

Dialogue with the Hizb  
Light in the Tunnel  
But is it Dawn or Sunset?

Praveen Swami\*

The music of Claude Debussy, Arnold Schoenberg famously said, was a glorious sunset that had been mistaken for a dawn. Most ordinary people in Jammu & Kashmir (J&K) would, perhaps, understand the sentiment. J&K has had more than its fair share of false dawns through its bloody, twelve-year war: political dialogue, unconscionable machinations and outright military suppression have, at various points, generated optimism that peace might be just around the corner. With horrible inevitability and even more appalling regularity, all the supposed 'miracle solutions' have failed. The breakdown of the Union Government's nascent dialogue with the Hizb-ul-Mujahideen ought, given this background, to have been catalogued as just the latest in a long series of lost opportunities and obvious calamities. This time around, however, an extraordinary consensus has developed that the Hizb's dialogue with the Union Government continues to hold out the prospect of an abiding peace.

Politicians cutting across party lines have called on the Government to revive the dialogue process. In the wake of the Hizb's termination of its unilateral ceasefire, Union Home Minister L.K. Advani proclaimed that his Government would not "deviate from its chosen course of talks with all those in Kashmir who eschew the path

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\* Praveen Swami is Chief of Bureau, Mumbai, for *Frontline*, Chennai, magazine and has extensively reported on terrorism in Punjab and J&K.

of terror and violence".<sup>1</sup> Just days later, the Congress (I)'s Ghulam Nabi Azad demanded that the "doors for talks should not be shut".<sup>2</sup> Both the Communist Party of India (Marxist) and the Communist Party of India endorsed, with minor caveats, Azad's call. Almost no one, bar the Samajwadi Party and the Vishwa Hindu Parishad, appear to be left out of the upswell of optimism. Underpinning the general consensus is the conviction that "... it is a time for reconciliation and peace; for statesmanship and conscientious action; and above all, for truthfulness and wisdom."<sup>3</sup>

It is near-impossible to dispute these assertions (perhaps, more accurately, sentiments), for much the same reasons as it is difficult to contest the proposition that motherhood is a virtue. There can, obviously, be no time where "truthfulness and wisdom" are *undesirable*. In some key senses, such assertions constitute a polemically effective, but ultimately inadequate, evasion of the real questions raised by the dialogue process.

Despite its abrupt end, the dialogue initiated with the Hizb is, indeed, driven by the play of forces that continue to hold out the prospect of peace. What proponents of the dialogue have not addressed, however, are the more unpleasant questions that the dialogue process holds out. What are the forces engaged in the dialogue, and to what end? What might the political and ideological agendas of those who claim to seek peace be? And on what terms might peace indeed be brought about, or, perhaps more accurately, bought? The real problem of the Union Government's dialogue with the Hizb, I shall argue, is that the price of the peace it might secure could, paradoxically, prove higher than the admittedly crippling costs of war.

## The Making of the Ceasefire

At 5:35 PM on August 8, 2000, Indian signals intelligence began jamming the half-dozen frequencies used by the Hizb. Five minutes earlier, the Hizb's supreme commander Mohammad Yusuf Shah, who prefers to use the suitably heroic *nom de guerre* Syed Salahuddin,

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<sup>1</sup> "Pak Sabotaged Peace Process: Advani", *Tribune*, Chandigarh, August 10, 2000.

<sup>2</sup> "Don't Close Doors for Talks: Azad", *Tribune*, August 14, 2000.

<sup>3</sup> Praful Bidwai, "To give peace a chance", *Frontline*, Chennai, September 1, 2000.

announced that the ceasefire his organisation had announced a fortnight earlier had come to an end. Both the declaration of the ceasefire and its termination have caused considerable confusion, not the least because commentators appear to have sundered the events from their surroundings in secessionist politics in J&K.

The broad sequence of events leading to the Hizb's unilateral ceasefire is now relatively well known. Early this year, top Hizb commanders sent out feelers through a United States-based figure to the Indian Government, exploring the possibility of a ceasefire. The Prime Minister's Office responded some six months back, through the medium of the Research and Analysis Wing (R&AW) chief, A.S. Dulat. An India-based intermediary was sent to Pakistan, where a covert dialogue began on ceasefire plans and the possibility of talks with the Government. Further talks continued in Dubai. After months of discussion, Majid Dar, the operations chief of the Hizb, was asked to return to India. He would, the Hizb commander told his interlocutor, sound out the field cadre in J&K on what position they believed the organisation should take on a possible ceasefire. Dar arrived in India late in April 2000, flying through Kathmandu, with guarantees of protection from the many units of the Army and Police who were awaiting his return.

Dar rapidly discovered a large constituency within the Hizb who wanted peace. He found a powerful ally in Masood Tantrey, one of the most important Valley commanders. Within the All Parties Hurriyat Conference [APHC], Indian intelligence officials involved in the process say, Abdul Ghani Bhat and Abdul Ghani Lone endorsed Dar's plans. Jamaat-e-Islami political chief Syed Ali Shah Geelani was less enthusiastic, but was finally pressured into accepting the Hizb's emerging position. A small group of Srinagar-based journalists were invited to meet Dar at a secluded safehouse on July 24. The Hizb-ul-Mujaheddin, Dar said, had chosen to declare a unilateral three-month ceasefire. This, Dar argued, was necessary to allow the initiation of a political process. The Hizb, he continued, had to "dispel Indian propaganda that we are terrorists, rather than a people fighting for our birthright, freedom." He laid down few pre-conditions: The ceasefire was subject to the cessation of Indian violence against civilians and political activists; the use of the ceasefire by India as a 'tactical weapon' for propaganda, he added,

would subvert its purpose.<sup>4</sup>

It is important to note that no serious political preconditions were laid out at this first press conference. Much of the meeting was used to spell out the Hizb's larger political strategy. The Union Government's nascent offer of dialogue with the APHC, Dar suggested, was positive. "Let them talk to anybody", he said, "the aim of the exercise should be to resolve the issue amicably, through a dialogue without preconditions." The Hizb, Dar continued, would encourage politicians from India and abroad to visit the State, and participate in a process of dialogue with its people. Conscious of the reaction his statement was certain to provoke from Pakistan-based far-right groups, Dar described their cadres as "our brothers who have come to our help... Once the problem is resolved amicably and peace is restored", Dar concluded, "they will return peacefully".<sup>5</sup>

It seems clear, in retrospect, that Dar's press conference wasn't part of a well thought out strategy: it was, rather, a desperate attempt to force the pace of events. Signals intercepts suggest things weren't quite in place even on July 25, the day after Dar announced the ceasefire in Srinagar. The next morning, the Hizb's deputy chief, Ghulam Nabi Khan, a key member of the subsequent negotiation team, issued a call to field units, using the code name Khalid Saifullah, for an escalation of the *jihad*. Khan was joined by the head of the organisation's Pir Panjal 'Regiment', code named Nasr-ul-Islam, who was later to emerge as one of the ceasefire's key opponents. It was only late on July 25 that the Hizb's control transmitted signals to its field stations D2 and 93, announcing a unilateral ceasefire. Even three days later, station 14, which services the Hizb's field units in the Rajouri-Poonch belt, told these field units that some 1,000 *sathies* [helpers, cadre] would be sent across the LoC soon.<sup>6</sup>

Dar's effort, perhaps, was to force Pakistan into accepting a ceasefire without its inclusion in the dialogue first being accepted by India. What is without dispute is that his announcement, and his commander's subsequent endorsement of the ceasefire, were blacked out on Pakistan Television. The United Jihad Council, a coalition of

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<sup>4</sup> "Hizbul Declares Unilateral Ceasefire For Three Months", *Asian Age*, New Delhi, July 24, 1997.

<sup>5</sup> *Ibid.*

<sup>6</sup> Jammu & Kashmir Police Criminal Investigation Department, *Fortnightly Digest of Important Intercepts*, second fortnight, July 2000, Srinagar.

fourteen Pakistan-based terrorist groups operating in J&K, promptly removed Shah from his post as chief of the organisation, and demanded that the Hizb immediately withdraw its ceasefire. Yusuf Shah was deemed a traitor to the cause and widely condemned in Pakistan.<sup>7</sup> The same day this decision was taken, the Jaish-e-Mohammadi, the Jamait-ul-Mujaheddin, and al-Umer Mujaheddin claimed credit for a series of six bomb blasts in Srinagar, which they said had been set off to protest the ceasefire.<sup>8</sup>

Similarly caught off-guard, the APHC promptly reneged on its earlier commitments to Dar. Bhat, who had been elected chairman of the organisation, defeating Lone by a single vote, failed to stand up for a deal he himself had endorsed. A press release put out by the organisation did not condemn the ceasefire in itself, but said it was “a step taken in haste”. “The Hizb leadership”, it argued, “has also failed to perceive the Indian machinations and cunning behaviour that has always been there to divide Kashmiri opinion on issues like this”. At the same time, however, the APHC insisted that the dispute on Kashmir “should be resolved through peaceful means, to ensure the prosperity of the region.”<sup>9</sup> APHC chairman Bhat, for his part, described the entire enterprise as “directionless”. Taken by surprise at the speed at which events had moved, the APHC, like Pakistan, was now nervous about being left out in a potential dialogue between the Hizb and the Indian Government.

Worst of all, the Hizb's rank and file was taken by surprise. Feroz Moulvi, a top Hizb operative, was shot dead shortly after the ceasefire, when he opened fire on an Army patrol. Although the Army apologised for the incident, it illustrated just how difficult it would be to ensure an effective ceasefire without the Hizb cadre relocated in fixed, mutually agreed-upon locations. The communal massacres of early August<sup>10</sup> reinforced this point. August 15 wasn't far away, and junior army officers told 15 Corps Commander Lieutenant General J.R. Mukherjee that the cessation of operations

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<sup>7</sup> “Hizbul expelled from jihad council”, *Tribune*, July 27, 2000.

<sup>8</sup> “8 militants killed, blasts in Srinagar”, *Tribune*, July 27, 2000.

<sup>9</sup> “Ceasefire decision hasty: APHC”, *Tribune*, July 28, 2000.

<sup>10</sup> In less than 12 hours of well co-ordinated carnage at six different locations, more than a hundred persons - including Hindu pilgrims on the *Amarnath Yatra* and Bihari labourers - were killed. See, “100 killed in Kashmir's night of terror”, *Times of India*, New Delhi, August 3, 2000.

against the Hizb made securing the countryside next to impossible. Informers rarely knew which groups they were bringing in information about, and, in any case, the Hizb and other organisations often operated in joint groups. More important, elements of the Hizb had themselves participated in the August 1 carnage, targeting the family of one-time pro-India militia member turned police officer, Mushtaq Ahmed Ganai.

Clearly, the speed at which the ceasefire had come into being imposed sharp pressures on the dialogue process, not in the least because the modalities of the ceasefire itself had now overwhelmed the issues at stake in the larger dialogue process itself. There is no hard evidence on just why Dar had to announce the ceasefire when he did, but its timing clearly suggests the dialogue process was in trouble with Pakistan even before its initiation.

### **The Pakistani & APHC Responses**

A system had to be found to make the ceasefire meaningful, but nobody seemed to agree on just what it might be. While the August 1 massacres had, to the Union Government's credit, failed to derail the negotiations, they had made it impossible to define a basis for progress.

Bhat and his colleagues had worries other than the modalities of how a ceasefire might work. Dar's choice as interlocutor of his old colleague in the Tehreek Jihad-e-Islami, Fazl-ul-Haq Qureishi, had incensed the APHC leadership. Both Dar and Qureishi had their political roots in the People's League, not the Hizb's parent Jamaat-e-Islami, and neither had any real connection with senior figures in the APHC. The choice of Qureishi meant the APHC, which just weeks before had been considering opening up a dialogue with the Union Government, was now almost entirely irrelevant. Qureishi, a veteran of secessionist political movements in J&K, had disassociated himself from armed struggle years earlier, and lived in a modest home in Srinagar's Soura area that stood in stark contrast to most APHC leaders' opulent residences. In effect, his choice meant the Hizb no longer needed the APHC to represent its interests, or the armed struggle.

Pakistan's problems with Qureishi were also rooted in history. The People's League was formed in September 1974 by Nazir Ahmed Wani, and rapidly gave birth to a welter of pro-Pakistan

terrorist groups. As early as in 1979, its leaders had formulated a three-year plan for an uprising against Indian rule in J&K. In 1988, People's League chief Abdul Aziz Sheikh returned to J&K from Pakistan, and began organising a cadre for armed action. Later the same year, however, the League broke into two units, with former APHC member Shabbir Shah and S. Hamid forming the now-defunct Muslim Janbaaz Force. Sheikh and Mohammad Farooq Rehmani, for their part, set up the Tehreek Jihad-e-Islami. Although most of the Tehreek's cadre, under pressure from the Inter Services Intelligence (ISI), had joined the Hizb by 1993, Fazl-ul-Haq Qureishi and Rehmani stoically distanced themselves from these proceedings. By some accounts, so far unverifiable, Rehmani has been involved in recent months in parallel dialogue efforts initiated by R&AW.

Strategists in Pakistan, predictably, were concerned at the way events were proceeding, and the fact that elements outside the APHC appeared to be controlling their shape and character. Although there is little doubt that intense United States pressure was applied to ensure the ceasefire was realised, Pakistan's military establishment evidently felt that events were just proceeding too fast. If a ceasefire was successfully implemented before political dialogue began, Pakistan would lose its last source of leverage. That, in turn, would mean that Pakistan would find itself left out of a role in the Hizb's negotiations with the Union Government. Pakistani military strategists had simply not expected India to respond so fast to the August 24 ceasefire, and when the August 1 massacres failed to disrupt the dialogue, other means had to be found to contain the dialogue as fast as possible.

Shah was being pressured to announce an August 8 deadline for the inclusion of Pakistan in negotiations even as India's Home Secretary Kamal Pande met the Hizb representatives and Qureishi on August 3. The media noted that Dar had not attended the talks, but few understood the significance of his absence. The ceasefire's central advocate had handed over responsibility to his subordinates, unwilling, perhaps, to take responsibility for what was to follow. Qureishi stayed on as interlocutor, but the Hizb team changed around. Ghulam Nabi Khan, Farooq Sheikh Mirchal, who used the code name Feroz, Masood Tantrey, a long-time Hizb operative from Doda, and Ghulam Rasool Dar, who uses the *nom de guerre* Riyaz Rasool, were left to run the show. The Hizb team was furious with the

presence of the media when the talks began. Rasool Dar seemed particularly upset, demanding that photographers not take his pictures.

In the event little, other than the modalities for a ceasefire, was discussed at this first meeting. The Hizb demands for the release of prisoners, as well as cutbacks in search and cordon operations were briefly considered as subjects for further deliberation. But even as teams were announced for further talks that morning, Yusuf Shah announced an August 8 deadline for the involvement of Pakistan in the negotiations. Political dialogue, he said, had to precede an end to hostilities. Qureishi responded by saying he would do his best to get Yusuf Shah to extend that deadline, but his efforts turned out to be futile. Yusuf Shah was just under too much pressure to be able to agree to any compromise. Prime Minister Vajpayee's post-Pahalgam declaration in Parliament, under pressure from the Right Wing in his party, that talks could be held only within the framework of the Constitution, was the final nail in the ceasefire's coffin.

Unsurprisingly, the second round of talks that were supposed to be held on August 7 never took place. Special Secretary, Home, M.B. Kaushal was ostensibly busy with a meeting of Chief Ministers in New Delhi, an excuse feeble even by official standards. It is hard to believe that no substitute could be found given that the Hizb deadline was to come into force the next day. The tragic fact was that there was no purpose served by his arriving in Srinagar. Quiet dialogue between the Intelligence Bureau (IB), R&AW, Qureishi and Dar did take place for several days, but to no real end. Dar said he was not willing to risk acting independently. Qureishi, too, let it be known he could do little. Prime Minister Vajpayee's vacillating position on whether or not dialogue had to be held within the framework of the Indian Constitution provided hawks in Pakistan's military establishment the final lever they needed. Yusuf Shah was told flatly by the ISI to call off the ceasefire, a demand the Hizb was in little position to resist.

### **The Political Context**

In fairness to Vajpayee, there is little he could have said, short of inviting Pakistan into negotiations, that might have saved the dialogue. It is important to understand, however, that the abortive negotiations were not the consequence of official policy, but the



outcome of forces set in play two years ago. There is more than a little reason to believe that these forces are far from spent, but the manner in which events proceed could yet surprise observers. Far from silencing guns in the Valley, the dialogue process could restore their centrality to the political discourse.

Two elections took place on either side of the ceasefire of August 24. On July 20, after a series of meetings to elect a new leader had been postponed, Muslim Conference leader Abdul Ghani Bhat was elected chairman of the APHC.<sup>11</sup> He replaced the Jamaat-e-Islami's Syed Ali Shah Geelani. At the August 28 meeting of the Majlis-e-Numaindgan, the 90-member 'lower house' of the Jamaat-e-Islami, Ghulam Mohammad Bhat was re-elected Amir [chief] of the organisation, defeating Geelani's nominee, Ashraf Sehrai. Just one member of the house voted for Geelani himself to be elevated from political chief of the organisation to its overall leader.<sup>12</sup> The media noted both events, so to speak, but did not notice the import of either.

Bhat's status as the leader of a political organisation which has little power and even less influence on terrorist groups did intrigue some media observers. The background to his elevation, however, was entirely forgotten. On April 18, 1999, the traditionally pro-Pakistan hardliner had called for a dialogue with mainstream political organisations leading to a joint resolution on the future of J&K. The basic thrust of this dialogue, Gani Bhat said, would be "the lasting resolution to the dispute in accordance with the aims and aspirations of the people." It would then be communicated, he continued, to the Governments of India and Pakistan, and to the United Nations. These proposals marked a drastic break with the traditional APHC rejection of mainstream democratic politics, and its assertion that no final solution of the dispute on J&K could be made outside the mechanism of negotiations involving India and Pakistan. All sections of Kashmir's society, he argued, had to be involved in "initiating a genuine political activity". "If [former Chief Minister] Ghulam Mohammad Shah, [Congress (I) leaders] Mufti Mohammad Sayeed and Mehbooba Sayeed, and for that matter even [the Communist Party of India (Marxist)'s] Mohammad Yusuf

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<sup>11</sup> "Prof. Bhat is APHC Chairman", *Tribune*, July 21, 2000.

<sup>12</sup> Praveen Swami, "Terror unlimited", *Frontline*, September 1, 2000.

Tarigami and National Conference are interested in the resolution of the dispute, we should rise to the occasion and address the issue.”<sup>13</sup>

The then APHC chairperson and Jamaat-e-Islami political chief, Syed Ali Shah Geelani maintained a studied silence on Gani Bhat’s remarks, made while the two were sharing a platform to commemorate the death anniversary of People’s League and insurgent leader S. Hameed. However, for the first time, Geelani also said that he was not opposed to the emergence of an independent Kashmir. The reasons for the APHC’s new-found moderation weren’t difficult to find. The first half of April 1999 had seen the organisation challenged by the success of an agitation by the People’s Forum for Justice [PFJ] over new taxes imposed in the State budget. The APHC had traditionally condemned such agitational programmes as irrelevant diversions from the larger struggle on Kashmir’s future. The emergence of the PFJ thus marked something of a rebellion by middle-level leaders against APHC orthodoxy. Given that much of the PFJ’s support came from Srinagar’s trading and business communities, the APHC’s traditional constituency, the organisation was forced to realise it had lessons to learn.

Ghulam Mohammad Bhat’s re-election as Amir-e-Jamaat [Jamaat-e-Islami chief], and his decisive triumph over Geelani, illustrated the workings of other ground-level political pressures for peace. Interestingly, he began his offensive from within the Jamaat’s ranks, and considerably before his namesake in the APHC was able to do so. On November 14, 1998, G.M. Bhat proclaimed his party’s decision to sunder linkages with terrorist groups, specifically the Hizb. Bhat’s press conference focused on attacks on the Jamaat cadre by Indian security personnel and pro-Indian militia groups. Over 2,000 Jamaat workers, he claimed, had been murdered as part of a “systematic campaign to finish our party”. This policy, Bhat continued, was profoundly misplaced, for the Jamaat had “nothing to do with militancy”. “If a picture showing [Hizb chief] Syed Salahuddin shaking hands with Pakistan’s Jamaat-e-Islami chief Qazi Hussain Ahmed is published, one should not find fault with us”, he complained. “We are being made scapegoats in this game of politics.”<sup>14</sup>

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<sup>13</sup> Praveen Swami, “A summer of hope in Kashmir”, *Frontline*: May 21, 1999.

<sup>14</sup> “We are not militants, we’re targets: J&K Jamaat”, *Asian Age*, November 14,

The Jamaat chief's remarks were endorsed by three senior leaders of the organisation who shared the platform. All four sought to legitimise their departure from the Jamaat's position through reference to its until-then secret constitution. This document, G.M. Bhat said, committed the organisation to work for the spread of Islam and universal brotherhood through peaceful means. The party, he pointed out, had contested the elections of 1987 as a constituent of the Muslim United Front. Had those elections not been rigged, he argued, Kashmir's recent history would have been "very different." In any case, Bhat concluded, the Jamaat would now seek to resolve the crisis in Kashmir through "amicable means".<sup>15</sup>

G.M. Bhat's dramatic proclamation enraged his opponents in the Jamaat-e-Islami hierarchy. The then-APHC chief, who heads the Jamaat's political wing, claimed Bhat did not have the support of his own party cadre, and reiterated "full support for the armed struggle". Bhat's claims to have spoken for the entire Jamaat cadre, Geelani wrote acidly in a public statement, were "far from being true". "I strongly refute and contradict the views expressed by Bhat at the press conference," Geelani proclaimed. The Jamaat was involved in backing insurgent groups, he said, and would continue to support armed struggle. "I want to make it clear", the APHC chief said in a statement, "that I have all along and at every level differed with the policy being pursued by the Jamaat chief." "I made my differences known to Bhat from time to time through letters," he ended, adding that "if the need arises, my communication on this issue with the Jamaat chief can be released."<sup>16</sup>

Such open disputation of the Amir's authority was at the time unprecedented. What is clear, however, is that this confrontation had been brewing for at least some months, during which G.M. Bhat had been calling for an end to Kashmir's "gun culture". The remark was made in the course of an interview to a Srinagar-based magazine, shortly after Bhat was released from jail in October and installed as the Jamaat chief. Bhat had argued that although he believed the armed struggle was itself legitimate, it was a response to a specific phase in the secessionist movement, and had now "served its

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1998.

<sup>15</sup> *Ibid.*

<sup>16</sup> Cited in Praveen Swami, "Friction in the Jamaat-e-Islami", *Frontline*, December 18, 1998.

purpose". The sole prospect of an end to violence in Kashmir, he asserted, was a "political dialogue".<sup>17</sup>

Jamaat figures who wished to sever links with the Hizb had transparent motivations, for their field-workers have been subjects of the state's wrath. From as early as October 1997, Jamaat workers in Kulgam had sought to make their peace with the Army, participating in local official functions.

Hizb leaders, it is evident, read the signs from Srinagar well. The organisation's relationship with Jamaat field-workers had become increasingly fragile, and many were unwilling to sacrifice their core political objectives for the future promise of liberation from India. The fact that effective control of the Hizb had passed from the Jamaat leadership to Pakistan's intelligence apparatus had accentuated strains between the two. The month after G.M. Bhat's statement, Hizb chief Yusuf Shah, himself a long-standing Jamaat member, issued a statement from his Muzaffarabad headquarters distancing the armed organisation from the party. "Among its thousands of freedom fighters", Yusuf Shah's statement read, "there is a good number of young liberators who were born to parents owing affiliation to the National Conference and other political organisations". "It is unfortunate," it ended, "that our scope of affiliation is restricted to the Jamaat-e-Islami."<sup>18</sup>

In the two years that have passed since that statement, the Hizb leadership clearly had the opportunity to realise that the Amir-e-Jamaat was making sense. On the ground, Bhat's pronouncements began to have their effect. Pakistani cadre from the Harkat-ul-Ansar, LeT, and, most recently, the Jaish-e-Mohammadi, had increasingly displaced the Hizb's predominantly Kashmiri recruits, sometimes relegating them to humiliating roles as porters and guides. Some leaders had begun to reconsider their options. Ghulam Nabi Khan, for one, was correctly or otherwise, rumoured early this year to be flirting with political factions in both the People's Democratic Party (PDP) and National Conference. To add to the organisation's troubles, its leadership in Muzaffarabad was anything but united. Rifts started showing up within the once-monolithic Hizb, with Yusuf Shah pitted against Riyaz Rasool and Ghulam Nabi Nowsheri.

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<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

Nowsheri and Rasool, sources disclose, complained that Shah was not committing commanders close to him to the conflict in J&K, allowing them instead to hide out in Muzaffarabad.

In Kashmir, the fact that G.M. Bhat was not assassinated for his remarks suggests his position had more sympathy within the Hizb than observers at the time believed. Days before the ceasefire came into place, Bhat again reiterated his position. This time, he was more explicit in his formulations. Talks between the Union Government and groups in J&K, the Amir asserted, had a “bright future... Even when armies fight, the problem has to be solved at a political level.” There was, he concluded, “no solution through guns, and no alternative to dialogue.” Bhat went on to complain bitterly that state repression, the result of the Jamaat’s affiliation with the Hizb, had prevented the organisation from growing.<sup>19</sup>

Abdul Ghani Bhat’s politics, for their part, were not unknown to Pakistan, which plays a central role in the APHC’s affairs. The fact that he took charge of the organisation at a time when it was preparing for a dialogue with the Union Government indicates that Pakistan is not opposed, *per se*, to negotiations on J&K. Rather, Pakistan seeks to ensure its representation as a key player in the State, and a party to any eventual settlement. As stated earlier, Pakistan was clearly upset at the prospect of being marginalised in the dialogue with the Hizb. Ghani Bhat’s opposition to the Hizb ceasefire, along with that of other APHC figures, was based only on Pakistan’s exclusion from the process.

Two points here are central to the present critique of the dialogue process. First, the political movements that underpin it, originated from within secessionist forces in J&K, and are not the result of backroom manoeuvres or covert machinations. By 1998, faced with the fact that the National Conference had succeeded in consolidating its presence on the ground, if not its mass credibility, both the Jamaat and elements in the APHC clearly saw the spectre of complete marginalisation. The Union Government of the time, and the regimes that preceded it, saw no reason to engage in a dialogue that would legitimise these groups. There was nothing to stop either the Jamaat or the APHC centrists from engaging in mainstream political activity then, but no special concessions were extended so

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<sup>19</sup> “Talks can start with groups: Bhat”, *Tribune*, July 10, 2000.

they could represent themselves as exclusive spokespersons for the people of Kashmir. Second, and more important, the democratically elected government of J&K, along with mainstream political parties like the Congress (I) and Mufti Mohammad Sayeed's PDP, remained the principal arbiters of J&K's relationship with the Indian state, not forces who stand outside the democratic framework. As such, democratic organisations could be the authors of their own political agenda, and did not need to compete for space with secessionist or terrorist groups.

Two years ago, at least the secessionist politicians in J&K came to understand that insurgency would not help realise their objectives. Ironically, Hindu ultra-nationalists have helped restore terrorist groups to the centre-stage in J&K politics. *A dialogue intended to end armed violence has served only to convince secessionist politicians that the gun is, in fact, their only guarantee of political relevance.* This is the paradox at the core of the dialogue process, and one, I shall argue later, that could prove central to the reshaping of J&K.

## **Security Issues**

How will these political dynamics impact on terrorist groups? Can political pressure to end violence in J&K significantly contain militant activities?

Three propositions, not necessarily reconcilable, have dominated public discourse on the security issues that have emerged from the Hizb's short-lived ceasefire. First, some have argued, the Hizb's decision to proclaim a ceasefire was a Liberation Tigers of Tamil Eelam-style effort to buy time to regroup and reorganise. This argument rests on the twin premises that the Hizb has been militarily crippled, and that even a temporary cessation in Indian anti-terrorist operations would make their resumption difficult. The second proposition, allied to the first, is that the Hizb is deeply divided, and possibly on the edge of a decisive split in its ranks. The final proposition is that if the Hizb is, in fact, serious about ending hostilities, its vacation of its decade-old role would cripple other terrorist groups active in J&K.

Claims that the Hizb was merely buying time to regroup are debunked by the withdrawal of the ceasefire itself. No real tactical

gains could have been made by the organisation in just two weeks.

Indeed, intelligence reports suggest several groups who have closely worked together with the Hizb, notably al-Badr, the Harkat-ul-Ansar and the LeT, were forced to relocate weapons dumps and hideouts to prevent the prospect of their one-time allies betraying them. Dispersion of cadres and the jamming of its wireless frequencies after the ceasefire, too, have caused the Hizb not a little difficulty. Cadres had come overground in several places and motivating them to return to the hard life in the forests of J&K will not be an easy job for field commanders. Whatever the Hizb's motives in initiating a dialogue may have been, then, the purely tactical could not have been a primary consideration.

I have dealt earlier with the political fissures within the Hizb, and believe its internal dissensions played a central role in bringing about moves towards a dialogue. Importance has been vested in a recent clash in Rajouri between the Lashkar-e-Toiba (LeT) and Hizb cadre, but such feuding between terrorist groups is common in J&K, and has little but local significance.<sup>20</sup> It would be profoundly misleading to believe that there is a generalised, schematic schism between the Pakistan-based high command of the organisation and its field cadre in J&K, or between the Hizb and other terrorist groups. For one, the differences evident early this year between Yusuf Shah, Rasool Dar, and Nowsheri, concerned the deployment of personnel within J&K, not the ideological direction of the organisation. Even if Rasool Dar or Majid Dar could be argued to constitute a peace constituency within the Hizb, the fact remains that powerful figures within the Kashmir-based formations were opposed to any form of dialogue. Thus, while the bulk of the organisation, in line with the Jamaat, may believe that insurgency has outlived its purpose, it is hard to see any significant vertical schism emerging within the Hizb as a result of its internal political dynamics.

Given the deeply fluid character of the insurgency in J&K, it is also hard to see what political, as opposed to a purely short-term tactical, purpose a schism within the Hizb could, in fact, serve. In the short term, some elements within the Hizb might, indeed, be recruited to work with Indian security agencies against their one-time comrades. Such defections have taken place in the past, notably

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<sup>20</sup> "Hizb, villagers attack Lashkar hideout", *Hindu*, Chennai, August 17, 2000.

when the pro-India militias of Mohammad Yusuf ('Kukka') Parrey, Liaqat Ali Khan, known as Hilal Hyder, and Javed Shah broke from the remains of the Ikhwan-ul-Muslimeen and the Tehreek Jihad-e-Islami. It has also been largely forgotten that there is also a breakaway faction of the Hizb already in existence, the Acchabal militia of Ghulam Nabi Azad that, during 'Master' Ahsan Dar's reign, was part of the Hizb. Dozens of small Hizb splinter militias exist through the State, the result of regular surrenders that have taken place since at least 1993. All these militia groups have played a valuable role in taking on terrorists in the countryside, but their existence has created at least as many problems as it addressed. Most of their leaders, ranging from Firdaus Ahmed Baba to Parrey, have ended up politicians. As perceived traitors to the *jihād*, they have little or no legitimacy among their one-time constituency in J&K.

What is, perhaps, most important about these past experiences in schisms within terrorist ranks is that none, at least in the middle-term, have in themselves contributed to a decline in levels of violence. The loss of recruits from J&K that the formation of the militias in 1993-1994 constituted was rapidly made up, notably with the induction of personnel from Pakistan's Punjab, the North West Frontier Province and, to some extent, Afghanistan. The decline of the Jammu & Kashmir Liberation Front (JKLF) saw the rise of the Hizb, and its own reverses, in turn, gave birth to fascist organisations like the LeT. There is little doubt that both the Lashkar and Harkat-ul-Ansar will be able to continue to operate in J&K even without the Hizb's assistance. Many of their commanders have years of experience in the State. For example, Rawalpindi resident Arfeen Bhai, using the code name Lukmaan, has commanded al-Badr in J&K, and has spent at least six years on the Indian side of the Line of Control (LoC). The recent interrogation of a surrendered Lashkar terrorist, Abu Jirat, has made clear that his former organisation has no intention of de-escalating hostilities in the near future, for upwards of 800 cadre are being trained for terrorist activities in Muzaffarabad and Bhawalpur.<sup>21</sup>

Most important, within the Hizb, there is a significant section of cadre whose interests would be jeopardised by a return to peace. A

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<sup>21</sup> "No word so far from Hizbul, says chief negotiator", *Sunday Times*, Mumbai, August 20, 2000.



Hizb terrorist with a price of Rs. One lakh on his head, Mohamamd Syed Wani, is believed to have made efforts to purchase a second hand car for fabricating an explosive shortly after the ceasefire went into effect. It is unclear, but possible, that this was the vehicle used in the LeT's August 10 car-bombing on Residency Road in Srinagar. Intelligence officials believe that Wani probably acted alone, servicing a Lashkar unit with whom he had earlier contact in defiance of his command. Interestingly, the terrorist had been arrested earlier, and although he subsequently went underground, a local court has refused to cancel the bail he obtained. The point, however, is that linkages between Hizb cadres and other groupings operate at a variety of levels, and contain entirely personal and mercenary arrangements as well. In Anantnag, moreover, top Hizb operatives Shabbir Ahmed Bhaduri and Mohiuddin Ahanger both rejected the ceasefire, as did almost the entire Pir Panjal 'Regiment' in the Rajouri-Poonch area. The sheer scale of money involved in violence would, moreover, be more than adequate incentive for a considerable part of the Hizb's cadre to reject efforts to bring about peace. Indeed, there has been at least one recent case of a poor Hindu from Jammu joining terrorist ranks in search of a living.<sup>22</sup>

### **Some 'Empirical' Observations**

The stark fact is that Pakistan, not the Hizb, has the power to dictate the shape and form of violence in J&K. The larger context of this proposition becomes evident from data on terrorism in the State. Estimates of trans-border infiltration, put together from Military Intelligence, Intelligence Bureau, and J&K State intelligence data [Table 1], suggest that trans-border infiltration declined prior to the talks with the Hizb, and was not correlated to these negotiations. While these figures, based on source reports, surveillance and fire contact, are by no means authoritative, they do constitute a useful rough guide to the ground position. The figures show that infiltration declined steadily through the first five months of 2000. Just 429 terrorists, both of Kashmiri and foreign origin, came in across the LoC into J&K. The figure for the same period in 1999 was 824; 1,031 the year before that, 595 in 1997, and an enormous 1,863 in

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<sup>22</sup> "Ultra's 'Hindu' identity shocks police", *Tribune*, August 11, 2000.

1996, the year the first Lok Sabha elections in almost a decade were scheduled to be held in J&K.

Many officials believe the decline in trans-border infiltration into Kashmir is not the result of fissures or fatigue within terrorist groups, but the outcome of tactical decisions made in Pakistan. More foreign and Kashmiri-origin terrorists have moved across the LoC in Jammu from January to May this year, for example, than at any point in the past. Within Kashmir, there has been a sharp decrease in movement, but at least two explanations are there for this phenomenon. For one, approximately two additional brigades have been deployed in counter-infiltration positions along the LoC in Kashmir. That has meant increased levels of fire contact along there, making infiltration more difficult. Secondly, negligible, indeed, perhaps no, movement of any foreign terrorists took place from January to April into the Valley, which appears consistent with Pakistan's overall efforts to represent violence in the State as a purely local uprising. This, interestingly, has been mirrored by a small, but significant, increase of local recruitment, particularly into the Jaish-e-Mohammad.

It is important to remember that similar tactical shifts in infiltration have been evident before, and that these figures are not indicative of any generalised collapse of cadres in either the Hizb or other organisations. The build-up to the contested Lok Sabha election of 1996 saw unprecedented numbers of terrorists being pushed across the LoC, with a record 740 terrorists of foreign origin entering Kashmir alone that April. The political marginalisation of the APHC by the return to power of the National Conference, and the vigorous counter-terrorist campaigns of the winter of 1996-1997 saw that figure decline. Again, the coming to power of the Bharatiya Janata Party (BJP) at the Centre saw infiltration levels build up, a phenomenon particularly evident in Jammu, where communal massacres were executed to provoke Hindu retaliation, a tactic that had some success. After the Pokhran II nuclear tests, infiltration figures dropped sharply, generating more than a little complacency in New Delhi: with devastating consequences, statistics show, in the summer of 1999.

If infiltration figures offer no meaningful reason for optimism that international pressure on Pakistan, or direct dialogue with terrorist groups, could lead to a reduction in violence, neither does

data on the actual ground position. 610 separate attacks on security personnel have been carried out through J&K up to May this year, a substantial rise from 439 during the same period in 1999 [Table 2]. 153 security force personnel have been killed in these attacks, up from 102 during the corresponding period last year. Many have been the victims, not of frontal engagement, but improvised explosive devices, mines and suicide attacks. Even the number of civilians killed by terrorists has risen, from 289 to 371. These figures suggest that whatever US pressure there has been on Pakistan to de-escalate conflict in J&K was, at best, of limited effect.<sup>23</sup>

If Srinagar, Jammu and other major cities in the State were relatively peaceful during the dialogue process itself, it is possible that this decline in violence was rooted in broad political and diplomatic objectives. Pakistan may have wished to show the US that it had worked to restrict infiltration, and that pressure had been applied to sustain the dialogue process. The J&K Criminal Investigation Department's fortnightly figures suggest another plausible explanation: terrorists have been eliminated in numbers unprecedented in recent years. 576 terrorists, almost equal to the numbers believed to have entered, have been reported killed in the first five months of 2000, up from 374 from January to May 1999. Even more surprising, the ratio of security personnel killed to terrorists killed, which dipped to an unacceptable 1:1.63 in August 1999, has also risen. These increases are surprising, since Army units are perceived as having been focussed in defensive postures since *fidayeen* (suicide) attacks commenced.

Several factors appear to have led to the turn-around, but it would be churlish not to note that troops under the command of the 16 Corps, headquartered at Udhampur, appear to have performed exceptionally well, along with paramilitary force personnel and the J&K Police's Special Operations Group (SOG). Some 276 terrorists, almost half the number killed this year, have been eliminated in Jammu, a reversal of the usual pattern. In general, both the 15 Corps at Srinagar and the 16 Corps appear to have settled into counter-terrorist operations again, after the enormous disruption caused by

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<sup>23</sup> This and subsequent data derived from Criminal Investigation Department, Jammu & Kashmir Police, *Fortnightly Review of Militant Violence*, second fortnight, June 2000, first fortnight, June 2000, first fortnight, May 2000, and from other sources.

**Table 1: Transborder Infiltration, 1996 - 2000 (May)**

Year	Province	Origin	Jan	Feb	Mar	Apr	May	Jun	Jly	Aug	Sep	Oct	Nov	Dec	Total
1996	Kashmir	Foreign	134	75	208	740	36	41	83	157	34	40	77	113	1738
		Local	43	32	283	128	76	35	421	358	118	113	121	127	1855
	Jammu	Foreign	3	6	7	11	-	1	-	-	2	3	6	-	39
		Local	20	8	9	40	4	3	-	2	3	5	3	-	97
		<b>Total</b>	<b>200</b>	<b>121</b>	<b>507</b>	<b>919</b>	<b>116</b>	<b>80</b>	<b>504</b>	<b>517</b>	<b>157</b>	<b>161</b>	<b>207</b>	<b>240</b>	<b>3729</b>
1997	Kashmir	Foreign	19	16	30	14	-	222	128	267	68	8	14	1	787
		Local	52	9	138	171	11	140	99	139	20	12	13	3	807
	Jammu	Foreign	10	7	3	-	40	3	2	1	2	-	-	5	73
		Local	35	9	7	2	22	2	1	2	2	1	-	3	86
		<b>Total</b>	<b>116</b>	<b>41</b>	<b>178</b>	<b>187</b>	<b>73</b>	<b>367</b>	<b>230</b>	<b>409</b>	<b>92</b>	<b>21</b>	<b>27</b>	<b>12</b>	<b>1753</b>
1998	Kashmir	Foreign	-	12	124	263	31	221	109	20	20	20	6	-	826
		Local	20	6	65	119	73	80	30	50	30	18	4	30	525
	Jammu	Foreign	43	34	13	32	45	33	36	33	30	76	49	7	431
		Local	35	21	23	42	30	58	87	69	99	4	59	18	545
		<b>Total</b>	<b>98</b>	<b>73</b>	<b>225</b>	<b>456</b>	<b>179</b>	<b>392</b>	<b>262</b>	<b>172</b>	<b>179</b>	<b>118</b>	<b>118</b>	<b>55</b>	<b>2327</b>
1999	Kashmir	Foreign	-	3	80	123	105	411	99	63	60	17	25	40	1026
		Local	7	50	44	96	122	89	93	75	81	32	38	22	749
	Jammu	Foreign	13	14	32	26	40	63	101	18	91	69	65	37	569
		Local	12	11	11	14	21	22	66	35	48	27	58	34	359
		<b>Total</b>	<b>32</b>	<b>78</b>	<b>167</b>	<b>259</b>	<b>288</b>	<b>585</b>	<b>359</b>	<b>191</b>	<b>280</b>	<b>145</b>	<b>186</b>	<b>133</b>	<b>2703</b>
2000	Kashmir	Foreign	-	-	-	-	20	-	-	-	-	-	-	-	20
		Local	44	-	23	32	124	-	-	-	-	-	-	-	223
	Jammu	Foreign	50	45	28	72	86	-	-	-	-	-	-	-	281
		Local	26	12	12	26	29	-	-	-	-	-	-	-	105
		<b>Total</b>	<b>120</b>	<b>57</b>	<b>63</b>	<b>130</b>	<b>259</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>629</b>

Source: Compiled by the Author from MI, IB and State Intelligence sources

**Table 2: Terrorism - related incidents, 1997 - 2000 May**

Month	Year	Region	Attacks on SFs	SFs Killed	Civilians Killed	Terrorists Killed	Terrorists Killed Per SF Killed	Total Violent Incidents
	1997	Jammu	206	63	152	218	3.46	473
		Kashmir	1177	160	732	1038	6.49	3005
		<b>Total</b>	<b>1383</b>	<b>223</b>	<b>884</b>	<b>1256</b>	<b>5.63</b>	<b>3478</b>
	1998	Jammu	379	100	341	367	3.67	817
		Kashmir	943	152	541	695	4.57	2147
		<b>Total</b>	<b>1322</b>	<b>252</b>	<b>882</b>	<b>1062</b>	<b>4.21</b>	<b>2964</b>
	1999	Jammu	475	147	311	512	3.48	997
		Kashmir	1120	294	586	743	2.53	2362
		<b>Total</b>	<b>1595</b>	<b>441</b>	<b>897</b>	<b>1255</b>	<b>2.85</b>	<b>3359</b>
Jan	2000	Jammu	38	5	15	34	6.80	78
		Kashmir	110	25	57	57	2.28	192
		<b>Total</b>	<b>148</b>	<b>30</b>	<b>72</b>	<b>91</b>	<b>3.03</b>	<b>270</b>
Feb	2000	Jammu	24	4	21	32	8.00	53
		Kashmir	87	35	57	39	1.11	175
		<b>Total</b>	<b>111</b>	<b>39</b>	<b>78</b>	<b>71</b>	<b>1.82</b>	<b>228</b>
Mar	2000	Jammu	35	8	13	43	5.38	73
		Kashmir	34	6	69	82	13.67	119
		<b>Total</b>	<b>69</b>	<b>14</b>	<b>82</b>	<b>125</b>	<b>8.93</b>	<b>192</b>
Apr	2000	Jammu	58	26	14	67	2.58	98
		Kashmir	70	13	53	57	4.38	165
		<b>Total</b>	<b>128</b>	<b>39</b>	<b>67</b>	<b>124</b>	<b>3.18</b>	<b>263</b>
May	2000	Jammu	62	10	20	100	10.00	90
		Kashmir	92	21	52	65	3.10	230
		<b>Total</b>	<b>154</b>	<b>31</b>	<b>72</b>	<b>165</b>	<b>5.32</b>	<b>320</b>

Source: Compiled by the Author from MI, IB and State Intelligence sources

SFs= Security Forces

the Kargil conflict. Lieutenant General J.R. Mukherjee, as Chief of Staff of the 15 Corps, who has replaced Lieutenant General Kishan Pal as Corps Commander, has also, perhaps, helped matters, for golf has come to be considerably less central to the Indian Army's concerns since his arrival.

Sustained military pressure, and the twin processes of ideological and political disintegration within the Hizb, suggest some form of dialogue could emerge again. Prophecies of doom notwithstanding, the Hizb has done little to revive hostilities against the Indian state since the ceasefire collapsed. Many attribute the terrible blast of August 10, which claimed a dozen lives including that of *Hindustan Times* photographer Pradeep Bhatia, to the Hizb. But there are reasons to believe that the organisation was not, in fact, involved, and that the bulk of its cadre would support further dialogue. The first claim of responsibility for the attack, in fact, came from the LeT, and a representative of the organisation described in detail the car used to carry out the attack, and the mode of its acquisition. The Hizb subsequently took responsibility, presumably under Pakistani pressure, while the LeT condemned the action. It was the first time that the Lashkar had condemned such a terrorist strike, reason in itself for suspicion about the bomb's authorship.<sup>24</sup>

Clearly, then, the dialogue process has come at a time when Pakistan continues to be engaged in a full-blown offensive in J&K, notwithstanding the supposed US pressures placed on it to end terrorism. It will only allow a dialogue process to succeed if the outcome of these negotiations will bring about a resolution that can be advertised as a victory, albeit a qualified one. No real attention has been paid in critical discourse in India as to what such a deal may be, but its contours need to inform public debate if potential disaster in J&K is to be averted.

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<sup>24</sup> Praveen Swami, 'Terror unlimited', *op. cit.*

## The US Approach: Flying Kites

Despite the contradictions raised by the Hizb's efforts at beginning negotiations with the Centre for a peaceful resolution of the Kashmir issue, and their disastrous outcome, the questions that would arise during the course of any present or future dialogue might prove more problematic even than the process of setting it in play. What could the Hizb or Pakistan hope to gain through eventual dialogue? And what could India offer them?

Much establishment debate on J&K is premised on the assumption that US pressure will eventually compel Pakistan to terminate its campaign in J&K. Those who, after Pangloss, believe all that the US does in the region is for the best would do well to read Ahmed Rashid's definitive book on Afghanistan, which holds out more than a few lessons about just why far-right terrorism exists in J&K.<sup>25</sup> Few officials can provide any real evidence in support of their optimism about US initiatives, but the US' growing economic interests in India, and its need for a strategic ally against China, are frequently proclaimed to be 'proof'. The claim raises at least two interesting problems. The first is whether US leverage over Pakistan is, indeed, as significant as is widely assumed. Although the US supported the Hizb's ceasefire, for example, it was unable to pressure the Pakistan Government into ensuring the arrangement was sustained. More important, it accepts US claims to be a benevolent peacemaker in a troubled sub-continent at face value.

US officials themselves have been more candid about just what their objectives are. In a recent interview, Michael Sheehan, the co-ordinator for counter-terrorism at the US State Department, made it clear that 'US interests', not India's problems, continued to shape its policy on South Asia. Asked about the US Government's failure to declare Masood Azhar's Harkat-ul-Mujahideen [HuM] a terrorist organisation, Sheehan replied:

... we've asked the government of Pakistan to make sure they have no links to that organisation. They have assured us they do not. We have expressed concerns about terrorists passing through Pakistan. And Pakistan, in the past, has co-operated with us on

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<sup>25</sup> Rashid Ahmed, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, New Haven: Yale University Press, 2000.

seizing terrorists and sending them back to justice to the US and other places. Their co-operation has been good and has been well documented. On the other hand, we are concerned about those people that pass through there. We are working with them to make sure they can tighten down on that.<sup>26</sup>

Had a US airliner been hijacked to Havana, and the principal architect of the crime gone on to set up a new terrorist organisation with offices in Baghdad, Sheehan's reactions would have doubtless been altogether different. What is important is that the interview makes it clear that the US' perceptions of its 'real interests' conceive of continuing co-operation with Pakistan, arguably to combat the far-right Islamic resurgence in the region. Conservative West Asian states, for their part, have little or no reason to seek an end to far-right terrorism in Pakistan, for it would force them to engage with the welter of dissidents now busy with activities at a safe distance from home. And Pakistan, most certainly, simply cannot risk a turning inwards of the multiplicity of organisations formed in the course of the US' war against the Soviet Union in Afghanistan. Quite clearly, moreover, the US has no immediate interest in forcing a deal on J&K that would weaken the position of either General Pervez Musharraf, or of any successor regime. Indeed, influential US analysts believe concessions on J&K are in India's own interests. Last year, the Stimson Centre's Michael Krepon argued that "India's Kashmir policy has been predicated on the passage of time theory, and limited to counter-insurgency operations... The question that needs to be asked is whether or not this is working in India's favour, because as time passes, Pakistan is becoming weaker."<sup>27</sup>

What, then, does the US see as a viable future dispensation in J&K? Although the one large kite flying in the sky has no official endorsement, it is difficult to miss just who is holding on to the string. On March 8, Chief Minister Farooq Abdullah and a group of his top Cabinet colleagues held a closed-door meeting with Farooq Kathwari, a United States-based secessionist leader. The meeting, held at the Secretariat in Jammu, appears to be just part of a larger US-sponsored covert dialogue on J&K. Indeed, there is growing

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<sup>26</sup> Sumanta Chatterjee, "We're reviewing if Lashkar can be named a foreign terrorist entity", *Outlook*, New Delhi, August 21, 2000.

<sup>27</sup> Interview in *Indian Express*, New Delhi, November 29, 1999.



evidence that the BJP-led coalition government in New Delhi is complicit in this dialogue, which could lead to a violent communal sundering of the State.<sup>28</sup>

Kathwari heads the Kashmir Study Group [KSG], an influential New York think tank which has been advocating the creation of an independent State carved out of the Muslim-majority areas of J&K. The owner of Ethan Allen, an upmarket furniture concern which includes the White House among its clients, Kathwari's associates in the KSG have included influential Indian establishment figures, notably former Foreign Secretary S.K. Singh and retired Vice Admiral K.K. Nayyar. The furniture tycoon was earlier blacklisted by successive Indian governments, on one occasion being denied permission to visit a seriously ill relative. Shortly after the second BJP-led coalition came to power in 1998, however, he was quietly granted a visa.

Its still unclear at whose initiative the visa was granted, but Kathwari arrived in New Delhi in March 1999, carrying a series of proposals for the creation of an independent Kashmiri State. On this first visit, Kathwari met what one senior intelligence official describes as a “who's who of the BJP establishment”. Kathwari also appears to have visited Jammu and Srinagar, staying at the home of a top National Conference politician. Public disclosure of Kathwari's proposals provoked a minor storm. Nonetheless, Kathwari seemed encouraged enough to push ahead with a new version of his blueprint, *Kashmir: A Way Forward*. In September, 1999, the fresh version of the document was finalised after, its preface records, receiving reactions from "Government officials in India and Pakistan". The new document was even more disturbing than the first. At least one KSG member, the University of South Carolina's Robert Wirsing, refused even to participate in the discussions. But the BJP, it now appears, wasn't wholly unhappy with the direction Kathwari was proceeding in.

*Kashmir: A Way Forward* outlines five proposals for the creation of either one or two new States, which would together constitute what is described in somewhat opaque fashion as a “sovereign entity but one without an international personality”:

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<sup>28</sup> Praveen Swami, “A divisive agenda”, *Frontline*, April 14, 2000.

The new entity would have its own secular, democratic constitution, as well as its own citizenship, flag and a legislature which would legislate on all matters other than defence and foreign affairs. India and Pakistan would be responsible for the defence of the Kashmiri entity, which would itself maintain police and gendarme forces for internal law and order purposes. India and Pakistan would be expected to work out financial arrangements for the Kashmiri entity, which could include a currency of its own.<sup>29</sup>

Four of the five possible Kashmiri entities that the KSG discusses involve two separate States on either side of the LoC, and territorial exchanges between India and Pakistan. But the fifth Kashmiri entity outlined in *Kashmir: A Way Forward*, of a single State on the Indian side of the Line of Control, is the most interesting of the proposals. Premised on the assumption that Pakistan would be unwilling to allow the creation of a new entity on its side of the LoC - although there is no discussion of what would happen if India were to be similarly disinclined - the new State would come into being after a series of *tehsil*-level referendums. All the districts of the Kashmir Valley, the districts of Kargil and Doda, three northern *tehsils* of Rajouri and one *tehsil* of Udhampur, the KSG believes, would choose to join the new Kashmiri State.

The KSG report attempts, somewhat desperately, to prove that its assumptions are not based on communal grounds. "All these areas", it argues, "are imbued with Kashmiriyat, the cultural traditions of the Vale of Kashmir, and / or interact extensively with Kashmiri-speaking people".<sup>30</sup> But this argument is patently spurious, for several of these areas also interact similarly with peoples who do not speak Kashmiri. There is no explanation, for example, of why the linguistic, cultural and trade linkages the three northern Muslim-majority *tehsils* of Rajouri district with the three southern Hindu-majority *tehsils* are of any less significance than those they have with the Kashmir region. Nor is it made clear what linguistic affiliation the *tehsils* of Karnah and Uri in Kashmir, where just 3.2% and 31%

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<sup>29</sup> Kashmir Study Group, *Kashmir: A Way Forward*, Livingston: New York, December 1, 1998, p. 3.

<sup>30</sup> *Ibid.*, p. 14

of the population were recorded as Kashmiri-speakers in the 1981 census, the last carried out in the State, might have with the Valley. Similarly, while Ramban and Bhaderwah *tehsils* in Doda are not Kashmiri-speaking and principally trade with Jammu, the KSG proposals make the *a priori* assumption that they would vote to join the new State. Indeed, these *tehsils* have recorded some of the highest voter turnouts in successive elections since 1996, suggesting their residents have little sympathy for the Kashmir Valley-centred secessionist politics.

The National Conference's own proposals for J&K's future have striking similarities with those the KSG has floated. The controversial report of the Regional Autonomy Committee [RAC], tabled in the J&K Assembly last year, and now in the process of being implemented, bears striking similarities with the KSG proposals.<sup>31</sup> Muslim-majority Rajouri and Poonch are scheduled to be cut away from the Jammu region as a whole, and recast as a new Pir Panjal Province. The single districts of Buddhist-majority Leh and Muslim-majority Leh, too, will be sundered from each other and become new provinces. In some cases, the RAC Report and the KSG proposals mirror each other down to the smallest detail. For example, *Kashmir: A Way Forward* refers to the inclusion of a Gool-Gulabgarh *tehsil* in the new state. There is, in fact, no such *tehsil*. Gool and Gulabgarh were parts of the *tehsil* of Mahore, the sole Muslim-majority *tehsil* of Udhampur district, until 1999. Gool subsequently became a separate *tehsil*. But the proposal for Mahore's sundering from Udhampur and inclusion in the Chenab province was first made in the RAC Report. According to the RAC plan, as in the KSG proposals, Mahore would form part of the Chenab province, while Udhampur would be incorporated in the Hindu-majority Jammu province.

As significant, Abdullah's maximalist demands for autonomy for J&K dovetail with the KSG's formulation of a quasi-sovereign State.

The report of the State Autonomy Commission [SAC], adopted by the J&K Legislative Assembly earlier this year, would leave New Delhi with no powers other than the management of defence, external affairs and communications. Fundamental rights in the

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<sup>31</sup> Jammu & Kashmir Legislative Assembly, *Regional Autonomy Committee Report*, Jammu, April 13, 1999.

Union Constitution, for example, would no longer apply to J&K if the SAC has its way. They would have to be substituted by a separate chapter on fundamental rights in the J&K Constitution, which now contains only directive principles. The Supreme Court's and the national Election Commission's jurisdiction in J&K would also end, and the State Election Commission would conduct polls in the State.<sup>32</sup> While the National Conference's demands for greater autonomy aren't in themselves disturbing, the context in which they have been made and their character most certainly is. The US' enthusiastic endorsement of the autonomy report gives even more reason to believe it sees some variant of the KSG plan as the eventual solution to the Kashmir problem.

### **Towards Partition?**

Secessionist leaders have been offering to resume dialogue with the Union Government, although the terms they have set forward have been somewhat confused. The Hizb's Yusuf Shah, for example, announced on August 19, 2000, that his organisation was willing to reopen talks if India agreed that Kashmir was a "disputed territory", and if Pakistan was included in the dialogue.<sup>33</sup> Two days earlier, the Hizb's own chosen interlocuter, Qureishi, had suggested even softer terms, saying he was hopeful the terrorist group would allow Pakistan to be involved at a later stage. This, in turn, provoked violent criticism from Yusuf Shah, who somewhat peculiarly warned India that "Kargil was not out of our reach".<sup>34</sup> The APHC chairman, Ghani Bhat, for his part, has proposed setting up separate teams to negotiate with India and Pakistan to resolve the imbroglio.<sup>35</sup> Unfortunately, Yusuf Shah himself appears to have little faith in the APHC's credentials. "Issuing statements and shedding crocodile tears and visiting the families of martyrs will not solve the Kashmir problem", one Hizb statement proclaimed:

If our elders [the APHC leaders] believe that only an armed struggle will liberate Kashmir from the occupation and an

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<sup>32</sup> Ibid.

<sup>33</sup> "Salahuddin sets fresh terms for resuming talks", *Times of India*, August 20, 2000.

<sup>34</sup> B. Muralidhar Reddy, "Hizb alleges 'viscious campaign' by India", *Hindu*, August 19, 2000.

<sup>35</sup> "Hurriyat chief offers new formula for Kashmir", *Hindu*, August 19, 2000.

honourable solution is possible through militancy, then they should come in the forefront and command the struggle. If not, they should at least send their wards to join militancy.<sup>36</sup>

This disputation among secessionist formations, it is probable, will eventually resolve itself. The question that recurs is: what form will future dialogue take? In conclusion, this paper argues that the most disturbing outcome of the breakdown of talks with the Hizb is that they will have lent weight to the proposals outlined by the KSG, and tacitly endorsed by several political figures in the State. In a larger sense, the Hizb dialogue, past and possibly future, marks a shift to the Right of political discourse on J&K, a process which has been accelerating since the National Democratic Alliance government came to power.

It is evident that further dialogue will, most certainly, be impossible unless the obstacles the Indian Government is willing to cross, so to speak, are raised higher. At the outset, Indian negotiators will have to be prepared to concede to the APHC demands articulated earlier this summer, or to the Hizb's. Although Chief Minister Abdullah has been bitterly criticising plans to sunder Jammu and Ladakh from Kashmir, he has said little on plans his own Government authored to bring about precisely the same outcome. And, as J&K Law Minister P.L. Handoo recently pointed out, Prime Minister Vajpayee has, in turn, studiously refused to rule out a partition of the State, which would then enable the grant of quasi-independence to Kashmir. That any such partition would unleash a scale of violence that could match the carnage of India's Partition in 1947 has, by and large, not deterred these flights of fancy in any noticeable measure.

There is little doubt that dialogue with the Hizb could lead the communal falling apart of J&K to gather momentum. Events on the ground, for at least the last two years, have certainly been engineered to bring about this kind of calamity. Among the latest examples were the incidents of July 12, when the Leh province saw its first communal killings. Three Buddhist monks were shot dead by the LeT at the Rangdum Gompa in Padam, on the Zaskar heights. The murders were preceded by a series of Buddhist-chauvinist

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<sup>36</sup> Nazir Masoodi, "Pick up the guns if you don't want talks: Hizbul to Hurriyat", *Indian Express*, August 13, 2000.

mobilisations in Leh, protesting the J&K Assembly's demand for greater autonomy. One leading figure in the protests, Ladakh Buddhist Association (LBA) Vice-President Tsonam Gombu, provoked protests by Muslims after he described the Quran as "just another book, not one descended from the skies". Although Gombu apologised for his statement, and was later arrested, the damage had been done. In political terms, both the Buddhist anti-autonomy agitation and the monks' killings worked to deepen the fissures between Ladakh and Kargil and between Ladakh and Kashmir.<sup>37</sup> Such a sundering, should it come into being, would be a key element in the many schemes for partition of the State set afloat over the last two years.

More problems have also become evident in Jammu in the wake of the August 1 massacres. Curfew had to be imposed in several areas, and only firm police action prevented collective reprisals against Muslims after two cows' heads were discovered in Ranbir Singh Pura.<sup>38</sup> These events, read in the context of the March massacre of Sikhs at Chattisinghpora, suggest that J&K is being goaded into a calamitous, full-blown religious war. Political figures on the Hindu Right have long demanded the separation of the area from the Kashmir valley, a demand that has gathered momentum in the wake of the J&K Assembly's autonomy resolution. Dogra royal family patriarch Karan Singh, Jammu BJP leader Ramesh Gupta, and Minister of State for Civil Aviation Chaman Lal Gupta, are among the plethora of leaders in the Jammu region who believe J&K's unity is a historical accident which now needs to be repaired.

As in the case of the Ladakh Buddhists' agitation, the demand for the sundering of Jammu from the Kashmir Valley works to Pakistan's advantage. Indeed, in the wake of the Lahore bus crossing of 1999, the then-Pakistani Foreign Minister, Sartaj Aziz, had called for a district-wise referendum in J&K, a sharp but little noticed departure from Pakistan's historic position.<sup>39</sup> Journalist Talaat Hussain, writing in *The Nation*, reported that Niaz Naik and R.K. Mishra, the back-channel negotiators during the Kargil war, had discussed what he described as the 'Chenab plan', a term referring

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<sup>37</sup> "Curfew in Leh", *Tribune*, July 14, 2000

<sup>38</sup> "Curfew in RS Pora", *Tribune*, August 6, 2000.

<sup>39</sup> Cited in Aijaz Ahmed, "Mediation by any other name", *Frontline*, July 30, 1999.

to the partition of the State with the Muslim-majority areas north of the Chenab river going to Pakistan, or forming a quasi-independent State.<sup>40</sup> It is clear neither Jammu nor Ladakh would accept a political dispensation in J&K led by the Hizb, or its political partners. Both massacres and the dialogue process, thus, could help bring about the sundering of J&K on communal lines, since it would be impossible to contain communal demands in Jammu and Ladakh should an overtly communal regime secure power in Srinagar, a probable outcome of the dialogue with the Hizb. Most disturbing of all, as the anti-Muslim pogrom that followed the Pahalgam massacre makes clear, any communal conflagration in J&K could have all-India consequences.<sup>41</sup> Little thought appears to have gone into how these problems will be addressed, let alone resolved.

Communal division, then, is the first major risk that dialogue with the Hizb holds out. There is a second, and even deeper, problem that the dialogue process poses for political life within Kashmir itself. For all its failings, Chief Minister Farooq Abdullah's regime is at least democratic, and ostensibly committed to secularism. The Hizb and its political affiliates are, on the other hand, avowedly reactionary. The organisation has, among other things, been associated with attacks on women's rights since its inception, notably through threats against those who exercise their right to an abortion, or adopt planned-parenthood methods. Women who chose western clothing have at other points been targeted, while the Hizb has most recently been at the forefront of forcibly terminating local transmission of cable television channels it believes to be anti-Islamic. Should the Hizb come to exercise power, through whatever medium and in whatever form, resistance to its rabidly communal and chauvinist agenda would be difficult, if not impossible. What the Jamaat has failed to achieve through elections would have been brought into being through armed struggle. G.M. Bhat's contention that continued armed struggle was now an obstacle in the way of achieving the Jamaat's core objectives needs to be understood in this context.

Finally, and as important, the very fact that the Hizb and APHC are being considered dialogue partners holds out its own dangers,

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<sup>40</sup> Cited in, Praveen Swami, "Partition plans?", *Frontline*, October 22, 1999.

<sup>41</sup> "Gujarat bandh turns violent, one killed", *Tribune*, August 4, 2000.

especially in a context where an elected Government holds out its own demands for 'autonomy'. Whatever the problems contained within the State Autonomy Report may be, and there are several, the Union Government's unwillingness to engage in serious debate on autonomy is incomprehensible. There is little doubt that a serious and sustained dialogue on autonomy with political actors would have enabled the generation of real political processes within J&K. Although New Delhi has suggested that a dialogue on autonomy may yet come into being, it is unclear whether it would still have any real mass legitimacy. Whether one likes it or not, endorsement of dialogue with the Hizb means that the autonomy issue is being marginalised, or at least made subject to the endorsement of armed groups. This, in turn, means democracy and democratic processes are discredited. Politicians, in this framework, are meant only to deal with roads and sewers, while those with guns are legitimised as the ultimate arbiters of J&K's fate. If, as at least some in the Ministry of Home Affairs believe, the Hizb and APHC will eventually accept some variant on the autonomy proposals, the fact remains that, politically, its realisation will still mean a victory for terrorism, not politicians. Abdullah is perhaps the one State-level politician delighted at the demise of the dialogue process - and with good reason, for any deal with the Hizb would have to be predicated on the termination of National Conference rule in the state.

The dialogue process initiated by New Delhi has already served to alienate J&K's principal democratic party. The National Conference has responded by aggressively encroaching on the secessionist constituency, notably by destabilising the security apparatus. It is surely not coincidence that Abdullah's venomous attacks on the J&K Police's SOG, which has, without dispute and man-for-man been the most successful counter-terrorist organisation in the State, followed the initiation of the Union Government back-channel dialogue with the APHC. Abdullah responded by suspending Anantnag Superintendent of Police Farooq Khan, one of the founders of the SOG, and several junior officers, for alleged atrocities in the wake of the Chattisinghpura killings. The actual evidence cited to justify the suspensions was more than a little thin, but the political significance of the suspensions are unmistakable.<sup>42</sup> By attacking the

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<sup>42</sup> Praveen Swami, "Outrage in Anantnag", *Frontline*, April 28, 2000.



SOG, which like all effective counter-terrorist forces has acquired an overblown notoriety, Abdullah was seeking to regain political space conceded earlier to the APHC. Sadly, scurrilous attacks on the SOG have since become the stuff of received wisdom. One particularly silly example featured recently in the *Times of India*, in the form of the assertion that the SOG is 'mostly' made up of surrendered terrorists. The smear went unchallenged, although the SOG is, in fact, almost entirely made up of regular police personnel and, unlike the Army which pays the salaries of two major groups of surrendered terrorists, employs almost no Special Police Officers.<sup>43</sup>

To those familiar with the story of terrorism in Punjab, there will be depressing familiarity to the processes through which the space available for democratic discourse is being whittled away, and replaced by dialogue with the most extreme, far-Right elements on the political terrain. Although, as liberal commentators never tire of reminding us, Kashmir is not Punjab, it is undoubtedly worth remembering the fate of the then Union Government's flirtations with Simranjit Singh Mann, and the abortive covert dialogue with G.S. Manochahal. In the current context, the dialogue is also an alarming sign of what might best be described as the privatisation of policy, the increasing influence of non-governmental groups, which have no democratic accountability and are often funded through dubious means, in shaping and executing state objectives. Seema Mustafa has pointed to the role of two foreign-funded organisations, the Sarvodaya Organisation for Mutual Understanding and the India-Pakistan Forum for Peace and Democracy, in the Track-II diplomacy surrounding dialogue with the Hizb.<sup>44</sup> The head of the India-Pakistan Forum, Tapan Bose, was a key participant in one of the most successful campaigns of slander directed at the Punjab Police, the concocted story that tens of thousands of victims of police atrocities had been surreptitiously cremated in the border districts.

It isn't as if peace shouldn't be given a chance. A dialogue initiated by the Indian Government is preferable to a settlement imposed at financial or diplomatic gunpoint by the US. But the real danger lies in the prospect that New Delhi might, as it were, lose

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<sup>43</sup> Siddharth Varadharajan, "Politicians advocate hot pursuit, army says 'no thanks'", *Times of India*, August 18, 2000.

<sup>44</sup> Seema Mustafa, "NGOs fund peace-loving visit to Pakistan", *Asian Age*, August 6, 2000.

control of the string of the kite it is seeking to fly. Without a clear set of negotiation objectives, and a clear ideological framework for what it seeks in J&K, the forces that the National Democratic Alliance Government has unleashed in the State could soon become unmanageable.

There is a final issue that few in New Delhi appear any longer to ponder, or even fleetingly consider. If the US will not, or cannot, act to ensure that Pakistan terminates its war in J&K, what might India's options be? Even if the Hizb does accept a deal, and assumes power, will violence come to an end? These problems are certain to acquire centre-stage when dialogue resumes, for Pakistan will simply refuse to endorse an arrangement where it cannot claim to have secured a victory, however limited, in Kashmir. The answer, to anyone who has followed India's troubled engagement with Pakistan from the early 1980s, should be self-evident. After the Pokhran II nuclear tests, which conferred a rough military parity on Pakistan, India's traditional military threat of massed tanks sweeping across Sindh has become redundant. No real effort has been made to raise Pakistan's costs by developing a credible, covert offensive capability either. That failure could completely undermine the gains made through India's counter-terrorist battles over the last decade.