

Finding a Kashmir Settlement: The Burden of Leadership

by Teresita C. Schaffer

Key Points

Although prospects for resolving the dispute between India and Pakistan over Kashmir may not seem encouraging, political developments in Pakistan and Kashmir, as well as India's blossoming relationship with the United States, hold some promise. Peace processes in other parts of the world offer lessons on possible approaches toward peace in Kashmir.

Three basic propositions should guide thinking about a Kashmir peace process:

- Kashmir is only a part, albeit the most central and stubborn one, of the larger problem of India-Pakistan relations.
- No party can enter the process having defined in advance what a settlement will look like.
- At this stage, crafting the process is more important than agreeing in advance on what kind of end state is acceptable.

These propositions imply that a peace process should address several baskets of problems rather than focusing exclusively on core issues. To prevent premature and unrealistic expectations, the process should begin in discreet backchannels and become formal only after careful preparation.

The Kashmiri people must be brought into the process in a serious way, which will require changes in the behavior of New Delhi and Islamabad.

Finally, both sides should consider the proven value of the involvement of third parties in helping structure and manage a bilateral peace process. The United States needs to plan seriously its role. Pakistan has always favored international engagement, and the Indian government now seems more open to such U.S. involvement.

The combined talents of the people of India and Pakistan, with the fitful help of a long list of others, have been trying for over 50 years to resolve the Kashmir issue. This essay offers no ready-made answers but rather suggestions on where to begin to look for them. Experience with other recent peace processes teaches valuable lessons about how would-be peacemakers need to approach their task and the ways in which third parties can help.

The May 2003 announcement that India and Pakistan would resume diplomatic ties at the ambassadorial level and resume civil air links came after nearly a year-and-a-half of unusually bad relations. Transportation links had been severed and most normal contacts suspended. Although massive troop deployments along the international border had been reduced since the high point in 2002, there is still a huge military presence along the line of control and the working border. Violence had been high within the Kashmir Valley and nearby districts, and Indians were convinced that infiltration was continuing despite Pakistani assurances to the contrary to the United States. Attacks elsewhere in India—Parliament, various Hindu temples—had left a residual bitterness there, and India's unwillingness to engage in talks with Pakistan has produced a legacy of enormous frustration.

But even during these generally unpromising times, there have been promising developments. The October 2002 elections on the Indian side of Kashmir, despite their obvious flaws, did shake up the political situation and create an opening for change. More recently, gestures by leaders on both sides convey tentative interest in exploring greater contact.¹

Pakistan's stronger international position in general, and its changed relationship with the United States since September 11, 2001, in particular, could be an asset if Pakistan were to adopt a more determined search for a settlement. Perhaps most interesting is India's changed attitude toward international involvement in its relations with Pakistan. India has not embraced the idea of international mediation, but it has come to accept tacitly the notion that an outside country can play a useful facilitating role. This should strengthen U.S. Government interest in developing a strong and sustained diplomatic strategy for moving toward a real settlement.

Searching for a Process

Three propositions should be held in mind in considering a Kashmir peace process. The first is that Kashmir is only a part, albeit the most central and stubborn one, of the larger problem of India-Pakistan relations. Those two issues—Kashmir and India-Pakistan ties—have inflamed each other for five decades. Each can be managed separately, but resolving either one requires solving the other as well. India and Pakistan have already made a start here. Indications are that India has accepted partition and Pakistan's legitimacy. Indian Prime Minister Atal Vajpayee's visit to the Minar-e-Pakistan almost 4 years ago carried that message, and those few in India who contradict it are recognized as a fringe element. Correspondingly, one must hope that Pakistanis have come to terms with the fact that India is an enduring reality. Neither the unrest in Kashmir nor the other challenges it faces occasionally will lead India to fall apart and drop Kashmir into the lap of an expectant Pakistan. India is, and will

The Disputed Area of Kashmir



Source: U.S. Central Intelligence Agency.

remain, seven times the size of Pakistan in population and substantially larger as a military power; Pakistan is, and will remain, far too large and militarily powerful to be taken for granted in regional power relationships. Resolving the fundamental problem of India-Pakistan relations means going beyond these basic propositions and working together to diminish the unrelenting hostility that both sides now assume will always characterize their ties. This cannot be done by negotiation or by agreement, but it can be the end product of a dialogue that tackles the more specific issues that divide the two countries.

Second, no party can enter a peace process having defined in advance what a settlement will look like. Indians, Pakistanis, and Kashmiris all have their hopes, but the only certainty is that no one's hopes will be altogether fulfilled. No participant in any recent peace process has emerged completely satisfied. In the Middle East, Israel has had to accept that a Palestinian state is going to be part of its neighborhood. In Ireland, the Ulster

Protestants have had to accept a substantial Catholic and Irish Republic role in their political life. South Africa comes closest to an agreement that fulfilled one side's dream—but even there, the new government had to grant the white minority a significant role in running the government during its first 5 years.

Third, at this stage, crafting the process is more important than agreeing in advance on what kind of end state is acceptable. But to craft a successful process, the participants do need to agree on one basic objective: that they all seek a peaceful and stable solution to the issues that have bedeviled India-Pakistan relations for over half a century, with Kashmir a critical element. The commitment and process need to be robust enough to survive interruptions. All recent peace processes have taken at least several years. All have suffered crises and breakdowns.

Successful peace processes have been structured to handle more than one topic at a time. In Lahore, Pakistan and India established

a working group structure to ensure that their preferred topics (Kashmir and terrorism respectively) received appropriate prominence. It should be well within the talents of both sides to give the Lahore arrangement a facelift and, if necessary, a new name.

A process needs a story line—a brief description that all participants can publicly accept. When Indian and Pakistani leaders met in the summer of 2001 at Agra, their hopes for a joint statement that would relaunch peace efforts broke down. They were not able to combine, in a manner that satisfied both sides, Pakistan's concern with the "centrality of Kashmir" and India's primary issue of the "centrality of violence in the [Kashmir] Valley" and a "broad perspective on India-Pakistan relations." In a statement launching a long-term peace process, an inclusive formulation would be advisable. Both Kashmir and violence in the valley truly are central issues, and saying so will add a refreshing dimension of honesty to the stale rhetoric both sides so often use.

The lack of substance in earlier discussions on Kashmir has been an understandable frustration to Pakistanis, who conclude that, without violence or international mediation, the Indians will simply stonewall them. This is a serious problem, but another approach may be more effective. Those who have made progress solving other serious disputes have found that while the most difficult issues need to be addressed from the start, it is usually impossible to resolve them before the process has had some initial successes. Experience gained in tackling more manageable parts of the dispute can provide political leaders with the confidence and the political space that they need to deal with the tough ones and to sell painful compromises.

The peace talks now under way between Sri Lanka and the Tamil Tiger insurgents are a good example. The agreement of the two sides on a ceasefire in February 2002 started the current peace campaign. In the 7 months between that agreement and the first round of talks, the two sides, and the Norwegians who are facilitating the talks, worked hard to define an agenda that could ease them into talking about some of their more manageable problems, with the objective of reaching some early negotiating successes that both sides could point to as they moved into more difficult

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territory. At the end of the first round of negotiations, the two sides announced that they had agreed to set up joint commissions on demining and on postwar reconstruction. Both parties genuinely wanted to pursue these subjects, and they were willing to treat each other as partners. This set the stage for a real political breakthrough in early December 2002, when both sides publicly agreed to “explore a solution founded on the principle of internal self-determination . . . based on a federal structure within a united Sri Lanka.” This convoluted phrase meant that both sides were willing to use terms that they had previously rejected in order to set an agreed framework for their discussions. But it was their early work on limited, concrete issues that gave them the confidence to start working on the more contentious and abstract political issues. The peace talks have run into difficulties since this landmark agreement, as has been the case with almost every other successful peace process. But this does not detract from their accomplishment in finding a basis to start serious discussions.

The Virtue of Small Steps

Pakistani leaders have felt for many years that they could not simply put Kashmir at the end of the queue, however compelling the logic of tackling small issues first. What is needed, therefore, is a bridge to cover a period in which discussions on Kashmir are likely to accomplish little but need enough substance not to be an embarrassment to Pakistan. One approach would be for both sides to work up a menu of topics that can be discussed as ice-breakers, to buy time and build confidence before tackling more fundamental issues. Candidate topics might be the economic status of different parts of Kashmir, the problems of electricity and water supply in the state, the possibility of issuing visas along the line of control, or how local commanders can communicate over problems on the ground. India’s insistence on discussing violence in the valley strictly under the heading of terrorism has never been acceptable to Pakistan. Perhaps the two sides could instead compare their records on numbers of incidents and people killed in the valley and could issue joint statements of regret at the loss of civilian life. These discussions are sure to be difficult and awkward, but it is a way to get started and can eventually lead to more productive dialogue—a prerequisite for a stable settlement.

Another device for moving a Kashmir dialogue forward would be for both sides to develop a list of goodwill gestures that they could make to demonstrate that this is a serious process. The goodwill gestures could be made individually or in pairs. Some gestures might be specifically Kashmir-oriented; they might include reducing troop strength or eliminating certain types of violence, such as attacks on wedding parties and other civilian

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targets. Other gestures might concern non-Kashmir issues. The central point is that these gestures would be undertaken, not as a favor to the other side, but as a way of continuing a process that the Pakistan government believes is good for Pakistan and that the Indian government likewise believes is good for India.

These negotiating approaches presuppose that the two principal parties are talking to each other; but, at the moment, that is not the case with India and Pakistan. Although that will now change, given the background of the unusually deep bitterness in their relations, it makes sense to plan for an extended period during which India and Pakistan communicate through some means other than formal, bilateral meetings. Agreeing on a structure for discussions, setting an agenda for initial discussions on Kashmir, and vetting possible goodwill gestures are all tasks that might better be initiated through discreet back-channel contacts—either a third party or special representatives of the national leaders, who would take care to stay out of the media. The last India-Pakistan summit failed. It is thus especially important that the next bilateral meeting, whenever it occurs, be very well prepared and choreographed without the glare of publicity that will accompany formal bilateral talks.

India and Pakistan cannot dispose of the Kashmir problem without involving the Kashmiris. The eventual Kashmiri role in the process must be affirmed at the start. India needs to maintain an active Delhi-Srinagar dialogue including the forces represented in the

All Parties Hurriyet Conference.² India also needs to acknowledge publicly that both Kashmiris and Pakistanis have roles in defining the Kashmir portion of a settlement and to allow communication between Kashmiri political figures and Islamabad. Pakistan, for its part, could remove itself from the internal Kashmiri political disputes. These are not easy steps, but without them it is hard to see how a real peace dialogue could take shape.

Pakistan’s policy statements in the past few years have stressed the wishes of the Kashmiri people. But Pakistan needs to follow the logic of this policy if it is serious about peace. That means, most importantly, not encouraging those who would like to sabotage a dialogue between Delhi and Srinagar.

An International Role?

Pakistan has traditionally proposed that the international community help India and Pakistan to overcome the obstacles to a successful peace process by brokering a deal. India traditionally rejected such suggestions out of hand but is now, as indicated above, more receptive. Certainly one lesson of recent peace processes is that a third party can play a very useful role in a difficult negotiation—but only when the direct disputants want to solve the problem and are willing to work with the third party. Rather than argue about whether an outside party should get involved with India and Pakistan, the real question is what needs to be done in a negotiation and whether there is a particular role that can be usefully relegated to a third party.

The most interesting example is the Middle East. In light of recent events, the negotiating process between Israel and the Palestinians does not look like a success story. However, if one examines the past 35 years, it is beyond question that these two parties have taken important steps toward peace. The fact that they now find themselves in a disastrous downward spiral does not invalidate the lessons one can learn from the earlier, more successful parts of their experience.

For nearly 10 years after the 1967 war, Israel rejected involvement by any third party, no matter how friendly, in the dialogue it hoped to achieve with its Arab neighbors. Secretary of State Henry Kissinger’s “shuttle diplomacy” in the mid-1970s demonstrated that a go-between could produce results. The big breakthrough came with Anwar Sadat’s

1977 visit to Jerusalem, which demonstrated conclusively that the Arab world's most powerful leader was prepared to take Israel seriously. This was of course an unmediated, bilateral gesture. But it launched a process in which a third party—the United States—played a critical role, and by the end of the Camp David summit, Israel had embraced the idea of working with the United States.

Israel learned, in the course of those 10 years, the first major rule about mediation: it does not and cannot take the place of the negotiating that must be done by the parties to a dispute. A third party, however, can put fresh ideas on the table without any of the direct participants' taking the risk of moving away from their official positions. In any serious peace process, someone needs to take the responsibility for putting new ideas into play, and it is worth thinking hard about how this can best be done—with or without an outside presence. An outsider can also provide the direct participants with an independent judgment on whether their message is getting across. Pakistanis and Indians alike are generally confident that they can read the signals of the other, but the history of recent crises is not reassuring.

Consequences of Failure

This approach is not guaranteed to produce results. Indeed, as we have seen all too tragically in both the Middle East and Ireland, good results are not immune to sudden and disastrous downturns. Sustaining an agreement is at least as difficult as reaching one.

But the dynamic since 1989, in which Pakistan has used and encouraged violence in the Kashmir Valley and occasionally deep in India and in which India has treated Kashmir as a law-and-order problem to be met with repression, is sure to fail. The first victims of that failure will be the Kashmiris, who already talk of having lost a generation. But India and Pakistan also will suffer the consequences.

Some argue that India can handle the violence in Kashmir, that it loses more people to traffic accidents than it does to fighting in the valley, and that, as the stronger power, it need only stand firm, confident that Pakistan and the militants cannot undermine the Indian state. This is, in a narrow sense, true. India's billion-plus people and its 1.2-million-strong army are hardly being bled white, and the rest of the country is enjoying progress and

prosperity. The budgetary costs of the security operations in Kashmir are manageable.

There is also an argument that encouraging the Kashmiri insurgency is a manageable way for Pakistan to ensure that India does not consolidate itself in Kashmir at Pakistan's expense. The argument here holds that India is structurally vulnerable to internal division and that the budgetary cost of keeping the Kashmiri pot at a boil is well within Pakistan's means. This, too, is true in a narrow sense: Pakistan has not had to devote much of its budget to direct costs in Kashmir.

Both countries pay a terrible price nonetheless. India puts at risk its broader international ambitions. Undoubtedly, India will ultimately be willing to pay this price if it sees no choice—if Pakistan *does* keep the pot boiling. In other words, Pakistan can probably goad India into continuing a policy that squeezes the Kashmiris for many more years, but continued trouble will not lead to a Pakistani success in Kashmir.

The price for Pakistan is much higher. It strikes at the heart of Pakistan's national security. A "hot" Kashmir drives away the investment that Pakistan so urgently needs to employ its mushrooming population. It locks into place a relationship of unremitting hostility with India and a defense burden that has robbed the country of desperately needed public investments in health and education. However skillfully the army has defended Pakistan's frontiers, military strength cannot protect the country against the threat to its security that comes from millions of unemployed or underemployed, undereducated young people who come to adulthood seeing no way for themselves to make a better future for their families. The army has been called upon to try to compensate for other weaknesses of state institutions, but it is most difficult to add the task of nation-building to an already overburdened military. Add to this the badly stressed political system, in which leaders feel trapped into

policies that they probably know will lead nowhere. Pakistan, given its revitalized relationship with the United States and potential new aid flows, may find the economic constraints less binding—but what a tragedy to use its resources for a never-ending fight, rather than investing in a brighter future for Pakistan's talented people!

Burden of Leadership

There is a way out of this trap. However deep their differences on other issues, Prime Minister Atal Bihari Vajpayee and President Pervez Musharraf need to become partners and find Kashmiri partners in seeking a settlement that is peaceful, honorable, and practical. The participants will start with incompatible definitions of what that means but will work toward a definition they can all live with. Pursuing this goal is the ultimate test of leadership.

Pakistan and India are the primary actors who need to learn from this experience, but they are not the only ones. The United States too needs to take it seriously and to plan a serious and sustained diplomatic engagement that will nurture the kind of peace process described here. This is a difficult task in which success is not guaranteed—especially since neither Pakistan nor India is unhappy enough with the status quo to make a significant change in policy. But the stakes are high enough that the United States should try despite this difficult outlook. The price of failure, or of inattention, is the certainty of more war scares and the risk of nuclear miscalculation.

Notes

¹An example of this is Pakistani Prime Minister Zafarullah Khan Jamali's call to Indian Prime Minister Vajpayee. See Amy Waldman, "Phone Call by Pakistan Leader May Mark a Thaw, India Says," *The New York Times*, April 29, 2003.

²The All Parties Hurriyat Conference is an umbrella group of political organizations favoring a change in the relationship with India on the Indian side of Kashmir. It includes pro-Independence and pro-Pakistan groups, some secular and some more religiously oriented.

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