

THE PEACE PROCESS: THE ROLE OF EXTERNAL POWERS?

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History of the Dispute

The future of the state of Jammu and Kashmir has been a highly contentious issue between India and Pakistan from the very time these two states gained their independence. And, since then this issue has continued to cast a shadow over the South Asian region.

It would be recalled that it was Delhi that sent its troops to Jammu and Kashmir, ostensibly after the Ruler of the state (Maharaja Hari Singh) signed an Instrument of Accession with India in October 1947. In reaction to this development, thousands of Pakistani tribesmen marched into the state. At this point, India decided to take the issue before the UN Security Council, alleging that Pakistan had instigated the tribes from its North Western Frontier Province to invade the territory and that Pakistan's involvement in Kashmir posed a serious threat to international peace.

The UNSC's overwhelming membership however questioned the legality of the so-called Instrument of Accession and seriously doubted India's allegations against Pakistan. In a series of developments thereafter, the UN came to the conclusion that the only legal and moral way out of the impasse was to arrange for a plebiscite to ascertain the wishes of the Kashmiri people. The plebiscite, however, could never take place as successive UN initiatives were not acceptable to India, which feared that its occupation of the territory had created amongst the local people, deep animosity and hostility towards her. Incidentally, Pakistan was successful in broadening the dispute to include the entire gamut of Indo-Pakistan relations. Against India's objection, the Jammu and Kashmir question became the Indo-Pakistan question. India chose to ignore the UN resolutions and refused to have any dealings with

Pakistan's diplomatic stand that it was a territorial dispute between the two states. Thereafter, Pakistan based its policy primarily on the need to honour the UNSC resolutions.

The situation in Kashmir stabilized somewhat during the early 1950s when India and Pakistan consolidated their positions in those parts that they had occupied. Delhi continued to reiterate that it was agreeable to a plebiscite in the occupied territory, but on the condition that this could take place only after the situation had normalized. Simultaneously, the Indian Government continued to take measures to ensure structural and political integration of Kashmir into India and allowed the local government to engage in highly corrupt practices, while unleashing a policy of terror against the local population.

Relations between India and Pakistan witnessed marginal improvement in 1953 and negotiations on the Kashmir dispute were conducted between the leaders of the two countries in July and August of that year. Both sides agreed that a plebiscite was the best solution, but they could not decide how this was to be accomplished.

These negotiations were however suddenly broken by India, when Pakistan entered into an alliance with the US. Delhi claimed that this agreement had brought about a fundamental change on the ground and, therefore, India was within its right to end its cooperation with the UN, on this subject.

In 1957, the UN decided to involve itself once again in the Kashmir dispute. The Security Council passed a resolution on January 19, 1957 stating that the dispute should be resolved through a plebiscite. The resolution was rejected by Nehru, who had already declared that it was no longer practical to hold such a plebiscite, in view of the fact that Pakistan had entered into a military alliance with the US. Though the UN made two more attempts to resolve the problem, one by Gunnar Jarring and another by Dr. Frank Graham, Delhi insisted that the Kashmir issue was non-existent, because the area's accession to India was a closed issue. Thereafter, the world community began to lose interest in the issue, especially when it

realised that India would frustrate all attempts to secure a negotiated settlement of the dispute.

The Soviet Role

By 1965, President Ayub Khan had become concerned with India's efforts to integrate Kashmir into the Union and also alarmed over the massive supplies of sophisticated arms to India from the Soviet Union, the U.S and the UK, in the wake of its defeat at the hands of the Chinese in 1962. This led him to the conclusion that Pakistan had only a small window of opportunity to take Kashmir by force, before India would become much too strong. A plan was, therefore, formulated to first try to engineer a local uprising in the occupied areas through Pakistani infiltrators, to be followed by the Pakistan army launching a direct attack on Kashmir. The Indians not only put up a stiff resistance, but launched an attack across international frontiers on Pakistan itself, resulting in the war quickly turning into a stalemate. The Johnson Administration immediately imposed an arms embargo on both Pakistan and India, but it was the former that suffered much more, as it was totally dependent on American supplies. To the surprise of many, the Soviet leadership decided to adopt a neutral stand and offered its good offices for a peaceful settlement of the dispute. It invited leaders of the two countries to Tashkent, where the Soviets sought to mediate between the two South Asian rivals. At Soviet urgings, the two leaders agreed to promote understanding and friendly relations in accordance with the UN Charter, and a total pull-out of troops to their pre-war positions. Resultantly, Russia emerged as a peace maker, while the US was preoccupied in the Vietnam War.

Kashmir hardly figured in the Indo-Pakistan war in 1971, during the course of which Pakistan lost its eastern wing. Thereafter, Pakistan's new leader, Mr. Zulfikar Ali Bhutto, traveled to Simla to negotiate with the triumphant Indian Prime Minister, not only for the return of over 90,000 Pakistani troops that had been taken prisoners by the Indian Forces in East Pakistan, but also for the withdrawal of Indian forces from territories occupied in Pakistan. The resultant agreement known as the Simla Accord continues to provide the basic framework for relations between the

two countries. The international community was relieved when the Simla Accord was signed, as it felt that the two countries would now try to resolve the issue bilaterally.

Thereafter, the issue of Jammu and Kashmir hardly figured in Indo-Pakistan dialogue during the leaderships of Prime Minister Bhutto or President Zia-ul-Haq. The first remained engaged in consolidating his power and introducing major domestic reforms, while the latter was totally pre-occupied with the Soviet presence in Afghanistan. It was only around 1988, that Kashmir once again began to occupy centre stage, when Indian atrocities, coupled with massive corruption and inefficiency of the state government, led to an indigenous uprising among the Kashmiri youth. Delhi, on the other hand, charged Pakistan with having aided and abetted an insurgency that assumed serious proportions for the occupying forces.

Pakistan sought to internationalize the issue, by means of a massive media campaign, that focused on the violations of the human rights of the Kashmiris by the Indian forces. Prominent journalists and human right activists were encouraged to travel to Azad Kashmir and talk to the refugees. At the same time, Pakistan intensified efforts to place the dispute before international organizations, such as the NAM, OIC and Commonwealth. At Pakistan's urgings, UN Secretary General Butros Ghali offered to mediate in the dispute, provided he was requested to do so by both India and Pakistan.

However, after the nuclear tests by both India and Pakistan, the Russian Foreign Minister extended a 3-point proposal, including the P-5 mediation on Kashmir. The Indians were upset at this development, as the Russian statement was viewed as a deviation from traditional Russian policy on Kashmir that advocated its resolution in accordance with the Simla Accord.

The US Role

In the initial years, the US paid little attention to South Asia. Washington had good relations with both the new States and sought to deal with the Kashmir dispute through the UN system, viewing

to take up this issue with the Indian government. The other side of this problem related to acts of terrorism, specially when Pakistani nationals and other Muslims were suspected of involvement in the insurgency, in response to calls for Jihad by Islamist groups. Washington threatened to add Pakistan to the list of states that sponsored terrorism, and, in fact, identified the Harakat-ul-Mujahidin (HUM) as an official terrorist organization, based in Pakistan. Subsequently, the State Department's 2000 Human Rights Report also held the Indian security forces responsible for "significant human rights abuses" in Jammu and Kashmir.

It was not till 1998 when India, followed by Pakistan, carried out the nuclear tests that this unexpected development caused serious concern in major world capitals, which feared that the bitter rivalry between the two South Asian neighbours would now assume a far more serious character. The U.S., U.K., Japan and others imposed economic sanctions, while the UNSC deplored the tests and urged both countries to refrain from further tests. The U.S. Secretary of State, Madeliene Albright, stated that "the U.S. was re-examining the underlined political problems between India and Pakistan, including Kashmir." In the meanwhile, most Pakistani leaders sought to shift the focus from the nuclear issue to the Kashmir issue, with Prime Minister Nawaz Sharif taking the initiative to invite the Indian Prime Minister to Lahore. Their meeting resulted in the Lahore Declaration of February 1999, in which they gave their solemn assurance that they would seek to resolve their differences and strive to normalize their relations. This helped somewhat calm the frayed nerves. However, the nuclearisation of the region also led the Clinton Administration to state that the Kashmir issue would have to take a back seat, while the primary focus would have to be on the need to defeat terrorism and eliminate the new and dangerous environment created by the nuclear tests in the region, in which there was no room for use of force to change the status quo. Senior Administration officials were not averse to claiming that since New Delhi would not give up control of Indian occupied Kashmir unless compelled by force, the US had no other option but to support the continuation of the status quo, even though it admitted that this amounted to favouring India.

This position became even more pronounced a few months later, when the Pakistan Army carried out the "Kargil operation", in the expectation that its ingress into a strategic area would, among other things, prompt the US to intervene to cool down the "nuclear flash point". To Islamabad's surprise, Washington's reaction was sharply critical, with the Clinton Administration making it clear, both publicly and through diplomatic demarches, that Pakistan's action was "foolish, dangerous and counter-productive." An immediate end to the conflict and respect for the Line of Control in Kashmir was demanded by the Administration. This was reiterated during Prime Minister Nawaz Sharif's hurriedly arranged meeting with President Clinton in Washington on July 4, 1999. The President made it clear that unless Pakistan agreed to pull its troops back, the US would not be able to prevent the expansion of the conflict into a wider conflagration. Sharif was also told that the Kashmir operation was an "irresponsible and dangerous action" that could lead to nuclear war in the region, especially as the U.S. claimed to have credible reports to the effect that the Pakistan Army was activating its nuclear arsenal for possible deployment, without the knowledge or approval of the civilian leadership. In the joint statement issued on that day, the two leaders agreed that it was "vital for the peace of Asia that the Line of Control be respected by both parties". As a sop to the Pakistani leader, Clinton stated that he would take a "personal interest" in encouraging the resumption of the dialogue initiated in Lahore, but made it conditional that this would take place "once the sanctity of the Line of Control had been fully restored".

This stance then became the Clinton Administration's policy on Kashmir, for it was echoed in Clinton's television interview during his visit to Delhi in March 2000. He not only reiterated US opposition to violence particularly within Kashmir, but called upon both India and Pakistan to respect the LoC. Though he warned against the use of force by the Indians to suppress Kashmiris, who Clinton admitted, deserved to have their concerns addressed "on the merits", he dismissed the idea of a plebiscite in the State and spoke of his interest in "some process by which the Kashmiris' legitimate grievances are addressed". He also implied that this process should take place within India. Clinton maintained the same position in a televised address during his brief stop over in Islamabad on his way

back, when he left no room for any doubt as to how he viewed Pakistan's Kashmir policy. He warned that "this era does not reward people who struggle in vain to redraw borders in blood". Pakistan must face the stark truth and warned: "There is no military solution to Kashmir; international sympathy or support for intervention cannot be won by provoking a bigger bloodier conflict." On the contrary "sympathy and support will be lost". He also dismissed entreaties for an American role by affirming that "we cannot and will not mediate or resolve the dispute in Kashmir. Only you and India can do that, through dialogue". This was the most clear evidence of the new tilt towards India in US policy on South Asia.

This pro-India stance of the Clinton Administration became more pronounced during Prime Minister Vajpayee's return visit to Washington a few months later, when it became evident that the American President wished to focus on building a strong, long-term relationship with India. This change in Washington's policy can be ascribed to the end of the Cold War, which brought an end to US-India friction; to opening of India's largely autarkic economy to foreign private trade and investment; and the increasing role in US public life of the educated and well-to-do Indian émigrés. Notwithstanding American concerns over India's nuclear proliferation policy, the Clinton Administration established an institutional framework designed to further enhance relations with India. This relationship has, of course, seen a remarkable growth in recent months, with both sides describing it as "strategic". Moreover, the Bush Administration shifted the focus to the alleged terrorist activities in the occupied territory, when it called for an end to direct and indirect aid and assistance, allegedly being provided by Pakistan government agencies, political parties and private groups.

India as the status quo power wants to keep all foreign influences out of the area. It has therefore consistently opposed any role for the US or any other external actor in the issue of Kashmir. President Bush began by maintaining his predecessor's position, while at the same time, urging New Delhi to initiate meaningful dialogue with Pakistan. In private, the Administration also made it clear that it favoured transforming the Line of Control to become the

international boundary. To this end, it regularly urged "reality and pragmatism" on the Pakistanis. As regards India, the Bush Administration has tried to impress on Delhi the need to improve the human rights situation in the occupied territory, which should not be confined to mere improvement in the law and order situation, but must envisage necessary political changes to ensure the participation of the Kashmiri dissident groups in the Indian electoral processes.

It would thus be seen that there has been a gradual but perceptible shift over the years in the American position on Kashmir. While in earlier years, the Administration favoured the multilateral approach (UN mediation), there was a shift towards the bilateral track after the 1972 Simla Agreement and then towards the perception of the dispute as a "trilateral problem". Increasingly, the US State Department has come round to the position that the least worse solution may be to formalize the UN monitored 1948 ceasefire line, also referred to as the Line of Control, as the international boundary between India and Pakistan.

While the Kargil episode brought the US back into South Asia; first the Clinton Administration, and then the Bush Administration had already begun to see India as a rising Asian power. The war on terrorism transformed US perspective on South Asia, and Pakistan became a front line state in the war on terrorism, "not only for the war in Afghanistan, but for the evolution of Pakistan or the deterioration of Pakistan into a state which was itself the source of international terror" (Stephen Cohen). However, American diplomatic pressure on India and Pakistan became more pronounced after the attack on the Indian Parliament on December 13, 2001, as the Administration feared that the Indo-Pakistan military confrontation could spiral into a nuclear confrontation, which, in turn, could have a long term adverse impact on the campaign against international terrorism. It was in this scenario that the Bush Administration decided to involve itself in the sub-continental political situation. But this was "involvement" and not "intervention", because it was confined to expressions of American concern and diplomatic counsel on both countries to initiate steps to, first defuse tensions; second to facilitate negotiations, third to forge a solution; and finally, to assist in the pursuit of such a solution.

Moreover, the Americans refrained from intervention not only because of their own political calculations, but also because of Indian opposition to third party intervention in the Kashmir issue.

We see that while India publicly exhibited strong aversion to any “third party” (including the UN) role in its dispute over Kashmir, Delhi welcomed any available outside assistance in favourably ending Indo-Pakistan wars in 1965 and 1971, and even in preventing the outbreak of full fledged conventional wars, on other occasions, such as the Kargil conflict in early 1999. The Americans, as well as other major powers, feared that notwithstanding Delhi’s public statements on not using force across the LoC, the potential for escalation into a full-scale conventional war and even of the risk of inadvertent nuclear escalation was real.

This was followed by the American involvement in defusing a major confrontation that developed between India and Pakistan, after the alleged attack by Pakistan-based terrorists on the Indian Parliament on 13 December 2001. As part of its coercive diplomacy against Pakistan, Delhi launched “Operation Parakram” on 19 December 2001. This largest ever mobilization of Indian armed forces on the borders led to a powerful response from Pakistan. Nearly one million armed personnel were deployed across the India-Pakistan borders. Not only was there a high risk of a break-out of a conventional war, the major powers feared that this could soon escalate into nuclear war – either by misperception or miscalculation. On 2 March, 2002, George Tenet, the CIA Chief warned the Senate Armed Services Committee that the chances of a war in the region were the highest since 1971. In particular, India’s threat to use force across the LoC – whose sanctity India had repeatedly affirmed during the Kargil conflict – deeply alarmed policy makers in major world capitals. While Delhi wanted Pakistan to offer cast-iron guarantees that it would end cross-border infiltration into Indian occupied Kashmir, Pakistan wanted the US to use its influence with Delhi to restrain her from military action.

U.S Secretary of State Powell and the British Foreign Secretary Straw worked closely to ease the tension, by urging

President Musharraf to take action on the ground to counter cross-border "terrorism" originating from Pakistan administered Kashmir, while pressing India to exercise restraint and prevent its armed forces from using force across the LoC. Straw expressed his concern over the "dangerous situation" in the region, pointing out that both countries have "nuclear weapons and one of them – Pakistan – has said they reserve the right to use them first". This led to the issue of travel advisories by the major Western powers and the massive exodus of all foreigners. On June 6, U.S. Deputy Secretary Richard Armitage met with President Musharraf and was able to obtain a commitment that he would end cross-border infiltration "permanently". Delhi welcomed this pledge and within days, it appeared that there was a definite thaw in Indo-Pakistan tensions. The American and British leaders congratulated themselves on having played a successful role in bringing an end to the ten-month long border confrontation. Incidentally, in May, 2004, Secretary of State Colin Powell confirmed that he and other major world leaders had worked closely to defuse the situation when India and Pakistan had mobilised their armies some two years before.

The next occasion for American involvement came during the 12th SAARC Summit in Islamabad in January 2004. On the sidelines of the Summit, the leaders of India and Pakistan agreed to resume official level dialogue, after a three-year hiatus. The statement of Jan. 6, 2004 also noted that New Delhi agreed to settle Kashmir "to the satisfaction of both sides" and that Islamabad would not permit "any territory under Pakistan's control to be used to support terrorism in any manner". While both Delhi and Islamabad had a strong interest in reaching an accord during the SAARC Summit, American officials claimed, with some degree of accuracy, that they had played an important role in convincing the two leaderships to resume their dialogue.

In the post 11 September security environment, US relations with both Delhi and Islamabad have improved considerably. It considers both as friends and allies and is engaged in wide-ranging cooperation with them. While its relationship with Delhi can be characterized as broad-based and even "strategic" US relationship with Islamabad too, is fairly comprehensive. In October 2003, an

American Independent Task Force on South Asia, urged Congress and the Administration to make the region a high foreign policy priority. It warned that if this did not take place, the US could face crises in the region that would pose major threats to American national security. Nevertheless, Delhi remains unwilling to accept an American-sponsored resolution of the Kashmir dispute, claiming that this remains a bilateral issue, as stated in the Simla Agreement. In an interview with *India Today* in January 2004, Vajpayee clearly indicated this when he stated that the US had been making genuine efforts to promote peace in the sub-continent “as friend, not mediator”.

China's Role

China may have always taken a low key approach to the Kashmir problem, but has, nevertheless, taken a keen interest in the issue, understandably so, as Kashmir has great geographical, historic and even strategic relevance to China.

During the 1950s, when China and India enjoyed a short-lived honey moon, China's basic position on Kashmir was of “no involvement” and “doing justice” approach, advocating the necessity of bilaterally addressing the Kashmir dispute, without any extra-regional interference. Notwithstanding this “no involvement” policy, Premier Zhou Enlai politely, but firmly, declined Prime Minister Nehru's invitation to visit Srinagar and refused to comment on the issue in favour of India.

It was however the 1962 Sino-Indian border war that brought about a major change in Beijing's appreciation of its strategic interests in the region. A perceptible transformation in China's policy towards the entire region in general and towards Kashmir, in particular, could be discerned. Islamabad's public initiative to strengthen ties to Beijing, and in particular, the signing of the border agreement with China in 1963, was a major development that cemented Sino-Pak relations. On Kashmir, however, China maintained a cautious attitude as evident from the fact that it insisted that the Sino-Pak border agreement would be provisional and subject to adjustment upon a final settlement of the Kashmir issue.

During the 1965 war, Beijing expressed its full solidarity with Pakistan and endorsed Islamabad's claim to Kashmir, when it began to advocate that the issue should be decided through a UN supervised plebiscite.

Sino-Indian relations witnessed a thaw in the late eighties. But the change in China's policy towards the region became visible in the mid 1990s, especially during the course of high profile exchange of visits and understandings on a number of confidence building measures. Resultantly, China began to play down the significance of the UN resolutions on Kashmir, while shifting its emphasis to finding a resolution of the problem through bilateral negotiations, based on the Simla Accord. Beijing also urged both Delhi and Islamabad to work together on the easier and less contentious problems in their bilateral relations, before tackling the issue of Kashmir. Accordingly, China has welcomed the current "normalization" process between India and Pakistan. It has also endorsed and publicly acclaimed Islamabad's role in the international war on terror. In particular, Islamabad's efforts to curb activities of religious groups, which were alleged to be stirring up discontent in China's Xingiang Province (China's only Muslim majority province), has been lauded by Beijing.

China's emphasis on the settlement of all disputes between Pakistan and India through bilateral negotiations is also ascribed to Beijing's concern at growing US presence in South Asia and Washington's close cooperation with Islamabad, on a number of sensitive issues. In China's view, enhanced influence for any extra-regional power in South Asia will not have a positive impact on the region. Beijing has also indicated that any initiative taken by India and Pakistan, at the urging of or at the behest of a foreign power, cannot produce a genuine commitment to peace by these two countries. Therefore, any agreement should be home-grown and at the initiative of the parties involved. In fact, some Chinese scholars have gone to the extent of expressing their unhappiness with media reports to the effect that the US Administration, and in particular the Pentagon, has drawn up what is referred to as the proposed "road map" of the South Asian peace process, which highlights increasing American involvement in the regional scenario. While the

authenticity of these documents is not yet known, Beijing would not look upon this development with favour.

EU's Role in the Kashmir Issue

The EU recognizes the Kashmir dispute as an international problem, but advocates bilateral dialogue between India and Pakistan for its resolution. In the past, the EU has expressed its concern at human rights violations in Indian Held Kashmir, but at the same time, called for a halt to terrorist activities and "cross-border interference". It has also been stressing the need for access to IHK for international human rights organizations and NGOs, and for the relevant Special Rapporteurs of the Commission on Human Rights. However, the EU is reluctant to offer mediation because of Indian objection to third party involvement, even though since 1992, Jammu & Kashmir has been referred to in EU pronouncements as a "conflict", question, or "issue".

The EU Parliament adopted a resolution in October 2001 asking the Council and Commission to offer their services as an honest broker to resolve the Kashmir "dispute" - the first time such a call was made. During 2002, the European CFSP statements urged both Pakistan and India to de-escalate tensions and resume dialogue. The Council also expressed its readiness to work with India and Pakistan, and with others in the international community to defuse the continuing crisis between the two countries, and to encourage efforts to settle their differences through bilateral dialogue.

The Joint Statement issued at the end of the Fourth EU-India Summit, held in The Hague on 8 November 2004 "welcomes the positive evolution of the relationship between India and Pakistan," and expressed hope for "its consolidation through the on-going "composite dialogue in an atmosphere free from the menace of terrorism and violence." Earlier, a delegation of the European Parliament's Adhoc Delegation on Kashmir, led by John Cushnahan, went on a "Fact Finding Mission" to Pakistan and AJK, from 7-11 December 2003. During the visit, apart from calling on the Pakistani leadership, it visited Muzaffarabad and the Line of Control. The delegation also visited New Delhi and Srinagar in

June 2004. Thereafter, it issued a report which contained seven recommendations, which:-

- Called for the involvement of all three parties in the peace process.
- Repudiated unequivocally terrorism and violence.
- Appealed to India and Pakistan to ensure that their dialogue must be meaningful and have real substance.
- Recommended a conference of academics and experts from the three parties and the EU to examine options for conflict resolution.
- Called for cross-border bodies on various issues such as terrorism and environment.
- Called upon India to reconsider its position on UNMOGIP to enable it to properly carry out its UN mandate.
- Called upon the Foreign Affairs Committee of the EU Parliament to appoint a Standing Rapporteur on Kashmir.

The report was discussed in Parliament's Foreign Affairs Committee in July and November, when it decided to drop the last recommendation, regarding the appointment of a Standing Rapporteur on Kashmir. Later, on 30 March 2005, the EU Parliament in its Report on Human Rights in the World, while expressing its concern over reports of human rights abuses in the Kashmir region by members of the Indian military and police forces, also strongly condemned all acts of terrorism and violence throughout the region, and noted the responsibility of Pakistan in this regard. It also insisted on full and open access to media and human rights organizations to the Kashmir region.

Prospects

Having gone through a brief rendition of the interest and involvement of the Great Powers in the issue of Kashmir, we have a fairly good idea of how they view this problem. In such a scenario, what are the prospects of external powers playing a meaningful role in the resolution of the Kashmir problem and/or in the peace process between Pakistan and India?

The South Asian sub-continent, by virtue of its geo-strategic location, has been a major arena of super-power rivalry since the Second World War. Therefore, the dispute between India and Pakistan, though regional in nature, was exploited by the great powers for their own Cold War objectives. While Washington and Moscow vied with each other to gain a foot-hold in the region, not surprisingly, both India and Pakistan took advantage of super power rivalry to enhance their own national interests. This was all the more pronounced because of the blood-shed and bitterness that had marked the birth of the two countries and the subsequent Indian hostility towards Pakistan. The latter therefore, had no option but to forge special relations with the great powers; in particular, the United States, in order to make up for her shortcoming and weakness.

On the issue of Kashmir, there has always been some involvement of the major powers, either directly, or through the UN Security Council. In fact, political analysts can claim that there has always been a degree of foreign interest bordering on intervention, in the issue of Kashmir. They can point to the resolutions and reports of the UN, the EU and the OIC. They can also recall the initiative taken by the US and the UK (e.g. visits of Special Envoys Averil Harriman and Duncan Sandys), as well as to the combined initiative of the US and the Soviet Union during the 1962 Sino-Indian war and the 1965 and 1971 Indo-Pak wars, or even to President Clinton's role in defusing the tension caused during the Kargil episode, as evidence of foreign interest in the resolution of Indo-Pakistan differences.

It must however be noted that as the power in physical control of Kashmir, India is the status-quo power. Pakistan, because it is seeking to oust India (of course, by means of Kashmiri self-determination) is therefore the revisionist power, seeking to disturb the status-quo, either directly or with the help of outsiders. This is why India is keen to keep the issue within the context of India-Pakistan bilateral ties. Pakistan, on the other hand, wants third party mediation to resolve the issue. In fact, Islamabad has favoured an international role in the Kashmir dispute in the hope that "internationalisation" would provide a favourable resolution of the

Kashmir dispute. Even as late as last year, the Pakistan Foreign Ministry spokesman was stating that Pakistan favoured the involvement of foreign powers in the resolution of the Kashmir issue.

However, the world today is radically different from what it was a decade or so ago. The disintegration of the Soviet Union brought an end to the Cold War and a shift in the policies of the United States, Russia and China towards the region. Thereafter, we had the 9/11 episode that brought about a major transformation in the policies of all states and certainly in those of the major powers. Presently, very few countries are willing to support any attempt to change international frontiers or to disturb long settled arrangements, whether it be in Africa, South Asia, Russia or China. In fact, the concept of national liberation movements, that is recognized in various resolutions of the UN, is no longer acceptable to the major powers. Such actions are now bracketed as "terrorist movements" and accordingly crushed brutally by state agencies.

The Indian authorities have also consistently spurned the initiatives taken by many reputable non-governmental bodies such as the Kashmir Study Group and the Neemrana group, to promote a resolution of the Kashmir dispute. India's strength and influence helped stifle these initiatives. Since 9/11, India's "clout" has become stronger and therefore more rigid. Taking advantage of the new philosophy propagated by the Bush Administration, it has succeeded in reinforcing its claim that the Kashmir freedom struggle was akin to terrorism. It has even succeeded in getting the world to accept its propaganda that the movement was being sustained primarily by Pakistan's aid and assistance and even worse, that many of these "freedom fighters" were actually terrorists, trained and armed in terrorist camps in Pakistan. This has seriously damaged the credibility of the Kashmir freedom movement and undermined Pakistan's stand on the issue of Kashmir's liberation.

A somewhat positive development is the growing recognition in the US that while the US cannot play the role of a mediator, it can use its influence with both Delhi and Islamabad to continue encouraging them and occasionally, nudging them towards

a negotiated settlement of Kashmir. But will the increased US role in the “crisis management” aspect of the Kashmir dispute be extended to its formal involvement in the “conflict resolution”? This is highly unlikely even though on rare occasions, one may come across the views of people such as Robert Galluci, a veteran American diplomat (presently Dean at the Georgetown University), who in a seminar in April 2005, criticized the US policy in the Kashmir issue for being “episodic.” Galluci called upon the US “to work on a more rigorous and sustained way to prevent conflict through the resolution of the Kashmir dispute.” Other American academicians are of the view that the Administration should use its influence to push for the acceptance of the LoC as the frontier between India and Pakistan. In their view, the Indians are more likely to accept this, though publicly they may reject this option.

The Indian position, too, appears to have undergone somewhat of a transformation. India now accepts foreign and, in particular, American “involvement” in Kashmir, while remaining opposed to American “intervention”. Of course, It claims that this has been done only after the US made clear its opposition to and elimination of all kinds of terrorism by Pakistan and the affirmation by the US that international frontiers, whether formal or informal, would not be changed by non-peaceful means. The Indians also claim, with some justification, that the sanctity and legitimacy of the Line of Control in Jammu has been accepted by the US. But in formal settings, the Indians have emphasized that they want to keep the US out of the process. They have also urged the major powers not to act collectively but singly, and that their efforts should be in the bilateral framework and not in a multilateral context.

It must however be recognized that in the current global environment, there is a little likelihood of a meaningful role for any foreign power on the issue of Kashmir. There is no sentiment in favour of such an option. Even close friends of Pakistan are of the view that it must continue its current dialogue process with India, because a peaceful, durable and sustainable resolution of this problem is possible only through the route of negotiations. Further, they caution that any foreign involvement in the issue would only complicate an already complex problem, further exacerbating

relations between the two South Asian rivals. Pakistan, too, appears to have reconciled itself to this reality as is evident from its current emphasis on pursuing the “composite dialogue” format, to resolve all its differences with its neighbour, including the issue of Kashmir which it no longer insists on referring to as the “core issue”. The readiness with which Islamabad has embraced major Confidence Building Measures (CBMs) with India is also indicative of an important policy shift, in which tension and hostility is being gradually replaced by normalcy and cordiality. In these circumstances, the maximum that Pakistan can hope for is to ask friendly powers to maintain their interest in the issue and to use their influence with Delhi to encourage it to adopt a reasonable attitude in the course of negotiations. But Pakistan must refrain from showing an “inelegant haste” in reaching a settlement on the issue of Kashmir. Such an eagerness will inevitably weaken our negotiating position and lead us to compromises that we may well come to regret at a later date.

During October 2005, a disastrous earthquake struck Pakistan’s northern areas and large parts of the State of Jammu & Kashmir. This unprecedented calamity not only impacted on the physical topography of the land, but appears to have affected profoundly the thinking of people in the disputed territory as well. This, in turn, has influenced the policies of all the three parties to the dispute – Pakistan, India and the Kashmiris.

The disaster gave rise to a feeling on both sides of the LoC, that the earthquake had exposed both governments’ inability and inadequacy (on both sides of the LoC), to extend the kind of help and assistance that the people were in desperate need of. This perception further encouraged the sentiments of disappointment and even some alienation in large sections of the thinking public in Kashmir, on both sides of the LoC. It was in response to these pressures, that both New Delhi and Islamabad were constrained to agree to new Confidence Building Measures that included opening of additional entry points on the LoC, so as to permit the divided families to engage with their kith and kin, in the relief and rehabilitation work in the affected areas.

The earthquake also injected a new vigour and resolve in the Kashmiri leadership to become an essential element in any negotiations relating to the future dispensation of the disputed territory. Prominent politicians on both sides of the LoC, made it clear that they would not be satisfied with being merely consulted; they wanted to be active participants in any negotiations between India and Pakistan, on the issue of Kashmir.

Mir Waiz Umar Farooq, the young and articulate leader of the APHC was also encouraged by these developments to introduce the concept of a "United States of Kashmir", at a seminar in New Delhi on November 16. While refraining from giving out details, he explained that his concept of a "United States of Kashmir" envisages de-militarization by both India and Pakistan, ceasefire by the militants and consensus between all shades of Kashmiris for a negotiated settlement.

Incidentally, this proposal is similar to the conclusions reached by a US group known as the "Kashmir Study Group", which was established in 1996 and is headed by a Kashmiri-Indian-American businessman, Farooq Kathwari. In its 1997 report, "Kashmir at Fifty: Charting the Path to Peace," the KSG had stated that "progress towards the restoration of normal civil life involved first and foremost commitment to substantial de-militarization of the civilian inhibited areas of the state of Jammu & Kashmir; in other words to the imposition of significant curbs on and, if possible, termination of the whole array of insurgent and counter-insurgent "military" activity". Without calling it the "United States of Kashmir", the KSG report had stated that "the new entity would have its own secular, democratic constitution as well as its own citizenship, flag and legislature, which would legislate on all matters other than defence and foreign affairs,.....India and Pakistan would be responsible for the defence of the Kashmir entity, which would itself maintain police and gendarme forces for internal law and order purposes. India and Pakistan would be expected to work out financial arrangements for the Kashmir entity, which would include a currency of its own."

The Mirwaiz's declaration was not only important for what was pronounced, but also for the symbolism of the occasion, as he shared the platform with powerful political opponents such as Omar Abdullah, a former Indian Federal Minister for Foreign Affairs and an articulate leader of Kashmir's pro-Indian National Conference, as well as Ms. Mahbooba Mufti, a popular Kashmiri leader of the state's ruling pro-India coalition. During the Conference, all three spoke in similar vein; opposing the tyranny of the militants and slamming operations of the Indian State machinery in their state. They also supported urgent steps by India and Pakistan to allow divided Kashmiri families to reunite. The Mir Waiz also spoke of Kashmir's cultural diversity, thus endorsing its ethnic and religious multiplicity, while rejecting resolution of the problem on grounds of religion. It would thus appear that while the older leaders of the Hurriyat coalition, such as Professor Abdul Ghani Bhatt and Maulvi Abbas Ansari, opted to stay out of the current developments, the young leaders decided to explore new ideas for dialogue and cooperation with fellow Kashmiris across the LoC.

Even more significantly, the newspapers reported that a group of US Congressmen decided that the goodwill generated by the need to cooperate on earthquake relief operations, had created the right political climate to push for some form of settlement of the Kashmir issue. A 12 member Congressional team, led by Republican Dan Burton, visited the region on a fact finding mission towards the end of November 2005. They met the leaders of India and Pakistan and also held in-depth discussions with many prominent Kashmiris, including the Mir Waiz. They were reported as having expressed their support for the ideas of self-governance and de-militarization in the disputed region. Around the same time, it emerged that the idea of self-governance in Kashmir had been broached by Prime Minister Shaukat Aziz with Prime Minister Manmohan Singh, during the SAARC Summit in Dhaka. Pakistan's Foreign Ministry confirmed this and added that "any proposal, any idea that emanates from the Government of Pakistan is in consultation with and endorsement of Kashmiri leadership on both sides of the LoC." The spokesperson added "any settlement has to be acceptable to all the three parties, and above all, must represent the wishes and aspirations of Kashmiri people". This view was

confirmed by the AJK Prime Minister Sardar Sikandar Hayat, who in a statement a day later, welcomed Pakistan's proposals. Even more interesting were the comments made by the Kashmiri leader, Omar Abdullah, who in an interview on a Pakistani TV channel in early December, accused the Indian Government of not showing "enough flexibility" in its efforts to resolve the Kashmir problem.

It would thus appear from the renewed interest in the resolution of the dispute by Kashmiri leaders on both sides of the political divide, as well as by the many foreign leaders who visited Pakistan in the wake of the earthquake, that they are satisfied with the progress made by Pakistan and India in their efforts to ease the tension between the two countries and to resolve the Kashmir dispute. At the same time, these foreign leaders are careful not to do anything to "queer the pitch" by trying to inject themselves into the process. An evidence of this was the statement by Australian Prime Minister John Howard, during his visit to Islamabad, appreciating the progress that Pakistan and India had made in the composite dialogue and expressing the hope that the two countries would be able to resolve all differences between them, including the Kashmir issue, through peaceful negotiations and mutual understanding. He reiterated that Australia would continue to support India and Pakistan in their dialogue process, but keep itself away from interfering in the internal affairs of any country. This statement is reflective of the attitude currently adopted by most countries to the issue of Kashmir, which means that while the international community will continue to use its influence, quietly and softly, to nudge both Delhi and Islamabad to pursue the current peace process, the prospect of active involvement by outside powers in this dispute between India and Pakistan, is most unlikely.

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