CHAPTER - 5
MISSION KASHMIR: RESPECTING THE
VERDICT FOR PEACE

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In recent years Jammu and Kashmir has been the subject of international focus. Unfortunately, discussion on the issue has largely been flawed by misunderstanding of the State’s history and its present situation. Pakistan, in promoting its own territorial ambitions, has deliberately sought to project a distorted version of developments in the State since 1947 when the State joined the Union of India, in an attempt to disguise its own sustained effort at undermining the tranquillity of this "Eden of Bliss".

Pakistan continues to look upon the issue of Jammu & Kashmir as one that lies at the very core of India’s relations with Pakistan. This is manifested by Pakistan’s pronouncements and its repeated aggression against India, initially in the form of conventional wars and then by sponsorship of terrorism. This strategy is born of Pakistan’s non-acceptance of the accession of Jammu and Kashmir to India, made with the full support of its people then led by Sheikh Mohammed Abdullah. The fact that the two communities had coexisted for centuries, that a sizeable section of India’s Muslims chose to live in India, that a princely state with a sizeable Muslim population like Jammu and Kashmir acceded to India of its own volition, and that the Muslim majority wing of Pakistan separated and became independent Bangladesh, are aspects of history that challenge the principle that peaceful and beneficial co-existence was not possible.

Jammu and Kashmir became an integral part of the Indian Union in 1947 through final accession in accordance with the legal framework determined by the British Parliament for the independence of the Indian subcontinent. This was sought to be undermined by the use of military force in 1947, which though successfully resisted by the Kashmiris with the support of India’s army, resulted in a portion of the State remaining under Pakistan’s occupation. Again, in 1965 Pakistan sought to capitalise on local disturbances
to foster insurgency, but on failing to suborn the local Kashmiri population, infiltrated armed personnel into the State leading to war with India, ending with the Tashkent Declaration of 1965. In 1971, under threat of an insurgency in its own eastern wing Pakistan again sought to divert world attention and extend the conflict into Jammu & Kashmir. This brought about defeat and the loss of its eastern wing with the emergence of independent Bangladesh.

In complete contravention of the Tashkent Declaration of 1965 and the Simla Agreement of 1972, signed after two wars, Pakistan, still addicted to its quest to wrest Jammu and Kashmir by force, changed strategy and embarked on a programme of sponsoring terrorism in the State. Since 1989, with over 20,000 people killed, Pakistan continues its proxy war against India. Even after the Kashmiris voted for democracy and again elected their own government in 2008, signalling their disenchantment with terrorist-violence, Pakistan has not given up its policy of trying to disrupt the free democratic polity of Jammu and Kashmir. Disappointed with the response of the Kashmiris to its calls for what it sought to promote as a "holy war" in Jammu and Kashmir, Pakistan has taken recourse to sending in battle hardened Pakistani, Afghan and other mercenaries who have distinguished themselves only by drenching the soil with the blood of the very people whose interests they claim to champion in the name of religion.

India remains committed to dealing with all matters pertaining to its relations with Pakistan, within the bilateral framework of the Simla Agreement. Solutions that entail a rewriting of history or a redrawing of geographical boundaries and possible population transfers can, however, never be countenanced. Therefore so many time visited Prime Ministers of India's in Kashmir and Pakistan to maintain the peace in Kashmir.

Kashmir, India and Pakistan-Initiatives for Peace?

When talks between the Government of India and Hizbul Mujahideen were abruptly terminated in July last, due to Pakistan's insistence on making this dialogue a trilateral exercise, there was much disappointment both in
Shri Inder Kumar Gujral, Prime Minister of India with General KV Krishna Rao, PVSM. His Excellency the Governor of J&K and Dr Farooq Abdullah Chief Minister of J&K with other VIPs.
Shri AB Vajpayee, Prime Minister of India, Dr Farooq Abdullah, Chief Minister of J&K at LEH during Nov 1998 visit.
India and amongst the people of Jammu and Kashmir. The leader of Hizb, Majid Dar however, held out a ray of hope when he said that the talks have not been derailed, they have only been delayed or interrupted, and that he is hopeful about talks being resumed, in two or three months. His anticipations appear to be realised given a series of initiatives which have been undertaken both through the Government and non-Governmental channels over the last eight weeks to resume discussions on Kashmir and all related issues: Both the national and international attention is focussed with an amount of anxious concern that the present initiatives would somehow result in a meaningful discussion between all parties concerned on the Kashmir issue, and that the framework within which such discussions should be held should be of a nature which would ensure a continuation of the dialogue on a long-term basis till some compromises are reached.

The prospects of success of the most recent moves made by the parties concerned with the Kashmir issue, have to be assessed in terms of three benchmarks. The motivations animating the current initiatives, the policy stances of the Government of India, Pakistan and the Kashmiri groups underpinning them and the situation on the ground since the 28th of November, when the unilateral ceasefire declared by the Government of India for the month of Ramzan came into being. Recalling contacts and discussions which lead to the cease fire-decision and subsequent developments in brief would be relevant. Back channel contacts between members of the National Security Advisory Board and representatives of Kashmiri dissident groups were continued despite and even after the failure of the effort at a dialogue in July last. Delegations of former diplomats, retired armed forces officers and women's organisations, dealing with political and security issues, were exchanged between India and Pakistan during the last six months. Our former Foreign Secretary Mr Rasgotra had a lengthy discussion with General Pervez Musharraf in September. More recently, Mr Subramanian Swamy and another retired Indian Foreign Secretary Salman Haider were invited for discussions by General Musharraf in November. The month of October and
November, were characterised by a series of seminars and discussions on the desirability of resuming an Indo-Pak dialogue and a dialogue with Kashmiri dissident groups. Representatives of the Hurriyat Conference Kashmiri Groups from Jammu and Kashmir and from Europe and the United States participated in these seminars and discussions.

The point in recalling these details is that Government of India decision to offer a unilateral ceasefire, and the indications it gave about a willingness to talk to Kashmiri dissident groups, were not developments occurring in a vacuum but they were as a consequence of India's desire to coming to terms with dissidence in Jammu and Kashmir through peaceful means, and secondly, it was a response to a groundswell of public opinion in favour of negotiations. And thirdly, it was rooted in the exhaustion and weariness about the violence and political volatility, amongst our compatriots in Jammu and Kashmir.

When then are the motivations and pressures which are impelling all the protagonists to move to the negotiating table? India is genuinely desirous of restoring normalcy and peace in Jammu and Kashmir and strengthening of the democratic institutions in that State. India is equally interested in having normal, peaceful relationship with Pakistan. India, remains convinced that the political turmoil and violence in Jammu and Kashmir, cannot be brought to an end through military means, confrontation and through coercive force. India wants all political groups and entities representing the people of Jammu and Kashmir to return to the mainstream of democratic politics, disentangling themselves from violent extremist foreign entities sponsored by foreign countries and international terrorist organisations.

As far as motivations of the dissident and militant groups in Jammu and Kashmir go, they are complex and politically somewhat ambiguous. They have perhaps come to the conclusion that the armed confrontation with the State and Central Governments of India, would not achieve their objectives. They may also have sensed a decline in public support in Jammu and
Kashmir to their violence and military approach aimed at achieving their objectives. There is an incremental resentment among the people of Jammu and Kashmir against the incursion of foreign mercenary cadres belonging to extremist religious groups into Jammu and Kashmir—a situation which compounds this resentment is these foreigners having more financial and arms resources and they are attempting to dominate dissident politics in Jammu and Kashmir, under instructions from Pakistan. Hurriyat arid Hizb cannot but be responsive to this resentment. Re-asserting their credibility as the genuine representatives of the people of Jammu and Kashmir, perhaps has become a necessity in face of increasing foreign intrusions into the dissident movement in Jammu and Kashmir. So the decision by Hizb and Hurriyat to assert their autonomous role in the political processes by agreeing to India. The hope being that this dialogue would lead to solutions which would alter the status of Jammu and Kashmir, according to their scheme of things. But the point is that there is no clear cut agreement amongst them on what the status should be as yet—whether it should be independence, joining Pakistan or remaining with India with greater autonomy.

As far as Pakistani motivation and policies go, it wants to find a way around India's steady refusal to have negotiations with Pakistan unless Pakistan stops cross border terrorism and pulls back from giving material support to secessionists. Pakistan's scuttling the dialogue last July attracted criticism both from Jammu and Kashmir and international community. So they have agreed this time to keep away from the dialogue in the initial stages. Pakistan hopes that discussions between the Government of India, the State Government of Jammu and Kashmir, and with dissident groups could change the status quo in Jammu and Kashmir, particularly in terms of Jammu and Kashmir's political and constitutional status, which ultimately could become advantageous to Pakistan, Pakistan supporting the dialogue would also remedy the negative image as a State disrupting the territorial integrity of a neighbour in state-sponsored cross-border terrorism. There is one motivation which animates all the three protagonists mentioned above. That
is to show responsiveness to the pressure from the international community to resume dialogue and scale down violence and conflict which according to the international community has potentialities of a nuclear confrontation.

The policy stances of India, Kashmiri dissident groups, and Pakistan have to be differentiated from the motivations summed up above. India's policy stance could be described as follows on the basis of most recent statements of Prime Minister Atal Behari Vajpayee and Home Minister L.K. Advani.

India wants a peaceful solution to all issues related to Kashmir through a dialogue with Kashmiri dissidents, to deal with internal dimensions of the politics of Jammu and Kashmir. India is equally willing to resume a dialogue with Pakistan to resolve those aspects of Kashmir issue in which Pakistan policies and activities are involved. The Government of India seems to be of the view that discussions on Kashmir have to be held separately with our own citizens of that state, and separately with Pakistan. India is opposed to any tripartite talks or Pakistani participation in India's dialogue with Kashmiri dissident groups. India has no objection however, if informal non-institutional consultations are undertaken by Kashmiri dissidents with their Pakistani patrons. India cannot and should not condone institutional or formal discussions between Kashmiri dissident groups and Pakistani authorities because it would legitimize Pakistan's locus standi in deciding the political status and the future of Jammu and Kashmir which would amount to re-opening issues which were decided upon at the time of partition of India.

Having said this, India acknowledges that the ultimate solutions and compromises on the Kashmir issue would require general support from Pakistan for which India could be willing to discuss procedures and mechanisms in future. One would venture a suggestion that India should not object to providing travel facilities to individual members of Kashmiri dissident groups to have consultations with their Pakistani mentors. The ground realities to be kept in mind in the current negotiation process are:
(a) While the Hizb and the Hurriyat seem to be abiding with the ceasefire for the present, Lashkar-e-Toiba, Harkat-ul-Mujahideen, Jaish-e-Mohammed and Tahriq-ul-Jehad-ul-Islami, all extremist groups with bases in Pakistan have rejected the ceasefire and continue their violence;

(b) Pakistan Foreign Minister Abdus Sattar has described the ceasefire as a welcome half step, stating that a permanent ceasefire on the Line of Control and continuation of maximum restraint will depend on successful negotiations in which Pakistan should also be a party;

(c) Vajpayee indicated on the 4th of December that he would be willing to extend the ceasefire beyond Ramzan, if the ceasefire holds and meaningful negotiations commenced;

(d) Common people both in India and Pakistan are keen that the ceasefire holds and negotiations lead to solutions, even if the negotiations take some time;

(e) Major powers in the international community are fully supportive of Indian initiative and Pakistan's admittedly tactical and limited response;

(f) Tension on the Line of Control stands a little reduced;

(g) Vajpayee's remaining committed to the ceasefire offer even if sporadic violence occurs manifests a deep seated desire for a peaceful dialogue.

Two overriding factors which should influence these positive beginnings are: firstly, there should be no dilution of India's territorial integrity and secondly, India should remain committed to reason both with Kashmiri dissidents and with Pakistan.

**Dialogue on Kashmir-Must Make Haste Slowly**

The month of July and the beginning week of August, 2000 have witnessed a flurry of activities on the part of the Government of India and
various militant groups in Jammu and Kashmir, about resuming a dialogue. These activities have been accompanied by a series of pronouncements. Segments of the media in their wisdom have described this as initiative to achieve long-sought after peace in Jammu and Kashmir, and between India and Pakistan. One would agree that peace is a much desired and an imperative objective. But I would not call the steps underway for interaction between governmental representatives of India and the militant groups, a peace initiative. Factually speaking, these are only initiatives to resume a dialogue hoping for arrangements which eventually may bring about peace. The evolving situation related to Jammu and Kashmir has to be examined and assessed in three dimensions. Firstly, the factual background and ingredients leading to the current agreement to have talks. Secondly, the motivations and circumstances underpinning this initiative for a dialogue. Thirdly, the prospects of this impending dialogue in the context of objectives which all the parties concerned have in mind normatively and in terms of practical possibilities. Events and measures which led to the declaration of a ceasefire by Hizbul Mujahideen merit recounting. The Government of India decided to resume a meaningful dialogue with all parties and segments of public opinion on Jammu and Kashmir early this year. And by late spring and summer, senior leaders of the Hurriyat conference were released from jails and sent back to Kashmir. Meanwhile, the prospects of Central Government’s offer to the Hurriyat generated concerns in the mind of Dr Farooq Abdullah and his Party which led to his State Legislative Assembly passing a resolution endorsing the report of the Autonomy Committee earlier.

Parallely, the Central Government had orchestrated back channel contacts with the leaders of the All Parties Hurriyat Conference. R.K. Mishra of the observer Group Ambani, former Foreign Secretary Rasgotra, even the Chief of the Research and Analysis, Wing (RAW) Dulet have been deployed for these contacts. Track II contacts with Pakistan were also activated. Two delegations of journalists and women visiting New Delhi and Islamabad. There is a participation by Kashmiri activists based in the United States in this
process. Individuals like Farooq Kathwari, Dr Ghulam Nabi Fai, of the Kashmiri American Council, Dr Mohammed Ayub Thakur of the World Kashmir Freedom Movement, Mushtaq Joelani of the Kashmiri Canadian Council and Mr Mansoor Ejaz, a Banker of New York, have been conduits for contacts with Kashmiri militants. Their efforts have had the backing of the State Department and American think-tanks specialising in South Asian affairs. The most recent announcement by Principal Secretary to the Prime Minister Brajesh Mishra has been that of former Foreign Secretary Rasgotra being authorised to initiate contacts with the Pakistani establishment on the non-official channel. Rasgotra, accompanied by four Foreign Service officers proceeded to Islamabad in the first week of August. Other members of the delegation were Former Foreign Secretary Salman Haider and former Ambassadors Manorama Bhalla, Alan Nazerath and C. V. Ranganathan. They were received by Pakistani Foreign Minister Abdul Sattar. These strands of discussions first resulted in the Hizbul Mujahideen declaring a three-month ceasefire, indicating a willingness to talk to the Government of India without any preconditions. While the local leader of the H.M. Abdul Majid Dar made this offer, the Supreme Council of his Organisation based in Pakistan initially opposed it and then reluctantly agreed to exploratory discussions. The other Pakistan-based militant groups like the Lashkar-e-Taiba, Harkat-ul-Mujahideen or Ansar, have labelled the Hizbul’s initiative as a betrayal and treason.

The head of the Lashkar-e-Toiba, Mohammed Saeed stated on July 31 that the Jihad will continue against India, till Kashmir becomes part of Pakistan. The policy was transmuted into action soon enough with the Lashkar attacking and killing six soldiers at Bandipore military base. Violence is continuing in Srinagar despite the Indian army suspending operations against Hizbul Mujahideen. The Hizbul has nominated a four-member delegation to discuss the modalities for the dialogue with the Government of India, namely, Messrs. Ghulam Ali (leader of the Kashmiri American Council), Mushtaq Geelani (World Kashmir Freedom Movement) and
Mohammed Ali Saqib (Member of Overseas Kashmiri Citizens Committee). The Hizb has indicated that it will nominate additional members from its senior cadres on the negotiating team. Government of India has responded by inviting Hizb to talk to an Indian team to be led by the Home Secretary of India, Mr Kamal Pande.

Meanwhile, various informal contacts continue to initiate a dialogue, Public Pronouncements by both sides on this impending contacts have been confusing, and contradictory which will impinge on the progress of the dialogue. But before assessing the prospects, one should take note of the motivations, and impulses underpinning these recent initiatives on Kashmir. There is definitely behind the scenes American pressure on Pakistan and on India to resume discussions to bring about normalcy in Kashmir, both with the militants and between India and Pakistan. The US establishment wants some tangible progress to occur by the time Prime Minister Vajpayee goes in mid-September for bilateral talks with President Bill Clinton. Clinton's commitment to take personal interest in issues related to Kashmir has to be translated into some concrete developments, for the credibility of America's South Asia policies. Pakistan has agreed to support the dialogue without giving any commitment about discontinuing cross-border terrorism (Pakistan chanting the mantra that everything happening in Kashmir is indigenous). Pakistan's supporting the dialogue will enable it to tell the US that it has persuaded the militants to declare a ceasefire, give up violence and enter into a dialogue. Pakistan would also be able to make the same claim at the United Nations General Assembly and the UN Security Council in September, when Vajpayee will be in New York. If India refuses to resume the dialogue, it can be projected as unreasonable. If India resums the dialogue and it ends in a stalemate, India can continue to be accused of obduracy. Other major world powers desire a dialogue leading to normalcy along with the US primarily to avoid a nuclear confrontation between India and Pakistan. None of the five permanent members of the Security Council wholly accept Jammu and Kashmir being integral part of India. The general membership of the UN is
likely to follow their lead. Their collective inclination would be towards a territorial adjustment in Jammu and Kashmir to meet the objectives of higher priority of avoiding sub-continental nuclear confrontation. It is significant that the offer for a ceasefire has come from the Hizb which is the most indigenous of various militant groups operating in Jammu and Kashmir. The other groups consisting of a large number of foreign mercenaries are still depicted by Pakistan as indigenous groups. They have not made any ceasefire offer. So Pakistan and these groups, including Hizb retain the option of reverting back to violence if they find the dialogue not going their way.

A matter of equal political significance is the fact that the militants' delegation for talks has individuals based in the US. The Hizb is also insisting that Pakistan must be present at the dialogue, making it a tripartite exercise. It is in this context that one should assess the prospects of the dialogue being initiated. First and foremost, there seems to be a lack of clarity in India's basic approach to the dialogue. One only hopes that it is a calculated stance. While the Government of India has indicated that it will not stipulate any unalterable pre-conditions, the National Security Advisor Brajesh Mishra stated on the 29th July that there would be one conditionality, that is about any solution emerging from the discussions having to be within the parameters of the Indian Constitution. The Left parties of India have suggested unconditional talks with a totally flexible approach to find a solution. The Congress Party has not made any clear policy pronouncement on the subject so far. Neither the Prime Minister nor the Home Minister have made any statements about India's approach in our Parliament. The Hizb as well as the Hurriyat leaders have categorically rejected agreeing to any solution within the framework of the Indian Constitution. If one were to speculate on the possible negotiating stances of the militants' delegation on the substance of the Kashmir issue, (deduction from various suggestions, which have been put forward over the last decade by Kashmiri groups located in the US and the UK), an approach would be to suggest the options of a plebiscite, an interim status under UN supervision or a trifurcation of
Jammu and Kashmir which now falls within the jurisdiction of India. It would be suggested that the line of control in Jammu and Kashmir be radically re-adjusted till new arrangements which would come in place. India faces a complex and serious predicament while entering into this dialogue and discussing such suggestions. India participating in discussions with a Pakistani delegation present in a tripartite framework would mean that India formally recognises Pakistan's legal locus standi in dealing with the problem of Jammu and Kashmir which India has repeatedly asserted to be an integral part of Indian territory. If practical proposals for autonomy for Jammu and Kashmir are rejected by the militants and they insist on territorial arrangements, it will erode India's formal jurisdiction over the state and it would be the first step towards the separation of the Kashmir valley from India and its joining Pakistan, while India's capacity to maintain its jurisdiction and strategic control over Ladakh and Jammu will be dangerously affected. Any alienation of the Kashmir valley or Jammu and Kashmir from India will affect the economy and water resource management of portions of Jammu and our Punjab. Such a separation in part of Jammu and Kashmir from India, under the guise of an interim and revised constitutional arrangements apart from giving a fillip to Pakistan's two-nation theory, will give encouragement to similar separatist tendencies in other parts of India. Leaving aside such implications in the North Eastern states of India. PMK Party of Tamil Nadu in a meeting in the last week of July asserted that aspirations of Tamils in the sub-continent can only be fulfilled by the creation of a Tamil Republic; in the South Asian region. If we link this approach with LTTE's demand for Ėlalam, the negative implications for India, politically and territorially are obvious. The PMK in its resolution has talked about dangerous concept of national racial republics. Even a loose Indian Federation. The more looser the Federation, the more the prospects of disintegration.

The objective of this analysis is not to advocate a refusal to enter into negotiations. But the emphasis that these negotiations should not become an
instrumentality to erode and then destroy India's unity and territorial integrity. Nor should it by contrived osmosis negate and destroy India's basic policy stances on issues related to Jammu and Kashmir. It is presumptuous to be prescriptive because one is sanguine our government and our political circles are conscious of these factors.

One however, ventures some suggestions:

(1) India should be willing to speak to the militant groups which are agreeable to a dialogues with us.

(2) India need not articulate any priori pre-condition;

(3) We should enter into separate dialogue with militant groups and agree to separate discussions with Pakistan on those aspects of Kashmir issue which are of concern to us and to Pakistan. Barring one stipulation, we must not accept Pakistani view that solving the Jammu and Kashmir issue is the "Unfinished part of the partition";

(4) The ingredients of our negotiating stances should be tailored not so much to the demand of the militant groups and their political organisations but they should be carefully structured to be responsive to the concerns and aspirations of the common people of Jammu and Kashmir;

(5) A clear message should be given during the dialogue that India has the grit and stamina and the determination to resist any revival of violence or terrorism in Jammu and Kashmir.

Discussions on Kashmir - A Three-dimensional Perspective:

Since Prime Minister Vajpayee's announcement of a unilateral ceasefire for the month of Ramzan on the 20th of November, there has been a spurt of discussions, statements and initiatives, to move towards a negotiated settlement of all issues related to Jammu and Kashmir. There is cautious expectation and hope that these current initiatives would lead to purposive
and substantive discussions on the Kashmir issue leading to a solution acceptable to all parties concerned. Whether these expectations and hopes would be met would primarily depend on realities on the ground as they occur. The prospects, one way or the other, of the initiatives have to be assessed in three dimensions. First, the manner in which the dialogue between the Hurriyat, the Hizb and other Kashmiri groups would progress. Secondly, the orientations that discussions between the Hurriyat and other dissident groups with Government of Pakistan and Jihadist organisations there will take. Thirdly, the direction which talks between India and Pakistan will follow, once India and Pakistan agree to engage in direct discussions again on Kashmir.

As one analyses the prospects of the current initiatives on Kashmir in these dimensions, it is axiomatic that all parties concerned realise that a durable solution can be achieved only through dialogue underpinned by a realistic and practical approach than on maximalist stances rooted in the collective psychological and political complexes or prejudices of India and Pakistan. What then are the ground realities as they evolve since the announcement of ceasefire by Vajpayee.

Indian security forces are maintaining the ceasefire despite provocative violence. Pakistan responded by declaring its intention of practising strategic restraint on the Line of Control.

Consequently, firing and direct skirmishes on the Line of Control between Indian and Pakistani armed forces have diminished. It must also be noted that Pakistan's strategic restraint is also a result of the setting in of winter all along the Line of Control in Jammu and Kashmir. The Government of India has extended the ceasefire beyond the month of Ramzan to facilitate and encourage negotiations which are being worked at. Mr S.S. Dhulat who was recently in charge of India's External Intelligence Organisation, has been appointed Officer on Special Duty in the Prime Minister's Office to deal with the processes of the dialogue with Kashmiri dissident groups which are now
underway. Dhulat is an officer who has been dealing with Kashmir Affairs for a long period and has both the necessary experience and contacts. The Government of India did not stand in the way of Hurriyat leaders having lengthy discussions with the Pakistani High Commissioner Ashraf Jhangir Qazi in December last. Our Government has also indicated its willingness to allow Hurriyat leaders to proceed to Pakistan for discussions. It has been indicated to dissident groups in Kashmir that the Government of India would be willing to re-commence negotiations with them on or around the 15th January, Hashim Qureshi, one of the founding members of the JKLF who was also involved in the hijacking of IAC aircraft in 1971, has been brought back to India as an additional contact with dissident elements, both in Jammu and Kashmir and Kashmiris in PoK. While the Hizbul Mujahideen in Jammu and Kashmir seem willing to participate in discussions, the other militant organizations based in Pakistan like Lashkar-e-Toiba, have not respected the ceasefire and have continued their violence not only inside Jammu and Kashmir but as far afield as Delhi's Red Fort where they succeeded and Hyderabad and Karnataka where their violent plans were discovered in time and thwarted. As far as political parties and groups in Jammu and Kashmir are concerned, differences have emerged within the Hurriyat between pro-Pakistani elements and others who visualise a solution to the Kashmir problem outside Pakistani plans, Leaders like Syed Ali Shah Gilani, who are pro-Pakistan have fallen out with Abdul Ghani Lone, Their differences of opinion have become public in the first week of January, Some Hurriyat leaders would be visiting Pakistan for discussions, The National Conference led by Dr. Farooq Abdullah, is in the process of organising Panchayat elections in Jammu and Kashmir, to prove their political influence and their credibility as the dominant democratic force in Jammu and Kashmir.

Pakistan has resiled from its negotiating position of last July that it should participate in any negotiations being held between India and the dissidents in Jammu and Kashmir from the beginning stages itself, Pakistani Foreign Minister Abdus Sattar has declared that Pakistan would not insist on
participation ab initio but would come into tripartite negotiation process at a later stage, Public opinion in India is divided about these initiatives; one segment being against negotiations because of the continuing violence and the other supporting the initiatives, hoping that these would eventually result in violence coming to an end and a peaceful solution being evolved.

In terms of ground realities, therefore, the initiative taken by the Government of India is still subject to confusion and political uncertainties. As far as the first dimension impacting on prospects of dialogue goes, namely, discussions between the Government of India and Kashmir Groups is concerned, India faces two problems. First, to determine as to which group genuinely represents the aspirations of the people of Kashmir. Given Pakistani influence on leaders of some of these groups; this is a difficult dilemma to resolve. Our Government cannot allow the isolation or marginalisation of the National Conference by the other groups in these discussions. Secondly, though India agrees that the dialogue should not have any pre-conditions except that all Kashmiri groups give up violence during the talks, there is no clarity of unity in the objectives of the dissident groups about objectives which would constitute a solution. India's dialogue with the Kashmiri group; would continue to be subject to attempts at disrupting and scuttling them by Pakistan-based militants and mercenaries. India, on the other hand, is clear about one objective that there should be no territorial alienation of Jammu and Kashmir from the Republic. India is willing to discuss other political compromises.

As far as second dimension about the orientations of discussions between Hurriyat and Pakistani authorities is concerned, it is logical to anticipate that Pakistan will encourage the Hurriyat to negotiate for separation of Jammu and Kashmir from India while suggesting that Hurriyat should not advocate Jammu and Kashmir becoming part of Pakistan in the initial period. This latter suggestion is and would be patently strategic strategum to change the status quo. The ultimate objective being to seek
Jammu and Kashmir's linkage with Pakistan, while initially assuaging elements among the dissident groups who do not wish Jammu and Kashmir to be part of Pakistan. Pakistan is also likely to suggest to the Hurriyat that they revive suggestions for a referendum under the aegis of international entities to determine the future status of Kashmir in their talks with India. Pakistani authorities would primarily endorse the Inter-Services Intelligence, to keep the pressure on India through violence and terrorist acts by organisations like Lashkar-e-Toiba and others. The third dimension about Indo-Pakistan discussions on Kashmir is subject to fundamental differences in the objectives of India and Pakistan. India aims at a solution of the issues related to Kashmir on the basis of ground realities without diluting India's territorial unity and integrity in any way. Pakistan's objective is the exact opposite. It desires a solution which would finish as they say "the unfinished task of the partition of India." The Indian view is that discussions with Kashmiri dissident groups would be a separate set of problems related to the aspirations of the people of Jammu and Kashmir, and that discussions with Pakistan would be on another category of problems rooted in Pakistan's Kashmir policies over the last 61 years, particularly during the last ten years. India's approach is to discuss these problems in separate compartments but Pakistan wants to be an integral part of the discussion for a solution in any tripartite framework, though for tactical purposes, Pakistan has agreed to join the talks only at a later stage.

While General Musharraf has agreed to exercise maximum restraint and indicated a willingness to meet Prime Minister Vajpayee at any time, and any place, there is no dilution in the basic Pakistani stance of supporting the violent Jihad in Jammu and Kashmir or desiring separation of Jammu and Kashmir from India. When Pakistan demands that India should negotiate with Pakistan on the Kashmir issue sincerely and purposively, it should be understood that Pakistan remains committed to its claims on Jammu and Kashmir.
Important powers in the world and the international community, in general are keen on a direct Indo-Pakistan dialogue because of nuclear weaponisation of both countries and the possibility of the controversy on Kashmir leading to a nuclear confrontational. Both India and Pakistan would be subjected to international pressure to a compromise on Kashmir in this context.

Given the predicaments and situations described above, it is obvious that one should not expect any early breakthrough. These negotiations on the anvil due to Vajpayee’s initiative, are going to be a long haul. The question is how India should manage these negotiations in face of the political uncertainties and contradictions affecting the internal situation in Jammu and Kashmir and the ultimate objectives of Pakistan. A possible approach on the part of India would be to sustain the dialogue anticipating violent disruptions against it which would continue. Secondly, to respond decisively in terms of security operations in a focussed manner against those elements which try to disrupt the dialogue. This has to be a very calibrated exercise so that the dialogue does not get disrupted. Thirdly, India should convey a clear message to important powers and to the international community, bilaterally and through multilateral fora, that durable solution to the Kashmir issue can only be one which is rooted generally in ground realities in Jammu and Kashmir. To be specific, a solution has to be on the basis of the Line of Control with some adjustments (as far as Pakistan is concerned) and qualitatively responsive to political arrangements for the governance of Jammu and Kashmir and responsive to the aspirations of people of that State. Fourth, India should re-commence the direct dialogue in graduated stages with Pakistan this Spring or Summer, which could ultimately lead to high level political meeting towards the end of this year or some time during next year. Such a measured approach would be practical though there is no guarantee that it would succeed. It should also be acknowledged that the process could be gradual and slow. We should not succumb to external pressures or be in a
hurry. If the current efforts fail, we should have the stamina and grit to remain firm in protecting our vital interests in Jammu and Kashmir.

The Dialogue on Kashmir - Challenges and Prospects:

Nearly six months have gone by since the most recent "Peace Initiative" taken by India to deal with the Kashmir problem, beginning with the declaration of unilateral cease fire by Prime Minister Vajpayee in November last year. It must also be recalled that an earlier move towards dialogue was initiated by Hizbul Mujahideen also in July last year which could not take off because of the Pakistani branch of the Hizbul and the Pakistan Government insisting on participation in the dialogue. The November initiative has been a bit of a roller-coaster ride. The cease-fire has been extended thrice by the Government. It has not been acknowledged or reciprocated by the secessionist groups. All Parties Hurriyat Conference agreed to enter into dialogue with the Government of India subject to the pre-condition that a delegation of its choice should be allowed to visit Pakistan for parallel discussion before commencing direct interaction with the Government of India. Government of India, however, vetoed the inclusion of certain secessionist leaders in the Hurriyat delegation which was to go to Pakistan. This delayed the visit of the Hurriyat delegation to Pakistan, an issue which is still unresolved.

Meanwhile, militant violence in Jammu and Kashmir has not only been sustained but has increased, affecting both civilian and military personnel. Since the ceasefire was supposed to come to an end by April, Government of India nominated former Defence Minister and present Deputy Chairman of the Planning Commission, Mr K. C. Pant, as chief negotiator, announcing that Mr Pant will be willing to hold discussions on behalf of the Government of India with all groups and segments of the people of Jammu and Kashmir who are interested in a peacefullsolution.
Before speculating on the prospects of the Pant initiative, it would be relevant to ruminate on the substance of the challenges that India faces in resolving the Kashmir issue.

The first thing to be remembered is that the violent secessionist movement and Pakistani claims that taking away Jammu and Kashmir from India is "the unfinished task of the partition", poses a challenge to the territorial unity and integrity of India, which has to be assessed not only in terms of Jammu and Kashmir but the incipient separatist movements affecting the north-eastern states of India, and territorial disputes which India has with Nepal, China and Bangladesh.

The second challenge is that any potential alienation of Jammu and Kashmir from the Indian Republic on the basis of the collective religious identity of the majority population there will destroy the secular pluralistic ideology and terms of reference which is the foundation of Indian polity. The logic of such alienation, if it takes place will generate further centrifugal impulses, in India.

The third challenge is to cope with the pluralistic, multi-religious, multi-ethnic characteristics of the population of Jammu and Kashmir. The argument of the separatists and Pakistan is predicated on the wrong assumption that the future of Jammu and Kashmir should be determined by the Muslim inhabitants of the state (the presumption being that all Muslims of the State are in favour of breaking away from India joining Pakistan. This is not an accurate assessment).

The secessionist advocacy backed by Pakistan refuses to acknowledge the relevance and importance of views of the Hindu population of Jammu, the Buddhist population of Ladakh and even segments of Shia population of the State. The separatist advocacy is basically communal and uni-dimensional.

The fourth challenge is to restore the demographic balance in the state of Jammu and Kashmir which existed prior to rampant terrorist violence. 250 to 300 thousand Kashmiri Hindus who have been evicted from the state have
to be resettled with honour and safety back in their homes. This factor cannot be ignored in any attempt at a solution.

The fifth challenge is the people of Jammu and Kashmir themselves being able to create or designate a set of representatives who would speak on behalf of a majority of them, if not all of them. The secessionist groups deliberately do not wish this to happen. The Hurriyat which does not have representatives from Ladakh and Jammu and does not have any representatives from other political parties and groups in the valley, is claiming to be the sole representative organisation with whom Government of India should engage in a dialogue. Neither the Government nor the public opinion in India can accept this claim of the Hurriyat, ignoring the legitimate claims of the National Conference and the people of Ladakh and Jammu. Parallel to this is the challenge of the contradictions within Kashmiri organisations about an approach to a practical solution. Some want greater autonomy, others desire Jammu and Kashmir to become an independent state, some others want Jammu and Kashmir to merge with Pakistan. These contradictions have to be overcome to move towards an acceptable solution to all concerned.

The sixth challenge is that of Pakistani attitude and claims. These are underpinned by pernicious phenomenon. One, the general feeling in the Pakistani power structure and segments of Pakistani public opinion that India's capacity to retain Jammu and Kashmir as an integral part of India, is limited and is diminishing. Pakistani assessment is that it is only a matter of time when separatist elements in Kashmir and terrorist violence will exhaust India, into giving up Jammu and Kashmir. Secondly, the whole Pakistani campaign in Jammu and Kashmir is underpinned by the ideological and religious conviction of Jihad—a doctrinaire religious struggle against Hindu India. The belief in the validity of this Jihad precludes Pakistan accepting any rational norms or legitimate legal, factual or historical arguments. This factor is being compounded by the conviction that separating Jammu and Kashmir
from India is and would be a legitimate revenge against India helping the Bangladesh Liberation struggle resulting in the break-up of Pakistan in 1971.

The seventh challenge is having to deal with the dilemmas of Kashmir in the context of nuclear weaponisation of India and Pakistan. Pakistan's nuclear weaponisation reduces India's capacity to resist Pakistan's military and terrorist aggression by conventional means. This has given Pakistan a sense of confidence that its nuclear weapons capacity will prevent India from taking any decisive or durable action against low intensity war which Pakistan is conducting against India in Jammu and Kashmir.

The consequences of this nuclear weaponisation leads to the eighth challenge. That is about the attitude of important external powers on the Kashmir issue. They are not interested about the historical background or legal merits of the case. Their basic concern is that this is a critical issue which is fraught with possibilities of a nuclear confrontation between India and Pakistan. Their advocacy is and would be that a compromise should be evolved regardless of its implications for India and Pakistan, which would ensure the avoidance of a nuclear confrontation. Added to this are the intrusive international concerns about human rights, self-determination, etc. India will come under increasing pressure to talk with Pakistan and the separatists, to find a compromise, regardless of larger socio-political and strategic consequences for India.

The nineth challenge is in terms of domestic politics in India. Any solution envisaged has to have the support of the Indian public opinion and the major political parties of India. Given the background of five wars with Pakistan on the Kashmir issue, the collective Indian position on Jammu and Kashmir has hardened. Carrying Indian public opinion with it will be an important task of the Government of India in its negotiations on Kashmir with secessionists as well as Pakistan.

The tenth challenge is the involvement of foreign mercenaries and international religious extremist organisations in the violence in Jammu and
Kashmir. It is the covert support not only by Pakistan but by some other Islamic countries. Extraneous vested interests have developed in terms of Pan-Islamic Agencies; narco-terrorism, arms sales, and so on, which negatively affects the prospects of a reasonable dialogue focussed on specific issues related to Kashmir.

Mr. K.C. Pant has to undertake negotiations in this complex and unenviable background. What then are the prospects? It would be wrong to be evaluative or judgemental at this early stage. But one has to take note of current reactions and political undercurrents which could affect these discussions.

The Hurriyat has refused participation in the dialogue stating that it does not want to be involved in a process which is not going to achieve any results. The Jammu and Kashmir Democratic Front led by Shabir Shah has agreed in principle to participate in the dialogue subject to clarifications which they are seeking. The clarifications sought, as reported are pre-conditional and politically difficult. Government of India may not be in a position to give categorical clarifications. The National Conference and other Kashmiri groups from Ladakh and Jammu, are not happy about the Hurriyat and the separatists being treated as the main protagonists in this dialogue. The problem of interacting with Pakistan on this issue has to be resolved. No solution would be possible without Pakistan's involvement in the dialogue at some stage through some procedural accommodation.

One wonders why the Government of India did not allow the Hurriyat delegation to go to Pakistan. In substance, the Hurriyat delegation going to Pakistan for discussions, could not have made any difference. We should have allowed them to go. The worst scenario could have been their making policy statements after their discussions in Pakistan advocating independence of Kashmir or integration of the State with Pakistan. In any case, they have been meeting the Pakistani High Commissioner in New Delhi. Some of the Hurriyat leaders have been making such statements. Our reservations about
letting them go to Pakistan has to some extent eroded the credibility of the ceasefire initiatives which we took since November last and of India's willingness to have a substantive and purposive dialogue on the problem.

Another factor which has to be kept in mind is that despite Mr K. C. Pant, being an eminent and experienced political leader, sections of the Sangh Parivar have expressed doubts about his credibility in terms of party politics of the BJP. This can be taken advantage of by the Kashmiri separatist groups. Given these factors affecting current negotiations, the process will be long drawn out and the prospects remaining uncertain. Nevertheless, Prime Minister Vajpayee has taken a definite initiative as a follow-up of his move since last November which signifies three things: First, India genuinely believes that a solution has to be achieved through political negotiations with the people of Jammu and Kashmir. Secondly, India accepts the need for a discussion with Pakistan to find a durable solution to the problem. Third, India wishes to continue the dialogue despite the terrorist violence perpetrated by secessionists supported by Pakistan. The question is the threshold in terms of time and political feasibility up to which this calibrated patience and reasonableness of the Government of India would remain relevant. There is no definite answer to this question. India must be on keeping its basic security, ideological and territorial interests in mind.

**Deeper Implications of the Dialogue on Kashmir:**

The unilateral ceasefire declared by Vajpayee and its extension, the Government of India's general agreement to allow some representatives of the Hurriyat to go for a discussion with their controlling organisations in Pakistan before commencing a dialogue with India, and Pakistan's procedural responses about maintaining maximum restraint on the line of control and not insisting on immediate tripartite talks, have generated some optimism about the prospects for a restoration of dialogue between India and Pakistan. This has resulted in advocacies that India should use her initiative as a building
block to have a substantive discussion for solving all problems related to Jammu and Kashmir.

It is necessary to examine the existing ground realities and also likely predicaments and developments to assess whether such a meaningful dialogue is possible. The first reality to be acknowledged is that the ceasefire continues, because Prime Minister Vajpayee and the Government of India remain committed to sustain the peace initiative to the maximum limit and not because there has been a new reduction in terrorist violence. In fact, the headquarters of the Pakistan-based militant groups continue to ridicule and reject the ceasefire and have announced their intention of continuing the violence. That this threat is not empty is proved by the massacre of Sikhs at Mahjoor Nagar in Srinagar on February 3rd. The Government of India, while willing to resume dialogue with Pakistan, still insists on its reasonable demand that there must be some tangible move by the Pakistan Government to reduce terrorist violence originating from Pakistani territory. Pakistan’s response has been obfuscatory and wooden, claiming that militant activities are entirely indigenous and Pakistan has nothing to do with them except giving moral and political support. India was and is willing to accept that perhaps Pakistani authorities cannot totally control the activities of religious extremist and terrorist groups, but Pakistan can certainly generate sufficient pressure to reduce their activities. The Musharraf Government seems unwilling to do this, because its approach is of following a two-track policy; to keep talking about the desirability of restoring a dialogue with India on the one hand and on the other continuing the military pressure in the expectation that this pressure will persuade India to come to the negotiating table. This is an unreasonable expectation, particularly after the India experience in Kargil.

The possible interaction of the Hurriyat is the focus of political and media attention. The question to be asked is whether it would be right to deal with the Hurriyat as the sole or major group representing the people of Jammu and Kashmir. The objective answer to this question would be in the
negative. The Hurriyat does not have any representatives from Ladakh or Jammu. It does not even have representatives from some militant groups which are not part of it. The Hizbul and Pakistan-based militant groups insist on retaining their separate identity. Equally importantly, India cannot ignore or marginalise Chief Minister Farooq Abdullah and the National Conference which have fought elections and have affirmed their commitment to India’s territorial integrity. The Hizbul or other violent groups arrogating to themselves the role of being the sole representatives of the citizens of Jammu and Kashmir is not actually correct and should not be politically accepted. The second question to be asked is whether there is any clarity amongst Kashmiri and other groups about what the solution to the Kashmir problem should be. Here again, the reply has to be in the negative. There are some Kashmiri groups and foreign mercenaries linked with them who want Jammu and Kashmir to be an integral part of Pakistan. There are others who want Jammu and Kashmir to be an independent state. The people of Ladakh and Jammu are clearly in favour of the state remaining an integral part of India. The National Conference led by Farooq Abdullah remains committed to the state being a part of India, but with qualitatively enhanced political, administrative and financial autonomy for the State. Farooq Abdullah also wants the territorial dimensions of the Jammu and Kashmir issue to be resolved on the basis of the Line of Control. Then there are others who visualise Ladakh and Jammu remaining part of India, with the Kashmir valley being ceded to Pakistan or given the status of some kind of an autonomous region under international guarantees and supervision.

Another dimension of the Kashmir issue is the predicament of nearly two hundred thousand to two hundred and fifty thousand Kashmiri Hindus who were forced to flee Jammu and Kashmir due to terrorist violence. Their returning to their home and the restoration of their properties is and has to be an essential ingredient to any solution that may be discussed. Certain elaboration of this issue is important. What the Pakistan-trained terrorist groups have been doing over the last decade is their undertaking a systematic
campaign of ethnic and religious cleansing of Jammu and Kashmir. The objective is to expel as many Hindus as possible out of Jammu and Kashmir. The violence against the Sikhs has the same objective: expelling the Sikh community also from Jammu and Kashmir. The latest violence against Buddhists in Ladakh and Kargil district is a part of this exercise. Latest information is about the changing demography of Jammu which should be a matter of concern. The population of Jammu has trebled during the last five years and the largest segment of people who have come and settled in Jammu are Muslims. It is obvious, therefore, that while advocating a dialogue, peaceful solution, etc. Pakistan and militant groups supported by it are systematically working at changing the communal and religious demography of Jammu and Kashmir to ensure a larger Muslim majority in the state. This should constitute a critical issue in India's negotiations with Kashmir groups and eventually with Pakistan. This process of pushing out non-Muslims from Jammu and Kashmir has to be stopped and reversed. The imperceptible but systematic religio-ethnic cleansing campaign militates against the fundamental rights and interests of Buddhists in Ladakh and Hindus in Jammu, eroding the traditional pluralistic civil society of Jammu and Kashmir.

Let us for a moment speculate on what would happen to Jammu and Kashmir if it is separated from India and created an independent entity even under interim international guarantees, and guarantees of non-interference by India and Pakistan. The population of Ladakh and Jammu will be disadvantaged under the new dispensation dominated by the Islamic militant groups. Kashmir will be a land-locked entity or state depending entirely for its access to the sea either on Pakistan or on India. There would be bitterness in India about this new entity. India may not be inclined to be of help or assistance to this entity. Such a Jammu and Kashmir's dependence on Pakistan will be unavoidable. This dependence would first be translated into economic and political influence and through the instrumentality of the militant groups, Jammu and Kashmir will get integrated into Pakistan after a
short gap of time. The ramification of Jammu and Kashmir's alienation from the Indian Republic on Indian civil society and communal harmony would be negative, eroding both the ideological and political unity of India, leaving aside the violation of India's territorial integrity. If Kashmir becomes a separate entity or state, Pakistan would have achieved two objectives: first, the process of absorbing Jammu and Kashmir would have started; and secondly, the Pakistani power structure would have fulfilled its oft-declared desire of avenging Bangladesh's breakaway from Pakistan.

A further question can be asked; whether Jammu and Kashmir's separating from India would lead to normal relationship between India and Pakistan. Here again, one goes by the intellectual and ideological orientations of Pakistani strategic thinkers of various hues. A fair section of them, with whom one has personally interacted, have expressed the view that as far as India remains the largest polity in South Asia, tensions are inevitable and will continue. They hold the view that the Indian Republic is territorially too vast and consists of completely different ethnicities, languages and, therefore, India should break itself up to smaller states which would create a geostrategic equilibrium in South Asia from the point of view of India's smaller neighbours. That is considered by segments of the power structure of Pakistan as the first step to generate the desired centrifugal impulses within the Indian Republic.

The factors and trends analysed here go beyond the declared negotiating stances of Pakistan and the separatist groups. They have long-term and critical implications for the unity, stability and territorial integrity of India. India's negotiating stance on Kashmir should be rooted in a deep consideration of these factors. It is not a question of just continuing the ceasefire, or restoring the dialogue. We must be clear about the objectives of the interim and ultimate objectives of the dialogue before India engages in the exercise.
Latest Indian Initiatives on Kashmir - Problems and Prospects:

A Pakistani commentator, Anwar Ahmed, in an article in newspaper News states "Pakistan's conscience ought to be haunted by the spectre of yet again leaving Kashmiris in the lurch. This being the last chance it must redefine its ultimate objectives in Kashmir, thereafter the demands of pragmatism must be met without signing away the Kashmiris' right of self-determination. That is a matter between them and their Indian oppressors. The cause of recent setbacks to Kashmiris' resistance is not its violent content but its Islamic apparel, the West cannot afford another Taliban factory."

The Government of India has taken some tentative initiatives, broadening strategies and tactics to find a political solution to the Kashmir issue. A number of Kashmiri leaders and secessionist movements in Jammu and Kashmir have been released from jails, including leaders of All Parties Hurriyat Conference like Syed Ali Shah Gilani and Yasin Malik. Home Minister Advani and other governmental figures have indicated the Government's willingness to undertake direct negotiations with opposition/secessionist groups of Jammu and Kashmir. There are reports that some members of the newly constituted National Security Advisory Board of the Government of India have been authorised to make informal contacts with various Kashmiri opposition groups to move forward towards a political solution. Parallely, the specially called session of the Jammu and Kashmir Legislative Assembly convened on Monday, the 19th, to discuss, and if possible, to finalise its recommendations on the Autonomy package, suggested by the Committee on Autonomy, which was tabled in that House in 1999. These moves towards attempting a political solution has only marginal positive significance, in that, first, the Government of India is signalling a growing perception that a military solution to the Kashmir issue is not possible. Secondly, Government is willing to talk even to militant secessionists to explore the possibilities of a political solution. Thirdly, these
moves take place in the context of diminishing international support for Pakistan's claims on Kashmir sought to be achieved by violent interventionist terrorist means. Not only the United States but even countries like Turkey, the Central Asian Republics and Iran, have reservations about the Talibanisation of Kashmir, with Pakistani support.

Having said this, structuring meaningful political discussions on the complex issues related to Kashmir is going to be an extremely difficult and intractable exercise. The Farooq Abdullah Government is not happy about Government of India's negotiations willingness to talk to representatives of secessionist groups in Kashmir. The constituent groups of the All parties Hurriyat Conference, have internal differences about a possible solution. The JKLF led by Yasin Malik desires an independent sovereign state for Kashmir. The other groups want Kashmir to be part of Pakistan. All the groups of Hurriyat want Pakistan to be a party to negotiations with Government of India and they reject greater autonomy or any solution within the framework of the Indian Constitution. The principal leaders of the APHC remain totally opposed at present to any consolidation of Jammu and Kashmir's integration with the Republic of India under any new arrangement. The National Conference led by Dr Farooq Abdullah wants restoration of 1952 status of Kashmir accepting India's sovereignty only in matters related to finance, external affairs and communications. Both the major political parties of India, the Congress and the BJP, are opposed to the restoration of 1952 status of the Jammu and Kashmir, as they consider it the first step towards Jammu and Kashmir breaking away from India. They are also opposed to tripartite discussions to resolve the Kashmir problem, with Pakistan as participant.

Compounding these contradictory approaches are the profound reservations which the people of Jammu and Ladakh have about any new arrangement which is based on the demands of the extremist Islamic secessionist groups of the Kashmir valley. It is also to be expected that Pakistan would continue its support to, and active participation in the
terrorist movement aimed at breaking away Jammu and Kashmir from the Indian Union. It must also be remembered that apart from being responsive to the aspirations of the people with different ethnic, religious and linguistic affinities, constituting the population of Kashmir, any political solution would also involve an amendment to the Indian Constitution which can be managed only with the general national consensus of Indian public opinion. Collective opinion in India is not likely to condone the whole or partial alienation of any part of India on the basis of language, religion or any factious definition of nationhood which led to the partition of India. After the Pakistani invasion of Kargil and the Pakistan-sponsored hijacking of the Indian Aircraft in December 1999, there is a profound antagonism in India to make Pakistan a party to any discussions on resolving the internal dimensions of the Kashmir problem. There is also a perception that Kashmir is not any more a territorial dispute rooted in the communal demography of the Valley. Any political, social or territorial alienations of Jammu and Kashmir from India would have a negative impact on the political and territorial unity of India. International reactions are also important.

While the world at large is opposed to Pakistani participation in and support to secessionism, the view of the international community is that Kashmir is a dispute between India and Pakistan with serious implications for regional stability and security and also that the aspirations of the people of Jammu and Kashmir should be met in any political solution devised to solve the problem. Various suggestions have been made from differing domestic and foreign quarters for a political solution; greater autonomy for Kashmir, with the Line of Control being converted into permanent border between India and Pakistan; the creation of a separate entity of Jammu and Kashmir under UN supervision; the bifurcation of Kashmir between Ladakh, the Valley and Jammu, with the valley, and; having autonomous status providing equal access and political connections to Pakistan and India. None of these solutions except the first one mentioned above is a practical possibility, taking
into account the intractable contradictions affecting discussions on the issue at present.

India's approach should be to structure a solution in the framework of the first suggestion mentioned above, viz., meaningful autonomy for Jammu and Kashmir, bringing the people of Jammu and Kashmir into the mainstream of Indian democratic process, with the Line of Control gradually converting itself into a permanent border between India and Pakistan. Efforts to achieve this objective through political discussions should be initiated to sustain, however long the haul may be.

**India's Pakistan Policies: The Need for Collaboration:**

India shifted its Pakistan policies into a high proactive gear in the aftermath of the terrorist attack on the Indian Parliament on December 13, 2001. The macro-level political consequence has been higher and palpable levels of tension in Indo-Pakistan relations. Three broad patterns of reactions have emerged about India's diplomatic, political and military moves to generate pressure on Pakistan, and to signal India's determination to be more decisive in responding to the proxy war conducted by Pakistan against India over the last decade. There is a collective international consensus and concern that India and Pakistan should not get enmeshed in a military conflict with potentialities of a nuclear confrontation. Secondly, there are advocacies in Indian public opinion that India should not resile from the policy of generating pressure on Pakistan, particularly military pressure based on the large-scale deployment of Indian armed forces on the India-Pakistan border, and on the Line of Control. Thirdly, there is the view that the pressure generated by India has achieved India's objectives to the extent feasible at this stage, both in terms of the impact on President Pervez Musharraf and in terms of the international community responding to Indian concern, and therefore India should consider shifting from high gear to a stance of reasonableness, without changing the substance of its policy orientations or declared objectives.
It is obvious that a stage has been reached in the current phase of our interaction with Pakistan where we have to calibrate the nuances of our Pakistan policies in the context of Pakistan's responses to the pressure generated by us and of assessments and advocacies of the major powers who have been actively engaged both with Pakistan and India, to defuse the higher levels of tension generated since mid-December last year.

Government of India has been host to an unusually large number of high level representatives of foreign governments over the last four weeks. Prominent among them were the British Prime Minister Tony Blair, Chinese Prime Minister Zhu Rongji, US Secretary of State Colin Powell, Henry Kissinger; and the Russian Foreign Minister Igor Ivanov, will be visiting Delhi as this book is published. Senior government representatives from a number of Arab countries have also visited Delhi. The point to note is that these visits, barring the visit of the Prime Minister of China, took place on the initiative of the concerned foreign governments. It must also be noted that parallel discussions were held by representatives of these countries with the Government of Pakistan also. These visits were primarily focussed on the current state of tense relations between India and Pakistan. We have to take note of the attitudes and concerns of the international community manifested through these visits. We also have to assess the motivations of the advice and suggestions given to us by these high level representative of foreign governments. It is clear that there is a complete consensus in the international community and especially amongst the great powers, that India and Pakistan, particularly India should act with restraint regardless of the provocations perpetrated against us by Pakistan and its subversive terrorist agents. Representatives of four out of five Permanent Members of the United Nations Security Council, USA, UK, Russia and China met our Prime Minister, Home Minister and Foreign Minister in New Delhi, to give unanimous advice to India to be moderate, restrained and cautious. They also conveyed a general consensual assessment that India's politico-diplomatic and military moves have had the desired effect on Musharraf resulting ineffective and restraining
actions which he has taken against extremist religious groups and terrorist organisations within Pakistan. The advocacy of the envoys of the Great Powers was that India should consider pulling back from its stance of politico-military decisiveness and confrontation against Pakistan and larger interest of peace and stability in South Asia.

Shorn of the courtesy and diplomatic tact in the suggestions made to us, the substantive assessment of the United States and other important powers is that President Musharraf has started a genuine and sincere move to curb and eradicate religious extremism and terrorism in his country and therefore India should not maintain high pressure on him which might result in his having to move back from the policy initiatives in this regard which he has taken over the last three weeks. The view expressed was that India's reducing pressure on him, apart from defusing tension would also strengthen his hands in continuing his anti-extremist/anti-terrorist policies. India would be wise and practical in being supportive of his efforts, instead of putting him on the defensive. The more substantive motivation, particularly of the United States and western democracies are: first and foremost, an Indo-Pakistan confrontation should be avoided as it would disrupt and interfere with the on-going anti-terrorist campaign led by the United States against Al-Qaeda and its linked organisations in West Asia. Secondly, India and Pakistan should be prevented from getting enmeshed in a nuclear confrontation. Thirdly, Musharraf's authority in Pakistan should be stabilised in the context of the support that he has extended to the United States and Western countries. It is significant that both Russia and China generally shared these motivations at present.

Linked with these motivations is the longer-term objective that India and Pakistan should take some substantive steps to resolve the Kashmir problem, moving away from their traditional negotiating stances, because the problem of Kashmir, if not attended to is a continuing hair-trigger for a conflict situation. While there is an acknowledgement of India's trauma and
concerns by these powers, their view is that India should be temperate in larger interests of regional stability. India’s Pakistan policies have to be responsive to these trends because of a unanimity of approach of all the important powers in the world on these issues. This responsiveness, however, cannot be at the cost of India’s security and political interests which in substance would have to be predicated on Pakistan's India policies in terms of ground realities. This is the point made by both Prime Minister Vajpayee and External Affairs Minister Jaswant Singh to their eminent foreign interlocutors.

One therefore proceeds to assess the most recent ingredients of Pakistan policies towards India. Much has been made of Musharraf banning Jaish-e-Mohammed and Lashkar-e-Toiba, freezing their assets and Pakistani authorities detaining nearly 1900 Islamic activists. General Musharraf’s speech of 12th of January is being interpreted as the beginnings of qualitative change in Pakistan's India policies. The question is whether these positive interpretations of Musharraf’s policies are an emerging reality or are they cosmetic and tactical moves by him which have resulted in positive anticipatory speculations (As far as India is concerned, the latter seems to be the case).

Musharraf in his speech on the 12th of January, as well as his speech to a group of religious leaders on the 18th of January has reiterated that there will be no change in Pakistan’s support to the secessionist movements in Jammu and Kashmir. “Kashmir remains a part of blood-stream of Pakistanis”, according to him. He has ruled out any compromise with India on Kashmir, on the basis of existing ground realities in that State. There is no declaration from his government that they will stop supporting separatism in Kashmir. He has specially emphasised that his actions against various extremist groups within Pakistan are a part of his policy of general support to international campaign against terrorism led by the United States of America and more importantly his actions are aimed at stabilising the internal situation in Pakistan. In a Press conference to foreign correspondents in mid-January he
reaffirmed that he is fully prepared to face a war with India and that he is capable of teaching India a lesson. There is no firm commitment from him about extraditing the 20 terrorists wanted by India. He has asked for more evidence. He has told Colin Powell that he might consider the extradition of non-Pakistanis in this list subject to India providing a more credible and substantive evidence.

Given this overall context, India faces a complex predicament in dealing with Pakistan. First, there is no clear shift in Pakistan's India policies, related to issues of concern to India (Kashmir, terrorism, repatriation of terrorists who attacked the Indian Parliament). Secondly, Musharraf's credibility as a reasonable moderate leader committed to the international anti-terrorist campaign and as a person desirous of defusing tension in India, has increased in international perceptions; whatever the facts, whatever our reservations, this international perception is a compelling phenomenon to which we have to have a response. Thirdly, our high politico-military stance having achieved the initial desired objective to some extent is now subject to law of diminishing returns.

It is necessary for India to appear practical and reasonable without lowering its guard or pulling back from its principled approach on the question of Pakistani involvement in subversive terrorism against us. It is equally important that we do not lose the general support of the international community which we have gained since last September. The calibration of our Pakistan policy should, therefore, have the following ingredients:

We must examine options to de-escalate the military tension in gradual and measured manner. We should agree to bilateral discussions with Pakistan at the sufficiently high official level with a defined time-frame in the coming two to three months. We should continue our diplomatic campaign with the important powers of the world to sustain international pressure on Pakistan to transmute the general policy pronouncements of Musharraf into operational realities. Parallely, we should initiate substantive negotiations
with leaders of all groups in Jammu and Kashmir to resolve the domestic dimensions of the Kashmir problem. We should consciously avoid any accidental drift in our Pakistan policies which may again result in our being on the defensive.

**Third Party Intervention in India - Pakistan Relations Policy Stances Versus Emerging Realities:**

Since the terrorist attacks against the United States in September 2001 and against our Parliament in December, 2001, international concerns are focussed on South Asia, particularly on Afghanistan, Pakistan and India. A consequence has been an incrementally activist role adopted by the United States and other major powers in the sub-continental inter-state relations within the framework of the international anti-terrorist campaign which commenced from October 7th, 2001. The Jaish-e-Mohammed sponsored the attack on the Indian Parliament and the Government of India's firm political and decisive operational response to this attack has palpably heightened tensions between India and Pakistan, almost to the levels which existed in the weeks preceding the Indo-Pakistan war of 1971. A number of high level leaders of foreign governments who have visited Delhi since mid-December to defuse Indo-Pakistan tensions have not been advisory exercises. These visits were in fact exercises in generating direct diplomatic and political pressure on India and Pakistan to cease and desist from letting their adversarial relationship to degenerate into a military conflict.

In objective terms, these exercises are a third party intervention in Indo-Pakistan relations. This is just a statement of fact and not a value judgement about the legitimacy or otherwise of third-party involvement in a predicament. It is pertinent to speculate on the prospects of third-party involvement in Indo-Pak relations in the historical context as well as the declared policy stances on the issue of India and Pakistan. India continues to reiterate that it will not accept any third-party mediation or intervention in Indo-Pakistan relations, particularly on the Kashmir issue. The Indian stand is
also that the resolutions of the United Nations passed from 1947 onwards have no relevance for resolving problems related to Kashmir because the entire situation in Kashmir has undergone profound constitutional and political changes in terms of the integration of the State of Jammu and Kashmir with the Indian Union. The basic reason for this attitude is India's disappointment at the partisan manner in which important powers dealt with the Kashmir issue in the United Nations and in their bilateral interactions with India, and Pakistan; their objective being rooted in their respective geo-strategic interests and not on the merits of the case, viz. the constitutional validity of the state of Jammu and Kashmir acceding to India, the repeated attempts by Pakistan to undo this accession by aggression and violence.

Conversely, Pakistan's policy is to advocate the implementation of the UN Resolutions on Jammu and Kashmir and to emphasise the need for third-party mediation and intervention because the Kashmir issue has not been resolved bilaterally so far. Pakistan bases its policy also on the argument that the contents of the Resolutions of the United Nations clearly question the Indian thesis about the legal validity of the accession of Jammu and Kashmir to India. At the formal level there is this stand off and fundamental impasse between Indian and Pakistani policies, on the question of third-party involvement on the Kashmir issue. The political reality however is that it is third-party interests which created the dispute and it is India which took the initiative in bringing third-parties to the dispute. The Imperial British Government while determining the legal framework for the future political status of the Princely States of India had hoped that the larger Princely states will remain independent, that the sub-continental empire would consist of two dominions of India and Pakistan (close to independence) and that a number of large princely states would constitute the third geo-political ingredient of the South Asian sub-continent. Their (The British Government's) further expectation was that these Princely States and Pakistan would sustain close linkages with the British Government, thereby ensuring a long-term politico-strategic influence for the British Government for South Asian sub-
continent. When the majority of princely states acceded to India, the British plans went awry. The aspirations of Maharaja Hari Singh of Jammu and Kashmir to convert his state into an independent country was sort of a last opportunity which the departing British government wished to utilise to strengthen its influence and to create strategic equation with Pakistan to meet this purpose.

Pakistan jumped the gun with the tribal and then military intervention in Jammu and Kashmir resulting in Hari Singh as well as the most popular leader of Jammu and Kashmir Sheikh Mohammed Abdullah deciding to accede to the Indian Union. Both Lord Mountbatten, the then Governor-General of India and the British Prime Minister Lord Attlee were not happy about this development and disputed the political and legal validity of Jammu and Kashmir becoming part of India. It is on their advice and against his own instincts that Jawaharlal Nehru took the issue of the Pakistani aggression in Jammu and Kashmir to the United Nations and offered to hold a referendum/plebiscite amongst the people of Jammu and Kashmir at that point of time. Once the issue reached the United Nations, the British converted the issue of aggression into a territorial dispute between India and Pakistan and laid the foundations of international or third-party involvement in the Kashmir dispute. India could not get out of the predicament in which it got enmeshed in the initial stages.

A series of UN mediators till the early 1960s constituted a pattern of third-party involvement in the Kashmir issue. Solutions suggested by each one of them contradicted the provisions of the India Independence Act which constituted the legal basis of Jammu and Kashmir’s accession to India. As a result India categorically rejected the UN role by mid-50s. But the third-party involvement never ceased. Each time there was an inter-state conflict and crisis in the sub-continent, important powers revived intrusive mediatory and diplomatic efforts on the Kashmir issue. One does not have to recall in too much detail, the mediatory efforts of Funcan Sandys and Henry Cobot Lodge
in the immediate aftermath of the Sino-Indian War of 1962. Similar moves by Lyndon Johnson Government and Prime Minister Kosygin after the Indo-Pakistan war of 1965 reflected the continuation of the third-party involvement. It is a different matter that India did not succumb to these pressures while Pakistan was enthusiastic in supporting these initiatives.

India had an opportunity of resolving the problem bilaterally at Shimla in July 1972 after the Bangladesh Liberation War as India had tangible leverages against Pakistan to persuade that country to come to a reasonable compromise. The framework for such compromise was discussed between Zulfiqar Ali Bhutto and Mrs Indira Gandhi. Bhutto agreed to the proposal but pleaded for its not being included in formal agreement for his own political survival. The solution was to be on the basis of Line of Control being drawn up in Jammu and Kashmir. While India responded to Bhutto's advocacies, we weakened our position further by allowing the Pakistani side to expand and qualify the Clause emphasizing bilateralism, by providing for the resolution of the Kashmir issue "by peaceful means through bilateral or by any other peaceful means, mutually agreed upon by them." Pakistan has continuously argued for third-party intervention on the basis of this formulation.

The likelihood of international involvement/intervention, particularly by the US is on the cards due to the following reasons. First, whatever our convictions, the international community considers the problem of Jammu and Kashmir as a territorial dispute in which Pakistan has a status and stake. Neither the accession of State to India nor the issue of Pakistani aggression is part of their perceptions. Second, despite the passage of more than fifty years, the dispute remains unresolved and it has sparked off major conflicts between India and Pakistan. Thirdly, the anxiety about such conflicts has qualitatively increased in the international community because of the acquisition of nuclear weapons and missile capacities by India and Pakistan over the last decade. The Kashmir issue is perceived as a nuclear flash point. Fourth, the phenomenon of cross-border terrorism and Pan-Islamic militancy has become
a matter of international concern after the attacks on the US and the assessment is that this pernicious phenomenon finds fertile ground in disputes like those of Jammu and Kashmir. There is also a speculative assessment that the stabilisation of Afghanistan is indirectly dependent on the resolution of the Kashmir issue and the normalisation of India-Pakistan relations.

These considerations have been compounded by the terrorist attack on Indian Parliament and the consequent military and political pressure generated by India on Pakistan since December 13. An important factor conducive to the third-party intervention in any moment of high crisis is that of great power consensus on preventing a conflict situation rooted in the Kashmir issue. India does not have the leverage any more of the special equation with the former Soviet Union. What is happening now is incremental third-party involvement in the Kashmir issue. The US and other major powers continue to affirm that they have no desire to mediate between India and Pakistan unless both countries agree and that they are willing to play the role of a facilitator if agreed upon, for cosmetic purposes and the requirements of tact. The factual position is different. The insistent advice to India to remain restrained and moderate vis-a-vis Pakistan, the pressure generated on Pakistan to desist from sponsoring terrorism against India, manifest third-party involvement.

The number of high level governmental persons who have come to India and Pakistan since mid-December with the primary objective of defusing tension between India and Pakistan, confirms this reality of external involvement. The active political and physical monitoring of the evolving political and military situation on the sub-continent by the major powers is another manifestation of the phenomenon. Unconfirmed reports about India having moved the Commander of the Strike Corps of the Indian Army, apparently on the suggestion of the United States because he orchestrated a
high military stance on the Pakistan border, is indicative of US activism in Indo-Pakistan relations.

India must clearly understand that there is every possibility of the US intervening in the sub-continent, not just politically but operationally if there is an impending nuclear confrontation between the two countries in their (US) assessment. The USA will have the support of the international community in such an exercise. India has to be responsive to the realities described above and this particular possibility. If we want to avoid third-party involvement, we must give the highest priority to resolving the internal dilemmas of our state of Jammu and Kashmir. We seem to be in a drift in this respect. Parallely, we must convince the international community that we are willing to have a serious and substantive discussion on the issue with Pakistan. The third-party intervention is an existing and emerging reality. Our aim should be to prevent that phenomenon emerging against our interests in Jammu and Kashmir.