is bleeding India at a relatively low cost to Pakistan has more to do with conviction than facts. In the past ten years, India has sustained the economic burden of its military operations in Kashmir, and its economy has steadily grown, while the drain on Pakistan's economy and social capital has been considerable. In any case, given the asymmetry in resources, Pakistan is not in a position to tilt the military balance in its favour through its current Kashmir policy. Nor have the Kashmiris gained from excessive reliance on Pakistan. On the contrary, that reliance has become more of a liability than an asset in the present international climate.¹⁴⁷

Beset with innumerable domestic problems, political and economic, Pakistan is not in a position to win over world opinion. India's preferences carry more weight, given its size, economic resources and geostrategic potential. In these circumstances, Pakistan's only promising recourse would seem to be to discard any military option and

concentrate on diplomacy, continuing to highlight the Kashmir issue both bilaterally with India and in multilateral forums, such as the United Nations and the OIC, while ending all support to militants operating in Kashmir.

If Pakistan were to limit its role to providing moral and political support for indigenous Kashmiri political forces attempting to control their own destiny, and the Kashmiris were to develop their own strategies, the latter would be in a better position to bargain with the Indian government as well as to acquire greater credibility internationally.

In Islamabad's analysis, successive near-war crises were necessary to enhance international concern that Kashmir could become a nuclear flash point. That has now been achieved. Since bilateralism has failed to resolve the Kashmir conflict for a half-century, the international community should play a more proactive role in helping both states to end their diplomatic impasse and move towards a resolution of the dispute. But external, including U.S., facilitation can only succeed if both parties to the dispute accept it.

Even then, the current level of hostility between Pakistan and India and their widely divergent positions on Kashmir preclude the possibility of an early settlement. Since Pakistan refuses to accept the existing LOC as the basis of a settlement, and India continues to reject Pakistan's insistence on a plebiscite in Kashmir, the task of reconciling conflicting positions is one that will take a long time yet.

Islamabad/Brussels 4 December 2003

¹⁴⁷ ICG interviews, Karachi and Lahore, November 2002.

APPENDIX B

GLOSSARY OF NAMES, ACRONYMS AND USEFUL TERMS

- AJK** Azad Jammu and Kashmir, also known as the Pakistan-administered one third of Kashmir, frequently referred to also as "Azad (Free) Kashmir." The remaining two thirds, in Pakistan's view, is under Indian military occupation
- APHC** The All Parties Hurriyat (Freedom) Conference; a coalition of political parties opposed to Indian rule in Kashmir formed in 1993
- BJP** Bharatiya Janata Party; a Hindu nationalist party led by Prime Minister Atal Bihari Vajpayee
- CBM** Confidence Building Measures
- G-8** An informal grouping of eight highly developed states whose leaders meet annually and seek to cooperate on a range of economic and political issues. The members are: Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States
- ISID** Inter-Services Intelligence Directorate, the Pakistan armed forces' intelligence agency (also ISI)
- Jammu** One of three provinces comprising the modern, Indian-administered state of Jammu and Kashmir. Its capital and major city is Jammu
- Kashmir** One of three provinces comprising the modern, Indian-administered state of Jammu and Kashmir. Its capital and major city is Srinagar
- Ladakh** One of three provinces comprising the modern, Indian-administered state of Jammu and Kashmir. Its major city is Leh
- LOC** Line of Control, demarcating the division between Indian and Pakistani-administered territory
- Maharaja Singh (Hari)**
Pre-Partition ethnic Dogra monarch of Jammu and Kashmir responsible for signing the Instrument of Accession to India on 26 October 1947.
- OIC** The Organisation of the Islamic Conference, an inter-governmental organisation with 56 members.
- Radcliffe Boundary Commission**
Boundary Commission led by Cyril Radcliffe in 1947 and charged with demarcating the division of British India between India and Pakistan; it is blamed for much subsequent discord between the two states due to last minute changes made in the Boundary Award under the influence of the Viceroy, Lord Mountbatten.
- Rann of Katch**
Disputed territory where India and Pakistan clashed in 1965.
- UN** United Nations.
- UNSC** United Nations Security Council

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers. ICG also publishes *CrisisWatch*, a 12-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates thirteen field offices (in Amman, Belgrade, Bogotá, Cairo, Freetown, Islamabad, Jakarta, Kathmandu, Nairobi, Osh, Pristina, Sarajevo and Tbilisi) with analysts working in over 30 crisis-affected countries and territories across four continents. In Africa, those countries include Burundi, Rwanda, the

Democratic Republic of Congo, Sierra Leone, Liberia, Guinea, Ethiopia, Eritrea, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in Europe, Albania, Bosnia, Georgia, Kosovo, Macedonia, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: the Australian Agency for International Development, the Austrian Federal Ministry of Foreign Affairs, the Canadian Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the Royal Danish Ministry of Foreign Affairs, the Finnish Ministry of Foreign Affairs, the French Ministry of Foreign Affairs, the German Foreign Office, the Irish Department of Foreign Affairs, the Japanese International Cooperation Agency, the Luxembourgian Ministry of Foreign Affairs, the Dutch Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Swedish Ministry for Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the Republic of China Ministry of Foreign Affairs (Taiwan), the Turkish Ministry of Foreign Affairs, the United Kingdom Foreign and Commonwealth Office, the United Kingdom Department for International Development, the U.S. Agency for International Development.

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December 2003

APPENDIX D

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