

CRS Report for Congress

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Elections in Kashmir

name redacted
Analyst in Asian Affairs
Foreign Affairs, Defense, and Trade Division

Summary

The United States welcomed the successful October conclusion of 2002 elections in the Indian state of Jammu and Kashmir, where nearly half of the electorate cast ballots. The elections resulted in the ousting of the long-dominant National Conference party, allies of the national coalition-leading Bharatiya Janata Party, thus bolstering the credibility of the process and dampening criticism from some quarters that the elections were flawed or “farcical.” The opposition Indian National Congress and the regional People’s Democratic Party (PDP) won a combined 36 seats in the state assembly, and Congress leader Sonia Gandhi agreed to a first-ever power-sharing coalition. PDP leader Mufti Mohammed Sayeed has assumed the office of Chief Minister vowing to bring a “healing touch” to state politics. His “common minimum program” includes controversial policies – including the freeing of jailed political prisoners – that have been lauded by some and criticized by others. The new government’s seeming moderation has brought renewed hopes for peace in the troubled region.

The United States had urged the holding of free and fair elections to be followed by renewed dialogue between India and Pakistan to resolve their long-running dispute. India has made clear that it will not engage such dialogue until Islamabad has put an end to cross-border infiltration of Islamic militants into Indian-held Kashmir. Following the elections, New Delhi announced a major troop redeployment after a tense ten-month standoff at the India-Pakistan frontier. Militant separatist groups in both Pakistan and Kashmir have stated that the ground realities are unchanged and so their violent campaign will continue. In apparent confirmation of these statements, numerous coordinated attacks in November 2002 killed dozens. This report will not be updated.¹

In September and October 2002, elections to the state assembly were held in the Indian state of Jammu and Kashmir. Previous polls, held in 1996, were marked by widespread violence, low turnout, and charges of rampant rigging and fraud. Separatist violence in the state has caused some 60,000 Kashmiri deaths since an uprising began in 1989, and many observers blame a badly flawed and controversial 1987 state election for

¹ This is a final update and revision of a report originally authored by Amit Gupta, Consultant in South Asian Affairs.

sparking the violence. The 2002 elections saw the defeat of the ruling National Conference and the emergence of two parties – the People’s Democratic Party (PDP) and the Indian National Congress – in state politics, a development that has raised hopes for progress in settling the regional conflict. The infiltration of Islamic militants into Kashmir, oftentimes actively supported by Pakistan, is widely viewed as a key contributor to ongoing conflict, but many also note the sometimes draconian practices of Indian security forces that have alienated many Kashmiri citizens and so represent another significant obstacle to peaceful settlement.

The 2002 polls were important for several reasons. New Delhi sought to ensure that an election was held in which the entire spectrum of Kashmiri political opinion was reflected. A free and fair election with large-scale participation may bolster the Indian claim that the democratic process had worked and that Kashmir is a willing and integral part of India. It also may blunt both domestic and international criticism of India’s handling of the security situation in the state as well as weaken Pakistani claims to the territory. A large voter turnout was not anticipated after militant separatist groups threatened violence against any and all participants in the elections, both candidates and voters alike.

Pakistan made it clear that it does not recognize the legality or legitimacy of Kashmir elections, and Islamabad continues its calls for a plebiscite under U.N. auspices. Describing the Kashmir elections as “farcical,” Pakistani President Pervez Musharraf vowed to continue work to resolve the Kashmir dispute and grant self-determination to the Kashmiri people, stating that “The struggle for self-determination of our Kashmiri brothers is a sacred trust with us, which can never be compromised.”²

Indian officials expected growing levels of violence, believing that such violence would be encouraged by Pakistan in order to disrupt the elections. The rationale for active disruption was traced by some to the domestic political problems of President Musharraf, who faced strong criticism from both religious conservatives and from mainstream political parties. Indian analysts saw backtracking on his verbal agreement to stop infiltration as a way of appeasing both domestic constituencies. With the strong performance of Islamic fundamentalist parties in the October 2002 Pakistan elections, it is expected that there will be increased pressure on President Musharraf to actively support separatist groups in Kashmir.

The Events of September and October 2002

Domestically, Indian efforts to defeat an armed insurrection in the predominantly Muslim Kashmir valley and to obtain greater political participation in the state have been hindered by the position taken by both hardline Muslim and Hindu groups. Hardline Kashmiri Muslim militant groups refused to participate in the elections and threatened to violently disrupt them. This threat was made good during the elections, especially in the third stage where the state witnessed several attacks by militant groups. More moderate groups, most notably the 23-party All Parties Hurriyat Conference (APHC), refused to

² “Excerpts from Pakistan President Pervez Musharraf’s Independence Day Speech,” BBC News, August 14, 2002.

participate in the polls because they questioned the fairness of the process and the refusal of the Indian government, in their eyes, to make more significant concessions on the future status of the state. The Hurriyat had considered participating in the elections but only if its elected officials did not have to take an oath of allegiance to the Indian constitution. What the Hurriyat seeks is a series of substantive, tripartite talks with the Indian and Pakistani governments to determine a final status for Kashmir.

Part of the problem remains the divided nature of the Hurriyat. The Hurriyat leadership also remain under threat from the violent militant groups, and most of them, while espousing independence from India, have bodyguards provided by the Indian government. As one Kashmiri separatist leader, Shabir Shah, put it, the 23-party amalgam had failed to provide a “unified” command for holding talks with the Kashmir Committee (a nongovernmental organization seeking a solution to the Kashmir problem).³ Thus, an environment of fear, coupled with the lack of a coherent agenda, placed some domestic constraints on the electoral process.

The U.S. position was outlined by Secretary of State Powell during his July 2002 visit to South Asia, where the Secretary stated,

We are looking to both India and Pakistan to take steps that begin to bring peace to the region and to ensure a better future for the Kashmiri people. The problems with Kashmir cannot be resolved through violence, but only through a healthy political process and a vibrant dialogue. ... Elections alone, however, cannot resolve the problems between India and Pakistan, nor can they erase the scars of so many years of strife. Elections can however, be a first step in a broader process that begins to address Kashmiri grievances and leads India and Pakistan back to dialogue.⁴

The Bush Administration’s stated objectives were to see a free and fair election in Kashmir, unhindered by violence as much as possible, followed by renewed diplomatic dialogue between India and Pakistan. It is with this policy that the United States sent a team of State Department and U.S. embassy officials to Jammu and Kashmir to meet the Hurriyat leadership and, reportedly, to convince them to participate in the elections.⁵ The Indian government expressed resentment over the call for “fostering Kashmiri confidence in the election process,” as it believed that if terrorist violence was checked it could hold an election where both candidates and voters are free of intimidation. New Delhi also ruled out the need for international observers, stating that both journalists and interested observers were free to go to Kashmir in an unofficial capacity and had been doing so for some time.⁶

The United States has sought to reconcile Indian and Pakistani concerns to its own security interests in the region. Numerous reported links between Afghani jihadi groups, domestic terrorist groups in Pakistan, and the militant groups in Kashmir provide a policy

³ “Shabir Shah Assails Hurriyat Stand,” *Hindu* (Madras), August 26, 2002.

⁴ Secretary Colin Powell, “Press Conference in New Delhi,” July 28, 2002, available at [<http://www.state.gov/secretary/rm/2002/12228.htm>].

⁵ Shujat Bukhari, “U.S. Delegation in J&K,” *Hindu* (Madras), August 27, 2002.

⁶ Arati R. Jerath, “Powell’s Poll Remark Tests India-Positive,” *Indian Express* (Bombay), July 31, 2002.

rationale for combating them as part of a general anti-terror campaign. At the same time, bringing about a peaceful settlement of outstanding issues between India and Pakistan appears important to long-term U.S. interests in the region.

Election Results and Political Consequences

For security purposes, the polls were held in four stages, but still were marred by militant violence. Press reports estimate at least 700 killings in the state – including those of 84 political workers and two candidates – between New Delhi’s announcement of elections on August 2nd and the polling’s October 8th conclusion.⁷ In some districts, most notably those in the Kashmir valley, the turnout was quite low – in the single digits, even – while in others it was close to 60%. The average turnout overall was just below 44%.⁸

The ruling National Conference party was ousted from power in the 2002 elections, though it did win a plurality of seats in the state assembly (28 of a total 87). The Indian National Congress won 20 seats, and party leader Sonia Gandhi agreed to a first-ever power-sharing arrangement with the regional People’s Democratic Party (PDP), itself the winner of 16 seats, all of them from the Muslim-majority Kashmir valley. The alliance of several smaller parties provides a working majority. PDP leader and veteran politician Mufti Mohammed Sayeed will serve as Chief Minister for three years, after which time he is to be replaced by a Congress Party member as per the coalition agreement. Most top ministerial positions have gone to Congress members.

The Congress-PDP coalition has agreed to a “common minimum program” (CMP) for the governance of Jammu and Kashmir. Several of the CMP policies are highly controversial in their “softened” approach to militancy in the state. These include launching investigations into the deaths of prisoners and the fate of thousands who have disappeared following their arrest; the disbanding of the feared Special Operations Group, a counterinsurgency police unit; the release of political prisoners; the opening of a dialogue with militant groups; and the scrapping of the national Prevention of Terrorism Act that has been criticized as abusive of human rights.

The CMP proposals, while fulfilling an election promise to address Kashmiri grievances against separatist militants and Indian security forces alike, have come under fire from Hindu nationalists and top officials in New Delhi, many of whom believe that they will only encourage militancy and are contrary to India’s interests.⁹ Moreover, the national status of the Congress Party requires that it avoid appearing “soft on militancy” and so may add to the obstacles facing Sayeed’s government.¹⁰ From the opposite quarter, the commander of a leading militant group, the Hizbul Mujahideen, called the proposals

⁷ Rama Lakshmi, “Kashmir Voting Ends in Violence,” *Washington Post*, October 9, 2002.

⁸ Election statistics are official and come from the independent Election Commission of India at [<http://www.eci.gov.in>].

⁹ “India Ruling Party Slams Agenda of New Kashmir Leader,” Agence France-Presse, November 5, 2002.

¹⁰ Rama Lakshmi, “Kashmiri Politics At ‘Crucial Stage,’” *Washington Post*, November 17, 2002.

“cosmetic” and far short of what Kashmiris seek.¹¹ Pakistan-based militants threatened Sayeed and the PDP with “forceful action” if they entered into a coalition with what opponents describe as an “Indian puppet government.”¹² Many ordinary Kashmiris, meanwhile, are reported to be pleased with many aspects of the new government’s approach.¹³

The decision to release several well-known political prisoners has spurred heightened debate and accusations. During November 2002, the Jammu and Kashmir government freed at least 11 top-ranking activists of both pro-Pakistan and pro-independence militant groups after they were granted bail by courts.¹⁴ The New Delhi leadership, including Prime Minister Vajpayee and Deputy PM Advani, expressed dismay at the moves and urged caution. Sayeed responded by questioning the political motives of the BJP, but in his first official meetings with top national officials in early December 2002, Sayeed stated that, “There is complete understanding between New Delhi and the state government over vital issues relating to Kashmir and negotiations with various Kashmiri groups.”¹⁵

The PDP is not politically strong in the Hindu-majority Jammu or heavily Buddhist Ladakh regions of the state. For this reason, analysts believe Sayeed must give attention to placating all constituencies, not merely his traditional base in the Srinagar area. The continued and increased flow of development aid from New Delhi to Jammu and Kashmir is central to this effort, and Sayeed has vowed to ensure that all regions of the state are treated equally in this regard.¹⁶

From a political perspective, the elections strengthened somewhat the Indian government’s position on Kashmir. With the people of the state reportedly viewing the results as mostly credible, the Hurriyat apparently missed a chance to demonstrate its claims to being the genuine representative of the Kashmiri people. The unexpectedly high voter turnout weakened Pakistan’s position on Kashmir, to a large extent belying Islamabad’s claim that the elections were “farcical.” With a representative government in place there may be a stronger push to end militancy in the state as Kashmiri leaders see the value of the ballot box over the rifle in accomplishing political change.

¹¹ “Kashmir Pledges Get Mixed Response,” BBC News, October 28, 2002.

¹² Ashok Sharma, “Indian Parties Try to Form Coalition in Kashmir,” *Washington Post*, October 27, 2002. Sayeed’s inauguration day was marred by a failed attempt on his life when two grenades detonated near his Srinagar home.

¹³ M. Saleem Pandit, “Mufti’s Plan to Curb SOG Delights Kashmiris,” *Times of India* (Delhi), October 31, 2002.

¹⁴ In addition to indigenous Kashmiri militants being freed, the founder of the Pakistan-based Lashkar-e-Taiba – a group designated as a terrorist organization by the U.S. government – was released from a Pakistani prison in November 2002 and has vowed to continue the “holy war” in Kashmir.

¹⁵ Seema Guha, “Mufti, Delhi Paper Over Differences,” *Telegraph* (Calcutta), December 2, 2002.

¹⁶ Shujaat Bukhari, “No Discrimination, Says Mufti,” *Hindu* (Madras), October 30, 2002.

Congressional Interest

The United States welcomed the successful conclusion of elections in Jammu and Kashmir while condemning terrorist attacks “aimed at disrupting a democratic process and intimidating the Kashmiri people.” It urged India and Pakistan to make a “strenuous effort” to resume a dialogue on all outstanding issues, including Kashmir.¹⁷

Given New Delhi’s insistence that such dialogue cannot begin until Islamabad halts the infiltration of militants into Jammu and Kashmir, it is the continuation of separatist violence in the state that appears to be the core obstacle to diplomatic progress between India and Pakistan. On an October 2002 visit to India, a top U.S. diplomat urged the opening of dialogue *despite* ongoing infiltration.¹⁸ Robert Blackwill, the U.S. envoy to New Delhi, believes that the problem in Kashmir is “cross-border terrorism” that is “almost entirely externally driven.”¹⁹ He has indicated that the global fight against terrorism will remain incomplete so long as terrorism continues in Kashmir.²⁰

Formal congressional hearings have discussed, among other issues, the political situation in Kashmir and the problem of cross-border infiltration.²¹ No major action with respect to Kashmir is being taken at this juncture, although U.S. aid and military cooperation programs with India and Pakistan are ongoing. Future issues that Congress may face include whether or not there is a role for U.S. assistance in securing the Line of Control between Pakistani- and Indian-held Kashmir. Some observers believe that U.S. assistance with the physical installation of sensors and monitoring devices could help curb infiltration into the Indian state.²² The Congress also faces issues related to levels of more general economic and security assistance, including arms sales to both India and Pakistan, along with the possibility of greater U.S. diplomatic involvement in the specific issue of Kashmir.²³

¹⁷ U.S. Department of State, Office of the Spokesman, “U.S. Welcomes Successful Conclusion of Elections in Jammu, Kashmir,” October 10, 2002, available at [<http://usinfo.state.gov/regional/nea/sasia/text/1010bchr.htm>].

¹⁸ “U.S. Urges India-Pakistan Talks,” BBC News, October 29, 2002.

¹⁹ “Terrorism in Kashmir Externally Driven: U.S. Ambassador,” Agence France-Presse, October 29, 2002.

²⁰ Luv Puri, “Blackwill Meets Mufti,” *Hindu* (Madras), December 4, 2002.

²¹ For the most recent hearing testimony, see “Recent Events in South Asia” and the statement of Assistant Secretary of State for South Asian Affairs Christina Rocca before the Subcommittee on Middle East and South Asia of the House International Relations Committee, July 18, 2002, available at [http://www.house.gov/international_relations/80819.pdf]. See also “The Current Crisis in South Asia,” June 6, 2002, at [http://www.house.gov/international_relations/80061.pdf].

²² Sandeep Dikshit, “Sensors First, Joint Patrolling Later?” *Hindu* (Madras), June 14, 2002.

²³ For further reading, see CRS Reports IB93097, *U.S.-India Relations*, and IB94041, *U.S.-Pakistan Relations*, by (name redacted); and RL31587 *Kashmiri Separatists: Origins, Competing Ideologies, and Prospects for Resolution of the Conflict*, by (name redacted).

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