Self-Determination Conflict Profile

Overview of Self-Determination Issues in Kashmir

By John Gershman

(We offer this analysis as part of FPIF’s Self-Determination and Governance project. It does not necessarily reflect the views of the FPIF staff or the boards of either sponsoring organization. Comments are welcome. Please send to Tom Barry <tom@irc-online.org>.)

Islam became the majority religion in Kashmir in the 13th century, and by 1940 over 70% of the people of Kashmir were Muslims (most of the rest were Pandits, a Hindu community). Occasional revolts and protests occurred under Maharajah Hari Singh’s rule. In 1932 Sheikh Abdullah formed Kashmir’s first political party, which was the All Jammu & Kashmir Muslim Conference (renamed the National Conference in 1939). (This party ruled the Indian state of Jammu and Kashmir from 1949-1990, and again from 1996 to the present). In 1934 the Maharajah allowed limited democracy in the form of a Legislative Assembly.

The current struggle over Kashmir dates to the time of partition. The state of Jammu and Kashmir was one of 565 semi-autonomous princely states. Under the partition plan provided by the Indian Independence Act of 1947, the rulers of those states had the authority, in principle, to choose between joining India, Pakistan, or becoming independent. In practice, those states were pressured to choose to join one or the other as geography and demography dictated. The Maharajah preferred independence to accession to either India or Pakistan, and by the day of independence had not yet decided on a course of action.

What happened next remains contested. In October 1947, Pashtun tribesman crossed Pakistan’s
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FPIF’s network of advocates, organizations, activists, and scholars functions as a “think tank without walls,” reaching out to constituencies and foreign policy actors to ensure that U.S. foreign policy represents a more broadly conceived understanding of U.S. national interests.

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Self-Determination
Regional Overview

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on the government, detonating bombs 
at government buildings, buses, and the 
houses of present and former state offi- 
cials, and enforcing a state-wide boy- 
cott of the November 1989 national 
parliamentary elections. The groups 
began assassinating NC leaders and 
engaging in other acts of violence. 
Some groups also targeted Hindu fam-
ilies, and a slow exodus of Hindus from 
the valley began.

On January 19, 1990, the Indian cen-
tral government imposed direct rule on 
Jammu and Kashmir, and repression 
deepened. The Indian government's 
campaign against the militants was 
marked by widespread human rights 
violations, including the shooting of 
unarmed demonstrators, civilian mas-
sacres, and summary executions of 
detainees. In the mid-1990s, Indian 
security forces began arming and train-
ing local auxiliary forces made up of 
surrendered or captured militants to 
assist in counterinsurgency operations. 
These state-sponsored paramilitary 
groups have committed serious human 
rights abuses, and human rights 
defenders and journalists have been 
among the principal victims.

In late 1993, the All Parties Hurriyat 
Conference (APHC), an umbrella orga-
nization of the leaders of all the political 
and militant organizations fighting for 
independence, was founded to act as the 
political voice of the independence 
movement. However, rivalries within 
the APHC have limited its effectiveness.

There are widespread reports that 
pakistan's Inter Services Intelligence (ISI) 
began supporting armed militant, 
Islamist groups to fight in Kashmir in the 
1980s, some of which were offsprings of 
the U.S.-backed war in Afghanistan. 
Officially, the Pakistani government has 
denied involvement in arming and train-
ing Kashmiri militants, but the claim is 
generally not considered credible.

In May 1996, parliamentary elections 
were held in Jammu and Kashmir for 
the first time since 1989. Militant lead-
ers called for a boycott, however, and 
there were widespread reports that 
security forces had forced some voters 
to go to the polls. During state assem-
bly elections in September of that year 
as well, residents again complained that 
the security forces had tried to counter 
a boycott by forcing some people to go 
to the polls. However, a large number 
appeared to have voted voluntarily. 
Following the election, the National 
Conference party formed the first state 
government since 1990. Farooq 
Abdullah (son of Sheik Abdullah, the for-
mer leader of the Indian state of Jammu 
and Kashmir), who, together with leaders 
from the Congress Party, had been 
responsible for rigging state elections in 
1987, again became chief minister.

Tensions over Kashmir have increased 
since India and Pakistan tested nuclear 
devices in 1998. In February 1999, the 
prime ministers of both countries 
signed the Lahore Declaration in which 
they vowed, among other things, to 
renew talks on Kashmir and to alert 
each other of further arms tests. Later 
in 1999, Pakistan-supported insurgents 
and troops crossed the Line of Control 
and launched attacks on Indian troops 
in what is now known as the Kargil war. 
U.S. pressure on then-Prime Minister 
Nawaz Sharif to make the militants 
withdraw was a contributing factor in 
the coup later that year by General 
Pervez Musharraf, who is currently 
Pakistan's president.

The human costs of the war have been 
substantial. Estimates of those killed 
since 1989 range from 35,000 to 70,000.

**Key Actors**

**UN Military Observer Group in 
India and Pakistan (UNMOGIP):** The 
UN has maintained a presence in the 
disputed area since 1949. Currently, 
the Line of Control is monitored by the 
UN Military Observer Group in India 
and Pakistan (UNMOGIP). Their mis-
ion is “to observe, to the extent possi-
ble, developments pertaining to the 
strict observance of the ceasefire of 
December 1971.”

**All Parties Hurriyat Conference:** 
Founded in 1993, it is a coalition of 23 
Kashmiri separatist groups that support 
independence for Kashmir. The mem-
bers of the Hurriyat do not advocate vio-
ence as a means of achieving indepen-
dence. It is based in Srinagar, in Indian-

**United Jihadi Council:** The council is 
a coalition of 14 Pakistan-based groups 
fighting in Kashmir. It is led by 
Hizbul Mujahideen (Hizb) leader 
Syed Salahuddin (the largest of the 
indigenous armed groups). Besides Hizb, 
it includes Harkat-ul-Mujahideen and 
12 other militant groups committed 
to the Deoband school of Islamic 
militancy. The members advocate 
Kashmir's integration with Pakistan.

**Jammu Kashmir Liberation Front 
(JKLF):** The JKLF is a secular, pro-
independence movement founded in 
1977 in the United Kingdom by 
Amanullah Khan. The original front 
splintered into two, however, and both 
use the same name, namely the Jammu 
and Kashmir Liberation Front. 
Amanullah Khan heads one group. 
The other is headed by Yasin Malik, and 
was founded in September 1995 after 
Malik split from Khan because of dif-
ficulties over strategy. Both JKLFs 
share the goal of self-determination for 
the people of Kashmir, but the Malik fac-
tion has renounced the use of violence 
to attain this goal. The Malik faction 
is a member of the All Parties Hurriyat 
Conference. Both JKLFs have long 
demanded a plebiscite in Kashmir.

**Hizbul Mujahideen (Hizb):** The 
Hizb was founded in 1990 and is cur-
rently the largest armed group operat-
ing in Kashmir. The Hizb advocates 
Kashmir's merger with Pakistan and 
also campaigns for the Islamization of 
Kashmir. It is widely believed that ele-
ments of the Pakistani security forces 
supported the creation of the Hizb 
because it is an Islamic force desiring to 
integrate Kashmir into Pakistan. This 
contrasts with the secular character of 
the call of the JKLFs for independence.
The Hizbul Mujahideen is very close to the Jamaat-e-Islami political movement in Kashmir and Pakistan.

Harakat ul-Mujahidin (HUM): Formerly known as the Harakat al-Ansar, the HUM is an Islamic militant group based in Pakistan that operates primarily in Kashmir. It was founded in 1985 and began military operations in Kashmir in 1990. It is based in Muzaffarabad, Rawalpindi, and several other towns in Pakistan and Afghanistan, but members conduct insurgent and terrorist activities primarily in Kashmir. Its supporters are mostly Pakistanis and Kashmiris and also include Afghans and Arab veterans of the Afghan war. HUM lost some of its membership in defections to the Jaish-e-Mohammed.

Jaish-e-Mohammed (JEM) (Army of Mohammed): The JEM is an Islamist group based in Pakistan that has rapidly expanded in size and capability since Maulana Masood Azhar, a former ultrafundamentalist Harakat al-Ansar leader, announced its formation in February 2000. A reported three-quarters of Harakat ul-Mujahedin (HUM) members defected to the new organization, which has managed to attract a large number of urban Kashmiri youth. The group's aim is to unite Kashmir with Pakistan. It is politically aligned with the radical, pro-Taliban political party, Jamiat-ul-Ulema-i-Islam (JUI-F). It has several hundred armed supporters located in Azad Kashmir, Pakistan, and in India's southern Kashmir and Doda regions. Its supporters are mostly Pakistanis and Kashmiris but also include Afghans and Arab veterans of the Afghan war. It is based in Peshawar and Muzaffarabad. The JEM has close ties to Afghan Arabs and the Taliban. Usama Bin Ladin is suspected of giving funds to the JEM.

Lashkar-e-Tayyiba (or Lashkar-e-Toiba LT) (Army of the Righteous): The LT is the armed wing of the Pakistan-based religious organization, Markaz-ud-Dawa-wal-Irshad (MDI)—a Sunni anti-U.S. missionary organization formed in 1989. One of the three largest and best-trained groups fighting in Kashmir against India, it is not connected to a political party. The LT leader is MDI chief, Professor Hafiz Mohammad Saeed. It has several hundred members in Azad Kashmir, Pakistan, and in India's southern Kashmir and Doda regions. Almost all LT cadres are foreigners—mostly Pakistanis from seminaries across the country and Afghan veterans of the Afghan wars. It is based in Muridke (near Lahore) and Muzaffarabad. The LT trains its militants in mobile training camps across Pakistan-administered Kashmir and Afghanistan. The LT maintains ties to religious/military groups around the world, ranging from the Philippines to the Middle East and Chechnya through the MDI fraternal network. It is not a member of the UJC.

Proposed Solutions

Currently, both India and Pakistan reject the option of Kashmiri independence. Pakistan's formal position is that Kashmiris should be allowed to vote in a referendum, based upon numerous UN resolutions on the issue, but that the only option should be accession to either Pakistan or India. Third-party mediation should not be excluded. India's position is that the state of Jammu and Kashmir is an integral part of the Indian Union, that the only component of the Kashmir issue legally admissible in the talks between India and Pakistan on the future status of the state pertains to Pakistan vacating the territories illegally occupied by it, and that talks between India and Pakistan in regard to the future status of the state should be held within a strictly bilateral framework and in conformity with the Simla Agreement of July 1972.

Other possibilities (although not officially discussed) could include:

- division of Kashmir at the Line of Control;
- trifurcation of Jammu and Kashmir, with Jammu and Ladakh remaining in India, 'Azad' Kashmir in Pakistan, and some innovative arrangements, either diluted Indian sovereignty or division, for the Kashmir Valley.

Within Pakistan, prospects for a peaceful settlement may depend to a large extent on how far Pakistan's president General Pervez Musharraf can resist the Islamic Right. Islamic groups are among Musharraf's key base of support. A cessation of hostilities in Jammu and Kashmir could be politically disadvantageous for both the government and the right-wing Islamic groups.

Role of the United States

U.S. involvement in the Kashmir conflict has been relatively small, until recently. Washington's stake in the conflict until 1998 was largely a derivative of the cold war. Although the U.S. had voted in favor of the UN resolutions that recommended a plebiscite, by the 1990s the U.S. had effectively come to the position that whatever outcome was negotiated bilaterally between Pakistan and India would be acceptable (thereby eschewing the independence option). Since 1998, however, Kashmir has become more important for two reasons. First is because of its potential as a flashpoint between two nuclear-capable states. Second is the increasing involvement of allies of Usama Bin Laden in the war.

In 1999 the U.S. pressured then Pakistani Prime Minister Nawaz Sharif to withdraw Pakistani support from militants in the Kargil war, an event that contributed to coup by General Pervez Musharraf later that year. The U.S. government identified the Harakat ul-Mujahidin (HUM) as an official terrorist organization in 1997. The U.S. State Department's 2000 Human Rights Report noted that the Indian security forces are responsible for "significant human rights abuses" in Jammu and Kashmir.
Sources for More Information

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