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by

Robert G. Wirsing

Edited by

Clive Schofield

International Boundaries Research Unit
Department of Geography
University of Durham
South Road
Durham DH1 3LE
UK

Tel: UK + 44 (0) 191 334 1961 Fax: UK +44 (0) 191 334 1962
E-mail: ibru@durham.ac.uk
www: http://www-ibru.dur.ac.uk

The Author

Robert G. Wirsing is a member of the Department of Government and International Studies at the University of South Carolina. He received his Ph.D. from the University of Denver in 1971. A specialist on the politics and international relations of South Asia, he has made over twenty-five research visits to this region since 1965. His published work includes *Pakistan's Security Under Zia, 1977-1988: The Policy Imperatives of a Peripheral Asian State*, St. Martin's Press, 1991; *India, Pakistan and the Kashmir Dispute: On Regional Conflict and its Resolution*, St. Martin's Press, 1994; and *Kashmir: Resolving Regional Conflict: A Symposium*, Kartikeya Publications, 1996.

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1. Introduction

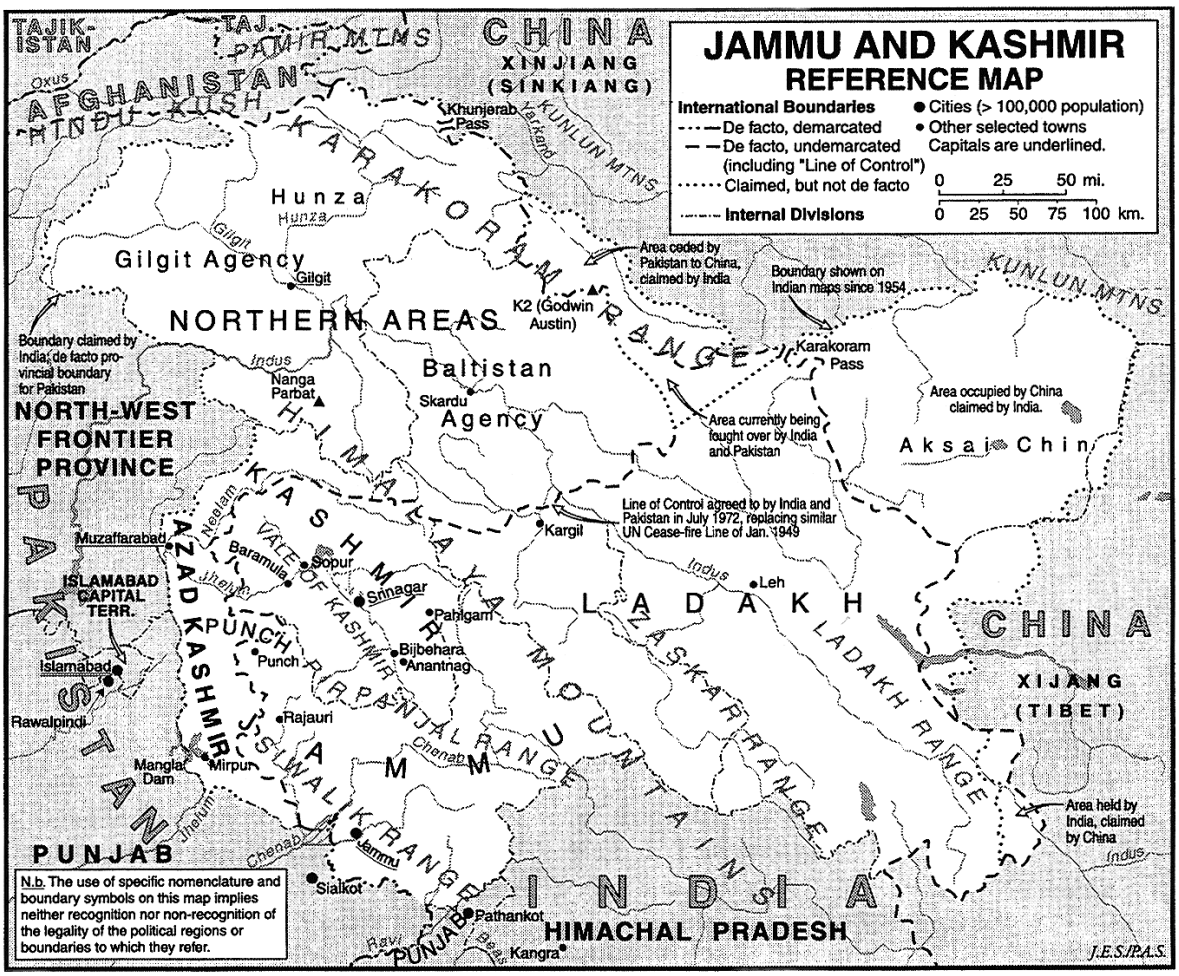
The Kashmir dispute between Pakistan and India passed the fiftieth anniversary of its formal origins in mid-August 1997 (see Figure 1). It was, by that time, one of the world's longest-running boundary conflicts, with a record of interstate violence that continued to justify maintenance of the United Nations' second oldest peacekeeping mission – the United Nations Military Observer Group in India and Pakistan (UNMOGIP) (the oldest peacekeeping mission is UNTSO – UN Truce Supervision Operation – deployed to the Middle East in 1948). Efforts by the international community to mediate the dispute stretched back nearly the entire fifty years, and the two feuding governments of India and Pakistan had themselves for the same length of time repeatedly attempted to sort out their differences over it in bilateral talks. The dispute's intractability, in the face of all these efforts, seemed to warrant its being clubbed among the world's *"conflicts unending"* (Haass, 1990).

Whether reckoned monetarily, militarily, politically, or even psychologically, the Kashmir dispute's impact on the people of the South Asian region during these fifty years has been simply enormous. Direct costs to India and Pakistan stemming from the deployment of large armies on either side of the boundary in Kashmir were, of course, fairly calculable. But indirect costs to the quality of life in the region, while sometimes more difficult to specify precisely, were certainly even greater. For the people of India and Pakistan, Kashmir has meant the massive diversion of scarce resources to the military establishments, wanton disregard for basic human rights, catastrophic damage to natural environments, and the severe undermining of parliamentary democracy. For the seven countries that make up the region of South Asia as a whole, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka, the Kashmir dispute has stood as a major obstacle to regional cooperation.

The contours of the dispute over Kashmir changed in several basic ways between 1947, when it began, and its fiftieth anniversary in 1997. First, during this period India and Pakistan fought three wars with one another, the first from 1947 to 1949, the second in 1965, and the latest in 1971. In this most recent war, Pakistan suffered an ignominious defeat, losing its eastern wing of East Pakistan, containing a fifth of the country's territory and over half of its population. Second, China, by inflicting an equally humiliating defeat on India in the border war of 1962, became a key actor in the Kashmir dispute. The stakes in that brief war consisted primarily of the remote and uninhabited Aksai Chin region of Ladakh in northeastern Kashmir. By retaining the Aksai Chin, China clung to its role as a direct, albeit for the most part passive, participant in the subcontinent's premier boundary dispute.

A third major change in the contours of the dispute over Kashmir took place in 1984. In April of that year, India and Pakistan began a costly military confrontation in the Saltoro Range of the lofty Karakoram Mountains in the remote northernmost part of Kashmir. The fighting there, which endures to this day, has transformed a spectacular glacial wilderness into 'the world's highest battleground' and an acknowledged environmental disaster.

Figure 1



A fourth and final change occurred in 1989, when Kashmiri Muslims, settled mainly in the Valley of Kashmir, rose up in large numbers against what their leaders declared to be India's tyrannical rule over the state. Their uprising set in motion a militant movement that counts today as an additional 'third party' to the Kashmir dispute, one whose existence augments this dispute's already multiple dimensions with fierce controversy over alleged terrorism and human rights abuses.

A flurry of diplomatic activity between India and Pakistan from March to September 1997 gave rise to the hope that the fiftieth anniversary of the Kashmir dispute would not pass without at least some visible steps being taken to nudge it away from the danger of a wider war and in the direction of a settlement. In June of that year, senior representatives of the two countries' foreign offices formally committed themselves to an agenda which explicitly embraced just such an objective.

The underlying intent of this *Briefing* is to explain both why progress in regard to Kashmir up to this point in South Asian history has been so painfully difficult, as well as to weigh prospects under current conditions for India and Pakistan to negotiate an agreement on Kashmir that would finally place this dispute on the road to peaceful resolution. The importance of coming to agreement over Kashmir has been dramatically underscored, of course, by the back-to-back series of nuclear tests conducted by India and Pakistan in May 1998.

A comment on terminology: Pre-independence Kashmir was the Maharaja-ruled state of Jammu and Kashmir. That portion of the former princely state under the control today of India (roughly 45% if the Chinese-held area of Aksai Chin is included in the reckoning) is also officially designated Jammu and Kashmir, although the Indian state actually consists of three divisions – Kashmir Valley (traditionally Vale), Jammu, and Ladakh. The Pakistan-controlled portion (about 35% of the pre-independence state) is divided into two parts, one called Azad (Free) Jammu and Kashmir, and the other and much larger part the Northern Areas. When speaking of the conflict in general, this *Briefing* uses simply Kashmir to designate the territory in dispute (see Figures 1 and 2).

The boundary dividing the Indian- from the Pakistani-controlled sectors, formally designated the Cease-Fire Line (CFL) in 1949 (see Figure 3), has been called, since 1972, the Line of Control (LOC). One should note that there is a second LOC in the state, the one that separates Indian- from Chinese-held territories in the state's northeastern region of Ladakh. Never formally delimited, that boundary is more generally called the Line of Actual Control (LAC), a usage which is adopted in this *Briefing*.

2. Kashmir's Contested Borders: Origins of the Problem

Most international observers of the Kashmir dispute have been content to classify it among the world's unresolved border or territorial conflicts (Day, 1987). Oddly, it is not defined as such by either Pakistan or India, or for that matter by the Kashmiri Muslims themselves.

Indian officials generally deny, in fact, that there even exists a dispute over Kashmir, boundary or otherwise, insisting instead that Kashmir's admission into full statehood in the Indian Union is a legally completed and irrevocable matter. Pakistani officials, in turn, while adamant that a dispute exists, typically insist that it isn't over territory or territorial boundaries but over the denial of a people's right to self-determination. Furthermore, while Kashmiri Muslims are happy to endorse Pakistan's non-territorial definition of the issue, by no means do all of them concur with Pakistan's understanding of the practical meaning of self-determination.

The differences in the claims to Kashmir made by each of these three parties to the Kashmir dispute have their origins in the events surrounding the partitioning of the British Indian Empire in 1947. For the parties to the dispute, these events, even after half a century, appear to have lost none of their relevance.

2.1 Partition's Legacy: Rival Territorial Claims

The partitioning of British India was decided upon as a last resort once it became clear that securing the agreement of Hindu and Muslim leaders on the political structure of an undivided India faced nearly insuperable obstacles. The partitioning itself was set in motion following acceptance by Pandit Jawaharlal Nehru and Mohammad Ali Jinnah, the leaders respectively of the rival Indian National Congress and Muslim League organisations, of the so-called *Mountbatten Plan* of 3 June 1947. This plan, crafted by Britain's last Viceroy in India, Lord

Louis Mountbatten, spelled out the rules which were to govern the transfer of power to two entirely separate entities – India and Pakistan.

The transfer moved with dizzying swiftness. Formation of two boundary commissions to oversee the partitioning of both the Bengal and Punjab provinces was announced on 30 June; arrival in India of the general chairman of these commissions, the British jurist Cyril Radcliffe, occurred on 8 July; he delivered the final boundary awards to Mountbatten's staff on 12 or 13 August; and at midnight of 14/15 August, barely 73 days after the plan's acceptance, India and Pakistan attained political independence.

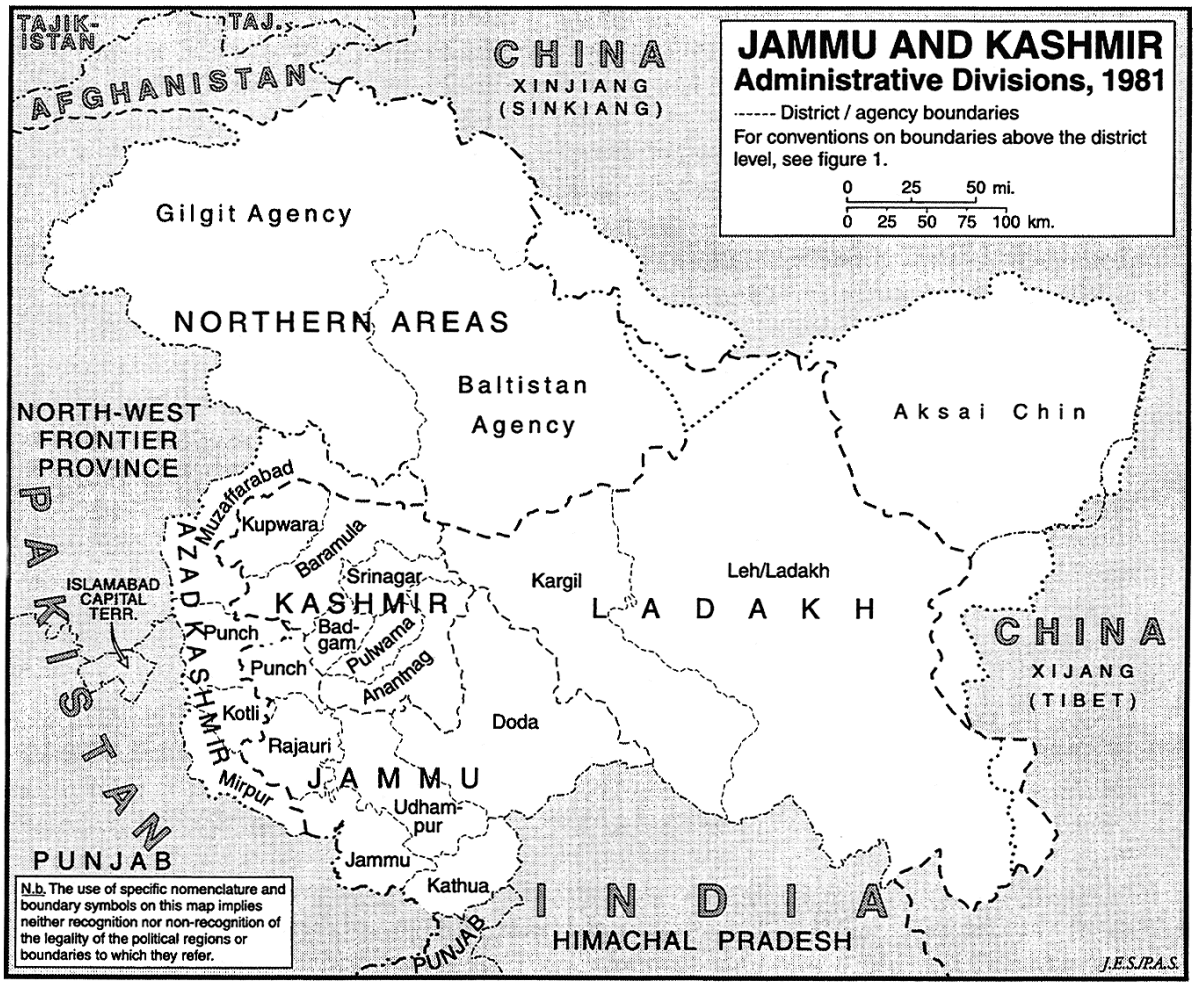
The Mountbatten Plan included the provision that the Bengal and Punjab provinces were in general to be partitioned *"on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims."* Even if there had been slavish adherence to this provision, however, many millions of Muslims, widely distributed as they were throughout the Indian Subcontinent, would still have been left behind in Hindu-majority India. Moreover, since the terms of transfer that were applied to Jammu and Kashmir were those which had been separately negotiated by the departing British with the 565 semi-autonomous princely states, neither were there agreed legal grounds for the automatic inclusion in geographically-contiguous Pakistan of this particular state's Muslim-majority population.

Instead, Maharaja Sir Hari Singh, himself a Dogra Hindu, was accorded the right, qualified only by the vague stipulation that he take the wishes of his subjects into account, to accede to either India or Pakistan. Though his freedom to choose independence from both was never unambiguously conceded, that is just what he seems to have chosen. And for 72 days, he managed, in fact, to retain a precarious independence. However, on 26 October or thereabouts, at least according to the official Indian version of these events (Government of India, 1948), he finally signed an instrument of accession, wedding Kashmir to the Indian Union.

Controversy has enveloped scholarly retelling of these turbulent five months of South Asian history, from 3 June to 15 August 1947, to an extraordinary extent. In truth, there is today practically no ground left uncontested. The official Pakistani version of these events declares, for instance, that Kashmir's accession to India was flatly unlawful, a product of fraud, deception, and conspiracy (Government of Pakistan, 1977). This version has been updated and considerably reinforced in recent years by the scholarship of a British historian, who maintains that the British connived with Indian Congress Party leaders to secure Kashmir's absorption by India, that the state's Dogra Hindu dynasty was by mid-October already in a state of self-induced political collapse (and thus had no legal right to accede to anything), and, most provocatively, that the notorious instrument of accession itself, allegedly signed by the Maharaja in Jammu in the presence of Nehru's envoy, V. P. Menon, was in fact a *post facto* fabrication of the Indian government (Lamb, 1991 and 1994).

Versions favouring the Indian side have proliferated with at least equal regularity. One of the more recent of these maintains, for instance, that the Nehru government, far from hatching conspiracies in league with Britain, did almost nothing concretely to encourage Kashmir's accession to India; that the Dogra dynasty's virtual collapse near the end of October was not

Figure 2



brought on by loss of popular support but by a ruthless and clandestine operation masterminded by Pakistan; and that the departing British colonial overlords, rather than having sided with the Indian successor state, desired all along that Pakistan should be the custodian of British strategic interests in the region – such custodianship including Pakistan's acquisition of Kashmir. This author even produces, almost a half century after the event, a living (near) eye-witness to the Maharaja's signing of the instrument of accession (Jha, 1996).

It is important to understand that the birth of the Kashmir dispute, occurring as it did in the midst of a tangle of multilayered and interconnected political events, was hideously complicated and an endlessly fertile source of point and counter-point. There is certainly evidence enough to support Indian and Pakistani contentions that they were, in some sense, entitled to Kashmir by virtue of the rules governing partition; but the evidence that both of these states were, in no lesser sense, sinister agents of the undermining of these same rules is no less compelling. In any event, unlike some other of the world's boundary conflicts, this one, steeped as it is in the climactic events at Empire's end, simply cannot be distilled to a tidy and readily-adjudicable set of rival territorial claims.

2.2 War's Legacy: Rival Political Strategies

Just as events surrounding partition had given shape to the two sides' interpretations of their fundamental claims to Kashmir, the open warfare that broke out towards the end of October between India and Pakistan over raw physical possession of the state's territory laid the basis for their fundamental political strategies for protecting and promoting these claims.

Admittedly, as wars go, the first Indo-Pakistani conflict (1947-1949) didn't amount to much: it was precipitated by the 'invasion' of Kashmir by undisciplined and woefully ineffective Pashtun irregulars trucked in from the tribal belt of the North West Frontier Province; the regular armies that the two countries eventually deployed in Kashmir were relatively small and lightly equipped; major engagements were few and far between; and casualties, which probably did not exceed 1,500 battle-deaths for both sides, were exceptionally light (Ganguly, 1986: 18).

Never formally declared, the war ended inconclusively in a ceasefire on 1 January 1949, with both sides still in possession of a portion of the state. Before it ended, however, the Kashmir dispute had been massively internationalised and the two sides' game plans for waging indefinite cold war over it largely crystallised.

Ironically, it was the larger and stronger power, India, that led the way to internationalisation. This was accomplished by a decision of the Indian government, headed by Prime Minister Nehru, to lodge a formal complaint against Pakistan with the Security Council of the fledgling United Nations. The complaint, presented to the Security Council on 1 January 1948, charged Pakistan with providing military equipment, transport, professional military officers, and a base of operations in support of the invasion of Kashmir by the Pashtun tribesmen. Regretted almost as soon as it was made, this decision was in the judgement of many Indians a colossal blunder. *"By referring to the United Nations",* observed one of Nehru's otherwise admiring biographers:

> *Nehru allowed what was legally a domestic Indian problem to become an international issue. If there was any argument over the ratification of the accession by Hari Singh, then the only parties to the argument could be Nehru and [Sheikh] Abdullah; how did Pakistan have any locus standi? The reference to the UN gave Pakistan a place in the argument. It was perhaps the most serious error of judgment which Nehru made, and he had no one to blame but himself* (Akbar, 1988: 448-49).

Under the Security Council's auspices, the Kashmir dispute eventually emerged defined at least equally as a problem of both self-determination and foreign aggression, and done up as well in full international regalia – with its own UN mediation mission, the United Nations Commission on India and Pakistan (UNCIP); a UN-brokered ceasefire that came into force on 1 January 1949; and an international peacekeeping force, UNMOGIP, that began taking to the field within days of the ceasefire.

Three Security Council or UNCIP-authored resolutions – of 21 April and 13 August 1948, and 5 January 1949 – endowed the dispute with a unique and powerful international legal framework. The first and third of these resolutions gave primary attention – the third, which was formally agreed to by both India and Pakistan, almost exclusive attention – to the creation of conditions in Kashmir conducive to the holding of a *"free and impartial"* plebiscite that

would enable the determination of popular will in regard to the state's permanent accession to either India or Pakistan.

The necessity for Pakistan to withdraw from Kashmiri territory both its own forces and the Pashtun tribesmen was in all three resolutions a prerequisite – in the first and second, an explicit and unambiguous prerequisite – for the conduct of a plebiscite. Nevertheless, it was the appeal for soliciting the people's will, not the withdrawal of armed forces, that seemed to capture the world's imagination in these early months as the primary mechanism for securing the final disposition of the state. It was now understood that even if Kashmir's accession to India was legal, which Pakistan denied, it was no better than conditional.

This outcome was in some measure a tribute to able Pakistani diplomacy at the time. Keeping it intact has unquestionably been the centrepiece of Pakistan's Kashmir strategy ever since. This strategy, modified but never abandoned over five decades, has four main components:

1. To promote the notion, formally acknowledged in the above-mentioned resolutions, that the state of Jammu and Kashmir has been disputed territory continuously since the end of British rule over the Subcontinent, and that this standing cannot be unilaterally discarded by either party;

2. To insist that resolution of the dispute can only be achieved by securing the right of self - determination for the Kashmiri people via conduct of a free and impartial plebiscite;

3. To confine interpretation of the proposed plebiscite to a strictly bi-fold choice of permanent accession to either Pakistan or India, thus denying a potential third option of independence of both; and,

4. To champion the necessity for continued international involvement in the Kashmir dispute, whether in the form of mediation, peacekeeping, or plebiscite administration.

A victim of what with hindsight seem to have been its own initial political blunders, the Indian government spent the immediate post-independence years back-pedalling from risk-prone positions, affirming both intervention in the Kashmir dispute by the Security Council and need for a plebiscite, to which its diplomacy had exposed it. The Pakistan government unwittingly aided India in this effort by choosing to ignore its own solemn commitments to withdraw its armed forces, in this way supplying India with the incontrovertible argument that Pakistan, having failed to *"vacate its aggression"* in Kashmir, was itself responsible for India's failure to live up to its international obligations.

With the election of a Kashmir Constituent Assembly in September 1951, the Indian government formally launched the gradual but inexorable integration of the state into the Indian Union. The arrest and incarceration of Sheikh Abdullah, the state's prime minister and outspoken advocate of maximum Kashmiri autonomy, in August 1953, and the Constituent Assembly's formal ratification of Kashmir's accession to India on 15 February 1954 put an end to India's initial flirtation with the notion of a plebiscite. India continued to extend a formal welcome to UN mediation missions that wrestled with the Kashmir issue up until 1958; and it tolerated an active UNMOGIP role in peacekeeping on the CFL until 1972. But from an early point in the 1950s, it was clear that India's strategy was aimed in the opposite direction. This

strategy, which has been sustained up to the present with but little deviation, has three main components:

1. To promote the notion that the state of Jammu and Kashmir is now, and has been since its accession to India on 26 October 1947, an integral part of the Indian Union. Nothing agreed to by India in the UN resolutions of 1948 and 1949, or in any subsequent instrument, alters this status or in any way modifies Indian sovereignty over the state. Ownership of Kashmir, in other words, is simply not in dispute;

2. To insist that the Kashmiris' right of self-determination, to which the Indian government did commit itself, has been fully satisfied through routine conduct since 1951 of democratic elections and the practice of self-government in the state of Jammu and Kashmir. The plebiscite proposal, in other words, has been rendered redundant with the passage of time; and,

3. To urge upon the international community recognition that Kashmir persists as an issue between India and Pakistan only because of Pakistan's refusal to vacate territories illegally occupied (in other words, Azad Kashmir and the Northern Areas) and its simultaneous pursuit of aggressively irredentist policies towards the Indian state of Jammu and Kashmir. To the extent the international community retains any obligation in regard to Kashmir, it should be to deter Pakistan's execution of these policies.

The Indian government's strategy contains a fourth *informal* component, one articulated at an early stage in the dispute and from time to time thereafter, namely that India is in practice willing to settle with Pakistan for the territorial *status quo* in Jammu and Kashmir – that is, for retention by both sides of territories currently held and for acceptance of the LOC dividing these territories as the permanent international border.

3. The Evolution of the Line of Control

Cartographers encounter unusual problems whenever they set out to delineate the boundaries of the state of Jammu and Kashmir. This is so whether they are attempting to depict the state's external boundaries, which are shared with China and Afghanistan as well as with India and Pakistan, or its internal boundaries. Part of the problem arises, of course, from the existence, in addition to the India-Pakistan dispute over Kashmir, of the geographically-overlapping Sino-Indian border dispute. That dispute, as we will see, has generated its own complex of issues and a separate series of boundary negotiations. It has also generated competing preferences when it comes to cartographic depiction of land entitlement in the contested areas.

Another part of the problem stems from the trinary nature of the boundary separating Indian-controlled from Pakistan-controlled territories lying north of the terminus of the internationally-agreed and demarcated boundary erected in the 1947 partition exercise. The long-running fight between India and Pakistan over the Siachen Glacier testifies to the scale and lethality of this part of the problem.

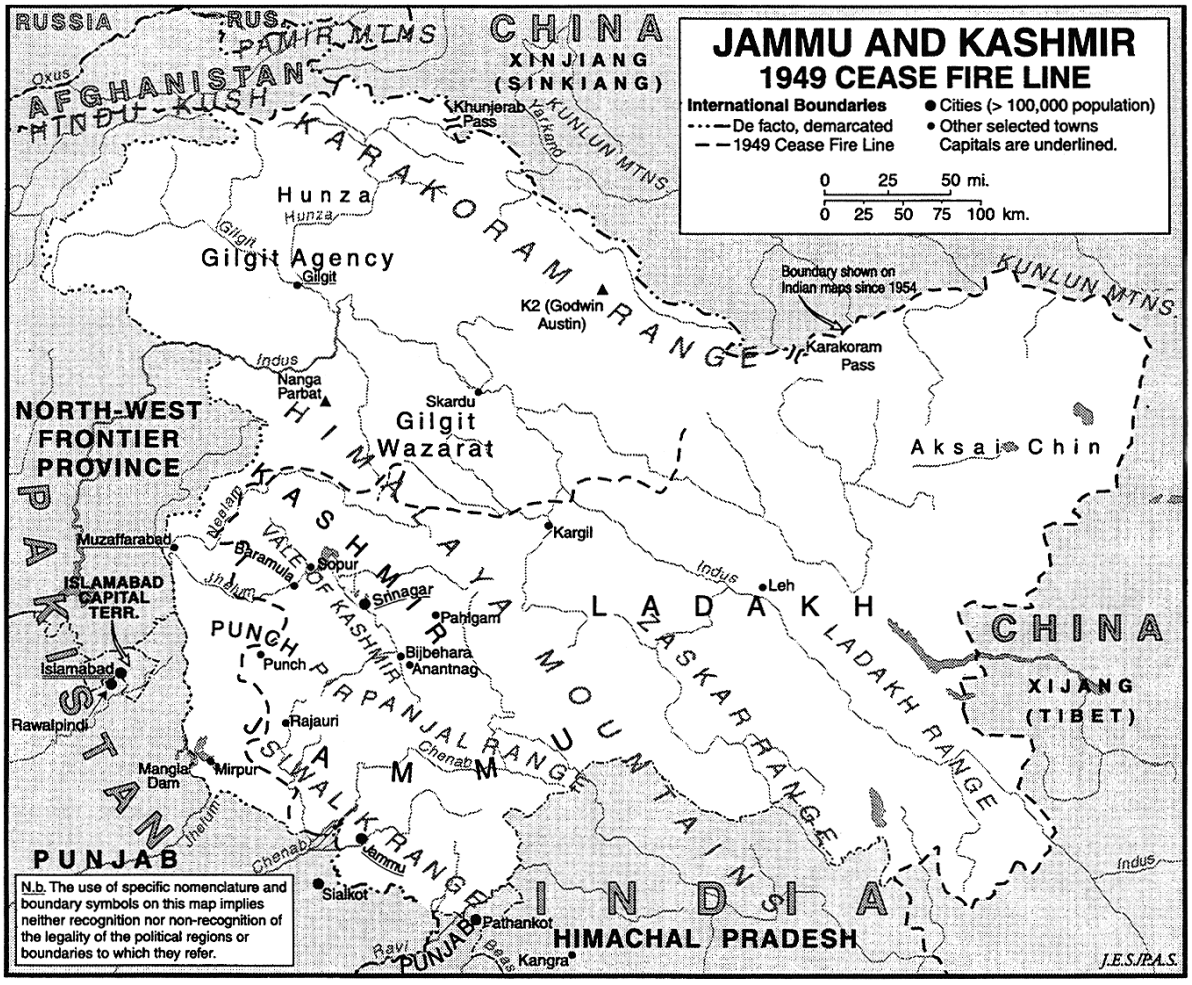
Yet a further part of the problem arises from the peculiarities of the dispute's politico-military history, which has witnessed a change not only in the name of the original Cease-Fire Line but in the fundamental rules governing its functioning and also, albeit only slightly, in its location.

3.1 The *Karachi Agreement* (1949) and the Cease-Fire Line (CFL)

The *Karachi Agreement*, formally the *Agreement Between Military Representatives of India and Pakistan Regarding the Establishment of a Cease-Fire Line in the State of Jammu and Kashmir*, was signed on 27 July 1949 by military representatives of India and Pakistan meeting under the auspices of the Truce Sub-Committee of the UNCIP. Joint visual verification of this line was completed with the aid of UN military observers on 3 November. Since the line was expected to last only until agreement had been reached over the permanent disposition of Kashmir, it was not physically demarcated at that time. Failure at any time thereafter to reach agreement over Kashmir's permanent disposition meant that a joint physical demarcation of the CFL was never carried out.

The CFL established in 1949 was about 830 kilometres (km) (516 miles) in length (see Figure 3). Drawn between the positions held by the Indian and Pakistani armies at the time hostilities ended, it extended through largely mountainous terrain in a rough arc from its southernmost

Figure 3



point just west of the Chenab River in Jammu northwards and then northeastwards to a point (map coordinate NJ9842) about 19km (12 miles) north of the Shyok River in the Saltoro Range of the Karakoram Mountains. From that point due north to the international boundary with China is a distance of 60-65km (37-40 miles). Since there were no troops in contact anywhere north of that point when the ceasefire came into effect, and since the seemingly inaccessible glacial terrain in that area seemed at the time to be a permanent barrier against any important military use, no effort was made to extend the CFL from map coordinate NJ9842 to the China border. This left for future dispute the anomaly of an entirely undelimited zone – a 'no-man's land' – in an otherwise fiercely contested territory.

Another cartographic anomaly arose at the other (southernmost) end of the CFL in Jammu, where there was a gap of slightly over 200km (124 miles) between the CFL's terminus and the mutually recognised international boundary dividing Indian from Pakistani Punjab. In this zone, where the war's end found Indian and Pakistani forces on either side of the recognised *provincial* boundary that had divided Dogra-ruled Jammu from West Punjab, no special ceasefire line was required. UN military observers were deployed in early 1949 to police the ceasefire in this area, however, just as they had been to the CFL itself. This gave to the pre-existent provincial boundary the *de facto* appearance of a ceasefire line. Nevertheless, Indians have been inclined to speak of this portion of the boundary as part of the international border. Pakistanis, faced with a stretch of boundary that is formally part neither of the CFL nor of the international boundary agreed upon at the time of partition, have insisted on referring to it simply as *"the border"* or *"the working border."*

These anomalies wouldn't have mattered very much had the terms of the July 1949 ceasefire agreement been faithfully observed. These terms, as defined and amplified in a follow-up document signed by the two sides the following September, prohibited six categories of military activity (Wainhouse, 1973: 74; Dawson, 1994: 82, 316-20):

1. Crossing of the CFL, or infringement of the prohibition on troop movements within 500 yards of the line;

2. Firing and use of explosives within five miles of the CFL without advance warning to the UN observers;

3. New wiring or mining of any positions;

4. Reinforcing of forward defended localities with men or warlike stores, or strengthening of defences in areas where no major adjustments were permitted by the agreement;

5. Forward movement into Kashmir of any warlike stores, equipment and personnel, other than for relief and maintenance; and,

6. Flying aircraft over the other side's territory.

Item 1's ban on troop movements within 500 yards of the CFL created a *de facto* demilitarised zone. This zone, together with the other provisions for preventing any build-up in defences, weaponry or forces, was expected to help stabilise the boundary long enough to facilitate achievement of a permanent solution. While violations of virtually all these provisions were

fairly common, right from the beginning, the agreement managed somehow to hold up reasonably well, in fact, well into the 1950s.

By the end of that decade, however, the good intentions of the truce agreement's authors had fallen victim to the wanton flouting of its prohibitions. Violations soared; and the task of peacekeeping on the undemarcated CFL soon outstripped the modest capabilities of the UNMOGIP team assigned to perform it. One of the smallest peacekeeping missions ever authorised by the United Nations, UNMOGIP's officer complement never exceeded 99 men, and during the first decade of its existence the number rarely exceeded 35 (Dawson, 1994: 45-48). Always more crippling than its modest manpower, however, was its utter dependence for the performance of its mission on the active collaboration of the Indian and Pakistani governments. Their collaboration over the CFL, in turn, depended heavily on the successful negotiation of the Kashmir dispute.

3.2 The 1965 War and the *Tashkent Agreement*

In the fifteen years or so between the signing of the Karachi Agreement and the outbreak in 1965 of the second war between India and Pakistan, mounting any negotiation at all over Kashmir proved extremely difficult. Only twice during the 1950s, in fact, did the Kashmir dispute appear as the primary focus of formal bilateral negotiations between the parties – once in a series of talks between the prime ministers of the two countries in July-August 1953, and later in talks at the same level in May 1955. Both these series of talks were brief and inconclusive.

Diplomacy in regard to Kashmir showed a flicker of promise early in the 1960s, but this was quickly extinguished. The promise came unexpectedly in the wake of India's humiliating defeat at the hands of the Chinese Communist army in the border war of October-November 1962. Pressed hard at the time by the United States and Great Britain, both of them donors to India of desperately needed emergency military supplies, to mend fences with Pakistan, the Indian government entered into the most intensive and prolonged discussions with Pakistan over Kashmir that have ever taken place.

Negotiating teams met in six rounds of talks between December 1962 and May 1963. One Indian account claims that the Indian side was prepared to concede up to 4,000km^2 (1,544 sq. miles) of Indian-held territory in Kashmir in return for Pakistan's acceptance of the modified CFL as a permanent international boundary (Gundevia, 1984: 248). The Pakistan side, already on the verge of signing a separate accord with the Chinese over a segment of the Kashmir border, held out for more. Relieved of military pressure almost immediately due to China's surprising withdrawal from territories occupied during the war, the Indian negotiators lost interest. As a result, no agreement was reached and the talks ended in total failure.

Diplomacy's failure was followed very quickly by severe deterioration in the situation along the CFL. Throughout 1964 and on into 1965, complaints of violations – most of them involving civilians residing in the vicinity of the CFL, but including armed raids across the CFL and attacks on military outposts – mounted steadily. By late spring 1965, with the threat of war clearly in the air, they reached the highest level ever. Early in August, emboldened perhaps by their budding friendship with China, the Pakistanis implemented a plan to infiltrate several

thousand armed men, most of them drawn from the ranks of the regular Azad Kashmir forces, across the CFL into Indian Kashmir.

The plan, codenamed *Operation Gibraltar*, was aimed at provoking an uprising against Indian rule among the indigenous Kashmiri population. Indian forces stopped many of the would-be infiltrators at the border, however, and no uprising materialised to bolster those who made it across. The effort has been judged by most commentators, including the commander-in-chief of the Pakistan army at the time, a colossal failure (Musa, 1983: 35-44). It signalled the complete collapse of the Karachi Agreement and led directly to the second war between India and Pakistan, again without any formal declaration.

Steady escalation of the fighting between Indian and Pakistani forces in Kashmir during the last two weeks of August was followed, on 1 September, by a major crossborder attack by regular Pakistani forces in the state's southern sector. That attack brought massive Indian retaliation on 6 September across the international border east of Lahore. The fighting, which involved air as well as ground forces, reached a stalemate by mid-September. Soon thereafter, responding to a UN Security Council resolution demanding an unconditional ceasefire, the guns fell silent on 22 September. Indian battle deaths in the conflict numbered around 3,000, Pakistan's around 3,800. India had lost about 775km^2 (299 sq. miles) of territory, Pakistan about 1,865km^2 (720 sq. miles) (Ganguly, 1986: 59).

Indian Prime Minister Lal Bahadur Shastri and Pakistani President Ayub Khan met in January at Tashkent under Soviet auspices to formalise the peace. On 10 January, when it seemed the conference was nearing the brink of collapse, they signed the *Tashkent Declaration*. In it, the two sides agreed to settle their differences through peaceful means, to discourage hostile propaganda, to repatriate prisoners of war, and to restore normal diplomatic relations. Most importantly, they agreed to withdraw their armed forces to positions held before hostilities broke out.

That provision, which restored the CFL to its pre-war standing, was fully implemented, and with only minor difficulty, by the 25 February deadline. The Declaration also called upon the two signatories to continue discussions *"on matters of direct concern to both countries."* Other than that vague exhortation, however, the Kashmir dispute was conspicuous in the Tashkent Declaration mainly by its absence. Adhering to the spirit of the accord, the foreign ministers of India and Pakistan met for discussions at Rawalpindi on 1-2 March 1966. They failed to reach agreement about Kashmir's inclusion on the agenda, however, and the talks were abruptly terminated.

3.3 The *Simla Agreement* (1972) and the Line of Control

The third war between India and Pakistan, the so-called 'Fourteen Days' War' of December 1971, was fought over Bangladesh. It was precipitated by a secessionist movement in Pakistan's physically-separated East Bengal province, a geographical anomaly produced in the 1947 partition, that evolved from a civil uprising against the Punjab-dominated militarist regime of General Yahya Khan into a full-fledged international war of 'national liberation' between India and Pakistan.

During this war, India and Pakistan launched major ground and air operations at various points along their entire western boundary, including along the CFL in Kashmir. Fighting in the west was clearly peripheral, however, to the main event – determination via combat of East Pakistan's political future. Like its 1965 predecessor, this war was quickly terminated.

Unlike the earlier conflict, however, this one resulted in Pakistan's unambiguous and humiliating defeat as well as in the fundamental reconfiguration of South Asian political geography. It also resulted in important modifications to the CFL in Kashmir, including changes in its name, its location, and especially in the ground rules for policing it. Taken as a whole, these changes dealt substantial blows to Pakistan's position in Kashmir. The *Simla Agreement* signed in the wake of this war was no more successful, however, at lighting the way to a lasting settlement of the Kashmir dispute than had been its Tashkent predecessor.

By the time the Bangladesh war ended on 17 December, the two sides' militaries had both made advances across the CFL in Kashmir. Pakistan gained territory in its southern sector, India in its central and northern sectors. Neither side's territorial acquisitions amounted to much, however, India gaining about 883km^2 (341 sq. miles), Pakistan about 151km^2 (58 sq. miles), in both cases less than they had gained in 1965 (Lamb, 1991: 296). In the altered circumstances emerging from Pakistan's disastrous defeat, pressure to return to the pre-war boundary did not exist.

On the contrary, the Indian government, fully aware of its advantageous bargaining position, seized the opportunity not only to assert the permanence of the minor territorial modifications that had been made to the CFL but to advance the notion that the CFL had undergone *de facto* transformation into a permanent border between India and Pakistan. It sought at the same time to curb international involvement in Kashmir and to put any future discussion between India and Pakistan over the dispute on a strictly bilateral footing.

Indian Prime Minister Indira Gandhi and Pakistani Prime Minister Zulfikar Ali Bhutto signed the Simla Agreement on 2 July 1972. In it, they pledged themselves *"to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them."* They also committed themselves to the avoidance of hostile propaganda against one another and to non-interference in one another's internal affairs. With particular reference to Kashmir, they agreed that:

> *...in Jammu and Kashmir, the Line of Control resulting from the ceasefire of December 17, 1971, shall be respected by both sides without prejudice to the recognised position of either side. Neither side shall seek to alter it unilaterally irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from threat or the use of force in violation of this Line* (Kadian, 1993: 193).

The Line of Control, based on positions held by the armed forces of India and Pakistan at the time fighting ended, thus replaced the Cease-Fire Line in the official nomenclature of the Kashmir dispute. Implied here was that the Karachi Agreement, a bilateral but *internationally* brokered accord, had been replaced by a new and wholly bilateral one, and that the Kashmir dispute itself had ceased to be an active territorial problem. So that this point not be missed, the final sentence of the Simla Agreement called upon the two governments to meet to discuss *"a final settlement of Jammu and Kashmir"* – not of the Jammu and Kashmir *dispute*.

The UN Security Council had not intervened in the 1971 war. Neither had it played any role in the Simla negotiations. Its peacekeeping mission in Kashmir, the UNMOGIP, in spite of over twenty years of service there, was not even given passing reference in the Simla Agreement. Subsequent to this agreement, the military observer teams found their peacekeeping role, especially on the Indian side of the LOC, to have been vastly abridged. They continued to maintain field stations on the Indian side, but, since they were both banned from policing the line on that side and never again asked by the Indians to investigate violations of the ceasefire, they had little to do there.

With the original CFL technically erased, there was now neither a formal demilitarised zone nor any formal restraint on the build-up of fortifications in the vicinity of the LOC. The Pakistanis, for whom the military observers still stood as lone symbols of Security Council responsibility in Kashmir, continued to carry on in accord with UNMOGIP's original charter. The cold fact of the matter, however, was that the 1971 war had altered the character of international involvement in Kashmir – and in India's favour.

4. The 'Other' Line of Control: China and the Aksai Chin

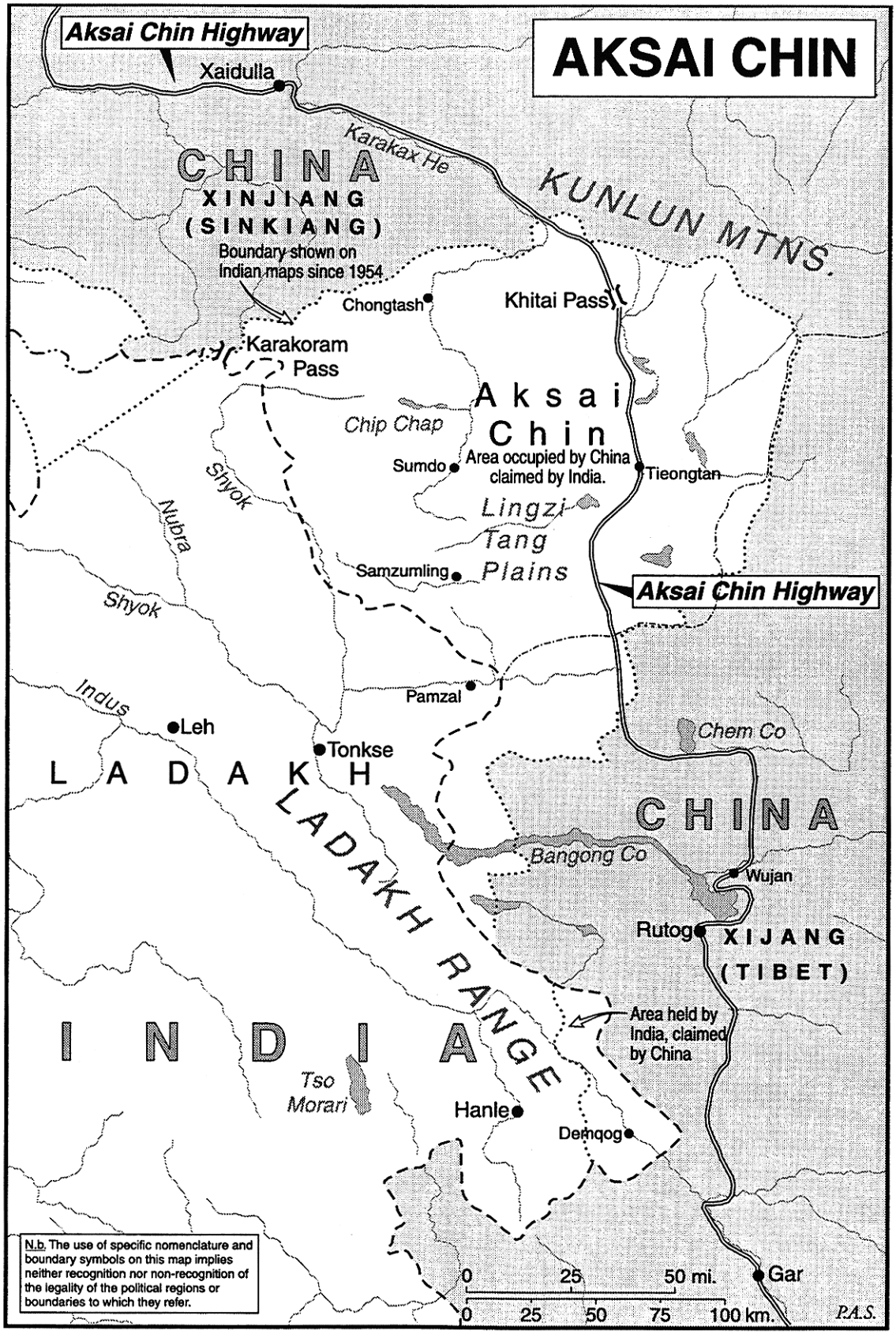
Lending perhaps some comfort to the Pakistanis through these years of mounting frustration over their inability to displace India from Kashmir has been China's unqualified success at doing precisely that – at least from one remote corner in the state's Ladakh region. This northeastern corner of the state is dominated geographically by a feature called the Aksai Chin, an arid and rock-strewn extension of the Tibetan plateau, averaging over 5,000 metres in elevation, lying between the Kuen Lun and Karakoram mountain ranges (see Figure 4).

Described as *"one of the most desolate places on earth, a vast howling wilderness with no form of support for human or animal existence"* (Palit, 1991: 30), the Aksai Chin has been a somewhat unlikely source of contention in a boundary dispute affecting several lengthy stretches of the 2,000km (1,243 mile)-long border shared by China and India. No part of this border has ever been formally delimited by treaty or demarcated between them. The question of its whereabouts has led to the most acute disagreement in the so-called Eastern Sector, which holds the Assam Himalayas, and in the Western Sector, which holds Ladakh and the Aksai Chin.

On 20 October 1962, war broke out between India and China at several points along their border. It ended a month later with India's forces soundly defeated and with the Chinese in possession of about 37,555 km^2 (14,500 sq. miles) of territory in Ladakh that the Chinese said was part of Xinjiang and that the Indians claimed belonged to them.

The Indian definition of India's Ladakh boundary grew out of an interpretation of nineteenth century British formulations of territorial ownership that gave maximum validity to the most northerly of several competing British claims – the *Ardagh-Johnson Line*. This line, which had been formally proposed to the British Government of India by 'forward policy' advocates in 1897, had asserted British ownership up to the Kuen Lun Mountains – i.e., over the entire Aksai Chin. However, neither this line nor either of the two main (and more southerly) alternatives – the 1899 *Macartney-MacDonald Line* and the 1873 *Trelawney Saunders Line* –

Figure 4


AKSAI CHIN
Aksai Chin Highway
Xaidulla
Karakax He
CHINA
XINJIANG
(SINKIANG)
Boundary shown on
Indian maps since 1954
KUNLUN MTNS.
Chongtash
Khitai Pass
Karakoram
Pass
Aksai
Chin
Chip Chap
Area occupied by China
claimed by India.
Sumdo
Tieongtan
Shyok
Nubra
Lingzi
Tang
Plains
Samzumling
Aksai Chin Highway
Shyok
Indus
Pamzal
Leh
Tonkse
Chem Co
LADAKH
CHINA
LADAKH RANGE
Bangong Co
Wujan
Rutog
XIJANG
(TIBET)
Area held by
India, claimed
by China
INDIA
Tso
Morari
Hanle
Demqog
N.b. The use of specific nomenclature and boundary symbols on this map implies neither recognition nor non-recognition of the legality of the political regions or boundaries to which they refer.
0 25 50 mi.
0 25 50 75 100 km.
Gar
P.A.S.

were ever given unambiguous official endorsement or physical depiction on authoritative British Survey of India maps produced before India was granted independence in 1947 (Hoffmann, 1990: 12-13; Palit, 1991: 22-45; Lamb, 1975). India's post-colonial leadership, anxious to remove the ambiguities from India's border with China, decided in 1953 – without consulting the Chinese – to sanction publication of official maps showing the Kuen Lun Mountains as the border with China and the Aksai Chin as lying wholly within India (Hoffmann, 1990: 23-25).

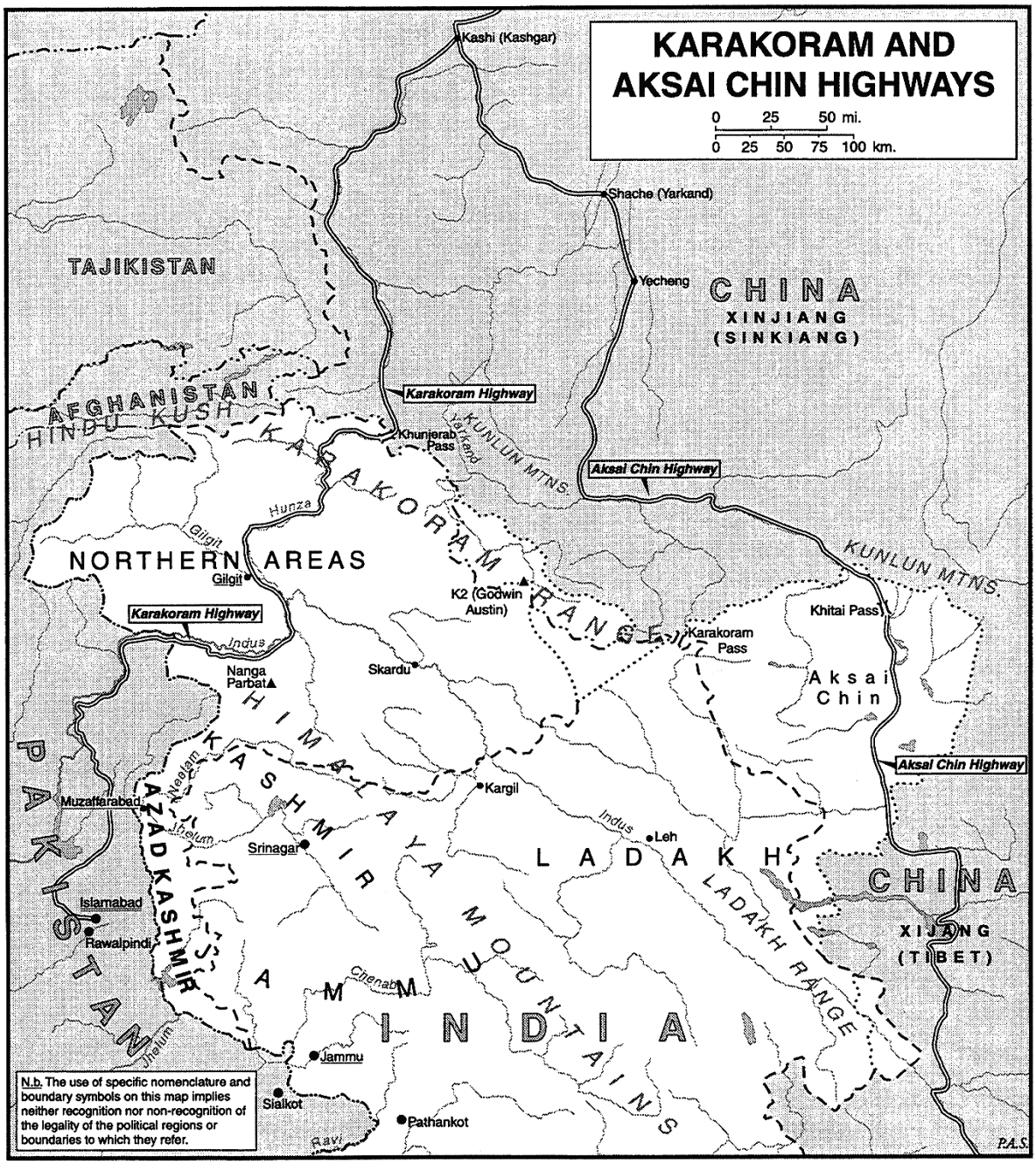
The Chinese Communist regime, having added Tibet to its conquests in 1950, had strong reasons of its own, of course, to clear up the ambiguity along its Ladakh border with India. These reasons stemmed primarily from the Aksai Chin's strategic location between China's two vast minority-populated provinces – Xinjiang and Tibet. Apparently unbeknown to the Indians, the Chinese had begun building a military road across the Aksai Chin to link the two provinces – through territory well to the south of the Kuen Lun range – as early as 1951, soon after their armies marched into Tibet. This road, a 180km (112-mile) sector of China's Western Military Road complex, took advantage of western Tibet's greater accessibility via Xinjiang. It was completed in 1957 (see Figure 5). The Indians' belated discovery of its existence in 1958, a discovery more politically humiliating than strategically threatening to them, led directly to war with China. Ironically, the war's outcome left China in possession of considerably more terrain in Ladakh than it would have merited had the Indians settled for one of the more modest British claim-lines.

The 1962 war's impact went considerably beyond the coercive 'readjustment' of the Sino-Indian boundary in Ladakh. Especially notable was its impact on China's relationship with Pakistan. Beginning in 1963 with conclusion of important border and civil aviation agreements, this relationship rapidly blossomed into an *entente cordiale* that included extensive Chinese aid for Pakistan's armed forces and defence industries, Chinese diplomatic support of Pakistan at the time of both the 1965 and 1971 wars between Pakistan and India, and close Sino-Pakistani collaboration in the construction of strategic highways linking the two countries.

The 1963 *Border Agreement*, which covered a 322km (200-mile) stretch of China's border with Pakistan's Northern Areas, resulted in a fairly modest exchange of territory between the two states, mainly in Pakistan's favour. More importantly, it signalled for the first time China's acceptance of Pakistan's claim that Kashmir was disputed territory. No less important from the perspective of Kashmir was the network of strategic highways China and Pakistan began building together in the late 1960s. These roads, the 500-mile (805km) long Karakoram Highway in particular, vastly improved the Pakistan military's access to remote portions of the LOC and thus constituted a direct challenge to India's hold on Kashmir (Ispahani, 1989: 168-74) (see Figure 5).

The Line of Actual Control (LAC) that has divided Indian-held from Chinese-held territories ever since the 1962 war marks the position of troops at points of contact along the Sino-Indian border at war's end. Only in Ladakh, however, where Chinese troops clung to advanced positions occupied in the course of the war, did the LAC represent a significant departure from pre-war alignments. The LAC has not been either delimited on a map or demarcated on the ground through formal bilateral agreement. Both the Indians and Chinese have maintained large military forces in its vicinity. Neither side has shown much inclination to reach a final compromise settlement of the border in this area, the Chinese apparently because they want

Figure 5



what they have, the Indians because the political cost for conceding what they have lost is too painful for any government to bear.

In the past two decades, slow but steady improvement in Sino-Indian relations has been recorded in spite of the border stalemate. The groundwork for rapprochement was initially laid in December 1981 with the inauguration of a series of low-key vice-ministerial level talks between Beijing and New Delhi focused on the boundary question.

Eight rounds of talks between 1981 and 1987 produced little substantive agreement. The process was given its first major boost during Indian Prime Minister Rajiv Gandhi's visit to Beijing in December 1988, the first such visit by an Indian prime minister since 1954. Agreement was reached to set up a joint working group on the border signalling New Delhi's abandonment of its earlier position, making normalising of relations with Beijing contingent upon prior solution of the border question.

The first sign of a substantive breakthrough came on 7 September 1993, when Indian Prime Minister P. V. Narasimha Rao and Chinese Premier Li Peng signed a landmark agreement in Beijing – the *Agreement on Maintaining Peace and Tranquillity in the Border Areas along the Line of Actual Control* – stipulating that *"pending an ultimate solution to the boundary question...the two sides shall strictly respect and observe the LAC between the two sides"* – i.e., tacitly recognising the LAC as the *de facto* border between them, and at the same time committing them to *"peaceful and friendly consultations"* on the boundary issue. The agreement spelled out a number of specific conflict-avoidance measures, and, of particular importance, bound them to consult in regard to contemplated military force reductions (Krepon *et al*, 1998: 205-6).

Yet another breakthrough in the process came near the end of 1996 during Chinese President Jiang Zemin's first ever visit to New Delhi. On that occasion, the Indian and Chinese leaders signed the *Agreement on Confidence Building Measures in the Military Field along the Line of Actual Control in the China-India Border Areas* – an accord that substantially augmented the 1993 pact. In particular, it spelled out specific principles aimed at facilitating achievement of fixed ceilings on weapon and troop deployments on the LAC (Krepon *et al*, 1998: 207-210).

The warming of Sino-Indian relations, especially if the demilitarising of the border areas now in progress stimulates more generalised cooperation between them, obviously poses a potential threat to the long-standing entente between China and Pakistan. With the Soviet menace now a matter of history, Chinese leaders clearly no longer need Pakistan's cooperation in sustaining Beijing's erstwhile *"counter-encirclement"* strategy (Vertzberger, 1985). Indian leaders have naturally pressed China to back off from its pro-Pakistan stance; and, in fact, a drift towards a more neutral policy on Kashmir has been discernible in Beijing's public declarations during the 1990s.

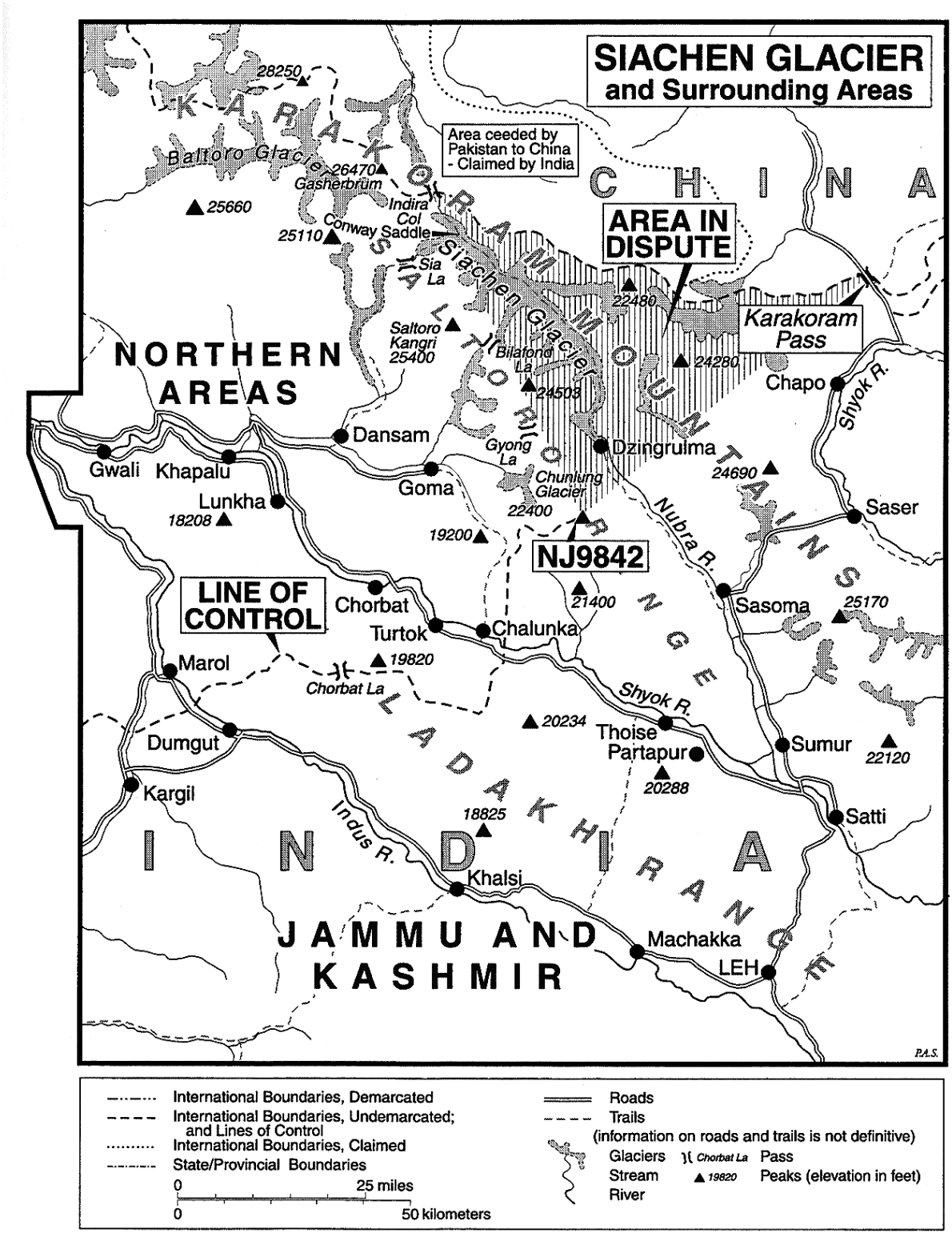
The drift seems far from unlimited, however, and, in the judgement of some China watchers, it is most unlikely to lead to a substantial downgrading of China's alliance with Pakistan (Garver, 1996). In spite of appearances, in other words, the relaxation in border tensions between India and China may not translate very quickly, or even at all, into a reconfiguration of the regional power balance more congenial to a final solution of the Kashmir dispute.

5. Line of Control or 'No Man's Land'?: The Siachen Glacier Dispute, 1984 –

As was observed earlier in this discussion, termination of the CFL at map gridpoint NJ9842 in the joint 1949 Indo-Pakistani delimitation exercise left a huge question mark hanging over the 60-65km (37-40 miles) stretch lying between the end of the CFL and the *de facto* international border with China (see Figure 6).

Since in the 1963 Sino-Pakistan Border Agreement that border was itself held to be conditional, pending final resolution of the Kashmir dispute between India and Pakistan, even this distance is open to argument. The space traversed by a hypothetical northward-running extension of the CFL includes some of the world's highest and most glaciated terrain outside of the polar

Figure 6



region. The most massive of the glaciers, and the area's dominant feature, is the Siachen Glacier. About 74km (46 miles) long and 2-8km (1-5 miles) wide, it is claimed by both India and Pakistan.

The Indian army took control of it in a surprise airlift operation in April 1984. Pakistan retaliated by seizing points in key passes in the Saltoro Range flanking the glacier on its southern side. There has been little change since in the two sides' military positions. Fighting itself has consisted for the most part of heavy artillery and mortar exchanges interspersed with sporadic skirmishes. For over 14 years, the glacier has remained the site of an extraordinary test of human endurance, pitting Indian and Pakistani forces as much against nature as against one another (Wirsing, 1991: 143-94; Wirsing, 1994: 75-83).

Pakistan's claim to the Siachen Glacier and its vicinity rested largely on two grounds – first, acceptance over the years by international mountaineering groups of Pakistan's authority to license expeditions to the area, and second, frequent depiction of the area as Pakistani territory in leading international atlases. The former prompted widely-circulated public statements by expedition members, upon reaching their climbing objective, of having looked down upon *Pakistani* territory. The latter spread the notion that the CFL (after 1972, the LOC) had actually been delimited along a northeastward-running straight-line trajectory extending all the way to the Karakoram Pass.

The effect of this was the gratuitous addition to the Pakistan-held area west of the CFL of hundreds of square kilometres of territory to which neither side, in fact, held any mutually agreed legal title. The Indian response was to lay claim to the entire area lying eastward of the crestline of the Saltoro Range – the area successfully seized by its forces in 1984. The line in the Saltoro Range formed by the forwardmost positions held by Indian troops was eventually dubbed by the Indians, mimicking the pragmatic approach they had taken in the 1972 Simla talks, the Actual Ground Position Line (AGPL). The wedge-shaped area formed thusly by the Indian-favoured AGPL on the west, the Pakistan-favoured NJ9842-Karakoram Pass axis on the east, and the China border on the north contained over 2,590km^2 (1,000 sq. miles) of contested territory.

Most surprising about the Siachen dispute has been the ability of the Indian and Pakistani armies to mount and sustain all-year, all-weather deployments of thousands of troops at elevations on and around the Siachen Glacier in some instances reaching over 7,000 metres. The human and material costs of this feat, including those to the natural environment, have been huge. An offshoot of the larger Kashmir dispute, the Siachen dispute has proven thus far as difficult to resolve as its more complicated parent. The discussion returns to this matter below.

6. Enter the 'Third Option': The Kashmiri Uprising, 1989 –

The plebiscite provision stipulated in the 1948-1949 UN Resolutions pertaining to the Kashmir dispute gave this dispute a mixed legal character from its onset: viewed from one angle, it was certainly a boundary dispute between India and Pakistan; viewed from another, it fitted the description of political dispute over the self-determination of the Kashmiri population equally well.

Up until a decade or so ago, however, this second *political* characterisation appeared to have a disproportionately opportunistic lining: the most vociferous demands for Kashmiri self-determination emanated, it seemed, not from the people of Kashmir – many of whom appeared,

if not wholly satisfied with, at least reconciled to inclusion within India – but from the government of Pakistan. The latter's unshakeable support for the UN resolutions' narrow construction of self-determination – offering a choice of options to the Kashmiris limited to accession to either India or Pakistan, thus excluding independence – obviously lent itself to interpretations of Pakistani motivation other than altruism.

With the outbreak in early 1989 of a massive popular uprising against Indian rule, the Kashmir dispute's hitherto muted *indigenous* political character shot to the surface. While this development has obviously been most upsetting to the Indian side in the Kashmir dispute, it has not been entirely unproblematic for the Pakistanis.

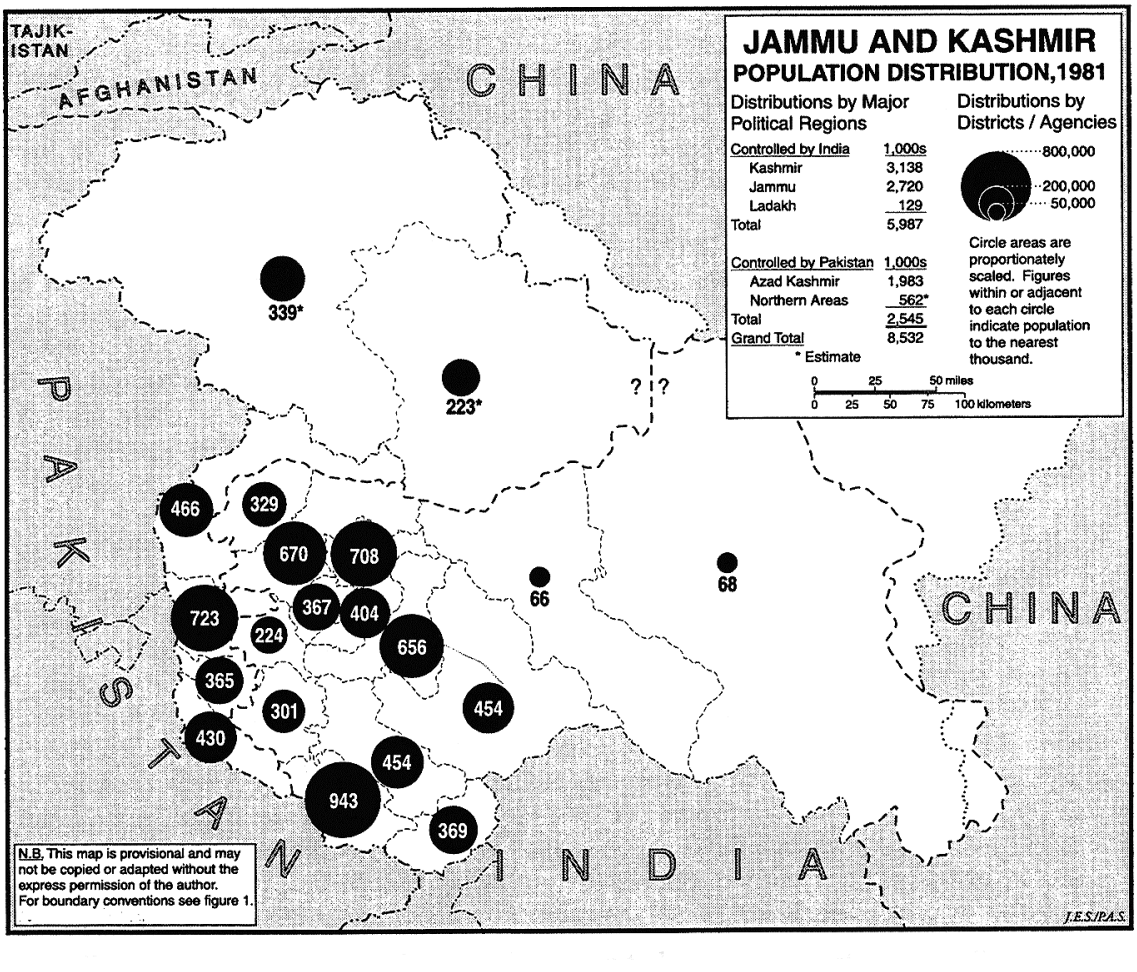
Few knowledgeable Indians deny that the 1989 uprising, which eventually spawned a militant separatist movement that attracted thousands of Kashmiri youths to its ranks, had significant indigenous roots. While most would be reluctant to go as far as one Indian writer, who claimed that, *"the mass base and dogged determination of the 'secessionist' urge in Kashmir today can be explained...by one factor alone: the Indian state's consistent policy of denying democracy...to its citizens in Jammu & Kashmir"* (Bose, 1997: 19), many have clearly concluded that Kashmiri patience with India was heedlessly stretched to breaking point during the 1980s by a succession of cynical political manoeuvrings, orchestrated by New Delhi, that undermined confidence in the institutions of representative government.

India's practical response to the problem of Kashmiri disaffection has, however, been by far more military than political in its orientation. Estimates vary widely, but the total number of Indian armed forces (paramilitary as well as regular army, but excluding the state's large armed police forces) deployed throughout Jammu and Kashmir state in early 1998 very likely stood at around 400,000 – at least 125,000 of them on internal security duty. Fairly conservative estimates of the total number of Kashmiri fatalities resulting from the security forces' counter-insurgency operations since 1989 stand today in excess of 25,000.

Indian and international humanitarian groups, like Amnesty International and Asia Watch, have produced a steady stream of reports carrying highly credible accounts of massive human rights abuses by these forces (Asia Watch Committee and Physicians for Human Rights, 1993; Amnesty International, 1995). State assembly elections staged in the state in September 1996 and parliamentary elections staged earlier that same year and then again in spring 1998, by most accounts achieved at best a very limited democratic revival (Bose, 1997: 150-94; Wirsing, 1996).

While restoration of civilian rule seemed to many to be a necessary step in the direction of civil peace, installation of the Farooq Abdullah-led National Conference government in October 1996 has obviously failed either to instil widespread confidence in Kashmiris of India's goodwill or to deter the separatists. The two autonomy committees appointed at that time by Farooq Abdullah – one, the Committee for Greater Autonomy, charged with looking at the autonomy question from the broad 'external' perspective of centre-state relations, the other, the Committee on Regional Autonomy, responsible for examining the problem of autonomy as it pertains to the 'internal' ethno-religious mosaic of the state's three regions (Ladakh, Jammu, and Kashmir) – had at the time of this writing produced nothing of substance.

Figure 7



Excusing at least to some extent India's lopsidedly military response to the Kashmiri movement for self-determination was the not insignificant role played by India's long-standing adversary, Pakistan, in support of the movement. While its government routinely claimed to give no more than diplomatic, political, and moral support to the separatist movement, evidence to the contrary was fairly abundant (Wirsing, 1994: 118-24). The Pakistani army, in particular its Inter-Services Intelligence Directorate (ISI), seemed to be the separatists' indispensable ally, in fact, providing weaponry, intelligence, sanctuary, and – of mounting importance in recent years in the face of the Indian army's vastly improved counter-insurgent capabilities – battle-hardened recruits to the separatist guerrilla units imported from neighbouring Islamic countries, Afghanistan in particular. Though its role in the separatist violence exposed it to risk-filled allegations of terrorism, the Pakistan government, to the extent that its own political fortunes in the region were tied to the survival of a credible movement of self-determination in Kashmir, had few attractive alternatives to pursue. The separatists represented assets far too valuable in the relentless and ruthless power-game waged between India and Pakistan to be carelessly abandoned.

Considerably weakening the separatists was their division into numerous competing – in a few cases murderously antagonistic – political groups, at least ten or so of them (including the Pakistan-backed *Hizbul Mujahidin*) supported by significant numbers of armed guerrilla fighters. Most of them had been formally allied since April 1993 in the separatist umbrella organisation, the All Parties Hurriyat (Freedom) Conference (APHC), an organisation that

obviously had the potential to represent the separatists should India choose to open negotiations with them. Since the APHC consistently took the position that a settlement of the Kashmir dispute had to be based not *"within the four corners of the Indian constitution"* – as the Indians wanted it – but on the principle of Kashmiri self-determination and in accord with the UN resolutions stipulating conduct of an internationally-supervised plebiscite, this potential had been given no formal recognition at all by India.

Another dimension of the Kashmiri separatist struggle, at least equally fraught with complications, was the fact that the post-partition state of Jammu and Kashmir had inherited an ethnically and religiously polyglot population. The total 1991 population of the Indian-held portion of the state has been estimated at around 7.7 million (Schwartzberg, 1996: 170) (see Figure 7). Of this figure, judging from the last (1981) formal census carried out in Indian Kashmir, Muslims constitute roughly 65%, Hindus 32%, with Buddhists and Sikhs making up most of the remainder. The Muslims are disproportionately concentrated in Kashmir Valley, the Hindus in Jammu.

Given the exodus from the Valley since the outbreak of separatist violence in 1989 of almost the entire Kashmiri Pandit (Hindu) minority, the Valley is today populated, in fact, almost exclusively by Muslims (see Table 1 and Figure 8). Members of the Sunni sect probably account for over 90% of the state's Muslims, but there are significant pockets populated mainly by members of the Shi'a sect.

Linguistically, the state is also markedly heterogeneous. Kashmiri is very clearly the predominant language in the Valley; Dogri and other dialects of Punjabi in Jammu; and various Tibetan dialects in Ladakh (see Figure 9). Since, as one scholar has observed, the extent of the area in which the Kashmiri cultural complex (*kashmiriyat*) is dominant may correspond at least to some extent to the territorial range of the Kashmiri language, the cultural underpinnings of Kashmiri separatism very likely do not extend to the entire state (Schwartzberg, 1997: 2,244).

In the face of these not inconsiderable difficulties, it was a matter of some wonder that Kashmiri separatism survived into 1998 after nearly a decade of violent struggle against an enormously more powerful foe. The movement was clearly reeling by this time from the pressures brought against it not only by Indian security forces but by the so-called pro-India militants recruited by the Indians from the ranks of disaffected Kashmiris. Its demand for *azadi* (freedom) was overwhelmingly opposed by Indians, and it had met more than a little ambivalence among Pakistanis. Still, this demand seems not to have lost its appeal.

Figure 8

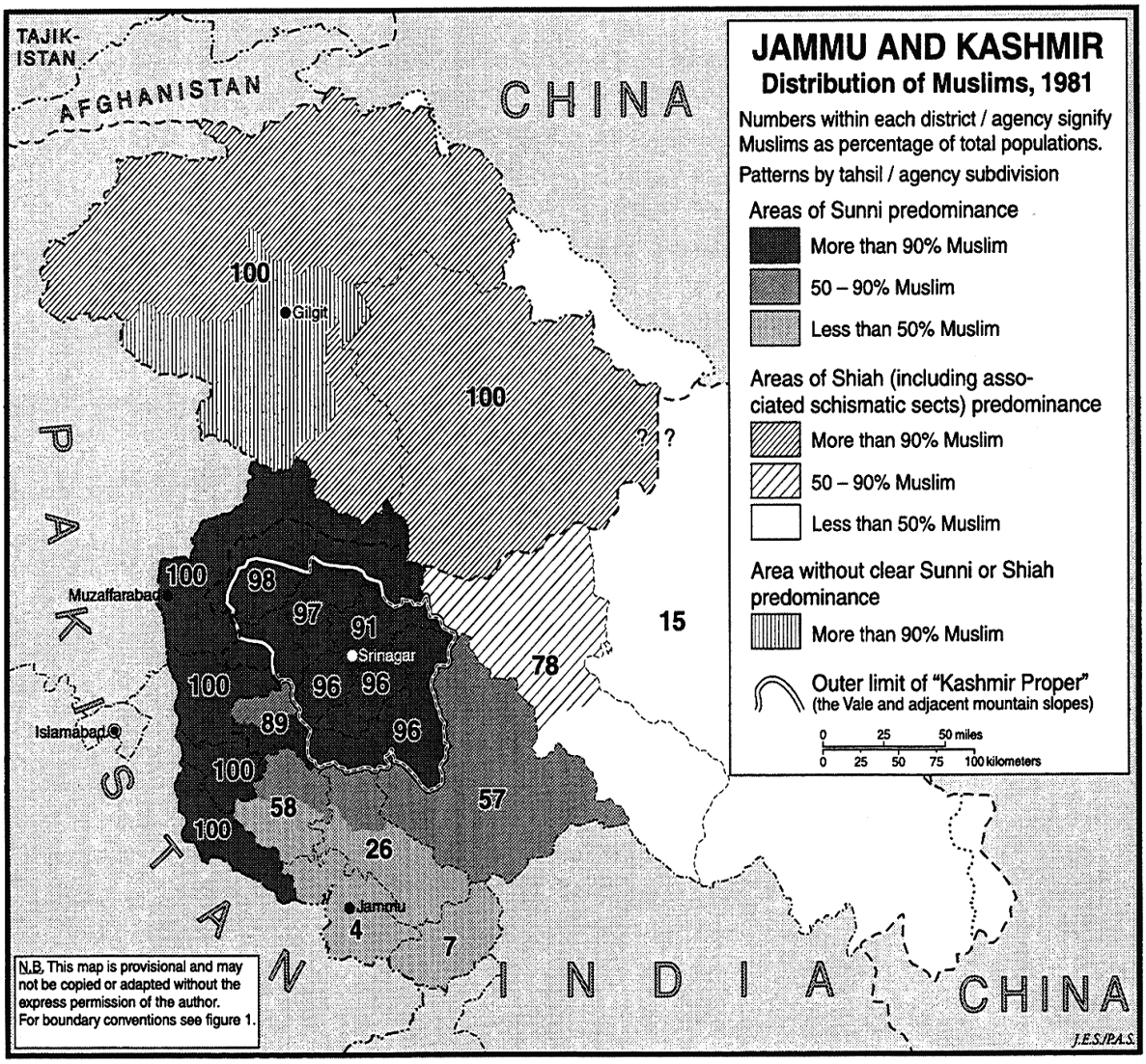
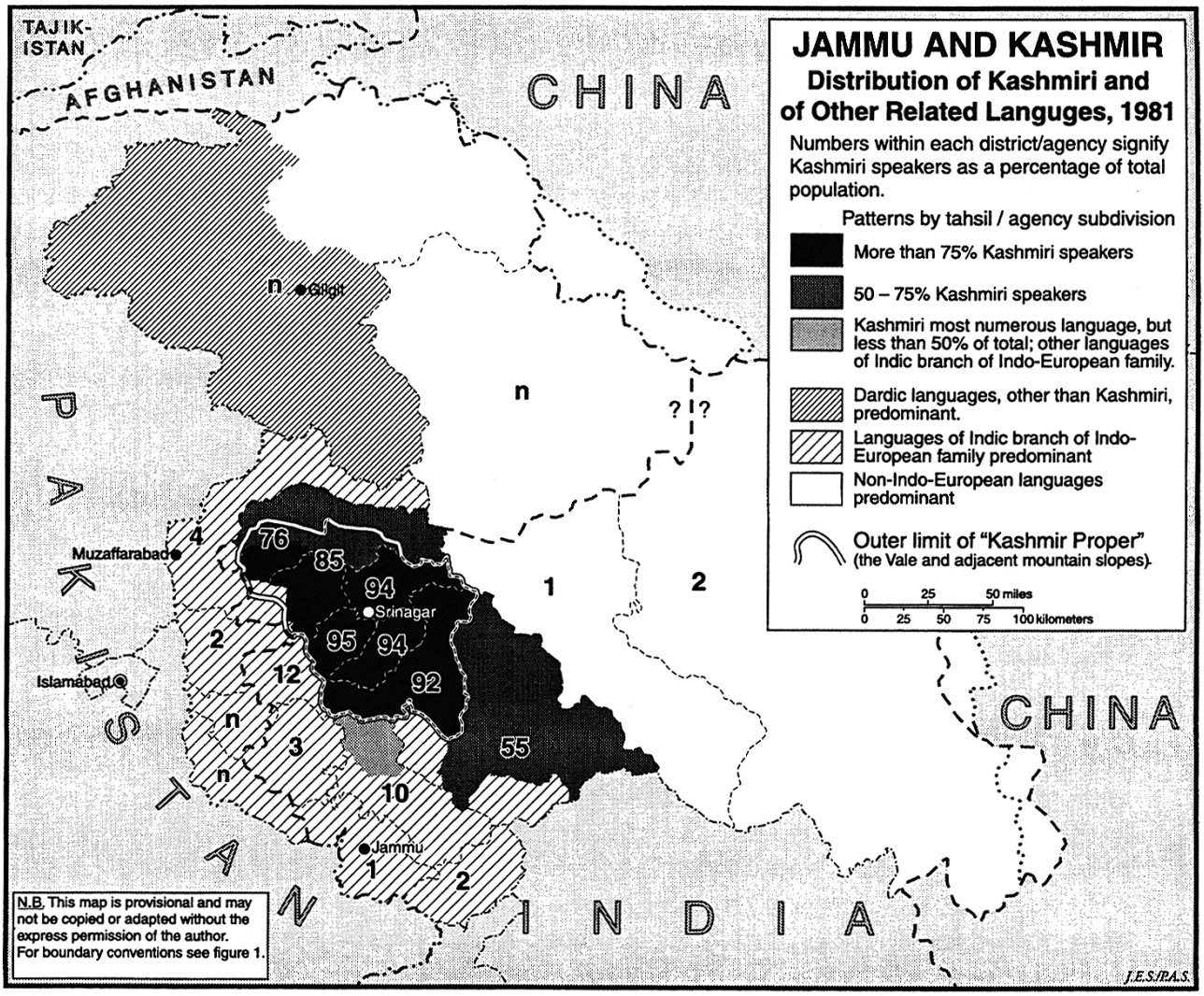


Table 1: Population and Religion, Jammu and Kashmir State (1981)

Region	Population	% Muslim	% Hindu	% Other
Kashmir Valley	3,134,904 (52.36%)	94.96	04.59	00.05
Jammu	2,718,113 (45.39%)	29.60	66.25	04.15
Ladakh	134,372 (02.24%)	46.04	02.66	51.30
Totals:	5,987,389	64.19	32.24	3.57

Figure 9



7. Captives of Conflict: Negotiating Kashmir

The diplomatic record of multilateral and third-party initiatives to resolve the Kashmir dispute is fairly dismal. Serious efforts by the United Nations to mediate the dispute effectively ended in 1958; and, as noted earlier, the Soviet-mediated agreement at Tashkent which formally ended the 1965 war was silent when it came to the Kashmir dispute.

The record of bilateral initiatives isn't any better. The most prolonged and intensive bilateral discussions that India and Pakistan ever held over Kashmir – the six rounds of talks between December 1962 and May 1963 – ended, as was already mentioned, without any agreement.

Having subsequently won Pakistan's explicit commitment to bilateralism in the 1972 Simla Agreement, India has since substantially curtailed UNMOGIP responsibilities in Kashmir whilst at the same time firmly rejecting all offers of international mediation. Pakistan, for its part, has continued to give warm support to UNMOGIP's peacekeeping mission, while missing few opportunities to solicit greater international involvement in the dispute. The resulting deadlock has seemed nearly impossible to break.

7.1 The Siachen Talks, 1985-1992

For a brief period, towards the end of the 1980s, the two sides seemed on the verge of a breakthrough, if not in the Kashmir dispute itself, at least in the Siachen Glacier component of it. An agreement to hold defence secretary level talks on Siachen was struck at a meeting of Indian Prime Minister Rajiv Gandhi with Pakistani President General Mohammad Zia ul-Haq at the end of December 1985. The agreement led to six rounds of protracted discussions at that level beginning in January 1986 and culminating in November 1992 with their complete collapse (see Table 2). Before they ended, however, they produced what appeared at the time to be a preliminary agreement on the Siachen – one that not a few observers believed might have served as a major confidence-building measure on the road towards a more comprehensive settlement of the Kashmir dispute itself.

Table 2: Direct Bilateral Talks over Siachen between India and Pakistan, 1985-1997

Date	Auspices/location	Level	Outcome
17 December 1985	New Delhi	prime minister[I] & president[P]	Agreement to hold defence secretary level talks on Siachen.
10-12 January 1986	Rawalpindi	defence secretaries	First round in series. Resolved to seek negotiated settlement in accordance with Simla Agreement of 1972.
10-12 June 1986	New Delhi	defence secretaries	Second round.
4 November 1987	SAARC conference Kathmandu (Nepal)	prime ministers	Agreement to revive suspended meetings of defence secretaries on Siachen.

Date	Auspices/location	Level	Outcome
19-20 May 1988	Islamabad	defence secretaries	Third round.
23-24 September 1988	New Delhi	defence secretaries	Fourth round.
15-17 June 1989	Rawalpindi	defence secretaries	Fifth round. Agreement to work towards comprehensive settlement of Siachen issue based on redeployment of forces. Next round scheduled at New Delhi.
16-18 June 1989	Islamabad	foreign secretaries	Scheduled fifth round held parallel to defence secretary talks. Pakistan foreign secretary publicly declared agreement on withdrawal of forces from Siachen. Denied by India.
9-10 July 1989	New Delhi	military commanders	Technical talks on forces redeployment.
16-17 July 1989	Islamabad	prime ministers	Results of fifth round of defence secretary talks approved. Defence secretaries directed to work toward comprehensive settlement in accordance with Simla Agreement and based on redeployment of forces. Military authorities directed to continue talks on forces redeployment.
18-20 August 1989	Rawalpindi	military commanders	No progress reported. Siachen talks suspended.
16-19 August 1992	New Delhi	foreign secretaries	Sixth round of foreign secretary talks. Resumption of Siachen talks proposed.
4-6 November 1992	New Delhi	defence secretaries	Sixth round. Detailed examination of redeployment. No agreement reached. No further round scheduled.
19-23 June 1997	Islamabad	foreign secretaries	Second round in current series. Siachen included among eight major issues on agenda of proposed 'working groups'.

The moment of seeming breakthrough came at the end of the fifth round of the talks, held in Rawalpindi, in June 1989. Going into the talks, Pakistan's terms were essentially two:

1. The redeployment (meaning withdrawal) of Indian and Pakistani forces to mutually agreed positions held at the time the ceasefire was declared in 1971 (i.e., pre-Simla positions); and, only when that was accomplished,

2. Joint delimitation of an extension of the LOC northwards beyond map reference point NJ9842.

In essence, these terms provided for immediate restoration of Siachen to the status of 'no-man's land' it had enjoyed prior to April 1984 – i.e., India's abandonment of its army's successful territorial conquest. They also implied that an extended LOC, when and if it was ever negotiated, would bequeath at least some of the glacier to Pakistan.

The Indian terms were more numerous and seemed to contradict Pakistan's. They also provided for redeployment of Indian and Pakistani forces to mutually agreed positions; but, reversing the order in which Pakistan presented its terms, the Indians' made redeployment the final step, contingent upon the two sides' success in reaching prior agreement both on the present disposition of their forces on the ground and on the delimitation of an extension of the LOC.

Since the Indians were insisting both that maps be signed and exchanged showing the present disposition of forces, a measure that threatened to give legitimacy to India's physical control of the glacier, and that the delimitation exercise be carried out *"based on ground realities",* again a measure in India's favour, the likelihood that the final phase of force redeployment would ever be reached seemed slender indeed (Wirsing, 1994: 200-201).

To the great surprise of onlookers, by the time the fifth round of discussions concluded, the two sides seemed to have bridged their differences. Though vaguely worded, the joint statement issued on 17 June gave the impression that fundamental agreement had been reached. The ebullient comments about the talks made at the time by Pakistan's foreign secretary reinforced that impression. Almost immediately, however, the seeming agreement – spelled out by Indian spokesmen in far more cautious language – began to unravel. Within a short time, little remained of it except the reminder that the Kashmir dispute, even those parts of it meaningful only to the two sides' militaries, would be a very tough nut to crack.

Following a three year lapse, a sixth round of defence secretary level talks on Siachen was held in New Delhi in November 1992. Agreement continued to elude the negotiating teams, and the talks were again suspended. The India-Pakistan dispute over Siachen is still routinely highlighted, especially by international observers, as a logical point at which to begin the obviously complex and painfully difficult process of negotiating a way out of the Kashmir imbroglio.

Its seeming suitability for this role runs up against this stark fact: Indian and Pakistani leaders neither see eye to eye on what might constitute a desirable outcome to the Siachen dispute nor, and perhaps just as important, do they feel any urgent need – they most certainly do not feel the same *level* of urgency – to end it.

Ironically, whereas Pakistan seems clearly disadvantaged nowadays relative to India, militarily and otherwise, when it comes to the Siachen Glacier Pakistani officials – and not only army generals – almost uniformly claim to have the military advantage over India. Without a substantial *quid pro quo*, they say, they are most reluctant to give this perceived superiority up. Their logic may seem myopic and self-defeating to outside onlookers; but in the deadly game of strategic cat-and-mouse that India and Pakistan play over Kashmir, it seems to make all the sense in the world.

7.2 The Gujral Doctrine, 1996-1997: New Initiatives in Old Bottles?

There have been two series of comprehensive bilateral talks between India and Pakistan at the foreign secretary level in the present decade, one extending from 1990 to 1994, the other, begun in 1997, is at least technically still in progress. The first of these series, held in an atmosphere of mounting distrust and resentment stemming from India's struggle with the separatists in Kashmir, went through seven rounds of talks.

In none of them was the Kashmir dispute formally on the agenda; in the final round, held from 2-3 January 1994, its inclusion was only implicit. In that round, the Pakistanis insisted that the behaviour of Indian security forces in counter-insurgency operations (the 'human rights issue', in other words) be at the top of the agenda, while the Indians were equally emphatic that the talks focus on Pakistan's crossborder aid to the separatist Muslim guerrillas (the 'terrorism issue'). These positions were irreconcilable and the talks were broken off after scarcely seven hours spent at the negotiating table. The stand-off persisted for over three years until both sides had undergone a change in government.

The first change to occur was on the Indian side, where the United Front (UF) leader H. D. Deve Gowda replaced P. V. Narasimha Rao as prime minister in the wake of the Congress party's trouncing in the national elections of April 1996. Deve Gowda promptly noted his willingness to reopen the foreign secretary talks with Pakistan. It was not until the Pakistan Muslim League (PML) leader Nawaz Sharif took over from Benazir Bhutto in Islamabad in February 1997, however, that a thaw in the relationship began to take shape.

Deve Gowda communicated to the new Pakistani prime minister that his offer of talks still stood; and Nawaz Sharif responded in the same spirit. At the end of March, Pakistani Foreign Secretary Shamshad Ahmad met in New Delhi with his since -retired Indian counterpart, Salman Haider, setting a dialogue once again in motion. But before this initial round was concluded, the UF government's restless Congress parliamentary ally had yanked the rug out from under Deve Gowda's patchwork coalition and the talks ended on 31 March not surprisingly in some confusion.

Elevation to the prime ministership in early April of Inder Kumar Gujral, Minister of External Affairs in the Deve Gowda government and author of the so-called *Gujral Doctrine* that encouraged India to *"go more than halfway"* in dealing with its smaller neighbours, assured the survival of the initiative towards Pakistan into the reconstituted UF government. Talks between the two governments were quickly resumed: Pakistani Foreign Minister Gohar Ayub Khan met with Gujral, who retained the external affairs portfolio for himself, at a meeting of the Non-Aligned Movement (NAM) foreign ministers in New Delhi in the second week of April; and in early May the two prime ministers themselves met in a glare of publicity at the South

Asian Association of Regional Cooperation (SAARC) summit at Male, capital of the Maldives Republic.

This last meeting ended with the promise to resume foreign secretary-level talks at the end of June and, of particular importance, with an agreement in principle to constitute a number of joint *"working groups"* to consider all outstanding issues between the two countries. In the subsequent meeting of the foreign secretaries in Islamabad near the end of June, agreement was reached to form eight such groups.

Kashmir, to the amazement of most observers, was identified in the Joint Statement released at the conclusion of the talks among the issues to be considered (See Appendix I). This was the first time since the Simla Agreement in 1972 that India and Pakistan had formally agreed upon Kashmir's explicit inclusion on the agenda for talks between them (see Table 3).

Table 3: Direct Bilateral Talks between India and Pakistan, On or Including Kashmir, 1947-1997

Date	Auspices/location	Level	Outcome
1 November-8 December 1947	Joint Defence Council Lahore, New Delhi, Lahore	governors-general & prime ministers	No agreement reached. Abandoned in favour of UN intercession.
25-27 July 1953	Karachi	prime ministers	Preliminary discussions only.
17-20 August 1953	New Delhi	prime ministers	Expert committees approved, plebiscite endorsed. No agreement reached in follow-on correspondence.
14-18 May 1955	New Delhi	prime ministers	No agreement reached. Further talks called for.
19-23 September 1960	World Bank Karachi	prime ministers	Indus Waters Treaty signed. No progress on Kashmir.
27-29 Dec. 1962 16-19 Jan. 1963 8-10 Feb. 1963 12-14 March 1963 21-25 April 1963 14-16 May 1963	Rawalpindi, New Delhi, Karachi, Calcutta, Karachi, New Delhi	ministers (railways & foreign)	Joint Communiqué, issued at end of sixth round, reported no agreement.
1-2 March 1966	Rawalpindi	foreign ministers	Terminated upon failure to agree on Kashmir's inclusion in formal agenda.

Date	Auspices/location	Level	Outcome
28 June-2 July 1972	Simla	prime ministers	Kashmir excluded from formal agenda. New ceasefire line (LOC) agreed. Commitment to final settlement of Kashmir included in peace treaty.
2-3 January 1994	Islamabad	foreign secretaries	Seventh round in series commenced in 1990. Kashmir implicitly included on agenda. No progress reported. No further meetings scheduled.
28-31 March 1997	New Delhi	foreign secretaries	First round in fresh series. 'All issues' on agenda. Further meetings planned.
9 April 1997	NAM conference New Delhi	foreign ministers	Commitment to bilateral talks reaffirmed.
12-14 May 1997	SAARC summit meeting Male (Maldives)	prime ministers	Commitment made to resumption of foreign secretary level talks. Plan announced to constitute joint 'working groups' to consider all outstanding issues.
19-23 June 1997	Islamabad	foreign secretaries	Second round in series. Agreement announced to form eight 'working groups' to consider major issues between them, including Kashmir.
15-18 September 1997	New Delhi	foreign secretaries	Third round in series. No agreement on any issue except to hold another round of talks.
23 September 1997	UN General Assembly New York	prime ministers	Commitment made to take action to end border skirmishes in Kashmir.

A third round of foreign secretary talks was held in New Delhi in the middle of September 1997. No agreement was reached at this meeting in regard to the commissioning of the proposed working groups. In fact, by then the search for a suitable 'mechanism' or framework

for the talks was already showing signs of fraying in the face of accumulating contradictions in the political and military signals being sent out in the region.

In a speech in Srinagar on 26 July, for instance, Prime Minister Gujral was widely reported in the international press to have said that his government was *"ready for unconditional talks with misguided elements in the Kashmir valley so that peace returns to the paradise on Earth."* The first public offer of unconditional talks to be made by an Indian leader since the outbreak of militant violence in 1989, Gujral's comment drew immediate and welcoming reactions, including some from leaders of the militant movement's political umbrella organisation, the APHC. On the very next day, however, Gujral appeared to execute an about face when he corrected himself by adding the proviso that the militants should first lay down their arms before talks to end the rebellion could begin.

The contradictions were starker – and more threatening to the laboriously wrought but still hesitant normalisation initiatives just getting underway in the region – on the military side of things. On 22 August, in between the second and third rounds of foreign secretary talks, artillery and small arms exchanges broke out between Indian and Pakistani forces at a number of points along the entire length of the LOC. The skirmishing, which produced fairly heavy casualties on both sides and which continued off and on into October, provided an ominous background to the meeting in New York in late September of the Indian and Pakistani prime ministers.

Few if any observers were prepared to predict on the fiftieth anniversary of Kashmir's accession to India, observed rather sombrely by Kashmiri sympathisers around the world in late October 1997, that the hoped-for breakthrough in India-Pakistan relations was at hand. Both sides appeared by then to have staked positions in regard to the June 1997 agreement that cast considerable doubt on the prospects for serious talks on Kashmir conducted within the framework of the contemplated joint working groups.

Formation in mid-March 1998 of a coalition central government in India headed by the Hindu nationalist Bharatiya Janata Party (BJP) naturally raised the possibility of a more aggressive stance developing in regard to India's territorial claims in Kashmir. Some of this party's leaders have openly expressed support for an aggressive policy towards Pakistan, including demands for the recovery of the Pakistan-held portions of Kashmir 'lost' in the immediate post-accession period. Renewed threats of a nuclear arms race added to the mood of pessimism.

8. Escaping Captivity: Proposals for Settlement

Proposals abound for resolving the Kashmir dispute. One of the most commonly advocated, and certainly the simplest, is that both sides should formally acknowledge the LOC – the *de facto* border between them ever since the 1972 Simla Agreement – as their permanent international boundary. As noted earlier, the LOC option has long been considered to reflect India's 'real' position, no matter how often its government laid claim to the state's entire pre-independence territory.

In any event, the LOC option seems at present to be about as far as most Indians are willing to go to accommodate either Pakistan or the Kashmiri separatists. Fringe opinion aside,

significant support simply doesn't exist today in India for territorial or political concessions going much beyond that.

The Pakistani government remains formally committed, as we have seen, to the plebiscite formula stipulated in the 1948-1949 UN resolutions. In public, members of Pakistan's political elite almost never deviate from support of this formula. Privately, however, many of them do nowadays express willingness to consider modifications to it, even some that border on political heresy.

One of the most often-suggested of these modifications envisions substitution of regional, or even district-wide, plebiscites for the original unitary or state-wide plebiscite, a plan that would allow Kashmiri Muslim sentiment in the Valley to be separately registered and, potentially, justify partition of the state along ethno-religious lines. Another proposal that is rarely mentioned, but occassionally referred to even by senior members of Pakistan's bureaucratic and political 'establishment', is the idea that the whole idea of plebiscite might well be jettisoned and, instead, that the LOC be endorsed as the permanent international boundary between Pakistan and India. It bears repeating, however, that Pakistan's public posture in this regard hardly shows any more flexibility than India's.

As befits an ideologically, ethnically, and religiously divided state, the population of Jammu and Kashmir itself is acutely divided when it comes to resolving the dispute. Complete independence of both India and Pakistan, the explicit preference of one of the separatist movement's oldest and most popular branches – the Jammu and Kashmir Liberation Front (JKLF) – may well have the greatest support among the Muslims of the Valley. There is no practical way to measure the precise level of support for it, however, and there clearly is also support in the Valley for joining with Muslim Pakistan.

The inhabitants of Buddhist-majority Ladakh and Hindu-majority Jammu would obviously have very little interest in joining Pakistan, and they would have equally little interest, one suspects, in being part of a Muslim-majority (and thus likely Muslim-dominated) independent Kashmir. Even a genuinely autonomous Kashmir kept within the Indian Union, if it promised a future of local political domination by the Kashmiri Muslim majority, would likely have little appeal to the state's large non-Muslim minorities.

Apart from the independence, plebiscite, and 'LOC as permanent boundary' options, a multitude of additional, more or less imaginative, plans have been put forward over the years advocating arrangements that include the establishment of a South Asian regional confederation, in which Kashmir might be included as a quasi-independent state; the formation of an India-Pakistan consortium for joint rule of the state; placement of the state under a UN trusteeship arrangement for a specified time pending development of conditions more conducive to final settlement; and the repartition of the state along ethnic and religious lines.

The most detailed and painstakingly researched of such plans, that propounded by the University of Minnesota geographer Joseph E. Schwartzberg, pulls together elements from many of these proposals into a broadly-conceived scheme centring on the creation of a *"Kashmir Autonomous Region"* (Schwartzberg, 1996, 1997a, 1997b). Envisioned to include some exchange of both population and territory between India and Pakistan, and allowing for retention, at least temporarily, of the LOC, his plan deserves careful study. Its implementation requires an exceptionally high level of cooperation between India and Pakistan, a feature which,

under present circumstances, obviously diminishes substantially the likelihood of its early acceptance.

Among more modest proposals, the one that seems on the surface to stand at least some chance of adoption is that calling for restoration of the same level of political autonomy to the state of Jammu and Kashmir that it possessed in the period immediately following its accession to India. The state – or, to be precise, that part of it remaining in Indian hands when a ceasefire between Indian and Pakistani forces was declared in January 1949 – clearly began its life under Indian rule with substantial, even radical, formal autonomy. Its autonomous status was readily apparent in the Indian government's explicit and repeated acknowledgement in the early days of its dispute with Pakistan over Kashmir of the conditional nature of the state's accession to India. In one of its most comprehensiv e early official statements on the Kashmir problem, New Delhi maintained, for instance, that:

> *[i]n Kashmir, as in other similar cases, the view of the Government of India has been that in the matter of disputed accession the will of the people must prevail. It was for this reason that they accepted only on a provisional basis the offer of the Ruler to accede to India, backed though it was by the most important political organization in the State [Sheikh Abdullah's National Conference]...The question of accession is to be decided finally in a free plebiscite; on this point there is no dispute...The only purpose for which Indian troops are operating in Kashmir is to ensure that the vote of the people will not be subject to coercion by tribesmen and others from across the border who have no right to be in Kashmir...* (*White Paper on Jammu and Kashmir*, 1948).

India's formal commitment to Kashmir's autonomy was also visible in the status granted the state in Article 370 of the 1950 Indian Constitution. That Article, the only such provision in the Constitution at that time to award special standing, including a separate constitution, to a constituent state of the Indian Union, required the state government's concurrence with any extension of parliamentary authority in the state beyond those powers conceded in the original instrument of accession – i.e., defence, foreign affairs, and communications.

Those initial Indian concessions to autonomy were reversed, of course, within just a few years by a succession of acts of the Indian parliament that largely nullified them by fostering Kashmir's nearly complete functional (fiscal, economic, and juridical) integration into the Indian Union. In fact, by the middle of the 1950s, whatever autonomy Kashmir had managed to carry over from its earlier princely statehood had vanished – a victim of New Delhi's insistence that Kashmir's accession to India was final and irrevocable, not subject to negotiation with Pakistan or, by implication, with the Kashmiris.

At the moment, prospects for the application to Kashmir even of this relatively modest device of revived constitutional autonomy do not appear to be at all bright. Indeed, this proposal enters the discussion of alternatives to today's separatist violence without many staunch allies on either side of the India-Pakistan border.

For Pakistanis, the idea of autonomy *within India* for Kashmir, as noted above, still borders on heresy; and for Indians, while talk of autonomy has some propaganda value, no doubt, it is generally not taken seriously. Those Indians who do concede today that Kashmir deserves greater control over its political affairs almost invariably couple that concession with the claim

that this can be wholly accomplished as part of a general overhaul of the Indianfederal system – in other words, without any special concession to Kashmir.

By far the loudest commentary on Kashmir's autonomy heard in India today is coming from the Hindu nationalist movement, specifically from the BJP, which made the demand for Article 370's complete abrogation a centrepiece of its successful bid for power in 1998. In the judgement of some Indian constitutional lawyers, implementing its abrogation is legally virtually impossible (Noorani, 1998). But implementing its restoration to a more authentic level of autonomy, one must confess, may prove nearly as impossible.

9. Concluding Comments

The governments of India and Pakistan have taken significant steps during the past year or so in the direction of normalising their relationship. For the first time in decades, they have agreed explicitly to Kashmir's inclusion in discussions between them. There are signs in both countries that recognition is growing of the steep price both pay for their continuing stand-off. Both governments are seriously constrained, however, not only by significant differences in the way each conceives the problem of normalisation but also by the existence of powerful political forces in each of their populations that oppose any compromise over Kashmir. In a way, they are captives of conflict perhaps as much as they are progenitors of it.

Particularly disturbing in this context is the high potential that exists for the derailment of the revived process of normalisation talks. Given their pre-existent and inherent frailty, their survival in the face of acute provocation, such as routinely occurs both within Jammu and Kashmir state and along the LOC, seems doubtful. Each government accuses the other side of having precipitated the violence. Each also accuses the other side's government of having abdicated responsibility for Kashmir to irreconcilable forces in their own societies – Pakistanis blaming hard-liners in the Indian 'establishment', Indians insisting just as vehemently that Pakistan's civilian leadership has been overridden by the country's politically ambitious army generals. Mutual recrimination begins to crowd out the earlier gestures of peace. *"Bureaucratic culture in both countries"*, commented Michael Krepon recently,

> *...continues to place a premium on parrying new initiatives, not championing them. The impulse remains strong to address matters on a rhetorical plane, rather than to deal constructively on matters of substance. Opposition figures look for openings, not to improve bilateral relations, but to exploit such initiatives for political advantage. Nor does it help that, when high-level meetings take place, firing across the Line of Control seems to increase* (Krepon, 1997).

Alteration of the strategic environment resulting from the nuclear tests carried out in the spring of 1998 has triggered heightened nationalist impulses on both sides of the India-Pakistan border, rendering yet more difficult the conduct of calm public discussion in these countries of rational alternatives to the present stand-off over Kashmir. It has also, one hastens to add, contributed to the Kashmir dispute's regional backdrop a nuclear threat of vastly heightened credibility.

In the face of all this, there is an obvious urgency to the quest for immediate and effective measures for keeping the barely restarted process of negotiations on track. One immediate requirement is the institutional 'hardening' of the process of dialogue now underway – its safeguarding, that is, from the kinds of attack upon its utility and credibility that are routinely witnessed during periods of heightened tension between India and Pakistan.

The 'peace policies' formally endorsed by both sides are in desperate need of reinforcement. In particular, bilateral talks in regard to them need to be removed from the glare of publicity, given a fixed venue, and held frequently. It may be that they should be held abroad, perhaps in one of the smaller South Asian capitals; but in any case they need to be held in a protected environment.

Something of the kind was suggested in a recently published report, to which this author contributed, of the US-based Kashmir Study Group (KSG). The second of the report's twelve recommendations called for *"strengthening and institutionalization of dialogue"* between India and Pakistan. Explaining this recommendation, the report said that the KSG Team:

> *...considers it imperative that the dialogue now underway between India and Pakistan be given, as soon as possible, a strengthened and protected institutional framework. This means, for the present, arrangement of frequent, scheduled, and publicity-free meetings of their official representatives in circumstances insulated from the likely stresses and strains of their relationship.*
>
> *A major step in this direction has been taken, of course, in the decision by the governments of India and Pakistan in June 1997 to establish a 'mechanism', including working groups, to address outstanding issues of concern to both sides – including Jammu and Kashmir – in an integrated manner.*

The report went on from there, however, to say that:

> *...over the longer term, however, the objective of overcoming the frailty of the South Asian region's conflict-mediating and conflict-resolving institutions might best be achieved by creating a permanent regional framework along the lines of the Conference on Security and Cooperation in Europe (the Helsinki model), to be charged with developing rules, techniques, and organizational formats for peacekeeping in the South Asian region as well as for conduct of routine discussions over such political and security problems as are represented by the Kashmir dispute. This framework would considerably supplement and reinforce – and, at some point, desirably be expanded and formally linked to – the existing South Asian Association of Regional Cooperation (SAARC)* (Kashmir Study Group, 1997: 50).

The Conference on Security and Cooperation in Europe (CSCE), in 1995 renamed the Organization for Security and Cooperation in Europe (OSCE), has a remarkable record in promoting both individual and collective (minority) rights. According to Tim Sisk, it *"has been the most proactive international organization in recognizing collective rights as an element of international law and developing compliance mechanisms."* It has also, he comments, *"been the most innovative international organization in seeking to promote ethnic conflict management through preventive diplomacy"* (Sisk, 1996: 106).

Now it would be foolhardy to ignore the fact that the political, strategic, economic, and cultural conditions impinging on the Kashmir dispute in South Asia are not only different from, but are also in most respects more difficult than, those with which the OSCE currently contends in Europe. Thus, hammering out a peaceful solution to the Kashmir dispute compatible with the South Asian environment is likely to strain to the utmost any institutional framework erected for that purpose as well as to test everyone's patience. But one can hardly imagine a more encouraging development than for the twentieth century to close in South Asia with the outlines of an Organization for Security and Cooperation in South Asia (OSCSA) at least on the table for discussion.

Appendix I

India-Pakistan Foreign Secretary-level Talks
Joint Statement, 23 June 1997

1. The Foreign Secretaries of Pakistan and India, Mr Shamshad Ahmad and Mr Salman Haider met in Islamabad on 19-23 June, 1997.

2. During his stay in Islamabad, the Indian Foreign Secretary was received by the President of Pakistan and the Prime Minister of Pakistan. The Indian Foreign Secretary also called on the Foreign Minister Mr Gohar Ayub Khan.

3. As decided at their meeting in New Delhi in March 1997 and as directed by their respective Prime Ministers, the Foreign Secretaries of India and Pakistan continued their wide-ranging and comprehensive dialogue on all outstanding issues between the two countries with each side elaborating its respective position. The discussions were held in a cordial and constructive atmosphere. It was also agreed that both sides would take all possible steps to prevent hostile propaganda and provocative actions against each other.

4. With the objective of promoting a friendly and harmonious relationship between Pakistan and India, the Foreign Secretaries have agreed as follows:

   (a) to address all outstanding issues of concern to both sides including, inter alias:
   (b) Peace and security, including CBMs,
   (c) Jammu and Kashmir,
   (d) Siachen,
   (e) Wullar Barrage Project/Tulbul Navigation Project,
   (f) Sir Creek,
   (g) Terrorism and drug-trafficking,
   (h) Economic and commercial cooperation,
   (i) Promotion of friendly exchanges in various fields.
   (j) to set up a mechanism, including working groups at appropriate levels, to address all these issues in an integrated manner. The issues at (a) and (b) above will be dealt with at the level of Foreign Secretaries who will also coordinate and monitor the progress of work of all the working groups.

5. The two Foreign Secretaries also had a preliminary exchange of views on the composition of the working groups and their methodology. It was decided to continue the consideration of this matter through diplomatic channels.

6. The next round of Foreign Secretary-level talks will take place in New Delhi in September 1997.

Source: Krepon, M. *et al* (1998) (eds) *A Handbook of Confidence-Building Measures for Regional Security*, 3rd edition, Washington D.C.: The Henry L. Stimson Center: 199.

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