

# The Logic of Third Party Mediation over Kashmir

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The Line of Control (LoC) dividing Kashmir is often referred to as the most dangerous place on earth, the flash point for potential conflict in South Asia.<sup>1</sup> These characterizations took on added meaning after the nuclear tests conducted by India and Pakistan in 1998 and the high-altitude war around Kargil in 1999 transformed the strategic environment in the region. The Kargil war, triggered by the intrusion across the LoC by nearly two brigades comprising battalions of the Northern Light Infantry, featured heavy artillery duels and the use of air power by India.<sup>2</sup> Kashmir, however, has been the central focus of hostility between India and Pakistan since the two gained independence in 1947.

Many optimists believed that overt weaponization of the unexercised nuclear capability in 1998 would actually lead to some semblance of peace and therefore to restraint and strategic stability.<sup>3</sup> Their logic was primarily built around the thesis that the fear of a nuclear exchange would inhibit both from launching a conventional war. As stated in “India’s Security and Nuclear Risk-Reduction Measures:”

They (the optimists) argue that an overt nuclear status will remove the ambiguity and uncertainty that were implicit in the non-weaponized status of both India and Pakistan. Thus, Kenneth Waltz, a nuclear deterrence optimist, asserts new nuclear states locked in hostile pairs will be forced to deal cautiously with each other. In fact, instead of tension, the nuclear capability will lead to possibilities for a less worried and more relaxed life. Similarly, Devin Hagerty in his detailed study of the 1990 Indo–Pakistani crisis argues that the past practise in South Asia indicates that in the area of crisis stability, the logic of nuclear deterrence is more robust than the logic of nonproliferation. He concludes: the 1990 Indo–Pakistani crisis lends further support to the already impressive evidence that the chief impact of nuclear weapons is to deter war between their possessors.<sup>4</sup>

Kargil, did not make for a “less worried and more relaxed life.” Nor did the possession of nuclear weapons deter war between the possessors. Instead, it highlighted the tension and extreme hostility that

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<sup>1</sup> Former President Bill Clinton described it thus just before he embarked on his journey to South Asia in March 2000.

<sup>2</sup> See Harinder Baweja, *A Soldiers Diary, Kargil: The Inside Story* (New Delhi: Books Today, 2000).

<sup>3</sup> For nuclear optimists, refer to David J. Karl in Peter D. Fever, Scott D. Sagan, and David J. Karl, “Proliferation Pessimism and Emerging Nuclear Weapons,” *International Security* (Fall 1997).

<sup>4</sup> W.P.S. Sidhu, “India’s Security and Nuclear Risk-Reduction Measures,” in *Nuclear Risk Reduction Measures in Southern Asia*, Report No 26 (Washington, DC: The Henry L. Stimson Center, 1998), 2.

exists between India and Pakistan and has left no one sure that such brinkmanship will not be repeated in the future. The large-scale intrusions into the Kargil sector came as a rude shock not just for the government led by Atal Bihari Vajpayee—for he was still flush with victory after being hailed as a man of peace when he took a bus to Lahore—but also for the international community. As observed in “Preventing Another India–Pakistan War: Enhancing Stability Along the Border,” “the world breathed a sigh of relief. It seemed that the testing of nuclear weapons in 1998 did not, after all, mean a march toward conflict. The Lahore meeting was accepted as the official policy of the two governments...(and so) the world found it inconceivable that Pakistan was sponsoring simultaneously a peace offensive in Lahore as it was furthering a military offensive along the LoC.”<sup>5</sup>

The Kargil war demonstrated that Pakistan will continue to persist with its quest of highlighting the issue of Kashmir and pursue a policy course that is dangerous, and that creates domestic economic hardship and diplomatic isolation. For its part, India seems content to pursue a policy of containment in Kashmir, viewing it largely as a law and order problem—despite some forward movement through an offer of a dialogue with the All Party Hurriyat Conference and earlier through meetings with the Hizbul Mujahidin. A high-level source summed up India's current policy saying, “these were aimed more at isolating Pakistan and proving to the world that Pakistan will pull out all the stops to keep the pot boiling in Kashmir. We know there is little common ground between us and the Hizbul but by sending the Union Home Secretary to Srinagar to talk to the Hizbul, we sent signals that we are also looking at Kashmir politically.”<sup>6</sup>

Strands of the same policy were visible even when the Government of India had parleys in 2000—soon after Clinton’s visit to the region—with the Hurriyat Conference through mediators handpicked by the Prime Minister's Office. Yet, when it came to the issue of letting a Hurriyat delegation travel to Pakistan, Delhi backed off because it could not succeed in either splitting the Hurriyat or in getting it to drop its most hard line, pro-Pakistan member, Syed Ali Shah Geelani from the team. To side-step the tricky issue of issuing visas to the conglomerate, the government finally appointed Planning Commission Deputy Chairman K.C. Pant as the official negotiator in April 2001. This was also done because the view in government—especially in the ministries of home and external affairs—was that letting the Hurriyat go would amount to acceptance of the fact that Pakistan has a role to play in Kashmir. A senior Ministry of External Affairs official even wrote to the Home Ministry saying that Foreign Minister Jaswant Singh agrees that letting the Hurriyat go to Pakistan would amount to a negation of

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<sup>5</sup> Shirin Tahir-Kheli and Kent L. Biringer, “Preventing Another India–Pakistan War: Enhancing Stability Along the Border,” Cooperative Monitoring Centre Occasional Paper SAND 98-0505/17 (Albuquerque, NM: Sandia National Laboratories, 2000), Internet: [http://www.cmc.sandia.gov/00research-analysis/paperandreports/Ken/17\\_ind\\_Pak.htm](http://www.cmc.sandia.gov/00research-analysis/paperandreports/Ken/17_ind_Pak.htm).

<sup>6</sup> Interview with author. The senior officer requested anonymity.

India's constant policy that Kashmir is an integral part of India and, therefore, an internal issue. India also insists on pre-conditions when it comes to the issue of resuming its dialogue with Pakistan.

Given that the bus to Lahore eventually reached Kargil—as Vajpayee so often likes to say—the prospects for constructive dialogue on Kashmir between India and Pakistan appear remote. Think tanks and scholars argue that there is still hope and that the leaders of India and Pakistan have the desire and the ability to make and implement agreements. However, this essay argues against the possibility of not just the early resumption of a dialogue, but against any concrete forward movement in the unlikely event of a dialogue.<sup>7</sup> A resumption of dialogue is Unlikely because India wants Pakistan to reaffirm its commitment to the Simla and Lahore processes and Pakistan is not interested in talks unless Kashmir gets its due importance.

The two neighbors have a long list of confidence-building measures and a number of agreements—evolved through talks—to show for bilateralism, and this essay examines them in detail. It also looks at the agreements that were reached through third party mediators (e.g., the Indus Waters Treaty and the negotiations on the Rann of Kutch dispute), and makes a case for third party facilitation and mediation working better than bilateral agreements, which do not seem to have stood the test of time.

With Kargil as its backdrop, this essay starts with a brief survey of post-Kargil relations between India and Pakistan. The essay then moves on to examine the bilateral negotiation process and looks at what India could do unilaterally in Kashmir, as this could play a crucial role in making New Delhi more amenable to the logic of third party mediation. Finally, this essay looks at the compulsions of the Pakistani army and what kind of role the United States or other countries could play in either hosting talks or facilitating and mediating them. Washington has played a third party role with some success during the 1990 crisis and again during the Kargil conflict. Must this role only be confined to crisis or near-crisis situations?

## **INDIA–PAKISTAN RELATIONS: THE POST-KARGIL PHASE**

Most agreements between India and Pakistan lie frozen on the heights of Kargil. Among them are the nuclear confidence-building measures outlined in the Lahore Declaration signed by Prime Ministers Atal Bihari Vajpayee and Nawaz Sharif during the course of the bus diplomacy in February 1999.

The relationship between the two uneasy neighbors is volatile. It is particularly difficult for Vajpayee to behave like the elder brother and once again go the extra mile, not just because of the events

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<sup>7</sup> Ibid.

of Kargil, but also because of the public discourse that followed the war. Unlike in Pakistan, where the people receive daily doses of anti-Indian propaganda on the radio and Pakistan Television—which focuses more on Kashmir than on any other issue—common Indians remained relatively less interested in events in Kashmir or in Pakistan. Kargil, however, has changed that and India now has an emotional discourse to match Pakistan's. This is largely because Kargil was the first televised war, and it was also the first war when body bags were sent home. The bodies of the heroes of Kargil went to various far-flung villages and towns across the length and breadth of the country and thousands joined the funeral processions. Every day during the war, senior ministers, including Defense Minister George Fernandes and Home Minister L.K. Advani, could be seen saluting dead bodies on television screens. It was not witnessed in Delhi alone, but in all state capitals where chief ministers and their colleagues would either visit the family of the “hero” or attend the funeral procession.

The nationalistic fervor seemed to bind the nation—a nation angry with what they called the betrayal of Lahore. The sentiment, for the first time, transcended the bounds of officialdom and carried over to include anything and everything Pakistani. The only way politicians in India can now attract attention is if they deliver a “shock” to Pakistan. India accepted relief from Pakistan after the devastating earthquake in Gujarat, but the act was overplayed in India as a one-time humanitarian gesture and not something that should be mistaken as a move that might lead to the resumption of bilateral ties.

Officially, Vajpayee has reiterated India's commitment to the Lahore process but it is more a case of being politically correct and has little, if any, political intent. He said this soon after the end of the Kargil war in July 1999 after Nawaz Sharif agreed to the Washington Declaration on 4 July. While in Washington, Sharif was asked by President Clinton to have the intruders withdrawn from the Kargil heights. Similarly, Vajpayee reiterated the same pledge soon after his re-election in October that same year, saying that the two countries will have to continue to deal with each other because geography cannot be changed.

It is one thing, however, to mouth platitudes and quite another to turn words into deeds. While in Washington on a state visit in September 2000, the same Vajpayee had this to say while speaking at a reception hosted by the Indian-American community: “we are continuously told to talk to Pakistan. Even here I was told that India should show its neighbours that democracy is about dialogue. Ok, I say, lets talk, but what will we say to Pakistan? Will we say, ‘How is the weather’ or will we say, ‘How are your wife and children?’”<sup>8</sup> This was the hallmark of his fifty-minute speech when everyone in the auditorium rose to their feet and gave the Prime Minister a thunderous applause.

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<sup>8</sup> Text of Prime Minister A.B. Vajpayee's extempore speech to Indian-American audience, Washington, DC, September 2000.

Even amongst Indian-Americans, far away from the India–Pakistan conflict in emotional terms and in physical distance, Kargil has had a profound impact. The contrast between this part of Vajpayee’s speech and what he had said in Lahore is profound. Then, from a city that epitomizes Pakistan’s independence, Vajpayee said, “there is no greater legacy that we can leave behind than to do away with mistrust, to abjure conflict, to erect an edifice of durable peace, amity, harmony and cooperation.”<sup>9</sup> Vajpayee has already gone an extra mile by going to Lahore and cannot risk the political fall-out of making any overtures towards Pakistan, not only for fear of political opposition from parties like the Congress, but from the right-wing Rashtrya Swayamsevak Sangh (RSS) whose support is crucial to Vajpayee’s Bharatiya Janata Party (BJP). The frequent description of Vajpayee being a “moderate face” within the BJP—largely considered pro-Hindu and therefore anti-Muslim—helps him remain the head of a coalition government but often places him under pressure and attack from the RSS. He walks a tightrope now when it comes to the issue of engaging Pakistan. The government is thus content to repeat its line, articulated often by Minister for External Affairs Jaswant Singh, that a “proper environment” needs to be created and the “ground realities in Kashmir” need to improve before talks can resume. “Ground realities improving” implies an end to cross-border terrorism or what officials in the corridors of power in Delhi call the *jihad* in Kashmir, or the proxy war.

Apart from political compulsions, India also does not have enough international reasons or diplomatic pressure to kick start the dialogue. For the time being, India views any dialogue as being safely buried in the snow-clad peaks of Kargil, peaks that testify to a hostile ingress. One of the main things that Indian officials worked at during Vajpayee’s state visit to Washington was to get US approval for what can be called its pre-conditions to talks formula. Officials are gleeful about the response they got from the US administration about re-engaging with Pakistan “at the appropriate time when the atmosphere is correct.”<sup>10</sup>

Washington, however, continues to point to the need for dialogue. As the White House briefing during Vajpayee’s visit noted,

...[W]e have been concerned about connections between some elements in Pakistan and what goes on in Kashmir. We do believe that Pakistan has a role to play, both in resolving the Kashmir problem and in helping to defuse tensions there. We have been urging the government of Pakistan for some time. The President did it both in private and in public when he was there to take steps to try to reduce the level of violence. We have seen some encouraging steps in the months since March—the release of prisoners by India, the cease-fire and India’s response to it, some reduction in activity along the [LoC]. It is not enough. We need to see more. We need to see *both parties* [emphasis

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<sup>9</sup> Text of Prime Minister A.B. Vajpayee’s speech in Lahore, 21 February 1999.

<sup>10</sup> Interviews with author.

added] take steps to try to bring about a reduction in the level of violence. The President, in his meeting with the Prime Minister, reaffirmed our fundamental view, which is, there is no military solution to this problem, and it must be resolved through a process of dialogue, both between India and elements in Kashmir. And ultimately we hope in a renewal of the dialogue that the Prime minister so bravely pushed forward in his trip to Lahore....<sup>11</sup>

While calling for a restoration of democracy in Pakistan, India maintains that it cannot speak to General Pervez Musharraf because he is a military “dictator” and also because he is the architect behind Kargil. As far as military dictators go, India did not have the same compulsions when it came to either Ayub Khan or Zia-ul-Haq. The main reason why India is not willing to talk to Pakistan this time around is something that decision makers concede only privately—that reinitiating a dialogue would bring what they call “Pakistan's isolation” to an end, and they do not want to see Pakistan emerge out of that corner in a hurry.

Can India afford to sideline and ignore Pakistan, given the fact that Musharraf seems unwilling to give up the reins of power? Many already predict that the General will prolong his innings. These are not questions agitating the minds of policy makers in India who seem content at keeping the dialogue frozen in the hope that pressure will be brought on Pakistan to reduce the level of violence in Kashmir and to rein in the terrorists and foreign mercenaries. Given the general stability of the Vajpayee government—as compared to his previous tenure—India is unlikely to resume a dialogue. What might happen, however, is another near-crisis situation, such as a repeat of Brasstacks or the 1990 incident, and the region will see another Robert Gates kind of mission or intervention by America as was the case during Kargil.<sup>12</sup>

This essay contends that there is already a history of sorts when it comes to third party facilitation and that there is little reason to shy away and not accept it formally. Indian diplomats in Washington and senior officials in the Ministry of External Affairs and the Prime Minister's Office are familiar with the unstated and publicly unrecorded views of the State Department—that the only viable solution to the intractable problem of Kashmir is to formalize the LoC as the International Border. Here again, the view in government circles is that despite the upturn in its equation with the United States, it is not wise to formally agree to any third party role because this will immediately lead to Pakistan proclaiming victory for its long held position.

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<sup>11</sup> For full text, see the White House release issued by the Office of the Press Secretary on the Briefing by Senior Director, Near East and South Asian Affairs and National Security Council, Bruce Riedel and Assistant Secretary of State for South Asian Affairs, Rick Inderfurth, 15 September 2000.

<sup>12</sup> India believes that America took the threat more seriously than either Delhi or Islamabad did. For detailed and authoritative narratives of the 1990 crisis see Micheal Krepon and Mishi Farukee, eds., “Conflict Prevention and Confidence-Building Measures in South Asia: the 1990 Crisis,” Occasional Paper 17 (Washington, DC: The Henry L. Stimson Center, 1994); Stephen P. Cohen, P.R. Chari, and Pervaiz Iqbal Cheema, “The Compound Crisis of 1990: Perception, Politics and Insecurity,” ACDIS Research Report (Urbana-Champaign, IL: University of Illinois at Urbana Champaign).

Indian officials believe that, for the time being, international pressure on Pakistan to rein in the *jihadis* will help “solve” the Kashmir problem. But Kashmir is not merely a law and order problem, and Pakistan is unlikely to be pressured into changing its policy of low intensity conflict in Kashmir. This was evident during the course of the ceasefire announced by India in November 2000 when India promised not to launch aggressive operations against the militants. The ceasefire was extended, but the violence has only risen. Pakistan responded by offering maximum restraint along the LoC, but the killing of civilians and security forces by “guest” militants continued. Militant organisations like the Lashkar-e-Taiba and Jaish-e-Mohammad have rejected outright the ceasefire and Musharraf has not changed his government’s support for militancy. Pakistan’s “bleed India” exercise continued unabated after Kargil.

Pakistan’s nuclear capability will only strengthen the view within the Pakistani army and its intelligence agency, the Inter Services Intelligence (ISI), that the country can be a safe haven for aiding and abetting militancy. Musharraf has done little in terms of distancing himself from right-wing fundamentalist forces. His capitulation on the issue of *madrassa* reform, bowing to pressure regarding the syllabi and sources of funding for religious schools, is only one case in point.

This does not make for the “proper environment” in which a constructive dialogue could be resumed. If talks resume, they will once again become an exercise in which the two sides talk at each other, rather than to each other.

## **CONFIDENCE-BUILDING MEASURES OR CONFIDENCE-BURSTING MEASURES?**

A real and tangible relaxation of tensions between India and Pakistan requires a mutual willingness to pursue peace seriously. Confidence-building measures (CBMs) were supposed to provide the preliminaries to peace making. This has not occurred.

CBMs essentially can be described as processes or a set of mutually agreed steps taken by nations or a group of nations that help them move from an atmosphere of hostility to one of reduced hostility and better still, improved cooperation. These agreements and actions can be military-strategic or non-military, including social and cultural measures. They can be formal and publicly acknowledged or publicly unacknowledged and informal and general in nature.<sup>13</sup> Making a case for CBMs, the Cooperative Monitoring Center (CMC) Occasional Paper on Preventing Another India–Pakistan War, “Enhancing Stability Along the Border,” argues against the notion that “CBM activity has to await the

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<sup>13</sup> See Michael Krepon, “The Decade for Confidence-Building Measures,” in Michael Krepon, ed., *A Handbook of Confidence-Building Measures for Regional Security*, Handbook No. 1 (Washington, DC: The Henry L. Stimson Center, 1993). Also see Samina Yasmeen and Aabha Dixit, “Confidence-Building Measures in South Asia,” Occasional Paper No. 24 (Washington, DC: The Henry L. Stimson Center, 1995).

resolution of differences between India and Pakistan.” It says, “the actual record shows otherwise. A look at relations over fifty years shows that India and Pakistan have in fact moved forward on CBMs even as state-to-state relations remained poor.”<sup>14</sup> The CMC study’s typology will be used below, and then rebutted.

The “Early Period” (1947–1954) was a time for the resolution of many urgent issues resulting from partition of the subcontinent. Partition in 1947 was accompanied by a great loss of life as nearly six million people moved across borders. Despite the difficult circumstances, India and Pakistan were able to settle a number of issues dealing with the division of assets, exchange of evacuee property, establishment of lines of communication, movement of people, visa schemes and the establishment of air, sea and rail links. Throughout this period, the two countries had a great deal of official interaction. On 4 May 1948, the Inter-Dominion Accord entered into force. The waters of the Indus River—the lifeline of West Pakistan—were divided and a mechanism was set up for compensation to India by Pakistan for the share of water released. While the matter was not considered resolved, a working solution was found while the search for a more permanent solution continued.

Although the “Second Phase” (1955–1964) was the period where the foreign policies of India and Pakistan respectively took a marked turn away from each other, they maintained contacts. India became a founding member of the Non-Aligned Movement and Pakistan joined US-sponsored pacts i.e., the Baghdad Pact (later renamed the Central Treaty Organization) and the Southeast Asia Treaty Organisation. Politics in South Asia appeared polarized and the rhetoric sharpened as India accused Pakistan of bringing the “Cold War” to the subcontinent. However, both sides kept their lines of communication open and many residual issues of partition continued to be solved. Included in these was the division of the waters of the Indus, adjudicated eventually with the help of the World Bank. The agreement awarded the three eastern tributaries of the Indus to India and the western three were awarded to Pakistan.

During the period from 1965–1971, the 1965 war between India and Pakistan was fought as a direct consequence of Pakistani infiltration across the LoC. India reacted to this action with a massive crossing of the international border near Lahore. The war lasted less than three weeks but suspicions of each other lasted much longer. Yet, a number of CBMs were put in place within a relatively short time after the war. These CBMs put the respective Directors General of Military Operations (DGMOs) of India and Pakistan directly in touch for the first time with the aim of preventing a 1965-type situation. That line continues, despite the laments of both sides that it is highly underused.

The 1971 war between India and Pakistan led to the formation of Bangladesh and ended with 90,000 Pakistani prisoners of war in India. Yet, in July 1972, the two prime ministers met in Simla to

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<sup>14</sup> Tahir-Kheli and Biringir, “Preventing Another India–Pakistan War.”



review the situation and to turn the page in relations beyond the conflict. They agreed to a framework for the relationship and an official and formal end to the conflict, with India releasing its Pakistani prisoners of war. Some adjustments in territory were made as the *status quo ante* was restored along the international border and the two armies stayed in place along the LoC.

During the period from 1972–1986, two events in the region influenced the next move toward CBMs considered by India and Pakistan. The first was the revolution in Iran and the second was the Soviet invasion of Afghanistan. Occurring in 1979, these events made another spurt in the relationship necessary despite the fact that initial Indian and Pakistani reactions to the Soviet invasion were different with Pakistan becoming the front-line state in challenging the Soviet occupation of Afghanistan.

Worrying about the creation of a two-front crisis situation for Pakistan, the United States (which headed the anti-Soviet coalition in Afghanistan) encouraged India and Pakistan to work toward CBMs. Some of these were implemented, including a Joint Commission headed by the respective foreign ministers. A variety of sub-commissions dealt with trade, tourism, travel, etc., and met before the biannual meeting of the foreign ministers. In addition to the dialogue provided for in these mechanisms, Indian and Pakistani officials met at the margins of the annual meetings of the United Nations General Assembly each autumn. Furthermore, the South Asian Association for Regional Cooperation, which was launched at Dhaka in December 1985, offered another venue for consultations at the highest level while setting up a modest agenda for cooperation.

In the 1987–1994 period, darkening clouds came over South Asia as a result of large-scale Indian military exercises (Brasstacks) from July 1986–January 1987 and Pakistan's response to them. Tensions resulting from the confrontation seemed to force some new thinking about ways in which relations could be better managed. Formal and impromptu talks between the leaders of the two countries finally resulted in a number of new CBMs between India and Pakistan. These were important and covered a number of areas. For example, the Agreement on the Prohibition of Attack against Nuclear Installations and Facilities was signed on 31 December 1988 in Islamabad by the two foreign secretaries and witnessed by Prime Ministers Rajiv Gandhi and Benazir Bhutto. Earlier fears of impending attacks on the facilities resulting in an all-out war fed the need for the agreement.

On 6 April 1991, India and Pakistan agreed on the Advance Notification on Military Exercises, Maneuvers and Troop Movement. That deal was the result of the near-war conditions that large-scale military exercises created in 1986 and 1987.

The Agreement on Prevention of Airspace Violations and another on Over-Flights and Landing Military Aircraft were also signed. Given the shared border and the potential for inadvertent violations, the agreements sought a buffer against violations of airspace and resulting escalations of tension.

Control over the production and use of chemical weapons was another area in which the two nations chose to move ahead, recognizing that the issue did not contain the political baggage of the nuclear issue. The use of chemical weapons in the Iran–Iraq war was fresh in the minds of regional leaders. After extensive discussions, India and Pakistan signed a brief but comprehensive declaration on the Complete Prohibition of Chemical Weapons on 19 August 1992.

In a joint declaration, India and Pakistan pledged to become original state parties to the then-proposed Chemical Weapons Convention—which they did when the treaty went into effect on 29 April 1997. Both explicitly acknowledged the role of CBMs in promoting friendly bilateral relations based on mutual trust and goodwill. They declared that they would forego the development, production, acquisition, stockpiling, and use of chemical weapons.

All of the above measures were adopted even as India and Pakistan continued to disagree on Kashmir. After 1989, the rising insurgency inside Indian Kashmir increased tensions but other areas for CBMs (cited above) moved forward.

In the “Recent Years,” from 1995–1999, India and Pakistan tried to find common ground and move forward in new directions, even as violence (which India blamed on Pakistani support for the insurgents) inside Kashmir threatened their relationship. For example, they cooperated in stemming the trafficking of illicit drugs and worked together to combat a large-scale infestation of locusts in the Rajasthan, Sind, and Southern Punjab areas in 1996 and 1997.

In the spirit of a common search for areas of potential agreement, the energy area was particularly singled out. The sale of excess electricity from Pakistan to India was discussed as a possibility. A joint natural gas pipeline through Pakistan to the western areas of India was identified as another area of possible collaboration. Discussions focused on sourcing, financing and security of supply. Apart from the relevant government officials, some experts with links to the government and some of the crucial constituencies held intensive discussions in Rajasthan in 1997 to examine the possibilities of constructing a secure supply regime.

Furthermore, the foreign secretaries of India and Pakistan met in Islamabad in June 1997 and focused on a comprehensive agenda for improving relations. They agreed to the cessation of hostile propaganda against each other (which had been escalating as a result of the events in Kashmir). The foreign secretaries also agreed to set up a mechanism to address the following issues in an integrated manner: peace and security, including CBMs; Jammu and Kashmir (a major development as India had refused previously to enter into any such discussions with Pakistan); Siachen; Wullar Barrage Project/Tulbul Navigation Project; and promotion of friendly ties in various Fields. Subsequent follow-up meetings were held in New Delhi in November 1998. This framework still exists, although it is

currently suspended. The Lahore summit of February 1999 was expected to give a push to the entire process. Instead, the Kargil operation derailed normalization.

The CMC's analysis concludes that CBMs do not necessarily have to "await the resolution of differences between India and Pakistan." The record on the ground suggests otherwise: differences between India and Pakistan do not really allow for much in terms of confidence-building. If India and Pakistan go through the motions of CBM-related activity, it is aimed more at assuring the world rather than each other. The Helsinki Final Act identifies some of the prerequisites for building confidence as "the inviolability of frontiers, the territorial integrity of states, non-use of force and non-intervention in internal affairs of other states." These conditions are not present in South Asia and in their absence, accords have been violated, turning confidence-building measures into confidence-bursting measures.

The Simla Agreement of 1972, in which both sides agreed to respect the LoC, was blatantly violated and led to the fourth war between the two neighbours in 1999. Before Kargil, the two sides constantly disagreed with the letter and spirit of the Simla Agreement with India saying that it called for bilateralism and Pakistan maintaining that the Agreement does not exclude earlier United Nations resolutions on Kashmir. The Kargil intrusion also violated the spirit of the agreement on Advance Notification on Military Exercises, Maneuvers and Troop Movement.

Soon after the mid-July withdrawal of Pakistani forces from the heights in Kargil, the shooting down of the Atlantique violated the Agreement on Prevention of Airspace Violations. Here again, there are claims and counterclaims by both sides—Pakistan said the aircraft did not violate Indian airspace and India insisted that it did. The cold facts, however, are that the shooting down of the plane did not make for confidence-building. Given the post-Kargil environment, the hotlines between the DGMOs and the Prime Ministers have not served confidence-building.

Another CBM, the signing of the Code of Conduct for Treatment of Diplomatic/Consular Personnel in Pakistan and India, has not stood the test of time. The August 1992 agreement was redundant in the first place because international conventions provide for the protection of diplomatic staff. That India and Pakistan needed to reach such an agreement themselves speaks volumes about the kind of relationship they share. In July 1994, only two years after it was signed, foreign ministers from both sides had to reiterate that the code of conduct would be adhered to.

Two agreements—the Indus Water Treaty and the agreement pertaining to the Rann of Kutch Dispute—have survived the hostility and the ups and downs in bilateral relations. Both are examples of third party mediation. Skeptics or opponents of third party mediation argue that Kashmir cannot be compared to Rann of Kutch and that water cannot be weighed on the same scale as the question of territory. The Indus Water Treaty is often described as an "economic" agreement and thus different from a "territorial agreement," and the argument that usually flows from this is that the former are easier to

negotiate. Also, that in the final analysis, there was no sharing involved and therefore it was less complicated. While giving credit to the World Bank in playing the role of a well-informed and unbiased mediator, critics of third party facilitation claim this was a special case, arguing that the World Bank succeeded because it could financially underwrite the agreement. Kashmir cast a shadow over both agreements, however, both sides agreed to de-link these issues from Kashmir. Nonetheless, during the negotiations, the Kashmir issue led to stalemates and brinkmanship.

There were many reasons for the Indus Waters Treaty, but a critical factor was that both sides could realize economic benefits. In addition, both sides had strong political leaders—Ayub Khan in Pakistan and Jawaharlal Nehru in India. Most importantly, both sides displayed not just the will to negotiate but also the will to settle. Third party mediation or facilitation on Kashmir can move forward only if there is a mutual will to settle.

Unlike the Indus Waters Agreement, the Rann of Kutch accord was centered on the issue of territory. Sceptics of extending this approach to Kashmir argue that the Rann was a “mere” piece of marshland. But a review of the negotiating process suggests that this piece of marshy land had many complicated dimensions. These complications led India and Pakistan to use the good offices of a third party.

The negotiations, which spanned a period of twenty years (1948–1968), went through various phases of failure, armed skirmishes and territorial violations, mostly during the period when talks were proceeding on a bilateral level. The British government intervened to mediate a cease-fire. India and Pakistan also agreed to refer the dispute to a tribunal if they failed to reach an agreement. The Tribunal award gave 300 square miles of territory to Pakistan, and this was elevated ground that is not submerged during the monsoons. The accord was hailed as a great victory by the Pakistani press.

In India, a no-confidence motion was moved against Indira Gandhi's government in February 1968 but was defeated by 203 to 72 votes. She carried the day by asserting the Indian government should not always proceed on the basis of hostility towards Pakistan and no matter how torturous the road, “we must make Pakistan realize that its interest lies in cooperation and friendship with India.”<sup>15</sup> Notably, this demonstration of political leadership and will came at a time when India was still licking its wounds after losing the China war, when the country was considered weak.

The Indus Waters and Rann of Kutch accords, mediated with the help of third parties, stand apart from other CBMs negotiated over the past decade. CBMs have neither succeeded in avoiding full-scale

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<sup>15</sup> Cited from unpublished thesis by Ashutosh Misra, “Cooperation in Enduring Conflict: A Case Study of India–Pakistan Negotiations,” Centre for International Studies, Jawaharlal Nehru University, New Delhi.

conflict, nor have they enabled the two countries to move from a state of hostility to reduced hostility or accommodation. Kargil has truly derailed the process of normalization.

It is in these circumstances and in this environment of continuing hostility and non-accommodation that the role of a third party (or parties) comes into play, but as US officials often say, mediation has to be accepted by both sides. While Pakistan still repeats its demand for third party mediation from virtually every platform, India is rigid in its stand that all outstanding issues between it and Pakistan have to be resolved bilaterally. To this end, New Delhi has also worked tirelessly and relentlessly to gain acceptance for this view through various platforms at different international forums. That this process itself carries shades of third party facilitation is another point that has been made before.

## **WHY IS INDIA HESITANT?**

Right since its inception, the Government of India has been paranoid at the thought of international intervention, interference, or even interest, in the Kashmir issue. These concerns were not entirely without basis. The UN resolutions on a plebiscite had been defied (some even refer to this as the mess created by Prime Minister Jawaharlal Nehru) and the autonomy promised to the people of Kashmir under the Instrument of Accession and Article 370 had been constantly diluted. For quite some time now, India has taken recourse to the Simla Agreement and emphasized bilateralism because India has never really been sure that the world, by and large, accepted the legitimacy of its control over Kashmir.

There are other reasons for India's hesitation which have been articulated often by different representatives of the government:

- Kashmir is an internal problem. This stems from another argument that is often repeated—that Kashmir is an integral part of the country. The reason that it is reiterated at any given opportunity is essentially because New Delhi worries that the United States might use its might as the world's superpower to impose a solution to Kashmir. Says Victor Gobarev, “Why Indians are so sensitive to the Kashmir issue that they will not agree to either US or international mediation is because multinational India is afraid that it might follow the fate of the multinational Soviet Union and fall apart. Indian elite considers Jammu and Kashmir, the only Indian state where the majority of the population is Muslim, to be the weakest link in a Hindu-majority country. They fear and with some reason, that should India be weakened, Kashmir would be the first territory lost.”<sup>16</sup>

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<sup>16</sup> Victor M. Gobarev, “India as a World Power: Changing Washington's Myopic Policy,” Policy Analysis Paper No. 381 (Washington, DC: CATO Institute, 2000).

- Any concessions given to Kashmir will, in turn, open the floodgates for demands in other states. The Center's stand, therefore, has been that it will look at Kashmir's case, not in isolation, but in conjunction with national policy concerning the devolution of more powers to all states. This was the argument given to the Jammu and Kashmir Chief Minister in July 1999 when the Autonomy Report was forwarded to the Central government after it had been approved for action through a resolution adopted on the floor of the house. Chief Minister Farooq Abdullah convened a special session of the state assembly to debate the report in mid-2000. The BJP-led government had summarily dismissed it after a Cabinet meeting.
- India is hesitant because it feels that it can "solve" Kashmir, just as it handled militancy in Punjab. The assumption here is that the Kashmir insurgency can ultimately be controlled and contained by the state.
- Concessions to Kashmir would trigger a communal backlash.
- If Kashmir were treated differently in that some kind of facilitation or mediation were allowed, India would be setting a foreign policy precedent. This might, in turn, encourage further intervention. In addition, it might be construed to mean that as the larger neighbor in the sub-continent, it is India's responsibility to always play the role of an elder brother and therefore be the one making concessions.

Kashmir, however, is not Punjab. Punjab was never a territorial dispute, nor did it have the international ramifications of the Kashmir issue. Greater autonomy does not undermine India's secular credentials but only strengthens them. The deep and widespread alienation felt by Kashmiris is not something that can be taken care of through law and order machinery. Put differently, Kashmir is not a piece of real estate and should not be considered so. It is imperative for any government—no matter which political parties it comprises—to look at Kashmir as a human problem and not as a legal property issue.

The nuclear tests by both India and Pakistan make Kashmir urgent business, as does the Kargil conflict. Pakistan cannot be kept out of any discussion on Kashmir. If there is to be any chance for peace in Kashmir, and if India hopes to attain its global aspirations, New Delhi will have to address the unrest in Kashmir in different ways.

Several unilateral steps could be taken by India that would help New Delhi to overcome its hesitation. These steps would make the acceptance of a third party role easier, and in the long run, advantageous.

A third party option is already being proposed in media circles. As Shekhar Gupta, editor in chief of the *Indian Express*, has noted:

...[T]he past year has seen a clear change. It could have been partly because of Kargil, when one country was seen internationally as reasonable, rational yet firm and the other as adventurous, aggressive, even silly and unreliable. It could have also been because of the impact Indians have made in high-tech industry worldwide. Or, perhaps, it is a combination of both these along with the opening up of Indian markets. But the fact is that today no nation in the world backs Pakistan's dream of changing the cartography of the region. Implicit in that is the world's acceptance of India's sovereignty over Kashmir, though only what lies on our side of the [LoC]. If that is also our final objective, if we have by now got over the nostalgia of reclaiming not just Muzaffarabad and Mirpur but Gilgit and Hunza, we have to look carefully at how we could engage the world, particularly the big powers, to further that objective. This would imply reassessing the very idea of bilateralism in the India–Pakistan context.<sup>17</sup>

The Simla accord, with its endorsement of a bilateral solution to the Kashmir issue, was viewed as a great gain for India. New Delhi had believed that the United Nations, other multilateral groupings, and the big powers did not accept Indian ownership of Kashmir as granted by the Instrument of Accession.

Today, the very concept of a strictly bilateral approach is outdated and shortsighted. If a bilateral accord on Kashmir were somehow signed, to what extent could India trust such an agreement with Chief Executive Pervez Musharraf or any other Pakistani leader who might subsequently renounce a bilateral deal over Kashmir? Would any elected Pakistani leader with powers curtailed by the Pakistani Army be in a position to “deliver” peace and stability? If the answers to these questions are negative, then the great gain of the Simla agreement is no gain at all.

If India accepts the conversion of the LoC into an international border as a sound outcome, it is time to reach out to the world and invite it to help broker, sanctify, and implement a peace accord for Kashmir. It would be a grave mistake now to trust Pakistan with a purely bilateral agreement. Any settlement requires third party involvement for it to have legitimacy and staying power in light of Pakistan's uncertain political future.

Another fundamental problem with a bilateral approach to resolving the Kashmir issue is that it can only work in a lasting fashion between equals. Two nations do not necessarily need to be of the same size but they have to have political and constitutional systems that are comparable in their stability and consistency. This situation has not emerged in Pakistan and there is no reason to believe that Pakistan is even moving in such a direction. What should India do in the meantime? Should India hunker down and wait for Pakistanis to discover the merits of democracy and elected leaders more trustworthy than Benazir Bhutto or Nawaz Sharif? Or would it make more sense to move ahead, with the support of the international community, to find a solution to the Kashmir issue? If a proactive, diplomatic approach

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<sup>17</sup> Shekhar Gupta, “To Kashmir, Via the World,” *Indian Express*, 7 August 2000.

succeeds, the gains would be tremendous. If such an approach does not succeed, India could then revert to hunkering down, fighting and waiting.

After the nuclear tests and the Kargil war, the international community is not going to support cartographic changes in Kashmir. Nor is it possible for any agreement or settlement to be lasting if it is not internationally underwritten or internationally blessed.

The role of third parties could also be crucial in helping Indian officials in Srinagar and New Delhi move away from a law and order approach as a such move is an essential element in any search for lasting peace. This understanding will help governments and without it, Kashmir will remain a core issue. It will also be difficult for the international community or any country to involve itself in a process that only looks at the possibility of converting the LoC into an international border. Such a plan will not work because the issue of alienation in Kashmir has to be addressed also.

It is important here to cite a study conducted by the Indian Army.<sup>18</sup> A team of professional psychologists and psychiatrists conducted tests on arrested militants in an effort to probe their minds and understand the factors motivating them. It is also important to note that only those who volunteered were put through the tests so as to get an accurate assessment. Again, since the report was “internal” and the army did not publicize it, there is no reason to doubt its findings. The arrested militants included those trained locally (within Kashmir) and those trained in Pakistan. Of the thirty-one militants who took the tests in 1996, a majority belonged to the Hizbul Mujahidin. Among the study's findings:

- The average militant was driven more by economic and political frustration than by Islamic fundamentalism. The militants did not view themselves as “holy warriors” but took to the gun because of a deep-seated desire for revenge against their perceived “tormentors” and “oppressors.” The gun became a potent weapon to fight a system that they felt had left them frustrated. Frustration with the political system, economic backwardness, and oppression were the motivating factors.
- Most talked about corruption—the rich having got richer—and their having been denied their dues. As many as 95 percent of those tested did not matriculate and only six had jobs before they opted for the gun. Most came from large families of six to eight siblings and did not see a future for themselves within a corrupt system. They found self-respect within the militant gang, for most said they wielded clout in their area of operations. If they hadn't taken to the gun, they believed they would have been agricultural workers or petty shopkeepers.
- They were not afraid of dying. At least three amongst those interviewed said they wished to return to the gun even though they had suffered serious gunshot wounds in encounters with the

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<sup>18</sup> The Indian Army has not made its study public. All information summarized in this section is based on author interviews and investigation. See also Harinder Baweja, “In the Mind of the Militant,” *India Today*, 31 December 1994.



security forces. Eighty-eight percent said that they had taken to the gun voluntarily and the rest revealed that while they were not initially inclined, they became active participants soon enough.

- Only one wanted to give up the gun and return home to his wife and a year-old son. Twelve of the thirty-one were married before they became militants but family ties were not tugging at their heartstrings. The ones who were not married showed little or no desire to raise families of their own. They said they found more emotional bonding within the militant groups than in the large families they came from and even the married ones indicated that, if given a chance, they would go back to being gun-toting militants. An important reason for this is that the militant organizations, particularly the Hizbul Mujahidin, look after the families of fellow militants in the event of their getting arrested or killed.
- Human right violations by the security forces also figured high on the list of motivating factors. Most of the militants expressed a strong desire for vengeance even though they were in custody.
- Financial rewards were also a factor. One of those tested was a fifty-eight-year-old, who said that he chose at that age to work as a courier so that he could afford to treat his epileptic daughter. Others said that, as militants, they had access to rupees in thousands instead of hundreds, which they would have probably earned as shopkeepers and agricultural workers.

As is obvious from the above findings, clean governance provided for by a fair administration is a key element. Similarly, it is important for the army and the security forces to be less high handed in their approach. Some of the answers to Kashmir lie in understanding the hard reality that the law and order approach will not help.

The hard-core foreign militants far outnumber the Kashmiri militants but the reason why the common masses still do not view India as sympathetic is because they continue to see the government as being the “oppressor” and the “tormentor.” The foreign mercenaries can be sidelined only with the help of the common Kashmiri. The Valley will not go the way of Punjab—where the local population started resenting the terrorists and their criminal ways—unless the reasons for alienation are addressed. The motivating factors identified by the militants apply across the board as reasons why the Kashmiris have not moved an inch closer to India even though they want Pakistan to stop sponsoring militancy.

An opinion poll recently conducted by an Indian weekly news magazine in Kashmir (also conducted five years ago) had interesting findings:<sup>19</sup>

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<sup>19</sup> “Long Wait For Freedom,” *Outlook*, 16 October 2000.

- Those who now think that merger with Pakistan is an option stand sharply reduced to a mere 2 percent, down from 19 percent in 1995.
- As many as 70 percent of the people polled want Pakistan to stop supporting militancy.
- Eighty-two percent support a Hizb-type ceasefire as a prelude to a political dialogue.
- Only 2 percent think it is worth talking to Farooq Abdullah for a solution.

Kashmiris reacted positively to the call for a ceasefire by the Hizbul Mujahidin in June 1999. They saw hope for themselves in a genuine peace process and they identified this group as representing their aspirations. The results of the Indian Army's psychological study suggests an agenda that needs to be looked at seriously. Kashmiris feel that they have already suffered too much to settle for a stalemate or the *status quo* seemingly favored by the Indian government. The Hizbul's offer of a ceasefire generated hope while the Indian government's proposed talks with K.C. Pant generated only suspicion.

It is difficult to find a Kashmiri family that has not lost a loved one to militancy. An entire generation of children—born after 1989 when the kalashnikovs first made their presence felt—have grown up with the gun. The psychological effects of this are great, both for children and for parents. Many suffer from depression. The number of people seeking psychiatric help is soaring. Children have not been vaccinated because of long periods of curfew and *hartal*. They live in fear of the bunkers that surround their localities at home and around their schools. Playgrounds are often next to graveyards. Normalcy is not a word that figures in a Kashmiri's vocabulary or environment.

To look at the dynamics of politics in Kashmir, it is important to understand what people are going through, instead of only looking at Kashmir as a piece of land which can be kept with the use of force. To apply balm for these wounds and treat Kashmiris, India does not have to talk to Pakistan. But India has to change the way it looks at Kashmir. Only when that happens will it be possible to convert the LoC into an international border.

## **THE PAKISTAN FACTOR**

Serious doubt is often expressed over whether the Pakistan Army can or will change its Kashmir policy or its support for the Taliban in neighboring Afghanistan. There is growing talk of Pakistan becoming a failed state. General Pervez Musharraf has not changed Pakistan's fortunes but many, such as the former US Commander-in-Chief of the Central Command General Anthony Zinni, worry about alternatives to Musharraf. As Zinni stated in a US television interview on 12 October 2000, "My worry is that Musharraf may be the last hope. We could have fundamentalists and another fundamentalist state that looks like Iran...or we could have complete chaos and something that looks like Afghanistan."<sup>20</sup>

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<sup>20</sup> General Anthony Zinni cited on *60 Minutes*, CBS, 12 October 2000.

This segment on CBS' *60 Minutes* showed a country in turmoil with rabid mullahs presiding over *madrassas* teeming with young radicals. The premise of this segment, "Is Pakistan America's Worst Nightmare?" was that nuclear weapons could fall into the hands of Islamic radicals.

Similarly, an opinion piece in the *Economist*, "Musharraf Fails the Test," concludes, "if the scope of General Musharraf's shortcomings had been confined to Pakistan's domestic woes, the world might merely have sighed and looked away. But Pakistan is being misruled in a very particular way...the army in Pakistan, as was once observed about psychiatrists, is the problem to which it pretends to be the solution."<sup>21</sup> Citing Afghanistan and Kashmir as problem areas, the piece continues, "Increasingly, American policy makers see Pakistan as something close to a 'failed state,' equipped with nuclear weapons and a tendency to vent its wild-eyed terrorists on the world...until General Musharraf acknowledges these problems and stops exacerbating them, his country will slide into ever-deeper isolation."

Academic and think tank experts on South Asia also look at Pakistan with pessimism. Stephen P. Cohen, senior fellow at the Brookings Institution notes:

Failure has been a theme that successive Pakistani governments have used to their advantage. Zia, Benazir Bhutto, Nawaz Sharif and now Pervez Musharraf have warned the West that they are making a stand against something irretrievably worse. Zia warned against a Soviet victory in Afghanistan; Benazir warned against the return of the military; Nawaz warned against a return of the incompetent Benazir Bhutto and then the military. The military now warns against the coming to power of militant Islamic groups such as the Jamaat-e-Islami, which in turn has warned against the coming to power of even more extremist Taliban-type forces. But just because Pakistanis have been crying wolf for so long we should not dismiss these threats.<sup>22</sup>

Pakistan's failures, according to Cohen, include severe failures in foreign and security policy.

Cohen contends that Washington should "prepare for the worst but try to prevent the worst.... Washington needs regular consultations with key countries, coordinating policies so as to prevent Pakistan from crashing—or if it does crash, ensuring the landing is as soft as possible."

Others US analysts adopt a harsher line. In an article published in the *Washington Post*, Arthur H. Davis wrote:

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<sup>21</sup> "Musharraf Fails the Test," *Economist*, 12 October 2000.

<sup>22</sup> Stephen P. Cohen, interview with author.

The Pakistani military regime is exhibiting an almost pathological determination to keep South Asia in turmoil, doing little to curb Islamic fundamentalism and terrorism breeding within its borders, while scuttling other steps toward peace. During his visit to the region, President Clinton threaded a needle of admonishing Pakistan for its support of violence in Kashmir while keeping the door open for engagement if it abated such activities. Unfortunately, his stern warnings have yet to exact much change.... Declaring Pakistan a terrorist state, and thus putting it on par with the terrorist groups it harbors and supports, would encourage the people of Pakistan to remove the military war mongers who have deprived them of sustainable development.<sup>23</sup>

The Indian government, at least, would tend to support this view, but at a time when General Musharraf is greatly constrained and under pressure, carrots are likely to work better than sticks. In any event, the sticks will be applied when Pakistan's actions warrant such a response. A failing Pakistan is not in India's interest. However, if Pakistan fails, it is all the more important to enlist international support behind a Kashmir solution. Musharraf has made several offers of a dialogue with India.

It is in India's interest to engage Musharraf as well as third parties for several reasons. First, Pakistan still reiterates its demand for third party mediation on Kashmir, and thus would be hard-pressed to reject this approach. Senior Pakistani diplomats and bureaucrats concede privately that were such a process to start, the outcome would evolve towards the view that the LoC become an international border. As a consequence, Pakistan has reason to be grateful for India's "xenophobia" against the role of third parties. India now has everything to gain and Pakistan more to lose in the event of third party involvement.

President Bill Clinton virtually endorsed the LoC as an international border when he said in Islamabad in March 2000 that, "History will not reward those who try to forcefully redraw borders with blood."<sup>24</sup> Bilateral talks with Pakistan are unlikely to transform the LoC into an international border. Talks with Pakistan and a third party are likely to be more effective in clarifying the unreality of Pakistan's stated goals for Kashmir. It would not be difficult for Indian government officials to defend third party involvement politically. Indeed, it would be easier to generate public support for third party involvement than for a resumption of bilateral dialogue with Musharraf after the Lahore journey and the Kargil conflict.

Direct third party involvement would also be better than track two discussions involving India and Pakistan. Track two between India and Pakistan at America's behest—like the time when they agreed to silence artillery guns on the LoC—however, has taken place post-Kargil and needs to be

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<sup>23</sup> Arthur H. Davis, "Up the Ante on Pakistan," *The Washington Post*, 11 September 2000. Davis was the US Ambassador to Paraguay and to Panama in the 1980s and has also advised the US mission to the United Nations on terrorism.

<sup>24</sup> Text of speech by President William J. Clinton, Islamabad, March 2000.

sustained. Recent history shows that America does not hesitate to bring itself into the South Asia picture when it perceives that to be necessary.

In the aftermath of Kargil, India should feel more confident about Washington being a prospective third party. As one State Department official pointed out, “we have not in many years now spoken of self determination or the United Nations resolutions. India should appreciate that.”<sup>25</sup> India and the United States are now working together in various fields and have set up joint working groups on terrorism and Afghanistan.

There are of course, various forms of mediation. A smaller country could host such an effort as Oslo did for the Middle East peace process. Special envoys—trusted people appointed by the Indian and Pakistani governments respectively—could meet in Norway, a safe distance away from the pressure of politics and hawks. Given the difficult nature of the Kashmir dispute, any likely settlement would need to be underwritten by the United States for it to stand the test of time. This is possible only if India addresses the unrest in Kashmir and takes positive steps to deal with the large-scale Kashmiri sense of alienation.

Some important questions remain. Would the ISI and the Pakistani Army give up their “bleed India” policy even if a facilitator manages to help negotiate the conversion of the LoC into an international border? The chances of their doing so are greater if a third party raises the costs of non-compliance and if India establishes its willingness for a settlement that restores greater powers to the state and addresses the issue of Kashmiri alienation. This, in turn, could be demonstrated by the Government of India’s desire to restore peace to the region by allowing international representatives to oversee the electoral process. Such an exercise does not undermine India’s sovereignty. Instead, it would enhance India’s image internationally. By doing so, India would also strengthen its international position in the event of subsequent Pakistani non-compliance.

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<sup>25</sup> Interview with author, October 2000.