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Kashmir: Redefining the U.S. Role

NAVNITA CHADHA BEHERA

India and Pakistan have fought three wars against each other since 1947, the first two of which were over Kashmir. In the past fifteen years, the two countries have been embroiled in four military crises, which the United States has played an increasingly assertive role in



A Pakistani soldier keeps an eye on the Indian posts at the Line of Control in Kashmir.

managing and resolving. A chief component of recent American administrations’ foreign policy goals in South Asia, including the current Bush administration, has been to avert the fourth war in the subcontinent. However, attitudes in India and Pakistan are changing, and the internal situation in Kashmir is more fluid than it has been for years. After September 11, America has been able to maintain close ties to both countries. Washington should move beyond managing the crisis and help develop a road to peace in the region.

Primarily because India and Pakistan both possess nuclear weapons, the United States had a stake in resolving the Kashmir problem even before the 1998 nuclear tests. However, it has never been prepared to take the risk or spend the political capital necessary to do so, and no blueprints of a solution have emerged from successive U.S. administrations. The Bush administration pursues the traditional American position that India and Pakistan need to resolve the issue through bilateral negotiations—as suggested by the 1972 Simla Accord, which followed the 1971 war, and the 1999 Lahore process, the most recent effort to normalize relations between the two countries—and

that the United States will not mediate a dialogue between the two neighbors.

Beyond some public pronouncements addressing the popular aspirations of the Kashmiris, U.S. policy has demonstrated little understanding of the multi-layered and complex nature of the Kashmir conflict. The Jammu and Kashmir state, comprising Jammu, the Valley, and Ladakh (on the Indian side) and Azad Kashmir and Northern Areas (on the Pakistani side), is generally equated with the Kashmir Valley, and the Valley with Kashmiri Muslims. Little is known about the pluralism of the state—with its diverse communities of Gujjars, Bakkarwals, Kashmiri



Pandits, Dogras, Ladakhi Buddhists and Shi'a Muslims—and even less is known about the political aspirations and political choices of those communities. The Kashmir issue has been viewed as a territorial dispute, or, at best, as the Kashmiris' struggle for independence.

Both India and Pakistan believe possession of Kashmir is integral to their self-conceived notions of national identities—Pakistan views itself as a Muslim homeland in the subcontinent and Indians venerate their secularism and pluralism. Each is also convinced that it is “winning the game,” and so has little incentive to reach a compromise.

With two-thirds of Jammu and Kashmir's territory under its control, India is a status quo power. India's dual strategy of opposing a third party intervention and a time-tested technique of “wearing out” the militants before making political concessions, which it has tried with some success in the northeast and Punjab, is expected to succeed in Kashmir as well.

Pakistan, especially its army, strongly adheres to the ‘ripe apple theory.’ In other words, if Pakistan continues to bleed India, it will make India's retention of Kashmir so prohibitive that Kashmir will fall. Pakistan has sought to tie down the Indian military in Kashmir by raising its defense costs and engaging India militarily through a low-cost and increasingly privatized proxy war by arming and training militant groups in Kashmir. Before September 11, President Musharraf insisted on distinguishing *jihād*, or holy war, from terrorism, and justified it as a legitimate instrument of the Kashmiris' “freedom struggle.”

AFTER SEPTEMBER 11: ALTERED STRATEGIC CALCULUS

The devastating September 11 terrorist attacks on America, followed by a suicide bombing outside the Jammu and Kashmir State Assembly in October and the terrorist attack against the Indian Parliament in December 2001, have changed the rules of the game, perhaps forever. These watershed events challenged many assumptions and strategic calculations about South Asia by nearly all of the players involved, and have opened a window of opportunity for the United States to become a catalyst for change.

In his speech at the United Nations in November 2001, President George W. Bush laid out the ground rules of a state's responsibility for terrorist groups operating inside of its borders, with no room for neutrality. Washington decided to target al Qaeda and its host, the Taliban regime in Afghanistan, which necessitated Pakistan's cooperation for political and operational reasons. Faced with a U.S. ultimatum of “you are with us or against us,” the Musharraf regime lost little time in forsaking the Taliban to ally with the United States. Pakistan has, since then, provided critical political and logistical support by: allowing U.S. forces to use its air bases and station troops; sharing intelligence; and permitting some joint military operations on its own soil.

The Taliban were routed easily. However, Operation Enduring Freedom's second and equally important goal, the capture of the al Qaeda and Taliban leadership, has proved elusive. This is partly due to the narrow focus of the Bush administration's “al Qaeda first” policy and partly due to



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Musharraf's reluctance to launch a concerted drive against the Pakistan-based *jihadi* groups. After banning the two terrorist groups—Lashkar-i-Toyiba and Jaish-i-Mohammed—the United States has made the task of pursuing the Pakistan-based *jihadi* groups a secondary consideration.

This approach overlooks the reality that al Qaeda thrives on a vast, deeply entrenched and integrated network of more than fifty radical groups who share deep bonds of Islamic ideology, common political targets—the United States, India, and Israel—and training facilities and resources that straddle the Afghanistan and Pakistan borders. These groups, unlike states, are operating from a radically different world view. Some have their own agenda and are unlikely to emulate the Musharraf regime and abandon al Qaeda and the Taliban. Washington must understand that al Qaeda cannot be vanquished without simultaneously targeting its support structures—the other *jihadi* groups—in the region.

PAKISTAN'S DILEMMAS

Pakistan has faced difficult choices since September 11. President Musharraf's political calculation for helping the American military campaign against the Taliban rested mainly on protecting Pakistan's stakes in Kashmir. During the first Afghan war in the 1980s, the United States turned a blind eye to Pakistan's nuclear program. But in the post-September 11 world, Islamabad incorrectly expected Washington's support for militant insurgency in Kashmir as a reward for its military and intelligence cooperation in the war in Afghanistan. Musharraf grudgingly con-

ceded in his January 12 speech that Pakistan will not allow *jihad* in the name of Kashmir.

However, there is mounting evidence that Musharraf's speech was a tactical retreat and not the harbinger of a paradigm shift. Following the speech, the Pakistani government released most of the terrorists it had arrested—including top leaders like Hafeez Mohammed Sayeed of Lashkar-i-Toyiba, and Maulana Masood Azhar of Jaish-i-Mohammed—and the terrorist groups continue to operate under new names. According to official Indian sources, after the Kashmir state elections were announced, the infiltration patterns and terrorist-related killings, particularly of political workers in the state, have risen dramatically. Key players in Washington, Paris, London, and Moscow have increasingly conceded New Delhi's claims of continuing terrorist infiltration from Pakistan to India.

President Musharraf's dilemma is that on one hand, he has alienated many *jihadi* groups by severing Pakistan's ties with al Qaeda and the Taliban; helping America destroy their bases in Afghanistan; and arresting and handing over the Arab *jihadis* to the United States, and thus, fears a backlash. On the other hand, he is risking his relationship with the United States by avoiding, or at best, shying away from dismantling the domestic *jihadi* network because that has been Pakistan's chosen instrument for securing its critical foreign policy goal of liberating Kashmir.

Musharraf's reluctance to take on the *jihadi* networks stems from their indispensability to Pakistan's Kashmir strate-

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gy, which has grown for two reasons. First, the Valley Kashmiris no longer look to Pakistan as their savior and are less willing to do Pakistan’s bidding. The Kashmiri perception of their protector buckling under international pressure during the Kargil crisis and in jilting the Taliban has confirmed their worst fears: that Pakistan does not have the where-withal or political will to go to war with India to liberate them. Kashmiris have become a pawn in Pakistan’s strategy of bleeding India. Second, Pakistan armed and trained Kashmiri militants but never trusted them as a reliable partner. Islamabad is increasingly nervous that they will strike a deal with New Delhi. This is evident from the growing rift among the Hurriyat leadership, the killing of moderate Kashmiri leader Abdul Ghani Lone, and the dismissal of senior (Valley-based) commanders of the Hizbul Mujahidden.

The *jihadi* groups are, therefore, Musharraf’s only leverage against India. This explains his regime’s desperate attempts to try to protect its assets by asking such groups to lie low, shift bases to Azad Kashmir, and limit public demonstration of arms and donation boxes (that solicit funds for *jihad*).

There is little recognition in Pakistan, however, that *jihad* as an instrument of state policy is not only discredited but also unsustainable. At home, it is at cross-purposes with Musharraf’s professed goal of ending the sectarian violence and ridding the Pakistani society of extremist elements. Pakistan has suffered from the presence of radical Islamic groups no less than India. In the external realm, the policy directly contravenes Washington’s immediate war goal of dis-

mantling the terrorist networks in the region and will inevitably lead Pakistan to clash with the U.S. policy of zero tolerance of transnational terrorism.

INDIA: DIFFICULT CHOICES

India initially played its hand well in the international arena. With the ‘terrorism card’ gaining currency and increasingly being employed by other governments—Israel, China, and Russia, for example—India, too, deftly used it for impressing upon the international community Pakistan’s complicity in sponsoring terrorism in Kashmir. India’s deployment of troops, coupled with diplomatic pressure from the United States, forced Musharraf to make his January 12 speech.

However, with Pakistan refusing to meet India’s benchmarks of permanently ending cross-border infiltration, India’s BJP leadership now finds itself running out of options. To do nothing or to blink is increasingly becoming politically unacceptable, and the military option is not only fraught with high risks of triggering a wider war but may well fall short of achieving the narrow war objectives of destroying the training camps across the Line of Control to send a political message. Such terrorist camps are constantly shifting bases, and limited surgical strikes without occupying the territory would not succeed in permanently blocking the flow of men and arms from Pakistan to India.

While the pressure on the Indian leadership to take punitive military action has increased, it seemed to be losing sight of a hard-earned lesson learned on its own soil (in the northeast and in Punjab), that a coercive strategy could only yield limited dividends. Terrorism cannot be

eliminated solely by killing terrorists. India's challenge in Kashmir lies squarely in the political domain. Its strategic assets include a robust democracy with deeply institutionalized political practices of power sharing that in the past have allowed terrorists to become chief ministers. The problem lies in the Indian ruling elite's defensiveness in allowing a total free play of democratic forces in Jammu and Kashmir.

The only meaningful and lasting way for India to tackle the problem of cross-border terrorism is to make peace with the Kashmiris. New Delhi urgently needs to respond to their legitimate grievances and institutionalize political mechanisms and processes to ensure democratic governance in the state. The state elections provided a golden opportunity to revive the political process. A high voter turnout of 44 percent in the face of violent sabotage by terrorists and the deposition of the Abdullah dynasty after twenty years affirms the credibility of these elections. The Vajpayee government should reiterate the offer of unconditional talks with militants within the '*insaniyat*' (humanitarian) framework; involve Hurriyat and other groups across the political spectrum in peace talks; and negotiate a generous package of power devolution with the newly elected representatives of Jammu and Kashmir.

India and Pakistan must rethink the role for international players in the changed international context. India has rejected international intervention in Kashmir because of its bitter, decades-old experience at the United Nations, when, in 1949, it asked the UN to censure the Pakistani invasion of Kashmir, and was rewarded with a resolution mandating

what it believed to be an unfair plebiscite in the state.

But the attitude of the international community and the United States has changed in recent years. In 1999, the United States publicly sided with India in labeling Pakistan an 'aggressor' and forced Pakistan to withdraw its forces. India and the United States also share a mutual interest in dismantling the *jihadi* network in the region, and an American role could work to India's advantage.

Pakistanis believe that if only the United States could mediate, it would put its weight completely behind Pakistan. On the contrary, the United States and the international community have little appetite for re-mapping borders, and may well support the option of preserving the status quo by converting the Line of Control into an international border, an option unacceptable to Pakistan's ruling elites.

KASHMIRIS: IN A QUANDARY

While the desire for *azadi* (freedom) in Jammu and Kashmir might be intact, the militant movement for *azadi* has clearly fizzled out. A decade-long period of violence, criminalization of militant ranks, and the growing presence of mercenary *mujahideen* (holy warriors) have left Kashmiris disillusioned. A successful reorientation of policy hinges on understanding three factors about the internal dynamics of Kashmir.

First, most of the active militant groups—Lashkar-i-Toyiba, Jaish-i-Mohammed (and its new offshoot, Tanzeem ul Furqan), Al Badr, and Harkat ul Mujahideen—are based in Pakistan and comprised of Afghan veterans and foreign

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mercenaries. For these battle-hardened and well armed Islamic militants, the *jihād* in Kashmir is part of a worldwide religious crusade, not an effort to secure Kashmiris' political right of self-determination. These groups will be the spoiler in the peace process. Hizbul Mujahideen is the only militant group with a substantial Kashmiri cadre, although this might soon change, considering the recent dismissal of its Valley-based commanders. Despite the failure of Hizbul's unilateral ceasefire and the Indian government's declaration of ceasefire in 2000-2001, this group, or at least its Valley-based leadership, might be amenable to holding peace talks.

The Hurriyat Conference, a conglomerate of about thirty groups, and Shabir Shah's Democratic Freedom Party are among the more moderate separatists. But the Hurriyat remains deeply divided on goals, means, and strategies, including whether to continue the armed struggle or participate in the political process; the role and primacy of the Kashmiri cadre versus the 'guest *mujahideen*'; and whether there should be tripartite talks or direct negotiations with New Delhi. The Hurriyat has yet to prove its credentials of a mass base in the electoral arena, is by no means the sole voice of the Kashmiris (let alone the people of Jammu and Ladakh), has no leverage on the gun-wielding guest *mujahideen*, and for many, it has yet to forsake its image of being Pakistan's client.

The Hurriyat's refusal to participate in elections emanated from its fear of being purged by militants and from the uncertainty of winning a majority. Unlike traditional political parties, it lacks a cadre and electoral machinery. Among the five

proxy candidates of the People's Conference, a constituent of the Hurriyat, only one has entered the new Assembly. To contest elections, therefore, involved risks that they were not prepared for.

A new class of political leadership has emerged in the state, with the People's Democratic Party (PDP) winning 16 out of 46 seats in the Valley after it promised to hold unconditional talks with the militants. A new government in Srinagar, which favors a dialogue with the separatist groups and with Pakistan, will help New Delhi rejuvenate the peace process. A much-chastened National Conference, under the new leadership of young Omar Abdullah sitting in opposition, is also unlikely to act as a spoiler.

Second, the characterization of Jammu and Kashmir as a Muslim-majority state is factually correct but politically misleading. On the Indian side, the Valley has a Muslim majority with a small minority of Kashmiri Pandits who were largely evicted due to the militant's religious cleansing drive. Jammu and Ladakh have Hindu and Buddhist majorities, respectively, with a substantial Muslim minority. The cultural practices of the Kashmiriyat and sufi Islam in the Valley are also very different from the Punjabi, Sunni Islam practiced in Azad Kashmir. To use religion as the only yardstick for shaping a solution will only strengthen the divisive forces in the deeply plural society of Jammu and Kashmir.

Third, the Kashmiri secessionist movement in the 1950s and 1990s has failed primarily because its demand for right of self-determination represented the political interests of only the majority com-

munity—the Kashmiri Muslims. The minority social groups in Jammu and Ladakh, in fact, seek autonomy from the Valley. A just and viable peace must attempt to fulfill the political aspirations of all the communities, lest it convey the message that violence pays.

Other pieces of the peace puzzle across the Line of Control include Azad Kashmir, which falls under the iron grip of the Ministry of Kashmir Affairs in Islamabad and the Northern Areas. The Northern Areas is neither part of Pakistan nor does it have an autonomous or constitutional status of its own.

FROM CRISIS TO PROCESS

Because Washington today is in the unique position of enjoying good relations with both India and Pakistan, there is an opportunity for the Bush administration to go beyond crisis management and help build a positive peace process for Kashmir. There is also a rare opportunity for shaping a coordinated approach to Kashmir with its European allies, Russia, Japan, and perhaps China. The stakes are high. As the focus of the war on terrorism shifts from Afghanistan to Pakistan, it will gradually but inevitably include the Kashmir problem. At this critical juncture, Washington should pursue a proactive approach with both short-term and long-term ends.

The immediate objective of Washington's engagement must be to avert a war and facilitate resumption of the bilateral dialogue between India and Pakistan. The Indian government's decision to withdraw troops from the international border to peacetime locations and Pakistan's decision to reciprocate hold promise for accomplishing the first objective.

Although the Indian deployment of troops along the Line of Control will continue, it is a major step towards securing military de-escalation on the borders. Earlier measures included the May 2002 withdrawal of warships from forward locations in the Arabian Sea and before that, lifting curbs on overflights by Pakistani planes. Pakistan has, however, retained the curbs on Indian planes flying over its territory.

The next challenge is to persuade India and Pakistan to resume negotiations. The administration must make clear that continued good U.S.-Pakistan relations require Islamabad to put a permanent end to the cross-border infiltration into the Valley. President Bush had clearly stated that President Musharraf must "perform" and "stop the incursions" across the Line of Control. The terrorist killings of more than eight hundred people during the Jammu and Kashmir elections call into question Islamabad's claims that infiltration has ceased. The inclusion of Muttahida Majlis-e-Amal (MMA)—a six-party religious alliance with its declared sympathies for al Qaeda and the Taliban—into the coalition government in Islamabad would make it more difficult for General Musharraf to end armed support to Kashmiri militants. Washington must exercise its leverage to drive home the point that there is neither an overt nor a covert military solution to the Kashmir conflict, and that the debate must move from the military to the political arena.

If the first phase—ending the infiltration—rests on Pakistan's shoulders, it will be India's turn to deliver in the next phase by resuming a bilateral dialogue on all outstanding issues, including

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Kashmir. Washington should argue that India's static negotiating position is not sustainable or productive. New Delhi should also undertake a parallel political process involving domestic constituents within Kashmir. Washington should approach the Hurriyat directly, but privately, and ask them to take part in peace talks with the newly elected state government and the central government. President Musharraf and the new civilian government in Islamabad should be persuaded to undertake a genuinely democratic process in Azad Kashmir as well as the Northern Areas, which was excluded from the recent Pakistani elections. Only the Northern Areas was excluded as Azad Kashmir had elections in 1999 and that government is still in place.

While the Bush administration needs to continually engage the top leadership in India and Pakistan, the key lies in strictly low-profile and quiet diplomacy. In the long run, Washington could play the

critical role of a catalyst in supporting and sustaining the larger peace process, though much of the groundwork and ideas must emanate from within the region. The unofficial channels of non-governmental organizations and civil society groups should be utilized to identify and engage with a new set of local players that enjoy a social and political base and have high stakes in the peace process.

Only a truly grassroots initiative can help disentangle the historical and ideological baggage and de-link Kashmir from carrying the burden of India and Pakistan's national identities. It will also create new social and political spaces for creative ideas exploring, for example, the meaning, form, content, and viability of a 'soft border' across the dividing Line of Control in Kashmir. The key lies in shifting the focus from India and Pakistan to Kashmir, and from territorial disputes to addressing the political needs of the people. B

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