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## The International Community and Kashmir

by HOWARD B. SCHAFFER

The international community's efforts to help resolve the Kashmir issue began only weeks after the dispute erupted in October 1947. The controversy remained on the world's radar scope for a quarter of a century, then faded away when India and Pakistan agreed at Simla in 1972 to resolve it peacefully by bilateral negotiations. The outbreak of an insurrection against Indian rule in the Kashmir Valley at the end of 1989 returned the problem to world attention. The United States and other major powers soon recognized that the nuclear capabilities of the rival claimants made the issue more dangerous and its resolution more urgent. But Washington's main initiatives in recent years have focused on managing the India-Pakistan crises Kashmir has sparked, not on the elusive search for resolution of the Kashmir dispute itself. It has urged both countries to reach a mutually acceptable settlement that takes into account the wishes of the Kashmiri people, and has declared its willingness to play a facilitating role in helping the parties resolve the issue if both the Indians and Pakistanis wish it to. Other interested powers have been even less involved. All have recognized that the continuing refusal of the Indian government to countenance an international role in Kashmir makes it likely that any outside efforts will be as unsuccessful as others were in the past.

This conventional—and till now sensible—approach may not necessarily remain valid. In this article, I will argue that recent important developments may—just may—offer opportunities for the world community led by the United States to play a useful part in resolving this seemingly intractable problem.

### Failure at the United Nations

The international community's involvement in the Kashmir dispute is a history of repeated frustration and failure. Ironically, in light of India's later negative attitude toward "internationalizing" the issue, it was New Delhi that first brought Kashmir before the United Nations in January 1948, a few weeks after a series of events in the state that the claimants interpret in wildly different ways triggered a dispute still with us sixty years later.

The United States and Britain quickly took the lead in the Security Council's efforts to resolve the issue. In the Truman administration's view, the dispute seemed tailor-made for the fledgling organization's role as a crisis-manager and problem-solver. Initially, Washington tended to defer to London as

the leader of the Commonwealth and the subcontinent's recent imperial master. Other nations played lesser, supporting roles, generally backing U.S.-British initiatives and providing experienced diplomats for a succession of special missions. In the earliest stages the Soviet Union generally stood aloof, though it increasingly came to favor the Indian position.

Much of the early action focused on the activities of the five-member United Nations Commission for India and Pakistan (UNCIP). The commission eventually adopted resolutions calling for a ceasefire, withdrawal of forces, and an internationally-supervised plebiscite in which the Kashmiri people would decide whether to join India or Pakistan. A third option, independence, was excluded. Aside from the ceasefire, the UNCIP resolutions were never implemented. Indian stonewalling was principally to blame: despite its official position, New Delhi did not want a plebiscite and was satisfied with the status quo, which gave it the key Kashmir Valley. A series of high-level missions under UN auspices were similarly unproductive in bringing about a settlement. The UN *was* able to set up a military observers' group stationed along the ceasefire line. The contingent played a helpful role in calming the situation along the line, at least until the second India-Pakistan War in 1965.

The Eisenhower administration's 1954 decision to enlist Pakistan in the Western security alliance system effectively ended any lingering hope that U.S.-led efforts at the UN could produce a Kashmir settlement. In Prime Minister Jawaharlal Nehru's view, the Cold War had come to the subcontinent. The Soviet decision to fully endorse India's position on Kashmir made it certain that Moscow would veto any proposed UN Kashmir resolution not acceptable to New Delhi. If Washington kept on promoting a role for the UN, it was only to keep its new ally Pakistan reasonably happy, not because it believed that any progress could be made. Other countries recognized the impossibility of resolving the dispute and stayed aloof.

### Efforts by Major Powers

America, Britain, and the Soviet Union also made efforts outside the United Nations to resolve or contain the dispute. Two U.S. presidents became personally engaged. In the late 1950s, Dwight D. Eisenhower weighed in to promote U.S. supervised India-Pakistan negotiations on a basket of crucial issues including Kashmir. The Indians rejected this intervention. Eisenhower's successor, John F. Kennedy, concluded that India's defeat by the Chinese in the 1962 border war put a settlement within reach. The failure of Indian and Pakistani negotiators to make any progress in six rounds of discussion in which the United States and Britain became increasingly involved proved him wrong.

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Moscow's turn came in 1966, when Alexei Kosygin, the Soviet premier, engineered an agreement at Tashkent that ended the second India-Pakistan War. But that pact merely restored the status quo ante bellum. It did not come to grips with the underlying issue of Kashmir's political future that had triggered the war.

### Later International Efforts

The Tashkent conference was the last serious involvement by outside powers in the Kashmir issue until it exploded again onto the world stage at the end of 1989. In the following eighteen years, the United States again took the lead in international efforts to deal with the dispute and, more specifically, with a series of India-Pakistan crises the issue generated. President Bill Clinton's personal role in 1999 in persuading Prime Minister Nawaz Sharif to withdraw Pakistani forces from the Kargil area of Indian-administered Kashmir was only the most dramatic of several high-level U.S. interventions. But neither America nor any other country did much more than urge the two claimants to reach a settlement bilaterally. The most significant international call, orchestrated by Washington, came following the 1998 Indian and Pakistani nuclear weapons tests, when the Security Council and the Group of Eight urged New Delhi and Islamabad to return to the negotiating table. But as noted, the Clinton and George W. Bush administrations maintained that they were prepared to play a more active "facilitating" role only if India and Pakistan wanted them to. No other countries went even that far.

New Delhi continued to resist internationalizing the issue and rejected Washington's offers. India had long since recognized that its bringing Kashmir before the United Nations in 1948 was a blunder and concluded that as the militarily stronger status quo power it was in its interest to deal with the dispute bilaterally if at all. By the same token, Pakistan has believed at least since 1965 that only international intervention could change the political geography of the state—though it has at times stirred up trouble in Kashmir in the hope that this would lead the world to take the action it desired. But neither government has yet taken into full account the impact the nuclear tests have had on international consideration of the dispute. These explosions led the world community to focus on maintaining the stability of the subcontinent and lessened the importance it attached to the equities of the Kashmir issue. For the United States and other countries, the use of violence to change the status quo had become an unacceptable option in nuclear-armed South Asia. This attitude gave the Line of Control a "sanctity" it had not enjoyed before, to India's advantage.

### Fresh Possibilities for an International Role

Against this discouraging six-decade background, what role can the United States and other countries play beyond cheering the two sides on from the sidelines and helping defuse crises? Several developments have occurred in recent years that seem to argue for a more active international approach. Washington would need to take the lead in any such initiative. Other countries could help. Moscow could use its influence in New Delhi to persuade the Indians to be more forthcoming. Beijing could be helpful in Islamabad. Pakistan still views China as its most reliable friend among the major powers even though the Chinese no longer endorse the Pakistani position on Kashmir and urge, as the United States does, that India and Pakistan settle the dispute bilaterally. The European Union led by Britain should also be enlisted, and some Muslim countries might have some weight with the Pakistanis. The smaller South Asian nations should not be counted on. Anxious not to offend either India or Pakistan, they have taken advantage of the "no-bilateral dispute" provision of the rules of the South Asian Association for Regional Cooperation (SAARC) and have consistently kept their heads down on Kashmir. They will continue to do so. In short, it is only the United States that has the combination of political clout and diplomatic and economic resources to undertake the heavy lifting needed to persuade India and Pakistan to cross the elusive finish line and agree to a settlement.

Why should Washington undertake such a thankless task? I would cite four considerations:

1. *The United States and India have dramatically strengthened their relations and developed a serious strategic partnership.* This may lessen India's long-standing, knee-jerk opposition to any role for Washington in the Kashmir issue. It may also help New Delhi to recognize, as it should have since the Kargil crisis in 1999, that greater U.S. involvement could actually be beneficial from its viewpoint. The improvement in U.S.-India relations has not come at the expense of American ties with Pakistan, which remain strong.
2. *India's ambition to play a major role on the international stage has heightened.* In the past, the unresolved Kashmir issue has detracted from India's image and lessened its prospects for major power status and the permanent seat on an expanded UN Security Council that Indians believe should go with it. Now that India's breakneck economic growth has made its gaining a place at the international high table a more achievable goal, it may see Kashmir as an obstacle to the recognition it seeks and be more prepared to rid itself of this "albatross."

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► The Tashkent conference in 1966 was the last serious involvement by outside powers in the Kashmir issue until it exploded again onto the world stage at the end of 1989.

► Neither India nor Pakistan has yet taken into full account the impact the nuclear tests have had on international consideration of the Kashmir dispute.

3. *A Kashmir settlement has become even more important to American interests in South Asia and beyond.* As noted, Washington has feared that another conflict between the two over Kashmir could escalate into a nuclear war ever since India and Pakistan acquired the capacity to develop nuclear weapons in the 1990s. Following 9/11, the critical role of Pakistan in shaping the future of Afghanistan and otherwise contributing to the global war against terrorism has given the dispute even more dangerous dimensions in the U.S. view. The continuing patronage Pakistani intelligence agencies provide Islamic extremists in Kashmir makes it more difficult both politically and militarily for Islamabad to help the United States and its coalition partners combat these forces on the Afghan frontier and elsewhere in Pakistan. Continued Pakistan-supported armed Islamic extremism in Kashmir also has an adverse impact on Pakistani political stability, another major U.S. interest.

4. *India's and Pakistan's positions on the terms of a settlement have grown closer.* The two sides have been discussing Kashmir in formal dialogue and through a regular back-channel for more than three years. Though the exchanges have resulted in only limited progress, both governments have been willing to continue them. They have also adopted useful confidence-building measures such as the opening of the Line of Control to the movement of people and goods. Their present determination to carry on despite disappointments, particularly for the Pakistanis, sharply contrasts to the long spells when New Delhi and Islamabad could find no basis for discussing Kashmir and other India-Pakistan problems.

In the process, both countries, but especially Pakistan, have floated ideas that bring their positions closer together on several key issues. President Pervez Musharraf's publicly stated willingness to give up Pakistan's demand for a plebiscite and his conditional acceptance of the Line of Control as the permanent India-Pakistan border in Kashmir are historic events. The government of Prime Minister Manmohan Singh, for its part, has gone farther than its predecessors in welcoming and initiating confidence building measures concerning Kashmir as well as other aspects of India-Pakistan relations. Like Musharraf, Singh says he wants to make the Line of Control "irrelevant." There has been useful but inconclusive discussion on both sides about establishing joint institutions or mechanisms that would operate throughout the state and deal with a range of non-controversial matters in which Kashmiris on both sides of the line share an interest. Tourism, forestry, and hydrology are some possible subjects. There has also been some talk of setting up a joint legislative

consultative body. So far those who favor such cooperative arrangements have not defined the powers and responsibilities of the proposed bodies.

### **Caveats**

Despite this progress, important gaps remain. India's informal response to Musharraf's call for greater self-governance for Kashmiris has been to equate it with the powers all Indian states enjoy. In addition, any serious discussion on this issue between New Delhi and "its" Kashmiris will be complicated by the unwillingness of the Hindu majority in Jammu and the Buddhist majority in Ladakh to accept political arrangements they fear would subjugate them to the Muslims of the Kashmir Valley.

The two sides remain at an impasse on disarmament. The Indians insist that they can only reduce or redeploy their armed forces in the state if Pakistan-sponsored insurgent activities cease or are sharply rolled back. Both tend to speak of disarmament as if it were a self-defining term, whereas in fact it would have to be defined in negotiations.

Moreover, the degree to which other Pakistanis accept Musharraf's proposals or can be persuaded to do so is unclear. The president's "out-of-the-box" ideas drew significant opposition when he first raised them, though it soon died down. The ideas seem likely to arouse even stronger protest should they become Pakistan's formal position. Nor is it certain that a successor civilian or military regime would accept them.

But although the prospects of a Kashmir settlement have risen and the importance of such a resolution is now greater for American interests than before, political pressures in Washington and Islamabad make such a role inadvisable at this point. For the United States to play a more active part will require both policy space and time. The lame-duck Bush administration, overstretched by Iraq and other foreign policy problems more immediately pressing than Kashmir, has neither. The Pakistani and Indian governments also need to feel secure enough to take the political risks inevitable in a settlement. Fighting for his political life, Musharraf cannot take on this added challenge. And India, which as the status quo power has never been in a hurry to resolve the dispute, is not likely to view a weakened Musharraf or a fledgling insecure civilian or military successor as reliable negotiating partners.

So until more propitious circumstances arise in Washington, Islamabad, and New Delhi, the United States should maintain its present policy of watchful waiting.

### **Bases for a Settlement**

The new U.S. administration that takes office in 2009, however, should look for opportunities to

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play a more active part. Should it undertake such an intervention, its efforts should be designed to help the parties reach a settlement that will include several key elements:

- The Line of Control, or something geographically close to it, will become the permanent border between Indian and Pakistani Kashmir.
- The border will be sufficiently porous to allow for the easy movement of people and goods across it.
- Kashmiris on both sides of the line will be granted a greater degree of self-government.
- Joint institutions will be established on an all-Kashmir basis to play a role in managing non-controversial matters affecting Kashmiris on both sides.

American officials should work quietly, suggesting useful building blocks to the parties to help them achieve a settlement along these lines. They can act as a sounding board, advising each side of the likely acceptability to the other of proposals it is considering putting on the negotiating table. But Americans should not sit at the negotiating table—a bad idea and one the Indians will not accept. Keeping to an informal, unobtrusive role they will want to discourage any public discussion of their activities. As the negotiations are likely to be protracted, Washington and its diplomats in the field should accept that they are in it for the long haul, keep patient, and repress the natural American preference for swift results.

Despite its improved relations with the United States, India will be more wary of an outsider's role than Pakistan. Washington needs to look for ways to persuade New Delhi to accept an agreement that does not meet all of India's demands. An offer of strong and active U.S. backing for a permanent Indian UN Security Council seat could be one approach worth weighing. Washington might also usefully consider providing support to some of the proposed joint mechanisms in Kashmir by establishing with the World Bank and other potential donors a special fund for Kashmir reconstruction. It should also enlist other countries to brace its efforts while recognizing that it will have to bear the major international burden. Similarly, it will need to find creative ways to persuade the Pakistanis that a settlement that offers little or no change in the geographic status quo in Kashmir is worth their while.

Even under improved political circumstances a diplomatic initiative to resolve Kashmir is far from a sure bet, so Washington should keep its expectations appropriately modest. If there is any lesson to be drawn from the events of the past six decades it is that the Kashmir issue is complex and difficult and needs to be addressed with due respect for its tortured history.

By giving India, Pakistan, and the Kashmiri people the added push they need to get them across the elusive finish line, Washington supported by others may be able to provide major help to bring to an acceptable conclusion a dangerous, seemingly intractable problem that has undermined Indian and Pakistani interests, played havoc with the lives of the Kashmiri people, caused serious political problems for the United States and the international community, and made the state a potential tinder-box for nuclear war.

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