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Contours of the Contemporary Kashmir Conflict: Geopolitics, Soft Borders and India-Pakistan Relations

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Introduction

The South Asian region is widely considered to be one of the most dangerously unstable regions in the world with the two nuclear-armed countries, India and Pakistan, in conflict over a number of outstanding issues. The standard argument is that conflict in Kashmir, in its present form, has the potential to spark off future armed confrontations leading to war between India and Pakistan especially given the kind of animosity that the two countries share. This article puts forward a contrary argument. It argues that there is a fundamental transformation underway with regard to the conflict in and on Kashmir. This transformation is multi-faceted and nuanced in nature. It involves the larger global and regional structural factors relating to balance of power; it is seen in the slow but steady formation of norms in the region delegitimising state-sponsored terrorism and extremism, and is witnessed by the changing discourse on the Kashmir conflict in India and Pakistan as well as within Kashmir. More importantly, the transformation of the conflict is also indicative of the “out of the box” manner in which the parties to the Kashmir conflict are thinking of ways and means to resolve the conflict.

The article is organized in the following manner. In order to locate the transformation of the Kashmir conflict, which is yet to be fully understood in all its various dimensions, the first section of the article begins with an analysis of the New Geopolitics of South Asia and identifies the role that India can/has to play in the region’s stability. The article then looks at the changing landscape of terrorism discourse in the region. The second section begins with a discussion of contemporary Indo-Pak relations. Thereafter, the India-Pakistan peace



Fig.1

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process and the question of Kashmir are discussed in detail, which is followed by a subsection on the Kashmir conflict and the proposed solutions in which the argument made is that most of the proposed solutions seem to suggest non-traditional and outside the box solutions to the conflict. The final section ends by answering the most important question posed in this article: What does the "outside the box" Kashmir solution(s) imply for the South Asian region?

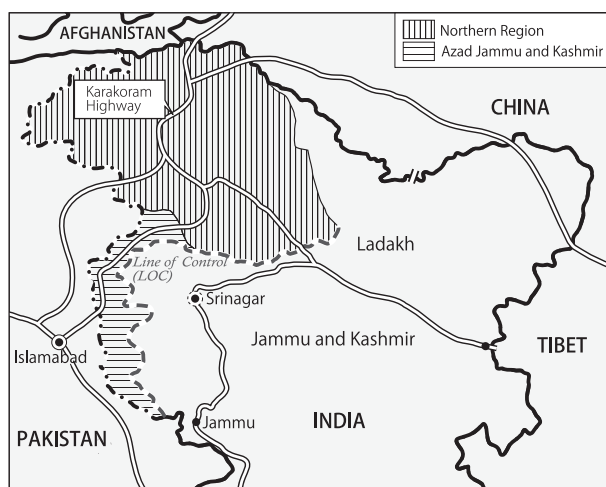


Fig.2

Contextualizing the Region: South Asia's New Geopolitics

The contemporary contours of the Kashmir conflict cannot be seen divorced from the larger geopolitical and balance of power developments in the South Asian region. India-Pakistan relations in general and the Kashmir conflict in particular are not only influenced by the local political, security and social dynamics, but also by the larger systemic and sub-systemic imperatives. And hence international politics of South Asia and the balance of power within it needs to be seen in the context of the global balance of power and its impact on the region.

Let us first look at the global balance of power and place in it. In contemporary terms, there is a balance of power if the major powers of the international system do not have adversarial relationships with each other and are unable to go to war with each other because of nuclear deterrence. Those nations constitute a balance of power, which are involved in major international decisions and have internationally recognized capabilities including a politico-strategic profile, a credible strategic-technological base, and proven military capabilities. Thus, using such criteria, the US, China, Russia, the EU, Japan and India qualify as international balancers of power. Despite the balance of power there is the hegemony of the US, but that can be considered as constrained hegemony. This balance of power status-quo (since the balancers are unlikely to go to war with each other) is likely to be stable for the foreseeable future because of the unlikely exigency of the major balancers resorting to war or upsetting the present balance. More importantly, this balance of power is unfolding in the era of globalization, which inherently leads to a greater mutual interdependence than ever before in history. This balance of power also requires a great deal of cooperation and collaboration among the constrained hegemon and the various balancers, as has been witnessed in the last two decades or so. This has prompted the US to make India a closer US ally in the region as well as on the world stage.¹

¹ The author is grateful to Amitabh Mattoo for these insights.

The US, having signed the historic nuclear treaty with India to grant the latter the much sought after entry into the nuclear club, has finally decided to take sides with India in the geo-politics of South Asia. One of the major reasons seems to be that the US wants to have a trouble-free region. The question is—why India over Pakistan, its own trusted ally for the last many decades?

First of all, in order for the US to have a trouble-free South Asia, it wants to have an alliance with a trouble-free country which does not have apparent territorial ambitions or irredentist tendencies. Secondly, India, in many ways, stands for the western enlightenment values that the US wants the world to have; it is another way of telling the South Asian countries to emulate India's example in democracy and economic liberalisation. This US tilt towards India can either be rejected by Pakistan or it can be resigned to it. If Pakistan decides to object, it is unlikely to achieve much, given the kind of problems it faces today. The better option, one could reason, is to accept it and move forward. This will invariably mean that Pakistan goes back on its rhetoric against India and on Kashmir. Let us look at this argument in all possible dimensions. Considering that Pakistan's internal problems and politics have always had their impact on Kashmir and India, let us assume that if Pakistan has to struggle to confront a twin problem, it will invariably have an impact on India. What will Pakistan do vis-à-vis India and Kashmir as and when the twin problem it faces becomes too difficult to contain? There are two possibilities. First, it will up the ante in Kashmir. In other words, we will see an increase in Pak-sponsored militancy in Kashmir in order to divert the attention of the media, the international community and the domestic audience so that it can crush the rebellion in Waziristan and Balochistan and bring the situation back under control. The second possibility is that Pakistan will look for an honourable exit route from Kashmir so that it can save itself from disintegration resulting from civil war, faction fighting, military overstretch, and the spillover effects of terrorism. I argue that Pakistan is likely to adopt the second option given the situation that Pakistan is currently in – fall from the US grace, dubbed by the international community as the epicenter of global terrorism, and multiple insurgencies at home.

This new balance of power has a greater number of stake-holders in maintaining the regional order, well-oiled by the US interests in the region, buttressed by China's desire for economic and political stability in its neighborhood and supported by the international community's need for a safer world. Such a powerful combination of varied interests would have the potential to engender the rise of a new regionalism in South Asia. Indeed, this new regionalism is already in the early stages of development.

The most striking aspect of this new regionalism in the region is the unraveling of the neo-liberal peace thesis and its attendant economic and political consequences. I do concede the argument that economic incentives may not completely deter states from engaging in geo-political games that they are structurally in sync with. In other words, power struggles, arms races and geo-politics are not likely to come to a grinding halt in this region in the foreseeable future. However, globalisation, the prospects of economic gains, shared aversion to terrorism, and the post-Cold War global power configuration are more likely to determine these than the intention to gain power and friends merely for the sake of being militarily powerful.

India and Regional Stability

India has long made it clear to the rest of the world that it is a rising power, and it has been widely recognized as one. India as an emerging power has the potential to realign the power configuration within the region. Economic strength, democratic ethos, projection of soft power, large skilled population of working age, technological advantages, and military capabilities will make it a power to reckon with both regionally and in the world at large. Despite the many governance and economy related problems at home, India indeed is an emerging power.² The significance of India's power will be predicated on the fact that it will not just be a hard power of global military consequences but, unlike many great powers of the day, its power will have two defining features. On the one hand, it will be what Joseph Nye calls a soft power of great and long-lasting impact. On the other hand, it will also be a strong military power. This soft power has many dimensions: a vibrant economy, a popular culture, vast diaspora, and a technological edge, to name a few. India's economy, according to a Goldman Sachs report, "could be larger than Japan's by 2032" and "could be larger than all but the US and China in 30 years."³

The international community sees India as a major actor in the region, a country that shares the enlightened values of the Western world, to help the international community, given its own advantages, to transform the region. For one, the US thinks that "[I]t should pay closer attention to India's role in the regional balance."⁴ In many ways, therefore, the West seems to realise that India can be a strong ally in the onward march to global peace and prosperity. India is widely considered to be one of the potential balancers in the new balance of power system and the current international system's lone hegemon is positively prepared for the emergence of India as a balancer.

Another important India factor that supposedly attracts regional powers, despite their shared suspicion of a huge country in their neighborhood, is its declared and demonstrated lack of territorial ambitions which can be termed as a strategy of tolerance. India behaves like a passive elephant; it is dominant perforce, not by force. In other words, India is a reluctant hegemon. This was amply demonstrated when in 2000 the Sri Lankan government asked India to intervene in their country to save the lives of 120,000 Sri Lankan soldiers when they were surrounded by 4,000 Tamil rebels after the fall of Elephant Pass which is considered to be the gateway to Jaffna. Moreover, India is widely considered to be a defensive power which has never initiated a war in the history of its existence.

There are, however, suspicions about India's intentions in the minds of neighbouring countries. Given Indira Gandhi's pursuit of the Indian version of the "Monroe doctrine", called the Indira Doctrine, in the 1970s, many neighbouring countries considered India to be harboring

² On this, see Baldev Raj Nayar and T.V. Paul, *India in the World Order: Searching for Major Power Status* (Cambridge: Cambridge University Press, 2003).

³ Dominic Wilson and Roopa Purushothaman, "Dreaming With BRICs: The Path to 2050," *Global Economics Paper* No. 99, Goldman Sachs.

⁴ Condoleezza Rice, "Promoting the National Interest," *Foreign Affairs* Vol. 79 (Jan/Feb, 2000).

hegemonic intentions.⁵ However, today's India is one that does not intend to hegemonise the region. India, after signing the Indo-Sri Lankan Accord of July 29, 1987, intervened militarily in Sri Lanka under the auspices of a force dubbed the Indian Peacekeeping Force (IPKF), but withdrew in defeat in 1990. And yet India refused to repeat it despite frequent calls for intervention by Sri Lanka. In May 2000, when the fighting intensified between the Liberation Tigers of Tamil Eelam (LTTE) and Sri Lankan security forces, Colombo made repeated appeals to the Indian government to intervene and rescue troops trapped by LTTE forces in the LTTE-held Elephant Pass to the north of the country. New Delhi refused to do so.

Some authors have argued that India should exhibit "strategic altruism"⁶ in order to stabilize the region. Jones, examining the possibility of a regional security community in the region, has argued that:

...if a sustained policy of enlightened and self-interested regional strategic altruism is pursued by India over time (and, of course, increasingly reciprocated by its neighbours), taking advantage of the trends underway in the global economy and playing to the requirements of India's desire to be seen as an emerging Great Power, it would help to transform the region. Perhaps not into a region where everyone has "dependable expectations of peaceful change" anytime soon, then at least into a region where there are dependable expectations of qualitatively different and progressively more cooperative regional relations. That would be no mean feat and is perhaps the true definition of a nascent Regional Security Community.⁷

Finally, does India have the wherewithal to take on such a role? The answer is both affirmative and negative. A country that is riddled by internal as well as external security vulnerabilities may not be in a position to concern itself with multiple security issues found in the region. Moreover, India lacks the material capacity to exert its influence in the region even if it wants to. Having said this, however, the one factor that seems to be favouring such a grand strategic engagement with the Persian Gulf region is India's development of a blue-water navy. In fact, recent documents of the Indian defense establishment relating to its naval doctrine do make mention of such

⁵ See for instance, Pervaiz Iqbal Cheema, "What is the Indira Doctrine?" *The Post* (17 June 2007). Available at <http://ipripak.org/articles/newspapers/indira.shtml>

⁶ Jones defines strategic altruism as: "a regional security context as existing when there is evidence of a consistent, long-term policy by an actor, or actors, to base their decision-making with respect to security issues concerning certain key regional states, or each other, on a belief that it is in their interest to systematically consider a regard for the views and needs of the other actors as a principle of action. Furthermore, there must be a sense that this is done in order to foster an ingrained sense that the development or health of an emerging or ongoing security relationship is more important than relative gain or loss in any single transaction." Peter Jones, "South Asia: Is a Regional Security Community Possible?" *South Asian Survey* Vol. 15, No. 2 (2008), pp. 183-193.

⁷ *Ibid.*, pp. 183-193.

a plan.⁸ Even though the Indian Navy's plans for expansion are not as ambitious as Sardar K.N. Panikkar desired – "make Indian Ocean India's Ocean"⁹ – it is evident that the Navy would like to play an important role in regional affairs. In short, it may not therefore be out of place to argue that India could potentially be the pivot of an inter-regional stabilizing process.

Terrorism: Unifier or Divider?

The other important aspect of this new geopolitical imagination is the region's perceptions about terrorism. There are two contrasting views about how states in the region view terrorism. The traditional view, again, suggests that the roots of terrorism lie in the tool-kit of various states' policies. Many states in the region, this view suggests, such as Pakistan, have been using the help of terror and terrorists as mere means to a political end. While this is not entirely wrong, a crucial factor needs to be taken into consideration: even those states that have in the past sponsored terrorism in the region have realized today that they could end up suffering from this malice like those it is targeted against. That terrorists, especially those inspired by religious dogmas, have no loyalties towards any country including their own, is something that has become clear to the states in the region in the recent past. In fact, even as India still maintains that most of the terrorist attacks in the country are sponsored by the Pakistani state, today it is indeed the Pakistani state that suffers from more such attacks than India. This has prompted the Pakistani leaders not only to condemn terrorism, recommend dialogue as opposed to militancy to dissidents in Jammu and Kashmir (J&K), and explore ways and means to set up an anti-terror mechanism with India. While terrorism seems to be the newest threat to the region's many countries, there is a new recognition that this is a common menace and that the region's countries should put in collective efforts to address it. Soon after he was sworn in as the President of Pakistan, Asif Ali Zardari said that the Pakistan government now has a strategy in place to combat terrorism and added that he himself remained a victim of terrorism. He further said, "the challenge for us is to dismantle the militant cells so that they do not hold the foreign policies of two independent nations (India and Pakistan) hostage to their acts of terrorism."¹⁰

The post-9/11 international environment has forced Pakistan to abandon terrorism as a policy of statecraft. First came the abandoning of the Taliban regime under acute US pressure followed by the softening of its posture on Kashmir. The Pakistan government was forced to ban a large number of militant groups and curb cross-border infiltration after the 2002 military stand-off with India. The Inter-Services Intelligence (ISI) also was under the scanner for some time. This radical volte-face was

⁸ See for example, *The Strategic Defence Review, The Maritime Dimension – A Naval Vision* (May 1998); *The Indian Maritime Doctrine* (April 2004); *The Indian Navy's Vision Statement* (May 2006); *Roadmap to Transformation* (October 2006); *Freedom to Use the Seas: India's Maritime Military Strategy* (IMMS) (September 2007).

⁹ As outlined in his *India and the Indian Ocean: An Essay on the Influence of Sea Power on Indian History* (1945). Cited in David Scott, "India's Drive for a 'Blue Water' Navy," *Journal of Military and Strategic Studies* Vol. 10, Issue 2 (Winter 2007-08), pp.11-12.

¹⁰ Asif Ali Zardari, "India and Pakistan – Designing a New Future" (26 June 2008), <http://www.ppp.org.pk/saznew/speech2.html>

a result of US pressure, intolerance of any forms of terrorism by the international community and the realisation by the Pakistani establishment that talking to India was a better way of getting a better deal on all outstanding issues than waging a proxy war against it. As a respected Pakistani journalist Zahid Hussain wrote in the Pakistani news magazine *Newsline* “[T]he use of militancy as an instrument of policy was no longer acceptable under any pretext.” Apart from Pakistan, other countries were also taking steps to rein in terrorist groups. The LTTE was internationally banned and China started focussing more on the situation in Xinjiang, claiming “that these separatists are no different from other Islamic terrorists that are the focus of the global ‘War against Terror’.” Bhutan took stern military steps to clear the camps of terrorists, holed up in its territory, who were waging an insurgency in India’s northeast. The US and Britain were also voicing their concerns about terrorism in Kashmir. Finally, the end of the civil war in Sri Lanka and the defeat of the LTTE, considered to be the world’s most ruthless terrorist organization, has further entrenched the perception in the region that terrorism cannot be used to pursue political objectives and that it should be defeated.

For Pakistan, it was not just its Kashmir campaign that was backfiring – its Afghan campaign too had cost it very dearly.¹¹ As Sushant Sareen notes: “The need to wind down or tightly control the jihad against India was equally the result of the blow-back of this policy inside Pakistan – the mushrooming militias, the social regression that the growing radicalism brought about in the society, the economic fallout of jihad on business and investor climate, the deteriorating law and order situation and the consequent loss of internal sovereignty.”¹²

In other words, terrorism or support to terrorism as a state policy does not sell in the conduct of international relations any more. On the one hand, the international community, especially post-9/11, has grown intolerant to terrorism in any form, be it in the name of “moral and diplomatic support” or “freedom struggle.” On the other hand, countries which have traditionally supported terrorism have been facing the blowback effects of it in ways manifold.

The fact that there is now an emerging consensus in the region to stage a common fight against the menace of terrorism only shows that this is an important pillar of the new geopolitics in South Asia.

Contextualizing India-Pakistan Relations

The current state of India-Pakistan relations and the efforts at resolving the Kashmir conflict cannot be seen divorced from this emergent geopolitical context. Hence, a concise narrative of the contemporary Indo-Pak relations is in order now which I will begin from the year 2004. During the period from 1998 until the peace process began in 2004, relations between the two neighbours were tense and uneasy. This was primarily the result of the Indian and Pakistani nuclear tests of May 1998 and then later, due to the 1999 Kargil conflict between the two nuclear-armed neighbours. Uneasiness

¹¹ Malini Parthasarathy, “Engaging Pakistan: From the NDA to the UPA,” in Amitabh Mattoo, Kapil Kak and Happymon Jacob (eds.), *India and Pakistan: Pathways Ahead* (New Delhi: KW Publishers Pvt Ltd, 2007).

¹² Sushant Sareen “Another Shot at Bilateralism? Compulsions, Constraints and Calculations Behind the Peace Process,” in Mattoo et al., *op. cit.*, p.20.

reached yet another high following the December 2001 terrorist attack on the Indian parliament, which led to a ten-month military mobilization along the Indo-Pak border. This period was also marked by continuous low-intensity warfare and cross-border terrorism in J&K that was actively supported by Pakistan.

However, in January 2004 India and Pakistan launched a peace process during the Islamabad Summit of the South Asian Association for Regional Cooperation (SAARC). The announcement of a composite dialogue to unravel outstanding issues between the two countries was made a month later in February 2004. This process of peace building at the highest policy-making level was continued by the Manmohan Singh-led government that succeeded the Vajpayee-government in May that year. Singh and former Pakistan president Musharraf met in New York later in September and reaffirmed that they would "continue the bilateral dialogue to restore normalcy and cooperation between India and Pakistan."¹³ Again, in April 2005, the two leaders met in New Delhi; Musharraf had come to watch an India-Pakistan cricket match. It was during this meeting that the two leaders claimed that the peace process was now irreversible.¹⁴

The period between 2004 and 2008 saw many developments, most significant of which were the back-channel negotiations between Indian envoy S.K. Lambah (the former Indian High Commissioner to Pakistan) and his Pakistani counterpart Tariq Aziz, who was an advisor to the Pakistani president. The two discussed a potential solution to the Kashmir question that would be to the satisfaction of both parties.¹⁵ There was clear forward momentum on all outstanding issues, including the most contentious, Kashmir. Yet, the enthusiasm that accompanied this new progress was severely impacted by Musharraf's deteriorating domestic approval. India, fearing that a post-Musharraf regime might overturn any agreement, became ambivalent towards signing a deal. The peace process remained static until it eventually broke down completely in 2008. More details on the proposed solution to the Kashmir problem have subsequently surfaced and many of those involved in the negotiations, including former Pakistani foreign minister Khurshid Mehmood Kasuri, have commented on them. Kasuri in April 2010 claimed that "the previous Musharraf government had completed almost 90 percent of the spadework on the half-a-century old Kashmir dispute by 2007 as the whole exercise just needed the formal signature of all the three parties to the issue—Pakistan, India and representatives of Kashmir."¹⁶ He further stated that the "near-deal" on Kashmir was the result of a process of a three-year quiet diplomacy between the two countries that proposed a formula for peace characterised by "loose autonomy that stopped short of the *azadi* (meaning freedom) and self-governance aspirations... to be introduced on both sides of the disputed frontier," which was

¹³ India Pakistan Joint Statement (24 September 2004), New York. Available online at <http://pmindia.nic.in/speech/content.asp?id=26>

¹⁴ Terry Friel and Kamil Zaheer, "Peace 'irreversible'; India, Pakistan soften on Kashmir." Available at <http://www.alertnet.org/thenews/newsdesk/SP23347.htm>

¹⁵ "India-Pakistan were very near deal on Kashmir: Former Pak minister." Available at <http://www.rediff.com/news/2009/feb/19kashmir-solution-was-very-near-fmr-pak-min.htm>. Also see Steve Coll, "The Back Channel," *The New Yorker* (2 March 2009).

¹⁶ Babar Dogar and Ranjan Roy, "Kashmir Solution just a Signature Away: Kasuri," http://www.amankiasha.com/detail_news.asp?id=99

understood to be “between complete independence and autonomy.”¹⁷ Kasuri also said that the deal was to have been finalised in March 2007, when the Indian Prime Minister would have been invited to Pakistan. However, the Pakistani government was rattled by the Lawyers’ Movement that was sparked that very same month by Musharraf’s dismissal of Iftekhar Choudhry, Chief Justice of the Supreme Court. This unfortunate coincidence meant Prime Minister Manmohan Singh never visited Pakistan to cement the agreement. The embattled Musharraf regime was suddenly in no position to pursue its “pet” foreign policy deal.

With the Kashmir deal evaporating, the peace process began to follow suit. Border tensions increased during May 2008 when New Delhi accused Pakistan of violating the ceasefire on the Line of Control (LOC) in J&K, as bilateral relations between the two countries nose-dived. In retrospect one could perhaps say that focusing on India in mid-2008 was a “diversionary war tactic” by the Musharraf regime in an effort to deflect attention away from the domestic front. Thus the Lawyers’ Movement in Pakistan, paradoxically a progressive faction, dealt a double blow to Indo-Pak relations: it halted the Kashmir deal and increased bilateral tensions between the two countries.

As pointed out above, relations between India and Pakistan have been tense since May 2008. Following the July suicide car bomb attack on the Indian embassy in Kabul that killed 57 people, including senior officials, Indian foreign secretary Shiv Shankar Menon described the peace process as being “under stress.” Then, after terrorist attacks in Bangalore and Ahmedabad during the same month, Menon declared while launching the fifth round of the bilateral Composite Dialogue in Colombo that “India-Pakistan relations were at a four-year low.” However, many elements of the composite dialogue were sustained. The Indian National Security Advisor and his Pakistani counterpart met in New Delhi in October 2008 for discussions which were followed by a special meeting of the bilateral Joint Anti-Terrorism Mechanism. In November, the fifth round of Home/Interior Secretary-level talks on terrorism and drug trafficking was held in Islamabad. This progress was upset by the Mumbai terror attacks on 26 November 2008. Between November 2008 and February 2009 the world witnessed the serious possibility of a military confrontation between the two countries. In January 2009, New Delhi cancelled previously scheduled talks on the Sir Creek maritime dispute, and since then the composite dialogue has remained officially suspended.

The front-channel negotiations were replaced by back-channel negotiations by Lambah and Aziz. Not much information is available on the series of secret, sensitive negotiations that allegedly began in 2006 in hotel rooms across Bangkok, Dubai, and London. This process, known as “back-channel contact,” was reasonably unsuccessful given that there was nothing much for the back-channel negotiators to discuss owing to the absence of open channels of communication and a political will to engage. However, a number of track-two channels have continued to remain open since 2004, when the peace process was officially launched. The various track-two initiatives include: The Pugwash Initiative,¹⁸ the Indo-Pak track-two initiative organised by the New Delhi-based

¹⁷ *Ibid.*

¹⁸ The major Pugwash track-two meetings on India-Pakistan were held in Kathmandu, Nepal, from 11-14 December 2004; in Islamabad from 10-12 March 2006; in Srinagar in April 2005; in Colombo, from 22-24 July,

Institute of Peace and Conflict Studies¹⁹ and the Ottawa dialogue on India-Pakistan Relations.²⁰

India-Pakistan Peace Process and the Question of Kashmir

Questions such as what exactly the peace process achieved, and at what stages the negotiations stumbled, have given rise to a lot of speculation in academic circles and the strategic community. While each government denies anything substantial had taken place, it is widely accepted by the strategic community in both India and Pakistan that in fact a great deal was achieved by the two countries during the five-year-long peace process.²¹ While there is a dearth of literature in the public realm, it is believed that the two countries had indeed made significant progress in addressing many of their outstanding conflicts, including the Kashmir issue. Remarkable progress was made on Sir Creek and on the Siachen Glacier disputes as well. In fact, it is generally accepted that had the Kabul and Mumbai attacks not taken place, an agreement would by now have been reached on at least Sir Creek.

During 2006-2007, the then president Pervez Musharraf formed a lawyers' committee to discuss the legal ramifications of a resolution. More significantly, the popular mood in India, Pakistan

2007; again in Colombo on 15-16 March 2008; in Islamabad on 29-31 March 2008; in Hague on 17-20 April 2009, in Bari, Italy on 21-26 October, 2007; in Cairo, Egypt, on 11-15 November 2006; and in Islamabad on 3-4 June, 2010.

¹⁹ For the report of the latest meeting held on 8-9 February 2010, see http://www.ipcs.org/pdf_file/issue/Indo-Pak_Track_2_Dialogue_February_2010.pdf

²⁰ Various meetings of the Ottawa Dialogue attended by this author: 18-19 June 2010, Copenhagen, 12-13 December 2010, Bangkok, 26-27 March 2011, Istanbul, Turkey. For a report of the first meeting of the Ottawa Dialogue, see http://www.international.gc.ca/arms-armes/assets/pdfs/Report_Seminar_on_South_Asia_Security.pdf

²¹ Recent Pakistani and Indian thinking on most critical issues between India and Pakistan have been gauged from the recent track-two conferences that were held after the Mumbai terror attacks. The conferences that are referred to are the following: 1) Pugwash track-two meeting on "Prospects for Restarting the India-Pakistan Dialogue" Islamabad, Pakistan, 5-6 March 2009; 2) "Confidence Building Between India and Pakistan: Post Mumbai Attacks," Bangkok, 30-31 March 2009, organized by the Delhi-based think tanks Public Policy Research Group and the Institute of Peace and Conflict Studies; 3) Pugwash meeting in the Hague on "Regional Stability in Central and South Asia: The situation in Afghanistan, and India-Pakistan relations," 17-20 April 2009; 4) "India-Pakistan Relations: Composite Dialogue," Bangkok, 2-3 October 2009, organized by the Delhi-based think tanks Public Policy Research Group and the Institute of Peace and Conflict Studies. Other significant track-two meetings were: Building Stability in South Asia, in Bangkok, Thailand, on 8-9 February, 2010; workshops organized by Chaophraya Dialogue India-Pakistan Track-two Initiative organized by the Institute of Peace and Conflict Studies, New Delhi and The Jinnah Institute, Islamabad (28-30 August 2010, Bangkok and 27-28 January 2011, Bangkok). I argue that Indian and Pakistani thinking at the higher levels of strategic community in both countries can be gauged, if not comprehensively, from these track-two conferences because of multiple reasons. One, these meetings were held at a time when there were no official contacts between the two countries; two, they were attended by formerly high-ranking officials in the Indian and Pakistani establishments who continue to maintain close contacts with their respective governments, and; three, since these meetings were held under Chatham House rules, the participants were willing to discuss issues in a frank manner. Chatham House rules also gave the high-ranking participants the necessary deniability with regard to the outcome of the meeting. This, in my opinion, encourages frankness.

and the Kashmir Valley supported a political solution along the lines of the Musharraf formula.²² During the peace process three notional achievements were made: it was decided that any future negotiations on Kashmir would not revert to arguments over the plebiscite, UN resolutions or the absolutist positions that the respective countries have held for a long time. On a more practical level, the Indo-Pak peace process produced a number of important Confidence Building Measures (CBMs).

Even though there is no bilateral deal on Kashmir as yet, the Indo-Pak rivalry over the issue is characteristically different today than during the 1990s. In other words, Kashmir is not as contentious as it used to be. There is also a very significant kind of change taking place in the state politics of J&K. Indeed, most of the mainstream and dissident parties have now unveiled blueprints of their preferred solution to the problem. The New Delhi-Islamabad, Srinagar-New Delhi, and Jammu-Srinagar tracks of dialogue have been yielding positive results. Much of these dialogue tracks were frozen when the official peace process broke down in the wake of the Mumbai terror attacks. There is hope today that the two countries will restart these processes once the diplomats hit the negotiating table in the coming months.

It is also important to note that the people of Kashmir have spoken out in different forums and with different voices. They need to be heard and their opinions about their own future should be adopted by official negotiators in India and Pakistan. It would be more constructive, of course, if the two countries could restart the dialogue on Kashmir based on the three notional achievements they made during the peace process. There are enough proposals on the table and commonalities among them that can be taken into consideration and there is every indication that a solution could flow from them.²³

More significantly, the overall situation in J&K has drastically improved in the past few years thanks to back-channel, as well as official, efforts by the two countries. Militancy is at a new low, the people of the state are actively participating in the mainstream political process, the distance between New Delhi and Srinagar has narrowed, and Kashmiris are today increasingly receptive to the idea of internal CBMs, such as the Prime Minister's Round Table conferences, initiated by New Delhi. The Government of India also appointed a group of interlocutors to talk to all sections of the Kashmiris as well as to suggest ways and means to resolve the Kashmir issue. A large number of Kashmiris believe that in today's Kashmir *azadi* implies accountability from the government, demands for good governance and aspirations for self-respect.²⁴

There is also a growing realization that indigenous protests can force the Indian state and

²² Musharraf proposed a "four-point solution" to the Kashmir issue on December 5, 2006 in an interview with NDTV (an Indian television channel). His formula includes: soft or porous borders in Kashmir (but no change of borders); autonomy or "self-governance" within each region of Kashmir; phased demilitarization of all regions; and finally, a "joint supervisory mechanism," with representatives from India, Pakistan and all parts of Kashmir, to oversee the plan's implementation.

²³ Happymon Jacob, "Kashmir resolution: Do we have a consensus?" *Greater Kashmir* (6 February 2008).

²⁴ See Najeeb Jung, "What Kashmir Wants," *Times of India* (30 August 2010); Happymon Jacob, "Kashmir Insurgency, 20 Years After," *The Hindu* (24 December 2009); Happymon Jacob, "Kashmir Needs a Political Package," *The Hindu* (22 September 2010); Madhu Kishwar, "The Many Meanings Of Azadi," *Times of India* (20 September 2010).

make the Indian civil society realize that the problems in Kashmir need to be addressed and redressed politically and not militarily. There is, in other words, a substantive change in their self-perception, the way Kashmiris today look at the rest of India and Pakistan and how their "struggle" needs to be taken forward. New norms, ideas, and arguments about self and others are gaining ground in Kashmir.

In the rest of India, too, the discourse on Kashmir has changed drastically. The country's mainstream discourse traditionally considered the issue as one driven and created purely by Pakistani interference. Everyone seemed oblivious to the fact that Pakistan had been given the space for this interference due to India's traditional mishandling of Kashmir. This mainstream thinking was infused in the media discourse. Indian films and popular writing portrayed Kashmir as a terrorism-infested region that needs to be cleansed of Pakistani agents. It tended to draw a picture of Kashmiris as supporters of terrorism and Pakistan. This thinking is undergoing a positive transformation. Today there is a growing awareness about the nuances of the Kashmir problem, and about the follies the Indian state has committed there. There is an understanding of the pervasive sense of alienation among Kashmiris and a growing realisation that anti-India protests are not necessarily pro-Pakistan. There is the realisation that there is a real problem in Kashmir that needs a political resolution. Today there is an unprecedented political reconciliation process underway between New Delhi and Kashmiris and this is likely to lead to concrete measures to resolve the issue.

Pakistani perceptions of the Kashmir conflict have also undergone some significant change over the years. Unlike in the late-1980s, Pakistan is a much-weakened and embattled power now without many reliable strategic partners with the exception of China. The state is widely feared to be heading for failure and chaos due to its ingrained promotion of terrorism and internal incoherence. Moreover, the strategic elite as well as the civil society in Pakistan have understood the need to tone down its rhetoric in Kashmir as it is only helping to destabilize their own country. Indeed, the Pakistani leadership, including the incumbent president, has gone on record about the need to resolve the Kashmir issue amicably. The 2004-2008 India-Pakistan peace process saw India and Pakistan getting close to agreeing on a formula to resolve the Kashmir conflict. However, a key question remains: how does the Pakistani army see these Pakistani policy changes with regard to Kashmir? Can we safely assume that the army will extend its acceptance of the Pakistani state's choice for an "honorable exit" from Kashmir? While there is no clear and straight-forward answer for that, one must go by the various emerging trends in this regard. First of all, the most forward-looking Kashmir proposal for a solution to the Kashmir issue came from the military, not the civilian leadership of Pakistan – from Gen. Pervez Musharraf. To date, the Pakistan army has not repudiated the Musharraf formula, even as the incumbent civilian regime in Pakistan seems to be uneasy about the formula. Secondly, Afghanistan is likely to be the focus of Pakistani geopolitical strategy in the days to come, not Kashmir. The Pakistan Army may not be able to give "sufficient" importance to both Kashmir and Afghanistan at the same time in the days to come as doing so will stretch its material and organizational limits. Remember, Pakistani assistance to the insurgency in Kashmir only started after 1989, after the end of the Mujahideen war in Afghanistan. The Pakistan Army is therefore likely to avoid wanting to have a two-front problem, in Kashmir as well as in Afghanistan. Thus it is not irrational to argue that the Pakistan Army might as well support an Indo-Pak rapprochement in

Kashmir and wind down its operations there.

Importantly, the age-old categories of describing parties and views in Kashmir as dissident versus mainstream, and India-supporting versus India-opposing have, to a great extent, lost their significance. The one important political implication taken from the J&K State Assembly election of 2009 is that there has been a mainstreaming of Kashmir's separatist politics, at least to some extent. Gone are the days when the Kashmiri separatists were untouchable and *azadi* meant (at least in the popular parlance) total separation from the India. Today, separatist politics and *azadi* sentiments are more nuanced, more complex, and take many forms, ranging from the Hurriyat Conference to the People's Democratic Party (PDP). In order to accurately interpret the internal politics of J&K, the entire spectrum of understanding and blurred shades of opinion about *azadi* that exist between these two actors, must be correctly understood. The PDP would object to being called "pro-*azadi*," "separatist" or even "soft-separatist," yet the fact remains that it walks a very fine line. While on the one hand the self-rule proposal put forward by them is about more than what the constitution of India guarantees J&K and is closer to the platform proposed by self-proclaimed separatist leaders (such as Sajad Lone of the People's Conference – a dissident party in Kashmir), on the other hand, the PDP has a political constituency that speaks the language of both separatism and *azadi*. This explains why the very same people who were shouting slogans against India during the summer unrest of 2008 also decided to cast their votes in the elections held later to the State Assembly. Their votes did not signal an acceptance, even a tacit one, of the situation in the region; but rather an extremely nuanced form of protest, and an extremely mature one.

If this occurs, moderates of Kashmir politics such as Sajad Lone and even Mirwaiz Umar Farooq will be forced to reconsider their options about the kind of politics they will choose to engage in over the coming days, that is, enter into the newly-emerging "soft-separatist" fold and tone down their anti-India rhetoric. If they try this course of action, Kashmir will see the creation of a new political space which will be populated by parties that ask for more political, administrative and financial concessions from New Delhi, and will demand increased linkages with Pakistan. This "mainstreaming of political dissent" will have implications for the Kashmir issue as we know it, as well as for relations between India and Pakistan in the longer term. Thus any attempts by New Delhi to ignore and undermine this dissident space will prove disastrous for J&K and any future India-Pakistan engagement will need to bear this in mind.

While the above is encouraging, what is disappointing is the inability of the two countries to make use of these various opportunities to resolve the Kashmir issue. As previously remarked upon, when Pervez Musharraf held power there were ample opportunities to advance the peace process. Yet the UPA-led Indian government failed to seize the initiative and negotiate opportune deals to resolve outstanding conflicts; it failed to concertedly assist Pakistan in its efforts to eradicate terrorism; and it failed to make allies within Pakistan that would have been useful for gaining strategic inroads into the Pakistani state.

One of New Delhi's concerns regarding discussing Kashmir with Pakistan is it is unsure of the ability of the future regimes in Islamabad to abide by whatever is decided today between the two countries. For example, post-Musharraff there are not many supporters in Pakistan for his Kashmir

formula more so because the former dictator is not a much loved leader in today's Pakistan. This has put India in a diplomatic quandary due to the potentially uncertain future of bilateral agreements. While New Delhi's fear is not entirely incorrect, the Pakistani participants of a recent India-Pakistan track-two conference, "Chaophraya Dialogue-6,"²⁵ pointed out that while a lot of Pakistanis have a problem with the term "Musharraff formula," they may not dismiss the substance of his formula entirely: what can be done, therefore, is to repackage the formula and put it through the proper political process. New Delhi needs to take this Pakistani suggestion, albeit coming from a track-two forum, seriously because it may not be wise for New Delhi to accept a Pakistani solution on Kashmir which does not have the backing of the bipartisan political leadership of the country.

Kashmir Conflict and the Proposed Solutions

This section looks at the potential common threads in the proposed solutions to the Kashmir conflict. Indeed, a close examination of the various proposals shows that we could create a consensual roadmap from among them. Creation of such a consensual proposal may ideally go through the following phases: 1) look for commonalities and differences in the existing proposals; 2) devise a mechanism/forum for discussing and resolving the outstanding differences; 3) propose to implement the most common denominators among the them.

The most important proposals that one might want to consider are:

- 1) Jammu and Kashmir Liberation Front's (JKLF) roadmap for J&K;
- 2) Pervez Musharraff's proposal;
- 3) Article 370 of the Indian Constitution and the Delhi Agreement;
- 4) Kashmir study group proposals;
- 5) The United States of Kashmir Proposal by Mirwaiz Umar Farooq;
- 6) Peoples Democratic Party proposal;
- 7) People's Conference (Sajad Lone) proposal;
- 8) J&K State Autonomy Committee Report (sponsored by the National Conference);
- 9) Balwaristan National Front proposal;
- 10) Manmohan Singh's ideas.

What are the commonalities among them? As a starting point, I would like to point out five common themes among them for further discussion. The most important theme running through all of these proposals is the issue of self-rule and autonomy. While some of the proposals delve at length into these two related yet different issues, some do not. But all of these proposals do realize the need to give greater autonomy short of independence to J&K (except in the case of JKLF which demands

²⁵ For details on the sixth round of the Chaophraya Dialogue see, Chaophraya 6: Joint Resolution on Track II Dialogue. Available at <http://www.jinnah-institute.org/programs/strategic-security-program/241-chaophraya-6-joint-resolution-on-track-ii-dialogue>

no less than complete independence).

The other key agreement among these proposals is that all of them realize the need for cross-border mechanisms for deliberating, consulting and deciding on a variety of issues concerning both sides of J&K. Even as there has been a heated debate on the issue of joint management of resources and certain mutually agreed upon sectors of governance and what it entails among other things (whether this means joint control or joint management etc.), what is pertinent to note is that the key stakeholders have realized that this is one possible way ahead in a world that is quickly going past the confines of borders not just for peace but also for benefits of a great variety. Interestingly, let us remember that both Manmohan Singh and Pervez Musharraf apart from Sajad Lone, Mirwaiz Umar Farooq and the PDP have endorsed this idea. Despite such huge high-level support for this proposal, this truly great idea lies mired in obscure details.

The third important, if not entirely common, factor in these proposals is the emphasis given to sub-regional problems and aspirations. Valley politics and discourse, by default or design, tends to dominate over most other pressing problems in the whole of the J&K state, including on the Pakistani side of the border: issues relating to J&K have come to identify solely with what happens in the Kashmir Valley. It is necessary, therefore, to address and attend to such regional aspirations and problems be it regional autonomy, highlighting their differences with the valley or addressing governance related issues in the peripheral regions.

The fourth issue addressed by most of these proposals is also the much debated issue of demilitarization in J&K. While many actors are chary of addressing the issue, some have looked at it openly with a willingness to discuss it. Despite the differences in this regard due to its politico-strategic sensitivity, there seems to be some agreement on phased demilitarization. Demilitarization when adequately phased and timed well with a reduction in terrorist violence, even the hawks within the government of India would be fine with it.

Another equally important common factor seems to be the need to accord the state more autonomy regarding financial matters, recruitments into civil services, etc. While much of this is easy to do, this involves a great deal of trust and flexibility apart from political will on the part of the government in Delhi.

Going Beyond Borders

Working towards creative interdependence is one of the fundamental steps to conflict resolution. Economic, cultural and emotional interdependence among conflicting regions will undoubtedly go a long way in resolving their problems and history is witness to this fact. One might argue that creating interdependence in J&K (the erstwhile J&K) isn't any political solution rather a way of avoiding the real problem. There is some merit in such an argument but one could also argue that J&K suffers less from a lack of territorial readjustment than from a host of other problems which are related to the economy, resources, violence and alienation etc. which can best be addressed by the creative tools of interdependence. Even the political climate in J&K and in New Delhi and Islamabad both among the mainstream politicians and dissident camps has been very much in favour of pushing

for more linkages between the two sides of the erstwhile princely state. Although the arguments in favour of interdependence took a backseat during post-Mumbai terror attacks, the renewed peace process is likely to bring them back to the fore. Indeed, linkages among the two sides of J&K, all of them realize, can not be avoided and it is a matter of time that their respective constituencies would hold them responsible if they do not push for it.

The most important item in a possible laundry list of mutual collaboration would be trade. From establishing LOC markets to trading in handicrafts and local goods to establishing contacts among the four chambers of commerce and industries in the state, the possible initiatives could be long.²⁶ The next item would be promotion of tourism on both sides of the state and implementing collaborative approaches to that. While on the one hand, a Memorandum of Understanding (MOU) could be signed among tourism associations and hotel industries, religious and cultural tourism for the people of the state is something that could be undertaken right away. The first step in this direction would be the easing of visa restrictions.

The third important item would be the great potential of collaboration among educational institutions. Both universities and vocational training institutes on both sides of the state could initiate exchange programmes for students and faculty besides signing MOUs among institutions for such purposes, holding joint conferences and workshops on issues of mutual concern and most importantly establishing scholarships and reserving seats from students from the other side. Would it not be a good idea if the Islamic University of Science and Technology in Awantipur holds a conference on Islam with scholars from the South Asian region especially from the other side of J&K? Partial efforts are already being taken in this regard: the University of Jammu's business school is in the process of signing an MOU with the Lahore University of Management Sciences (LUMS).

The fourth issue of crucial importance here is the necessary collaboration by the two sides on disaster management, considering the fact that the region is understood to be disaster prone. It would prove to be a prudent step if there could be initiatives towards establishing coordinated efforts for disaster management and relief. The past example of Pakistan refusing to accept India's offer to help at the time of the earthquake in Kashmir should prompt the two countries to look for establishing a *modus operandi* for collective action at the time of such disasters.

Another issue of crucial importance is collective efforts at natural resources management in J&K. Setting up consultative mechanisms for this purpose would be the first step in this direction. External funding agencies could be included in environmental rehabilitation and promotion of sustainable development. The Indus Waters Treaty that has stood the test of time is an example that should be emulated when dealing with water, forest, ecological and other such resources.

Reopening the roads and thereby facilitating transport between the two sides is the sixth issue. Some roads are opened but hardly anyone can travel through them thanks to the many restrictions. Permission to travel should be extended to more people than those from divided families.

²⁶ For an excellent review on the potential of cross-LOC trade in Kashmir see, Moeed Yusuf, "Promoting Cross-LOC Trade in Kashmir: An Analysis of the Joint Chamber," United States Institute of Peace, *Special Report* No. 230 (August 2009).

Many roads still remain closed and they need to be reopened. Train and air connections between the two sides are options which could be explored.

A related issue is that of establishing communication between the two sides. Telephone connections between the two sides need to be reinstated and one could even think on the lines of setting up common TV and radio programmes apart from a common website for common purposes.

The last but not the least in this list would be the financial and economic linkages such as opening of branches of the J&K Bank on the other side and vice versa. Even though this may not achieve so much in the beginning, the symbolic significance this would have for people in the state is tremendous.

The two parts of the erstwhile princely state of J&K have long been economically separated making any potential future cooperation between the two sides difficult. While it is true that there will not be much to trade and transfer between the two sides due to the long separation, it should be noted that the economic union and other kinds of cooperation between the two sides will enable it to serve as an economic and commercial hub connecting the two larger states – India and Pakistan. Once the artificially separated unified economy gets to be the economic and commercial connecting point between the two sides, the two sides will undoubtedly revive the traditional routes of commerce and interaction.

What Does the “Outside of the Box” Kashmir Solution Imply for the South Asian Region?

To answer this question I would have to look at the centrality of the Kashmir conflict for Indo-Pak relations and, by implication, for the region. Historically, the dispute over Kashmir has been central to the enmity between India and Pakistan and the subcontinent’s instability. India and Pakistan, ever since their independence in 1947, have fought wars, waged diplomatic battles at the UN, and claimed parts of Kashmir from each other’s custody. Since 1989, Pakistan has been supporting an uprising in Indian Kashmir (called J&K) by sending armed terrorists into the state. More so, the crises between India and Pakistan in 1990, the Kargil conflict in 1999, both under the shadow of nuclear weapons, were staged in the Kashmir theater. Hence the centrality of Kashmir to the region’s stability can be effortlessly established. If so, the transforming nature of the Kashmir conflict and the manner in which, as outlined above, the conflict is inching towards resolution will also have significant implications for the region.

First of all, the fact that the insurgency in Kashmir is becoming an indigenous one will mean that the rationale for terrorism in the name of jihad in Kashmir will become less popular. Secondly, India and Pakistan abandoning their inflexible positions on Kashmir will lead to closer interaction on an important common concern for both of them, namely, terrorism. Within India the possibility of addressing the Kashmir issue more sympathetically as well as attempting to find a political solution to it and to find a mutually agreeable formula for all the three parties to the conflict (India, Pakistan and the Kashmir) is more likely if the current reduction in the infiltration of militants into the Kashmir Valley continues to be maintained. Thirdly, resolving the Kashmir conflict could potentially lead to the resolution of the other outstanding issues between the two countries. Four, the resolution

of the Kashmir conflict will have tremendous impact on India-Pakistan nuclear stability which is currently fragile. Lastly, the normalization of India-Pakistan bilateral relations will render more stability to the Af-Pak region.

Conclusion

While the generally accepted line of argument about the South Asian region is that the region is heading towards greater insecurity and instability due to the absolutist positions held by the two nuclear-armed rivals, India and Pakistan, this article has tried to make the contrarian argument that there are positive developments taking place in the region which will need to be seen in proper perspective in order to understand the future trajectory of the region's geopolitics. These positive developments with regard to the relations between India and Pakistan include the eventual resolution of the conflict in Kashmir. Indeed, there are indications to suggest that the bilateral conflict on Kashmir is heading towards resolution.

However, it may be said, in conclusion, that the resurgence of the Taliban in Afghanistan and their eventual return to power in Kabul could potentially frustrate peace-making efforts in the region. Moreover, Chinese policies and behaviour towards the region will also have significant implications for the balance of power there as well as the eventual resolution of the conflict in Kashmir.