



International Peace Academy



# Kashmir: From Persistence to Progress?

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## About the Project

The International Peace Academy (IPA)'s project on *Kashmir: New Voices, New Approaches* aims to identify and build the capacity of new voices in Jammu and Kashmir, India, Pakistan, and the international community to discuss existing proposals and generate new ideas about the Kashmir conflict; to allow for dialogue and to identify ways to move the agenda forward; and to critically examine the potential role, if any, of international actors in facilitating the process of resolution.

The project was initiated with a workshop on January 6–8, 2005, hosted in Singapore by the Institute of Defence and Strategic Studies. The workshop brought together a team of analysts from Jammu and Kashmir, India, and Pakistan, as well as other participants from the US, Canada, Europe, UN, and Singapore. Selected written contributions to the project are being collected into an edited volume to be published in 2006 by Lynne Rienner Publishers.

The project is directed by Dr. Waheguru Pal Singh Sidhu, Senior Associate with IPA. Professor PR Chari at the Institute for Peace and Conflict Studies in New Delhi and Professor Hasan–Askari Rizvi in Lahore have been collaborative partners in the project.

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This report as well as other material relating to the project can be found at the following web address:

<[http://www.ipacademy.org/Programs/Research/ProgReseKas\\_body.htm](http://www.ipacademy.org/Programs/Research/ProgReseKas_body.htm)>

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## Executive Summary

- Jammu and Kashmir (J&K) has been a continual bone of contention, the object of three wars and a theater of engagement in a fourth war, between the two countries. Since 1989, insurgency has consumed Indian-administered Jammu and Kashmir (IJK), claiming at least 45,000 lives. All major attempts at resolution by the international community have failed, including those through the United Nations. With overt “nuclearization” by India and Pakistan in 1998, and with “jihadist” militants playing an increasingly prominent role in the insurgency since the mid-1990s, the Kashmir conflict also bears the marks of a distinctly twenty-first century security predicament.
- The revitalized peace process between India and Pakistan has piqued hopes about the prospects of resolving the Kashmir conflict. A number of tangible developments have provided grounds for some optimism. India and Pakistan have sustained cooperation and maintained a November 2003–declared ceasefire along the Line of Control (LoC), re-opened cross-LoC transport links, and moved further than ever toward ending their longstanding and costly military standoff on the Siachen glacier in J&K. The most striking manifestation of this new cooperative spirit was the April 7, 2005, start of a regular bus service connecting IJK’s summer capital, Srinagar, to the capital of Pakistan-administered Azad Jammu and Kashmir (AJK), Muzaffarabad. The bus service embodied both a new spirit of compromise and new possibilities for reviving deeply meaningful social and commercial ties cut off by J&K’s partition.
- Domestic political volatility in India and Pakistan has made past peace processes between them fragile. Progress in addressing the Kashmir conflict has suffered as a result. But since the peace process was initiated in January 2004, neither an election and government change in India nor a legitimacy crisis in Pakistan have thrown the process off course. As Indo-Pak relations improved, major Kashmiri separatist leaders began to show new enthusiasm for working toward peace. A partial revival of democratic politics in IJK has come about through the 2002 State Assembly and 2005 municipal elections. In civil society too, professional, student, and religious organizations have preserved democratic space despite the violence, continually holding elections throughout the past fifteen years. In AJK as well, there are some hopeful signs, with key leaders showing signs of moderation. Nonetheless, what can be called the “Srinagar-Muzaffarabad” axis may be the most underdeveloped.
- But the opportunity could easily fade if the sources of the Kashmir conflict’s intractability are not addressed. For both India and Pakistan, political engagement has been either desultory or weak and has provided little strategic guidance. Kashmiri separatists suffer from political fragmentation, partly due to interference by New Delhi and Islamabad, partly due to local-level political gamesmanship.
- Even if Kashmiris are able to organize and New Delhi and Islamabad give proper political attention to the conflict, mistrust and fear could still block cooperation. Muslims in IJK are skeptical about New Delhi’s credibility in committing to a political deal on sovereignty. Non-Muslims in IJK are skeptical about the majority Muslims’ credibility in committing to a deal on the dispensation within a more autonomous state. Muslims in the Jammu region are skeptical about the credibility of the region’s Hindu majority in committing to governing fairly. In addition, New Delhi fears that moves toward IJK’s independence would set the wrong precedent, unleashing centrifugal forces in other parts of the Indian Union. Similar concerns hold for the leadership in Islamabad vis-à-vis AJK.
- Militancy constricts the space in which a peace process can move forward by making it too risky for a critical mass of Kashmiris to join the process, and by raising suspicions within New Delhi about Pakistan’s intentions. Overreaching responses by the Indian military and paramilitary forces erode any trust or goodwill to elicit cooperation from peace-seeking Muslims in IJK. The persistence of the militancy can be attributed to personal motiva-

tions among the militants themselves, as well as the strategic utility of militancy to Pakistan and the separatists. In the short run, militancy can only be contained by physical protective and preventive measures by police and soldiers. In the long run, local and national government, perhaps in collaboration with NGOs, will have to implement education, reconciliation, and other local-level processes to foster a temperament more conducive to peace. Also required will be the provision of alternative livelihoods for would-be militants both in IJK and on the Pakistani side of the LoC. Such programs could be among the building blocks of a peace framework.

- Steps can be taken to consolidate already-achieved gains in the peace process, particularly those associated with restoring cross-LoC ties. These actions should aim to enhance ownership by the people of IJK and AJK in bringing about normalcy to their lives. India and Pakistani should move in parallel toward restoring autonomy provisions for

IJK and AJK. By doing so, a positive dynamic could be developed in IJK and AJK.

- Addressing the sources of intractability is necessary to build a foundation for durable peace. New Delhi and Islamabad will have to come to terms with the legitimacy of separatist and independence demands. On the IJK–New Delhi axis, checks and balances institutions would have to be fashioned to guarantee provisions restoring IJK’s autonomy. Such institutions may also be necessary to deal with communal tensions at the district level within IJK. India and Pakistan should consider verification mechanisms to overcome their mutual distrust, allow for Indian troop withdrawal, and verify a proactive Pakistani clampdown on militants in AJK. International actors can assist by increasing the pool of resources contributing to a peace dividend, especially by investing in transportation and local agriculture and industrial development.

## I. Introduction

The sustainment of a revitalized peace process between India and Pakistan since January 2004 has piqued hopes about the prospects of resolving the Kashmir conflict. Such a resolution would be a dramatic accomplishment indeed. Upon independence in 1947, India and Pakistan placed conflicting claims on the erstwhile state of Jammu and Kashmir (J&K). As a result, J&K has been a continual bone of contention, the object of three wars and a theater of engagement in a fourth war, between the two countries.<sup>1</sup> The people of J&K have suffered a division of the territory into Indian-administered Jammu and Kashmir (IJK) and Pakistan-administered “Azad” Jammu and Kashmir (AJK), with massive deployments of Indian and Pakistani troops anxiously, and often heatedly, guarding the Line of Control (LoC) dividing them.<sup>2</sup> After decades of corrupt and cynical misgoverning by New Delhi and State politicians and a rigged 1987 IJK State Assembly election, a violent separatist struggle erupted in IJK in 1989. The uprising fragmented politically and was steadily consumed by “jihadist” violence. The insurgency has dragged on, and bombings, clashes with Indian military and paramilitary forces, and other violence have claimed at least 45,000 lives.<sup>3</sup>

From a global perspective, along with the Arab-Israeli conflict and the standoff on the Korean Peninsula, the Kashmir conflict has persisted as a violent flashpoint throughout the sixty years since the end of World War II. Like in the other two cases, all major attempts at resolution by the international community have failed, including those through the United Nations (UN). With overt “nuclearization” by India and Pakistan in 1998, and with “jihadist” militants playing an increasingly

prominent role in the insurgency since the mid-1990s, the Kashmir conflict also bears the marks of a distinctly twenty-first century security predicament.

Coinciding with the recent developments in the Indo-Pak peace process, the International Peace Academy (IPA) initiated a project, generously supported by the International Development Research Centre (Canada). The project aims to conduct research and establish a network of scholars and practitioners to build capacities and elaborate ideas for addressing the Kashmir conflict. A team of seventeen analysts in IJK, AJK, India, Pakistan, and the US were commissioned to examine a number of dimensions of the conflict, including substate politics and governance issues, Indo-Pak relations, gender issues, and the international community’s role.<sup>4</sup> A key aim of the project has been to bring forward the perspectives of those who have had sustained and close proximity to the conflict. A joint workshop organized by IPA in partnership with the Institute of Defence and Strategic Studies (IDSS) was held in Singapore in January 2005 and brought together all the contributors for a discussion of possible new approaches. This report draws primarily on these contributions and examines: (i) the contours of the current opportunity that has arisen to resolve the conflict; (ii) the sources of intractability that would have to be addressed to realize this opportunity; and (iii) possibilities for a workable framework for creating a positive dynamic, including steps that could be taken by the international community.

## II. An Opportunity at Hand?

The Indo-Pak peace process was formally reinitiated in the form of a “composite dialogue” through a joint

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<sup>1</sup> J&K was the object of contention in the first Indo-Pak war (1947–1949), second Indo-Pak war (1965), and Kargil conflict (1999; a “war” insofar as battle deaths exceeded 1,000). J&K was a theater of engagement in the third Indo-Pak war (1971).

<sup>2</sup> A large (about 20,000 square miles) but sparsely populated area in J&K, Aksai Chin and Demochok in Ladakh was occupied by China in the 1962 war with India. Another mass of about 3,000 square miles in the Shaksgam Valley, just northeast of the disputed Siachen glacier, was ceded to China by Pakistan in a 1963 bilateral border agreement. Controversies over these territories are rarely raised in the context of the Kashmir conflict, although any final status arrangement would have to account for them.

<sup>3</sup> Indian Ministry of Home Affairs figures suggest a total death toll of over 45,000. Kashmiri separatists usually claim that the death toll of civilians alone is closer to 80,000–100,000.

<sup>4</sup> The contributors to the project are listed in Annex 1. Selected contributions will be compiled into a forthcoming volume to be published by Lynne Rienner Publishers.

press statement issued at the end of the January 2004 SAARC summit in Islamabad. In the statement, Indian prime minister Atal Bihari Vajpayee and Pakistani president Pervez Musharraf expressed confidence “that the resumption of the composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.” The Islamabad declaration came after seven years of sporadic attempts at peace interspersed by bouts of turmoil. Those past attempts collapsed violently and abruptly with an armed border conflict in the Kargil sector of IJK in 1999, and a brazen terrorist attack on the Indian parliament in New Delhi in 2001, conducted by militants associated with groups operating in IJK and suspected of having links with elements in Pakistan. Thus, in the first year following the Islamabad declaration, analysts and officials expressed much skepticism about the prospects that the renewed Indo-Pak process would make progress in addressing the Kashmir conflict.

But a number of tangible developments have provided grounds for some optimism. India and Pakistan have sustained cooperation and maintained a November 2003–declared ceasefire along the LoC, re-opened cross-LoC transport links, and moved further than ever toward ending their longstanding and costly military standoff on the Siachen glacier in J&K. As a result, Kashmiris have been given new opportunities to restore cross-LoC ties and rehabilitate shell-fire damaged areas along the LoC in IJK and in AJK. Although violence remains unacceptably high within IJK, levels of infiltration by militants coming across the LoC into IJK have dropped significantly. The reduction in infiltration is due to the combination of a post-9/11 Pakistani clampdown on militant groups in its territory, Indian border forces’ construction and monitoring of a security fence along the LoC, and the cessation (due to the ceasefire) of Pakistan’s use of shelling to cover militant infiltration.

The most striking manifestation of this new cooperative spirit was the April 7, 2005, start of a regular bus service connecting IJK’s summer capital, Srinagar, to AJK’s capital, Muzaffarabad. The bus service itself was set to run only biweekly, carrying only a few dozen

passengers each way. But it embodied both a new spirit of compromise and new possibilities for reviving deeply meaningful social and commercial ties cut off by the LoC. The bus service had been on the table for many years, but only in late 2004 were New Delhi and Islamabad able to garner the mutual confidence to move beyond differences over travel documents, establish a plan to de-mine and rehabilitate the roads, and open the two-way service. In the run-up to April 7, jihadist militants threatened to kill the passengers. The militants then attempted as much on April 6 by attacking and burning down the facility in Srinagar where the passengers were staying.<sup>5</sup> But the determination to carry on despite the incident demonstrated not only New Delhi’s determination to see the plan through, but also the deep desire of Kashmiris to seize the opportunity. The government in Islamabad joined New Delhi in condemning the terrorist attacks, perhaps the first time such a direct joint message had been delivered. Following the inaugural trip, the governments issued proposals to open new routes across the LoC. The proposals were enthusiastically received in IJK and AJK, barring the reservations expressed by a minority, including former Jamaat-e Islami IJK leader, Syed Ali Shah Geelani, who held that the restored ties could only distract Kashmiris from their struggle.

#### *Bilateral progress*

Domestic political volatility in India and Pakistan has made past peace processes between them fragile. Progress in addressing the Kashmir conflict has suffered as a result. What is remarkable in the process initiated in January 2004 is that an election and government change in India and a legitimacy crisis in Pakistan did not throw the process off course. For New Delhi, the Congress-led United Progressive Alliance (UPA) government, elected into office in May 2004, has continued the “composite dialogue” peace process with Pakistan. This peace process was inherited from the previous Bharatiya Janata Party (BJP)–led National Democratic Alliance (NDA) government, and includes discussions on a range of bilateral issues besides Kashmir. The UPA continued the process without delay and with vigor, suggesting that normalization with Pakistan suits interests across the Indian political

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<sup>5</sup> Ten of the twenty-nine would-be passengers traveling on the Srinagar-to-Muzaffarabad trip withdrew because of militants’ threats.



spectrum.<sup>6</sup> Even if developments between New Delhi and IJK have not moved as quickly, a willingness to work cooperatively with Islamabad has provided a foundation for progress in addressing the Kashmir conflict.

For Pakistan, escalation vis-à-vis India has been seen as a way to overcome legitimacy crises for the leadership at home.<sup>7</sup> It is difficult to judge the degree to which this dynamic is still relevant, but there are reasons to be hopeful that it is not. In a domestic row that followed the decision of President Musharraf to renege on a commitment to resign his army post in late 2004, he did not abandon the peace process. If there was any link between the two developments, it seemed to be that Musharraf profited from a sense that the peace process could be delivered only if he were to retain his position at the helm of the army. The Musharraf government's energetic pursuit of the peace process with India seems to be on the basis of lessons learned and deep, long-term interests. The acquisition of nuclear weapons—covertly by the late 1980s and overtly as of May 1998—may have shored up Pakistan's confidence vis-à-vis India and nullified the logic underpinning Pakistani ideological concerns about India's hegemonic designs in the region. The inability to win any concessions from India in the Kargil episode, an outcome consolidated by US diplomatic intervention, may have taught Pakistan's military and foreign policy establishment the limits of their ability to exploit the nuclear "balance of terror" to their advantage. Pakistani leaders, including those in the military, may realize that the sustainment of the conflict costs Pakistan more, in terms of poor relations with India, than it costs India, in terms of the Indian armed forces' sustainment of counterinsurgency

operations. India's economy has grown respectably, while Pakistan's growth and development has fallen behind that of India. For the current government, the continuation of these trends risks eroding Musharraf's own reputation as an effective leader.<sup>8</sup>

These underlying developments gave rise to a successful April 2005 summit between Musharraf and Indian prime minister Manmohan Singh. At the end of the summit, the two leaders issued a statement describing the peace process as "irreversible." In remarks delivered during the course of the summit, Musharraf declared that India and Pakistan had arrived at the defining moment in the peace process and that the time had come to consider settlement options.<sup>9</sup> Leaders of the political opposition in India, including former prime minister Atal Bihari Vajpayee, criticized the UPA's strategy in the peace process, but they did not protest the goals. Commentators noted that skillful diplomatic spadework laid the foundation for the successful summit, distinguishing it from the past failures like the 2001 Agra summit.

#### *Positive dynamics in IJK and AJK*

These tangible developments and improvements in Indo-Pak relations came about as major Kashmiri protagonists began to show new enthusiasm for working toward peace. Within IJK, leaders in the All Parties Hurriyat Conference (APHC), the most prominent separatist body, demonstrated their interest in pursuing a peace process by engaging with the leadership in Islamabad and New Delhi and carrying out campaigns to forge a Kashmiri consensus. In the wake of the April 2005 Indo-Pak summit, an APHC delegation made a June 2005 trip to the Pakistani side

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<sup>6</sup> Indian perspectives on the Kashmir conflict are discussed in a paper presented at the IPA-IDSS Singapore workshop by PR Chari.

<sup>7</sup> This dynamic was especially evident during the early years of General Muhammad Zia ul-Haq's rule (1977–1988), until his attention was thoroughly diverted by the armed resistance against the Soviet Union's occupation of Afghanistan.

<sup>8</sup> Pakistani perspectives on the Kashmir conflict are discussed in a paper presented at the IPA-IDSS Singapore workshop by Hasan Askari Rizvi.

<sup>9</sup> In numerous public statements during the previous year, Musharraf had indicated that the process of resolving the Kashmir conflict would have to pass through three stages: first, India's acknowledgment that there was a dispute; second, India's and Pakistan's clarification of what was unacceptable as a settlement; and third, the crafting of a settlement acceptable to India, Pakistan, and the people of J&K. At the April 2005 summit, Indian prime minister Singh acknowledged the dispute and indicated that any significant changes in the LoC would be unacceptable. Musharraf repeated Pakistan's longstanding position that the LoC "as the problem cannot be the solution." According to Musharraf, the third phase had thus been reached, in which a solution would have to be found that made the LoC issue "irrelevant" through a softening of the border.

of the LoC to meet Pakistani and Kashmiri leaders in AJK. Such a meeting in Pakistan was a longstanding condition of APHC leaders for engaging in dialogue with New Delhi. The meetings involved discussion of pragmatic steps for improving the lives of Kashmiris by increasing contact across the LoC. In terms of political arrangements, members of the APHC delegation countenanced, if not actively promoted, discussion of settlement options similar to those presented in previous months by Pakistan's President Musharraf. Such settlement options called for forging a new political dispensation for J&K without a radical change in any borders or in the sovereign status of IJK and AJK.<sup>10</sup> The APHC's trip came amidst appeals by some of its membership to be included in the peace process. Moderate elements in the APHC, including the current chairman Mirwaiz Umar Farooq, have made increasingly vocal appeals for Kashmiri involvement in a settlement process. The Jammu and Kashmir Liberation Front (JKLF) leader and one-time armed militant, Yasin Malik, had also recently concluded a grassroots signature campaign calling for Kashmiris to be included in any peace talks.

The flexibility evident among APHC-members has come after a partial revival of democratic politics in IJK.<sup>11</sup> In 2002, IJK State Assembly elections ushered in a People's Democratic Party (PDP)-Congress Party governing coalition, as power was democratically transferred away from the National Conference party. Turnout was low in Srinagar and in other parts of the Kashmir Valley, the areas where alienation with New Delhi runs the highest. Reports of intimidation by Indian and paramilitary forces as well as by militants added to the perception that the election was perhaps fair, but not truly free. But a silver lining was visible. The elections allowed everyone in the State to witness

the democratic change in leadership. The IJK State and Indian Union government's fair recording of the low turnout figures ironically demonstrated some degree of credibility in the elections process. In January and February 2005, municipal elections were held in IJK after a twenty-seven-year lapse. These municipal elections saw remarkably high turnout in many regions, even in areas where separatist sentiments, and support for the APHC, run high. The turnout demonstrated that a majority of Kashmiris placed pragmatic steps to improve living conditions and economic and social opportunities above the ideology of separatism, at least at the local level. In civil society too, democratic space has been preserved despite the violence, with professional, student, and religious associations having continually held elections throughout the past fifteen years. The 2002 and 2005 outcomes may represent a creeping advance in restoring the credibility of democracy in IJK. Such a restoration would help to diminish the legacies of the fraudulent 1987 election, generally accepted as having precipitated militancy in the Kashmir Valley. Electoral gains by the PDP have forced the APHC to address Kashmiris' day-to-day concerns more directly.

Finally, in AJK as well there are some hopeful signs.<sup>12</sup> Sardar Qayyum Khan, former AJK prime minister and a prominent political figure, has stated that in his estimation, the time for violent militancy has ended, and that a "soft-LoC" might serve as the basis for a solution. Syed Salahuddin, the supreme leader of the prominent Kashmiri militant group Hizb-ul-Mujahideen, based in AJK, has in the past hinted at willingness to engage in a political process, even if his remarks following the April 2005 summit and June 2005 APHC delegation visit were far from conciliatory.<sup>13</sup> But given the fall-out from the July 2005

<sup>10</sup> The exception within the delegation was Yasin Malik, leader of the formerly militant Jammu and Kashmir Liberation Front (JKLF), who remained firm in his demand for an independent J&K. Geelani and other representatives of his faction within the APHC, who tend to endorse J&K's accession to Pakistan, were not part of the delegation. Feeling that he has been abandoned by Islamabad, Geelani has been an outspoken critic of the peace process.

<sup>11</sup> Positive and negative developments within IJK are discussed in papers presented at the IPA-IDSS Singapore workshop by Arjmand Hussein Talib and Kavita Suri, as well as papers contributed by Iffat Idris and Inpreet Kaur.

<sup>12</sup> Developments within AJK are discussed in papers presented at the IPA-IDSS Singapore workshop by Bushra Asif and Shaheen Akhtar.

<sup>13</sup> Salahuddin (then known as Mohammad Yusuf Shah) ran as a Muslim United Front candidate for a legislative seat in the flawed 1987 IJK State Legislative Assembly elections. He was arrested during the course of the elections, and reportedly tortured and humiliated during a nine-month prison stay.

London terrorist attacks, the pressure has never been higher on the Pakistani government to dismantle the militant networks operating out of AJK. Finally, in addition to the June 2005 delegation visit, meetings between prominent political and civil society leaders from IJK, AJK, India, and Pakistan in April 2002 in Dubai, November 2004, Kathmandu, and Srinagar in July 2005 have helped to clear misconceptions and achieve some cross-LoC political coordination. Nonetheless, what can be called the “Srinagar-Muzaffarabad” axis may be the most underdeveloped.

### III. Sources of Intractability

It is clear that an opportunity has come about since January 2004, but this opportunity could easily fade if the sources of the Kashmir conflict’s intractability are not addressed. A number of problems have contributed to the conflict’s persistence, manifested in the heightened risk of escalation in the Indo-Pak dispute and the simmering insurgency in IJK since 1989. Some of these problems have to do with the type of attention paid to the issue, while other problems derive from Kashmiri leaders’ inability to organize to advance collective Kashmiri interests in the peace process. Even if proper attention is paid and Kashmiris can effectively organize, however, mistrust and fear still create formidable obstacles to lasting peace.

For both India and Pakistan, political engagement has been either desultory or weak and has provided little strategic guidance. New Delhi has frequently changed the interlocutors responsible for negotiating with separatist leaders, which stands in contrast to the steady application of force and intimidation to deal with manifestations of separatism. The result has been the lack of a coherent political strategy toward the separatists and dependence on forceful suppression. The reason for this approach, it seems, is that Indian strategists are captive to views that downplay Kashmiris as agents in the conflict. In official, amateur, and media-outlet strategic analyses, the Kashmir conflict is frequently described as a Pakistan-driven proxy war, and there is little appreciation of the degree to which the terms of IJK’s association with the Indian Union are unique. Special autonomy for IJK had been

provided-for in Article 370 of the Indian Constitution. But subsequently, and especially during a period in the 1960s, IJK’s special status was eroded by the Indian government through means that violate both the spirit of Article 370 as well as any norms of democracy or proper judicial review. Rarely is this issue entertained in the Indian press or in official discussions, and the issue is often confused (perhaps intentionally) with the debate over the legitimacy of India’s and Pakistan’s competing claims to the whole of J&K.

Civilian and military leaders in Pakistan have often not seen eye to eye on strategies for dealing with Kashmir, with the military usually winning. The most spectacular episode remains the Kargil conflict, which forced the collapse of the 1999 peace process. The reasoning for the military’s dominance over Kashmir policy may have to do with the benefits that the military has derived from the persistence of the Kashmir conflict. Indeed, the Pakistani military could be said to have actually *depended* on the persistence of the conflict. As the major element of tension vis-à-vis India, the conflict can justify the military’s absorption of about a quarter of the central government budget as well as its control of other parts of the foreign policy. Also, in a manner that mirrors the situation for IJK, AJK’s autonomy was provided-for at the time of partition. But throughout the post-partition period, Pakistani governments have directly controlled AJK’s political and economic affairs through the Ministry of Kashmir Affairs and Northern Areas and, after 1974, the Azad Jammu and Kashmir Council. Pakistani authorities have suppressed political mobilization by pro-independence groups and have appeared unwilling to entertain criticism of their heavy-handedness in AJK.

That a tactical military-driven approach has been inadequate for addressing the Kashmir conflict is clear. The Indian deployment to IJK has been among the largest operational deployments of military forces since World War II, with deployment strengths of at least 250,000–400,000 army troops and paramilitaries since 1990. But despite the attrition of many militant leaders, Indian armed forces have not been able to defeat the militants; neither can the militants claim any major successes aside from their ability to simply survive.

### *Kashmiri political fragmentation*

Kashmiri separatist leaders unanimously state that there can be no end to the conflict until Kashmiris are given a seat at the negotiating table along with New Delhi and Islamabad. But the occupant of that “seat” remains to be determined. The political scenes in the Kashmir Valley and other Muslim-majority areas in IJK are marked by gamesmanship and personality politics. Institutionalized means for aggregating collective Kashmiri political interests have been elusive.

This fragmentation has partly resulted from interference by New Delhi and Islamabad, as each has sought to secure its own strategic interests within IJK. Whatever political institutions were at the disposal of Kashmiris as of the outbreak of the 1989 uprising in IJK were dismantled by the imposition of New Delhi-directed governor’s rule and counter-insurgency operations. Kashmiris’ efforts to reconstitute themselves politically have been obstructed by detentions, custodial executions, torture, and other coercive manifestations of New Delhi’s absolute intolerance of separatist political mobilization. Paramilitary units, including brutal irregular outfits composed of “turned” militants, have been among the Indian forces’ agents in such coercion. Up to the June 2005 APHC delegation visit to Pakistan, governments in New Delhi have been heavy-handed in selecting Kashmiris with whom to meet and restricting the movement of Kashmiri leaders in IJK and internationally.

The nature of Pakistan-based support for militants in IJK has also obstructed the organization of collective Kashmiri political will. Such support has aimed at preventing a critical mass of political groups in IJK from reaching a “separate peace” with New Delhi. Militants have been supported in operations to assassinate and intimidate political figures to prevent them from moving toward such a settlement. In the run-up to the 2002 elections, moderate APHC member Abdul Ghani Lone was assassinated, robbing IJK of a venerated broker between hardliners and moderates. Other less prominent political actors have suffered the brunt of such coercion. The 2005 municipal elections produced a humiliating spectacle in which many victorious candidates, targeted by militants’ threats,

resigned before taking up their seats and publicly apologized for participating in the elections. In addition, Pakistani support has aimed at weakening independence-oriented militants and empowering militants favoring accession to Pakistan. The withdrawal of Pakistani support to the independence-minded JKLF in the mid-1990s and the subsequent support to the Pakistan-leaning Hizb-ul Mujahideen was evidence of this.

Opinion research in IJK has demonstrated that a large majority of Kashmiris prefer independence as a final status objective over either further integration with India or accession to Pakistan. A large majority also favors negotiation as the sole means for achieving a settlement. Thus, Pakistani-supported militancy has obstructed the organization of political will *on the basis of the majority interests within IJK*. The result is dissociation between the political aspirations of most Kashmiris and the insurgency ostensibly being fought on their behalf. These circumstances also explain why strategists in Pakistan, presumably associated with the Inter-services Intelligence Agency (ISI), would support the militancy. Since Pakistan cannot rely on a critical mass of people in IJK to do its bidding, it is left only with the option of empowering a minority to impose a pro-Pakistan line.

Aside from interference by New Delhi and Islamabad, Kashmiri political coordination has also been undermined by local-level political gamesmanship, leading to the collapse of institutions for aggregating Kashmiri interests. Herein lays the root of what might be called the “Kashmiri ownership” problem. Since the outbreak of the uprising in 1989, politics among Kashmiris has undergone a steady process of de-institutionalization. Having long been associated with corrupt opportunism and as the beneficiary of electoral rigging in 1987, by the 1990s the once paramount National Conference was reduced to a mere shell of what it had been. As a result, marginal political actors came to the fore. These included the parties that would form the APHC in 1993, representing about a dozen parties on both sides of the LoC, as well other IJK-based political organizations that would continue on as militant groups. The most prominent has been the Hizb-ul Mujahideen.

But these political actors were, and continue to be, severely constrained in their ability to forward collective Kashmiri interests. The APHC parties, for example, are tied to their long non-negotiable separatist demands. In seeking to engage with the peace process, APHC leaders run the risk of losing face and acquiring politically costly reputations as “opportunists.” In addition, the APHC has always functioned as more of a forum than a unitary political force. The current factionalization of the APHC is evidence of this lack of unity of purpose.<sup>14</sup> Finally, the APHC has never commanded the allegiance a broad enough segment of the populations to serve as the sole representative of Muslims in IJK and AJK. This is in addition to the strong opposition the APHC faces from non-Muslims in Jammu and Ladakh. The APHC is not alone in suffering from such constraints. The Islamic-nationalist Hizb-ul Mujahideen and more “jihadist” and transnational groups associated with Lashkar-e Taiba and Jaish-e Mohammad function more like a loose, horizontally-structured networks than coherent political organizations.

#### *Layered commitment problems*

Even if Kashmiris are able to organize and New Delhi and Islamabad give proper political attention to the conflict, mistrust and fear could still block cooperation. Layered “commitment problems” are one manifestation of such mistrust. A commitment problem is one in which a party to a proposed agreement cannot credibly commit that he or she will not renege on the agreement at some point in the future. Such commitment problems constrain parties from being able to reach cooperative agreements to manage their relations. The commitment problem logic clearly prevails in the case of IJK. Because of the

legacy of cynical Indian misrule in IJK and the rise of Hindu nationalism, Kashmiris doubt that the Indian government can credibly commit to a reasonable cooperative agreement. In 2000 the National Conference-led IJK State government submitted to the NDA government in New Delhi proposals for restoring provisions, including from Article 370, for IJK’s autonomy. The NDA rejected these proposals and refused to negotiate on the issue. This only exacerbated the New Delhi-Kashmiri commitment problem. Even if negotiations on autonomy are opened, can any current Indian government credibly promise that a less accommodating future government *will not* come to power and undo IJK’s autonomy?

The mistrust and resulting commitment problems also descend to the regional and district levels along communal lines. Communal identity is closely correlated to autonomy preference in IJK, with Muslims typically preferring more autonomy and Hindus and Buddhists preferring less.<sup>15</sup> Hindus in Jammu and Buddhists in Ladakh have expressed doubt whether their interests would be protected in a more autonomous IJK, which would be dominated by Kashmiri Muslims. This is exacerbated by perceptions that Islamism is on the rise among Muslims in IJK. Can a current Kashmiri leadership guarantee to the Hindus and Buddhists in IJK that Islamists *will not* play an increasingly powerful role and impose their agenda in an autonomous IJK? Such concerns have driven Hindus and Buddhists in Jammu and Ladakh to push for more regional autonomy vis-à-vis the IJK State government and to have New Delhi serve as their guarantor. The reverse holds with respect to Muslims vis-à-vis Hindus in Jammu. Hindus dominate Jammu regional politics with their slight majority, and Muslim-dominant districts in Jammu remain relatively

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<sup>14</sup> APHC members are divided in their attitudes toward the peace process, particularly in engaging with New Delhi. The APHC formally split in September 2003, when Geelani led a group seeking to depose then-chairman Maulvi Abbas Ansari and redirect the APHC’s strategy. The Geelani faction took a hardline vis-à-vis India, whereas the Ansari and Mirwaiz Farooq faction expressed openness to dialogue. Farooq was appointed caretaker chairman of the moderate faction in August 2004. Also, despite formal membership, the JKLF’s relationship to the APHC has wavered. During the June 2005 delegation visit to Pakistan, the IJK-based JKLF faction leader Yasin Malik pursued a separate, more rigid course than the APHC leadership. In 2002 when the APHC sought to hold elections to constitute a leadership to negotiate with New Delhi, AJK-based JKLF faction leader Amanullah Khan declared the process “defective” and “unacceptable” and called the APHC unrepresentative of the people of J&K.

<sup>15</sup> The reasons have very much to do with a historical correlation between class privilege and communal identity in J&K. Muslims have been the more deprived class despite being the majority.

underdeveloped.<sup>16</sup> In exchange for Jammu Muslims' support for increasing Jammu's autonomy, can the Hindu leaders in the region credibly promise that they will then work to provide more development opportunities to Muslims in the region? Can they promise that Jammu Muslims *will not* suffer as Hindu chauvinism surges in Jammu?

These commitment problems severely constrain efforts to forge a workable arrangement for cooperation at the New Delhi-IJK level and within IJK. Without such an arrangement, legitimate public administration and the rule of law are impeded. The tensions inherent in these commitment problems lead actors to seek and seize windows of opportunity not to strike cooperative deals, but to make unilateral gains.

#### *Fearing the wrong precedent*

Another constraint on New Delhi's ability to find a negotiated settlement with the Kashmiri separatists are fears among Indians that moves toward IJK's independence would set the wrong precedent. According to this view, militancy and terrorism would be seen as having won for separatists in IJK an exceptional concession by the Indian Union. This precedent could unleash centrifugal forces, stiffening the separatist resolve in other parts of the Union. The fear is especially associated with the separatist conflicts simmering in India's northeastern provinces of Nagaland and Assam. More immediately, any national party in India that makes a deal to enhance IJK's autonomy risks being branded as "too soft on terrorism." In an opposite way, any Kashmiri party that takes New Delhi's hand risks being branded "opportunistic."

Similar concerns hold for the leadership in Islamabad. Nationally, it may be true that the loss of East Pakistan/Bangladesh in the 1971 Indo-Pak war undercut Pakistan's claims to the validity of the "two-

nation" theory, upon which the 1947 partition of the subcontinent was based. But two-nation ideology nonetheless continues to serve as a basis for legitimizing Pakistan as a Muslim state and defending against other "subnationalisms." The revival of Baloch and Sindh nationalism poses some risk to Pakistan's integrity. If Islamabad were to submit to a Kashmir settlement that seemed to involve many concessions, the resulting reputation for softness could serve as fuel for such revived nationalism. Politically, however, the Musharraf government may less be constrained by being branded as weak than as ineffective. This actually serves the process of resolving the conflict.

#### *Militants as unrestrained agents in the conflict*

The violence committed by militants in IJK, and the Indian military and paramilitary forces' responses to militant provocation, introduce mayhem and suffering into the lives of millions in IJK and traps the people of India and Pakistan under the shadow of war.<sup>17</sup> Militancy constricts the space in which a peace process can move forward. Militants' attacks against politicians or activists engaging in any peace process make it too risky for a critical mass of Kashmiris to come together and push the process forward. Overreaching responses by the Indian military and paramilitary forces erode the trust and goodwill needed to elicit cooperation from peace-seeking Kashmiris and other Muslims in IJK.<sup>18</sup> Continued militant attacks raise suspicions within New Delhi about Pakistan's intentions given its tacit, if not overt, support to the militants.

These dramatic results are achieved despite the militants' relatively small numbers, generally estimated as between 2000–4000, with the pool of recruits (mostly based in AJK and Pakistan) estimated to be in the tens of thousands, and the moral support base in IJK, AJK, and Pakistan estimated in the hundreds of thousands. With these numbers, militants launch about

<sup>16</sup> Since the partition of the subcontinent, Hindu-Muslim relations have always been more contentious and violent in Jammu than in the Kashmir Valley. The backwardness of the Muslim-dominant districts in Jammu also contributes to inter-communal mistrust about whether the Hindu leadership will protect Muslim interests.

<sup>17</sup> The role of militants in the Kashmir conflict is discussed in papers presented at the IPA-IDSS Singapore workshop by Suba Chandran and Rizwan Zeb.

<sup>18</sup> This is tragic, since those with the highest interest in peace are certainly the Kashmiris and other IJK Muslims, given their suffering, *as well as the officer corps of the Indian army*, given their appreciation of the insidious degradation that their organization suffers from decades of brutal counterinsurgency operations.

1500 attacks in IJK per year amidst the massive deployments of Indian troops and paramilitary forces tasked to root them out.

For the militancy within IJK, these numbers have some important implications. First, given the immense numerical imbalance relative to Indian military and paramilitary forces, the motivation driving the average militant must be fierce—likely much stronger than the motivation driving the average soldier or paramilitary operative. Second, the persistence of the militancy despite this numerical imbalance is a testament to its robustness for meeting recruitment, financial, weapons-dispensing, logistics, and other material needs. Third, one should search for motivations and opportunities sustaining militancy at the micro-level and one should not necessarily rule out fringe behaviors as part of what sustains that militancy. Personal loss may stimulate a desire for revenge; adolescent anomie may stimulate an attraction to combative ideology. Any of these micro-motivations may fuel the militancy.

If the shadowy activities of carrying out attacks, trafficking guns, running training camps, or gathering and conveying militancy-related intelligence can somehow be lucrative relative to other options, then those who do well out of militancy have an interest in finding ways to perpetuate it, and they will do so as long as the circumstances permit. Many analyses of the conflict and circumstances in IJK, AJK, and Pakistan suggest economic logic may indeed be at work, particularly for Pakistan-based jihadist organizations. This economic logic is sustained by the lack of alternative livelihood opportunities in Pakistan and AJK and IJK. Insofar as the conflict inhibits the emergence of such alternatives, it contributes to its own perpetuation. In these conflict-distorted economies, external funding by Islamist networks and diaspora groups is also prominent in fueling the war economy. An important part of the process of ending the militancy—and thus allowing space for a settlement—would be in providing alternative livelihoods for would-be militants both in IJK and on the Pakistani side of the LoC.<sup>19</sup>

In addition to the economics of the militancy, there is the psychological dimension. If militancy or waging “jihad” satisfies psychological needs of retribution or “keeping up the fight,” quenches a “spiritual addiction,” or bestows honor (perhaps through martyrdom), then broad political processes are unlikely to fully contain violence associated with militancy. Close examination of the lives and experiences of individual militants has revealed the significance of such psychological factors. An implication here is that a political process alone may be insufficient to contain the militancy. In the short run, such militancy can only be contained by physical protective and preventive measures by police and soldiers. In the long run, local and national government, perhaps in collaboration with NGOs, will have to implement education, reconciliation, and other local-level processes to foster a temperament more conducive to peace. Such programs could be among the building blocks of a peace framework, discussed further below.

This characterization of militants as uncontrollable agents should not be carried too far. There is significant variation among the militant groups, and within the groups themselves, in the degree to which they are associated with political interests realizable within the current peace process. New Delhi must distinguish between those militant groups who can only act as “spoilers” and those whose interests could be drawn into the peace process. Nonetheless, Islamabad must be proactive and daring in shutting down all militant networks operating from AJK. Only then can confidence be sustained to push ahead in the peace process in the face of sporadic militant attacks.

#### *Militancy as a strategic crutch in the conflict*

The militants may not be acting with the same ultimate objectives as the Pakistani leadership or the majority of Kashmiris, but the persistence of the militancy is at least partially attributable to its strategic utility to Pakistani strategists and separatists in IJK. As discussed above, pro-Pakistan militants have been Pakistan’s most reliable political lever in IJK.

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<sup>19</sup> As studies on disarmament, demobilization, and reintegration (DDR) processes have recognized, a secondary challenge is to ensure that militancy is not rewarded, in which case perverse incentives are created for falsely presenting oneself as a militant to reap such rewards.

Strategically, Pakistani support (whether tacit or explicit) helps to convince Indian strategists that Indian forces cannot impose a military solution to the Kashmir conflict. In these terms, the persistence of the militancy-induced violence in IJK can be reduced to an interaction between strategists in New Delhi and Islamabad. In considering cutting off support to the militants, Islamabad may be uncertain of New Delhi's commitment to reciprocate. Islamabad may fear that New Delhi will launch an effort to end the militancy and reach a separate peace exclusive of Islamabad. New Delhi faces a similar situation vis-à-vis Islamabad insofar as New Delhi may fear that a troop withdrawal will not be met reciprocally by Islamabad. Islamabad could support allies in IJK to use the window provided by the Indian withdrawal. With either tacit or explicit support from Islamabad, pro-Pakistan militants could use the window to expand their areas of control. New Delhi would ultimately lose ground and become more dependent on Islamabad in bringing about a settlement.

At the bilateral level, support for militancy is a way for Pakistan to balance against India's conventional military superiority. Here, too, Indo-Pak strategic logic locks in Islamabad's dependence on the militants. The security dilemma induced by the Pakistani search for strategic balance contributes to Indian strategists' continuing efforts to develop forward and offense-premised military doctrine vis-à-vis Pakistan.<sup>20</sup> This Indian response reinforces Pakistani strategists' interests in maintaining options for asymmetrical escalation in Kashmir. The mistrust between the Indian and Pakistani leaderships gives the militants leverage over the peace process. To the extent that militant groups in IJK feel they could be losers, they may sabotage the process with terror tactics, playing on suspicions in India about Pakistan's intentions.

Even if the leadership in Pakistan wants to dismantle the militancy network, it is not clear that it could do so entirely. Many of the groups have sources of financial sustenance that are independent of the government. Such sources include ties to foreign Islamic organizations, and independent commercial ventures and

fundraising within IJK, AJK, and Pakistan. Religious schools that support jihad are mostly funded privately and few of them register with the state, indicating a good degree of independence. Also, Pakistan's security and legal apparatuses are in poor condition—under-equipped, poorly managed, suffering from corruption and infiltration, and subject to intimidation by militant groups. Finally, political leaders from all sides of the political spectrum are challenging President Musharraf's legitimacy, putting him in a weak position to muster the political support necessary to take on the militants and Islamists that support them.

Among Muslims in IJK, polls and anecdotal reports show that support for militancy is widespread, although it is conditional. Attacks on soft civilian targets are generally condemned, although militant attacks against security forces receive quiet support. Such quiet support is noteworthy, given that the expressed interests of the militants run counter to majority sentiments among Muslims in IJK: neither is accession to Pakistan a majority interest, nor does Islamist jihadism correspond to the types of Sufi and secular values that predominate among Muslims in IJK. As is the case with Islamabad, the support is a strategic crutch, serving in place of a well-formulated strategic alternative. An end to violence, the thinking goes, would lead New Delhi to believe that it has won, without the need to deliver any concessions. Indian forces' clampdowns on peaceful modes of separatist protest have strengthened popular support for the militancy. In addition, given the investment of lives and agony in the fight for azaadi, it is emotionally unbearable for many Muslims in IJK to give up with nothing tangible to show at the end.

## IV. Toward a Peace Framework

The opportunities and sources of intractability described above set the terms for future steps in the peace process. Steps can be taken to consolidate already-achieved gains in the peace process, particularly those associated with restoring cross-LoC ties. These actions should aim to enhance ownership by the

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<sup>20</sup> The Indian Army has been working to operationalize the so-called "Cold Start" doctrine, which would allow for quicker forward mobilization vis-à-vis Pakistan.



people of IJK and AJK in bringing about normalcy to their lives. By doing so, a positive dynamic could be developed in IJK and AJK. This positive dynamic will open space to address the problems posed by Kashmiri political fragmentation, layered commitment problems in IJK, reputational fears, continued militancy-related violence in IJK, and strategic dependence on militancy.

### *Consolidating gains across the LoC*

A transformative development in the peace process since 2004 has been India's and Pakistan's acceptance of the concept of a "soft border" between IJK and AJK. This notion has also been received positively by moderate political leaders in AJK and IJK. The initiation of the Srinagar-Muzaffarabad bus service, followed by proposals to open additional routes, has been the primary manifestation of this concept, made possible by the sustainment of the November 2003 ceasefire.

Realization of the soft border concept would directly benefit the people of IJK and AJK. The re-opened routes could allow for the revitalization of a large, "natural" zone of commercial and social exchange in the region, linking the Kashmir Valley to Pakistani markets, transport routes, and, ultimately, ports.<sup>21</sup> As part of a broader spirit of compromise, the cross-LoC initiatives would complement cross-border cooperation projects linking Indian and Pakistani Punjab.

In realizing the soft border, new arrangements would be necessary to manage the increased cross-LoC traffic flow as well as cross-LoC social exchanges. For example, cross-border commercial regimes would need to be developed and implemented, and family reunification programs could be coordinated through offices on either side of the LoC. Here, a positive political dynamic could be generated if the people of IJK and AJK have a high degree of decision-making autonomy in launching and managing cross-LoC initiatives. One criticism of the Srinagar-Muzaffarabad bus service launch was that officials in AJK and IJK had little say in how the program was to be carried out. Thus, despite the welcomed re-opening of the route, it

generated resentment, particularly in the Kashmir Valley, because of the heavy-handedness of New Delhi and Islamabad. The governance crisis in IJK poses a challenge in enhancing local ownership in IJK, but increased cross-LoC exchange has the potential to bring large benefits to the average person in IJK, and the political risks for New Delhi are few in establishing the practical arrangements necessary to manage such exchange. Creativity and pragmatism should be able to overcome the problems posed by the governance crisis.

In the long run, the soft-border arrangements will have to be matched by the restoration of at least some of the autonomy provisions for both IJK and AJK. For IJK, proposals have been forwarded to reverse the constitutional erosion and economic dependency that has undermined IJK's autonomy within the Indian Union. These include the proposals of the State Autonomy Committee (2000, discussed above) and the Delhi Policy Group (1998). These proposals should be given serious consideration. Such a reversal should be based on the recognition that IJK's accession to the Indian Union was always conditional and that changes to this status have followed neither due democratic processes nor norms of proper judicial review. The symbolic value of such a reversal should not be underestimated. Similarly for Pakistani governments, by restoring AJK's autonomy in parallel with IJK, Pakistan would help to create a sense of wholeness for the people of J&K and build political support for dismantling the militant infrastructure in AJK.

### *Addressing the sources of intractability*

Addressing the sources of the conflict's intractability is necessary to build a foundation for durable peace, but the depth and political nature of these problems makes them resistant to any mechanical solutions. Sometimes what is necessary is a fundamental change in preferences or perceptions, perhaps as a result of a shock, a long period of interaction and learning, or assiduous persuasion. It is simply up to the Kashmiris to find a way to use their own political resources to overcome their political fragmentation. Part of this process would be dialogues across numerous axes (IJK-AJK, region-

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<sup>21</sup> Geography dictates that the ports most easily accessible from the Kashmir Valley by land are in Pakistan, not India.

to-region, district-to-district, Hindu-Muslim) and at numerous levels (official, civil society, and mass public). Of course, New Delhi and Islamabad should revise their policies to be sure that they are not undermining this process in the ways that were described above. This would be predicated on their formulation of coherent political approaches to address the demands of separatists and independence-seekers in IJK and AJK. In addition, when official government representation is tainted to the extent that it is in IJK and AJK, civil society engagement is essential to ensure that the true interests of the people are represented in the peace process.

In developing such political approaches, New Delhi and Islamabad will have to come to terms to some extent with the legitimacy of separatist and independence demands. Such an attitude shift would also be required for New Delhi and Islamabad to move beyond their concerns about “setting the wrong precedent.” A view that has prevailed in these capitals is that fighting separatism demonstrates the central government’s *resolve*, thus deterring centrifugal forces in the periphery. This view would have to be exchanged for one recognizing that restoring autonomy demonstrates the central government’s *fairness*, thus removing the periphery’s fears about the central government’s excessive centripetal tendencies. To some extent, such a perceptual shift is already underway in India and Pakistan as part of the trends toward more decentralized federalism. Another view that has prevailed is that claims to J&K are essential to national integrity. This view would have to be exchanged for one respecting the strict autonomy conditions through which IJK and AJK came into association with India and Pakistan, respectively. Such attitudinal changes in New Delhi and Islamabad could remove suspicions in IJK and AJK, lowering the number of people supporting militancy.

Third party arrangements can play a crucial role in helping to overcome a strategic impasse. In a domestic context, third party arrangements can be established through checks-and-balances institutions. The commitment problem between New Delhi and IJK results in part from a lack of robust constitutional checks and balances on the central government. This lack of checks and balances allowed for the erosion of

IJK’s special constitutional provisions in the 1960s and New Delhi’s subsequent heavy-handedness in IJK. In AJK, a similar lack of checks and balances has served to thoroughly undermine AJK’s quasi-sovereign status, although the result has not been an insurgency. At least on the IJK-New Delhi axis, checks-and-balances institutions would have to be fashioned to guarantee any restored autonomy provisions. Such institutions may also be necessary to deal with communal tensions at the district level within IJK.

At the international level, third party arrangements can be established with the participation of an intervening state, group of states, or international organizations. The most useful role would be in helping India and Pakistan overcome their strategic impasse. As discussed above, India and Pakistan face a “withdrawal dilemma” with respect to Indian troop presence in IJK and Pakistan’s tacit and explicit support to militants operating in IJK. Such a dilemma is a common problem contributing to the protraction of armed conflicts. Solutions include the establishment of trust among the protagonists, a change in one or both protagonist’s preferences such that a commitment to withdraw becomes credible, the intercession of a third party guarantor, or, most preferably, some combination of all three. The first process is occurring through the “composite dialogue,” and as discussed above, Islamabad faces pressures that have likely shifted strategic preferences. The question remains whether India and Pakistan would accept a third-party withdrawal verification mechanism, perhaps a revised UNMOGIP (UN Military Observer Group in India and Pakistan) mandate or an ad hoc arrangement. Limits on international intervention in the Kashmir conflict have historically had to do with New Delhi’s insistence that the 1972 Simla Agreement between India and Pakistan obliged both parties to deal with the issue bilaterally. But, of course, India has not always held bilateralism to be sacrosanct in dealing with Pakistan. Both India and Pakistan have stuck within the parameters of the 1960 Indus Waters Treaty, which was brokered by the World Bank, in dealing with relevant disputes. US crisis mediation was crucial in helping New Delhi and Islamabad end the 1999 Kargil crisis and the 2001–2002 mobilization crisis. It would seem that when well-conceived and pragmatic, New Delhi has come to appreciate facilitation by international third parties.

The material incentives contributing to the sustainment of the militancy, discussed above, are part of a larger set of economic distortions associated with the conflict, affecting the economy in IJK in particular. In IJK, ironically, the private economy has been bolstered by services and industries supporting the massive troop presence. Troop withdrawal will bring about the contraction of such “khaki industries,” introducing new economic hardships. Alternative livelihoods will have to be created to dampen the effects of this contraction. Creating alternative livelihoods, combined with rehabilitation and reintegration of ex-militants, means that peace will carry a heavy price tag. Part of this expense should be paid through external direct assistance, whether from the Indian government or members of the international community. Sustainable economic growth should also be promoted. The re-opening of cross-LoC trade should promote such economic growth in the region, but this should be complemented with investments. Investments that may provide significant returns include helping Kashmiri agricultural and horticultural industries become more competitive, restoring the tourism industry, rehabilitating and regulating the timber industry, and working to realize the hydro-electric production potential in IJK. International actors can be helpful by offering to

increase the pool of resources contributing to such a peace dividend. Increased development assistance, of the kind currently provided through the World Bank and Asian Development Bank, could help to ensure that the peace dividend is ample. A larger peace dividend should lure more people into the peace process, both in IJK and AJK.

## V. Conclusion

As this report has argued, good reason exists to believe that an extraordinary opportunity is at hand to make progress in addressing the Kashmir conflict. Of course, conflict resolution processes tend to go through stages that include creation of a space for cooperation, work toward a settlement, implementation of the settlement, and active monitoring and consolidation of the settlement. Despite the positive developments since the January 2004 Islamabad Declaration, the disputants in IJK, AJK, India, and Pakistan are still working on the first stage and just planning for the second. Even if conditions have combined to create an extraordinary opportunity, the road to peace is likely to be long and the process complex.



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## Annex III: Map of Jammu and Kashmir Region



Source: U.S. Central Intelligence Agency, 2004



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