

War on Terrorism & Kashmir issue

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The dynamics of Kashmir conflict have undergone a drastic change since 9/11 due to dramatic changes wrought by US War on Terrorism in the region. The US focus on fighting terrorism, extremism and Islamic fundamentalism, most of the times all linked together has put tremendous pressure on Pakistan's Kashmir policy. With the blurring of distinction between freedom struggle and terrorism, international community has become more intolerant to terrorism. Finding the moment opportune, New Delhi has stepped up the ante and questioned Pakistan's sincerity and commitment to fight terrorism while "sponsoring cross-border terrorism" into Indian held Kashmir. Conversely, Islamabad walking on a tightrope has tried to maintain a distinction between freedom struggle and terrorism.

The objective of the paper is to explore the relationship between War on Terror and Kashmir issue since 9/11. It analyses the relationship between War on Terror and Kashmir issue from three competing perspectives emanating from Islamabad, New Delhi and Washington. The Kashmiri perspective on War on Terrorism is also integrated in the analysis. The main argument is that although War on Terrorism has put pressure on the armed struggle in Kashmir, it has pushed political struggle to the forefront which provides an opportunity for serious negotiations on the Kashmir issue.

Three main questions raised in the study are:

- How Pakistan, India and US define terrorism in the context of Kashmir?
- How the three actors approach War on Terrorism and in what manner does it affect the Kashmir issue?
- How war on terror is affecting the composite dialogue on issues concerning terrorism and Kashmir?

Defining Terrorism

The competing perspectives are reflected in the manner the three actors define terrorism which also shape their objectives, attitude and expectations from War on Terrorism. The definition of terrorism is the most controversial issue in the contemporary international law and politics. All dictionaries agree that terrorism is all about fear, uncertainty and violence, and a terrorist is one who uses act of violence and terror, or other fear-inspiring means, to coerce a government or a community to agree on something that the terrorist wants. However, there is utter lack of consensus on what constitutes terrorism? What causes terrorism? Who is a terrorist? What are the various forms and manifestations of terrorism and how can one distinguish it from legitimate freedom struggles and even political violence and agitation on the streets? Thus quite often, one state's 'terrorist' is another state's 'freedom fighter'. In this situation, the definition of terrorism has become country-specific, serving their respective geo-political or economic interests. However, after

9/11 attacks on the US, there seems to be a growing convergence of perceptions on what constitutes acts of terrorism, the bottom line being that under no circumstances, violence or acts of terrorism can be directed against innocent people.

Pakistan: Within this broader international setting, Pakistan has repeatedly condemned terrorism in all its forms and manifestations, but strongly believes that terrorism or terrorist activities cannot be eradicated unless the causes of terrorism are removed. There are at least five elements in Pakistan's definition of terrorism. First, Pakistan considers terrorism a threat to humanity and human civilization and in principle condemns all acts of terrorism anywhere in the world. Second, Pakistan maintains that the root causes of terrorism should be addressed as part of the international campaign against terrorism. Third, the fight against terrorism should include "state terrorism", implying case of Kashmir. Fourth, a distinction should be drawn between freedom struggles and terrorism. Fifth, a distinction should be made between the Islamic religion and terrorism. This is reflected in various statements made by top Pakistani leadership at various occasions.

President Musharraf, in his speech at the SAARC Summit in 2002 stated: "We regard terrorism as a grave threat to civil society. We abhor violence. We are determined to eliminate terrorism and therefore, fully implement the SAARC Convention for Combating Terrorism."¹ However, he emphasized on the need for the elimination of the root causes of terrorism. At the 57th session of UN General Assembly, in 2002 reflecting on roots of terrorism he stated: "it was not religion which impels a terrorist act, it is often a sense of frustration and powerlessness to redress persistent injustice."²

Pakistan always looked at Kashmir struggle as a freedom struggle. Over the past six decades, Islamabad strongly supported the right of self-determination for the Kashmiris and pledged moral, political, and diplomatic support to the Kashmir cause. Ever since 1990 uprising in IHK, Pakistan stepped up its support for the Kashmiris that allegedly included material support to the fighters in Kashmir.³ Pakistan was deeply concerned about the potential fall out of 9/11 on its Kashmir cause that unleashed US global war on terror and included Pakistan its regional ally in this fight.

After 9/11 Pakistan, drew a distinction between freedom struggle and terrorism and made concerted efforts that WOT should not affect the Kashmiris' fight for the right of self-determination. Pakistan distinguished between the "acts of legitimate resistance and freedom struggles and acts of terrorism". Pakistan's concern flowed from its principled stance and support to the freedom struggle in Kashmir, which increasingly came under pressure from India and world opinion after 9/11. At UNGA, Musharraf observed: 'the just struggles of a people for self-determination and liberation from colonial or foreign occupation' cannot be outlawed in the name of terrorism."⁴ Pakistan also argued that India is perpetrating 'state terrorism' in IHK in the name of "counter-insurgency operations."

India: There exists a great divergence of perception between India and Pakistan when it comes to define terrorism and deal with terrorist activity in Kashmir. Broadly speaking, India argued that resistance in IHK is primarily a issue of terrorism and that Pakistan is sponsoring and supporting "cross-border terrorism" in IHK. Even

before 9/11 and US War on terrorism, India had consistently accused Pakistan of waging “proxy war”, “low intensity conflict’ and ‘cross-border terrorism’ in IHK.⁵

9/11 provided it a golden opportunity to push forward its own agenda of counter-terrorism in Kashmir. Consequently, India tried to combine the issues of War on Terrorism and Kashmir so as to draw maximum benefit from the changed international opinion in favour of fighting terrorism lock stock and barrel. India strongly contested Pakistan’s inclusion in the US war on Terrorism and repeatedly urged on the US to include Kashmir in its war on terror. It also questioned Pakistan’s credentials in becoming partner in US counter-terrorism strategy while being a “source”, “hub” or “epicenter” of terrorism and offered unconditionally to the US, all material and operational support for its military campaign against terrorism in Afghanistan. India further hardened its position on Kashmir.

US: The United States needed India-Pakistan cooperation to fight its War on Terrorism, which is mainly directed against Al-Qaida and its operatives/remnants in the region. Hence, it did not include Kashmir into WOT as suggested by India, but persistently exerted pressure on Pakistan to address India’s concern on terrorism. The fact that India and US share the view that Islamic extremism/ fundamentalism is a direct threat to their states, it has given leverage to India to

2001-2002 Military Stand off, War on Terror & Kashmir

The 2001-2002 India-Pakistan military standoff took place against the backdrop of war on terror in the region. The attack on state assembly in Srinagar on October 1, 2001 and subsequent attack on the Indian Parliament on December 13, 2001 precipitated a 10-month military stand off between the two countries. Pakistan for the first time condemned the attack on the state assembly and the Indian Parliament. Islamabad also sought “credible evidence” and offered Delhi, a “joint probe” or “impartial investigation” into the December 13 attack so as to establish the truth.

India however, spurned Pakistan’s offers and unleashed a massive military build up along the border with Pakistan which brought the two countries twice to the brink of war. During this period, India used coercive diplomacy to extract maximum concessions from Pakistan on the issue of cross-border terrorism. It equated the attack on the parliament with 9/11 attacks on the US and blamed Lashkar-e-Taiba, and Jaish-e-Mohamad for carrying out the attack with ISI help.⁶ Vajpayee in his message to the nation declared that the attack “was not just on the building, but a warning to the entire nation”, ... “our fight is now reaching the last stage, and a decisive battle would have to take place”.⁷ He warned: “We will liquidate the terrorists and their sponsors wherever they are, whosoever they are.” Later, he threatened that India, which had resisted crossing the LoC during Kargil conflict, might not show the same restraint in the future. He also declared that ‘all options are open’.⁸

Under growing Indian and US/international pressure, Musharraf defined parameters for Kashmir struggle, while keeping the commitment to Kashmir cause intact. In his 12 January 2002 speech, Musharraf pledged: “No organization will be allowed to indulge in terrorism in the name of Kashmir. ... Anyone found involved in any terrorist act would be dealt with sternly. Strict action will be taken against any

Pakistani individual, group or organization found involved in terrorism within or outside the country.”⁹ He banned Lashkar and Jaish that India alleged were involved in such activity. Asserting Islamabad’s commitment to Kashmir struggle, he said: “Kashmir runs in our blood. ... We will continue to extend our moral, political and diplomatic support to Kashmiris. We will never budge an inch from our principled stand on Kashmir.”¹⁰ Islamabad, maintained, “Kashmir problem needs to be resolved by dialogue and peaceful means in accordance with the wishes of the Kashmiri people and the UN resolutions.” It urged the international community, especially the US to play an active role in resolving the Kashmir dispute for the sake of durable peace and harmony in the region.

US & Stand off

The US policy was reflected in US role in defusing military stand-off between India and Pakistan in 2001-2002 and US role in facilitating and sustaining India-Pakistan composite dialogue since January 2004. After assembly attack, the US President Bush called on both parties to ‘cool tensions’.¹¹ During military standoff, the international community and in particular the US persistently urged on India and Pakistan to exercise restraint, defuse tension and resume dialogue. US sent high officials such as Secretary of State Colin Powell and Deputy Secretary of State Richard Armitage India and to bring down the temperature and avert any potential escalation in the crisis.¹² They exerted pressure on Pakistan to control cross-LoC infiltration.

Composite Dialogue, War on Terrorism & Kashmir

The thaw in Pakistan-India relations began in April 2003 and resulted in ceasefire on the LoC on 26 November 2003. On 6 January 2004, at the end of the SAARC summit in Islamabad, the two sides signed a joint statement that revived composite dialogue.

The joint statement that formed the basis of current composite dialogue between Pakistan and India, hinged on drawing a delicate balance between India’s concern on terrorism and Pakistan’s apprehension regarding the marginalization of the Kashmir issue. The statement said: “the resumption of the composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir”. Islamabad agreed that it “would not permit any territory under Pakistan’s control to be used to support terrorism in any manner.”¹³ This implied a subtle linkage in the progress on the two issues.

Consequently, Kashmir and terrorism have dominated the composite dialogue that began in March 2004. The last three years of peace process indicates that India and Pakistan sharply differ regarding progress on Kashmir and terrorism. Pakistan feels that there has not been concrete progress on the resolution of Kashmir while it has done everything to address India’s concern about ‘cross-border terrorism’. Conversely, India feels that Pakistan has still not given up the jihadi option on Kashmir and questions its sincerity and commitment to curb cross-border terrorism.

The joint statements issued at the end of each round of talks on the peace and security and Kashmir or the foreign secretaries review talks, show that both sides want to register the importance they attach to their respective concerns on Kashmir

and terrorism. For instance in September 2004, the joint statement at the end of the foreign secretaries review meeting underscored, 'carrying the process forward in an atmosphere free from terrorism and violence' and 'continue with the serious and sustained dialogue to find a peaceful negotiated final settlement' of the Kashmir dispute.¹⁴ In October 2005, the joint statement issued at the end of second round of talks reiterated that "possible options for a peaceful, negotiated settlement of the issue of Jammu and Kashmir should be explored in a sincere, purposeful and forward-looking manner." It also reaffirmed "determination not to allow terrorism to impede the peace process."¹⁵

The joint statement issued on 16 September 2006, at the end of Musharraf - Manmohan meeting, the leaders decided to continue the joint search for mutually acceptable options for a peaceful negotiated settlement of all issues between India and Pakistan, including the issue of J& K, in a sincere and purposeful manner.' It emphasized the 'need to build on convergences and narrow down divergences'. The leaders strongly condemned all acts of terrorism and agreed that terrorism is a scourge that needs to be effectively dealt with. They decided to put in place 'an India-Pakistan anti-terrorism institutional mechanism to identify and implement counter-terrorism initiatives and investigations.'

The leadership on both sides has showed considerable political will and commitment to sustain the composite dialogue on Kashmir and terrorism. However, their statements from time to time have voiced sharp difference in their respective stances over improving situation in Kashmir and the resolution of the dispute. Indian leadership has continued to highlight the issue of 'cross-LoC infiltration' and terrorism and contended that it is directly linked with the reduction of troops from IJK, and improvement of human rights situation there. Hence, India has not agreed to CBMs that could normalize situation inside Kashmir such as extending ceasefire to the militants, announcing gradual reduction of troops, abrogating repressive laws such as Special Powers (Armed Forces) Act, releasing political prisoners, improving human rights violations, rehabilitating victims of violence etc. India has linked all these steps to the security situation in Kashmir. In contrast, Pakistani leadership continued to make efforts to keep Kashmir at the centre of the dialogue and emphasized on the Kashmir specific CBMs that may provide relief to the Kashmiris on the ground.

India has also tried to exploit the incidents of terrorism in India and Kashmir to its own advantage. It has invariably accused Pakistan-based militant groups, especially Jaish and Lashkar for carrying out such incidents. Delhi suspended composite dialogue after Mumbai train blasts on 11 July 2006 which was restored only when Pakistan agreed to the formation of an anti-terrorism institutional mechanism to address India's concerns on terrorism. A joint anti-terror panel was set up in this regard which had its first meeting in March 2007. Sharp differences have arisen in the very first meeting as Pakistan maintained that incidents inside IJK would not come in the purview of the anti-terror panel while India insisted that it should cover all terror incidents whether they are in India or Kashmir. The working of the mechanism poses huge challenge to both sides, as they would tend to use it to their own advantage.

An analysis of the last three rounds of talks shows that the normalization process has moved forward, while conflict resolution process has not showed much concrete

progress. So far there have been some Kashmir-specific CBMs such as a ceasefire on the LoC, resumption of Srinagar- Muzaffarabad bus service in April 2005, the opening of 5 cross-LoC points in the wake of earth quake of October 8 2005, starting of Poonch-Rawalkot bus service and an agreement on the truck service on Srinagar-Muzaffarabad route. In addition APHC leaders were allowed to pay few visits to AJK & Pakistan, and Indian and Pakistani journalists visited the two Kashmirs. There was agreement on monthly flag meetings along the LoC between the local area commanders. The other CBMs on the table are to hold of sports events on both sides of Kashmir, and start a helicopter service and postal service between Muzaffarabad and Srinagar. India has proposed a bus service between Skardu and Kargil and Pakistan had agreed to look into the suggestion. The benefit of the Kashmir-specific CBMs have however, been limited due to the difficulties in way of their operationalisation. In the last round of foreign secretaries talks on 13-14 March 2007, the two sides have agreed to ensure implementation of already agreed Kashmir related CBMs.

The slow movement on Kashmir has not been only due to India's dissatisfaction on the issue of terrorism that it continues to assert would determine the progress on Kashmir. It is also due to divergent stances adopted by two sides on the resolution of the Kashmir dispute. Pakistan has shown remarkable flexibility and imaginative thinking in offering different proposals that takes into account aspirations of Kashmiris as well as Indian and Pakistani sensitivities in Kashmir. The basic premise of Musharraf proposals is that solution to Kashmir cannot be found in status quo, insistence on plebiscite or converting the LoC into a permanent border but in a creative resolution based on concessions by all sides, yet meeting the aspirations of the Kashmiris. Musharraf has demonstrated great 'flexibility' in suggesting ideas about the resolution of Kashmir issue. On 24 October 2004, he suggested a three-phased formula along the ethnic and geographic lines. In December 2005, he suggested a 4-point formula that involved soft borders, demilitarization, self-governance and joint mechanism/supervision mechanism for Kashmir.

Conversely, India has so far not shown any flexibility in moving away from its officially stated position on Kashmir that it is an "integral part" of India. Prime Minister Manmohan Singh articulated India position in May 2004, even before assuming office. In response to a question that how far he would accept a compromise with Pakistan on Kashmir, Manmohan told Jonathan Power: '[Short] of secession, short of redrawing boundaries, the Indian establishment can live with anything as far as question of Kashmir and Pakistan is concerned.'¹⁶ He added: 'We need soft borders- then borders are not important... People on the both sides of the border should be able too move freely'. On the question of plebiscite promised by Nehru, he observed: 'a plebiscite would take place on a religious basis. It would unsettle everything. No GOI could survive that. Autonomy we are prepared to consider. All these things are negotiable. But an independent Kashmir would become a hotbed of fundamentalism'.¹⁷ As he took over, he referred to national consensus and accommodation of public sentiments and extrapolated that 'terrorism and violence would cast a dark shadow over this process. Since than basic elements of India's Kashmir policy have been: a) no redrawing of boundaries on religious lines. b) Soft borders with free movement of Kashmiris people and trade across LoC. c) Autonomy within the Indian constitution. d) national consensus and accommodation of public sentiment on the issue of Kashmir and terrorism.

Within these broad parameters, India rejected Musharraf's seven-region proposal saying that it constituted a division of Kashmir on religious lines. The initial Indian response to Musharraf's 4-point proposal was also quite lukewarm but lately Indian media and official circles have shown some interest in the proposal, especially the self governance and demilitarization but has strongly opposed the joint supervision mechanism.

US has played an important role in initiating and sustaining India-Pakistan composite dialogue. It has extended support to bilateral efforts to resolve Kashmir dispute and has supported Musharraf's proposal of self-governance, demilitarization and joint management/supervision. US is interested in ensuring strategic stability and durable peace in the region. Yet, it has not clearly moved away from its traditional crisis management approach to a conflict resolution approach in the region. Many observers in Pakistan feel that with the growing strategic partnership with India, the US would be reluctant to pressure India to make concessions to Pakistan over Kashmir. However, the US war on terrorism would continue to engage US in the region that in return would imply that US would stay actively engaged in India-Pakistan peace process.

Kashmiris, war on terrorism and Kashmir

Kashmiris leadership, both political and militant has been profoundly affected by turn of the trends after 9/11. First, while the moderates have become more relevant to the political struggle, the hardliners and the militant leaders find themselves isolated and marginalized. Significantly, in January 2007, the APHC leaders in their visit to Pakistan and AJK conferred with the United Jihad Council leadership. Mirwaiz called for an end to armed struggle and urged on militants to join the path of dialogue and reconciliation.¹⁸ The call was a bold and courageous step, but it evoked negative reaction in IHK. Syed Salahuddin of the UJC, and Syed Ali Gilani leader of hardline faction of APHC opposed the move. Geelani's wheel jam call in Srinagar to protest Mirwaiz visit to Pakistan evoked great response. The polarization within the APHC and between APHC and Kashmiri militants may undermine the credibility of the moderates, especially when there is not much improvement on the ground in Kashmir.

Second, although Kashmiris have extended full support to India-Pakistan peace process, yet they are not included in the dialogue process. The January 6, 2004 statement limited the solution of Kashmiris to "the satisfaction of both sides". Kashmiris on both sides of the LoC have demanded that they should be formally involved in the peace process. They have also demanded Kashmir-specific concrete CBMs that may improve situation in Kashmir. These included ceasefire by the Indian forces against the militants, troops withdrawal, release of political prisoners and an end to human rights violations. New Delhi, in its bilateral talks with Hurriyat has ruled out withdrawal of troops to barracks. A statement from the PMO stated that India would cut off troop level in Kashmir if violence and infiltration stops.¹⁹

Third, the APHC led by Mirwaiz has supported President's Musharraf's proposals on demilitarization, self-governance and joint management/supervision. The pro-India PDP and NC have also supported the idea of demilitarization and joint supervision for Kashmir. In fact, PDP has threatened to pull out of coalition with the Congress if

there is no forward movement on the issue of demilitarization. This indicates a resurgence of political struggle for the resolution of Kashmir.

Conclusion:

Kashmir issue predates War on Terrorism since 9/11 and is most likely to continue after war on terror comes to an end, if it remains unresolved. The War on terror has certainly put pressure on the armed struggle in Kashmir which was already facing pressures from different corners. This has however, provided opportunity to Pakistan, India and the Kashmiris to move towards resolving the Kashmir conflict. Within this context, the US can play a very important role by constructively engaging India, Pakistan and the Kashmiris to initiate a structured and sustained dialogue on Kashmir and find a solution that is in accordance with the wishes of the Kashmiri people.

End Notes

¹ "Text of President Gen Pervez Musharraf's speech at SAARC Summit", *The News*, 6 January 2002.

² Masood Haider & Anwer Iqbal, "Kashmir a threat to peace, warns Musharraf: world help sought for Indo-Pak talks", *Dawn*, 13 September 2002.

³ See, Zaid Hussain, *Frontline Pakistan: The Struggle for Militant Islam*, (I. B. Tauris, UK, 2007.) Rizwan Zeb, "Pakistan and Jihadi Groups in the Kashmir Conflict", in Waheguru Pal Sindhu, Bushra Asif, & Cyrus Samii, (ed.), *Kashmir : New Voices, New Approaches*, (Lynne Rienner Publishers, Boulder London, 2006.) pp.65-95.

⁴ Masood Haider & Anwer Iqbal, "Kashmir a threat to peace, warns Musharraf: world help sought for Indo-Pak talks", *Dawn*, 13 September 2002.

⁵ See, Praveen Swami, "Terrorism in Jammu and Kashmir in Theory and Practice", in Sumit Ganguly, *The Kashmir Question: Retrospect and Prospect*, (ed.) Frank Cass & Co. Ltd., UK, 2003. Ashutosh Misra, "The Problem of Kashmir and the Problem in Kashmir : Divergence Demands Convergence", *Strategic Analysis*, Vol. 29. No. 1. January-March 2005. pp. 16-43.

⁶ Prashant Pandey, "Jaish, Lashkar carried out attack with ISI guidance: Police", *The Hindu*, Delhi, 17 December 2001.

⁷ Harish Khare, "A decisive battle has to take place: PM", *The Hindu*, Delhi, 14 December 2001.

⁸ "All options are open: PM", *The Hindu*, Delhi, 20, December 2001.

⁹ Text of President's address to the nation", *The News*, Islamabad, 13 January, 2002.

¹⁰ Text of President's address to the nation", *The News*, Islamabad, 13 January, 2002.

¹¹ "Pakistan to retaliate if attacked: Qureshi", *The News*, 17 October 2001.

¹² See, Poly Nayk & Michael Krepon, *US Crisis Management in South Asia's Twin Peaks Crisis*, The Henry L. Stimson Center, Report 57, September 2006.

¹³ "Pakistan, India Joint statement", *Dawn*, Karachi, 7 January 2004.

¹⁴ "Highlights of the Joint Statement", *The Times of India*, New Delhi, 9 September 2005.

¹⁵ Text of Pakistan India Joint Statement", *Daily Times*, 5 October 2005.

¹⁶ "Manmohan Singh open to soft borders with Pakistan", *Times of India*, New Delhi, 26 May 2004.

¹⁷ "Manmohan Singh open to soft borders with Pakistan", *Times of India*, New Delhi, 26 May 2004.

¹⁸ Mehreen Zahra Malik, “Kashmiris are not tired but they need a change in strategy...”, *Friday Times*, 2-8 February 2007.

¹⁹