

Backgrounder

No. 1997
January 12, 2007



Published by The Heritage Foundation

India and Pakistan Poised to Make Progress on Kashmir

Lisa Curtis

The three-year India–Pakistan dialogue has weathered the impact of last July’s Mumbai bomb blasts, and there are signs that the two sides may be preparing to try to tackle their most contentious issue: Kashmir. This weekend, Indian Foreign Minister Pranab Mukherjee, who served as defense minister until October 2006, will visit Islamabad. While there, he is expected to invite Pakistani President Pervez Musharraf to India for this spring’s South Asia Association of Regional Cooperation summit and to announce confidence-building steps, such as further liberalizing travel between India and Pakistan. Achieving a historic breakthrough on the decades-old dispute over Kashmir sometime this year would require both Indian and Pakistani leaders to face down fierce opposition from hard-line constituencies opposed to any compromise.

The U.S. should strongly support India and Pakistan in their efforts to continue and deepen their engagement for multiple reasons. Reducing tensions, especially over Kashmir, will help to prevent future military crises in South Asia like the 2001–2002 military mobilization, which many feared could escalate into a nuclear war. It also will help to prevent a nuclear arms race in the region, especially at a time when Pakistanis are concerned that India’s new access to civil nuclear technology could enhance its nuclear weapons capabilities. Settling the Kashmir issue would also close a battlefield for international jihadists and demonstrate the possibilities for resolving conflicts involving Muslim political rights through negotiation and compromise rather than through violence.

Talking Points

- The three-year India–Pakistan dialogue has weathered the impact of the Mumbai bombings, and there are signs the two sides may be preparing to try to tackle their most contentious issue: Kashmir.
- To achieve a historic breakthrough, both Indian and Pakistani leaders will need to face down fierce opposition from hard-line constituencies that oppose any compromise.
- The U.S. should support India and Pakistan in their efforts to deepen their engagement on Kashmir, which would help to prevent future military crises and close a battlefield for international jihadists.
- While it cannot play mediator between Islamabad and New Delhi, Washington can devote more serious attention to daily developments related to Kashmir. For instance, U.S. officials can more closely track Islamabad’s efforts to crack down on Pakistan-based groups that fight in Kashmir and more intently engage Indian officials about developments related to human rights, economic development, and governance in Kashmir.

This paper, in its entirety, can be found at:
www.heritage.org/research/AsiaandthePacific/bg1997.cfm

Produced by the Asian Studies Center

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002–4999
(202) 546-4400 • heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

The Narrowing Gap in the Rhetoric

India and Pakistan have achieved tangible progress in the peace talks that started in January 2004. They have held dozens of official meetings, increased people-to-people exchanges, increased annual bilateral trade to over \$1 billion, launched several cross-border bus and train services, and liberalized visa regimes to encourage travel between the two countries. During a meeting in September—the first high-level meeting since the Mumbai blasts—Indian Prime Minister Manmohan Singh and Pakistani President Musharraf established a joint terrorism mechanism and agreed to expedite resolution of disputes over the Siachen Glacier and Sir Creek, a narrow strip of marshland separating the province of Sindh in Pakistan and the state of Gujarat in India.

Perhaps the most significant progress has been the narrowing of differences over how to address the seemingly intractable issue of Kashmir. President Musharraf and Prime Minister Singh are beginning to craft their statements on Kashmir in ways that narrow the gap between their countries' long-held official positions on the disputed territory.

President Musharraf declared in early December in an Indian television interview that Pakistan would give up its claim to Kashmir if India agreed to a four-part solution that involves keeping the current boundaries intact and making the Line of Control (LOC) that divides Kashmir irrelevant, demilitarizing both sides of the LOC, developing a plan for self-governance of Kashmir, and instituting a mechanism for India and Pakistan to jointly supervise the region.

- Musharraf's four-point plan follows Prime Minister Singh's call in March 2006 for making the LOC "irrelevant" and for a "joint mechanism" between the two parts of Kashmir to facilitate cooperation in social and economic development.
- The opening of a bus route across the LOC in April 2005 for the first time in over 50 years was a significant confidence-building step and demonstrates the possibilities for lowering tensions in Kashmir through the creation of cross-border linkages and cooperation.

- In 2003, Musharraf dropped Islamabad's long-held insistence on a United Nations plebiscite to determine the status of Kashmir.

Singh's initial public response to Musharraf's four-point plan has been positive, but there are several obstacles to moving the peace process forward in practical terms. One major challenge is figuring out a way to involve a broad swath of Kashmiris in the peace process.

New Delhi has tried to engage a variety of Kashmiris on its side of the Line of Control. In May 2006, Prime Minister Singh met with a group of moderate Kashmiri separatist leaders and held round-table conferences with Jammu and Kashmir state-level leaders, local politicians, and members of the various minority communities. Although Indian policymakers recognize the need to engage moderate separatist leaders, they are divided over how to do so. Some in the Indian establishment believe that they should negotiate primarily with elected state leaders, while others are equally open to talks with unelected rebel leaders.¹ Closing the gap in New Delhi on this controversial issue will be a key challenge.

Jammu and Kashmir state-level leaders and politicians as well as moderate separatist leaders are contributing positively to the peace process. The Congress–People's Democratic Party (PDP) government in Jammu and Kashmir has sought to address human rights concerns since it was elected to office in 2002. Former chief minister of Jammu and Kashmir and PDP leader Mufti Mohammed Sayeed encouraged New Delhi to consider Musharraf's proposals seriously, while moderate Kashmiri separatist leader Mirwaiz Umar Farooq also welcomed Musharraf's statements and said that such a strategy could pave the way for an acceptable solution. Farooq reportedly will lead a group of moderate Kashmiri separatist leaders on a visit to Pakistan next week. India permitted Kashmiri separatist leaders to travel officially to Pakistan for the first time in June 2005.

The most controversial part of Musharraf's December 5 pronouncement may be his proposal for joint India–Pakistan supervision of the region.

1. Radha Kumar, *Making Peace with Partition* (New Delhi: Penguin Books India, 2005), p. 103.

Musharraf did not explain what he meant by this statement, and the two sides almost certainly have widely divergent views on the issue. Many commentators have cited a Northern Ireland-type of solution in which joint committees or institutions are set up across the border. Establishing joint institutions would almost certainly help to build confidence but would likely need to happen in tandem with other steps (such as demilitarization and steps toward self-rule) to gain wide acceptance from all of the parties involved in the issue.

The India–Pakistan Conflict over Kashmir

India and Pakistan have fought two wars (in 1947 and in 1965) and experienced two major military crises in the past seven years over Kashmir. The dispute has its roots in the August 1947 partition of the subcontinent when Maharaja Hari Singh, the Hindu leader of the majority-Muslim princely state of Jammu and Kashmir, delayed the decision about whether to join India or to join Pakistan. In an attempt to force accession to Pakistan, Pakistani tribal guerillas attacked and captured Muzaffarabad (now the capital of Pakistan-administered Kashmir) and headed toward Srinagar (now the capital of Indian-administered Jammu and Kashmir). India agreed to provide military assistance to the Maharaja to fend off the tribal militants in exchange for Jammu and Kashmir's accession to India, which led to the first Indo–Pakistani war.

The United Nations intervened, brokering a cease-fire in January 1949 and calling for a plebiscite to determine whether Kashmir would join India or Pakistan. The plebiscite was never held, and the cease-fire divided Kashmir along a line that allowed India to administer about two-thirds of the region.

Since then, Kashmir has held symbolic resonance for each country and how it views its own national identity. As a country conceived as a homeland for Muslims in South Asia, Pakistan feels justified in claiming the Muslim-majority state.

India—the world's largest multireligious, multiethnic democracy, with a population that includes about 130 million Muslims—rejects this idea and views the state of Jammu and Kashmir as an integral part of India.

In 1954, the Jammu and Kashmir assembly ratified the accession of the state to India, thereby ending discussion of a U.N. plebiscite in the region from the Indian viewpoint.² The state of Jammu and Kashmir approved its own constitution in 1957 and elected its first “prime minister” in March of that same year. The Instrument of Accession accorded Jammu and Kashmir a special “autonomous” status in which the Indian central government's jurisdiction extended only to foreign affairs, defense, and commerce. This special status was gradually stripped away through various agreements between New Delhi and the Jammu and Kashmir state government.

During six rounds of Indo–Pakistani talks in 1962–1963, under pressure from the U.S. and the United Kingdom, the two sides formally discussed a possible Kashmir settlement. They reportedly came close to a compromise based on exchanging territories of strategic importance to either country.³ A joint U.S.–U.K. proposal aimed at pushing the two sides toward settlement stated that neither India nor Pakistan could entirely give up its claim to the Kashmir Valley and that each side must retain a “substantial position” there. The proposal said such an arrangement must permit political freedom and some form of self-rule, free movement of people to and from Pakistan and India and throughout Kashmir, rapid development of the tourism industry, and effective use of development funds from international sources to improve the welfare of the Kashmiris.⁴

The discussions ultimately ended in deadlock. Three years later, Pakistan launched a covert operation intended to provoke a rebellion in the Kashmir Valley, which resulted in the second India–Pakistan war.

2. Victoria Schofield, *Kashmir in Conflict* (London: I. B. Tauris & Co., Ltd., 2003), p. 94.

3. Kumar, *Making Peace with Partition*, p. 47.

4. Dennis Kux, *India–Pakistan Negotiations: Is Past Still Prologue?* (Washington, D.C.: United States Institute of Peace Press, 2006), pp. 71–72.

Kashmir Region



Note: The use of this map does not indicate either recognition or non-recognition of the legality of the political regions and boundaries shown on this map.

Source: Based on United Nations, Department of Peacekeeping Operations, Map No. 3953, revision 3, October 2005, at www.un.org/Depts/Cartographic/map/profile/kashmir.pdf (January 9, 2007).

Kashmiri disaffection with Indian rule grew in the 1980s and climaxed following state elections in 1987, which were widely viewed as rigged in favor of the secular Congress–National Conference alliance.⁵ Mass demonstrations and protests broke out, and an armed rebellion was in full force by 1989. Although the uprising was indigenous and sparked by Indian misrule, Pakistan quickly stepped in to support the militancy. The Pakistani security services were inspired by the success of the mujahideen fighters against the Soviets in Afghanistan and believed that the time was ripe for a Kashmiri revolt to overturn Indian rule.

In the late 1990s, the Kashmiri militancy was radicalized by the participation of Pakistanis educated and trained in Islamic extremist ideology alongside Taliban militants in Pakistani madrassahs (religious schools). These fighters support the creation of an Islamic state in Kashmir—a position that is widely rejected by local Kashmiris, who are accustomed to practicing a more tolerant, syncretic type of Islam. More recently, these Pakistan-based extremist groups have been linked to al-Qaeda and international terrorism, including a plot to blow up several airliners flying between the U.S. and U.K. that was uncovered in August 2006.

Terrorism Still Looms Large

The peace process is still highly vulnerable to further terrorist attacks. The Mumbai bombings on July 11, 2006, which killed nearly 200, led India to cancel foreign secretary–level talks with Pakistan that had been scheduled for later that month. In a remarkable demonstration of Indian commitment to the peace process, however, Indian Prime Minister Singh agreed to meet with Pakistani President Musharraf two months later and to implement a “joint mechanism on terrorism,” despite ongoing Indian investigations into the possible involvement of a Pakistan-based terrorist group in the bombings.

If Pakistan takes visible action now to restrict the operations of known terrorist groups such as the Lashkar-e-Tayyiba, the chances of the India–Pakistan peace process surviving a future terrorist strike

increase considerably. On the other hand, if Islamabad fails to crack down on terrorist groups operating on its soil, another major terrorist incident could deal a fatal blow to the peace process. Prime Minister Singh has already put himself out on a limb by attempting to cooperate with Islamabad on the terrorism issue, and a terrorist strike would embolden his critics and discredit his new approach.

Demilitarization will be difficult to implement until Islamabad makes a firm commitment to end support for all militant violence in Jammu and Kashmir. Indian officials acknowledge that infiltration of militants across the LOC has declined considerably over the past couple of years, but they also note that the infrastructure supporting terrorism still exists in Pakistan. A cease-fire between the Indian and Pakistani militaries along the LOC since 2003 has facilitated the development of confidence-building measures like the Muzaffarabad–Srinagar bus service. However, continuing militant violence on the Indian side of the LOC makes it unrealistic for India to consider a large-scale troop pullout from the Kashmir Valley.

One way to begin a demilitarization process is for Pakistan to support a genuine cease-fire inside Indian Kashmir. There have been a few militant cease-fires in the Kashmir Valley since the militancy erupted in 1990. The most recent one, by the Hizbul Mujahideen militant group in 2000, was short-lived. A permanent militant cease-fire inside Kashmir now would bolster the broader peace process and begin to build the foundation for demilitarizing the region.

Obstacles to Compromise

Prime Minister Singh and President Musharraf face formidable challenges in trying to implement proposals that would change the status quo on Kashmir. The political opposition in India has already accused the Singh government of backing away from its long-held position that Kashmir is an integral part of India. In Pakistan, the leader of the Jamaat-i-Islami, the largest Islamic party, said that Musharraf had no right to bargain away Kashmir and that his statements ignored the opinion of the

5. Sumit Ganguly, *Crisis in Kashmir* (Cambridge: Cambridge University Press, 1997), p. 98.

Kashmiri people and their sacrifices for seeking freedom from Indian rule.

A key factor determining whether Musharraf will continue to show flexibility in the Pakistani position is the level of support from his military commanders. In the past, the Pakistan Army has resisted, and in some cases directly undermined, diplomatic efforts to negotiate on the status of Kashmir. Ironically, Musharraf, while serving as Chief of Army Staff in 1999, spearheaded the Kargil military operation that undermined diplomatic talks between former Pakistani Prime Minister Nawaz Sharif and former Indian Prime Minister Atul Bihari Vajpayee.

For the U.S., a Proactive But Quiet Role

Now that the U.S. has passed legislation to allow civil nuclear cooperation with India for the first time in over 30 years, Washington will need to redouble its efforts to quietly encourage the India–Pakistan peace process. Unless the peace process continues to move forward, the U.S.–India civil nuclear deal has the potential to contribute to deepening tensions in the region. Despite India’s reassurances to the contrary, many Pakistani security experts believe that India will use its new access to civil nuclear technology to enhance its nuclear weapons capabilities. Reduced tensions between India and Pakistan over Kashmir would also allow Pakistan to devote more attention and resources to the challenges on its western borders, where Taliban and al-Qaeda elements are exploiting the largely ungoverned territory to build a safe haven and support base.

While it cannot play mediator between Islamabad and New Delhi, Washington should devote more serious attention to daily developments in both India and Pakistan that involve Kashmir. For instance, U.S. officials can more closely track Islamabad’s efforts to rein in violent extremists that contribute to militancy in Kashmir. Islamabad’s bans on such groups have had little impact in curtailing their ability to conduct terrorism in India.

U.S. policymakers may argue that pressing Musharraf to clamp down on Pakistan-based terrorist groups fighting in Kashmir would interfere with Washington’s ability to win cooperation from Pakistan against al-Qaeda and Taliban terrorists. However, the increasing linkages between Pakistan-based groups focused on Kashmir and international terrorism demonstrate that convincing Musharraf to crack down on the Kashmir-related groups will contribute to overall efforts to counter global terrorism.

U.S. officials should also engage more intently with Indian officials about developments in Kashmir that are related to human rights, economic development, and governance. India has traditionally been highly suspicious of any international interest in Kashmir and has preferred to allow foreigners only limited access to the region, partly because of security concerns. As the security situation improves, U.S. officials should increasingly visit the region and hold discussions with a variety of Kashmiris, including state officials, journalists, nongovernmental organizations, separatist leaders, and others, to demonstrate U.S. interest in the welfare of the Kashmiri people.

Conclusion

The U.S. has carefully developed stronger bilateral relationships with both India and Pakistan over the past five years. Now that the Indian and Pakistani leaders have demonstrated their vision and commitment to bringing peace to South Asia, Washington should use its close relations with New Delhi and Islamabad to encourage continued forward movement. To take advantage of this historic opportunity, all sides must work diligently to hammer out the details of an agreement and be willing to take political risks for meaningful progress toward peace.

—Lisa Curtis is Senior Research Fellow for South Asia in the Asian Studies Center at The Heritage Foundation.