Conceptions and Misconceptions about Kashmir

An Interview with Omar Abdullah

Omar Abdullah served as Chief Minister of Jammu and Kashmir from January 2009 to December 2014. After representing the National Conference Party in a close election at the Jammu and Kashmir Assembly last year, he resigned as Chief Minister. He continues in his capacity as Working President of the National Conference Party, currently the main opposition party in the region. Mr. Abdullah delivered a speech at Georgetown University in April 2015 and took time to sit down with the GJAA to discuss issues ranging from the recent political alliance between the Bharatiya Janata Party and the People's Democratic Party to Prime Minister Narendra Modi's term in office thus far.

Journal: What are some emerging political, economic, and social developments in Jammu and Kashmir (J&K) that are important to its future, but have not been prominent in international discussions?

Abdullah: The most significant development has been the new political alliance formed by the sitting government that brought together the ultra right-wing Bharatiya Janata Party (BJP) with the People's Democratic Party (PDP) which has espoused, for want for a better term, “soft separatism.” A political conflict that seems to be emerging out of that alliance is that the two parties have proposed completely opposing solutions to the Kashmir problem. The BJP calls for the complete assimilation of J&K into the national mainstream, and the PDP, which is the regional party, has been espousing far greater devolution of power to the state of J&K itself. It is a very strange relationship. The alliance is hardly a few weeks old as of today, and the beginning has already been very rocky. That obviously does not bode well for the future.

In terms of the security environment, I do not think enough credit has been given for the actual improvement in the situation on the ground. If you were to compare levels of
militancy and violence now to let’s say 1996, when the democratic process restarted in the state, levels of violence are about 70 or 80 percent less. That is a huge drop in terms of civilian casualties and in terms of actual incidents of violence.

On the international front, unfortunately, there is not as much good news as we would have liked to have had. There was a positive development when Prime Minister Modi took over and invited the leadership from all the countries in the region—so he was with the prime minister of Pakistan, the president of Sri Lanka, and so on—and we were very hopeful that the presence of the prime minister of Pakistan would signal the resumption of a long term sustained dialogue between the two countries. That is what is required if we are going to put this problem to rest once and for all: a sustained dialogue that is able to withstand the shocks that would otherwise derail the dialogue process. But that hasn't happened. Incidents like the attack on the Indian parliament and the 26/11 terrorist attacks in Bombay have had a very negative impact on the sustainability of the dialogue process. And you have a government in Delhi that has a majority all of its own. Whereas previous governments have had to depend on whimsical allies, this government does not. Therefore one would hope that it would have more room to maneuver politically. But so far we haven’t seen enough evidence of that, which is disappointing.

Journal: You mentioned that the BJP and the PDP alliance is only a few weeks old and has already gotten off to a rocky start. If that’s the case, then for what reasons did they cooperate to begin with?

Abdullah: Simply getting into government. There is no other reason why parties with such a different agenda would come together. The BJP has never been a part of the state government in J&K and therefore wanted to correct that. And the regional party was out of power for nine years prior to this, which made them rather restless. They grabbed at the first opportunity that came their way—and that was this one. Again, it is still in its early days, but the beginning has not been very smooth.

Journal: What are some common misconceptions that a typical “outsider” has about J&K?

Abdullah: I think the most common misconception that people have about J&K is that the right to self-determination was denied to the people of J&K because of India. This is not true. If you were to read the United Nations Security Council Resolution of 1948, it states very clearly that the invading Pakistanis—be they in uniform or not—had to withdraw from the territories that they occupied, following which India was to scale down its own troop presence, and then a plebiscite would be carried out. We all know that the withdrawal on the part of the Pakistanis never took place, and therefore the next step—which was the scaling down of the Indian presence—also did not happen, and therefore the plebiscite did not happen. But somehow over the years,

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1 26/11 refers to the date on which these terrorist attacks began: November 26, 2008.
an impression has been created that it is India’s reluctance to allow a plebiscite that has denied the people of J&K the right to make their own choice, which is not the case. I think this misconception is part of Pakistan’s diplomatic success. That is, they have been able to spin their own inability to fulfill the first condition of this UN Security Council Resolution as somehow being India’s fault.

Journal: Do you think that narrative is changing at all?

Abdullah: I think too much water has flowed under the bridge now. The circumstances or conditions that would be required for such a plebiscite to take place simply do not exist. When the United Nations resolution was passed, China was not a player in this, but since then Pakistan has even ceded territory to China. So, it is not as if it is just Pakistan that has to withdraw. Now they would have to convince China to withdraw from territory that they occupy as well. Given the strategic importance of that area, I do not see that happening. Plus, the ethnic makeup of the Kashmiris on the Pakistani side has changed quite dramatically, which is something for which the Indians cannot be faulted. We have very strong state subject laws. If you are not a bona fide, by birth, Kashmiri, as in a member of the state, you cannot buy property there. To put it even more clearly, as a person from J&K, I can go to Bombay and buy land and build a house, but someone from Bombay can’t go to J&K and do the same there. This has allowed J&K to protect its ethnic makeup, but that is not the case on the Pakistani side. If you theoretically gave the right to self-determination on the Pakistani side, you would be giving it to people who are not bona fide residents of the state, which defeats the purpose.

Journal: Could you elaborate on how China’s presence in the region changes the dynamic in regards to J&K?

Abdullah: China is not much of a player on the Indian side of J&K, largely because of India’s reluctance to allow China to establish any sort of foothold in the area economically. From a strategic point of view, whatever they do on their side of the border is their business and India does not get to say anything on that score. But on the Pakistani side, China is a big player. They are very much involved in infrastructure projects, particularly route connectivity and hydroelectricity generation, dam construction, and things like that. There is also some talk about a rail link through the areas of J&K that have been ceded to China, which makes the Indian government rather uncomfortable. In any case, our relationship with China is not quite as difficult as our relationship with Pakistan. Even though there are unsettled border issues on both sides, they do not flare up into violence on the border. Of course, it causes some tensions, but it is not a “hot border.” We are not shooting at each other. So, the relationship is a lot more comfortable on that account.

Journal: It has been speculated that there is a growing rift between the Hindu-majority Jammu region and the Muslim-dominated Kashmir Valley. Do you agree that there is an increasing polarization along those lines?
Abdullah: If you just look at the most recent assembly elections and the way in which people have voted, there is a clear divide. The Hindu-majority in parts of Jammu went lock, stock, and barrel with the BJP, while the Muslim-majority parts of the state were pretty much carved up between my party, the PDP, and the Congress. I am hopeful that this was more of a result of the whole Modi factor rather than real, hard-core communal politics at play. Even though we have seen polarization in the elections, it has not manifested into any sort of violence on the streets—you do not see riots between Hindus and Muslims and that sort of thing. I think it was largely political and I hope it stays that way, because it is much easier to claw back from a situation where the division is political rather than one where it is religious.

Journal: Could you elaborate on what you mean by the “Modi factor”?

Abdullah: Prime Minister Modi, before he became prime minister, created this huge air around him—this wave of enthusiastic support for what he was going to bring. This had an effect in J&K as well, but it stopped where the Hindu-majority population ended. The Muslim-majority population of the state did not identify with Modi as this great savior of the country in the way that the Hindu majority did. The voting along religious lines had a lot to do with identifying with Prime Minister Modi as a sort of great savior who was going to come and save the state from all the troubles that Pakistan causes.

Journal: What is your personal assessment of Prime Minister Modi’s term in office thus far? What are some strengths and weaknesses of Modi’s policy towards J&K?

Abdullah: I think his policy towards J&K was largely governed by his desire to do well in the elections. We have not seen much engagement with the state since the elections, particularly in the areas that matter to us immediately. You may recall that J&K went through a terrible flood in September of last year, causing enormous damage to property and infrastructure. The state does not have the financial resources to reconstruct and compensate people for those losses. We were looking towards the government of India for that package, which has not come as of yet. That is something that we would fault Prime Minister Modi for. Others would tell us that we are not even a year into his five-year term, and so we are being hasty. On broader policy issue, we are willing to accept that it is not long enough to have the sort of dialogue or initiatives required. At least on this one fundamental area, which is to help people rebuild their lives after devastating floods, we have not seen nearly as much as we would like.

On the national front, I think it is fair to say that a certain amount of the sheen that was attached to his government has started to wear off. That is always the problem when you win an election having promised so much—delivery becomes very difficult. This is a prime minister who literally promised the moon during and up to the elections, particularly in terms of how he would deal with Pakistan, how he would deal with the neighborhood, and how he would bring money that is illegally stashed abroad back to the country and distribute it to people—all sorts of promises that so far have not seen the light of day. Even on the business front people are beginning to question. The
business community had attached a lot of hope to this current government in terms of doing away with some of the red tape and bureaucratic hurdles, which would make investment easier and cheaper, but that has not happened either.

Journal: In what ways has the Armed Forces Special Powers Act (AFSPA) impacted governance and conflict management in J&K?

Abdullah: The biggest fallout of the AFSPA is the inability of the state government to drive accountability for any misuse of force. Ordinarily, in the absence of the AFSPA, the local courts would take note of any unlawful use of force and then apply normal civil law to the situation. But because of the application of the AFSPA, this is not the case. Permission has to be sought from the government of India for the prosecution of security forces operating in J&K, and that permission is almost never given. Even when it is, any prosecutions take place under military law, so you have court-martials rather than civil trials. That makes accountability more of a challenge than it should be, which is why successive governments have been pressing the government of India to do away with the AFSPA. My government took that line and the subsequent government has taken that line as well. On the one hand, we are going around the world telling everyone how much the situation on the ground has improved and how levels of violence have gone down. Yet we still want to hold on to the laws that we felt were necessary when the levels of violence were so much higher? It is difficult to explain logically how you can claim an improvement in the situation on one hand and on the other want to hold onto the laws that have outlived their utility and usefulness.

Journal: Do you think it is unlikely that those laws will be repealed?

Abdullah: At this point in time, it is unlikely because the army in particular is very reluctant to let go of the umbrella that the AFSPA provides. Legally, the army has to be given some sort of mandate to operate, because otherwise the army is only for external operations. If you are going to use the army for internal security duty, then some sort of legal cover has to be provided. The AFSPA not only provides the legal mandate, but it also provides a sense of immunity from prosecution—and that is where the problem lies. While giving security forces the mandate to operate, we need to take away the sense that the security forces are immune to any sort of legal retribution.

Journal: Given political exigencies on both the Indian and Pakistani sides of J&K, you previously recommended removing the “Line of Control” in Kashmir through a so-called South Asian Free Trade Area (SAFTA). Could you elaborate on this proposal and its relevance to solving the J&K issue?

Abdullah: The SAFTA is actually part of government policy. It is something to which all the countries in the neighborhood would like to aspire. They look at the European

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2 The Armed Forces Special Powers Act (AFSPA) was a law passed by the Parliament of India in 1958 to grant special powers to the Indian Armed Forces within “disturbed areas.”
as the model that they would like to see take shape in the neighborhood. What this means is that you could, in an ideal world, get into a car or train somewhere in Afghanistan, travel through Pakistan, into India, and end your journey in Bangladesh, without having to worry about passport control, customs, visas and so on. Someone living in India could take a job in Pakistan, or someone living in Sri Lanka could take a job in Nepal. That is what one would like to see happen. The problem is that relations in the neighborhood are not exactly conducive to the creation of this sort of borderless alliance of countries, which is largely the product of the continued hostility between India and Pakistan.

The way I see it, a solution to the problem in J&K will not be possible if it involves any sort of territorial “give and take” between India and Pakistan. If either India or Pakistan has to cede territory that they control, then no solution is going to work. And the only way that would happen is by accepting the “Line of Control” as the de facto border, and then making it irrelevant so that people are allowed to move freely. That really would be the only way we would make any forward movement on this problem. Otherwise, if we stick to stated positions, wherein Pakistan wants the part of J&K that is with India and India wants the part that is with Pakistan, then this problem that has festered since 1947 will continue the way it is.

Journal: Is there popular support for SAFTA in the region?

Abdullah: There is popular support. People would like to see an end to this problem. But there is not uniform acceptance for what I am proposing. At a certain level, it will be a difficult sell both in India and in Pakistan because you are talking about generations of people who have been brought up to believe that the other side belongs to them. For both sides to turn around and accept that they will have to give up what they have coveted or aspired to have—this is a hard sell. So far, the leadership of neither country has been willing to bite the bullet, stick their necks out, and say, "Look, this is as much as we can do, let’s accept it."

Journal: The governments of India and the United States recently exchanged the “administrative arrangements” for guiding their civilian nuclear deal. What are the implications of this deal for the future of India-U.S. relations?

Abdullah: I think it is important because it puts the Indo-U.S. relationship back on the right trajectory. For a while after this agreement was signed, with much hope and enthusiasm, things sort of fell apart, particularly on the issue of civilian liability, because our laws and the American laws were not compatible. The fact that we have been able to address some of these difficulties is a huge step forward. We will hopefully also see American private sector investment in the Indian nuclear sector. I think that it is important economically, but it is also very important symbolically for how far the relationship between the two countries has progressed. No greater sign of that was having the American president at our Republic Day celebrations, which had never happened since India was formed in 1947.
Journal: How would you describe your own political philosophy? What are some of the driving principles that have led to certain decisions you made while you were in office?

Abdullah: Obviously, I am a product of this violence, so to speak. My political career started after violence erupted in J&K, and therefore I have no pre-violence experience to which to compare the current work. Therefore, for me, the driving force was to try and normalize the situation as quickly as possible, and to try and give the people some amount of a peace dividend. J&K is a state whose economy has been largely dependent on tourism, which completely dried up in the face of the violence that erupted in the early nineties. A lot of effort was made to try and convince people to start visiting J&K again, and we met with a considerable degree of success with that.

Economically, I have always felt that J&K was far too dependent on the center for economic sustenance, and we do not have much in the form of natural resources. What J&K does have is an abundance of potential in hydroelectric power generation. Therefore, there was a concerted effort during my six years in government to try and realize some of that potential. It is very expensive and the gestation period for these projects is much longer than it would be for thermal and other forms of power generation. It is the one area of the economy that will turn the state's finances around. I would like to believe we have laid the foundations, which in a decade or so, will start showing results.

Omar Abdullah served as the Chief Minister of Jammu and Kashmir from 2009 to 2014. From 2001 and 2002, he was India's Union Minister of State for External Affairs. Currently, Mr. Abdullah is the working president of the J&K National Conference and a member of the Legislative Assembly.

Omar Abdullah was interviewed by Brian Spivey and Alex Rued on April 14, 2015.