Topic: Jammu & Kashmir: Is There a Solution?

Notes from the comments of Ambassador Teresita Schaffer:

Ambassador Schaffer began her discussion with a brief historical summary of the identity conflict between India and Pakistan, and now amongst Kashmiris, over Kashmir. She sketched a few of the major peaceful interventions that have attempted to resolve the Kashmir conflict, including the 1949 UN Resolutions, the US-UK mediation effort of 1962-3, the Tashkent conference of 1965, and the 1971 Simla agreement. Schaffer noted that particularly since 1989, Kashmiris have been demanding inclusion in international negotiations over their future and domestic governance coequal with the India-Pakistan issues.

Ambassador Schaffer divided her comments into two categories: 1) What is different, regarding the struggle over Kashmir, since September 11th, and 2) What can be done?

In discussing what has changed since September 11th, Ambassador Schaffer began with the US reengagement with Pakistan. The US now has good relations with both India and Pakistan, simultaneously. This new situation highlights certain concerns. For example, while the US has put a great deal of pressure on Pakistan to be part of the terrorism solution, India still sees Pakistan as part of the problem. India is also concerned that when the Afghan situation ends, the jihadis, or radicals from that conflict, will move into Kashmir. Ambassador Schaffer argued that if the violence continues, the Indian government might be more inclined to take action, seeing this as “the only way”, and drawing this lesson from the US experience in Afghanistan. She added that not all violence is terrorism and that there is a gray area when “non-combatants wear uniforms”, but she added that simply changing the focus of the violence to military targets would not help the problem.

A second difference that the Ambassador discussed is that the Pakistani government is on a “crash-course” with the militants. Religious leaders in Pakistan have been arrested and this poses the question as to whether this “collision-course” will carry over into Kashmir. Ambassador Schaffer argued that the US government should be more concerned than before and be prepared to act diplomatically.

(Note: two days after this meeting, the Indian parliament was attacked, apparently by militants from groups based in Pakistan. After this attack, and following substantial US pressure, Pakistan banned two of the most violent militant organizations and arrested some 2000 of their leaders. The full impact of this policy change, and especially its impact on Pakistan’s involvement in the militancy in Kashmir, is not yet clear, but this event appears to represent a significant turning point).

In discussing what can be done, Ambassador Schaffer outlined some specific thoughts to guide relations. The first was that there is more to India-Pakistan relations than Kashmir, although Kashmir is the core issue between them. In reality, there are two sets of issues, India-Pakistan and Kashmir. A working group format should be employed to approach these separate (but interrelated issues). Second, there are a variety of different players involved. In addition to India and Pakistan, the Kashmiris include Muslims in the Kashmir valley, northern inhabitants, Ladakhis, Hindu Pundits, the
Shia Muslim minority, etc. All of these groups have different views and desires and there is a difficulty in finding a way to deal with all of these different constituencies “and still give Kashmir a voice”. Therefore, Ambassador Schaffer argued for the need for multiple tracks. Different groups of people from a variety of capital cities need to be talking amongst themselves regarding Kashmir.

As for the role of the US government, Ambassador Schaffer argued that this should be a discreet and silent effort involving backstage diplomacy, geared to working out a process. One of the most important early tasks that the US government should set itself is encouraging all groups to develop a process and flesh out the issues, recognizing both the importance of the Kashmir issue (Pakistan’s concern) and the necessity of reducing the violence (India’s priority). This process must be agreed upon by all parties. She also emphasized that even if a third party is involved, the primary disputants need to be doing the work in order to succeed.

She continued that outsiders might be able to introduce new and substantive ideas to the government negotiators. The different sides could talk about common interests, such as the poor economic situation in Kashmir, softer borders, a package of good-will gestures that would be primarily unilateral but would have a common benefit to all, MFN status for all SAARC member countries, peace-building projects that do not have to do with Kashmir such as nuclear weapons and energy pipelines, and a push on the issue of governance in Kashmir where perhaps India could invite outside observers to witness their democratic system in hopes that this could be a model for Kashmir.

Ambassador Schaffer also argued that there is a role for non-official efforts, and that these will have the most impact if they are based in India and Pakistan. This might involve developing ideas and putting them into circulation; constituency building so that people are prepared when their exact positions are not met; and contact building among politicians, academics, and those currently in government service.