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# Proxy War in Jammu & Kashmir

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## Introduction

Jammu & Kashmir, a region in the northern part of the Indian subcontinent, is globally known for the battle of ownership which has been going on for seven decades. This place of mesmerizing beauty, often referred to as heaven on earth, used to be one single entity before the partition of British India into Pakistan and India in 1947. Today, Jammu & Kashmir is separated into three politically different regions with one administered by Pakistan, one by India and one by China. Initially the struggle to win over the whole region started as a political one, mainly between India and Pakistan, however, the struggle has evolved dramatically over the course of time. Today the 'war' over Jammu & Kashmir is a multifaceted one which consists of political as well as social aspects, with the issue of religion being a major one. The State of Pakistan has used the religious sentiment of the people in the region, most of whom are Muslims, to instigate them against Indian rule. This short paper attempts to shed light on this proxy war by explaining the historic journey of the region.

## The Partition and its effects on Jammu & Kashmir

Jammu & Kashmir was one of the princely states during the British rule of the Indian subcontinent. It was a unique region because of its religious composition, its geography and its ruler. It had geographical proximity to both India and newly born Pakistan and while being a Muslim majority region during that time, it had a Hindu ruler, Maharaja Hari Singh. Three distinct areas of the State had a noteworthy composition of population. The Ladakh region had a Buddhist majority population, the Jammu region had a Hindu majority and the Kashmir Valley a Muslim majority. Due to these distinct features, unlike present day Bangladesh which was awarded to Pakistan during partition because of being a Muslim majority region, the ruler of Jammu & Kashmir was given the opportunity to choose the fate of Jammu & Kashmir. The ruler of Jammu & Kashmir could choose to unify with either Pakistan or India. In theory, the ruler could also choose to establish Jammu & Kashmir as an Independent State. However, the people of many of the princely states preferred to unify with an already established democratic state than remaining subjects of a monarchy which could mean the continuation of authoritarian rule. In addition, Sheikh Abdullah, a popular mass leader, was building a movement against the rule of the Maharaja. Considering the complexity of the situation, the Maharaja of Jammu & Kashmir remained neutral and delayed his decision. The Maharaja had difficulty making a decision because of the heterogeneous composition of the population. The British representatives visited the Maharaja attempting to advise him on the issue but failed to persuade him to make a decision. Before the neutrality of the Maharaja could be converted into a peaceful transition to the next step for Jammu & Kashmir, Pakistan invaded Kashmir and Jammu provinces from the north. The invaders comprised of tribesmen from Pakistan's North West Frontier Province (NWFP) and regulars from its army. The invaders were organized in company-level units and armed with lethal weapons. Houses were burnt, property looted and destroyed and large scale rapes and abductions of women

took place. The Maharaja and his government were unable to defeat the coalition of the Pakistani Army. Despite their failure, the Maharaja did not give into Pakistan's aggression; instead the Maharaja decided to accede to India and signed the Instrument of Accession. The Instrument of Accession gave India the power to take control of Defence, Foreign Affairs and Communication and the complete authority of the State was to be decided later. Regardless of the fact that it was the Maharaja's exclusive right and decision, subsequent to Pakistan's invasion, to accede to India and perhaps not a democratic decision, it translated into the fact that India had the legitimate authority to take control of Jammu & Kashmir.

### War of India and Pakistan in 1947-1949

The first war between India and Pakistan over Jammu & Kashmir broke out in 1947. The Maharaja of Jammu & Kashmir took refuge in India leaving the fate of the State to the war. Indian troops had a difficult time fighting against the Pakistani Army because of their lack of experience and expertise to combat in the mountains of Jammu & Kashmir. While Prime Minister Nehru had the legal authority to exercise the legality of the Instrument of Accession vis-à-vis the whole State of Jammu & Kashmir (including the parts which are currently under administration of Pakistan), it is unclear why he did not and chose to take the issue to the international theatre (United Nations Security Council). Some sources claim that Prime Minister Nehru hoped that the international community would recognize Pakistan's aggression and intervene to stop further bloodshed. The United Nations (UN) passed a Resolution on 13 August 1948, through which Pakistan was requested to withdraw its army from Jammu & Kashmir. The plan was to arrange a free and fair plebiscite after the withdrawal of the Pakistani Army to give the Kashmiri people the chance to choose their fate. Another condition for the plebiscite to take place was to restore the situation in a pre-1947 State. Following the UN Resolution an emergency government was established on 30 October 1948 in Jammu & Kashmir in which the popular mass leader Sheikh Abdullah, who initiated a movement against the Maharaja's rule, became the Prime Minister. India was hopeful of an outcome in their favour but Pakistan had no intention of withdrawal and firmly held onto its struggle to capture power in Jammu & Kashmir. Amidst this stubbornness, the UN finally managed an agreement between India and Pakistan for a ceasefire on 1 January 1949, which awarded India the control of a significant (65%) part of Jammu & Kashmir whereas the rest of the area remained in control of Pakistan. The ceasefire line established by the UN which was agreed upon as a temporary solution became the de facto border of India and Pakistan in the Jammu & Kashmir region. The free and fair plebiscite which was supposed to take place never happened because Pakistan did not withdraw its troops.

### The 1962 Sino-Indian war

The region of Jammu & Kashmir in control of China is called Aksai Chin. Aksai Chin is situated in the easternmost part of Indian Administered Jammu & Kashmir. The border issue in relation to this portion was never resolved and it remains disputed till date. In the post partition period, India claimed ownership of Aksai Chin as part of its ownership of Jammu & Kashmir while China claims ownership of this region due to historical reasons. China refused to give up its control and consequently China

and India fought a one-month long war of bloodshed, known as the Sino-Indian war of 1962. The Chinese retained control of Aksai Chin and in addition China also gained control of 5,180 sq km of Pakistan Administered Jammu & Kashmir through a border agreement between these two countries in 1963. The occupation of Aksai Chin was crucial for the Chinese to establish routes for transportation among Xinjiang and Tibet. With Aksai Chin amounting to almost 20% of Jammu & Kashmir, the share of the State under India's administration dropped to 45% and Pakistan's share dropped to 35%. The disputed border between Chinese Administered- and Indian Administered Jammu & Kashmir is known as the Line of Actual Control.

### The 1965 war and the Tashkent agreement

A political resolution which left Pakistan with a mere portion of Jammu & Kashmir did not satisfy Pakistan's national interests. It was not long after the ceasefire of 1949, that Pakistan attempted to increase its stake of Jammu & Kashmir. In 1965, Pakistan attempted to win over Jammu & Kashmir through a secret mission, called '*Operation Gibraltar*', which entailed a sudden attack in Indian Administered Jammu & Kashmir with a battalion of 30,000 armed soldiers. Experts on the Kashmir-issue believe that the brief struggle over Rann of Kuch earlier in 1965, as well as communal violence between Muslims and Hindus over a sacred relic of Muslims, encouraged Pakistan to plot this attack. Earlier in 1965, Pakistan was awarded 10% of Rann of Kuch which was originally in India's possession following a fight among border guards of Sindh of Pakistan and Kuch of India and a mediation by two British High Commissioners. The Pakistani leaders envisioned that if similar situations could be created in Kashmir then they could win more areas of Indian Administered Jammu & Kashmir through mediation. In addition, before the war of 1965, Indian Administered Jammu & Kashmir experienced outrage of local Muslims due to the theft of a holy relic from a local mosque which escalated into communal tension between Muslims and Hindus. Pakistan was hopeful of using this discontent of Muslims in Indian Administered Jammu & Kashmir in their attack against India. Pakistan misjudged the Muslims' anger towards the Indian Government as well as their '*allegiance*' to Pakistan as none of the ideas that inspired Pakistan into this sudden attack helped Pakistan in the end. While Pakistan had political and military support from the US, India was supported by Russia. When China stepped into the game taking a hostile stand against India and supporting Pakistan, the British Prime Minister of that period, Harold Wilson, promised his support to India on behalf of both the United Kingdom and the US. India made significant progress against Pakistani aggression in the 1965 war but the war ended in another ceasefire due to diplomatic pressure from the international community. Following the UN mandated ceasefire, the Tashkent agreement was signed on 1 January 1966, and both countries were left with the territory they already administered pre the 1965 war, which in essence meant that the 1965 war had no impact on the territorial control of India and Pakistan. The countries did not gain anything rather than losing the lives of thousands of their soldiers. The 1965 war was a major strike against hopes of a peaceful resolution of the Jammu & Kashmir dispute. A second attack by Pakistan in such a short period of time reiterated the fact that Pakistan would continue to attack India to take control of Jammu & Kashmir. India and Pakistan fought another brief war in 1971, as India got involved in the Bangladesh Liberation War, following which the Simla agreement was signed, in which the ceasefire line, being monitored by the United Nations Military Observer Group in Pakistan and India

(UNMOGIP), was renamed as the Line of Control (LoC) and the UN was requested to withdraw the UNMOGIP from the LoC.

### **Militancy in Indian Administered Jammu & Kashmir**

Amidst the despair of conflict between India and Pakistan, the leadership of Sheikh Abdullah was able to bring peace in Indian Administered Jammu & Kashmir in the 1980s. His leadership also allowed Jammu & Kashmir to enjoy more autonomy and less supervision from the Indian Central Government. Even though there was pessimism among some of the people of Jammu & Kashmir regarding some of his political decisions and affiliations, the overall situation was comparatively peaceful. However, the peace was to last only until his death in September 1982, and with this charismatic and popular leader gone, the discontent of people began to rise to the surface again.

The succession of Sheikh Abdullah's leadership to his son Farooq Abdullah could not hold onto the peace he had contributed to. The election of 1987 in Jammu & Kashmir is a landmark year in the conflict history of Kashmir. A coalition of several Islamic parties fought against the coalition of Farooq Abdullah's party and the Congress party of India. The election was allegedly rigged to declare the latter coalition victorious which led to the disappointment and distrust of the Muslims in the state. In addition to this, Amanullah Khan, Chairman of the Jammu Kashmir Liberation Front (JKLF) in exile in Pakistan started an armed movement with the alleged support of Pakistan's premier intelligence agency, the Inter-Services Intelligence (ISI), against the authority in Indian Administered Jammu & Kashmir. The alleged rigging of the election, the operations of Amanullah Khan and some political decisions of Farooq Abdullah led to the beginning of the uprising of militancy in Indian Administered Jammu & Kashmir.

Acts of violence started from the year 1987, but 1989 marks the rise of the militants in Indian Administered Jammu & Kashmir as the impact of militancy in that year was massive. Communal violence among different religious groups such as Muslims, Hindus and Buddhists began to erupt throughout the State. The Kashmiri Pandits, an elite group among Hindus, became particular targets of the Muslim militants. In addition, the State was buried under strikes after strikes called by militant groups. According to estimates, the number of strikes were so many that they accounted for one third of that year's working days. Government officials such as police, intelligence officers, members and leaders of the National Conference, which was the leading political party in Jammu & Kashmir, were killed to breakdown the political system of the State. In addition to strikes and killings of government officials incidents such as kidnapping, bomb blasts, rapes and destruction of government properties became regular. The militants succeeded to intimidate local people as well as the local authority through their tactics. Following that year until today, numerous militant groups emerged in particularly the Valley of Jammu and Kashmir, and they also kept subscribing to various different ideologies. Some militant groups started off with a secular nature, but many harbored religious motivation. The Jammu & Kashmir Liberation Front propagated independence from India while some of the Islamic political parties which were part of the coalition of the Muslims United Front during the 1987 election also joined the independence movement, but at the same time also formed their own militant wings. On the other hand, militant groups with religious inclination such as the Hizbul-

Mujahideen (HM) (militant wing of Jamaat-e-Islami), Hizbollah and Lashkar-e-Taiba (Let) had a pro-Pakistani ideology. The religious movement had a devastating impact on the peace building efforts in Jammu & Kashmir which forced around 200,000 Kashmiri Pandits to flee their homeland.

The armed struggle was responded with a heavy hand by the Indian authority, as it met the definitions of cross-border terrorism supported by Pakistan. The Indian Government decided to heavily militarize its administered part of Jammu & Kashmir and a federal paramilitary unit called the Central Reserve Police Force was sent to join the local police force to battle against the terrorists. Later in July 1990, a special act known as the Armed Forces Special Power Act (AFSPA) was passed by the Indian Government to deal with the increasing violent situation. Various sources, especially those which are against the militarization of Jammu & Kashmir suggest that 500,000 security forces are deployed in Indian Administered Jammu & Kashmir to eliminate the terrorists. However, the Indian authorities have not acknowledged the presence of this number of security forces. Nonetheless, Indian Administered Jammu & Kashmir remains one of the most densely militarized places in the world.

The role of AFSPA has been very crucial in the conflict history of Kashmir. The *Act* is said to provide immunity to Indian soldiers appointed in Jammu & Kashmir even when there are violations of human rights. The representatives of India have repeatedly denied the accusation that there has been frequent human right violations in their response to terrorism. The Indian authorities claim that any security force personnel guilty of human rights violations has been punished. Independent sources concur this claim.

### The Role of Pakistan

Pakistan has always viewed the rule of India in Indian Administered Jammu & Kashmir as foreign occupation and it has continuously attempted to annex Jammu & Kashmir which it considers its rightful ownership. It should not come as a surprise that Pakistan played an active role in the religiously motivated militancy and in its continuation till date.

Active military efforts and negotiations failed several times for Pakistan to win over Jammu & Kashmir which made a covert armed militancy a strategy through which Pakistan could fight against India avoiding war and negotiations. In essence, this became a proxy war against India through which Pakistan attempted to impose a heavy political and economic burden on India. A rise in militancy would mean that India would have to invest resources in Jammu & Kashmir and in addition, it would also jeopardize the political authority of India in Jammu & Kashmir. The fact that the overwhelming majority of Indian Administered Jammu & Kashmir is Muslim enabled Pakistan to religiously exploit the people of Jammu & Kashmir, especially in the Valley of Kashmir. Since the beginning of militancy, Pakistan publicly promised its moral and diplomatic support to the militants in Indian Administered Jammu & Kashmir. However, this promise was not limited to moral and diplomatic support only. Pakistan provided all kinds of support, including military support to the militants to bring down Indian authority. In the beginning their support was provided to all kinds of groups as long as the militants were fighting against Indian authority in Jammu & Kashmir. It gradually shifted its support towards pro-Pakistani militant groups which were willing to fight for the cause of annexation of Jammu & Kashmir with Pakistan. Pro-Pakistani militant groups were provided training, ammunition, shelter and

other necessary support by the Pakistani military establishment in their *war* against Indian authority. Several camps of the militant groups, under the cover of refugee camps, were established in so-called *Azad* Kashmir, a part of Pakistan Administered Jammu & Kashmir. Pakistan acquired, allegedly through illegal means, modern weapons and ammunitions from the US while it joined the US forces in their fight against terrorism in Afghanistan. It also gained access to a large number of weapons following the withdrawal of Soviet forces in Afghanistan in 1989. Pakistan had an abundance of ammunition and weapons as well as experience to assist the militants to implement a guerrilla war in Jammu & Kashmir. On top of this, Pakistan received funds from sale of narcotics in Afghanistan, one of the largest opium producer of the world, and from donations of other Muslim organizations which financed the proxy war.

The presence of the religiously motivated militant groups changed the dynamics of the Kashmir-issue completely making it a religious struggle. The influence of Pakistan is to such an extent that Pakistanis as well as Afghans who had no personal connection with Kashmir joined Kashmiris in their fight against Indian rule solely because of their religious motivation. To explain, Pakistan labels this armed struggle against India as Jihad or as a religious mission of Muslim brotherhood, which provides the militants the motivation of religious rewards and therefore makes it difficult to resolve the issue politically. Due to this inclusion of Pakistanis and Afghans, the nature and composition of the militant groups changed significantly. To make things worse, some of the militant groups with members from Pakistan and Afghanistan joined the Jihadi organization of Osama Bin Laden, called International Islamic Front, which resulted in the fact that the insurgency in the Kashmir Valley soon became a terrorist movement. The tactics also changed because of affiliation with international terrorist organizations. The militants started attempting suicide attacks which were not common at the beginning of the struggle. The primary targets of the militants are usually stations of Indian security forces, especially the defence system at the LoC. Their targets also included bridges which disrupted communication networks among the security forces and public properties such as schools and temples. The militants established their bases in rural areas and in locations where it was difficult for the law enforcements agencies to track them or fight against them. Rural areas remain the most affected in terms of casualties caused by militants, especially casualties of minority communities such as the Kashmiri Pandits. This did not only assist the militants to create pressure on the Indian security forces but also resulted in creating a sense of communal hatred among local people.

While most of the militants joined the pro-Pakistan militant groups willingly because of religious motivation, Indian authorities claim that some people have been forced at the threat of their lives and with offers of financial benefits to join the militant groups in Pakistan Administered Jammu & Kashmir. Initially, the idea of Jihad gained momentum among the local Muslim Kashmiris, however, as time passed by and casualties of militants increased without any winning on their part, the local Kashmiris kept losing interest to join the militant groups. In this scenario, to continue the militancy in Kashmir, the Pakistani military establishment adopted backup strategies; It started recruiting militants from other Muslims countries using the banner of a religious struggle. Enthusiasts from other Muslim countries such as Saudi Arabia, Iraq, Egypt, Libya and Sudan joined hands with Pakistani and pro-Pakistani militants in their proxy war against India. This backup strategy of sending foreign militants did not achieve the desired outcomes as many of these militant were killed by the Indian security

forces. Nonetheless, foreign militants continue to join the militants in Kashmir because of their faith in the religious cause.

As the Pakistani intelligence services kept changing their strategies regarding the continuation of militancy in Jammu & Kashmir, Indian authorities also kept improving their tactics continuously besides deploying a large number of troops, both national and local security forces. While the militants established bases and communication routes in intractable places such as hill tracts and deep forests, Indian authorities resorted to devices of latest technology to track down the militants. India also made successful attempts to incorporate local people in its efforts to track and battle the militants through the establishment of '*Village Defence Committees*' which are provided basic training, equipment of communications and rudimentary weapons.

The plan of a proxy war was executed to avoid direct confrontation, yet the proxy war resulted into a direct conflict in 1999, around ten years after militancy had started, following the infiltration of Pakistani troops in Kargil, in Indian Administered Jammu & Kashmir. Pakistan denied the fact that the infiltrators were Pakistani troops, and tried to blame local militants. This denial did not stop India from launching air strikes against Pakistan. India's progress in this conflict and pressure from the US forced the Pakistani Government to withdraw its troops. The war lasted for three months and forced thousands of people on both sides of the LoC to flee their homes. Except for the Kargil war in 1999, Pakistan has been careful to contain the conflict to an extent that it would not end up in a direct confrontation but would still affect India significantly.

Although Pakistan supports militancy in Indian Administered Jammu & Kashmir, it brutally crushes down any attempt of an independence movement which threatens the Pakistani authority in Pakistan Administered Jammu & Kashmir. In Pakistan's vision, the only definition of independence for Kashmiris is the accession of Jammu & Kashmir to Pakistan. Pakistan's attempts to weaken India's authority using religious emotions have only made India more vigilant in taking protective measures against militancy and made the issue more complex. India has suffered the loss of tremendous economic resources, especially on the budget for defence, as well as lives of security forces personnel and civilians due to the sponsored militancy. The militancy has crippled the prospective of social and economic development of Jammu & Kashmir and the tourism industry, which used to be the primary industry of revenue for Jammu & Kashmir, has lost its appeal due to decades long conflict and has collapsed miserably. The conflict has also affected other industries and income generating activities of local people. It is doubtful how long India can sustain such an exhausting process of investing in Jammu & Kashmir at the same level, and neutralize growing radicalism and terrorism in the State.

In addition to changing the nature of this conflict, the inability of the Governments of India and Pakistan to reach a consensus on the negotiating table makes the issue more difficult. One of the primary motives of Pakistan through fueling religiously motivated militancy was to attract international attention showing alleged human rights violations by India in Jammu & Kashmir which would force India to go through an international mediation which Pakistan believes will bring out an outcome in Pakistan's favor. This strategy has failed, as Pakistan has not been able to gather any support at the international level in favor of its debatable policies regarding Jammu & Kashmir.

### The Role of India

International human rights organizations, such as Amnesty International have published reports on human right violations that have taken place in India's efforts to deal with the ongoing militancy. Although these mishaps on the part of India degrade the civil-military relationship in India, the Indian Government has taken steps to stop and reduce these violations of human rights by imposing monitoring systems and education on human rights within the army, and to check and balance cases of human right violations. Various cases in which army personnel have been tried and convicted because of alleged human rights violations have also been reported by independent sources. In addition to this, the Indian Government has also taken steps to rehabilitate surrendered militants through changing their identity and providing them an opportunity to reintegrate into the society.

### Conflict of Chain Reactions

The conflict in Kashmir has become a conflict of chain reactions. As the political and social grievances rise without hopes of a positive future and with a deadlock of negotiations between the concerned parties. The effect of cross-border terrorism multiplies leading to a significant number of casualties and losses of Indian security forces and civilians which lead to reactions from the Indian authorities to control the situation. As the security forces attempt to control the situation, violations of human rights also do take place occasionally. Consequently, the grievances of the people in Jammu & Kashmir increase and thus, the cycle of conflict continues and provides impetus to external forces such as Pakistan.

### Hope for the future

The deadlock situation of the conflict in Jammu & Kashmir seems to be never ending. A conflict that has been going on for seven decades cannot be solved without co-operation and mutual understanding of all concerned parties. Experts on the issue of the Jammu & Kashmir conflict believe that independence of the State is not realistic because it would mean that India and Pakistan would have to give up control over their administered parts of Jammu & Kashmir. The role played by Pakistan to continue a covert war against India needs to stop to stabilize the situation in Indian Administered Jammu & Kashmir, as Pakistan continues its support to the militants, the situation in Jammu & Kashmir will not improve. Given decades of conflict since 1947, and Pakistan's stubbornness regarding its claim to Jammu & Kashmir, it is difficult to envisage a future where Pakistan would step back from its involvement, be it open or covert, in Indian Administered Jammu & Kashmir. In relation to India's role, the government needs to pacify the people of Jammu & Kashmir, not necessarily with their demands of complete independence and cessation but perhaps with offers of greater autonomy of the region through the establishment of a strong local government and more investment in the social and economic development of the State. Most importantly, efforts should be made to bring all the concerned parties at the negotiation table to reach a consensus of peace and prosperity for the people of Jammu & Kashmir, as well as India and Pakistan. The fact that both Pakistan and India have nuclear

weapons makes negotiation crucial because if the ongoing tension erupts into a full scale war or conflict, the peace and stability of the whole region could be compromised.



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