

The Kashmiri Impasse: Lots of Activity, Little Movement

Despite a summer of political ferment in Kashmir, violence remains high and the underlying impasse has not changed. Barring some significant changes in policy in both Islamabad and Delhi, the state elections scheduled for September/October are unlikely to settle the question of who can speak for the Kashmiris in negotiating their future with India and Pakistan. The United States and other outsiders have been trying to help move this process forward. They have an opportunity to do so, but starting a successful peace process will require more than a simple decision to talk.

Inside the Kashmir Valley: Broadly speaking, there are three main groups of political actors in the Valley of Kashmir, the heartland of the Kashmir dispute. The National Conference, under Farooq Abdullah, runs the state government, and has made its peace with India. One set of militant groups and political organizations favors Pakistan (and enjoys its support). Another set favors independence. Most observers believe that the separatists are the most numerous; they have in any case been at the heart of recent efforts to expand Kashmiris' independent room for maneuver. The best-known political organization is the All Parties Hurriyet Conference (APHC), an umbrella group of Valley Muslims embracing 23 political organizations. Most of its members are separatists, though some favor Pakistan and one, the Kashmir Bar Association, is non-political. In somewhat similar manner, the Hizbul Mujahideen, a largely Kashmiri militant movement that had declared a unilateral ceasefire in June 2000, also has a strong presence in Pakistan.

In a rare display of unity, the Hurriyet in February announced that it wanted to hold its own election, monitored by an independent "commission" comprising several well-known legal and NGO personalities. The organization did not claim any legal authority for the election, but hoped to provide some mechanism (other than an election sponsored by the Government of India) to show that the winners had broad popular legitimacy. The idea fizzled, rejected by India and not embraced by Pakistan, but this proposal and its failure intensified Kashmiri political activists' search for ways to oblige the Indian authorities to take them seriously.

The approaching elections: The regular state government elections are due in October, and the Indian government has been trying to persuade Kashmiri dissidents to participate. This is a hard sell. Past elections have been badly marred by fraud and manipulation. Political dissidents who participate fear losing credibility with their separatist constituency. They also fear violence from supporters of the state government, or from militants, some of them Pakistan-supported. Even without these

problems, their success would by no means be assured. Most of the APHC leaders, for example, have only a narrow individual following and no real political experience. By contrast, their opponents in the National Conference have not only incumbency but also well-developed networks of patronage and grass-roots politics on their side.

At this point, the prospects for dissident participation are almost nil. Shabir Shah, the respected leader of the Jammu and Kashmir Democratic Freedom party, and some Hurriyet leaders had earlier said they might consider joining elections if it was the first step in a peace process, and if the Indian and state authorities took steps to create a favorable atmosphere, such as releasing jailed political leaders and strengthening human rights protections. However, the Indian government has not been interested in taking these steps. It was also unwilling to consider accrediting foreign election monitors, a step that might have had an impact. Dissidents who had been thinking about participation have now ruled it out, and with the election due to start in late September it is probably too late to reverse that decision.

Embryonic dialogue: Meanwhile, a self-appointed Kashmir Committee headed by a former minister in the Indian government, Ram Jethmalani, may have made some headway in exploring the basis for a serious negotiation. Leaders of the Hurriyet, as well as Shabir Shah, were in Delhi in late August to hold talks with the committee. Unfortunately, the committee's plea for a postponement of the election to give the dialogue time to bear fruit has apparently failed. An outspoken maverick, Jethmalani has persuaded his interlocutors to continue talking about other ways of starting a process, and this may at least get some key negotiating issues on the table. However, Jethmalani does not speak for the Indian government. Kashmir's chief minister, Farooq Abdullah, is also said to be holding discussions on possible autonomy schemes, although the Indian Home Ministry has severely restricted the scope of their conversations. This effort may be partly designed to improve Abdullah's nationalist credentials; if so, it is unlikely to work.

High violence, heavy-handed law and order: Despite these efforts to explore common ground, Kashmiri activists have been under continued intense pressure from the Indian and state authorities. Three leaders of the APHC Executive Committee have been arrested, along with some 40 second tier leaders. Political activists complain of persistent trouble from the authorities, from denial of permission to hold political meetings to arbitrary harassment of known activists to traffic stops designed to oblige people to obtain new "Voter ID" cards.

The case of Yasin Malik illustrates the problem. In 1989, he embarked on a violent campaign, but renounced violence in 1994 and has since cultivated a near-Gandhian persona. At 35, he is perhaps the member of the APHC Executive Committee who is best known internationally. He was arrested in March 2002 under the controversial Prevention of Terrorism Act on charges most people regarded as flimsy, apparently beaten in prison, aggravating a number of medical problems for which he had previously been treated in the United States. The Supreme Court ordered his release on technical grounds, but Malik was rearrested the same day under different legislation. There are reports that he was approached, during a brief stay in the hospital while in detention, and offered his freedom if he would join the elections; when he refused, he was returned to jail. The administrative message is that Kashmiris with an independent political voice can expect to be harassed and silenced, and that they can only expect to join the political process under duress. This is hardly an incentive to join the election process.

Inside Kashmir, violence is reported daily against Indian army and police targets, Hindu pilgrims, and ordinary villagers. Another Hurriyet leader, Abdul Ghani Lone, known both for his bitterness toward India after years in Indian jails and for his willingness to tell Pakistan publicly to stop manipulating Kashmiris, was shot dead on May 21 at a memorial ceremony for a Kashmiri religious leader murdered several years ago. The list of those suspected in this crime runs from Indian agents to Pakistani agents, and all shades of opinion in between; many Kashmiris have pointed their fingers at Pakistan.

The Farooq Abdullah factor: Many people believe that the arrests and harassment of activists are directly or indirectly the work of Chief Minister Farooq Abdullah. His father was Kashmir's great political leader until his death in 1982. His six years at the helm of the state have been marked by corruption and cronyism. His son Omar, until recently Minister of State for Foreign Affairs in the national government, has now taken over as head of the party. They have no interest in encouraging new political figures to enter Kashmiri elections. While officials in Delhi recognize Farooq Abdullah's weakness as a popular leader and administrator, the Indian government thus far has apparently been willing to let him have his way when it comes to controlling the political environment in the Valley.

The rest of Jammu and Kashmir: Within the Indian-administered parts of the state, three other constituencies will figure in any effort to settle the state's future. Both predominantly Hindu Jammu and the sparsely populated but mainly Buddhist Ladakh are cool toward any autonomy proposal that leaves them at the mercy of the Muslims of the Valley. The Hindu (Pandit) community that has been largely pushed out of the Valley during the recent troubles is also anxious to make its voice heard. The Indian government rejects splitting the state into its component parts based on different religious majorities, but parts of the ruling party favor an arrangement that would give Ladakh and Jammu greater autonomy within the state.

Finding a way forward: This situation leaves Kashmiri political activists badly divided, with no leader or group that is broadly accepted. All are vulnerable to manipulation by India, Pakistan, and the National Conference. Under present circumstances, the election in Kashmir is unlikely to resolve the one issue that an election ought to settle: who speaks for the local Kashmiris.

Indian policy: The Indian government wants to deal with the Kashmiris in a domestic context, and to hold any talks with Pakistan separately from and subsequent to discussions with the Kashmiris. It sees the state election as the first step, but has no effective strategy to bring in the dissidents, let alone change the relationship of Delhi to Kashmir enough to reduce the Kashmiris' alienation. Prime Minister Vajpayee has articulated a vision of a new relationship with Kashmir and with Pakistan, but Deputy Prime Minister Advani resists conciliatory gestures as a sign of weakness. India's reluctance to change policy is reinforced by its conviction that Pakistan would play a spoiler's role if India launched a dramatic initiative toward the Kashmiris.

Pakistan: Formally, the Government of Pakistan still holds to the 1949 U.N. resolutions and their call for a plebiscite in which Kashmiris can choose to join either Pakistan or India. However, since early 2001 Pakistani government spokesmen have shifted their emphasis, saying that Pakistan can accept a settlement that satisfies Kashmiris.

After Musharraf promised the United States that he would cut off infiltration across the Line of Control to support the insurgency in Kashmir, the movement of militants was reduced. But Pakistan's support has clearly not been terminated, and its political and intelligence infrastructure remains. Especially in the absence of any Indian move to start talks on Kashmir, a permanent end to Pakistan's support for militancy may be more than the Pakistan government is willing or able to do.

Kashmiri dissidents are ambivalent about Pakistan's role. Pakistan has not been eager to see genuine Kashmiri leadership develop or to see genuine dialogue between the Kashmiris and the government in Delhi, fearing that Pakistan could be marginalized in the process.

A role for outsiders? The events of the last year have put India-Pakistan relations and Kashmir on the international agenda. U.S. Secretary of State Colin Powell and his deputy, Richard Armitage, used recent trips to the region to try to lay the groundwork for India-Pakistan talks. Powell also called publicly for steps that would increase the credibility of the Kashmir state elections, acknowledging the need for Kashmiris to be involved in an eventual peace process. To be effective, the United States needs to sustain these diplomatic efforts and supplement them with a strategy for helping the participants to begin tacitly constructing a situation that they can live with over the long term.

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