

## KASHMIR- PATHWAYS TO PEACE AND THE SCOPE OF US ROLE

**Dr. Vandana Singh,**

Associate Professor(History),

Dr. Ram Manohar Lohiya National Law University,

Lucknow

### ABSTRACT

*Kashmir is one of the longest-standing international disputes which has defied both bilateral and multilateral attempts at resolution for nearly seven decades now. For both India and Pakistan, the contending parties in what is aptly termed as the 'Kashmir Imbroglio', Kashmir, a Muslim majority area is symbolic of the rival concepts of their respective national identities turning it into an existential issue for both- India, the status quo power and Pakistan, the irredentist power in the bargain escalating dramatically, the stakes in this contested Himalayan region. India's wariness of a third-party intervention stems from its initial unsavory experience with the United Nations, to which the issue was promptly referred by India. The Researcher posits that in the changed international context with the end of the Cold war and the calamitous events of 9/11 & the 'war on terror' that it brought in its wake, conditions now exist that facilitate a convergence of Indian and American views on the nature and locus of Cross Border Terrorism. Consequently, there is a delinking of the Kashmir dispute from terrorism in the South Asian subcontinent by the US, a region where America is now a key strategic player. The Paper proposes that these fortuitous global circumstances make room for a more welcome and also efficacious role for the United States in the region than has hitherto been the case. But it has to be low profile diplomacy, where the key groundwork and the ideas for resolution need mandatorily to come from within the region. Clearly, any solution would need to be acceptable to both India and Pakistan while not being premised on their maximalist negotiating positions and backed by a long term American diplomatic effort to assist-not to mediate or arbitrate Indian and Pakistani efforts to bridge their differences.*

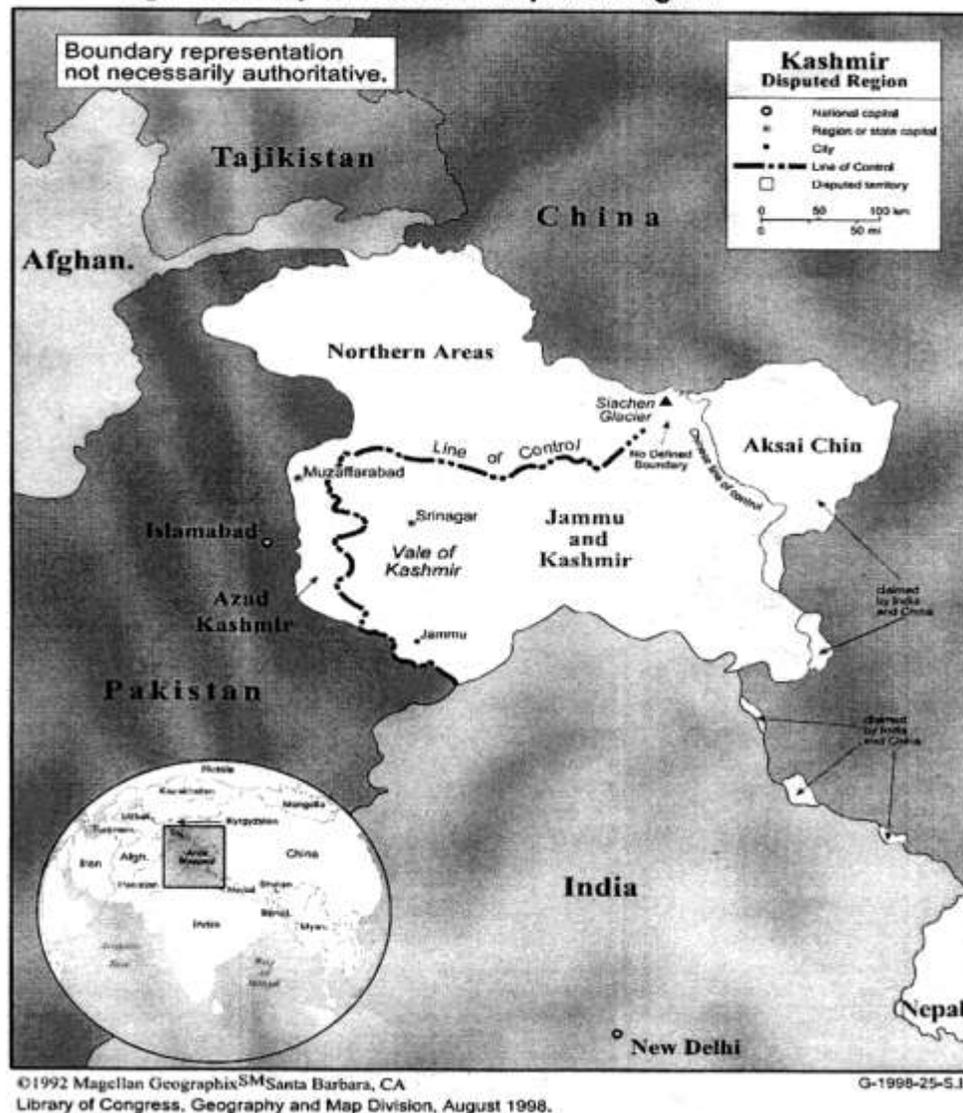
Since the partition of the South Asian sub-continent into the two nations of India and Pakistan in August 1947, Kashmir has existed as a gloomily split region. Two thirds, known as state of Jammu and Kashmir are controlled by India: this area includes the regions of Ladakh, Jammu and the prized Valley of Kashmir. One third of the former princely state is administered by Pakistan. On the Pakistan side is the border region called 'Pakistan Occupied Kashmir' (POK) in India and 'Azad Kashmir' in Pakistan (depending of course on who is doing the

identifying), and the isolated tribal region called 'the Northern Areas' Gilgit Baltistan.<sup>i</sup> Religion is heavily enmeshed in the Kashmir dispute. The Kashmir Valley is majority Sunni Muslim; Jammu region has a majority of Hindus along with Muslim and Sikh minorities; Ladakh is majority Buddhist; POK has a majority of Muslims (Sunni) and Gilgit Baltistan has a majority Muslim (Sunni and Islami) population with significant tribal pockets. For nearly seventy years now, India and Pakistan have fought over Kashmir both on the battleground and at the negotiating

table; both contesting to absorb it within their respective borders and neither succeeding entirely. The manic covetousness for Kashmir has led to multiple wars-1947, 1965, 1999—between India and

Pakistan and a uncalled-for and a very regrettable human catastrophe.

**Figure 1. Map of Kashmir Disputed Region**



The Kashmir dispute has a long history dating before the vagaries of partition in 1947. Kashmir originally came into dispute because of a British failure of will when they divided and quit India in 1947. The mechanism by which the princely states were sorted out was inadequate.<sup>2</sup> Even though there have been arguments posited from various quarters that independence was theoretically an option, the

Princely States were required to accede to one state or another based on the religious composition of their people and the contiguity of their states to India or Pakistan. Like other Indian princes, the Hindu Maharaja of Kashmir had the option of joining either India or Pakistan. However, along with the Muslim ruler of largely Hindu Hyderabad, he to begin with, sought independence. The Maharaja decided

upon joining the dominion of India when Muslim tribesmen, aided and abetted by the Pakistani Army invaded Kashmir from Pakistan. A short war between India and Pakistan in 1948 left India with 64% of the state and Pakistan with 36%. This division has remained since 1948, with the exception of a region annexed by China in 1962, leaving India with about 47% of the original state of Jammu and Kashmir.<sup>3</sup>

For both India and Pakistan, Kashmir is symbolic of the rival concepts of national identity. For the Pakistanis, the procession of a Muslim majority area by India and not included in Pakistan which was conceived and created as the homeland for the Muslims of the subcontinent would make it for them what they choose to call, 'the unfinished business of partition.' Hence there is this deeply felt view that Pakistan without Kashmir would be fatally incomplete. Abandoning Kashmir for the Pakistanis would mean denying the ideological basis of partition. On the other end, for the Indians, loss of Muslim majority Kashmir-the cornerstone of its identity as an inclusive, secular state would profoundly undermine its secular credentials, legitimize separatism and also go on to put the stamp of confirmation on what has always been repudiated by most Indians-that Hindus and Muslims are "two nations" incapable of coexisting. For both India and Pakistan thus, Kashmir is more than a vital interest-it is an existential issue: the contention being that their very existence comes under threat by a Kashmir either independent or part of the rival country.

The Kashmir issue became an international one when on January 1, 1948, under Article 35 of the Charter of the United Nations, the Government of India lodged a complaint in the United Nations against Pakistan's aggression on the people of Jammu and Kashmir in pursuance of the Indian Cabinet decision of December 20, 1947. Thence came the Third Party, the United Nations, but it settled nothing and is still a forlorn, irrelevant observer, a less than nominal & perfunctory presence alongside thousands of troops amassed along the Line of Control. India insists that Kashmir's accession is a settled matter, unaffected by 'out-dated and

redundant' UN resolutions. Pakistan has been persistent in its demands of a resolution of what it still calls a 'disputed' territory.

## US INVOLVEMENT

For the United States as for most countries that have been involved in the dispute either through International fora like the United Nations or through bilateral efforts, the Kashmir issue has been complex, arcane, baffling and almost an intractable one, and which has greatly complicated its relations both with India, the stronger status quo power and Pakistan, the weaker irredentist power. The dispute has obdurately resisted the diplomatic efforts of outside powers, even when the United States enjoyed great leverage with both India and Pakistan. The salience of the South Asian region for American global interests now more than hitherto, however, invests the American involvement in the region with a renewed vigor for a peaceful resolution, though of course there would be limits to this influence as defined by parties to the dispute.

India's preference since the 1972 Indo-Pakistan Simla Accord has been for a bilateral settlement of the Kashmir dispute with Pakistan. India's opposition to third party involvement was based on its unpleasant experience at the United Nations when UK and the US attempted to interpose themselves into the dispute. Between 1948 and 1963, the focus of America's diplomatic activity was usually the United Nations, which it saw as the appropriate forum for resolving such disputes. "From the very beginning of the discussion in the Security Council, the US representative played a crucial role in forwarding the United Nations agenda in what US perceived to be a neutral stance between India and Pakistan which, however, the former was to interpret as favoring Pakistan. It is interesting to note that despite the initial reluctance to get involved, at the 15 January 1948 discussions in the Security Council, the British and the American delegates, Noel Baker and Warren Austin, persuaded the Council to extend the Indian complaint to include all matters covering 'the whole spectrum of

Indo-Pakistani differences”<sup>4</sup>. India blamed the United States for allowing the question to be broadened and thoroughly confused by transforming it into the “India-Pakistan question” claiming that the United States was taking a pro-Pakistan and anti-India stand on the issue siding with the aggressor, against the victim of aggression. The mistrust for the Third party has emanated from this unsavory early experience.

India maintains that Kashmir is an internal issue and should not be a part of any outsider’s mandate. So much has been conveyed to the successive American Governments and this disinclination on the part of India to accept outside interference has served to tone down the American interventionist streak and activism on Kashmir whenever it tended to go into the overdrive, especially witnessed in the first term of President Clinton but suitably curbed by the time he had relinquished office after completing his second term. President Clinton realized realistically towards the end of his tenure that not only is Kashmir a bilateral issue but also that for peace in South Asia, the sanctity of the Line of Control (LoC), the de facto international border between the two contestants over Kashmir needed to be respected by Pakistan. It was this realization which made President Clinton call on Pakistan to call off its aggressive misadventure in Kargil area in the state of Jammu and Kashmir in 1999 and withdraw Pakistan forces to its own side of the Line of Control. In his Autobiography ‘My Life’, Clinton recalls how he “told Sharif that..... he had to agree to withdraw his troops back across the Line of Control; and second,” that he “would not agree to intervene in the Kashmir dispute, especially under circumstances that appeared to reward Pakistan’s wrongful incursion.”<sup>5</sup> “In the last decade and half, under both the Republican and Democratic administrations, the policy of endorsement of the Simla Agreement and respecting the sanctity of the LOC in Jammu and Kashmir stood unchanged.”<sup>6</sup> Successive American presidents viz. Bill Clinton, George Bush and Barak Obama during their visits to India have conveyed this in categorical terms.

The US could assist by facilitating communication and promoting dialogue, quietly from the background. Teresita Schaffer, Director, South Asia Program at the Center for Strategic and International Studies rightly remarked “the US should encourage India and Pakistan to find a real settlement to their differences—but recognize that the work of settling has to be done by those countries,” adding that she “opposed naming an envoy on Kashmir.”<sup>7</sup>

A cable (9185384:confidential) dated December 31, 2008 sent by David Mulford, the then US ambassador to India records that India’s Foreign Secretary Shivshanker Menon had expressed the country’s “extreme sensitivity” on the issue of a US special envoy with “a mandate to address the dispute with Pakistan over Kashmir”. In another unusually lengthy cable sent on January 30, 2009, barely 10 days after Barack Obama was sworn in, and leaked on the Wiki Leaks website, Mulford, cautioned the new US government under Obama that India viewed the US’ Kashmir policy as skewed because it had a generous tilt towards Pakistan and said that Prime minister Manmohan Singh had asked the US to follow a hands-off policy on Kashmir.<sup>8</sup> He advised the Obama administration that Washington should avoid taking up a direct role in solving the Kashmir dispute and quietly nudge the two nuclear-armed neighboring nations to thrash out a solution on their own. “We should support them when we can from behind the scenes and without leaving our fingerprints. What India will find objectionable is any arm-twisting or any public hint that US is pressuring India to move in a particular way on Held Kashmir,” the cable said.<sup>9</sup>

The enduring dispute over Kashmir is one part of a wider regional dynamic that has direct repercussions for Washington’s ability to support a stable Afghan state and to address the threat posed by terrorist groups in South Asia. Yet, despite its central strategic importance, the United States is ill-positioned to tackle the Kashmir issue. Washington should not seek to insert itself in the diplomacy between Islamabad and New Delhi or to press publicly for concessions from either side. These

moves are bound to backfire since Indian and Pakistani leaders can ill-afford to appear to their domestic audiences as if they are caving to US pressures over an issue as sensitive as Kashmir. Moreover, the recent history of back-channel dealings between Islamabad and New Delhi suggests that the basic contours of a Kashmir settlement namely-making the Line of Control a permanent border that is porous; autonomy for Kashmiris on both sides; and joint institutions on an all-Kashmir basis-are already well-known to both sides and there is no need for Washington to reinvent the wheel.

Whatever the eventual proposal, it is likely to be preceded by accepting the Line of Control as a medium term measure. For the settlement to be lasting and meaningful, a resolution to the Kashmir dispute should emanate from the governments and people of India and Pakistan.

However, the United States could do more than merely point out the virtues of regional accommodation. It could encourage a greater sense of pragmatism in Pakistan about possible solutions to the Kashmir conflict, while also urging the Indians to accommodate Pakistanis' concerns about the treatment of Kashmiri Muslims. But it has to be low profile diplomacy. The key groundwork and the ideas for resolution have to come from within the region.

Washington has, of late exercised its leverage to drive home the point that there is neither an overt nor a covert military solution to the Kashmir conflict, and that the debate must gravitate from the military to the political domain. "The task the US could undertake is to find a solution that establishes internationally recognized Indian sovereignty over the parts of Kashmir now held by India, while doing the maximum possible to save Pakistan's face politically and together with Europe help it economically."<sup>10</sup> Great pressure needs to be placed on Pakistan to dissolve and expel the extremist groups based on its soil. However, it is also crucial to appreciate the authentic sympathy of most Pakistanis for the woes and yearnings of the Muslim majority across the border in Kashmir.

It must however be kept in mind that 'India's reliance on Washington to exact and validate commitments from Pakistan to halt infiltration into Kashmir and its desire for closer ties do not make New Delhi open to mediation. There should be a sustained American diplomatic effort to assist-not to mediate or arbitrate Indian and Pakistani efforts to bridge their differences. This much was accepted by the Republican administrations of Sr. and Jr. Bush as also the Clinton administration albeit belatedly and a continuity was apparent in Obama dispensation. India has displayed an increased trust in US diplomatic efforts in the region since the Bush administration took an unstinted stance against terrorism after the September 11 attack.

The end of the Cold war and 9/11 has brought in a transformed international environment bolstering US-India relationship. The terrorist attacks of September 11, 2001 in the United States validated India's stand which since 1990 has been a victim of Cross Border Terrorism (CBT). The United States till 9/11 had linked India's stand on terrorism wholly to the Kashmir dispute, paying scant attention to India's caution that the epicenter of terrorism was shifting to Afghanistan & Pakistan and hence the US did not throw its full weight behind efforts to prevent CBT. The betterment of Indo-US and Indo-British relations in recent years and the two nations' recent unequivocal pressure on Pakistan to give up cross-border terrorism has begun working in India's favor. India has also begun to acknowledge that external involvement need not necessarily work against India's interest as was demonstrated in the summer of 1999 when the American intervention helped force Pakistan to unconditionally pull back its aggressors from the Kargil sector in the Indian part of Jammu and Kashmir. Pakistan's hazardous calculation in Kargil boomeranged. It garnered greater international interest but no international support for Pakistan's desire to detach Kashmir from India. "The Kargil spring of 1999 led to the clear abandonment of the even handedness and even a pro-India tilt in the American policy circles."<sup>11</sup> "This time around, the Pakistanis are clearly to blame for

having started the fighting,” said the Washington Post,<sup>12</sup> moving away from the dreary and wearisome even-handedness that is pervasive in the US when discussing Indo-Pak issues. American enablement in the Kargil issue came as quite an unanticipated surprise to many in India’s ministries of External Affairs and Defense. This was in effect, the first time in 50 years that the United States had sided with India against Pakistan ‘openly and firmly.’<sup>13</sup>

India needs the international community’s support in getting the Pakistan leadership to implement its words and work proactively to create conditions for negotiations in all bilateral disputes including Kashmir. This does not admit of a third party role but the use of the current propitious global context to work upon the approach of drawing in the international community to influence Pakistan’s behavior. America should assist in promoting a dialogue rather than prod India and Pakistan towards a resolution of the Kashmir question which translates into not overtly mediating the dialogue. Efforts towards a dialogue and conflict settlement need to come for the Indian and Pakistan leadership themselves. This was accepted since the Clinton administration onwards and this new orientation of American policy vis-à-vis Kashmir has created a higher level of coziness between India and the United States since.

At the source of the trouble in Kashmir has been the Pakistan’s army’s policy of fostering extremist groups as strategic assets against India. Under President Obama, Washington came to appreciate, though belatedly that defeating Al Qaeda and the Taliban includes getting the Pakistani army to end its considered and wilful support of extremism of the violent variety. This is possible if the United States can help Pakistan’s civilian leaders call the shots over national security policy rather than being in a subordinate position to the Army which is convinced in its misplaced belief that unrest in Kashmir ties down 400,000-500,000 Indian forces which could otherwise be positioned on the border against Pakistan. Also, the American administration can encourage the revitalization of a composite India-Pakistan dialogue. If the less complicated

issues like the Siachen Glacier, Sir Creek boundary, and the Indus water issue are sorted out across the table, it would harvest enough goodwill to invest the dialogue on Kashmir, a more constructive momentum.

## PATHWAYS TO PEACE-THE PROGNOSIS

Four years preceding the November 2008 Mumbai terrorist attacks, an India-Pakistan peace process had made robust progress towards what was then being seen as the possibility of a mutually acceptable settlement. The so-called ‘composite dialogue’ between the two states, buttressed by back-channel talks between representatives of both countries’ leaders made noteworthy albeit sluggish headway before it was upset by domestic turmoil in Pakistan and recurring terrorist attacks in India-Mumbai being the most audacious and high profile serving as the proverbial last straw. Despite these setbacks, most Indian and Pakistani policymakers have come to realize that the two nations have reached a mutually damaging standoff which cannot end without a lasting bilateral settlement. The two countries have gravitated towards bringing down trade barriers (including in Kashmir) and conscious attempts at forging greater regional cooperation. “In June 2013, after the coming in of a new government in Pakistan under Prime Minister Nawaz Sharif, private sector honchos from both sides met to chart a road map for expanding of trade and investment between both nuclear-armed neighbors. It was widely expected that the new government would take major strides in smoothening the bilateral trade ties.”<sup>14</sup> In his first bilateral meeting with visiting Pakistan Prime Minister [Nawaz Sharif](#), the-then newly elected Prime Minister [Narendra Modi](#) struck a very hard-headed note, underscoring India’s concerns on terrorism, and asked Islamabad to “abide by its commitments” to thwart attempts of Pakistan being used for terrorist activities.

Even if India and Pakistan were to come to an agreement to discussing Kashmir with greater sincerity, sans the representative participation of the

inhabitants of Jammu and Kashmir, the real stakeholders, it would be a chimerical solution, one that is bound to have a short life. People exasperated for lack of a sincere dialogue and desirous of greater political freedom while burdened with economic and social distress took up arms to attain their vision of a future by means of a politicized version of Islam starting a 'Jihad'. The Indian Government needs to recognize the depth of the wounds, by acknowledging that the Kashmiris' grievances predate their taking up arms in the 1990s and that using terror to counter terror only breeds more hatred and violence.<sup>15</sup> This recognition should come in conjunction with the admission by India that Pakistan does have a role to play. Kashmiris demanding 'azadi' or independence will also need to realistically understand that a dramatic change of borders so as to admit of an independent state of Jammu and Kashmir is an unattainable proposition. Hence it would only be in order that the Kashmiri 'freedom fighters' accept that any change in their political status would mandatorily require an Indian agreement, rather it would be a prerequisite for a semblance of peace to obtain in the region.

"After September 11, the distinction between freedom fighting and terrorism has been virtually obliterated and many Kashmiri politicians have begun to realize that whatever gains they make must now be at the negotiating table."<sup>16</sup> Kashmir wants peace above all else but peace that is honorable. If the Kashmiris could give up the demand for plebiscite, they could also be prevailed upon to give up *azadi*, or to modify it within acceptable limits. The clamor for *azadi* is a longing for freedom from Delhi's tight control and the watered down version of democracy that has existed in Kashmir. *Azadi* is an aspiration of the Kashmiri people to be dynamic agents in scripting their future. It is not a search for independence or a secessionist call, which the people of Kashmir now know is neither necessary nor achievable. Unattainable not merely because it flies in the face of the 'territorial integrity norm' of the late twentieth century or because in the post 9/11 global order, there are few takers of the myth of the 'freedom struggle' used to

cover the 'jihadi' terrorism in Kashmir. But unattainable because it lacks the desired all-encompassing and comprehensive character and unsupported by 'all' the people of the religio-ethno-linguistically diverse state that Jammu and Kashmir is. A fair and unprejudiced peace which is also viable must involve all the communities and nationalities inhabiting the state.

What is needed is to engage earnestly and candidly with Kashmir and Kashmiris. Sustained and sincere dialogue is vital to defusing alienation. A framework that could help reconcile Kashmiris to their Indian connect would be the key to any peace settlement. Better governance responsive to the needs of the people of Kashmir and one that the Kashmiris can identify with, a generous degree of autonomy for the state, and the inclusion of the more moderate dissident groups into the mainstream of Indian politics would come in handy. "A meaningful "New Delhi-Srinagar" dialogue is needed to achieve these goals. And we need to engage with Pakistan, if for no other reason than that it gives Kashmir hope. But Pakistan should also realize the futility of cross-border terrorism."<sup>17</sup>

A genuine and viable peace package must at the same time address the 'security concerns of India and Pakistan, and the welfare needs of the people of Jammu and Kashmir. The two sets of needs are now indistinguishably interwoven. The two needs to be addressed concurrently. It is also important to appreciate that the LoC which has remained essentially unchanged since 1948 cannot be redrawn. The line as a sovereignty divide therefore has to stay, but its effect can be adjusted to augment the welfare of the people of Jammu and Kashmir and at the same time assuage the security concerns of both India and Pakistan.<sup>18</sup> This can be done by according a special status to the two divided parts of the state and encouraging cross border contacts between the two, all this against the background of healthier ties between India and Pakistan.

Establishing parallel autonomy to the two parts of Jammu and Kashmir, the one occupied by Pakistan and also Indian, supplemented by parallel

scaling down of military presence and at the same time encouraging cross-border links will not only augment the welfare of the Kashmiris but would also serve to allay the security worries of the two nations. The requirement for mutual security makes it essential that the level of autonomy provided and the nature of demilitarization accomplished in the two parts are the same. On the Indian side, preferences with regard to autonomy and the allegiances that underprop them range widely. The apprehensions of those in the state that worry about a possible Kashmiri predominance can be accommodated through the contrivance of cascading autonomy. Once cross-border links, especially visa-free travel are primed, there would be an undoubted desire on both the sides to ensure that such an arrangement is not put at risk.<sup>19</sup> In actual fact, the line that holds the greatest potential is the one that makes the borders redundant - softening the borders to permit the movement of people, goods, and services instead of trying to redefine or remove them. The sooner the borders become 'soft' the better so as to facilitate the people whose families have been divided for nearly seven decades to meet, attend weddings or funerals and interact with greater ease and liberty. This concept has been continually endorsed by the Governments of India and Pakistan but steps towards operationalization have not been forthcoming. Relaxing curbs on the trade and travel regime would go far in ensuring that the two parts of Kashmir have multidimensional and normal relations. Such an orientation would require combatting a combination of political, bureaucratic and regulatory hurdles. It is now a moot question whether the necessary political will to counter the obstructions that might be posed by the key stakeholders entrenched in their respective military and bureaucratic set-ups can be marshaled by India and Pakistan.

"A good place to begin cross-border co-operation is the Siachen Glacier area, 21,000 feet above the sea-level where more men die of frostbite and avalanches than in battle in temperatures plummeting to minus 50 degrees centigrade. Twelve

rounds of talks have already been held between India and Pakistan on Siachen, with no substantive headway. Pakistan refuses to ratify the Actual Ground Position Line (AGPL) because that will prove to its people that its Army was never on the Siachen Glacier. The Indian Army is on the Saltoro ridge and Pakistan is at least two to seven kilometers from the glacier. But sources in the Government say the Prime Minister is confident of overcoming the hurdles on the road to demilitarization."<sup>20</sup> In April 2012, the Indian Government announced that it was holding meaningful dialogue with Pakistan to demilitarize the Siachen glacier.

Every so often, the American government has also enunciated Confidence Building Measures (CBMs) that the Indian Government could play within its program of sorting out Kashmir. "One such list of CBMs, "not meant to be prescriptive", and "illustrative rather than exhaustive" included the following: ensure that the dialogue with the separatists achieves results; continue generous development spending; conduct panchayat (village council) elections at the earliest; release selected prisoners who are not hard core militants and do not today pose any serious threat, but have been incarcerated for years; release prisoners who have been incarcerated longer than the court-directed sentences; repeal or selective repeal of the Armed Forces Special Powers Act and the Disturbed Areas Act; prosecute transparently and publicly, security force personnel involved in human rights violation; replacement of the Army and the paramilitary by the Jammu and Kashmir police; empower the State Human Rights Commission so that it can make transparent inquiries and achieve some tangible results; make the bus links across the Line of Control more traveler friendly; ease travel restrictions on cross border travel, increase the number of transit points; encourage separatists to participate in future elections by providing them incentives-strengthen civil society by making it easier for NGOs to operate."<sup>21</sup>

The Government of India disclosed steps to further strengthen its reconciliation efforts in Kashmir conveying that its attempts at resolution of

the situation in Kashmir would not be contingent upon the resumption of the Indo-Pak composite dialogue. The Central Government initiated a “quiet dialogue” with key political groups and individuals in 2009.<sup>22</sup> Besides announcing a dialogue with the separatists, Indian Home Minister P. Chidambaram on October 14, 2009 publicly shifted the Government of India’s focus from a security /military solution to a political one saying that “there is political question to be resolved and “once the broad contours of a political solution are arrived at, we will make it public.”<sup>23</sup> Laying out some of the broad principles that will guide the Government of India, he said that the solution must be “honorable, equitable and acceptable to an overwhelming majority of the people of Jammu and Kashmir” Perhaps more significantly, Chidambaram announced a reconfiguration of the security apparatus in the state, placing the indigenous Jammu and Kashmir police on the frontlines and allowing the paramilitary and army comprised mostly of outsiders operating in an alien environment and hence nervous and edgy, a much smaller footprint adding that the J& K Police would take the “lead in the maintenance of law and order” while the paramilitary “takes a backseat” and the Army “defends the borders.”<sup>24</sup> Downsizing the presence of the military would in effect mitigate the perpetual Kashmiris perception of being ‘occupied’. Apart from proposing a reorientation of the State’s security apparatus and continuing with the generous development funding in the state (Government Of India spends 9-10 times more per capita in Jammu and Kashmir than any other state; the Center raised its Plan budget to Rs 6000 crore and poured in Rs 1200 crore through the Prime Minister’s Rehabilitation Programme in 2010-2011), the Home Minister signaled that other Confidence Building Measures would follow.<sup>25</sup> In fact on November 7, 2015 on his second visit to the state, Prime Minister Modi announced a package of Rs. 80,000 crores for the State of Jammu and Kashmir. This package includes money for providing relief and rehabilitation of the flood victims of the year before, rehabilitation of West Pakistan refugees and Kashmir pundits, as also for construction of roads and

highways, upgrading the health and tourism sectors. *Operation Sadbhavana*, the Army’s military-civic action launched in 1998 projecting a very humane face of the Indian Army to the local populace of Jammu and Kashmir was similarly aimed to reintegrate the population to the national mainstream by restoring the infrastructure devastated through years of insurgency and by human resource development in Jammu and Kashmir.

Audacious though it may sound, a new vigor and a fresh orientation can be invested in our attempts by permitting the youth, who are capable of using a different language and writing a different script, to have a greater say in how we go about the dialogue, one wherein the interlocutors are unencumbered by the baggage of the past, liberated from the perceptions and expectations hitherto so fastidiously and zealously upheld, indorsed and espoused. There should be a greater acceptance for ‘out of box’ approaches which such a dialogue will inevitably usher in as the political perception of the youth though steeped in the angst and hurt against a State that ‘did not measure up’ would still be and free of the muddle of banalities and rhetoric which has marked the terms of reference chosen by the leaders who have hitherto had the onus of untangling the intricate knot which is the Kashmir issue now. It will not be self-deception to expect the youth to be agents of reimagining India, recasting a future where *azadi* will be an idea that unshackles one from constricting identities rather than dooming one to contest and spar over identities.

On many occasions, initiatives are trapped within the short-term unprincipled, political goals of the government in power and are reduced to hollow, bureaucratic hogwash and double-talk. The leadership of the dialogue thus needs to be taken up by alternative institutions wherein independent think-tanks, civil society groups, non-state organizations have a wider role to act out.<sup>26</sup> A mix of credibility, power, communication abilities, knack to deal with the past, skills at communicating empathy and an ability to take decisive political action coupled with enormous political pluck is required of

the leadership venturing into the dialogue. Three interlocutors have been mandated by the Government of India to provide a blueprint for the future. The report of the Centre's interlocutors — eminent journalist Dileep Padgaonkar, academician Radha Kumar, and former information commissioner M. M. Ansari has suggested a future-oriented approach (one that takes into full account, the strategic, political, economic and cultural changes in the state of Jammu and Kashmir, in India as a whole, in the South-Asian region and beyond as a result of globalization) that should enable all stakeholders to reach a rapid agreement on the Articles of the Constitution of India.<sup>27</sup>

Given the situation as it exists today, a restrained outsider role- principally by the US can make a contribution. At Government levels in both countries there are large sections now that are not opposed to a discreet US role. In India, there is much greater confidence than earlier that US involvement will not play to its detriment. In Pakistan, there is acknowledgment that minus US attention, the dialogue will die. The US is also seen as handy in the post-settlement period- for assisting economically and with other benefits as well as for greater assurance of the compliance of an India-Pakistan Agreement. While its over- committed status camouflages it, there is a new commitment in the US to work for peace, not just crisis management. Heightened risks relating to nuclear war, nuclear technology leakage and expansion of Islamic extremism are the reasons for this change of approach.<sup>28</sup>

The Kashmir issue cannot be ignored in the hope that it will slowly wither away. Rather its resolution requires priority attention as well ingenious and inventive responses on part of the governments of both India and Pakistan. Imposing a solution from above is an unviable proposition. The requisite condition is to encourage a genuine, non-violent process of political engagement among the constituencies and political groupings within Kashmir. Negotiations between India and Pakistan would have to be prefaced not only by a cessation of Pakistan's support for the

insurgency but also by Pakistan's agreement to back a cease-fire between the Indian Army and the insurgent groups that Islamabad has subsidized and armed for so long. Clearly, any solution would need to be agreeable to both India and Pakistan, while not being premised on their maximalist negotiating positions. The India Pakistan leadership for their part would need to steer clear of the short-term benefits of homiletic speech-making and political grandstanding to resolve this long- enduring problem.

The changes in the security environment following the end of the Cold war, the nuclear empowerment of both India and Pakistan thus virtually ruling out the possibility of an all-out conventional war, American presence in the proximity of the region in the wake of the "War on Terror" coupled with the American penchant to intervene in order to avert a war or a possible nuclear exchange has transformed the strategic landscape of the region. This altered security scenario if it can be buttressed by greater and more profound political will on both sides to break the stalemated situation and pursued with sincerity of purpose and infusing flexibility in the rigid positions entrenched in the syntax of a nearly lifeless discourse can go a long way in resurrecting a propitious environment and prospects conducive to peace.

Undoubtedly, the initiative for a resolution of this seemingly intractable, rather static and frozen dispute has to emanate from the two key players, India and Pakistan. But given the dismal record of purely bilateral dialogue on Kashmir and the threat that the conflict poses to the stability of the region with serious implications for global peace, low-key, indirect and discreet, non-intrusive facilitation by a credible third party may prove valuable and productive. Given the fortuitous international environment and the warmth in the Indo-US relations lately, the United States may be a safe bet for India

The key to break the nearly seven decade long impasse in Kashmir lies not in seeking a quick answer since it does not admit of a short-term

resolution. To begin with, a paradigm shift from a territory-oriented negotiating process to a people-centric process will need to be effected. The wise course is to encourage sincere parleys augmented by Track II efforts with a continued commitment to the peace process sustained by a strong political will & potent top-level mechanisms to drive and coordinate the various tracks of diplomacy – a willingness to imbue the dialogue with a degree of innovation and creativity and bring it out of the mold of outmoded platitudes in order to nuance the hard positions (or even climb downs within permissible limits, if required). Horizons of possibility will need to be recast and redefined. Even though the

prospect of an American role does not find very ardent takers in the Ministry of External Affairs and India's attentive public, there is no denying that the United States is already a vital actor in the region. And if the US sincerely wants to play a role in resolving the Kashmir dispute, its best bet would be to use its considerable powers of persuasion to halt Pakistan assistance, both official and private, to Kashmir militants. The crisis might then lose its acute character for lack of nourishment. The key however will be to sustain the dialogue against disruption and quietly assist in setting the groundwork for 'back channel' diplomacy.

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<sup>1</sup> Mahmood, C., Kashmir and the 'War on Terrorism', *Policy Brief*, October 2001, No. 8, pp.1-2.

<sup>2</sup> Cohen, S., Kashmir: The Roads Ahead, Paper presented to a MCISS-South Asia Seminar, The Brookings Institute, 1992, p. 2.

<sup>3</sup> Swamy, Arun, Déjà vu all over again? Why Dialogue won't solve the Kashmir Dispute, *Asia Pacific Review*, November 2001, No. 56, East West Center, p. 2.

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- <sup>4</sup> Mudumbai, Srinivas C., *United Foreign Policy Towards India-1947-1954*, New Delhi: Manohar, 1980, p.87.
- <sup>5</sup> Clinton Bill, *My Life*, New York: Alfred Knopf, 2004, p.865.
- <sup>6</sup> Kapila, Subhash, *United States Reverses Gears in South Asia*, [www.southasiaanalysis.org/papers4/paper303.html](http://www.southasiaanalysis.org/papers4/paper303.html)
- <sup>7</sup> Schaffer, T., *US Relations with South Asia*, Testimony before the Asia Pacific Subcommittee, House International Relations Committee, October 20, 1999.
- <sup>8</sup> Sharma Aman, *India was nervous over US' Kashmir policy: Wikileaks*, *India Today*, September 06, 2011, pp23-24.
- <sup>9</sup> Rehmani, Farooq, *Wikileaks; India was nervous over US Kashmir policy*, [kashmirglobal.com/...wikileaks-india-was-nervous-over-us-Kashmir-policy/](http://kashmirglobal.com/...wikileaks-india-was-nervous-over-us-Kashmir-policy/)
- <sup>10</sup> Lieven, Anatol, *Kashmir is the Key to a Stable Pakistan*, *Financial Times*, April 28, 2003.
- <sup>11</sup> Singh, Jasjit, *Kargil 1999: Pakistan's Fourth War for Kashmir*, New Delhi: Knowledge World, 2000. p.21.
- <sup>12</sup> Ed., *Pakistan Culprit*, *Washington Post*, June 28, 1998.
- <sup>13</sup> Cohen, Stephen, 'The United States and South Asia: Core Interest and Policies and their Impact on Regional Countries,' Paper Presented to the Conference on Major Powers in South Asia, 11-13 August, 2003, at the Institute for Regional Studies, Islamabad, p.3.
- <sup>14</sup> MFN to India after removal of trade barriers: Islamabad, *Business Standard*, August 1, 2013, New Delhi.
- <sup>15</sup> Ganguly, Sumit, *The Crisis in Kashmir*, CUP and Woodrow Wilson Centre, 1997, p.42.
- <sup>16</sup> Schofield, Victoria, *Kashmir in Conflict. India, Pakistan and the Undenying War*, I.B.Tauris, New York, 2010, p.245.
- <sup>17</sup> Dulat, A.S., *Obama take on Kashmir is useful*, *India Today*, November 12, 2010, pp.26-27.
- <sup>18</sup> Koithara, V., *Kashmir: Making the 'Impossible Happen*, *Economic and Political Weekly*, Vol.XL, No.4, January 22-28, 2005pp.281-286.
- <sup>19</sup> Ibid.
- <sup>20</sup> *Blood Politics on Siachen*, Gaurav Sawant and ShivAroor, *India Today*, May 14, 2012, Vol.XXXVII, No.20, p.22.
- <sup>21</sup> Nambath, S., *US Activism Kashmir will be counterproductive*, *The India Cables*, **(230893: confidential)**, dated October 22, 2009, accessed by *The Hindu* via Wiki leaks.
- <sup>22</sup> *India moves ahead with Confidence Building Measures in Kashmir*, *The India Cables*, 230893.10/22/2009.
- <sup>23</sup> Ibid.
- <sup>24</sup> Ibid.
- <sup>25</sup> *India moves ahead with Confidence Building Measures in Kashmir*, *The India Cables*, 230893.10/22/2009.
- <sup>26</sup> Amitabha Pande, *In praise of Federalism in A Tangled Web*, Ed. Ira Pande, Harper Collins Publishers India, Noida, 2011, p.91
- <sup>27</sup> Vinay Kumar, *J&K interlocutors' report for reviewing all Central Acts*, *The Hindu*, May 24, 2012.
- <sup>28</sup> Koithara, V., *Kashmir: Making the 'Impossible Happen*, op.cit., p.286.