

THE KASHMIR CONFLICT: A CASE STUDY IN ETHNO-NATIONALISM  
AND ITS RAMIFICATIONS FOR INDIA'S NATIONAL SECURITY.

by

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THESIS ABSTRACT

In this dissertation I am concerned with 3 objectives:

- (1) To determine the nature of India's security dilemma in Kashmir.
  
- (2) To show that the Indo-Pakistan commitment to the nuclear weapons option makes it imperative that conflict management is augmented by mechanisms of conflict resolution.
  
- (3) To proffer a solution to the crisis that will address the structural constraints of the Indo-Pakistan "insecurity complex" and account for the internal and external causes of the present imbroglio.

First, I shall argue that Kashmir poses a dual internal-external security problem for India. The internal component of threat which involves the rising tide of militant Kashmiri ethno-nationalism, and its cries for separation from the Indian union, has been caused by two factors: the steady erosion of the nation's democratic, federal, and secular edifice, and New Delhi's continued neglect of the state's socio-economic needs. I contend that as Indian security forces become mired in a counter-insurgency war against Kashmiri militants, it appears that New Delhi is unwittingly aiding and abetting the very process of fragmentation that she so desperately wants to prevent. These internal security problems have been compounded by Pakistan's irredentist claims and actions in Kashmir. The external component of threat involving Pakistan's covert support of disaffected elements in the troubled state has thus sustained the conflict.

Second, I shall determine the prospects for a fourth Indo-Pakistan war involving Kashmir as the bone of contention. I maintain that the risks of nuclear

war between India and Pakistan are greater than deterrence advocates suggest because of the political dynamics which obtain and the weaknesses of the command, control, communication and information systems in both countries. To illustrate this point, I shall examine the causes of the May 1990 confrontation between India and Pakistan in which escalation to a nuclear level was quite possible.

Finally, I shall argue that a window of opportunity has been created in the international context of the 1990s in which the conditions for dispute resolution depend upon the reformation of the Indian and Pakistani systems of domestic governance. The most effective way to check centrifugal tendencies unleashed by the assertion of sub-national loyalties is to rejuvenate Indian democracy, federalism and secularism. In order to reverse the pattern of enmity that has historically structured Indo-Pakistan relations, Pakistan must endeavor to restructure and rethink its political institutions and political practises. Pakistan must keep the psychology of the military out of civilian governance, develop a polity that is more "federal" in character, and improve the standard of living for the masses. In short, once both countries put their domestic houses in order, one can envisage an end to the crisis in Kashmir.

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THE KASHMIR CONFLICT: A CASE STUDY IN ETHNO-NATIONALISM  
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In the traditional Westphalian international system, national security was defined as the ability of a nation to protect its internal values from external threats. Since the mid-1970s however, a new concept of national security has emerged. The internal sources of threat like separatism, secession and inter-ethnic violence have now become national security concerns. These internal security problems are often compounded by the interests and actions of external powers. Hence, a state's ability to control the fissiparous tendencies unleashed by the assertion of sub-national loyalties is influenced, if not determined, by the policies pursued by other states.

Kashmir poses a dual internal-external security problem for India. The history of Kashmir in the context of Indo-Pakistan relations has culminated in war on two occasions already. The external component of threats to India's national security thus involves Pakistan's claims to Kashmir. On the other hand, the internal component of threat involves the rising tide of Kashmiri ethno-nationalism. I shall argue that as Indian security forces become mired in a counter-insurgency war against Kashmiri militants, it appears that New Delhi is unwittingly aiding and abetting the very process of fragmentation that she so desperately wants to prevent. The excesses of the Indian security forces within Muslim dominated Kashmir have obviously galvanized anti-Indian sentiment and accelerated secessionist demands.

In this paper I shall determine the nature of India's security dilemma in Kashmir and I will proffer possible solutions to resolve this dilemma. To this end, the dispute resolution alternatives already formulated by scholars and policy analysts will be synthesized. An analysis of the interaction between the internal and external sources of threat will help determine the nature of India's security dilemma. I propose to show that despite India's military superiority over Pakistan as demonstrated in previous wars, the outcome of another war will be less

favourable from India's perspective unless India regains its political legitimacy among the Kashmiris. Because of the rising tide of Kashmiri ethno-nationalism, another dimension has been added to the strained relations between India and Pakistan. It is conceivable, therefore, that the strong anti-Indian sentiment held by Kashmir's Muslim majority could translate into advocacy for union with Pakistan. For New Delhi, the mere thought of this occurring is sufficient to prolong the acrimony which has characterized Indo-Pak relations since independence. It is my contention that unless a solution which is acceptable to all interested parties is found, Kashmir will continue to imperil peace on the sub-continent.

The dissertation will consist of four chapters. In the first chapter, I will provide a brief review of the major factors which contributed to the origins of the Kashmir crisis, and discuss the causes and outcomes of the three wars fought between India and Pakistan. By giving an historical account of the development of the conflict, I hope to isolate the essence of India's security dilemma in Kashmir. This in turn will determine which dispute resolution mechanisms are likely to succeed in the future and which are doomed to fail.

In the second chapter I will analyse the underlying reasons for communal unrest in the Kashmir valley during the 1980s and briefly assess the political climate in the country as a whole. By doing so, the interaction between the internal and external sources of threat will become clear. I shall also assess the role of international arms transfers to the region and of militant Islamic nationalism in heightening India's perception of threat.

The third chapter will examine possible outcomes of the conflict. It is here that answers to the following questions will be provided:

- (1) Will the crisis in Kashmir escalate into another Indo-Pakistan war?
- (2) What are the prospects for the crisis turning into a nuclear conflagration?

(3) What is the likelihood of India becoming bogged down in a protracted war of counter-insurgency with Kashmiri militants?

The fourth and final chapter will focus on solutions to the conflict. I shall assess the dispute resolution mechanisms formulated by policy analysts and develop an approach based on one or more alternatives. Since the ultimate solution will require a radical change in the attitudes of the leaders in India and Pakistan, as well as an overhaul of the systems of domestic governance, we cannot expect a permanent resolution of the conflict in the near future. Should all parties to the dispute continue to wallow in the primordial slime of hatred and unreason, there is nothing that can restore Kashmir's vibrant and tolerant ethos. The state's pristine beauty would be forever blemished with death and destruction. Unfortunately, the mere thought of this occurring has been insufficient to catalyze positive change.

*CHAPTER ONE*  
*GENESIS OF THE CONFLICT*

CONCEPTIONS OF NATIONHOOD: M.A. JINNAH'S TWO-NATIONS THEORY AND NEHRU'S SECULAR NATIONALISM.

In order to understand the genesis of the conflict in Kashmir it is necessary to analyse the different conceptions of nationhood expounded by M. A. Jinnah, leader of the Muslim League and Pakistan's founder, and Jawaharlal Nehru, independent India's first Prime Minister. For Jinnah, the partition of India was based on the idea that Muslims on the sub-continent constituted a separate nation. He argued that a separate politico-legal status for Muslims was necessary since Islam, unlike Hinduism and Christianity, stipulates religion must be fused with politics to create a theocratic state. According to Jinnah, a united India belonged to the Hindus and could never be a homeland for the Muslims of the sub-continent. Since Hindus would outnumber Muslims, the rights of the minority would be trampled by tyranny of the Hindu majority. A separate, independent Muslim state which would be called Pakistan was his solution.

In contrast, Nehru saw the partition of India as the result of the British colonial policy of divide and rule. For Nehru, there was nothing inherently incompatible with Hinduism and Islam. After all, for centuries Hinduism had coexisted with Islam, Sikhism, Jainism, Buddhism and Christianity to create a composite Indian culture. In fact, the Muslims of India had converted from Hinduism to Islam during Mughal rule. Accordingly, the customs and traditions of many Indian Muslims are similar to those of Hindus. Antagonisms between Hindus and Muslims were exploited by the British in order to maintain disunity on the sub-continent. As such, the British used every mechanism at their disposal to widen the intercommunal schism. <sup>1</sup> As an advocate of secular nationalism, Nehru

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<sup>1</sup> The Montagu-Chelmsford Reforms and the Minto-Morely Reforms triggered communal antagonisms by giving separate electorates for Muslims. These pieces of legislation served to crystallize ethno-religious identities and hampered further cooperation

believed it was possible and desirable to integrate different religious and ethnic groups into a single nation-state. For him, nationhood based on secular principles would ensure that the rights of all people were safeguarded. Religion as the basis for nationhood would, on the other hand, unleash destabilizing centrifugal forces which might dismember the integrity of a multi-national state such as India. To ensure centrifugal forces do not overwhelm centripetal ones Nehru believed the secular state must curtail militant sub-nationalisms.

From the foregoing analysis it becomes clear that Jinnah and Nehru held diametrically opposed views regarding the basis of nationhood. As we shall see in sections to follow, these conceptions of nationhood have shaped India's objective of preventing Kashmiri secessionism and Pakistan's irredentist claims on Kashmir.

#### THE HISTORICAL BACKGROUND

When British paramountcy had lapsed in 1947, three princely states out of 562 kingdoms had still not acceded to either the Indian union or Pakistan. Kashmir was one of those princely states whose political future had not yet been decided. The decision to join one or the other nation-state was loosely based on territorial contiguity and the will of the majority population. Hence, if the princely state was territorially contiguous with one state as opposed to another, and had a majority population wishing to accede to that contiguous state, then the regional potentate would likely accede to that nation-state. <sup>2</sup> In most cases, the merger with either nation-state was fraught with little difficulty because the potentate had the same religion as the majority of his subjects and was contiguous to the country most like itself. In the case of Kashmir, however, several anomalies

between Hindu and Muslim political elites during the freedom struggle.

<sup>2</sup>It is important to note, however, that international law does not require the consent of the governed to legalize the accession of one political entity to another. An instrument of accession is legal and binding provided it is signed by the ruler of the state wishing to accede. Nevertheless, for practical purposes it helps to have the consent of the governed to avoid future conflict.

were present. Kashmir, which borders both India and Pakistan, had a predominantly Muslim population that was governed by the Hindu Maharajah, Hari Singh. To complicate matters further, the Muslim population in Kashmir was more Kashmiri than Islamic. In other words, a Kashmiri Muslim in 1947 was not automatically pro-Pakistan simply because Pakistan was an Islamic state. Ethnically, the Kashmiri Muslims had much in common with the Hindu, Sikh and Buddhist minorities in the state. Hundreds of years of ethno-cultural syncretism had produced a composite culture in Kashmir which was distinct. Unable to decide which option to take, the Maharajah obtained standstill agreements from both India and Pakistan. Had Kashmiri independence been a viable option then, the Maharajah would not have hesitated as he did.

#### THE ACCESSION OF KASHMIR TO INDIA AND THE FIRST INDO-PAKISTAN WAR 1947-1949

Following the standstill agreement concluded with Pakistan, Pathan tribesmen from that country's north-western region and irregular brigades from Pakistan's army invaded the northern part of Kashmir. Fearing the imminent collapse of Kashmir, the Maharajah sought military aid from the government of India. New Delhi refused to offer such aid since Kashmir was not a part of the Indian union. Thereafter, Sheik Abdullah's National Conference, the largest Kashmiri populist party which had earlier agitated for freedom from the Maharajah's rule, requested accession to India. <sup>3</sup>

When the raiders were fast approaching Srinagar, one could think of only one way to save the State from total annihilation, by asking for help from a friendly neighbour. The representatives of the National Conference therefore flew to Delhi to seek help from the Government of India, but the absence of any constitutional ties between our State and India made it impossible for her to

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<sup>3</sup>R.K. Chatterjee, India's Land Borders: Problems and Challenges (New Delhi: Sterling Pub., 1978) p. 129.

render any effective assistance in meeting the aggressor. Since the people's representatives themselves sought alliance, the Government of India showed readiness to accept it. Legally, the Instrument of Accession had to be signed by the Ruler of the State. This the Maharajah did. <sup>4</sup>

Once the Maharajah himself signed the Instrument of Accession to India, New Delhi set out to defend Kashmir. On January 1, 1948, India lodged a complaint against Pakistan in the Security Council:

Owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which had acceded to the Dominion of India and is part of India...The government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India. <sup>5</sup>

In response to the imbroglio over Kashmir, the United Nations Commission on India and Pakistan passed several resolutions. The resolutions of August 13, 1948 and January 5, 1949, provided for a cease-fire, the demarcation of a cease-fire line, the withdrawal of Pakistani troops, removal of most Indian forces except the minimum required to maintain law and order and the holding of a U.N. supervised plebiscite to determine the will of the Kashmiri people. <sup>6</sup> It was decided by UNCIP that the plebiscite would be held after the other conditions were met first.

Although the first two conditions were met, the condition requiring demilitarization was not. Pakistan refused to withdraw from the areas captured during the invasion. To this day, Pakistan occupies one third of the state while India retains control of two thirds. Consequently, India is resolved to delay the holding of a plebiscite indefinitely.

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<sup>4</sup>Ibid., p. 130. These statements were made by Sheikh Abdullah, then Prime Minister of Jammu and Kashmir during a session of the State's Constituent Assembly.

<sup>5</sup>Ibid., p. 131.

<sup>6</sup>P.I. Cheema, "Pakistan, India and Kashmir" As quoted in R. Thomas, Perspectives on Kashmir (Boulder: Westview Press, 1992) p. 99.

From India's perspective, the failure of the UN to brand Pakistan as an aggressor exemplified the inordinate amount of power and influence exercised by the Western nations in the body. It appeared that the United States and company were not inclined to isolate Pakistan, a country which could be a more reliable ally than India in the Cold War context. Although India was not in the Soviet camp, the nation's non-aligned philosophy was perceived by the West as less hostile to communism. Critics of Nehru's decision to submit the Kashmir issue to the Security Council argue that Indian forces could have ousted Pakistan out of the state entirely had the prime minister opted for a military solution, since the distribution of military power was very much in her favor:

Following partition, virtually all Muslim officers and enlisted men of the Royal Indian Army and Air Force opted to go with Pakistan. Accordingly, the division of the British Indian armed forces between India and Pakistan was roughly in the proportion of two to one. However, the overwhelming proportion of the military bases and equipment had been maintained in what was then the pre-partition "Indian" part of British India, much of which was simply retained by independent India.<sup>7</sup>

For such critics the UN, hi-jacked by cold war politics, failed to find a lasting solution to a dispute which could have been settled decisively on the battleground. In addition, India's complete military victory over Pakistan would have been likely since India still enjoyed the support of the Kashmiris in Jammu. The preceding analysis of the causes and outcome of the first Indo-Pakistan war brings to light the external dimensions of India's security problem in Kashmir. The external dimensions involved Pakistan's conception of nationhood, her occupation of northern Kashmir and the interests of the great powers in fostering an alliance with Pakistan to prevent excessive Soviet influence in South Asia.

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<sup>7</sup>Lorne J. Kavic, India's Quest for Security: Defense Politics, 1945-1965 (Los Angeles: University of California Press, 1967) p. 82.

## THE ROOTS OF THE SECOND INDO-PAKISTAN WAR OVER KASHMIR IN 1965

An examination of the causes and outcome of the second Indo-Pak war in 1965 will illustrate how the superpower rivalry, the escalation of the arms race between India and Pakistan, and the tripartite power competition in Asia between Pakistan, China and India, influenced India's policy in Kashmir. The internal sources of threat such as the rise of communalism throughout the sub-continent will also be discussed to define the nature of India's security dilemma in the 1960s.

Before we analyse the immediate factors which precipitated the war of 1965, it is necessary to understand the underlying reasons why relations between India and Pakistan culminated in war a second time. During the 1950s, Pakistan had become a member of the SEATO (South East Asian Treaty Organisation) and CENTO (Central Treaty Organisation) defense pacts with the United States. As a result of these arrangements, Pakistan received sophisticated American military equipment like F-104 Starfighters, F-86 Sabre and B-57 Canberra combat aircraft, and the M47/48 Patton tanks. <sup>8</sup> These Pakistani weapons acquisitions prompted India to fortify her own conventional reserves through purchases from Britain and France of combat aircraft. The escalation of the conventional arms race between the two countries naturally heightened the threat perceptions of both parties and set the stage for the crisis of 1965.

When India suffered a humiliating defeat at the hands of the Chinese in the 1962 Sino-Indian border war, the Pakistanis believed India was militarily weakened and lacked the resolve to engage in battle over Kashmir should conflict break out. Believing that the qualitative military balance had tilted in Pakistan's favour, President Ayub Khan sent Pakistani forces across the cease-fire line into Indian controlled Kashmir. In response, Indian Prime Minister, Shastri ordered troops to cross the international boundary between India and Pakistan outside of

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<sup>8</sup>Thomas, op.cit., p 25.

Jammu and Kashmir. This formally triggered the second war between the two countries. Fearing an Indian invasion Pakistan withdrew from Indian controlled Kashmir and the war stopped twelve days following the onset of hostilities.

Although Pakistan perceived a qualitative military balance in her favour this alone cannot account for President Khan's decision to cross the cease-fire line in Kashmir. It appears that developments within Indian controlled Kashmir during the 1950s and 1960s led the Pakistani military to believe segments of the Kashmiri population desired liberation from India. In 1952 Nehru devised the Delhi Kashmir Agreement to appease both Hindu communal parties elsewhere in the country who resented Article 370 of the Indian Constitution granting special status to those in Kashmir and Kashmiri nationalists who wanted to preserve their special status. Since it was a compromise between two extreme positions, the agreement ended up pleasing no one and sowed the seeds of Muslim discontent in the Valley. Sheik Abdullah, Prime Minister of Kashmir and head of the National Conference party, who had previously supported accession to India now desired independence since New Delhi was inclined to tamper with Article 370. In response, New Delhi, under pressure from rightist parties stood idly by while political elites in Kashmir in 1953 dismissed and arrested Abdullah, the only elected head of government in the state. These actions left Abdullah's secular Muslim supporters alienated and disillusioned with New Delhi's policies. In

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<sup>9</sup> At the time of the cease-fire, India held 740 square miles of Pakistani territory in addition to the capture earlier of the Titwal, Kargil and Hajipir Pass military posts, as against the 210 sq. miles of Indian territory held by Pakistan. The Tashkent Agreement which followed the war, however, led the two countries to accept the status quo ante, i.e., complete withdrawal to positions held by them on 5 August 1965. Since Shastri also agreed at Tashkent to return the military posts in exchange for Ayub Khan's acceptance of the renunciation of the use of force for settling disputes, the well-intentioned Prime Minister was unfairly criticised by rightist parties within India "for betraying the national interest." Arguably, Shastri's sudden death in January of 1966 at Tashkent spared him the ignominy of facing more severe criticism from members of his own cabinet, and others in the Indian parliament. As quoted in P.S. Jayaramu, India's National Security and Foreign Policy (New Delhi: ABC Publishing House, 1987) p. 167.

Jammu, Hindu-Muslim communal rioting intensified and a significant number of Kashmiri secularists turned secessionist.

In October 1964 the relations between the center and the state worsened because New Delhi was preparing to eliminate Article 370 of the Indian Constitution altogether to ease the resentment of other states in the country. To facilitate Kashmir's complete integration with the country, New Delhi endeavored to reduce the Prime Minister of Kashmir to the status of Governor, and allocate six seats in the Indian parliament for elected representatives from the state. <sup>10</sup>

According to policy makers, this plan would diminish destabilizing regionalism elsewhere in the country by giving Kashmir the same rights as other states. Paradoxically, however, excessive centralism only served to enhance centrifugal tendencies in Kashmir and, ultimately, in other states as well. Blatant interference from the Center right up to the point of tampering with the election of the State Assembly not only undermined the democratic structure in Kashmir but triggered secessionist militancy in the Valley. <sup>11</sup> The process of alienation which began in 1952 was almost complete.

It must be reemphasized, however, that at that time the alienation had not transformed into a desire to unite with Pakistan. Although Kashmiri militants were willing to use any material assistance from Pakistan for their own purposes, they still failed to support Pakistani forces during the 1965 war. It was President Khan's failure to acknowledge this fact that led him to mistakenly believe that Pakistan could annex Kashmir in 1965.

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<sup>10</sup> S.M. Burke, Pakistan's Foreign Policy: An Historical Analysis (London: Oxford University Press, 1972) p.319.

<sup>11</sup> Peer Giyas-Ud-Din, Understanding the Kashmiri Insurgency (New Delhi: Anmol Publications, 1992) p.39.

## THE FAILURE OF THE TASHKENT CONFERENCE TO RESOLVE THE KASHMIR DISPUTE

Despite the fact that both parties agreed to withdraw their troops from territory gained as a result of the 1965 war, the Tashkent meeting arranged by Soviet Prime Minister Alexei Kosygin failed to resolve the Indo-Pakistan stalemate over Kashmir. From India's perspective, the politico-legal status of Kashmir was not negotiable. Kashmir's accession to the Indian union was final and irrevocable. On the other hand, Pakistan's occupation of "Azad" Kashmir was considered illegal but a fact to be reckoned with. As such, Indian Prime Minister Shastri urged for the cease-fire line to become the international boundary between India and Pakistan. Shastri failed to achieve his goal because Pakistan insisted that without a plebiscite in Kashmir the state's accession to India was suspect. Not surprisingly, India was reluctant to hold a plebiscite at this late stage given the "fundamental change in circumstances." From India's perspective Pakistan's presence in Azad Kashmir and her propaganda campaigns in the rest of the state would "force" people to vote under duress and seriously put into question the results of the plebiscite. Further, India insisted that there was no internationally recognized legal right to secede from a nation-state. As such, there was no reason to hold a plebiscite to determine whether the Kashmiris desired secession.

Essentially, the arguments put forth by both countries were irreconcilable and there was no way to resolve the fundamental differences. Moreover, no attempt was made to account for India's and Pakistan's strategic interests in Kashmir. For India, Kashmir was a vital strategic area because it provided a link with the USSR, China and Afghanistan. Indian control of the north western state was also essential in order to protect the sub-continent from Chinese adventurism. For Pakistan, Kashmir was equally important because three rivers passed through Kashmir to West Pakistan and the territory provided a much needed land route to China. As we shall see in the following section, Tashkent did

not put an end to Pakistan's designs on Kashmir. Although the Indo-Pak war in 1971 was not triggered by the long-standing dispute over the state, Kashmiri borders became a tense battleground between the armed forces of both nations once the theatre of battle spread westward from East Pakistan.

### THE THIRD INDO-PAKISTAN WAR AND THE SIMLA AGREEMENT

The third Indo-Pakistan war occurred because India gave military support to Bengali Muslims in East Pakistan who wanted to secede from Pakistan. When the Bengali nationalist party, the Awami League, riding on the crescendo of its six-point program for autonomy, won an absolute parliamentary majority, General Yahya Khan's military regime in Karachi attempted to negate the popular verdict by launching a military invasion of East Pakistan.<sup>12</sup> These repressive actions led to an influx of Bengali refugees into India. Since the prospect of integrating the Muslim refugees was more costly in political terms, than going to war with Pakistan, New Delhi chose the latter. The battle was fought in East Pakistan and Kashmir, where Yahya had simultaneously renewed the conflict. Pakistani attempts to save its eastern wing and wrest more territory in Kashmir proved futile as Indian forces overwhelmed her on both fronts. The war ended when India declared a unilateral cease-fire.

The Simla Agreement of 1972 between Pakistani leader Zulfikar Ali Bhutto and Prime Minister Indira Gandhi enshrined the principle of bilateralism and encouraged the process of normalization between the two countries.<sup>13</sup> The agreement stated:

The line of control {in Kashmir} resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side.<sup>14</sup>

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<sup>12</sup> Robert Jackson, South Asian Crisis: India-Pakistan-Bangladesh (London: Chatto and Windus, 1975) p. 21.

<sup>13</sup> P.I. Cheema, op.cit., p. 108.

<sup>14</sup> G.S. Bhargava, Success or Surrender? The Simla Agreement

Unlike the Tashkent Conference, the Simla Agreement attempted to account for the divergent views held by the belligerents on the Kashmir issue. From the Indian perspective, the above mentioned clause implied she could disassociate the new line from the old UN line and also keep certain strategic posts. <sup>15</sup> In addition, the birth of Bangladesh substantiated India's claim that Jinnah's two nations theory was unworkable. Since Bengali Muslims wanted liberation from their Muslim brothers in West Pakistan, there was no reason to believe Kashmiri Muslims would desire union with the Islamic state of Pakistan. For Pakistan on the other hand, the clause permitted her to keep any territorial gains {which were small} made during the war and strengthened her argument that Kashmir is indeed a disputed territory. Although Pakistan was negotiating from a weak position, she did manage to keep the Kashmir issue on the agenda--something previous Indian leaders tried to avoid. Despite the improved atmosphere at Simla, nothing has been done since 1972 to resolve the Kashmir crisis on a bilateral basis.

(New Delhi: Sterling Publishers, 1972) pp. 123-126.

<sup>15</sup> P.I. Cheema, "Conflict and Cooperation in the Indian Ocean," Canberra Papers on Strategy and Defence No 23., Australian National University, 1980, pp. 27-28.

## CHAPTER 2

### INDIA'S SECURITY DILEMMA IN KASHMIR: THE SYSTEMIC AND ETHNIC DIMENSIONS OF UNREST IN THE VALLEY DURING THE 1980s and 1990s

#### TOWARDS A THEORY OF DOMESTIC CONFLICT APPLICABLE TO SOUTH ASIA.

In order to determine the exact nature of the unrest in the Kashmir valley during the past decade it is useful to develop a theory of South Asian domestic conflict in general. To this end I shall synthesize the theoretical contributions of S.D. Muni, Paul Brass and Urmila Phadnis. I have selected these authors because of their emphasis on what causes, precipitates and sustains domestic ethnic conflict in the South Asian context. While S.D. Muni's typology of conflict into two distinct yet overlapping kinds (systemic and ethnic) provides a useful starting point for analysis, Brass' emphasis on elite competition and the politicization of ethnic identities lends even greater rigour and depth to the theory. By augmenting these approaches with Phadnis' analysis of federalism and its impact on structures of ethnic conflict management, a comprehensive theory of South Asian domestic conflict will emerge.

According to Muni, systemic and ethnic conflicts can be distinguished by the objectives of each. For example, systemic conflicts can result from two distinct political goals; the short-term objective of sharing power within the given constitutional and political structure, and the long-term goal of transforming the fundamentals of the political system by changing the power relations, political procedures and constitutional parameters in a given society. <sup>16</sup> An example of a systemic conflict would be the radical leftist Naxalite movement that agitated for systemic change in the 1960s.

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<sup>16</sup> S. D. Muni, Domestic Conflicts in South Asia (New Delhi: South Asian Publishers, 1986) Vol. 1, p. 58.

There are three factors which cause and sustain ethnic conflicts: alienation due to political discrimination and state oppression, elite manipulation of cultural symbols for political and economic gain, and a negation of the principles of federalism.

Ethnic conflicts occur when an ethnic group feels alienated and believes economic deprivation, and political discrimination \* are woes suffered by that group as opposed to another. The nature and extent of deprivation varies from one situation to another and it becomes an engine for social mobilization and conflict generation only when consciousness about deprivation is aroused and politically articulated by elites of the group. <sup>17</sup> Often initial demands for ameliorating perceived injustices are modest. However, once the government continues to ignore and mishandle these requests the group's elites agitate for structural change and/or secession.

Since South Asian movements designed to overhaul the system or separate from the state have involved militancy and terrorist activity, the states in the region have aggravated such conflicts by resorting to brutal counter-reprisals. Once the government utilizes its coercive powers to solve what starts out as a socio-political and economic problem, the disaffected groups become more alienated and the vicious cycle of violence continues. The state's increased dependence on the army and other security forces to maintain order domestically often leads to the politicization of these organs. When such institutions suppress civil rights on a regular basis the entire political system and its conflict management structures lose legitimacy. The gradual erosion of the state's legitimacy not only widens the schism between the state and the society but aggravates inter-ethnic tensions. In short, a government's dependence on the

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\* Political discrimination in this context refers to policies pursued by the government which diminish an ethnic group's influence over its own political, economic and cultural destiny.

<sup>17</sup> Ibid., p. 60.

instruments of coercion to resolve political problems worsens the state's security dilemma. Should the ethnic group in question have ethno-religious ties to groups in a territorially contiguous state, then the possibilities for external intervention in the domestic conflict are great. Ultimately, the state's increased dependence on the military can lead to skyrocketing defence expenditures which can precipitate regional strategic discord.

Another factor which causes both types of conflicts in the South Asian context is elite competition for scarce economic and political resources. According to Paul Brass, ethnic group elites generate intra-societal conflict in order to gain or maintain political and economic power. By lacing religion with politics, such unscrupulous politicians create one of the most potent mixtures known to humankind. Instead of characterizing the secular defects of the state (unemployment, and poverty) as the natural outcome of overpopulation and economic mismanagement, power-hungry elites suggest such "government policies" were "designed" to oppress their ethnic group as opposed to another. In some instances, elites suggest that the wealth and ingenuity of their group is used by the state to subsidize the backwardness of other groups. Although the underlying cause of communalism is economic and political, ethnicity and religion are used by elites to transform these materialistic frustrations into a social movement to be reckoned with. The history of the sub-continent is replete with examples of how the politicization of ethno-religious identities have served to mobilize the masses. It is during the mobilization process that elites manipulate the cultural symbols of their ethnic group in order to reinforce communal distinctions.

In order to understand the dynamics of communalism we must first discuss the meaning of ethnicity. In the process of defining ethnicity the main assumptions of the primordialist and instrumentalist conceptions about

communalism will emerge. We will discover that these theories come to very different conclusions about what causes ethno-religious conflict.

Let us begin with Paul Brass' formulation developed in his book, Ethnicity and Nationalism: Theory and Comparison. According to Brass ethnicity, the sense of ethnic identity consists of the subjective, symbolic or emblematic use by a group of people of any aspect of culture (language, religion, custom, kin ties) in order to create internal cohesion and differentiate themselves from other groups.<sup>18</sup> For Brass and instrumentalists in general, objective cultural markers like language and religion are selectively modified by elites to enhance groups solidarity and ultimately promote elite interests. Ethnic group boundaries are, thus, subject to change. By suggesting that ethnic boundaries are variable, Brass is not implying that they can be manipulated in any which way. Instead, the values and institutions of a persisting cultural group will suggest what appeals and symbols will be effective and what will not be, and may also provide traditional avenues for the mobilization and organisation of the group in new directions.<sup>19</sup>

In contrast, the main assumption that underpins the primordialist theory of ethnicity is that an individual's attachment to language and religion is a natural, even biologically based identity which is immutable. As such, ethnic hostility occurs because the innate differences between groups will surface and conflict. Since these primordial sentiments are irrational in nature, ethnic conflict is inevitable and especially violent. The primordialist position is vulnerable on two scores. First, if ethnicity is primordial then how can one account for the waxing and waning of ethnic sentiment in different circumstances? Obviously, some other factors are instrumental in causing ethnic conflict. In other words, communal identities must be constructed and activated. Second, a primordialist does not explain why "innate" characteristics would inevitably surface and conflict.

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<sup>18</sup> Paul R. Brass, Ethnicity and Nationalism: Theory and Comparison (New Delhi: Sage Publications, 1991) p. 19.

<sup>19</sup> Ibid., p. 74.

The primordialist theory of ethnicity cannot therefore, account for instances where objectively different ethnic groups interact in an amicable fashion nor can it explain why shared ethnicity does not necessarily lead to ethnic solidarity or harmony.

On the other hand, Brass' theory about ethnic identity formation and politicisation has maximum explanatory value. He outlines the two stages in which the objective differences between ethnic groups acquire increasingly subjective significance, which translates into a desire for group solidarity and becomes the basis for successful political demands. <sup>20</sup> Thereafter, he enumerates the conditions under which the politicisation of ethnic groups occurs. In the first stage, the ethnic category becomes a community. For example, the followers of a particular religious leader would become a community of believers in which identity symbols are relational rather than personal. <sup>21</sup> In the second stage, the ethnic group articulates and acquires socio-economic and political rights for itself. <sup>22</sup>

Brass asserts that during times of dramatic social change, it is the political, religious, and economic elites in society which facilitate the transformation of ethnic groups into communities. In times of social change there are four sources of elite conflict that promote the crystallization of group solidarity:

1. A local aristocracy attempts to maintain its privileges against alien invaders.
2. Conflict arises between competing religious elites from different ethnic groups.
3. Conflict arises between the religious elites and the native aristocracy within an ethnic group.
4. Conflict arises between native religious elites and an alien aristocracy. <sup>23</sup>

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<sup>20</sup> Ibid., p. 22.

<sup>21</sup> Ibid., p. 22.

<sup>22</sup> Ibid., p. 22.

<sup>23</sup> Ibid., pp. 26-30.

The presence of one or more of these conditions in an environment where the competition for the ownership and allocation of scarce economic resources is extremely fierce will provide the ideal breeding ground for communal strife. Elites can mobilize the lower classes of their community by suggesting that their socio-economic or political ills are caused by rival ethno-religious groups. During the mobilization process, elites manipulate the cultural symbols of their ethnic group in order to reinforce communal distinctions. Historical events in which one group suffered at the hands of the other would, therefore, be emphasized to create hostilities between rival groups. Often these tactics precipitate the destruction of the cultural and religious symbols of the out group by the in group. If an alienated ethnic group believes the government tacitly supports or engages in "communal politics", the secular character of the state is seen as a myth.

The third factor which merits consideration is the subversion of the federal principle enshrined in a nation's constitution. According to Urmila Phadnis, public policies which render the constitutional mechanisms for power dispersal overly centralized and narrow based, cause the assertion of sub-national loyalties which are detrimental to national unity:

If at a given time, a particular ethnic community perceives the center domination as being partisan and discriminatory vis-a-vis its own identity and interests and thereby resents its own peripheral status (either real or imaginary), it may develop a higher stake in its own ethnic identity. In such contexts, the lower is the capability and will of the central authority to match if not transcend such ethno-centric stakes of a community, the greater will be the structural strains on the political system, its extreme manifestation being a separatist movement. <sup>24</sup>

Should the state respond to calls for greater regional autonomy by brutally suppressing such voices, then those authority structures which were designed to manage ethnic conflict lose legitimacy. Brutal suppression of dissident voices in

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<sup>24</sup> Urmila Phadnis, "Ethnic Conflicts in South Asian States," as quoted in S. D. Muni, Domestic Conflicts in South Asia, Vol. 2, p. 118.

this context refers to the imprisonment of ethnic leaders without due process, the imposition of curfew, and other measures which curtail civil rights and democratic freedoms.

A brief synopsis of the main features of Indian federalism will enable us to appreciate the magnitude of change wrought by over-centralizing policy measures. According to K.C. Wheare, the Indian polity is quasi-federal as opposed to federal. Unlike a federal system in which decision-making in the field of public policy is divided between the center and the regions, where each government is independent of the other and respects the legislative competence of the other, a quasi-federal structure departs from the principles of autonomy and coordination. <sup>25</sup> A quasi-federation is thus more centralized since state or provincial governments are relegated to a subordinate role.

Wheare's contention that India is a quasi-federal polity is a valid one considering the extent of the powers allocated to the center by the constitution. An examination of the distribution of power between the center and states, the emergency provision of the constitution and the provision concerning President's rule will substantiate his assertion. First, the central legislature has the power to legislate over virtually all items in the union list while the states have power only over a minority of items. Second, the emergency provisions of the constitution empower the center to intervene in the affairs of the states and/or administer the state. The fact that the center can decide unilaterally when to invoke the emergency provisions underscores the quasi-federal nature of the Indian polity. 26

Similarly, President's rule gives an overwhelming amount of power to the center if

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<sup>25</sup> K.C. Wheare Federal Government (London: Oxford University Press, 1961) p. 12.

<sup>26</sup> There are three contingencies in which the centre can unilaterally invoke the emergency provision: whenever there is a perceived threat to the security of the nation by war, aggression or armed rebellion (art. 352), when there is a breakdown of the constitutional machinery of the state (art. 356), and when there is financial instability. Once the provision is invoked, the centre can control the executives of the states, and legislate those items over which the states normally have exclusive jurisdiction.

the President of India believes that a state government is acting "extra-constitutionally." Since the President's decision to take over the governance of a state is made in consultation with the state's governor (an agent of the center) state autonomy is compromised. Often President's rule is utilized to thwart legitimate policies pursued by state governments. Viewed in this way, the centre's frequent use of such provisions indicates the inability of the center to influence or direct state policy through conventional electoral and parliamentary methods. Paradoxically then, it is the use of the emergency or president's rule provisions which enhance the power of the center which signals the strength of decentralizing tendencies.

Before we analyze the causes of unrest in the Kashmir Valley during the 1980s and 1990s, it is necessary to provide a brief synopsis of the political climate in the country as a whole. By doing so, we will be able to understand what motivated New Delhi's Kashmir policy. Throughout the 1980s the country was plagued by the assertion of sub-national loyalties. The most notable ethno-religious challenge to the State occurred in Punjab.<sup>28</sup> In response to the Congress government's attempt to reestablish a Congress regime in the state of Punjab at all costs, disillusioned Punjabis were drawn into a Sikh revitalization movement led by the charismatic preacher Bhindranwale. Paradoxically, it was Indira Gandhi's policy to support the preacher's rise to power and prominence in Punjab politics against the more secular Akali Dal party which led to the storming of the

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<sup>27</sup> Paul Brass, "Pluralism, Regionalism, and Decentralizing Tendencies in Contemporary Indian Politics," in A.J. Wilson, The States of South Asia, (Honolulu: University Press of Hawaii, 1982).

<sup>28</sup> It is important to note that the underlying cause of unrest in the Punjab is related to the socio-economic effects of the Green Revolution in the state. Increased reliance on chemical fertilizers and mechanization of agricultural production led to increased landlessness among segments of the Sikh peasantry. The Akali Dal party was unwilling to address the concerns of these people owing to the imperatives of electoral survival. As such, they sought to retain the support of non-Sikh Punjabis while religious leaders sought to retain the support of the economically disaffected. As quoted in Sumit Ganguly's, "Ethno-Religious Conflict in South Asia," Survival The IISS Quarterly Vol. 35/No. 2, Summer 1993, p. 93.

Golden Temple in 1984. Since the Akali Dal was the greatest obstacle to Congress influence in the state during the 1980s, the central government tried to split the party's support by building up Bhindranwale. Once Congress jettisoned the preacher, however, his movement had gained momentum and was demanding the creation of a separate state for Sikhs called Khalistan. New Delhi then became involved in a brutal counter-insurgency campaign to halt Sikh secessionism. Between 1987 and 1991 the state was ruled directly by New Delhi after invoking the President's Rule provision of the constitution.

As the situation in the Punjab deteriorated, the central government had to deal with the demographic changes in the state of Assam which were reducing Assamese to minority status within their own state. Due to an influx of Bengalis in the state and their domination of public and private sector jobs, the ethnic consciousness of the Assamese was aroused. Believing that Indira's Congress Party was pandering to the Muslim Bengali vote to win state elections, the Assamese directed their anger against the Bengali Muslims who had immigrated from Bangladesh. To this day the Assamese are agitating for a separate state and the Congress government in the state is responding by employing the military and private armies.

In short, there were major ethno-religious challenges to central government authority during the 1980s and 1990s. As we shall see in the section that follows, New Delhi feared that centrifugal tendencies would rip the nation apart unless brutal law and order tactics were employed. Once Indian intelligence discovered that Sikh and Assamese insurgents were receiving covert aid from Pakistan, New Delhi's sense of vulnerability increased. <sup>29</sup>

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<sup>29</sup> Rajesh Basrur, "Prospects for Indo-Pak Relations," *Strategic Analysis* 2 (12), March 1989, pp. 1363-68.

What Went Wrong? The Tragedy of Kashmir During the 1980s and '90s.

The Congress played a devastating role in rendering post-Sheikh Abdullah's Kashmir a political vacuum, now filled by the gun. The party never consciously tried to contribute to the formation of an indigenous political consciousness. It was more concerned with ruling Kashmir, if not by itself then by proxy. With Sheikh Abdullah, the Congress did not succeed; with his son Farooq Abdullah it did, to the extent of turning him into a Congress stooge. <sup>30</sup>

I have begun this section with the above quotation because it captures the essence of the tragedy in Kashmir during the 1980's and 90's. The first signs of political decay were apparent during the thoroughly communal election campaign waged by Indira Gandhi in the state in 1983 and her subsequent dismissal of Farooq Abdullah's legitimately elected National Conference state government in 1984. Since Farooq had won the election on a nationalistic platform, Indira believed a dismissal of his government and the imposition of a government more amenable to Congress manipulation would thwart the separatist agenda. There is little doubt now that Indira's actions were counter-productive since they undermined the autonomy and integrity of state institutions and enhanced Kashmiri alienation. As Sumit Ganguly opines, the imposition of a narrow based government led to the strident expression of unmediated political demands that resulted in violence and political disorder. <sup>31</sup> Due to modernization, media exposure and education, the Kashmiri people were easily mobilized by local elites to challenge the prerogatives of entrenched socio-political and ethnic groups such as the Brahmin Pandits. It is for this reason that Farooq won the election on a nationalistic platform. Once New Delhi frustrated Kashmiri demands for legitimate political participation (fair elections) however, many people resorted

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<sup>30</sup> C.P. Surendran, *The Independent*, May 16, 1990.

<sup>31</sup> Sumit Ganguly, "Ethno-Religious Conflict in South Asia," op.cit, p. 89.

to illegitimate channels of protest like joining militant organizations which sponsored terrorism.

Rajiv Gandhi's policies in Kashmir only added fuel to the vicious and inexorable cycle which had been set up in the valley by his mother's legacy. <sup>32</sup> In 1986, Rajiv's Congress Party forged an alliance with Farooq's National Conference in which Farooq became nothing more than a Congress stooge. By 1987 this alliance was engaged in widespread electoral rigging against the popular Muslim United Front party in the valley. These events exacerbated Kashmiri alienation and provided the backdrop for unrest in 1989.

The Congress-National Conference ruling coalition led by Chief Minister Farooq proved to be corrupt and ineffective. The government did virtually nothing to combat the high rates of unemployment among educated youth and it failed to change its discriminatory hiring practises for public sector jobs. <sup>33</sup> Since the few jobs that were available were taken by non-Muslim minorities, Kashmiri Muslims felt alienated. The coalition government was also unable to deal with the terrorist activities of the Jammu and Kashmir Liberation Front (JKLF). By this I am referring to the December 8, 1989 incident in which the JKLF kidnapped the daughter of the Union Home Minister and then forced the government to release five militants who were being held in police custody. The government's capitulation sent the message that terrorism yields the desired results.

New Delhi's continued neglect of the socio-economic needs of the Kashmiri masses is another factor which has galvanized anti-Indian sentiment in the valley:

The national investment in public sector enterprise during the past 40 years has been of the of 86, 000 crores and Jammu

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<sup>32</sup> Pran Chopra, "The Cycle of Blunders," in Ashgar Engineer, Secular Crown on Fire (Delhi: Ajanta Pub., 1991) p. 30.

<sup>33</sup> Since post-secondary education in Kashmir is free there are large numbers with graduate degrees who have been unable to find employment commensurate with their qualifications. The problem is compounded by the fact that government jobs are virtually non-existent due to the paucity of funds. Since the few jobs that are available are taken by non-Muslim minorities there is a profound sense of alienation among Kashmiri Muslims.

Kashmir's share has remained as low as 0.03 percent. The ratio of grant and loan from the center to the state has all along been unfavorable... Where as Himachal Pradesh with its much better agricultural infrastructure and industrial base when compared to J&K has been receiving central funding at the ratio of 90 percent as grant and 10 percent as loan, J&K has been getting 70 percent as loan and 30 percent as grant. This ratio never left more than a wage-bill in the hands of the state government. Owing to this discrimination no real development has taken place. <sup>34</sup>

The lack of development and resulting frustration among the middle classes have forced them to seek secessionist outlets. As extremist groups mobilized segments of the population to further their cause, New Delhi responded with brutal counter-reprisals. Those who were suspected of militant activity were jailed without trial. It was in this atmosphere of political and economic decay that New Delhi appointed Jagmohan, the BJP's favorite candidate, as governor of Kashmir on January 19, 1990. The center gave him carte blanche to restore law and order in the Valley at any cost. Various human rights organizations have discovered that during Jagmohan's rule "security forces" were given the power to search, seize and arrest--powers hitherto enjoyed only by the state police. <sup>35</sup> Since the state police force is composed of Kashmiris, the unit tends to exercise more restraint when discharging its duties. The national security forces, on the other hand, are not compelled to exercise restraint since the officers are drawn from different regions in the country. When civilians protested against the abrogation of civil rights they were killed by para-military forces and curfews were imposed. Once the governor dissolved the J & K Constituent Assembly on February 19, 1990, it was apparent that the state had lost the last vestiges of its autonomy within the Indian body politic. These actions have wounded the psyche of the Kashmiri

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<sup>34</sup> Saifuddin Soz, "An Ostrich-Like Attitude Towards Kashmir Won't Do," Times of India September 3, 1990.

Please note the following conversion factors for Indian currency: one lakh = 100,000 rupees  
 one thousand lakhs = 100,000,000 rupees = one crore  
 86,000 crores = 8,600,000,000,000

<sup>35</sup> Ashgar Ali Engineer, op.cit. p. 260.

people and shattered the economy of the state. The imposition of "curfew raj" has prevented Kashmiris from observing usual business hours. Shops remain closed and most services have ground to a halt.

### THE BJP'S ROLE IN FANNING THE FLAMES OF INTER-ETHNIC UNREST IN THE VALLEY

It is important to note that Jagmohan, an individual with a strong anti-Muslim bias, was the BJP's candidate for governor of Kashmir in December 1990. Since V.P. Singh's National Front government in New Delhi was a fragile coalition of his left leaning Janata party and L.K Advani's right-wing BJP, Prime Minister Singh believed he had to appease his coalition partner. Nationwide, the BJP had campaigned to reclaim Hindu 'sacred places' desecrated by 'Muslim oppressors.' In 1990, Advani and his supporters organized a "chariot" journey in which the BJP led a Hindu mob of holy men and Kar sevaks (party workers) through Gujarat, Maharashtra, Andhra Pradesh, Madhya Pradesh, Rajasthan and Delhi to reclaim religious sites. The final end point of the journey was Ayodhya, in which Advani intended to lay the bricks for building a temple on the site of the Babri Masjid mosque. Once Advani entered the state of Uttar Pradesh, however, the chief minister Mulayam Singh Yadav arrested Advani and other BJP leaders. Subsequently, the U.P state government ordered the police to quell the mob and in the frenzy that ensued, several kar sevaks were killed. Shortly thereafter, the party proclaimed that those who died had become martyrs for the Hindu nation. This action culminated in Hindu-Muslim bloodshed and the downfall of Singh's government. Against this backdrop of Hindu-Muslim discord, it is not surprising that Kashmiris would be cynical and suspicious of Jagmohan, a BJP backed governor. During the Ayodhya campaign, the BJP has made the abolition of Article 370 of the Constitution its key demand. If we recall, Article 370 permitted the State of Kashmir to enjoy two special rights--a separate Constitution and retention of Kashmir State subject laws. The BJP wants the article to be amended

so that people from other parts of India can freely go and settle in Kashmir and acquire property. By amending the article in this way, the party believes Kashmir could be made into a Hindu majority state and the problem of Kashmiri secessionism would be resolved. The party also asserts that every state in the Indian federation ought to have the same constitutional status in order to reign in sub-national loyalties.

The BJP has contributed to communal unrest in the Valley by organizing large scale migrations of Kashmiri Hindu Pandits (Brahmins) into camps in New Delhi. By suggesting that Muslims and Hindus are inherently incompatible, the BJP has persuaded Hindus to leave the state out of fear for their lives and property. In the camps the party has found an ideal breeding ground for spreading its anti-Muslim propaganda. Although some key Hindu leaders were terrorized by militants in the valley, it would be wholly incorrect to state that the mass of Kashmiri Muslims are in conflict with the minority populations of the state. Tragically, however, Governor Jagmohan with the aid of the BJP has begun to sow divisions between the valley's Muslim and Hindu inhabitants:

While the Muslim government employees in the valley are facing an uncertain future, what with the virtual standstill in administrative functioning resulting in the non-payment of their salaries, the government employees among the Hindu migrants in Jammu (who form 90% of the migrants) have been assured by the Governor of disbursement of one month's salary immediately. The Chief Secretary told us that he could not force the 'threatened' Hindu government employees to go back and join their duties in the valley on 'humanitarian grounds'. But at the same time, we found that 66 Muslim government employees, who could not attend to their duties because of curfew, had been served dismissal notices. While the Hindu refugees in Jammu are getting some relief--although considered inadequate by them--in the shape of rations and cash, the Muslims in the curfew bound valley, hardly have any chance of providing themselves with their daily needs. <sup>36</sup>

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<sup>36</sup> Tapan Bose, "India's Kashmir War," Field Data collected by the Committee For Initiative

Such discriminatory policies threaten the secular edifice of the Indian polity. Increasingly, Kashmiri Muslims are concluding that Indian secularism is really a fragile myth. Such policies have ominous implications for Hindu-Muslim relations since Muslim fundamentalist parties have utilized them to enhance the communal schism between the two groups.

### MILITANT ISLAMIC FUNDAMENTALISM AND ITS IMPACT ON COMMUNAL RELATIONS.

The alienation caused by a negation of the principles of federalism and democracy has created a dangerous vacuum in Kashmir which is being filled by violence and Muslim fundamentalism. The mosque has become a central rallying point for the disgruntled masses. As the Kashmiri Muslims lose faith in Indian secularism and democracy, Islam has emerged as an alternative source of inspiration for the disaffected. The fact that political slogans in Kashmir are saturated with Islamic euphemisms lends credence to this claim. The dramatic rise in religio-political parties which have militant Islamic platforms have vitiated the communal atmosphere. <sup>37</sup> Since many of these parties have pro-Pakistan leanings it is easy for New Delhi to wrongly assume that all protest parties in Kashmir are Islamic and pro-Pakistan. Such depictions create the impression among Kashmiri Hindus that all Muslims are traitors, when in reality a sizeable number of Muslims would prefer independence from both Pakistan and India.

To facilitate a clear understanding of how militant Islam has fuelled inter-ethnic tensions in the state, let us consider the ideology of the most prominent

on Kashmir, March 1990.

<sup>37</sup> There are two umbrella groups in the state that advocate union with Pakistan. Several dozen loosely allied organizations exist under the aegis of these groups. The first group is the Jammāt-e-Islami and the groups allied to its cause are the Hezb-i-Islami, the Muslim Students Federation and the Islami-Jammiat -Tulba. The Jammāt and its allies utilize Islamic Fundamentalism to achieve their goals. The second group is the Jammu and Kashmir People's League. Although it has an explicit pro-Pak stance it does not rely on religion to send its message. From Sumit Ganguly, "The Prospects of War and Peace in Kashmir," in R. Thomas' Perspectives on Kashmir p. 358.

fundamentalist organisation, the Jammat-e-Islami. The organization supports Islamisation of the state and union with Pakistan. According to Peer Giyas, an expert on the Kashmiri insurgency, the Jammat preaches reactionary and obscurantist ideology and tries to justify it with quotations from the Quran and their own specific interpretation of the same:

They advocate the establishment of a theocratic state. The definition of Shariat (Islamic) includes, Ijma (consensus), Qiyas (analogy) and Ijtihad (reinterpretation of Islamic laws by mullahs who hold archaic views). In their political debate about the form an Islamic state ought to take the Jammat stands for Ijtihad while deriding the prospect of legitimizing representative democracy in the name of Ijma. <sup>38</sup>

By celebrating those aspects of the Shariat which legitimate the organizations sectarian outlook, and negating those parts which justify democracy, the Jammat poses a threat to non-Muslims who desperately need the safeguards afforded by a secular polity. Given the group's outlook it is not surprising that the supporters of its fighting wing, the Hizbul Mujahideen, have chanted disconcerting slogans in the streets of Kashmir:

Only the Prophet's rule will prevail here!  
If you want to continue to live in Kashmir, you will  
have to pray to none but Allah. <sup>39</sup>

In February 1986, a violent uprising of rebellious youth occurred in the Anantnag district of Kashmir which was orchestrated by Jammat leaders. Driven by militant Islamic propaganda, and armed with weapons supplied by Pakistan's intelligence agency (ISI), the mob desecrated and defiled over forty Hindu temples, looted and burned over 1500 Hindu homes and molested Hindu women. <sup>40</sup> Such incidents have encouraged Hindu chauvinists to mount their campaign on all Muslims in the valley whether they support the extremists or not.

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<sup>38</sup> Peer Giyas, Understanding The Kashmir Insurgency (Delhi: Anmol Publications, 1992) p. 82.

<sup>39</sup> M.K. Teng, "Human Rights Violations of Kashmiri Hindus," in R. Thomas' Perspectives on Kashmir (Boulder: Westview Press, 1992) p. 182.

<sup>40</sup> Ibid. p. 179.

## THE TRIANGULATION OF CONFLICT: PAKISTAN'S INVOLVEMENT IN INDIA'S KASHMIR WAR

Having analyzed the domestic factors which have caused the insurgency in the state during the 1980s and '90s, it is necessary to examine the external factors which have aggravated the conflict and worsened India's security dilemma in Kashmir. To this end the Pakistani connection to the Kashmiri insurgency must be assessed. In this section I will determine how and why Pakistan has been aiding and abetting pro-Pakistan factions in Kashmir. Since the nature of Pakistan's irredentist claim on the state has already been discussed in chapter one, I will not repeat that argument here. Instead, I will focus on the domestic factors which have constrained the implementation of policy options available to Pakistani leaders on the Kashmir question. By doing so, I will be able to proffer only those solutions to the conflict that are feasible and desirable given the structural constraints

According to Selig Harrison, allegations of covert Pakistani support for Kashmiri terrorists with men, money, arms and training have been confirmed by United States Intelligence sources:

In 1984 the Pakistan's Army Field Intelligence Unit was helping to organise the Liberation Front in the Kashmir valley. By 1988, the ISI directorate in Islamabad had set up training camps in Azad Kashmir which were manned by retired army officers. For two years since 63 Pak operated camps have been functioning, roughly half located in Azad and half in Pakistan. At least 11 have operated continuously...Pakistan has also trained hundreds of guerilla leaders and has smuggled more than 600 weapons into the valley, including rocket launchers and Kalashnikov rifles from US supplied Afghan aid stockpiles. Some of the guerillas include Afghans who are members of ISI-supported Kashmiri group, the Hezbi-i-Islami. <sup>41</sup>

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<sup>41</sup> Selig Harrison, "US Must Prevent War On Subcontinent," The Washington Post as quoted in Thomas, *ibid.*, p. 350.

There is little doubt that Pakistan's support of Kashmiri insurgents has contributed to the protracted nature of the conflict in the state. In the contemporary period Pakistan's support of Kashmiri insurgents can be attributed to the political situation within Pakistan. According to Sumit Ganguly, Benazir Bhutto was 'compelled' to champion the Kashmiri insurgency in order to divert domestic attention from the many fractious political conflicts plaguing her country:

Prior to her dismissal in August 1990, Bhutto was faced with a range of direct challenges to her authority at home. The challenges extended from the rising waves of fratricidal ethnic violence in the province of Sind to threats to her authority from the military and a rebellious local leader in Punjab, Nawaz Sharif...[Since] the Pakistani military, under General Mirza Aslam Beg had been somewhat dubious of her credentials and since she was widely perceived as being soft on India, Bhutto had to focus attention on the Kashmir issue before any of her adversaries did so. In addition to proclaiming her government's unequivocal support for the Kashmiri cause she took the unusual step of flying to Muzaffarabad, the capital of Azad Kashmir to lampoon Jagmohan, the governor of Indian controlled Kashmir. <sup>42</sup>

Even though Bhutto subsequently lost the 1990 elections to her rival Nawaz Sharif, Pakistani support for Kashmiri insurgents remained at the top of the country's foreign policy agenda. This is not surprising considering the balancing act civilian political leaders must perform in a country where the military has overthrown democratically elected governments on more than one occasion already. In a political structure where the armed forces play a dominant role, no elected or transitional government has been able to ignore the military's interest in the keeping the Kashmir issue alive. <sup>43</sup> The armed forces have determined the

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<sup>42</sup> Sumit Ganguly, "Prospects for War and Peace in Kashmir," in R. Thomas, Perspectives on Kashmir: The Roots of Conflict in South Asia (Boulder: Westview Press, 1992) pp. 359-360.

<sup>43</sup> Samina Yasmeen, "Pakistan's Cautious Foreign Policy," in Survival: The IISS Quarterly summer 1994, vol. 36/No. 2, p. 124.

parameters within which Islamabad can relate to the outside world. Samina Yasmeen writes that during Benazir Bhutto's first term as Prime Minister, the army excluded her from decisions on Afghanistan and hid from her the true nature of Pakistan's nuclear programme. <sup>44</sup> In contrast, the Foreign Office which is inclined to adopt less 'hawkish' foreign policy measures, is relegated to a subordinate role in the decision-making structure. There is little doubt that the dominant role of the military in foreign policy-making constrains the policy options available to civilian political leaders. The problem is compounded by the fact that military leaders have infiltrated the Foreign Office, causing splits between the more benign civilian advisors and their hawkish counterparts. Consequently, the Prime Minister has little choice but to appease the ever threatening military establishment. Bearing these factors in mind, let us consider the prospects for yet another war between India and Pakistan over the Kashmir issue.

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<sup>44</sup> Ibid., p. 119.

*CHAPTER 3*  
*PROSPECTS FOR A FOURTH INDO-PAKISTAN WAR OVER*  
*KASHMIR*

THE MAY 1990 CONFRONTATION BETWEEN INDIA AND PAKISTAN: IT COULD HAVE BEEN NUCLEAR.

The purpose of this chapter is to examine possible outcomes of the Indo-Pakistan dispute over Kashmir. In this section I will primarily be concerned with answering the following questions:

1. Will the crisis in Kashmir escalate into another Indo-Pakistan war?
2. What are the prospects for the crisis turning into a nuclear conflagration?
3. What is the likelihood of India becoming bogged down in a protracted war of counter-insurgency with Kashmiri militants?

In order to answer these questions, I shall first delineate Waltz's argument on nuclear proliferation. Next, I shall argue that the risks of nuclear war between India and Pakistan are greater than deterrence advocates suggest because of the political dynamics between them. By positing this argument, I am concurring with Stephen Rosen's opinion that an exclusive analytical focus on the physical character of rival weapons systems to determine the prospect of nuclear war in South Asia has limited theoretical utility.<sup>45</sup> Third, I shall discuss various scenarios in which nuclear weapons could be utilised should another war engulf the sub-continent. Fourth, the political factors which led to the Indo-Pakistan military standoff in May 1990 will be discussed to illustrate the weaknesses in Waltz's position. Finally, I will argue that the Indo-Pakistan arms competition

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<sup>45</sup> For an elaboration of Rosen's argument see his article, "Inter-State Regional Conflict," in Jasjit Singh, Indo-US Relations in a Changing World (New Delhi: Lancer Publishers, 1990).

has heightened perceptions of threat on both sides and has worsened India's security dilemma in Kashmir.

In an article written in the *New Yorker*, Robert Gates, former deputy national-security advisor in the Bush Administration, is quoted as saying that Pakistan and India seemed to be caught in a cycle they couldn't break out of [in May 1990] which would have culminated in nuclear war. Seymour Hersch, the journalist who had conducted the interview with Gates provides incontrovertible evidence based on N.S.A. intercepts and US satellite intelligence that:

"The American intelligence community, operating in secret, had concluded by late May that Pakistan had put together at least six and perhaps as many as ten nuclear weapons, and a number of senior analysts were convinced that some of those warheads had been deployed on Pakistan's American-made F-16 fighter planes. The analysts also suspected that Prime Minister Benazir Bhutto had been cut out of--or chosen to remove herself from--the nuclear planning. Her absence meant that the nation's avowedly pro-nuclear President, Ghulam Ishaq Khan, and the Pakistani military, headed by Army General Mirza Aslam Beg, had their hands, unfettered, on the button. There was little doubt that India, with its far more extensive nuclear arsenal, stood ready to retaliate in kind." <sup>46</sup>

These shocking revelations seriously undermine the validity of arguments advanced by proponents of nuclear proliferation in South Asia. For decades, the defence establishments in both Islamabad and New Delhi have concurred with Kenneth Waltz' opinion that the spread of nuclear weapons by itself is likely to reduce the likelihood of war between the countries possessing them. <sup>47</sup> The fact that both nations were dangerously close to "the precipice beyond which there is no return," illustrates that military strategists on both sides of the border have uncritically accepted Waltz's argument that a "stable mutual deterrence

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<sup>46</sup> Seymour M. Hersh, "On the Nuclear Edge," *The New Yorker* Vol. 69, No. 6. March 1993, p. 56.

<sup>47</sup> Kenneth Waltz, "The Spread of Nuclear Weapons: More May Be Better", *Adelphi Paper 171* (London: International Institute of Strategic Studies, 1981).

relationship will emerge from a nuclear balance in which hostile countries both possess secure retaliatory nuclear forces which can destroy significant portions of each other's civilian society." Implicit in this view is the premise that rational actors (states) fearing the costs of nuclear weapons use would choose not to exercise that option. Waltz asserts that nuclear deterrence will reduce the probability of nuclear war provided three conditions are met:

1. The period in which nuclear weapons are first developed and deployed in military useful systems must not present hostile powers with the opportunity for an effective preemptive strike against the nuclear weapons by either nuclear or non-nuclear means.
2. Systems for the nuclear strike forces which are invulnerable and sustainable over long periods of peacetime operations must be developed.
3. Physical or organisational means which prevent the unauthorized use of nuclear weapons by renegade military officers or dissident political groups must be in place. <sup>48</sup>

Having delineated Waltz' argument let us evaluate it in the context of Indo-Pakistan relations. Although the three conditions are met in the South Asian case there still remains a strong likelihood that nuclear war could occur. Stephen Rosen asserts that when India first tested its "peaceful nuclear device" in 1974 it was evident that the nation had a monopoly over Pakistan. During this initial stage Pakistan did not have a preemptive strike capability against India. As such, Waltz's first condition was met.

The second condition was also met since both countries have adopted a rather ambiguous stand on their possession of nuclear weapons. Officially both countries have stated their right to a nuclear weapons option while denying possession of a nuclear weapons capability. Since India's ambiguous stance

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<sup>48</sup> Waltz as quoted in Jasjit Singh's, Indo-US Relations in a Changing World (New Delhi: Lancer Publishing, 1990) p. 288.

invited speculation by potential belligerents about the size of her second-strike capability she was able to solve the problems of vulnerability when her nuclear development was most vulnerable.<sup>49</sup>

Since ultimate authority over the conduct of external defense policy, and the formulation of strategic doctrine, rests with the civilian government in India the military has a limited role in the security policy-making process. Consequently, one can infer that only the civilian government has access to and authority over nuclear capabilities. By contrast, the opposite is true in Pakistan. The civilian government is often isolated from the nuclear programme because the military has 'appointed itself' as the custodian of the nation's nuclear developments. Since the military in Pakistan has not been averse to dabbling in politics by staging coup d'états, a scenario could arise in which a military regime which is unaccountable to the public chooses the nuclear option to settle political disputes.

In spite of these conditions being met in the Indian context, the probability of nuclear war is not dramatically diminished. As we shall see in the discussion that follows the historical tensions between the two nations over Kashmir have created a paranoid environment where increased stress during times of crisis decision-making and unreliable intelligence could trigger nuclear war due to miscalculation. There are several scenarios in which nuclear weapons could be used in the Indo-Pakistani context.

First, given India's overwhelming conventional superiority over her enemy, Pakistan could erroneously reason in a worst case scenario that launching a nuclear attack would be the only means for survival.

Second, during the course of a conventional war in which Pakistan is losing heavily, Islamabad could fire a nuclear demonstration shot to signal her capacity and intent to detonate nuclear weapons. Under such circumstances India could

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<sup>49</sup> Stephen Rosen, *Ibid.*, p. 293.

react by assembling, deploying and launching nuclear weapons, or by firing a demonstration shot of her own. Following these actions, India would utilize her conventional arsenal to defeat Pakistan. Faced with yet another ignominious defeat it is conceivable that a more radical government assumes power in Pakistan. Fearing the propensities of such a government, New Delhi could launch a pre-emptive attack on Pakistani nuclear facilities in the hope of destroying her nuclear weapons. According to Stephen Rosen, the underlying premise for firing demonstration shots is to provoke the world community to intervene in the crisis and impose an international cease-fire. Should war break out over Kashmir, this rationale could motivate a Pakistani decision to fire a demonstration shot. Pakistan would reason that the prospect of a nuclear exchange over Kashmir would be sufficient to elevate the dispute to an international level in which Pakistan's position would be endorsed. Based on the above scenario, however, it is not certain that a full-blown nuclear exchange could be avoided. In fact, India might interpret the demonstration shot as an actual nuclear shot that missed, and react by firing her own nuclear weapons.

Another reason for alarm is the endorsement of the offensive-defensive military doctrine by the leadership in both countries. Given the existence of such strategies of pre-emption, and a tense atmosphere along the border, a minor skirmish could escalate into a larger war that neither side envisaged.<sup>50</sup> Raju Thomas in his book, Indian Security Policy, suggests that if India replaces its nuclear option with a nuclear weapons option, Pakistan could launch a pre-emptive strike against Indian nuclear installations. India would then retaliate using her nuclear arsenal. Thomas argues that even if India maintains a clear lead in the nuclear arms race with Pakistan, and even if it is able to knock out Pakistan's nuclear facilities at any time, Pakistan might be tempted to launch an

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<sup>50</sup> Sumit Ganguly, "Avoiding War in Kashmir," in R. Thomas eds, Perspectives on Kashmir (Boulder: Westview Press, 1992) p. 363.

attack in anticipation of such Indian actions. Pakistan would then believe that a pre-emptive strike on Indian facilities would at least reduce the damage that would occur from an Indian retaliatory strike. <sup>51</sup>

The fourth scenario could occur if Pakistan replaces its nuclear option with a nuclear weapons stance. Ziba Moshaver has maintained that the onset of a nuclear arms race in South Asia might compel India to launch an all-out conventional attack against Pakistan under the legitimate pretext of self-defence. <sup>52</sup> India might also launch a pre-emptive attack on Pakistani nuclear facilities using the pretext of an unreliable Pakistani command and control system. In fact, by 1981 some policy-makers in New Delhi contemplated a pre-emptive strike at Pakistan before Pakistan attained the capacity to launch a war against India with the liberation of Kashmir as its objective. <sup>53</sup> India's fears were aroused because the United States had signed an arms deal with Pakistan which involved the delivery of forty F-16 aircraft. According to a 1982 article in the International Herald Tribune, Indian military officials believed that Pakistan would have a nuclear weapons capacity and even nuclear weapons by 1982. <sup>54</sup> Such speculations were sufficient to provoke the Indian military to draw up contingency plans for a pre-emptive attack on Pakistan's facilities. In response, Zia ul-Haq fortified Kahuta with French built surface to air missiles. Fortunately, Zia did not adopt a launch on warning policy. Since air distances from Indian bases to potential targets are so short, Zia could have reasoned that Pakistan could not wait to absorb an Indian pre-emptive attack, fearing the virtual destruction of

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<sup>51</sup> Raju Thomas, Indian Security Policy (New Jersey: Princeton University Press, 1986) pp. 49-50.

<sup>52</sup> Ziba Moshaver, Nuclear Weapons Proliferation in The Indian Sub-continent (London: Macmillan Press, 1991) p. 164.

<sup>53</sup> Leo Rose, "India and Its Neighbors," in L. Ziring, The Subcontinent in World Politics (New York: Praeger, 1982) p. 44.

<sup>54</sup> International Herald Tribune Dec. 21, 1982.

Pakistan's retaliatory capability. Under these circumstances, a launch on warning policy by Pakistan could trigger a nuclear exchange.

The fifth scenario involves the use of tactical nuclear weapons, which could lead to escalation involving counter-city attacks. Since tactical nuclear weapons, in theory, give policy-makers an intermediate option between no-use and counter-strike annihilation there is a greater propensity to use such weapons in the hope that "tactical" use against military targets would limit retaliation by the enemy to similar levels.<sup>55</sup> The problem is that during crisis decision-making, stress levels increase and rationality is weakened. Consequently, decision-makers may miscalculate about the enemy's intentions and opt for counter-city strikes. Should India or Pakistan develop a tactical nuclear weapons arsenal, one can envision the following scenario. Let us assume that tactical weapons are used on large enemy military formations before crossing the Kashmir or Punjab borders. Due to the high population density along the borders separating India and Pakistan, there would be massive civilian casualties and collateral property damage. The country that received the strike could retaliate by using nuclear weapons on the adversary's cities. Since the command, control, communication and information system is wanting in several areas, the use of tactical nuclear weapons makes escalation to a high yield strategic nuclear level more probable.

The sixth scenario involves the covert deployment of nuclear weapons by India and/or Pakistan. In a situation where there is maximum uncertainty about the adversary's true capabilities and intentions, the prospects for misperception are high. Robert Jervis writes that an inaccurate assessment or underestimation of a counterpart's true retaliatory capability vis a vis one's own has been implicated as a likely motive for surprise attack.<sup>56</sup>

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<sup>55</sup> S. Rachid Naim, "After Midnight," in Stephen Cohen eds, Nuclear Proliferation in South Asia (Boulder, Westview Press, 1991) p. 41.

<sup>56</sup> Robert Jervis, "Deterrence Theory Revisited," ACIS Working Paper no. 14 (Los Angeles: UCLA Center for Arms Control, May 1978) pp. 39-40.

The last scenario which merits attention is accidental or inadvertent nuclear war. Since both nations officially deny possessing a nuclear weapons capability very little is known about the reliability of built-in safeguards. Nevertheless, being relative newcomers to the nuclear game it is plausible to assume that such safeguards, if any, require overhaul. Assuming that such essential safeguards are ineffective, the prospects for nuclear war by accident are great. It is conceivable that either Pakistan or India receives an inaccurate signal on the radar reporting that the enemy has launched a nuclear weapon. Believing that nuclear war had already begun, the country receiving the erroneous message retaliates by employing its nuclear weapons. Due to the close geographic proximity of these adversaries the damage wrought by such an exchange would be devastating. Furthermore, there would be literally no time in which to correct the error.

In the following section it will become clear that the prospect of a nuclear exchange between India and Pakistan is a very real possibility. The fact that both nations were teeter-tottering on the brink of disaster in May 1990 seriously undermines the argument that nuclear weapons proliferation in the sub-continent will lead to stability.

#### THE CAUSES OF THE MAY 1990 INDO-PAKISTAN STAND OFF

What precipitated the near-war over Kashmir in the spring of 1990? To answer this question, I shall first consider the impact that the large-scale Indian military exercise of 1986 (code-named Operation Brass Tacks) had on the psyche of the Pakistani defense establishment. Next, I shall determine the extent to which covert Pakistani weapons purchases from the United States contributed to the nation's ability to deploy nuclear warheads on F-16 aircraft. It is here that the Reagan and Bush Administration's failure to notify Congress about the real extent

of Pakistan's nuclear capability will be discussed. <sup>57</sup> Finally, the bellicose rhetoric emanating from both countries during the 1990 crisis in Kashmir will be examined to determine its impact on the strategic relations between them.

In December 1986, Prime Minister Rajiv Gandhi and General Sundarji leader of the Indian Army, decided to stage a military exercise involving all four branches of the armed forces and roughly four hundred thousand troops. <sup>58</sup> Since the exercise was staged in the Rajasthan desert which is only 100 miles from the Pakistani state of Sind, the Pakistani government was convinced that India was preparing to launch an attack that would cut the country in half. The suspicions of Pakistani leader, Zia ul-Haq were further aroused because India's military exercise involved a decision to integrate its special weapons, including tactical nuclear bombs, into the daily field maneuvers of the troops. <sup>59</sup> In response to these developments Zia deployed his armoured units on the border where the Indian troops were believed to be assembled. Fortunately, the crisis was resolved once Gandhi declared that the exercise was intended to be non-provocative. Seymour Hersch reported that by 1987 the US intelligence community was aware that intelligence services for both India and Pakistan had provided incendiary intelligence to their governments without being certain of its credibility. Pakistan's fear of an imminent Indian invasion strengthened the position of pro-nuclear factions in the government and the country expanded its efforts to develop a nuclear weapons capability:

American satellites watched a thick concrete floor being

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<sup>57</sup> "In contravention of the Solarz and Pressler Amendments (1985), which stipulated that foreign aid to non-nuclear nations that illegally export or attempt to export nuclear related materials would be cut off from such aid, both Reagan and Bush certified to Congress that the nation was eligible for military and economic aid when they knew that the opposite was true. The political leadership in the US thus flagrantly violated the law in order to payoff Pakistan's leadership for its support in Afghanistan." As quoted in Seymour Hersch, "On the Nuclear Edge",

The New Yorker vol. 69, no. 6, March 29, 1993, p.57.

<sup>58</sup> Ibid. p. 59.

<sup>59</sup> Ibid., p. 59.

poured for a second uranium enrichment site at Golra, near Islamabad in 1987. West German intelligence became aware that Pakistan had violated German law by buying a small plant for purifying and storing Tritium gas...in 1987 Pakistan had enough enriched uranium to put together six nuclear devices. The CIA discovered that Pakistan was capable of manufacturing weapons-grade enriched uranium metal at a facility near Islamabad--but not at Kahuta. The metal could then be machine tooled to fit into a warhead small enough to hang under an F-16 wing. <sup>60</sup>

In spite of such evidence the White House certified to Congress that Pakistan did not have a nuclear weapons capability. As a result, the US provided Pakistan with a stable flow of weapons and ammunition. These events provided the setting for the crisis in May 1990.

To glean insight into the Indo-Pakistan crisis of 1990, it is necessary to revisit the developments in Indian Occupied Kashmir. If we recall, the situation in Kashmir had deteriorated after Indian security forces had opened fire on crowds that had assembled in the streets of Srinagar following the assassination of Maulvi Muhammad Farooq. The excesses of Indian security forces galvanized support for the Kashmiri militants. The pro-Pakistan factions in Kashmir like the Jamaat stepped up their anti-India propaganda, which in turn fuelled the anti-Muslim crusade waged by the right-wing BJP party. Once Benazir Bhutto pledged five million dollars in support to Kashmiri freedom fighters, the government of V.P. Singh in New Delhi was convinced that Pakistan was responsible for the recent wave of unrest in the valley. Blaming Pakistan for the increasing unrest in the valley was inevitable considering V.P. Singh's government was formed by an uneasy and fragile coalition of parties from the left and the rightist BJP. Without appeasing the BJP, the Prime Minister's government would have fallen apart earlier than it did. In the following quotation it is evident that when the Prime

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<sup>60</sup> Richard J. Kerr ( former deputy director of the CIA) Ibid., p. 60.

Minister adopts a conciliatory approach with the people of Kashmir, he risked losing the vital coalitional support of the BJP:

With the removal of Jagmohan from the governorship of Kashmir the BJP has overnight turned from a government apologist into an indignant critic. L.K Advani, president of the BJP declared that the withdrawal of Jagmohan was a capitulation to Pakistani Prime Minister Benazir Bhutto, and the National Conference in Kashmir... Recalling Jagmohan was a crime against national integration. Our party's support cannot be taken for granted anymore. <sup>61</sup>

Following the BJP's public outcry over the withdrawal of Jagmohan's repressive regime, the party produced a propaganda film depicting Hindu migrants from the valley in dire circumstances as a result of actions by Kashmiri militants and Pakistani interference. By May 1990, the BJP had stated in the Indian parliament that should war occur with Pakistan over Kashmir, Pakistan would cease to exist.

The supercharged atmosphere in the subcontinent was not helped by Bhutto's shrill anti-India rhetoric. In order to prevent her new-found power from being usurped by the clergy and army, Bhutto chose to exploit the one issue that would consolidate her basis of support--Kashmir. Her campaign on the Kashmir issue culminated with a speech in which she reiterated her late father's oft-quoted threat to fight India for a thousand years on Kashmir. <sup>62</sup> Although she was able to out maneuver her opponents by utilising the Kashmir card and prevent a coup, she did so at the risk of an unwinnable war on the sub-continent which could have destroyed Pakistan's fragile democracy for good. In response to Pakistan's sabre-rattling, Prime Minister Singh sought increased defense outlays from parliament. During his pitch for more grants he stated:

Pakistan cannot get away with the strategy of achieving territorial gains inside India without paying the price of war.

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<sup>61</sup> Bhaskar Roy, "BJP Getting Tough", India Today Vol. 15, No. 12, June 30, 1990, p. 17.

<sup>62</sup> Shekhar Gupta, "Benazir Bhutto Playing with Fire," India Today Vol. 15, No. 8, May 31, 1990, p. 10.

It will have to pay a heavy cost, and India has the capability to inflict this cost... Those who talk of a thousand year war with India should see whether they will last in a thousand hour war.<sup>63</sup>

As the temperature in the sub-continent rose, both nations were preparing for war. Pakistani Army Chief Beg ordered his generals to move two extra divisions into Rahimyar Khan area for the defence of Sind.<sup>64</sup> This decision was made because of the prevalent belief in Pakistani military circles that India was on the verge of attacking Sind and severing the country. Meanwhile, various divisions of the Indian army were relocated to cover the border areas of Punjab, Jammu, Pathankot and Kashmir.

The belief that war was imminent was strengthened when an American satellite observed the evacuation of Pakistani workers from Kahuta. US intelligence officers concluded that the Pakistani government decided to evacuate the workers fearing an Indian retaliatory strike against the plant. Once aerial photographs were obtained of Pakistani truck convoys moving from the nuclear storage site in Balochistan to the airforce base where F-16s were prepositioned and armed for delivery on full alert with pilots awaiting command, the Bush Administration decided to take action.<sup>65</sup> The President ordered Robert Gates to leave his summit assignment in Moscow for the sub-continent. Ambassador Oakley recalled that the essential goal of the meeting with Pak military officials was to inform them that Pakistan could not win a war with India and that the US would not help the Pak war effort since it was apparent that Pakistan had developed nuclear warheads.<sup>66</sup> Gates also stated that to avert war Pakistan must cease supporting Kashmiri terrorism by shutting down training camps for insurgents. In order to diffuse the tension, Gates informed New Delhi that India

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<sup>63</sup> Indian Express April 12, 1990.

<sup>64</sup> Shekhar Gupta, "Defense: Are we Prepared," India Today Vol. 15, No. 12, June 30, 1990, p. 76.

<sup>65</sup> Hersch, op.cit. p. 65.

<sup>66</sup> Ibid. p. 67.

must not entertain the idea of infiltrating into Sind and efforts must be taken to improve the human rights situation in Kashmir. After high level talks in which the US mission presented evidence that India was not going to invade Pakistan, both nations were persuaded to move their troops from the borders. Shortly thereafter, diplomatic exchanges between the two capitals resumed in which discussions on confidence-building measures were opened.

Although last minute American diplomatic efforts to avert a crisis proved to be successful, it is still disconcerting that it was US policy which aggravated the instability in South Asia. In order to carry out Reagan's Afghan policy, the White House was unwilling to cut off military aid to Pakistan. As such, the Solarz and Pressler Amendments were conveniently ignored and nullified for all practical purposes. Cold war imperatives thus took precedence over the pursuit of an enlightened policy in South Asia. Once it was evident that the nuclear genie was out of the bottle, the US attempted the impossible by trying to put the genie back in. Until a comprehensive solution which addresses the causes of Indo-Pakistan instability is adopted, the prospects for another sub-continental war is great. The discussion about the Indo-Pakistan stand-off in May 1990 brought to light the prospects of another war turning into a nuclear exchange.

In spite of American exhortations to Pakistan to close down training camps for Kashmiri militants, Pakistan has continued its policy of aiding the insurgency. Similarly, India has continued its policy of treating the Kashmir crisis as a law and order problem in which the infringement of human rights is a 'necessary byproduct.' Since Indian policy-makers have focussed too intensely on the external component of the security dilemma in Kashmir, they have adopted measures which appear to aggravate the crisis. By this I am referring to the consensus in Indian military circles that Indian security will be guaranteed provided she maintains her conventional superiority in the short term and acquires a potent nuclear weapons arsenal in the near future. Should the Indian

government continue to devote sizable portions of its budget to military expenditures there will be less funding for development needs. Having established the link between separatist unrest in the valley and economic hardship it is unwise to utilise scarce resources on military expansion. In addition, the widespread belief among Kashmiris that the state's coercive apparatus is used more frequently on its own citizens than external enemies, ought to persuade policy-makers to change their financial priorities.

In sum, with the nuclear genie out of the bottle it is infeasible to simply "manage" the Indo-Pakistan conflict over Kashmir. Since both nations are capable of employing nuclear weapons it is imperative that conflict management is augmented by mechanisms of conflict resolution.

## CHAPTER 4

### POSSIBLE SOLUTIONS TO THE KASHMIR CRISIS

In this chapter, I intend to develop a pragmatic solution to the crisis in Kashmir which is sensitive to the structural constraints of the Indo-Pakistan "insecurity complex." To achieve this goal I shall first delineate various dispute resolution alternatives. Next, Barry Buzan's concept of a security complex will be utilised in order to assess the feasibility of each alternative. Finally, a solution will be proffered that is based on a synthesis of several alternatives. The solution will take into account the internal and external causes of the present imbroglio in Kashmir. The solution will also be formulated with reference to the international context of the 1990s. As we have seen in previous chapters, the politics of the Cold War had a negative impact on the ability of the actors involved in the crisis to adopt a comprehensive solution to the problem. In the post-Cold War era, on the other hand, it appears there is a window of opportunity in which regional adversaries can adopt innovative solutions to their problems without superpower manipulation. India's former Foreign Secretary, Jagat Mehta argues convincingly that since the superpowers have been retreating from partisan involvement in third world conflicts, the Kashmir problem must now be seen as reverting to the crucibles of the domestic politics of India and Pakistan. <sup>67</sup> He asserts that all hopes for creating the conditions for resolution hinge on the sensitive sagacity of their bilateral diplomacy and internal reorientation of priorities. <sup>68</sup> It will become evident in this chapter that I have also adopted a similar position regarding the conditions for dispute resolution in the Kashmir case.

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<sup>67</sup> As quoted in Thomas, ' Perspectives on Kashmir (Boulder: Westview Press, 1992) p. 392.

<sup>68</sup> Ibid. p. 393.

## VARIATIONS ON TWO BROAD CONFLICT RESOLUTION APPROACHES

There are nine dispute resolution alternatives that can be subsumed under two broad approaches: an internal solution based on the current de facto borders between India and Pakistan and a readjustment of Kashmir's international status. In this section I shall first delineate the nine approaches. Then the merits of each proposal will be assessed by analysing the rationale for adopting the option, its feasibility given the viewpoints of all the actors involved, and the political implications of the approach. Based on a study concluded by Sisir Gupta in 1966 and refined by Raju Thomas in 1992, the following alternatives have been constructed:

1. The status quo would continue in which Pakistan retained de facto control of Azad Kashmir and India would continue governing the Indian state of Kashmir.
2. The status quo would be maintained but India would change the demographic composition of Kashmir. Once article 370 of the Indian constitution is abolished New Delhi could encourage non-Muslims to settle and purchase property in the state. In this scenario Kashmir would cease to be a Muslim majority state.
3. Induce a mass immigration of Kashmiri Muslims into Pakistan by using repressive means.(ie.) Persuade them that by remaining in Kashmir their existence will be miserable.
4. Following a plebiscite held under international auspices to ascertain the wishes of the Kashmiris the state could accede to Pakistan if it so desired.
5. An independent Kashmir in which its territorial integrity is guaranteed by its neighbors or the United Nations.
6. India retains Jammu and Ladakh while Pakistan retains Azad and gains the Vale of Kashmir. In the territorial transfer of the Vale to Pakistan there would be free access of residents of either side of partitioned Kashmir.

7. The two nation-states of India and Pakistan fragment into small ethnic states similar to the fate of the former Soviet Union and its Baltic and Central Asian republics.
8. A highly decentralised confederation of several autonomous South Asian republics much like the EEC.
9. A condominium of India and Pakistan over the whole of Kashmir with the largest possible measure of autonomy for the state. In this case India and Pakistan would jointly manage the defence and external affairs of Kashmir. <sup>69</sup>

**DEFINING THE STRUCTURAL ATTRIBUTES OF THE SOUTH ASIA INSECURITY COMPLEX IN ORDER TO PROFFER PRAGMATIC SOLUTIONS TO THE KASHMIR CRISIS.**

Before I assess the merits of each proposal it is necessary to clarify a concept that I had alluded to at the beginning of this chapter. I stated that a pragmatic solution must be sensitive to the structural constraints of the Indo-Pak "insecurity complex". First of all, what is the Indo-Pak insecurity complex and secondly, what are the structural constraints in such a complex? The concept of an Indo-Pak security complex was propounded by Barry Buzan and Gowher Rizvi in their book, South Asian Insecurity and the Great Powers. Realizing that a theoretical lacunae exists on the subject of regional security, Buzan and Rizvi identify an "intermediate level of analysis between the conventional emphasis on the dominant role of the great powers in the international system and the narrow focus on the internal dynamics and perspectives of individual states". <sup>70</sup> This intermediate level of analysis focuses on regional security sub-systems which are defined in terms of "patterns of amity and enmity that exist between two or more states that are confined within some particular geographical area." <sup>71</sup> Based on

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<sup>69</sup> Sisir Gupta, Kashmir: A Study in India-Pakistan Relations (Bombay: Asia Publishing House, 1966) p. 469. and R. Thomas, Perspectives... pp. 30-35.

<sup>70</sup> Barry Buzan, South Asian Insecurity and the Great Powers (London: Macmillan Press, 1986) pp. 4-6.

<sup>71</sup> Ibid., p. 8.

this definition of a regional sub-system Buzan derives the concept of a security complex:

Since security complexes are empirical phenomena with historical and geopolitical roots they represent durable substructures within an anarchic international system. The principal factor defining complex is a high level of threat which is mutually felt among the states. ...The two key components of essential structure in a security complex are: (1) the patterns of amity and enmity and (2) the distribution of power among the principal states... To understand the nature of the complex analysis of the states' domestic character and vulnerabilities is required. The dynamics between two states with weak political institutions differs from the dynamics between strong states. <sup>72</sup>

From Buzan's definition of a security complex we can determine the structure of the South Asian complex involving India and Pakistan. The Indo-Pak complex has a bi-polar structure which has been characterised by hostility since the birth of both nations. In chapter one, I discussed the competing views of nationalism expounded by Jinnah and Nehru. The organising principle of each state threatens the existence of the other. As such, Pakistan's Islamic state threatens India with secessionism while India's secular federalism threatens Pakistan with absorption or dismemberment. Having analysed the historical and on going sources of tension between the two states in preceding chapters one can conclude that a strong pattern of enmity exists in the South Asian complex in which the distribution of power has favoured India. In spite of Pakistan's inferior position, the state has been unwilling to succumb to Indian hegemony. Consequently, it has sought to achieve a balance of power in the subcontinent by seeking military aid from external powers, remaining committed to its nuclear programme, and intervening in India's domestic disputes. Since both countries are trying to ameliorate the increasing disjuncture between the state and the

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<sup>72</sup> Ibid., pp,9-22.

nation within their polities, any interference by the adversary in this process creates more hostility between the two states by heightening their threat perceptions. Viewed in this light the South Asian security complex is more appropriately termed an insecurity complex. The insecurities of each state have thus enhanced the insecurity between them.

From the foregoing discussion it becomes clear that any solution which fails to consider the root causes of enmity between the two states, and ignores India's desire to maintain its predominant status in the region, is unlikely to be successful. By extension, any solution which ignores Pakistan's desire to counter-balance Indian hegemony, is likely to fail. In the discussion which follows, I shall determine which of the nine conflict resolution alternatives will affect a redefinition of the Indo-Pakistan insecurity complex. In other words, if the dispute resolution alternative can change the prevailing pattern of enmity into one of amity, then the prospects for crisis abatement are enhanced.

#### THE FEASIBILITY OF VARIOUS DISPUTE RESOLUTION ALTERNATIVES

Bearing the above in mind, the feasibility of alternative (1) in which Pakistan would retain Azad while India retained the state of Kashmir will be assessed. Although the status quo is likely to persist for some time, it will not change the underlying pattern of hostility between India and Pakistan. As discussed earlier, New Delhi's policies in Kashmir have caused the present state of unrest in the area. Conceivably, the Indian army and paramilitary forces could step up its campaign to restore law and order at all costs. Such an approach is not likely to bring peace, however, since state sponsored violence has encouraged militancy among the Kashmiris and has given Pakistan an opportunity to aid the insurgency. Provided that pro-Pakistan groups in the Valley, like the Jaamat and Hizbul Mujahideen, continue to recruit supporters for their cause, it is unlikely that India and Pakistan can resolve their outstanding problems. In short, the

repressive actions of the Indian security forces, combined with the linkage between Islamabad and militant Islamic groups in the state, have sustained the hostility between the two nations.

Another factor which is prolonging Indo-Pakistan acrimony is the fruitless fighting over the Siachen Glacier. The Siachen dispute concerns the rightful possession of a wedge-shaped and uninhabited glacier, which is 1000 square miles in size and lies adjacent to China's Zinjiang border to the north of map coordinate NJ 9842--the point in Jammu and Kashmir at which both the cease fire line agreed to in 1949, and the line of control agreed to in 1972, reached their northern terminus.<sup>73</sup> By December 1985, both Indian and Pakistani military positions on the glacier had become fixed. The fighting had broken out because there was no fixed boundary beyond map coordinate NJ 9842. India insisted that the glacier fell on its territory and that Pakistan was committing "cartographic aggression" by moving its troops on it. India believes that the absence of a fixed boundary on the glacier would enable irredentist Pakistan to cross the Line of Control and wrest Kashmir from India.

There is little doubt that the maintenance of the status quo will do little to change the pattern of enmity between the two nations. As demonstrated in chapter three, the status quo has become more unstable considering both nations can deploy nuclear weapons during crisis.

The second alternative, in which India would change the demographic composition of Kashmir by repealing Article 370 of the Indian Constitution, will not resolve the crisis because it would antagonise the large Muslim population in the rest of India. Fearing tyranny of a Hindu majority, the Muslim minority would lose all faith in Indian secularism and federalism. Considering the communal fighting which occurred as a result of the Ayodhya incident, the country cannot

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<sup>73</sup> Robert Wirsing, "The Kashmir Dispute: Prospects for Conflict Resolution," ASIAN SURVEY 25 (3), 1985, p. 173.

afford to undermine communal harmony by adopting such measures. For Muslims, Article 370 in its pristine form symbolized India's concern for minority welfare. In a highly centralised polity, it is one of the few mechanisms which devolves power to a Muslim majority region. Arguably, it is the steady erosion of Article 370 which has contributed to the alienation of the Kashmiris. On a pragmatic note, it would be difficult to entice non-Muslims to settle in Kashmir given the communal discord in the region. Should the government adopt such a measure, one can envision Hindu-Muslim rioting and bloodletting in the streets of Srinagar. This would most probably strengthen pro-Pakistan factions in the Valley and give Pakistan an unprecedented opportunity to wrest Kashmir once and for all.

The third alternative of inducing a mass exodus of Kashmiri Muslims into Pakistan is fraught with similar difficulties. The rationale for adopting such an approach is related to the fate of Hindus who had to flee the Pakistani province of Sind in the immediate aftermath of partition. Although Sind had a large Hindu minority, there was no mention of Sind separating from the new Pakistani state to form a homeland for Sindi Hindus. Instead, it was the uncertainty and communal holocaust of the partition which generated the exodus of Sindhi Hindus into India. Advocates of the third alternative use the same logic to justify an exodus of Kashmiri Muslims into Pakistan. Should coercive means be employed to achieve such an objective, there is little doubt that India's secular edifice would crumble. In fact, such a policy would follow the logic of Jinnah's two nations theory. In addition, the relationship between Hindus and Muslims elsewhere in the country would be severely damaged. In such a situation India's image abroad would be tarnished as well. Her relations with the Gulf states would deteriorate because of a policy designed to expel Muslims coercively. India could not afford such an outcome since the remittances of Indian guest workers from the Middle East have provided a strong source of revenue for the economy. Widespread communal

unrest would also adversely affect investor confidence. All of these factors, combined with the opening such unrest would create for Pakistani intervention in Kashmir, means alternative three ought to be dismissed outright.

The fourth alternative in which the results of a plebiscite in the state would determine whether Pakistan obtains all of Kashmir is strongly favored by Pakistan and strongly rejected by India. For India there has been a fundamental change of circumstances since the UN adopted this resolution after the first Indo-Pakistan war in 1948. Since then Jammu and Kashmir have been legally integrated into the Indian union. New Delhi maintains that the right to self-determination applies more appropriately to countries under colonial rule. Citing the UN Charter and international legal practise, India insists that the right to self-determination does not apply to the territorial components of a nation-state wishing to secede from the state.

India also fears that a plebiscite in Kashmir would most likely be fought on the basis of religious affinity of Kashmiri Muslims with Pakistani Muslims. This would undermine the secular structure of the Indian union. Since the Indian state is based on the concept of unity in diversity, the secession of Muslim Kashmir would unleash fissiparous tendencies throughout the country. If Kashmir is allowed to secede, then the Sikhs in the Punjab and various other ethno-religious and linguistic minorities who are concentrated in specific geographical areas would also opt for separation. For India the plebiscite alternative is tantamount to the disintegration of the Indian nation-state. Since India would never accept an alternative that would literally eliminate its predominant position in the region, the plebiscite option must be rejected. The fact that Pakistan still insists upon it has sustained the pattern of enmity between the two nations.

There are various practical problems with implementing this alternative that merit attention. Since the Kashmiri insurgency of 1989, the population has split its support between the pro-independence groups led by the JKLF and the

pro-Pakistan groups. In this case, the prospects of dividing the tiny state between Pakistan, the micro-state of Kashmir, and India become daunting. Those Kashmiris who support pro-Pakistan groups are not concentrated in one area. The same holds true for the pro-independence supporters. Furthermore, the predominantly Buddhist district of Ladakh would likely be retained by India. This would create a structural absurdity similar to the one that existed prior to the birth of Bangladesh. If we recall, the two wings of Pakistan were separated by Indian territory. Similarly, Pakistani territory would intervene between portions of Kashmir annexed by Pakistan, and portions of independent Kashmir, and India's Ladakh. Such an arrangement would make governance problematic.

The fifth alternative in which all of Kashmir is granted independence is unlikely to alleviate the underlying tensions between India and Pakistan. First of all, it is virtually impossible to guarantee the territorial integrity of the state since both India and Pakistan have strong reasons for retaining control over their portions of the area. Note the objections to an independent Kashmir stated by Sheikh Abdullah in 1951, an individual who wanted to maximize Kashmir's autonomy:

We have to consider the alternative of making ourselves an Eastern Switzerland, of keeping aloof from both States but having friendly relations with them...But in considering independence we must not ignore practical considerations. First, it is not easy to protect sovereignty and independence in small country which has not sufficient strength to defend itself on long and difficult frontiers bordering so many countries. Secondly, we must have the goodwill of our neighbors...I would like to remind you that from 13 August to 22 October 1947, our state was independent and the result was that our weakness was exploited by our neighbor with whom we had a valid standstill agreement. The State was invaded. What is the guarantee that in future, too, we may not be similar victims of aggression? <sup>74</sup>

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<sup>74</sup> Gupta, op.cit, p. 474.

Obviously, the historical record does not give one grounds for confidence. Secondly, even in the present period, a UN force would be unable to guarantee the state's sovereignty. It is doubtful considering the precedent set by Simla that India would even consider an international presence on her soil. Even if the unthinkable happened, Kashmir would be sandwiched between two regional powers whose economies would overwhelm its own. Since economic viability is a corollary of sovereignty, Kashmir's independence could be more mythical than real.

According to Raju Thomas, the sixth alternative, in which there is a territorial transfer of the Vale of Kashmir to Pakistan, was nearly adopted in the 1964 negotiations between President Ayub Khan and Prime Minister Nehru. Unfortunately, it was Nehru's death in the same year that precluded settlement on those terms. Although the territorial transfer of the Vale to Pakistan might ease Indo-Pak tensions somewhat, there is no certainty that such a policy would appease the JKLF and other Kashmiri groups who are seeking complete independence. If Pakistan could ensure maximum autonomy for Azad and the Vale then there is a possibility of success. The complicating factor, however, is Pakistan's failure to appease other minorities like the Sindhis and Baluchis. It appears that the nation has been unable to reign in the sub-national loyalties which threaten its unity. As such, I am not certain whether Pakistan can fare any better once the Vale is transferred to it.

The seventh alternative, in which India and Pakistan disintegrate into tiny ethnic micro-states, is highly improbable despite the radical changes which affected the unity of the former Soviet Union. Neither country has been willing to accept secession as a legitimate option. New Delhi has demonstrated its disdain for the concept of Khalistan --an independent Sikh homeland in Punjab --by storming the holy shrine of Amritsar in 1984. Using brutal counter-terrorist tactics the government was able to paralyse the separatists in Punjab. Similarly,

New Delhi has been unwilling to permit the separation of Assam. The security forces in Assam are charged with employing strategies that would divide militants amongst themselves. Often, this strategy entails brutal reprisals against suspected terrorists. In spite of these regional challenges to Indian unity, the state is not on the verge of collapse.

Pakistan has also demonstrated its resolve in combatting secessionists in Sind and Baluchistan. After losing its eastern wing in a bloody civil war with Bengali nationalists, Pakistan is committed to holding its nation together at all costs. This implies that she will even go to war with India, if the latter is inclined to invade Sind.

The international community would probably not tolerate further Balkanization of the sub-continent. Such an outcome would have destabilizing effects because the micro-states which emerge may possess the nuclear technology that the former nation-states developed.

Alternatives eight and nine will be considered together since they both relate to the process of amalgamation which has characterised the relation between European community members. The eighth alternative in which there is a highly decentralized confederation of several autonomous South Asian republics may satisfy those regions on the sub-continent which are agitating for greater autonomy. The greatest obstacle to such an arrangement is Pakistan's fear that India would dominate such a confederation. Considering that Pakistan is even suspicious of cultural contacts between the two nations, it is difficult to envisage the development of a supra-national loyalty to the sub-continent among the states. By this I am referring to Pakistan's ban on the import of Indian films. Since the ninth alternative, involving a condominium of India and Pakistan over the whole of Kashmir with the largest possible measure of autonomy for the state, is dependent on the growth of a supra-national loyalty to the sub-continent this too must be dismissed. How could two states with such different foreign policies

jointly manage the defence and external affairs of a united Kashmir? A necessary precondition would be a common approach to the problems of the sub-continent. In spite of the existence of the South Asian Association for Regional Cooperation, Kashmir has not been on its agenda. According to India, the Simla Accord precludes even regional multi-lateral organisations like SAARC from considering the Kashmir dispute.

In sum, none of the alternatives considered thus far are likely to reverse the pattern of enmity that has structured relations between India and Pakistan. In the section that follows, an alternative will be constructed which addresses the causes of unrest in Kashmir during the 1980s and 1990s. The proposal will also account for the domestic determinants of Pakistan's policy towards India. The principal objective of this alternative is to convert the de facto line of actual control into a de jure international boundary between India and Pakistan. Under present circumstances Pakistan dismisses this option outright. It is my contention, however, that this option will become more appealing from Pakistan's perspective once both countries implement policies which will reform their systems of domestic governance. A brief review of the causes of unrest in the valley during the 1980s and 1990s is necessary before I discuss the methods by which India can reform its system of domestic governance.

In chapter two, I discovered that three domestic factors caused and sustained the ethnic unrest in the valley: alienation due to political and economic discrimination and state oppression, elite manipulation of cultural symbols for political and economic gain, and a negation of the principles of federalism. I argued that once New Delhi frustrated Kashmiri demands for legitimate political participation by engaging in electoral rigging and ruling the state by proxy, many people resorted to illegitimate channels of protest like joining militant organisations which sponsor terrorism. New Delhi's continued neglect of the socio-economic needs of the Kashmiris also contributed to alienation in the

valley. Anti-Indian sentiment galvanized in the state because of the repressive law and order tactics adopted by Jagmohan during governor's rule. All of these factors combined with the communal politicking of the Hindu chauvinist party, the BJP, and the militant Islamic nationalists have contributed to the socio-economic and political decay of the state.

**THE ONLY WAY OUT: NEW DELHI MUST REJUVENATE INDIAN DEMOCRACY, FEDERALISM, AND SECULARISM.**

What measures can New Delhi adopt to reverse the negative trends of alienation, militancy and secession in the Valley? In order to reverse such trends, New Delhi must adopt a nation-wide strategy to renew Indian democracy, secularism, and federalism. The policy must be nation-wide in scope because other parts of the country have also been troubled by the steady erosion of India's democratic, secular and federal edifice. In the discussion that follows I shall examine which specific measures must be adopted to ameliorate the conditions that are responsible for India's Kashmir crisis.

Before any of the fundamental policy changes are implemented, order must be restored in the valley by resorting to minimal repression. New Delhi must remove the Indian Army from local policing functions in order to prevent further erosion of the armed forces' professionalism. The government must punish members of the security force who are guilty of human rights violations. To demonstrate that the government is sincere, steps must be taken to release and compensate Kashmiris who were imprisoned without due process. Such measures would prevent moderate Kashmiris from jumping on the militant bandwagon.

Once the government takes concrete steps to stop the vicious cycle of state and militant violence, New Delhi must renew its commitment to the principles of democracy, federalism and secularism. To reverse alienation in the Valley, and to regain the confidence of the masses, efforts must be made to create a non-violent avenue in which Kashmiris can voice their grievances against the policies of the

central government. Following this, other democratic freedoms such as freedom of the press and freedom of assembly must be gradually restored. Before free elections are held in the state, the government must initiate a dialogue with the disaffected groups in the Valley. By doing so, the ruling party in New Delhi can begin the process of developing an indigenous political alternative to secession and union with Pakistan. Since this new political movement would also demand maximum autonomy for Jammu and Kashmir, India must readjust the overcentralized structure of its federation.

### DEVOLUTION OF POWER TO THE STATES WILL CHECK CENTRIFUGAL TENDENCIES

New relationships must be developed between the central government and the states in which more autonomy is given to states having ethno-religious majorities. To this end, a constitutional amendment could be passed which makes it extremely difficult for the centre to declare President's Rule over particular states. If we recall, President's Rule empowers the President of India to take over the governance of a state should he find, after consulting with the state's governor (an appointee of the centre), that the state government is governing extra-constitutionally. In order to rectify this gross imbalance between the centre and the state, the role of the governor as an agent of the centre must change. Instead of being appointed by the President of India and holding office at his pleasure, the governor should be elected by the state legislature. Such measures would reduce the powers of intervention that the centre presently enjoys with impunity.

Similarly, constitutional amendments must be passed which would curtail the power of the centre to invoke the emergency provisions of the paramount law. As stated in Chapter 2, the present constitutional provisions empower the centre to invoke the emergency provisions under three contingencies which the centre determines unilaterally: if there is a threat to the nation's security by war, aggression or armed rebellion; if there is a breakdown in the constitutional

machinery of the state; and if there is financial instability in the state. In order to ensure that the legislative competence of the states is respected, the government ought to consult with the executives of the states before determining whether one or more of the contingencies exist. Should such a determination be made after consultation, then legal provisions must be in place which curtail the power of the centre to legislate for a state on matters which fall within the state's exclusive jurisdiction. Devolution of power in this way would go a long way in harmonizing the discordant relations between the centre and the states.

A devolution of power to the states is also required regarding the procedures for constitutional amendment. Currently, the constitution can be amended by the unilateral action of the Union parliament. To counter-balance this overcentralizing feature, the states should also be empowered to initiate a bill for amending a constitutional provision. A formula would have to be created which takes into account the population of the various states and their electoral weight to determine when a bill for constitutional amendment becomes law.

Finally, there is one more area in centre-state relations which requires a major overhaul—fiscal arrangements. Currently, state governments faced with a paucity of independent revenue sources are dependent on the centre for the transfer of financial resources. This dependence is fostered by a constitutional provision which empowers the central government to appoint a Finance Commission every five years to recommend allocation of resources to the states. In the absence of a constitutional mechanism by which the states can determine their own financial needs, state governments suffer from chronic financial inadequacy. Once again, legal instruments must be created which enable the state to raise revenues independent of the centre. In addition, the Finance Commission should be comprised of individuals from the state and the centre. Those individuals from the state should be elected by the state legislature in order to give the Finance Commission a more representative character.

Another area in which qualitative change is long overdue relates to the practise of appealing to communal vote banks to secure electoral victory. Since such practises involve the creation of inter-ethnic hostility and religious antagonism, they must be abandoned. In chapter two I discussed the communal politics of the BJP and its militant wings. By utilising the anti-Muslim card the party was able to gain seats throughout the Hindi speaking belt in north India during the elections of 1992. Although the politics of the BJP damage India's professions of secularism, the politics of the so-called secular parties like the Congress and the Janata Dal have also affected the nation's communal harmony. For example, in Hyderabad, capital of Andhra Pradesh state, the Congress party has garnered Muslim votes by appealing to their minority consciousness. During electoral campaigns in the state, the Congress platform was saturated with policies that would increase reservations for minorities in federal jobs, and university admission. Once Congress achieved power, the Muslims in the state were able to build and operate schools in which only Muslims could attend. This served to antagonize the other religious communities in the state who also required educational facilities. New Delhi must adopt an even handed approach when dealing with the patchwork of different religious groups that make up the Indian body politick. The government should not endorse politicians who are willing to engage in communal politics. In the Kashmir context, this means individuals like the former governor Jagmohan, who was appointed after consulting with the thoroughly communal BJP, should not have been governor of a Muslim majority state in the first place.

**THE GOVERNMENTS IN INDIA MUST ADHERE TO THE PRINCIPLE OF SECULARISM ENTRENCHED IN THE CONSTITUTION**

Both the central and state governments must operate within the legitimate confines of Indian secularism in order to reverse such negative trends. To facilitate a clear understanding of India's non-discriminatory model of

secularism, I shall compare it to Europe's non-interventionist model. From a European perspective, secularism, the doctrine which separates the religious realm from the temporal realm, arose in response to the confrontation between two institutions, the Church and the State, which desired a monopoly of power.

The following quotation from K. Dyson's book, The State Tradition in Western Europe, summarizes the historical dynamics of European secularization:

...the influence of Italian humanism and the more complicated effects of the Reformation strengthened the power of the secular authority against that of the Church. The religious unity of the Christian community was fragmented, the theocratic basis of the Holy Roman Empire was undermined, and the idea of the charitable role of the secular authorities was established. Religious upheaval in sixteenth and seventeenth centuries sustained princely power and encouraged the notion of a neutral public power which gave priority to the secular purposes of protecting life and maintaining order rather than the imposition of one religious truth. Secularization, not just a rising bourgeoisie, played its part in the development of a public, state authority.<sup>75</sup>

In contrast to the European example, Indian secularism did not arise out of conflict between the interests of the 'prince' and the power of the priests manifested in an all-powerful Church. Considering that Hinduism is better understood as a way of life as opposed to an institutionalized religion which could threaten the primacy of state authority, no such conflict arose between the spiritual and temporal realms. In fact, the caste structure of Hindu society with its divisions of the priestly (Brahmin) and princely (Kshatrya) functions served to eliminate rivalries between the political and religious spheres. From an ideological perspective, Hindu spiritual thought was remarkably secular and legalistic in its outlook on the question of who wields political power. Even a cursory glance at Kautilya's Arthashastra, one of the earliest secular codes of law in

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<sup>75</sup> As quoted in R. King's, The State in Modern Society (London: Macmillan Press, 1986) p. 141.

the world, demonstrates how secular values were entrenched in ancient Indian traditions:

...among the four pillars of the legal system, the dharmasastra--the religious texts, charitra--history of the established code of conduct--vyavahara--the civil law established by the Courts, and rajasasanam--the decrees of the king, the last pillar (that of the secular authority) was to prevail over the injunctions of the sacred texts...The philosophical and religious forms of knowledge would be used by the priestly caste while knowledge of matters concerning the present life, that of agriculture, trade, commerce and the science of government would be utilised by the rulers of society. <sup>76</sup>

It is essential to point out that although the spiritual and temporal realms were structurally separate, the caste structure itself was sanctioned by the religious texts. In this way then, Indian secularism is intimately connected with religion. In the ancient period, a king was able to intervene in the religious realm because of the supremacy of rajadharma (duties of the king). Since this was sanctioned by religion, there was no cause for conflict of the kind that existed in Medieval Europe. In addition, the absence of sectarian conflict in ancient India can also be attributed to the philosophically tolerant nature of Hindu thought. Since the cornerstone of secular thought is the spirit of toleration and understanding between different religious groups, a strong case could be made that the philosophical traditions of ancient India were imbued with secular values. <sup>77</sup>

The framers of the modern Indian Constitution sought to entrench the spirit of ancient Indian secularism. As such, provisions for an absolute separation between the temporal and religious realms were not included. Instead, the non-discriminatory model was adopted in which all religions would be treated equally

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<sup>76</sup> B.N. Puri, Secularism in Indian Ethos (Delhi: Atma and Sons, 1990) p. 205.

<sup>77</sup> The Rg Vedic maxim, "Sages name variously that which is one," was the hallmark of Ancient Indian rulers like Asoka. In fact, the credo of modern Indian secularism, Sarvodharma samabha (equal respect to all religions) developed during the Rg Vedic Age.

by the State. Indian secularism thus affirms religion rather than negates it. As

A.R. Saiyed maintains:

The non-discriminatory model of secularism in which all religions are to be treated equally by the state is especially suited in the Indian context due to the totalizing character of all Indian religions and the simultaneous absence of any ecclesia. The presence of such existential conditions makes it impractical to adopt the non-interventionist model of secularism in which there is an impassable wall between the religious and secular spheres. Since religions in India are concerned with every aspect of an individual's existence, the State will out of necessity infringe on the religious realm. <sup>78</sup>

This implies the state can legally intervene in the religious realm in order to guarantee the rights of religious minorities and ameliorate the socio-economic inequalities resulting from religious structures and practises (i.e. caste system).

In short, Indian secularism affirms religion rather than negates it. Consequently, the State must remain equidistant from all religions and patronize each one without discrimination.

When the BJP formed a coalitional government with V.P. Singh's Janata Dal in 1992, the BJP implemented its plan to destroy the Ayodhya mosque. In this case, the essence of secular thought embodied in the non-discriminatory model was subverted because the state intervened in the religious realm as a result of the pursuit of power politics. In other words, to retain the electoral support of the numerically dominant Hindu group in the north, the BJP created anti-Muslim sentiment. Obviously, the State did not patronize all religions equally. Likewise, Congress' appeal to Muslim vote banks in Hyderabad to the exclusion of sizable Hindu majorities also subverts the principles of Indian secularism. In order to restore Kashmir's faith in Indian secularism, New Delhi must go back to the essence of Indian secular thought. Having discovered that communalism in the

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<sup>78</sup> A.R. Saiyed, "Secularism in Retreat: The Communal Secular Paradox," as quoted in B. Chakrabarty, Secularism in Indian Polity (Delhi: Segment Books, 1990) p. 147.

contemporary scene results from the skillful manipulation of the religious sentiments and cultural ethos of a people by its elite, which aims to realize its political and economic aspirations, my faith in the prospects for change are restored for two reasons. First, since communalism is in part a response to the inability of the secular state to provide the goods and services necessary to maintain society, efforts should be made to eliminate the gross inequalities of wealth that make the poor masses vulnerable to communal recruitment. Second, the secular leaders in India must be made to realize that instigating people to wallow in the slimes of hatred and unreason for short term political gains will only lead to misery and upheaval. Throughout my discussion about the erosion of India's secular edifice, I have argued implicitly that one must reject the primordialist view that ethno-religious sentiment is persistent and possesses an ineffable and unaccountable coerciveness in and of itself. As such, I do believe that the outbreaks of communal violence nationwide can be curbed if not eradicated. To this end, elites must become convinced that good governance is not about survival, but sustenance with a long term perspective. They must realize that they would serve the interests of the nation as a whole by mediating communal disputes rather than creating and exacerbating them. Once communal parties believe that the interests of their communities are undermined every time they incite violence between different groups then it is possible to restore Kashmir's faith in Indian secularism.

#### THE POLICY CHALLENGE FOR PAKISTAN

Since a pragmatic solution to the Kashmir crisis also requires a re-thinking and re-structuring of Pakistan's political institutions, it is necessary to discuss which specific measures must be adopted. In previous chapters, I had analyzed the impact of Bonapartism on Pakistan's democratic institutions. Civilian leaders in Pakistan will not have the luxury of adopting innovative policies towards

Kashmir until the psychology of the military is kept out of civilian governance. The most effective way to reduce the influence of the military is to eliminate the power of the Pakistani President, who has the backing of the army, to dissolve parliament vis a vis the cabinet. Currently, the Prime Minister of the nation can only adopt policies which are broadly supported by the military. Should the civilian leaders stray too far, then the military is prepared to take over governance.

The over-centralized nature of Pakistani federalism also requires overhaul. In order to reign in separatist tendencies in Balochistan and Sind, a general devolution of power must occur. Pakistan, like most post colonial states suffers from a disjuncture between the state and the nation. Until the country constructs a durable national identity, leaders will be tempted to use the Kashmir crisis to unite the fractured ethnic groups against India--the external enemy. Since religion is an insufficient basis on which to build a durable nation-state, leaders must strive to gain the allegiance of its citizens by delivering the goods and services that the population desperately needs. Instead of spending scarce economic resources on military programmes, funds ought to be diverted to civilian sectors. In a nation where the disparity between the haves and have nots is intolerable, the need for economic reform is urgent. Once a large, educated middle class is created, the state would be constrained from pursuing military policies which swallow the funds required for improving the quality of life of the people. In the present system, disproportionately powerful elite groups who have an economic stake in military projects exert pressure on the government to continue funding for such programmes. Since members from such groups are independently wealthy the absence of funding for welfare issues are inconsequential to them.

### CONCLUDING REMARKS

Should Pakistan change its domestic policy in the manner suggested here, then the prospects for more cordial Indo-Pakistan relations are enhanced.

Arguably, once the Pakistani defence budget is cut drastically and funds are made available for improving the general welfare, then New Delhi has an incentive to match its neighbor's policy by chopping its own military expenditure and focussing on internal problems. The argument that India would still require a sizable defence budget to counter any threats from China would not be convincing given China's preoccupation with her own domestic politics and economy. When it becomes apparent to leaders in both capitals that their long term survival as healthy nation-states depends on their ability to cater to the socio-economic and political needs of their populations, rather than perpetuating inter-state hostility, perhaps the pattern of enmity will be reversed.

After both countries have put their domestic houses in order, one can envisage an end to the crisis in Kashmir. The line of actual control which separates Pakistan occupied Kashmir and Indian Kashmir could be turned into a permeable border allowing residents of Azad and Indian Kashmir free movement and free trade. To this end the line of control could be demilitarized up to a depth of ten miles on both sides and a mutually agreed method could be laid down to verify its compliance. <sup>79</sup> In order to give the Kashmiris of both halves a sense of autonomy over their political and economic destiny, democratic elections must be held in Azad and Indian Kashmir. The option of complete independence would not be at issue since neither Pakistan nor India would accept it. Instead, the elected governments of both halves of the territory would formulate policies designed to preserve Kashmiri culture and promote economic exchange within a larger Indo-Pakistan context. This proposal is desirable because it enables both countries to find a middle ground between the extreme positions they have

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<sup>79</sup> Jagat Mehta, as quoted in Thomas Perspectives, p. 407.

advocated thus far. Instead of dwelling on the "illegality of Kashmir's accession to India and the illegality of Pakistan's occupation of Azad," this proposal addresses the ground realities. It accounts for the legitimate aspirations of the Kashmiri people and the interests of India and Pakistan. As Jagat Mehta writes:

Jammu and Kashmir must no longer be seen as a divisive bone of contention, but as a potential catalyst towards South Asian cooperation. Unscrambling the established division could be explosive, but surely democracy, internal decentralization and restoration of an autonomous Kashmiriyat [identity] must be considered an absolute imperative. <sup>80</sup>

In South Asian diplomatic discourse, Confidence Building Measures (CBMs) are instituted when the two major powers in the security complex have barely escaped war. In spite of the formidable list of Indo-Pakistan bilateral efforts relating to the Kashmir dispute the status quo remains. I believe that the only successful CBM will be a complete overhaul of domestic policy in both nations. Until the leaders of India and Pakistan resolve their internal security dilemmas, the prospects for a final settlement of the Kashmir crisis and Indo-Pak amity are remote. It is futile to even attempt to terminate hostilities over the Siachen glacier, an ice block without any strategic value for either side, until both nations revert to the crucibles of their domestic politics. Since the Siachen dispute is connected to an entire constellation of problems which bedevil Indo-Pakistan relations, I doubt whether agreement can be reached in the near future. The fact that over five rounds of negotiations in the past two decades on the Siachen stand-off have failed to bear fruit lends credence to my claim. At the present time neither country has been blessed with a Gorbachev type leader who is willing to undertake radical change. The absence of such a leader does not mean that the international community ought to sit idly while the situation in the Vale deteriorates further. As pointed out in chapter three, one cannot dismiss the possibility of another nuclear stand-off between India and Pakistan as tensions in

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<sup>80</sup> Ibid. p. 407.

Kashmir rise. Bearing this in mind, the international community must make a concerted effort to diminish the likelihood of nuclear war by miscalculation on the sub-continent. Strengthening command, control, communications and information in both nations is a necessary step in the interim. The long-term objective of nuclear disarmament will be realized only if the causes of insecurity on the subcontinent are eliminated. This implies that a resolution to the Kashmir crisis requires a radical change in the leadership attitudes and social values of both polities. On this note I find it fitting to conclude this dissertation with a quote from the French philosopher Voltaire:

*Premièrement, il faut cultiver notre jardin.*  
*[It is necessary to cultivate our own*  
*garden first]* <sup>81</sup>

In other words, the most effective way to put an end to the interaction between the internal and external sources of threat is to eliminate those internal vulnerabilities which outside states are eager to exploit.

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<sup>81</sup> Voltaire, Candide  
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