
reach Rawalpindi via Muzaffarabad faster than they could reach New Delhi.

So far the cross-LoC interactions have been narrowly based in addressing the interests of only one region—the Kashmir Valley. The regions of Jammu and Ladakh have been largely ignored. There are numerous divided families in the Kargil region, who have relatives across the LoC in Skardu and Gilgit and also in the Jammu region. India should take active measures to open Kargil-Skardu and Jammu-Sialkot roads for the movement of divided families. There is a need to expand the interactions along the LoC and this enlargement should address all five regions—Jammu, Muzaffarabad, Kashmir Valley, Northern Areas and Ladakh.



Suba Chandran is Assistant Director of the Institute of Peace and Conflict Studies in New Delhi. He holds a Ph.D. from the School of International Studies, Jawaharlal Nehru University. He is the author or editor of several books on South Asian security issues, including Jammu and Kashmir: Preparing for a New Beginning (2006), Limited War: Revisiting Kargil in the Indo-Pak Conflict (2006), and Indo-Pak Conflicts: Ripe to Resolve? (2005).

Pakistan's Changing Outlook on Kashmir

by SYED RIFAAT HUSSAIN

Historically, Pakistan has viewed its dispute with India over Kashmir as the key determinant of its strategic behavior in the international arena. Advocacy of the rights of the Kashmiri people to freely determine their future has been the main plank of Islamabad's diplomatic strategy in the United Nations and other international fora. By championing the cause of the rights of the Kashmiri people, Islamabad has tried to remind the world that India's control over two-thirds of the State of Jammu and Kashmir is not only legally untenable but morally unjust, as it was achieved through an instrument of accession with a ruler who had lost the support of the vast majority of his predominantly Muslim subjects. Pakistan's official stance on Kashmir can be summarized into the following six interrelated propositions:

1. The State of Jammu and Kashmir is a disputed territory.
2. This disputed status is acknowledged in the UN Security Council resolutions of August 13, 1948 and January 5, 1949, to which both Pakistan and India are a party.
3. These resolutions remain operative and cannot be unilaterally disregarded by either party.
4. Talks between India and Pakistan over the future status of Jammu and Kashmir should aim to secure the right of self-determination for the Kashmiri people. This right entails a free, fair and internationally supervised plebiscite as agreed in the UN Security Council resolutions.
5. The plebiscite should offer the people of Jammu and Kashmir the choice of permanent accession to either Pakistan or India.
6. Talks between India and Pakistan, in regard to the future status of Jammu and Kashmir, should be held in conformity both with the Simla Agreement of July 1972 and the relevant UN Security Council resolutions. An international mediatory role in such talks may be appropriate if mutually agreed.

This stated Pakistani position on Kashmir has undergone a fundamental shift under President General Pervez Musharraf who, after assuming power in October 1999 in a bloodless coup, has been, in his own words, “pondering outside the box” solutions to resolve the dispute. This paper examines various aspects of the changing Pakistani outlook on Kashmir and analyzes different factors underpinning this change.

Pakistan's "New Thinking on Kashmir"

Pakistan's Kashmir policy has alternated between force and diplomacy, with the former remaining the dominant instrument until very recently. Having unsuccessfully tried wars in 1947-1948 and 1965, different forms of sub-conventional warfare in the 1980s and the 1990s, and limited war in Kargil in 1999 as instruments of its Kashmir policy to change the territorial status quo in its favor, Islamabad revived its quest for a diplomatic solution under President Musharraf. In summer 2001, two years after the Kargil conflict, which nearly provoked a full-scale India-Pakistan war, President Musharraf proposed a "reciprocal action plan" to New Delhi as a first step to defuse tensions between them and to promote peace. While calling upon India to stop atrocities in Indian-held Kashmir, it said "Pakistan might recommend to the freedom fighters to moderate their indigenous freedom struggle in Kashmir."

During his summit meeting with Indian Prime Minister Atal Behari Vajpayee in Agra on July 14-16, 2001, President Musharraf reassured his Indian host that he had come to meet him "with an open mind." He also underscored his desire to have "discussions with Indian leaders on establishing tension free and cooperative relations between our two countries." The Agra Summit failed to produce a tangible outcome, but the draft Agra Declaration that both sides considered issuing at the end of their historic meeting clearly stated that "settlement of the Jammu and Kashmir issue would pave the way for normalization of relations between the two countries." President Musharraf outlined his four-point approach to resolving the Kashmir dispute during his breakfast meeting with representatives of electronic and print media held in Agra on July 16, 2001. Responding to a question on how best to resolve the Kashmir dispute, President Musharraf said: "Step one was the initiation of dialogue...acceptance of Kashmir as the main issue was step two...negating certain solutions unacceptable to both sides was step three...exploring remaining options was step four."

In a remarkable reversal of Islamabad's verbal strategy on Kashmir, President Musharraf publicly stated on December 17, 2003 that even though "we are for United Nations Security resolutions ... now we have left that aside." A month later, in a joint statement issued in Islamabad, following his meeting with Indian Prime Minister Vajpayee on January 6, 2004, Musharraf categorically pledged that he would not "permit any territory under Pakistan's control to be used to support terrorism in any manner." This statement was meant to mollify New Delhi's concerns relating to the issue of alleged "cross-border" infiltration from Pakistan.

By dropping the longstanding demand for a UN-mandated plebiscite over divided Kashmir, and

by assuring New Delhi that Islamabad would not encourage violent activity in Indian-held Kashmir, President Musharraf tried to create much-needed political space for New Delhi to substantively engage itself with Islamabad for finding a workable solution to the festering Kashmir dispute.

President Musharraf reiterated his four-point proposal for resolving the Kashmir dispute while addressing a closed door symposium organized by the *India Today Conclave 2004* via satellite from Islamabad on March 13, 2004. According to him:

1. The centrality of the Kashmir dispute should be accepted by India and Pakistan.
2. Talks should commence to resolve the dispute.
3. All solutions not acceptable to any of the three parties are to be taken off the table.
4. The most feasible and acceptable option should be chosen.

A few months later, while talking to a group of newspaper editors at an Iftar dinner in Islamabad on October 25, 2004, President Musharraf called for a national debate on new options for the Kashmir dispute. The necessity for this debate stemmed from the fact that demands for conversion of the Line of Control (LoC) into an international border and a plebiscite were not acceptable to Pakistan and India respectively. To break the deadlock he suggested that identification of various zones of the disputed territory needs to be carried out followed by their demilitarization and a determination of their status. He identified seven regions in Jammu and Kashmir based on "religious, ethnic and geographical terms" for this purpose.

Two regions—Azad Kashmir and Northern areas—are under the control of Pakistan, whereas five regions are under Indian control. The first part comprises Jammu, Sambha and Katwa where Hindus are in majority. The second part also comprises Jammu but the areas include Dodha, Phirkuch and Rajawri where a Muslim population is in majority, which includes Gujars, Sudhans and Rajas who are also associated with Azad Kashmir. The third part is the area of Kashmir Valley, which also has Muslim majority. The fourth part is Kargil, which has Shia and Balti populations in majority, and the fifth area is Ladakh and adjoining areas where Buddhists live. President Musharraf further said that it was imperative that the linguistic, ethnic, religious, geographic, political and other aspects of these seven regions should be reviewed and a peaceful solution to the problem found.

Speaking at a conference organized by Pugwash in March 2006, President Musharraf renewed his call for demilitarization, asserting

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[his country's] proposals for demilitarisation and self-governance offered a practical solution to the Kashmir dispute. An ultimate solution to the problem on these lines would make the LoC irrelevant. And such a solution would neither require redrawing of borders, nor make Line of Control irrelevant. The demilitarisation would be a great confidence-building measure and provide relief to Kashmir. This will also help discourage militancy.

In an interview given to CNN-IBN news channel in January 2007, President Musharraf proposed joint management by India and Pakistan of the disputed region of Jammu and Kashmir. That arrangement would leave India and Pakistan with reduced sovereignty over the territories, which they presently control in Jammu and Kashmir. Musharraf further said in that interview that

[he did] not agree with India's claim that there already was self-governance in the held Kashmir, and claimed that most of the people there do not accept the Indian government. If India believed there was self-governance, we keep sticking to this position, we will never move forward because we do not agree. Therefore, if you want to move forward, we have to leave stated position.

In his autobiography, *In the Line of Fire*, President Musharraf described his four-point proposal as "purely personal which needed to be sold to the public by all involved parties for acceptance."

He summarized his proposal as follows:

1. First, identify the geographic regions of Kashmir that need resolution. At present the Pakistani part is divided into two regions: Northern areas and Azad Kashmir. The Indian part is divided into three regions: Jammu, Srinagar, and Ladakh. Are all these on the table for discussion, or there are ethnic, political, and strategic considerations dictating some give and take.
2. Second, demilitarize the identified region or regions and curb all militant aspects of the struggle for freedom. This will give comfort to the Kashmiris, who are fed up with the fighting and killing on both sides.
3. Third, introduce self-governance or self-rule in the identified region or regions. Let the Kashmiris have the satisfaction of running their own affairs without having an international character and remaining short of independence.
4. Fourth, and most important, have a joint management mechanism with a membership consisting of Pakistanis, Indians, and Kashmiris overseeing self-governance and dealing with residual subjects common to all identified regions and

those subjects that are beyond the scope of self-governance.

Factors Driving Pakistan's New Thinking on Kashmir

There are a number of factors driving Islamabad's new thinking on Kashmir. First, there is a clear recognition of the inefficacy of war in the wake of Pakistan's overt nuclearization in 1998 to resolve the central issue of Kashmir. In early 1999, troops of Pakistan's Northern Light Infantry, disguised as Kashmiri mujahideen, crossed the LoC and occupied strategic mountain peaks in Mushkoh Valley, Dras, Kargil, and Batalik sectors of Ladakh. Through this military incursion Islamabad sought to "block the Dras-Kargil highway, cut off Leh from Srinagar, trap the Indian forces on the Siachin glacier, raise the militant's banner of revolt in the Valley and bring the Kashmir issue firmly back to the forefront of the international agenda." Angered by Pakistan's military incursion, which endangered its vital supply routes to Leh and the Siachen, New Delhi launched a counter military offensive and threatened to impose a war on Pakistan in order to restore the status quo.

India also effectively mobilized world opinion against Pakistan. The G-8 countries held Pakistan responsible for the military confrontation in Kashmir and described the Pakistani military action to change the status quo as "irresponsible." They called upon Islamabad to withdraw its forces north of the LoC. The EU publicly called for "immediate withdrawal of the infiltrators." The United States also depicted Pakistan as the "instigator" and insisted that the status quo ante be unconditionally and unambiguously restored. Caving in to mounting international pressure for withdrawal, Pakistan's Prime Minister Nawaz Sharif made a dash to Washington on July 4, 1999 and signed a joint statement with President Clinton, which called for the restoration of the "sanctity" of the Line of Control in accordance with the Simla Agreement. The Kargil War exposed the inherent limitations of Islamabad's strategy of sub-conventional war against India in a nuclear environment and forced Pakistan into negotiations to resolve the core issue of Kashmir. Islamabad realized that war scares were neither good for its image as a nuclear weapon state nor for its economic development and progress.

Second, there has been sustained American pressure on Islamabad to bury the hatchet with India over Kashmir. The Kargil War and the 2001-2002 India-Pakistan military stand-off made Washington realize that without enduring peace, South Asia would remain a nuclear flashpoint and therefore, to use President Clinton's phrase, "the most dangerous place on earth." More importantly, the American strategic goal of peace and stability in Afghanistan cannot be achieved without moderating India-

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Pakistan competition over Afghanistan. Renewal of the India-Pakistan rivalry for influence over Afghanistan was deemed bad news for peace in that war torn country. Islamabad feels hemmed in by the growing Indian diplomatic and economic presence in its strategic rear and therefore extremely reluctant to let the pro-Indian, Tajik-dominated dispensation in Kabul gain ground. Longstanding proposals for building trans-Asian gas pipelines would become feasible only through India-Pakistan cooperation in Afghanistan and also would allow trade to replace war as the primary interaction between Afghanistan and its neighbors.

The third factor pushing Pakistan toward peace with India is the need to display responsible nuclear custodianship. In the aftermath of the Iraq war, which was waged to remove a “rogue” regime with potential for having weapons of mass destruction, Islamabad feels obligated to reassure the world community about its nuclear weapons and growing missile capabilities. Resumption of the India-Pakistan dialogue with its focus on nuclear risk reduction measures seems to be the only credible way of easing world concern over the safety and security of the Pakistani nuclear arsenal, which—after the A.Q. Khan episode—are being viewed by the international community with a great deal of apprehension.

The fourth factor underpinning Islamabad’s new approach to Kashmir is the “boomerang” effect of jihad as an instrument of Pakistan’s Kashmir policy. Emboldened by its pivotal role in the Afghan resistance movement that culminated in Moscow’s military defeat in 1988, Pakistan turned its attention toward Indian-held Kashmir where a Kashmiri “intifada” broke out in 1988-89 against Indian repressive policies. Backed by Pakistan’s Inter-Services Intelligence (ISI), several jihadi groups prominent among which were the Hizbul Mujahideen, the Al Badr Mujahideen, the Harkat-ul Mujahideen (previously known as Harkat ul Ansar), the Lashkar-i-Tayyiba, and Jaish-e-Mohammed “found a new cause in Indian administered Kashmir where an insurgency had erupted in 1989.” Their involvement in the Kashmiri intifada transformed it from a domestic insurgency (conducted via the Jammu Kashmir Liberation Front) into a low-intensity conflict between India and Pakistan. As Islamabad’s forward policy in Indian-held Kashmir began to take its toll on the Indian security forces and along with them those of the innocent civilians, New Delhi accused Pakistan of waging a proxy war against India from Azad Kashmir. Indian and foreign media reports identified at least 91 insurgent training camps in Azad Kashmir, “the bulk of which lie contiguous to the Indian districts of Kupwara, Baramullah, Poonch, Rajuari and Jammu.”

The jihad strategy became an untenable proposition for Islamabad after the terrorist strikes against the United States on September 11, 2001, followed

by suicide attacks against the Jammu and Kashmir state assembly in October and the Indian parliament in December 2001. These cataclysmic events changed the rules of the game and led to the blurring of the moral distinction between freedom fighters and terrorists. Under the new rules for a state’s responsibility for terrorist groups operating inside its borders, Pakistan could no longer allow jihadi groups to use its territory with impunity, nor could it completely absolve itself of the responsibility for the violence perpetrated by them beyond its borders. Between December 2001 and July 2002, India threatened to wage a limited conventional war against Pakistan unless Islamabad terminated its support for what New Delhi portrayed as cross-border terrorism. Leveraging effectively its threat of war against Pakistan, New Delhi forced Islamabad to crack down on some of the fundamentalist Islamic groups waging war against the Indian government in Kashmir. Pakistan banned some of the jihadi groups in January 2002 and promised to permanently end its support for armed militancy in Kashmir provided New Delhi agreed to find a negotiated settlement of the Kashmir dispute. These moves by Pakistan’s government caused huge disappointment among the Kashmir militant groups and some radical elements associated with them were recruited by Al-Qaeda to assassinate President Musharraf in December 2003. With Pakistan’s pro-jihad Kashmir policy turned on its head, armed militant groups turned their guns and anger against the Musharraf regime. They assumed the role of “peace spoilers” by joining hands with the resurgent Taliban-Al-Qaeda forces operating out of the “lawless” borderlands along the Durand line between Pakistan and Afghanistan.

To stem the rising tide of extremist violence in the country, in which at least 1,896 people including 655 civilians, 354 security forces personnel and 887 terrorists died in 2007 alone, Islamabad intensified military operations against the jihadi elements in the tribal areas and stormed the radical Lal Masjid (Red Mosque) in the capital city of Islamabad in June 2007 on the suspicion that suicide bombers linked to Al-Qaeda had taken refuge in the mosque. More than 70 militants died in the assault on the Red Mosque. To avenge the military assault on the Red Mosque and to protest the intensified military operations against pro-Taliban forces in North Waziristan, armed militants scrapped a peace deal with the government in July 2007. In August they captured 280 soldiers including a colonel and nine officers after intercepting a military convoy in South Waziristan. In October 2007, armed militants ambushed an army convoy in North Waziristan in which 20 soldiers and 45 militants were killed. Over 20 soldiers of the Frontier Corps were captured by local Taliban militants on October 7 after they successfully assaulted a military checkpoint in Spin Wam, adjacent to Hangu district in troubled

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North Waziristan. Reacting to these developments, President Musharraf told Dawn News TV that the prevailing conditions in the Federally Administered Tribal Areas (FATA) were “extremely precarious” and described the threat from religious extremism as the primary security challenge facing the country.

Pakistan’s domestic politics took yet another violent turn on October 16, 2007 when over 136 people died and 500 were injured in Karachi, in a suicide bombing attack on the homecoming public procession of former Prime Minister Benazir’s Bhutto’s return to Pakistan. Militant elements linked to pro-Taliban warlord Baitullah Mehsud were widely believed to be behind this atrocity. In his condolence call to Benazir, President Musharraf expressed his deepest sorrow over the terrorist attack and vowed to arrest the culprits. This rising tide of terrorist violence within Pakistan has forced Islamabad to rethink its relationship with militant religious groups. The Kashmir jihad is now being viewed as a double-edged sword with Islamabad holding the sharper end of it due to its devastating “blowback” effect.

Domestic Reactions to Pakistan’s Shifting Kashmir Policy

President Musharraf’s new thinking on Kashmir has evoked a mixed reaction at home. The religious right, led by Jamaat-e-Islami, has vociferously opposed his decision to ban the jihadi outfits and questioned the wisdom of his moves to seek a settlement of the Kashmir dispute outside the framework of the UN Security Council resolutions. Islamists have debunked the ongoing peace process as a “one man show” and have rejected Musharraf’s proposals as a “U-turn,” and a “roll-back” of Pakistan’s principled position on Kashmir. They have decried summit meetings between President Musharraf and Indian leaders as a “national humiliation.” Supporters of the Pakistan Muslim League (Nawaz Group) have also accused President Musharraf of taking a U-turn on the Kashmir issue and neglecting the people of Kashmir in his efforts to normalize relations with India. The Pakistan People’s Party formerly led by the late Benazir Bhutto, while supporting President Musharraf’s efforts to seek a rapprochement with India, had demanded greater transparency about discussions being conducted through the back-channel links between Islamabad and New Delhi. Significantly, on the eve of her return to Pakistan after eight years of self-imposed exile abroad, Bhutto publicly stated that if voted into power in the January 2008 elections, her party would continue the dialogue process with India. Prominent Azad Kashmiri leaders including former President and Prime Minister of Azad Kashmir, Sardar Abdul Qayyum, have also endorsed President Musharraf’s general stance that there is no scope for militancy in their freedom struggle and a

solution is only possible through negotiations and peaceful means.

It is worth noting here that the India-Pakistan peace process, contrary to prevalent public perceptions of slow progress, seems to have made considerable progress in back-channel discussions between Islamabad and New Delhi. This progress led Pakistan’s foreign minister, Khurshid Mahmood Kasuri, to claim in April 2007 that both countries were extremely close to reaching a settlement of the Kashmir dispute. Media reports indicated that both sides had reached a broad agreement on five elements of this settlement. The agreed points are:

1. No change in the territorial layout of Kashmir currently divided into Pakistani and Indian areas;
2. Creation of a soft border across the LoC;
3. Greater autonomy and self-governance within Indian and Pakistani controlled parts of the state;
4. A cross-LoC consultative mechanism; and finally,
5. Demilitarization of Kashmir at a pace determined by the decline in cross border terrorism.

How this emerging consensus will get sold by Islamabad and New Delhi to their respective wary publics, determined peace spoilers, and vested interests associated with entrenched positions would largely depend on the vagaries of domestic politics in each country, which at the time of this writing is looking increasingly uncertain and fluid.

Syed Rifaat Hussain is currently Executive Director of the Regional Centre for Strategic Studies (RCSS), Colombo, Sri Lanka. He holds a Ph.D. in international studies from University of Denver, Colorado, U.S.A. He is also a Professor of Defense and Strategic Studies at Quaid-i-Azam University, Islamabad, Pakistan.

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