Howard B. Schaffer

# Reconsidering the U.S. Role

India's and Pakistan's rival demonstrations of their nuclear capabilities in May 1998 heightened the stakes over Kashmir, the most heated point of diplomatic friction between the two countries. The detonations jolted the Clinton administration into taking a hard look at long-standing U.S. policy toward the region, which some observers call "the most dangerous place in the world." The result has been a palpable shift in U.S. interest toward an economically vibrant India and away from an increasingly troublesome Pakistan. This shifting focus is driven in no small measure by recognition of the facts on the ground, and awareness that major changes will be needed in Indian and Pakistani policies to cool the dispute. The United States has a limited capacity to bridge the impasse; nonetheless, President George W. Bush may be the right person at the right time in the right place to help move things toward resolution.

Although both India and Pakistan have been capable of building nuclear weapons for quite some time, until recently they chose not to construct them. The threat of catastrophic conflict was thus largely theoretical. U.S. concerns have now moved to a different plane. The agenda hurriedly cobbled together by the Clinton administration to deal with South Asia following the tests gave equal stature to two objectives: resuming the stalled Indo-Pakistani dialogue on Kashmir as well as other bilateral problems, and restoring the international nonproliferation regime that the tests had shattered. At meetings of the permanent members of the United Nations (UN) Security Council and the leaders of the eight major industrial nations, the administration called for urgent action by India and Pakistan to resolve their differences. This call was endorsed by the other major powers.

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## Bad News for Pakistan

Pakistan at first welcomed the renewed U.S. interest. As the less powerful claimant, it has been unable to budge the status quo in Kashmir and has thus viewed the intervention of the international community as key to achieving its objectives. Contrary to Islamabad's hopes, however, its acquisition of nuclear weapons and the world spotlight turning to Kashmir has in fact turned U.S. policy to India's advantage. The events of May 1998 strengthened Washington's resolve to preserve stability in South Asia; though no one will say so directly, the equities of the Kashmir issue have taken a distinct backseat in the U.S. perspective. Some feel that the new and dangerous environment the nuclear tests created in the region make the use of force to change the status quo even more objectionable now. Because Washington policymakers and others familiar with the dispute had long recognized that New Delhi would not give up the part of Kashmir it held unless compelled by force, this realization was tantamount to an endorsement by the United States of a status quo that favors India.

This shift in U.S. attitudes was evident a year later, when Pakistani Army troops and Pakistan-supported Kashmiri insurgents crossed the line of control (LOC) dividing the border state in the remote but strategic Kargil area. The Pakistanis may have calculated that this incursion would prompt the United States to intervene to stop the fighting and cool down a "nuclear flashpoint." To their chagrin, Washington's reaction was sharply critical. In public statements and diplomatic exchanges, the United States called for an urgent end to the Kargil conflict by restoring the LOC. Such an approach has endowed the line with a significance it did not previously enjoy. This approach was music to Indian ears; Indian commentators noted that for the first time the United States was supporting India on the Kashmir issue. Speculation has even emerged of a new pro-India tilt in Washington's overarching South Asia policy.

The administration's emphasis on the LOC (and by inference the territorial status quo in Kashmir) was reinforced at the highest level when Pakistani prime minister Nawaz Sharif met President Bill Clinton at the White House on July 4, 1999, and promised to wrap up the Kargil operation. In their joint statement, the two leaders agreed that it was "vital for the peace of South Asia that the line of control ... be respected by both parties." Clinton stated that he would take a "personal interest" in encouraging the resumption and intensification of the dialogue that Sharif and Indian prime minister Atal Behari Vajpayee had initiated in Lahore a few months earlier "once the sanctity of the line of control had been fully restored."

When the president visited India in March 2000, he stuck to this same theme. His most prominent exposition of U.S. policy came in a television in-

terview. Clinton said India and Pakistan needed to respect the LOC. He reiterated U.S. opposition to violence, particularly violence "propagated by third parties within Kashmir," and said elements within the Pakistani government have supported those forces engaged in this violence. He also warned against Indian efforts to use force to suppress the Kashmiris, who deserve, said Clinton, to have their concerns addressed "on the merits." He dismissed, however, the idea of a plebiscite in the state and spoke instead of "some process by which the Kashmiris' legitimate grievances are addressed." He strongly implied that this process should take place within India. Finally, Clinton called again for the two parties to resume their dialogue.

U.S. interest has palpably shifted toward India and away from Pakistan.

The president adopted the same line in a televised address during a stopover in Islamabad that the administration had made deliberately brief to underscore its negative reaction to the military takeover in Pakistan in October 1999, in which General Pervez Musharraf had come to power. Clinton left no room for doubt on the futility of Pakistan's Kashmir policy. "This era," he told his Pakistani audience, "does not reward people who struggle in vain to redraw borders in blood." Pakistan must face a stark truth, he continued. "There is no military solution to Kashmir. International sympathy, support, and intervention cannot be won by provoking a bigger, bloodier conflict. On the contrary, sympathy and support will be lost." Nor, Clinton added, should Pakistan look for a U.S. role. "We cannot and will not mediate or resolve the dispute in Kashmir. Only you and India can do that, through dialogue," he stated.

This position, reiterated with an even more pro-India spin when Vajpayee paid a return visit to the United States a few months later, reflected a major effort by the Clinton administration in its last years in office to develop a strong, long-term U.S. relationship with New Delhi. Two earlier developments had made this initiative possible: the end of the Cold War—long the principal source of U.S.-Indian friction—and the opening of India's largely autarkic economy to foreign private trade and investment. A third development added to India's political appeal: the increasing role in U.S. public life of well-to-do Indian émigrés.

The centrality that the administration gave to nuclear nonproliferation in its approach to bilateral relations—culminating in its strong reaction to the May 1998 tests—was one of the major obstacles hindering closer U.S.-Indian relations during most of Clinton's two terms. During his visit to India, however, Clinton strengthened ties significantly and established an institutional framework designed to further improve relations long after his depar-

ture from office. By contrast, the administration was far less interested in developing ties with Musharraf's regime in Islamabad.

## Self-Determination, Maybe... Maybe Not...

This perceived tilt toward India is a new and unique element of U.S. Kashmir policy. The India-Pakistan dispute over the territory first arose in 1947, soon after the two countries' independence and partition. Washington had good relations with both new states and sought to channel the Kashmir dispute through the UN system. In that early Cold War period, U.S. policy was not prompted by concern for specific U.S. interests in either state or elsewhere in South Asia. Indeed, the United States paid scant attention to the region. U.S. foreign policy makers were generally unfamiliar with South Asia and regarded it as little more than an inconsequential sideshow to Europe and the Far East. They saw the dispute over Kashmir as typical of the myriad regional problems the fledgling UN was designed to resolve.

This conflict-resolution aspect of U.S. policy has endured. Over time, it has blended into a more generalized interest in the stability of the region. Throughout the Cold War years, Washington recognized that stability was an essential condition for the South Asian countries to break their cycle of poverty and despair and become increasingly prosperous (hopefully democratic) nations that could resist the blandishments of communism. U.S. policymakers also feared that instability might offer opportunities to the Soviet Union and communist China to increase their influence in South Asia. They worried, too, that strife in the region could spark a wider confrontation, if outside powers intervened on behalf of friends, clients, or allies. They recognized that, at the very least, conflict in South Asia would pose difficult policy choices for Washington. This anxiety, in fact, repeatedly resurfaced whenever India and Pakistan went to war or teetered on the brink.

The Wilsonian ideal of self-determination added a moral tone to Kashmir policy. Initially at least, Washington could declare its support for self-determination without jeopardizing its good relations with India and Pakistan. In the early years of the dispute, both countries held that the Kashmiri people should ultimately decide their own future. Moreover, Kashmiri self-determination as expressed in the UN resolutions was limited to a choice between India and Pakistan. Although many Kashmiris would ultimately prefer separate nationhood, the resolutions did not offer them that option, nor did any responsible U.S. officials encourage it. The U.S. position on Kashmir thus did not run counter to Washington's general policy opposing the dissolution of national units.

India's resistance to a plebiscite and the support India received in the UN

Security Council from the Soviet Union (which vowed to veto any resolution that called for one) eroded the role the principle of self-determination played in shaping U.S. policy. In the 1960s and 1970s, Washington readily promoted or endorsed bilateral Indo-Pakistani agreements that made no mention of self-determination. The principle seemed to have become irrelevant to the dispute when, in 1975, Kashmir's preeminent political leader abandoned his call for a plebiscite and, with New Delhi's support, became chief minister of the state. U.S. policymakers saw his election as certifying Kashmiri willingness to link their lot permanently with India.

The insurgency that erupted in the Kashmir Valley at the end of 1989 led to the revival of self-determination as a significant U.S. concern. As it had since the mid-1960s, Washington distanced itself from the early UN resolutions calling for a plebiscite and continued to dodge the question of their relevance. The standard U.S. position was that the dispute was best resolved through direct discussions between India and Pakistan as envisaged in their 1972 Simla Agreement. The United States now added, however, that the two governments should take into account the wishes of the Kashmiri people.

New Delhi may be prepared to allow a modest, less public U.S. role in Kashmir.

As the insurgency continued and Kashmiri Muslims became increasingly alienated from India, some U.S. policymakers concluded that the Indian government needed to make major changes in how it governed Kashmir. In their view, these changes had to provide a high degree of autonomy for the state, or at least for the Kashmir Valley, where resistance to Indian rule was stiffest. Only then, they argued, could Kashmiri Muslims be reconciled to continued association with India; only then would peace be viable.

The insurgency introduced two further dimensions to the way Washington views the Kashmir problem. The first was human rights, deriving from well-publicized, heavy-handed measures of the Indian army and paramilitary forces to coerce the Kashmiris into acquiescence to Indian rule. The reports of human rights violations resonated with Congress, the U.S. media, and important nongovernmental organizations, and heightened the attention policymakers gave the issue.

The second new concern was terrorism. As the nature of the insurgency changed and Pakistanis and other Muslim outsiders became increasingly involved, violent acts carried out by avowedly Islamic groups calling for *jihad* led to increasing pressure on Washington to add Pakistan to the list of states that sponsored terrorism. To date, it has stopped short of doing so, but has in fact proscribed as "terrorist" one organization considered close to ele-

ments in Pakistan that conduct operations in Kashmir. This group was apparently connected with the 1995 kidnapping in Kashmir of a U.S. citizen, now presumed murdered.

## Bush and the Facts on the Ground

With that background in mind, what should the Bush administration do next? Foreign policy barely made a ripple in the 2000 U.S. presidential campaign. Only one candidate made a significant remark about the South Asian region—Bush's foreign policy address early in the campaign. The speech included a few noncontroversial sentences that stressed the importance the United States should attach to its relationship with India. This testimonial doubtlessly was intended to appeal to Indian American voters, rather than to be a serious reconsideration of India's place in U.S. foreign policy.

The Bush administration will have to tackle many other demanding foreign policy issues besides South Asia. Given that neither the president nor his foreign policy advisers have shown any particular interest in the region, the most natural course for the new administration will be to accept Clinton's realistic objective of stronger relations with India and seek further progress through the institutional framework created during last year's state visit.

In the end, the priority the administration accords South Asia in general and Kashmir in particular will depend largely on the facts on the ground. If the situation within Indian Kashmir and along the LOC improves or does not significantly worsen, the new administration will be inclined to simply uphold Clinton's formula: urging restraint on all sides and respect for the LOC, condemning a military solution, and calling for a resumption of the Indo-Pakistani dialogue toward a settlement that takes into account the wishes of the Kashmiri people. On the other hand, a further deterioration of Indo-Pakistani relations—an escalation of violence on the LOC, in the valley, or in other parts of the Indian-controlled part of the state—and the possibility of nuclear escalation could force the Bush administration, however reluctantly, to adopt a more active approach.

Some commentators argue that the new administration should not wait for such a potential disaster but should pursue a more robust policy. They maintain that, in the wake of Kargil, the Indian government has recognized that an international—particularly, a U.S.—role in seeking resolution to the Kashmir problem could be beneficial. From this point of view, New Delhi, frustrated by its inability to suppress the insurgency in Kashmir or cut off Pakistani support for the militants, may be prepared to allow and even encourage such third-party intervention in the belief that it could lead toward a negotiated settlement acceptable to India.

This action would represent a major shift in Indian policy. New Delhi has consistently opposed any role for the United States and other external actors in Kashmir. This negative attitude reflects its long-standing opposition, as South Asia's preeminent power, to the uninvited intervention of outside forces in the region. India's opposition also flows from its control of the Kashmir Valley, the part of the old princely state that truly matters to both claimants. Although India claims the whole state, its grip on the valley makes it in effect the status quo power in Kashmir. The Clinton administration has often stated that it was prepared to be a mediator if both parties wished. India's attitude effectively ruled out such a role, as the administration was well aware.

The Vajpayee government has been cautious in its approach to the Kashmir issue. It might be amenable, however, to a modest, less public U.S. role than has been proposed by advocates of intervention. Although the Bush administration will understandably be loath to deal with a problem so many of its predecessors found intractable, it should be alert to this possible opportunity. After getting a better understanding of the situation and developing a good working relationship with the South Asian players, Bush should seriously consider modifying Clinton's position. In doing so, he would give credence to the idea that improved U.S.-Indian ties achieved during the Clinton administration provide an opportunity to help India out of a difficult situation. At the same time, a serious dialogue with the Pakistanis should be undertaken.

In developing its policy, the Bush administration should acknowledge that any settlement of the problem must include two key ingredients: the eventual acceptance by all parties of the LOC—or something geographically close to it—as the permanent boundary between the two parts of the state, and a major improvement in Indian governance of the territory it controls. As many observers have suggested, this improvement would almost certainly entail considerable autonomy from New Delhi for the state or at least for the Kashmir Valley.

## Facilitator, Not Mediator

Generally speaking, the U.S. role in Kashmir should be as a facilitator, not a mediator. Consequently, the Bush administration should focus on several key elements in its approach to the issue:

- It should maintain Clinton's position on the inviolability of the LOC and clearly state to the Pakistanis that continued support for the insurgents is a dead-end option. Violence will never lead to international intervention

in ways helpful to Pakistan; in fact, the opposite is probably true. Some in Pakistan may hope that, simply because Republican administrations have historically favored Pakistan over India, Bush will be more willing to support their aspirations in Kashmir than Clinton was. They must be disabused of such notions.

- At the same time, Bush should also let New Delhi know that India's refusal to talk to Pakistan until Pakistan halts cross-border violations is short sighted and will not aid India's cause. In doing so, the Bush administration will move away from Clinton's position, which accepted India's recalcitrance. Some creativity may be needed to encourage this Indo-Pakistani dialogue, but it is possible. In November 2000, India declared a cease-fire inside Kashmir during the Muslim fasting month and subsequently extended it. Pakistan announced in response that it would maintain maximum restraint and reduce its forces along the LOC. Such developments suggest that it is not beyond the ability of the subcontinent's talented leaders to find an acceptable formula. Washington should look for ways to help them.
- In private, the administration should make more explicit the U.S. belief that the LOC will eventually become the international boundary. This communication will be a bitter pill for the Pakistanis to swallow. It is essential that the administration be realistic on this matter and that it pour cold water on any expectation that Pakistan's aspirations in Kashmir can be realized. India will have much less difficulty accepting it.
- The Bush administration must also make clear to the Indians that they cannot afford to be complacent about their treatment of the Kashmiri people, and that they must deal with the situation in the state as a political problem, not simply a law-and-order issue. Suggestions abound about how the governance of the state can be changed for the better. Some of the more insightful ideas have been developed by such private U.S. organizations as the Kashmir Study Group. Its proposal suggests maximum autonomy for a "sovereign" Kashmir entity without an international personality. Washington should discreetly engage India in a dialogue on political and constitutional change and encourage the participation of Kashmiri dissident groups in Indian elective politics. The Indians will understandably be sensitive about what they regard as a strictly domestic political matter, and U.S. officials must be careful not to offer made-in-Washington solutions.
- Finally, the administration should persuade other governments to undertake similar approaches when useful. The influence of several countries, particularly China with Pakistan and Russia with India, can be instrumental in making progress in Islamabad and New Delhi.

In deciding whether to pursue the more active approach suggested here, the Bush administration should recognize that its influence is limited. Fifty years of U.S. diplomacy, whether pursued through the UN or unilaterally, has not produced any progress toward a settlement of the Kashmir dispute, let alone resolution. The issue has always been far more important to those peoples directly involved than it has been to the United States. Despite heightened concerns over the introduction of nuclear weapons to South Asia, this situation continues.

The administration should not expect an early, dramatic breakthrough.

The United States' new rapprochement with India may provide some openings. Should the Bush administration pursue them, it should not expect an early, dramatic breakthrough. Generations of bitterness and suspicion encrust the problem. A resolution of the half-century-old dispute will come only after long, painstaking, and politically difficult efforts by all the parties concerned. The new administration can help these along, but it must act with sensitivity, due regard of history, and much patience.