

PEACE THROUGH AUTONOMY AND RECONCILIATION

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Mr. Vice Chancellor, Professor Mushriful Hasan, Ladies and Gentlemen

I am deeply honoured by your kind invitation, but it is with great trepidation that I speak in front of this audience which includes many individuals far more knowledgeable about Kashmir affairs than myself. I have, in fact, no academic competence in this area and speak merely as a journalist and a concerned individual. Much of what I will have to say is in fact an extension of some arguments I have presented earlier in the news magazine, *Frontline*.

Now it seems to me that any discussion on Kashmir must begin, first, with the scale of violence and atrocities; second, with the underlying structural problems and historical issues which underlie the conflict; and, third, with a distinction between what is indigenous and what the role of foreigners, mainly Pakistan, really is, so that we can have some sense of the kind of settlement we shall require within Kashmir, which must always have the priority, and between India and Pakistan without which a durable peace in Kashmir cannot be secured.¹

The first thing to be said about the scale of violence and atrocities is that it is only in relation to the size of the country as a whole, and thanks only to a kind of moral numbness that pervades our society generally, that this scale appears to be small and manageable. The figure of between 50 and 70 thousand casualties in a population of roughly 5 to 6 million which is commonly accepted, as against the figure 20,000 which the government puts out, gives us a ratio of one casualty out of every one hundred, which would then mean that the killing fields of Kashmir are in no way less savage than the orgies of blood that the Serbian army and the ethnic militias perpetrated in various parts of former Yugoslavia and which drew so much attention around the world.

This, then, has to be considered in relation to the ratio between the population, the security personnel and the supposed number of militants at any given time. *India Today* of August 14, 2002 put the total number of armed militants at well below two thousand: 965 for the Hizbul Mujahideen, 250 for Lashkar-e-Toiba, 283 for Jaish-e-Mohammad and small contingents of a couple of other organizations. One wonders how the journal obtained such precise figures about top secret operations of the enemy, but we shall let that pass. The point, rather, is that the generally accepted figures for the total number of security forces engaged in counter-insurgency, including the former militant working now for the government forces, is roughly half a million. It rather boggles the mind that half a million trained security personnel cannot put out an insurgency that involves less than two thousand gunmen on the other side, most of them said to be foreigners with no roots in the terrain or the population. And if it is in deed true that the insurgency is really a matter of cross-border terror engineered by Pakistan, then it again boggles the mind that half a million security men, equipped with modern weapons with all kinds of air cover, cannot seal a Line of Control merely 740

¹ The simple word 'Kashmir' shall be used throughout this essay to designate the whole of that historic region. Other terms- e.g. Jammu, Ladakh, Azad Kashmir, Northern Territories, the valley etc.-shall be used for more specific units within that historic entity.

kilometers long. The main task of these forces is not fighting against infiltration but controlling the ingenious population itself, and the ratio of one security man to about a dozen civilian is said to be worst in the world.

There is of course the indiscriminate, savage violence practiced by the terrorist, but by any count, including notably the government count which our newspapers dutifully reproduce, the ration of security men dying is relatively low. In the **Death Count** which **Indian Express** has taken to publishing on a daily basis, very much on the model of the infamous “ body count” released by the Americans during the Vietnam war, e could simply look at the statistics given on 5th November where it is said that out of the 2.351 who died in the first ten months of this year, there were 356 security men, as against a combined total of 1995 militants and civilians. If securitymen account for roughly 15 percent of the casualties even by the doctored up statistics of the security forces themselves, the actual ratio is in fact likely to be lower. Second, if **India Today** is correct in saying that there are less than two thousand militants operating in J&K at any given time, and if the **Indian Express** is also correct in saying that 1343 of them have been killed over the past ten months alone, then it becomes unclear how the insurgency goes on unabated if it is simply a matter of ‘cross-border-terrorism’ as the government claims. Third, any distinction between ‘civilian’ and ‘militant’ in such accounts of popular insurgency must always be greeted with great skepticism; it is, after all, the security forces themselves which largely determine whether a particular corpse is that of a ‘civilian’ or a ‘militant’.

Let me now refer you back to **The Indian Express** of 5th November to illustrate the kind of casualness with which the dead gets reported. In the box of **Death Count, on page 5,** we are told that 6 civilians, 17 militants and 7 security men died the previous day- which comes to total of 30. But the first column of the front page had carried the terse little headline “ 44 killed in J & K” and as the story was carried on to page. 7, we learned that the 44 had included 25 militants, 8 securitymen and, presumably, 11 civilians. How the number of the dead could be 30 on page 5 but 44 on the front page and on page 7 was left very much to the reader’s imagination. This kind of casual irresponsibilities in reporting the dead is a punctual feature of our dominant media and it indicates not so much a lack of professionalism in this or that newspaper but a settled moral numbness in society as a whole, so that it does not really matter how many have died, through what means and as to who is actually responsible. The fact that this moral numbness pervades the polity as a whole is well reflected in the fact that neither the government, nor the security apparatus active in the field, nor the government’s Human Rights Commission, nor any of the political parties either within the NDA or in the opposition have ever undertaken a comprehensive, credible public inquiry into the abuses of power by the security agencies. Everyone seems to have settled down to the rhetoric of “cross-border terror” and “fundamentalism” on the one hand, and to cliches of “ insaniyat”, “ alienation” etc on the other.

I shall soon come to the substantive question of politics and diplomacy, cease-fire and alternatives for a final settlement, and so on, which do and should preoccupy us all. But I think that all those other, very necessary discussion should not obscure the actual levels of cruelty and deception involved in the very picture we get from official sources and the dominant media. Unlike Pakistan, we are still,

outside such regions as Jammu & Kashmir, a reasonably democratic polity; we can and we must, hold our government accountable if this polity is to remain democratic and if we are restore democratic norms where such have ceased to operate. Unlike the makers of Pakistan, who were obsessed with the Hindu-Muslim difference, leaders of the national movements in India had made rather large moral claims about how we were going to build a religiously ecumenical and pluralist society, a secular polity, and a state bound strictly by law, constitution and ethical responsibility. In the early years of Republic, when belief in those claims was still powerful, the people of J&K had opted to become a part of secular India rather than the Muslim Pakistan not simply by virtue of the Instrument of Accession, which is the legal basis of the association of the State with India, but also because of those promises of building a progressive, pluralist, secular India in which the people of J & K were to have a very special status and the maximum degree of autonomy within the union. Those promises were contained in Article 370 of the Indian Constitution and in the Constitution of J&K itself. These are constitutional obligations without which the Instrument of Accession itself rendered meaningless; to deny this fact, as the RSS and its affiliates punctually do, is to undermine the Union itself.

There were, in other words, two sides to the moral bond. There was the translation of it in the form of a constitutional obligation. But there was also a visionary idea which we then took to be practicable horizon and which was best expressed by Mahatama Gandhi when he said that the kind of religious tolerance and plurality that he envisioned for the whole of India was most evident in Kashmir, and it was therefore not Kashmir that had to be re-made in the image of India, but India itself that had to re-made in the image of Kashmir.

The India state has increasingly conspired with Pakistan to destroy that particular Kashmir, the one that the Mahatama had held up to India as an ideal to be emulated. Actually, Pakistan has a least a perverse kind of honesty in its enterprise; their rulers practice a politics of religious hysteria and they are quite forthright about it. On February 5 this year, General Musharaf, in some other ways more decent than his immediate predecessors, said jubilantly that the Jihad that had been won in Afghanistan had now been transferred to Kashmir. I shudder to think of people who can soberly think of making valley something resembling what their friends, from Hikmatyar to the Taliban, have made of Afghanistan. In a newspaper of column, saeed Naqvi recently quoted extensively from the website, to have some sense of the Lashkar-e-Toiba and urged us all to visit that website, to have some sense of the kind of barbarian that come into the valley.

Such facts must never be used, however, to condone the kind and degree of counter-terror routinely practiced by the Indian state itself. In actual practice the counter-terror against the terrorist frequently extends into terror in its own right. Plain and simple directed at the innocent population itself, targeting the Muslim segment of the population in particular. In deed, if we, as a polity, ever had the courage to institute something resembling the Commission for Truth and Reconciliation which the Mandela government instituted in South Afarica after the dissolution of Apartheid there, it may so turn out that routine terror against the population far exceeds the violence used against the terrorist.

What happens in Kashmir is of course a matter of life and death, first of all, for the Kashmiris themselves. But it was also, from the very beginning, a test case for the two nation-states that had emerged out of the massive fratricide of the partition. The claim of the two-nation theory, as propounded by Mr. Jinnah was that there could be peace between Hindu and Muslims only if both got their own separate states. The claim of the Indian national movement, by contrast, was that ours was secular, multi denominational society encompassing peoples of all religions; religious difference was not a political liability, we said, but a cultural asset, Kashmir became a testing ground for both these claims. What actually happened is that neither of these new nation-states that arose out of decolonization in South Asia proved able to leave behind them the bitter legacy of the partition, and it was in Kashmir that competing claims of territory and belief proved the most intractable.

For us to understand the scale of our mutual failures, we might recall how in the process of building modern democracies France and Germany were eventually able to leave behind them the memories not only of the wars over Alsace-Lorraine that had occupied them through so much of the 19th century but the experience even of the two world wars, so that they could then emerge as the main pillars of European unity. In South Asia, by contrast, the partition did not solve the problem of communalism but made it permanent, institutionalizing it in organs of the state itself, in the form of religious bigotry in Pakistan and, increasingly over the years and decades, as a ferocious majoritarianism and great-nation chauvinism in India. There has been almost a traumatic failure in both countries to bury the hatchet and to arrive in Kashmir at an imaginative solution that would bypass the maximalist positions held by the two adversarial nation-states and would pave the way of peace there through maximum autonomy for the region and an honorable reconciliation among all its peoples. We have never even considered the possibility that the task of the two-nation is not to dictate a solution but to help the people of the state, on both sides of the LOC, find a solution that would be peaceful, progressive, secular, in conformity with their aspirations as well as with their historic ties with the region as a whole, including security ties. Nor have we considered the possibility that the solution may well lie in softer, more flexible ideas of sovereignty than the rigid ones that we have inherited from nation-states of the 19th century. This is the historic failure of our two countries, for which the people of Kashmir are paying with their blood and their honour.

The peace that Mr. Jinnah had promised as a result of the partition never materialized. Not only did the partition itself come with unimaginable levels of communal violence and the largest migration of refugees in human history, but that strife was immediately extended to Kashmir and made permanent. This is the one region in South Asia where the violence of partition has never ended. It is indicative of the ferocity of Pakistan's determination in this regard that it has never renounced its own territorial claim to the whole of Kashmir, has never allowed the emergence of a force that spoke autonomously for Kashmiri interests, has always claimed that the issue of self determination in Kashmir was an issue of integration with either India or Pakistan, and has always, assumed, peremptorily and preemptively that, given such a choice, Kashmiris will necessarily choose in favour of Pakistan. Wars were initiated both in 1948 and in 1965 with the aim of obtaining through the force of arms what it could not achieve through political or diplomatic means, and its conduct during the more

recent insurgency dating from 1988-89 has been dictated by these implacable objectives and presumptions. I shall return to the matter of Pakistan's policies in a moment, but it is worth remarking here that it has done all it can to prevent the emergence in Kashmir of a force that is secular in its own make-up, independent of intelligence services and opposed to Pakistan's own territorial claims' and it has actively financed and given training and weapons to outfits of the most rabid theoretical orientation. Meanwhile, it has allowed political formation in the so-called Azad Kashmir less freedom than has been available, for the most part, to their counterparts in J & K on the Indian side. Basically, it has never accepted that there could be on its own borders, no less a Muslim-majority state that was willingly a part of India ; That seemed to negate the two-nation theory itself.

For India, meanwhile, there were two quite different questions in years immediately after independence. India had of course declared itself not a Hindu *rashtra* but a secular Republic. However, it had done so without at the same time fully facing the majoritarian communalism that was even then a major force in at least the northern regions of the country- not weakened but strengthened by the partition- and a considerable presence within the Indian National Congress itself, as Prime Minister Nehru was the first to recognize and condemn. Could this formally secular India, arising out of a communal holocaust, really live with a Muslim-majority state within the Union, and one, moreover, that was accorded a very special degree of autonomy, which majoritarian communalism was bound to represent as 'minority appeasement' that was compromising security and integrity of the nation? One can grasp the gravity of this question if one recalls that Shyama Prasad Mukherjee, whom the RSS has taken to eulogizing as the first martyr in the Indian struggle for Kashmir, was in fact a colleague of Nehru in those early years when Article 370 of the Constitution was crafted as embodying the term of acceptance of the Instrument of Accession. Communalism was not entirely external to some pockets of the national movement itself. So, that was the first question: could the promised autonomy for the state of Jammu and Kashmir survive the creeping institutionalization of majoritarian communalism in large parts of Indian society and state after independence.

But this too was connected with another equally basic question about the shape of Republic, and the place of J&K in it: the question, one might say, of the viceregal traditions of governance which independent India had inherited from the Raj and toward which even the finest of our leaders, perhaps including Nehru, were very much inclined. It is some times said that Mount Batten was able to persuade Nehru to accept partition by arguing that the kind of constitutional arrangements that could prevent the partition would make the center permanently weak in relation to its federating units, so that the process of national integration shall be impeded in the political sphere and the center's ability to undertake major initiatives would be curbed in the economic sphere.; better to let go of some regions than to weaken the Centre. Be that as it may. The structure of the Union that emerged out of independence was formally federal but substantively unitary: a strong Centre with weak federating units. Could this system accommodate a unit of a very different kind- one that entered the Union with its own constitution and its own flag? It is chastening to recall that what Namboodripad was to face some years later was a much milder version of what Sheikh Abdullah had to face in 1953; it was with Kashmir that the history of arbitrary dismissals of state governments in India more or less began, and this history was repeated there

more often than in any other state, just as elections were rigged there more blatantly than elsewhere. It was in Kashmir, in other words, that Indian federalism and Indian democracy, India's commitment to its own constitutional provisions and its claims of a composite culture as a politically positive value, were tested the most strongly, and here it was that the Indian state was found the most wanting.

I hardly need to remind this audience that the erosion of Article 370 began not under a communal dispensation but in the 1950s the "golden decade" of Indian democracy and secularism, and that between 1953 and 1986 no less than 42 amendments were passed as to restrict the powers of the state. Nor does one have to go into details as to how so-called 'Hindu card' was played in Jammu in 1983 by the very custodian of Indian secularism, from which the BJP benefited only later; how the elections of 1987 were rigged; and how the Muslim United Front of 1986, the insurgency dating from 1988 and the emergence of the *Kul Jama'at Hurriyat Conference* (APHC) in 1993 were initially at least, responses to these events. It is indicative of larger trends, though that even in its founding moment AAPHCC affirmed the specifically "Islamic Character" of the struggle; with the JKLF already sidelined, neither the Pakistan-based Muttahida Jehadi Council (MJC), which had already been established in 1991, nor the APHC which emerged two years later, even claimed to speak for the non-Muslim population of the composite state. What is crucial to understand, in any case, is that Islamisation of considerable sections of the insurgency and its affiliates in the valley grew in tandem with the increasing communalisation of India Politics in general and of Jammu and Kashmir politics in particular- a turn of events in which the Congress itself proved entirely capable of practicing a pragmatic kind of communalism which often paved the way, inadvertently perhaps, for more programmatic communalism of the majoritarian Right. Moreover, these developments which were internal to Kashmir and, more generally, to India coincided with certain fundamental changes which were then in place within Pakistan, a matter to which I now turn briefly.

After the failure of its bid to capture the whole of Jammu and Kashmir, in 1948, Pakistan had initiated the 1965 war with the express purpose of capturing as much of the J&K as possible while also trying to capture some other Indian territory which is dreamed of exchanging for whatever part of Kashmir still remained in India's hands. In that project it had failed miserably and the next few years, until after the Bangladesh crises, were years of great internal turbulence within Pakistan. In 1971 war was then fought on Indian initiative, resulting in what we call the liberation of Bangladesh but what was perceived by the Pakistani leaders as an elaborate and successful Indian conspiracy for Pakistan's military humiliation and territorial breakup. That traumatic experience brought about three fundamental changes. Pakistan had until then claimed to be home for majority of South Asian Muslims but was now home to fewer Muslims than not only Bangladesh but also India. In this crises of identity, then, the Islamist vocation of the state was found; no longer the home of the majority of muslims., Pakistan was to be the home of the truly pious. Second, the makers it had lost in East Bengal were to be compensated for with markets elsewhere. The answer was the ' Muslim World', specifically the socially and religiously conservative monarchies of the Gulf region. This too contributed to the rise of orthodoxy there, but what it means above all was that Pakistani state began to think of itself

not as a merely South Asian entity but as a strategically located middle-sized power straddling both South and West Asia.

The third fundamental shift was in security perceptions. Having been cut to half its size by a much bigger neighbour, it took a leaf out of Israeli textbooks and decided that in order to command strategic depth, the defence parameters of its own security should be drawn inside the territory of the two neighbours that Pakistan considered hostile: India principally, but also to certain extent Afghanistan. Pakistan's relatively successful role in the insurgencies in Punjab and Kashmir came in the wake of this new strategic doctrine of forward defence because there was fertile ground in those states for Pakistan to exploit. These changes were already emerging in the Bhutto years, in the mid-1970s, but reached their final form only after Zia-ul-Haq's *coup d'état*, especially after the Afghan revolution of 1978.

Zia was a man of much more orthodox, even theoretic persuasions, and he carried out a very conservative kind of systematic Islamisation of Pakistani society, state and, especially the armed forces, though it could also be argued that this process of which Zia himself was a product. This religious zealotry became particularly ferocious after Pakistan started fighting America's proxy war in Afghanistan. By the time a full-fledged insurgency began taking shape in Kashmir in response to the rigged elections of 1987, the PDPA government in Afghanistan was already beginning to tatter, the Pakistani Army had gained almost a decade of experience of that war and had at its disposal very considerable military resources as well as thousands of experienced irregular combatants and free-lance seekers of martyrdom, so that it was now much better equipped to take advantage of the crises that was by then brewing within J&K. Meanwhile the ISI had emerged as a virtually autonomous centre of decision-making, thanks to the CIA which had sought to largely bypass the Pakistan GHQ and manage the war itself, with direct channels to Pakistan's Intelligence Services.

ISI had tried to recruit the JKLF as early as 1984 but had been turned down by the valley-based leaders, and it was only after Amanullah Khan's arrival in Pakistan in 1986 that the relationship seems to have been firmly established. 1989 was, however, the crucial year. Not only did militancy gain ground very rapidly but, more importantly, the highly successful general strike and election boycott of that year, ordered by the militants, convinced Pakistan that Kashmir was witnessing a new kind of mass movement which it had to capture so as to ensure that it was led by groups loyal to itself. It was in this atmosphere that differences between JKLF and the ISI began to widen, and the Jam'at-e-Islami, never popular in Kashmir previously, gained ascendancy only after the ISI threw its weight behind it as the force selected to eliminate JKLF and to Islamicise the insurgency, just as it was the ISI that had given the Jama'at a pre-eminent role in Afghanistan-until Benazir for her own reason curtailed that role and gave much more support to the Deobandis groups. Since the Jama'at was connected with the Hizbul-Mujahideen in Kashmir, and had a number of its own Pakistani cadres active in J&K, Syed Salahuddin's outfit was ideally positioned to take on the JKLF on the one hand and to try and occupy the pre-eminent position among the rest of the groups.

However, just as the ISI had learned from CIA in Afghanistan never to rely only on one or two groupings, several groups were created for Kashmir as well, many

of whom were then brought together in the Tehrik-e-Hurriyat-e-Kashmir (TEHK) and the Muttahida Jihad Council(MJC) which were created in April 1991 and from which JKLF was pointedly excluded. Pitched battles were fought against JKLF, which was caught in a pincer between Indian security forces and the Pakistan-sponsored mujahideen. This was combined, then, with systematic killings of non-fundamentalist and secular people belonging to the National Conference, the Left Parties and Janta Dal. That the Hizbul Mujahideen is by no means the only fighting force of the insurgencies in J&K, but also that it is the pre-eminent one, are facts that were determined initially in Islamabad and Muzaffarabad, even though the majority of its own cadres are of Kashmiri origin. In context, then, it is very ironic that Mr. Advani would certify the Hizb as “our own dissidents” because they offered a short-lived cease-fire, while his colleague in BJP, J.P. Mathur called Farooq Abdullah an “Islamic fundamentalist” and Mr. Advani’s parent organisation, the RSS, characterized the Autonomy Resolution passed by the state assembly as only “a step short of actual cessation”.

Much of this is well enough known and I mention it here to make several points, First, the problem in Kashmir is rooted in the failure, in different ways, of both India and Pakistan to overcome the trauma of the partition; in Pakistan’s perception that a Muslim-majority Indian state on its borders is an unacceptable refutation of the two-nation theory and the whole of Kashmir belongs to it by something of a divine right; and in India’s failure to honour the commitments it made to the Kashmiri people, a failure that is itself rooted not only in the communal pressure to teach the Kashmiri Muslim a lesson but also its much more fundamental fear that the grant of any extensive autonomy there may serve to dismantle the viceregal tradition of centralized dispensation and administration. The least that India could do is to grant real autonomy to the state and then workout mechanism of real political and administrative devolutions to the respective regions within the framework of that autonomy, by for that we lacked the will and the imagination.

Second, the politics of communalisation is now a fact of life in Kashmir but it is something that has been smuggled into it by the dominant forces in India and Pakistan, and in the Indian case the RSS-BJP combine has been the main beneficiary but the Congress itself has been conflict in it. The price has of course been paid by all the religious communities there, Muslim and non-Muslim, and there are strong indication that sectarian strife is now on the rise among the Muslims themselves. This too was predictable. Religious zealotry has already polarized the Afghan and Pakistani population on lines of Shia-Sunni sectarian divide, with powerful armed militias on both sides but especially ferocious among the Sunnis. Some of the same Sunni, largely Deobandi militias are deeply intertwined with the so-called mujahideen operating in Kashmir. I have long feared that this turn events may destroy the rich diversity and happy plurality of sects and subjects among Kashmiri Muslims by undermining the mild, tolerant, ecumenical, largely Sufic ambience of Kashmiri Islam and instituting, instead, an orthodox, scripturalist, puritanical and punitive Islam.

Third, it is well to remember that it is always the internal crises which gives to hostile neighbour the chance to intervene. Pakistan’s crises of 1971 was not of India’s making; Bhotto and the Generals brought it upon themselves by refusing to abide by the democratic mandate, which then paved the way for Indian

intervention. Similarly, it was an internal crises within Kashmir-brought about by methodical dilution of its autonomy, by communalisation and corruption, electoral fraud by the political parties and repression by the security agencies- which paved the way for armed insurgency to gain ground and for Pakistan to take hold of much of that insurgency and turn it into something resembling low-intensity warfare, India can fight back but there is no military solution to it. The insurgency was in fact largely contained by the mid-1990s and the elections of 1996, which Farooq Abdullah agreed to fight on the plank of real autonomy after receiving extensive assurance from the highest sources, was a very real chances which, like all such chances before and since then, was squandered. For some two years, it did seem that the plank of *azadi* in its more extreme form had been overtaken by the alternative plank of “ maximum autonomy” as the United Front Government of the time put it, extended the promise that Narsimha Rao had held out in 1995 with his statement that so far as autonomy is concerned “ the sky was the limit”, But our leaders are always seeking short-term tactical advantage, with little capacity for strategic thinking or the courage to make a historic break away from the rigidly held positions. By the time as the BJP-RSS combine came to power in 1998, the lack of movement on the autonomy question had already eroded Farooq’s position. In 1999, then, he lost what little relevance he still had by joining the BJP led government. In a significant poll that **Outlook** published in its 16th October issue, Only 2% of the respondents in the Valley felt that the government needs to talk to Farooq but 54% were in favour of talks with Hurriyat and 36% in favour of talks with all parties (surprisingly, only 8% favored talks with the Hizb). The internal crisis remains, however, and it is foolish to imagine that the Pakistan-sponsored groups can be contained without major breakthrough on the political front within the country.

Fourth, however, it is also a fact that Pakistan has always been a party to this dispute, whether or not it has always acted honourably. And, as numerous influential commentators, from J. N. Dixit to Malini Parthasarthy, have emphasized over the last few months, none of the members of Security Council subscribes to the idea that J&K belongs unproblematically to India as such, no matter how much they may sympathize over the issue of LOC violations; that is why all of those countries punctually call upon India and Pakistan, equally, to desist from fighting and negotiate a settlement. So, the internal settlement that has to be made between the Indian state and the people of J&K cannot yield a stable peace unless Pakistan too is a party to it. Maulvi Mohammad Yousuf Shah, now more commonly known by his assumed name Syed Salahuddin, the Chief of Hizbul-Mujahideen, made rather interesting point in his recent interview which **India Today** published in its 7th September, issue: “Before 1990,” he said, “ Kashmir never knew the gun culture. My name is Salahuddin, I have fought elections thrice in Kashmir. That was the time when we tried to get our right in a peaceful and democratic manner. But, we were crushed, tortured and dishonoured. Tangaamad ba-jangaamad (when you are finally fed up, you take up arms). What we are asking for- a tripartite dialogue- is a ground reality, a historical fact that no body can deny... How can India forget the political future of 1.20 crore Kashmir on 84,000 Sq. miles of Kashmir in command and control of Pakistan.” One does not have to be an admirer of Mr. Salhuddin to concede that” the historical fact” is undeniable although one is not quite sure of population figures.

What little chance there was for a negotiated peace faded with the emergence of the BJP-led government and then went up into a ball of fire, first of Pokhran and then Chaghai. The subcontinent is yet to recover for the ill effects of those explosions, which strengthened the more belligerent elements in both societies who then concluded, on both sides of the border, that possession of nuclear weapons makes it safer to fight limited conventional wars. In India, certainly, the military budget has gone up dramatically.² The Lahore declaration was essentially an eyewash, undertaken to placate the Americans with claims of peaceful intention after having demonstrated the worst of aggressive designs. And it had to be Mr. Vajpayee who traveled to Lahore because he was the man directly responsible for authorising the nuclear explosions in the first place.

The real wages of Pokhran were actually earned in Kargil and then, after Pakistan was forced to vacate its positions there, in the shape of qualitatively new kinds of offensive by the militants: more attacks on police and army posts, more pitched battle with concentration of personnel and fire power, even suicide bombers and, now, perhaps the more crude kinds of SAM missiles.³ On the other hand, communalisation of politics in the State has meant that some version of a plan to separate Jammu and Kashmir, combined with various proposals for alterations of other sub-regional boundaries-bifurcation, trifurcating, re-division of the whole eight newly-created 'provinces' – have come from a surprisingly large number of sources: US based think tanks, National Conference MLAs from Muslim Majority districts in Jammu, Karan Singh, BJP associated academics and politicians in J&K, RSS-sponsored fronts, and of course the state-appointed Regional Autonomy Committee(RAC) whose own report resembles remarkably the blueprint prepared by the Kashmir Study Group in consultation with the US Administration.

Meanwhile, Farooq Abdullah has accumulated a new record of non-governance and governmental corruption over the four years and has signally failed to build bridges with the non-muslim majorities of Jammu and Ladakh: he is thus trying to take the limelight away from the Hurriyat and the Hizb through the Autonomy Resolution but also trying to strike bargains with the other constituencies with the RAC report. The Hizb's offer for the cease-fire and negotiations is still as shrouded in mystery as is its quick withdrawal. Four gains they, and Pakistan behind them, seem to have made. First, it was the prospect of this offer which helped BJP kill the Autonomy Resolution: the attention was soon going to be focussed elsewhere. Second, they were able to show to the Americans that they were open to negotiations. Third, India was seen as rejecting the very idea of involving Pakistan at any stage, contrary to the demands from all the western powers that India and Pakistan enter meaningful bilateral negotiations. Fourth, they elicited from Mr. Advani, the Home Minister, the certification that they were "our own dissidents" as well as broad publicity, from all quarters, that they indeed represented '60% of the Jihad', as it got said in the newspapers. One could no longer pretend that insurgency in Kashmir was the Handiwork of 'foreigners'. On the other hand, however, it was also clear that they could not guarantee a real cease-fire without co-operation from other groups, and the Vajpayee government's inaptitude was demonstrated yet again in that one was at a loss to understand what modalities of the cease-fire the government had worked out in the first place,

² See my two articles on nuclearisation in **Frontline**, June 5 and June 19, 1998

³ See my "The Many Roads to Kargil" and "Mediation by any other Name", in **Frontline**, July 16, 1999 and July 30, 1999 respectively, for detailed commentary on the politics of the Lahore Resolution, as well as the Kargil War and its consequences.

before singing out its enthusiasms. It soon became clear that the BJP-led government was even less serious about the cease-fire than either the Pakistan government or the Hizbul mujahideen or its parent organisation, the Jama'at-e-Islami; it seemed to have hoped to simply split the Hizb and or to cajole some of its major commanders to become over ground objectives in which it signally failed⁴.

The positive development, meanwhile, is that there is now in the valley itself a palpable weariness with the constant carnage and the great desire for peace. That is why both the Autonomy resolution and then Hizbul Mujahideen's offer of a cease-fire were greeted with waves of popular enthusiasm, and it was in response to this popular pressure for peace that even figures like Shabir Shah and Yasin Malik, hardly cohorts of the Jama'at or the Hizb, went on record regretting the collapse of the prospects for negotiations. The long drawn process of the elections in the United States has temporarily halted the international pressure for negotiations, but the pressure shall come again, with new proposals and initiatives, as soon as a new Administration is in place there. In the country at large, it is a good sign that eminent political commentators in the liberal media have been joined by CPI (M) and the Congress on the one hand, and the political figures such as I. K.Gujral and V. P. Singh on the other, to impress upon the government that interlocution with Pakistan is unavoidable and that a most flexible frame work for negotiations is required. So, where do we go from here?

I believe that the most important settlement in Kashmir has to be an internal one, among the Kashmirs themselves, in which the governments of India and Pakistan can play a pivotal role and the international community can help but which will emerge out of a comprehensive and civilized dialogue among all the Kashmiris, of all religion and religious beliefs, on both sides of the LOC. But no secular, progressive, democratic and just solution is possible without fire putting in place elaborate and careful mechanisms for reconciliation. There has been all together too much violence and cruelty, too many have suffered at the hands of the militants and the security forces alike, for it all to go away with the magic wand of a legal and territorial settlements. The dead can not return to live but the truth about the manner of their death needs to be recorded, the guilty named and punished and recompense offered to the survivors. The Valley shall never be at peace with its own conscience, nor the great civility of Kashmiriat be restored to it, until the Pandits can be brought back to live with their poperties, liberties and security restored to them, and the violence against them accounted for. Sikhs have suffered, migrant workers have suffered, women of all communities dishonred, and the iron has gone much too deep in the soul. We will need, I believe, something resembling the South Afarican Commission for truth and reconciliation to heal the wounds. The alternative is permance of hatred and cruelty bifurcation, trifurcation, deeper and deeper fissures and a real settlement infinitely postponed. Initially, such a process can be proposed and set into motion within the Indian side of the log but if we are able to show our own good faith in this rebuilding of our part of Kashmir then those on the other side can hopefully be persuaded to joining, and eventually the Pakistani state shall have to tell the truth of its own misdeeds as we require the Indian state to do so. I do not believe any initiative of

⁴ See my "Kashmir Conundrum: India, Pakistan, the United States and the question of Autonomy" in **Frontline**, August-04, 2000, for a lengthier treatment of the politics of the Autonomy Resolution and "Cease-fire as smokescreen" in **Frontline**, September-29, 2000 for more detailed commentary on the making and unmaking of the cease-fire.

that kind can come from governments; they are themselves much too comprised in acts of cruelty. The initiative shall have to come from within civil society, and if such an initiative can in fact be fruitfully pursued that will help the process of reconciliation in Kashmir but will also strengthen civil society in the rest of Indian as well, against arbitrary power of the state.

Second, we shall, have to democratize the process of negotiations that are intended to yield us a just and democratic legal and territorial settlement, and to look at a whole range of possible ways of doing things. We can certainly look at the settlement in Northern Ireland for some lessons, as is often said. But there is also a wide variety of experiences in Asia and Africa at which too we may look for fresh thinking. I have already referred to the innovative way the South African attempt to deal with the crimes of the Apartheid era., and there work was made all the more possible because some one of Bishop Tutu's moral grandeur was there to lead the process. Elsewhere, and the extreme end, we have the Ethiopian Constitution, the only one in the world that allows the right to secede; that's how Eritrian independence was guaranteed. And there are other quite instances, such as the devolution plans getting discussed in Sri Lanka, not to speak of the earlier project of autonomy and special status for J&K within the Indian union, which have tried to give legal and constitutional shape to the right of self-determination of regional entities within a larger union, whether federal or confederal. Even more novel forms and procedures can be devised for the special case of Kashmir which is itself divided between two nation-states and which is, one both sides of the divide, far from being homogeneous; Baltistan and the rest of what Pakistan calls Northern Territories or as different from the so-called 'Azad Kashmir' popular, as Ladakh might be from the Valley. The main guiding point here should be that we try to develop flexible ideas of sovereignty for special cases, and that we try to reconcile the need to preserve and even re-create larger unities with intricate systems of devolution of power to regions, sub-regions and localities within the larger unit.

Comprehensive peace in Kashmir can be sought along two quite different axes. In one conceptual framework, the cease-fire line itself becomes the international border with minor adjustments, India works for great autonomy for the state within the Union and for regions within the state, while Pakistan remains free to do with 'Azad Kashmir' and the 'Northern Territories' as it seems fit. That is a much more limited and conventional option, and I am not sure if that is either just or workable. The dream of sharing a common social and cultural life across the LOC – in other words, some kind of re-unification-is actually very much part of the desire and hope which fuels the slogan of '*azadi*'. Nor am I sure that it is wise to restrict the settlement of Kashmir problem to J&K alone, without taking into account the need to include in the final settlement the Pakistani side of Kashmir as well. The Indian government has never shown its hand on this issue. Is it willing to settle for the LOC as the final international boundary, with minor adjustments, as it informally indicates when it is trying to present its conciliatory face? Or, does it lay territorial claim to the Pakistani side of historic Kashmir as well, intending to 'liberate' it, as even BJP ministers say frequently enough? The question is in any case always posed as that of a part of Indian Territory forcefully taken by Pakistan, which we may now let it have, for the sake of peace, or which we shall 'liberate' through war if necessary. These attitudes address the territorial claims of the nation state but not the aspiration of the common Kashmiris who

want to live without war and with some lived relation to the whole of the historic land of the Kashmir.

It is to address this more subtle aspiration that we may think of an alternate conceptual framework that would be based on number of rather different presuppositions. First, that the Kashmir problem exists on both sides of the LOC. Second, that while the word '*azadi*' may not actually mean full sovereignty but maximum autonomy as well as freedom from various kinds of oppressions and injustices, a key component of the Kashmiri aspirations for freedom is also some kind of unification, some common life across the LOC. Third, restoration as much as possible of a common life for members of various religious groups has to coincide with the aspirations of sub-regional groups for autonomy in their own locales; in other words, a non-denominational set of local self-governments. Finally, this alternative conception would go far beyond settling the territorial dispute between the two nation-states of India and Pakistan, and would address the issue of the shared responsibility on part of the two countries to compensate all the populations on the two sides of the LOC. For the havoc this dispute has caused in their lives. That would mean a comprehensive programme for economic development, for the constructions of requisite political structure, for repairing the social fractures, for rehabilitation of population that have been evicted from their ancestral homes and properties, and compensation for families that have suffered at the hands of either the militants or the respective government forces—and all this as a joint responsibility of two governments.

The final status of the LOC should be subject to discussion between the two governments surely but a topic of discussions above all among groups and political entities of the Kashmiris themselves. The LOC may be accepted formally as an international boundary but as an extremely soft border, together with some degree of de-militarisation. Alternately, there can be various formulae for joint sovereignty, or various kinds of transitions from one kind of status to another. All that can be up for discussion but the process through which such decisions are made is of prime importance. In this, we may learn from a remarkable experience of democratic negotiations in Somalia recently, where a large conference based upon the widest possible representation of local and regional interest groups remained in session for virtually a whole year, in order to hammer out a modicum of a system of governance in that country so ravaged by armies and warlords.

There are, in short, many possible solutions, some which can already be glimpsed, at least, partially; others that can only emerge out of widest possible democratic dialogue. For that, building a durable peace between India and Pakistan is the primary condition, because it is simply axiomatic that unless the two countries make peace with each other, quite aside from the issue of Kashmir, there shall be no peace and reconciliation within Kashmir.

It is the guns—all the guns—that have to fall silent, so that the people may speak, freely at last.