

CRITICAL ANALYSIS OF THE US MEDIATING ROLE IN INDIA–PAKISTAN CONFLICT

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Abstract

The US as a strategic partner of Pakistan used its political will, diplomacy and economic policies to make India agree for the resolution of the Kashmir conflict during the Cold War era. However, the US role in the post-Cold War era transformed from the conflict resolver to the crisis manager, such as de-escalating tension between the two rivals. US President, Donald Trump, has resumed that role and offered both Pakistan and India to resolve the long-standing conflict of Kashmir. Therefore, this paper finds that the US intention of mediation has changed due to the geopolitical and geostrategic interests in South Asia, for instance, the US-Soviet strategic rivalries during the Cold War and the US encircling of China in the post-Cold War era. This paper further analyzes how and why the US offered its mediation during the Cold War era and why its offer of mediation has not become successful. Moreover, how the US mediating role impacted India's policy towards Kashmir during the Cold War and the post-Cold War eras. Finally, this paper explores the major factors behind the US political will to resolve India-Pakistan conflict when Pakistan has already contributed towards the US-Taliban peace process in Afghanistan.

Keywords: Cold War, Kashmir, Mediation, Plebiscite, Good Offices.

Introduction

The indispensable role recently played by Pakistan towards peace agreement in Afghanistan and South Asia has made the Trump administration willing to offer mediation in India-Pakistan conflict on Kashmir. The US President in a two days official visit to India on February 25, 2020, reiterated his promise of mediation.¹ US President, Donald Trump while meeting with Prime Minister Imran Khan at the World Economic Forum on January 22, 2020, offered mediation on Kashmir conflict between India and Pakistan.² Last year, on July 22, 2019, India was surprised by Trump's willingness to mediate on the Kashmir conflict and this continued when Imran Khan and Trump met at the United Nations General Assembly (UNGA) in September 2019.³ Historically, the US has used a variety of approaches, such as unilateral initiatives, bilateral efforts (with the UK) and multilateral proposals under the UN auspices to resolve the India-Pakistan conflict on Kashmir. US government officials, policymakers, scholars, journalists, and private analysts have used intractable, the preferred adjective for the Kashmir dispute.⁴

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A US diplomat, Henry F. Grady, said that the US ought to urge India and Pakistan to settle their differences. British leaders and diplomats, such as Noël Baker also encouraged the US to use its good offices to mediate the dispute of Kashmir. He pointed towards the good prestige of the US both in India and Pakistan to find a peaceful solution for the Kashmir issue.⁵ In the initial years of the Cold War, Indo-US relations were not frictional because of the Cold War, dollar diplomacy and anti-colonialism but deteriorated on the dispute of Kashmir. Initially, the US was not willing to involve in the issue of Kashmir. Even State Department officials were skeptical about the UN, would prove effective to resolve the dispute.⁶ However, US President Henry S. Truman on August 25, 1949, eventually urged Nehru to accept arbitration to break the impasse on the plebiscite.⁷ That said, the US began to play the role of mediator using the non-coercive intervention. That process of US intervention included pure mediation, conciliation, problem-solving and good offices.⁸

In the Cold War era, US diplomacy fluctuated resolving the issue of Kashmir from 1948 to 1989. After 1989, an insurgency in Kashmir began to change the role of the US from engagement to disengagement. It is because when both India and Pakistan openly confronted over Kashmir. The US dealt with crisis management rather than resolving the Kashmir conflict between India and Pakistan during the George Bush era in the last years of the Cold War.⁹ In the post-Cold War era, the US closely sided India, and Pakistan was accused of harboring terrorism in Kashmir. With this, India became influential in Washington and moved the US out of Kashmir conflict as a third party with its mediatory role.¹⁰

The Clinton administration became involved in the 1990s, how to avert direct war between India and Pakistan. From Clinton to the beginning of Trump administration, the US role as a mediator overshadowed by direct wars, such as Kargil War between India and Pakistan and the issue, thus, lingered on.¹¹ Similarly, the Bush administration has also sided India due to the US strategic interest in New Delhi. The US making New Delhi as a strategic partner, President Bush pressurized Pakistan to hunt the terrorist organizations in Kashmir.¹² During the Obama administration talks on the Kashmir dispute continued to resolve the crisis between India and Pakistan. Obama appointed Richard Halbrook, a veteran diplomat, to bring India and Pakistan to dialogue over Kashmir conflict. However, India's strong lobby in Washington overshadowed the role of the US as a mediator on the Kashmir issue in the coming years. The Obama administration dismissed Pakistan's plea to resolve the Kashmir dispute in 2013.¹³

The Obama administration's role on the Kashmir issue was relegated to the margin. Similarly, the Trump administration was unwilling initially towards Pakistan. However, during Prime Minister Imran Khan visit to the US, while meeting with President Trump, the latter expressed to restore the US role on the Kashmir conflict as a mediator. When President Trump was asked about its administration's role on Kashmir began on July 22, 2019, with the Pakistani Prime Minister, he replied that Modi has had asked him to play the role of mediator.¹⁴

US Mediatory Role from President Truman to President Reagan

Truman administration was the first one to act in good faith for the resolution of Kashmir conflict. Both US President Truman and British Prime Minister Clement Atle asked Indian Prime Minister Nehru to accept arbitration and break the impasse on the plebiscite in August 1949. US President Truman and Secretary of State Dean Acheson continued its pressure on India when Nehru visited Washington in October 1949 on the issue of Kashmir. Before Nehru visited the US, Acheson met Indian Ambassador to the US, Vijay Lakshmi, on January 9, 1949, to accept the UN proposal. To these steps of the US mediatory role, India viewed it biased against New Delhi and in favor of Pakistan. Truman administration and officials in the UN disappointed by India's unwillingness. Within this context, the stalemate continued to the next administration of US President Eisenhower.¹⁵

Eisenhower's administration (1953-1961) also supported the idea of plebiscite or the partition of Kashmir. The US while using its good offices sent the head of Ford Foundation, Paul Hoffman, to break the impasse between India and Pakistan in 1953. John Foster Dulles, the Secretary of State, also visited Karachi and New Delhi to agree with Nehru and Pakistani Prime Minister Muhammad Ali Bogra on the partition of state. Pakistan was not willing to accept the partition of Kashmir and favored plebiscite, while Nehru was willing on the independence of Kashmir. Nehru agreed to name a plebiscite administrator by 1954. US good offices brought both Pakistan and India to agree for plebiscite in Kashmir, however, when Pakistan preferred an American plebiscite administrator, it was refused by Nehru. US defense ties with Pakistan were objected by India to forcefully accede Kashmir and, thus, foreclosed the prospects of plebiscite in the future. The US continued mediation to resolve the conflict and passed a Pakistan-sponsored resolution in the United Nations Security Council (UNSC), however, it was vetoed by the former Soviet Union in 1957. President Eisenhower visited India in 1959 to convince Nehru but his good offices did not break the stalemate.¹⁶

During the Kennedy administration (1961-1963), the US meditation continued to resolve the conflict. President Kennedy sent Walt Rostow in 1963 to bring India and Pakistan on the negotiation table¹⁷ but his administration was too shy or frightened to influence India. Although President Kennedy assured President Ayyub that he would try to talk to Nehru during his visit to the US the same year, however, Nehru's visit turned out to be a disastrous both for India and the US on the issues of Gao, Vietnam and nuclear tests. Despite the uncooperative attitude of Nehru with Kennedy, both India and the US had to cooperate due to the fear of China.¹⁸

On the other side, the rift began in US-Pakistan relations due to the US supply of arms to India. Kennedy tried not losing the alliance with Pakistan and, therefore, sent a mission under the Assistant Secretary of State, W. Averell Harriman, in cooperation with a British delegation of Commonwealth Secretary, Duncan Sandys. The mission was given the task to make India and Pakistan agree on resolving the Kashmir issue.¹⁹ Despite the US' moderator role, India took an increasingly hardline to integrate Kashmir into India. India went to change Article 370 of its constitution to integrate

Kashmir.²⁰ US willingness to make India and Pakistan agree remained open for discussion during the newly elected President Lyndon B. Johnson era (1963-1969).

The US role as a conflict resolver favoring the UN resolutions and Pakistan's plea for plebiscite vanished at the peak of the Indo-Pak War (1965). The Economic Times has disclosed declassified documents of the Johnson era in August 2015 that Washington supported Delhi's stand that there should be no plebiscite in Kashmir. The US Ambassador to Pakistan, Walter Petrik McNaught, met President Ayyub and Johnson administration made efforts to make India and Pakistan agreed on a ceasefire.²¹ During the Vietnam war, the mediatory role between Pakistan and India was managed by the former Soviet Union due to the US growing commitments. The US did not seek to involve in the conflict resolution of Kashmir²² and its mediatory role in the coming years was becoming dormant.

US President Richard Nixon (1969-1974) although had close relations with Pakistan, however, Kissinger's client state philosophy caused Nixon to understand the nuances of Kashmir dispute.²³ The Anderson Papers has shown on the other side that Richard Nixon's tilt to Pakistan was symbolic. The Nixon policy was not to support Pakistan against India but only seem to be supportive of Pakistan so as not to lose credibility with the Chinese.²⁴ The issue of Kashmir was placed into the backburner. Both the US and Pakistan focused to oppose the former Soviet Union intervention in Afghanistan in 1979.

Subsequently, the Soviet invasion of Afghanistan took away the attention of the US from Kashmir conflict resolution to oust the former from Afghanistan. Pakistan, the US and Saudi Arabia supported the Afghan resistance against the Soviets. CIA openly recruited people from Egypt, Saudi Arabia, Sudan and Algeria. The US and its allies radicalized the locals and thousands of *Mujahideen* emerged in the region.²⁵ They were named 'Holy Warriors'. These warriors after defeating the Soviets in Afghanistan have turned to a captured large swath of Afghanistan and established the Taliban regime later in 1996. Along with the Afghan conflict, the Kashmiri freedom fighters also reported as anti-Indian rebellion in 1988. India started blaming the eruption of insurgency on Pakistan.²⁶ The role of US at that time was completely different as a mediator due to the lack of core interests in Pakistan.

US Mediatory Role in the Post-Cold War Era

The US reaction towards the conflict in the post-Cold War era was based on giving importance to the rights of Kashmiri people. In the early 1990s, a mass uprising in Kashmir brought the attention of the US back to the conflict. In March 1990, the US Secretary of State for Near East and South Asia urged India and Pakistan to settle the Kashmir dispute according to the Shimla Agreement and later US Ambassador to Pakistan, Robert Oakley, asked both countries to consider the needs of people of Kashmir. Observing the situation between Pakistan and India, the first Bush administration sent its National Security Advisor, Robert M. Gates, to Islamabad and New Delhi to reduce India and Pakistan tension. Senator Alan Cranston also visited both capitals and warned that war would prove catastrophic and it would not resolve

the Kashmir conflict. Consequently, the Gates mission thinned the war cloud between India and Pakistan.²⁷

The first administration of President Clinton (1993-2001) considered the rights of Kashmiri people and inclined towards a peaceful resolution of this intractable dispute. Clinton and his team noted the human rights violation and gave messages to India about its brutality. US President himself told the UNGA during the annual session that “as we marvel at this era's promise of new peace, we must also recognize the serious threats that remain.”²⁸ He observed bloody ethnic, religious and civil wars rage from Angola, Caucasus to Kashmir. Referring to the Indian criticism, Robin Raphael, the head of the South Asian Bureau, not only defended President's comments but also went a step ahead, saying: “It was meant to say, we see Kashmir on radar screen along with Yugoslavia and Somalia and lots of other places in the former Soviet Union, Georgia, where there is a civil conflict going on. We cannot easily overlook it, and there is a message in that.”²⁹ The US was observing closely the situation inside Kashmir. Robin Raphael revealed the US concerns regarding deaths in custody, extra-judicial killings, encounter killings and making people disappear. Raphael further said that Kashmir is a disputed territory and denied the instrument of accession.³⁰

During the second term of the Clinton administration, US diplomacy was changing in many ways on the Kashmir issue. For example, India and Pakistan increasing dependency on nuclear weapons, the eruption of Kargil War, India's liberalization of its economy and the rising power of China in Asia. Within this context, the US foreign policy began to change, for instance, India was given more importance at the strategic, political, economic, social and diplomatic levels.³¹ Secondly, the eruption of Kargil conflict between two nuclear powers, India and Pakistan, set out the alarm bells in Washington. India was gaining success in its diplomacy and turned Washington in its favor. India reacted with the use of military force against the Kashmiri freedom fighters in Kashmir. New Delhi labeled Kashmiri freedom fighters as insurgents and terrorists to the US and it became a turning point in Indo-US relations after the 9/11 incident.

When George W. Bush became US President, he used to deescalate the tension between the two rival states in the region. The Bush administration did not focus on playing the role as a mediator. By that time, the Bush administration urged India and Pakistan to resolve the issue of Kashmir bilaterally as suggested by the 1972-Shimla Accord. The Bush administration put its efforts to normalize the India-Pakistan relations rather than to mediate a dialogue between the two neighbors.³²

US Mediatory Role in the Post-9/11 Era

The US considered India to contain China as a strategic rival, therefore, Indo-US relations were improving and the gap in Pak-US relations was widening. While Indo-US relations were warming, many types of bloody episodes took place in Kashmir, such as the one on October 1, 2001. This event killed 38 people in Srinagar. India put the responsibility for this attack on Pakistan. This event followed by cross-border artillery duels. Meanwhile, another bloody event took place when the Indian Parliament House

was attacked on December 13, leaving 14 dead. These events and others brought both states face to face by deploying their troops on borders. India's deployment was aimed to induce the US to urge Islamabad to stop insurgency in Kashmir.³³ Washington agreed with India, consequently, the Bush administration began trusting India and India's strong influence on the Bush administration weakened the US role as a mediator on one hand, and on the other, its own national interests in the region.

The reaction of the Obama administration towards Kashmir was one of its options releasing tensions in South Asia.³⁴ President Obama assured that Washington would provide a peaceful resolution of Kashmir.³⁵ The US policymakers did try to advance a solution of Kashmir issue to bring peace to South Asia but as Bruce Riedel, Advisor to former US President, noted that American diplomats learned from years of failure that Kashmir was too difficult to deal with and, therefore, best ignored.³⁶ Obama showed commitments towards the Kashmir issue considering it as a critical task in 2008. His visit to India changed the US policy to please India. Obama expressed that the US would not intervene in Kashmir and support India's seat in the UNSC. However, President Obama ignored the human rights abuses committed by Indian occupied forces in Kashmir.³⁷

US Mediation during the Trump Administration

Donald Trump succeeded Obama as the 45th President of the US on January 20, 2017. The new President reshaped the goals of foreign policy at the domestic and international levels. President Trump, in its initial years, overlooked the situation despite increasing violence in the Kashmir valley. Observing the violent situation in Kashmir, the Trump administration issued an advisory to its citizens cautioned them against travelling to Jammu and Kashmir.³⁸ On the other hand, Pakistan's trusted friend, China, reacted through its Ambassador, Luo Zhuhai, to India and suggested trilateral cooperation between India, China and Pakistan under the aegis of the Shanghai Cooperation Organization (SCO) to the Trump administration in June 2018; however, the US administration appeared to be dismissive of a third-party role in resolving the Kashmir dispute. A State Department spokesperson reiterated: "Our policy on Kashmir has not changed. We believe the pace, scope and character of any discussion on Kashmir are for the two sides to determine."³⁹

In June 2018, the UN High Commissioner for Human Rights reported serious abuses in Indian occupied Kashmir. The State Department spokesperson responded that "we are aware of the OHCHR report." Meanwhile, the US and Pakistan state-to-state official meetings were held when the Prime Minister of Pakistan, Imran Khan, and the US President Donald Trump met each other on July 22, 2019. President Trump reiterated the role of mediator and noted that the Kashmir dispute has remained unresolved for too long. The improvements in Pak-US relations, thus, increased anxiety in India.⁴⁰ On the other hand, India rejected third party intervention and declared that the Kashmir issue is a bilateral issue between Pakistan and India. New Delhi also denied Trump's claim that Modi had asked him to mediate in the dispute with Pakistan.⁴¹

Perhaps, India was worried due to the growing influence of Pakistan in Afghanistan's peace process, Washington's decision to resume repair and refurbishing F-16 fighter jets and the suggestion of General Milly, head of US armed forces, to make strong ties with Pakistan. Within this context, India, by responding to Pak-US ties, sent additional 25,000 troops to Indian occupied Kashmir and stripped out the special status of Kashmir with the abrogation of Articles 370 and 35(A) of its constitution.⁴² Moreover, India increased its violent activities in the Kashmir valley by using cluster ammunition. The Geneva Conventions prohibit the use of cluster ammunition because of its severe impacts on the non-combatants. According to the International Committee of the Red Cross, "Cluster munitions kill and injure large numbers of civilians and cause long-lasting socio-economic problems. The 2008-Convention on Cluster Munitions prohibits the use, production, stockpiling and transfer of cluster munitions and requires states to ensure that they claim no further victims."⁴³

Despite India's increasing military activities in Kashmir as well as denial of the Trump's offer of mediation to resolve the Kashmir dispute, the US State Department supported to mediate in Kashmir dispute between India and Pakistan. US officials encouraged a constructive dialogue between Pakistan and India on the Kashmir issue.⁴⁴ Meanwhile, the tension between Pakistan and India escalated across the Line of Control (LoC). On August 5, 2019, the UN Secretary General, Antonio Guterres, appealed to Pakistan and India to exercise maximum restraint. On the other hand, the United Nations Military Observer Group in India and Pakistan (UNMOGIP) also highlighted an increase in military activity at the LoC since August 2019.⁴⁵

Conclusion

The US role as a mediator was active while containing Communism with the help of Pakistan as a strategic partner during the Cold War era. From Harry S. Truman to Senior George W. Bush, India was pressurized to resolve the Kashmir conflict with Pakistan. However, the US transformed its policy after the ousting of Soviet forces from Afghanistan and improved its relation with India. In the post-Cold War era, the collapse of Communism changed the strategic dynamics of the US policy towards India and Pakistan. In the changed policy of the US, India became strategically important to balance out China's rising power in the Indo-Pacific region. From President Clinton to the initial years of President Trump, the US mediating role was relegated to the margins and sidelined due to the pro-India lobby. However, Pakistan's role to protect US security interests in South Asia has made willing the Trump administration to use mediation as a political tool. It has given Pakistan a hope to internationalize the Kashmir dispute while India has reacted to it with criticism towards Washington. In 2019, the Trump-Imran meeting made the US realized its war strategy failing in Afghanistan to secure its security interests, therefore, President Trump offered its mediating role in India-Pakistan conflict. Consequently, Pakistan's geostrategic and geopolitical position in South Asia has changed the US mantra of mediation and finally, the US foreign policy itself has featured a strategic tit-for-tat both in the long-run as well as in the short-run that has impacted the peaceful resolution of Kashmir conflict between India and Pakistan.

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